The Encyclopaedia of Judaism

Volume I

Second Edition

edited by

Jacob Neusner, Alan J. Avery-Peck,
and William Scott Green

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A–E

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PREFACE TO FIRST EDITION

The Encyclopaedia of Judaism provides a full and reliable account of the religion, Judaism, beginning in ancient Israelite times and extending to our own day. About Judaism, the religion, its diverse history, literature, beliefs past and present, observances, practices and world-view, and place in the context of society and culture, this is what we know. In context and proportion, here is how we think we know it. All principal topics required for the systematic description of any religion—[1] the world view, [2] way of life, [3] theory of the social entity constituted by the faithful—are addressed here. In all cases information is set forth in historical and systemic context. Therefore facts take on meaning and produce consequences.

These systematic entries are essays written both to be read for enlightenment and also to be used for ready-reference to on-the-spot facts. The table of contents identifies the topical program, and two elaborate indices make the volumes immediately useful for finding quick definitions of facts, persons, places, things, events, practices, and the like. The work speaks to anyone interested in religion, in understanding what religion—viewed through the example of Judaism—is, and in comprehending the difference religion makes in general. It is written for people of all ages and backgrounds and not only for specialists in the subject or practitioners of Judaism or any other religion. No special pleading for or against religion in general or for Judaism or any particular viewpoint therein finds a place in the pages of this work. Nor is there room here for partisanship within Judaism. The religion, Judaism, is represented by the entire range of Judaic systems of belief and behavior put forth over time and in our own times.

For our highly qualified editorial board of specialists, we have sought as broad and representative a variety of viewpoints within the faith and about the faith as we could assemble. The editorial consultants advised us on the entire range of topics to be covered, not only their own, and each wrote the principal entry in his or her area of specialization. The program of *The Encyclopaedia of Judaism* therefore responds to the viewpoints of a great many scholars of Judaism, not only of the editors. Objectivity and academic authority characterize the presentation throughout. Numerous editors from universities and other centers of learning and enterprises of culture, originating in every place where Judaism is practiced and studied today— North America, South Africa, Great Britain, Eastern, Central, and Western Europe, the State of Israel, and elsewhere—helped plan the program and executed it. In identifying our co-workers, we imposed no conditions concerning religious belief or practice. We therefore claim to offer a consensus

of responsible and objective learning on each topic and to cover nearly all subjects required systematically to describe, analyze, and interpret the religion, Judaism.

Judaism deserves such full-scale treatment because of its place among the great religions of human civilization. It is practiced throughout the world, both in the State of Israel, where it is the majority-religion, and throughout Europe, South Africa, Australia, New Zealand, the Western hemisphere, North and Latin America, and elsewhere. It is an indispensable example of a religion for all who study religion, exemplifying as it does the power of religion to speak to diverse settings of history and culture over nearly the whole of recorded history. Additionally, Judaism has exercised profound influence on, and engaged in dialogue with, the two other monotheist religions, Christianity and Islam. Its relationships with those kindred religions prove complex and illuminating. But of still more interest: Judaism has retained the loyalty of its practitioners over nearly the entire course of recorded history and under duress as in times of ease. Even though, through most of the history of the Jews, abandoning the faith and people of holy Israel promised worldly advantages, Jews affirmed their religion and, at great personal sacrifice, adhered to its way of life and community. The power of the faith over long centuries to retain the commitment of those that kept the faith attracts attention. More important, still, in an era of challenges of another sort, Judaism provides a fine case of a vital contemporary religion, showing how an ancient, continuous tradition makes a compelling statement to the contemporary world. In concrete everyday terms, Judaism shapes the community of the faithful, and it defines in various systems a distinctive way of life and world-view. So by reason of its antiquity, influence on other world religions, power to persuade the faithful of its truth, and contemporary vitality, Judaism demands sustained attention.

The Encyclopaedia of Judaism focuses in a comprehensive way upon Judaism the religion, presenting accounts of the history, literature, practices and beliefs, theology and philosophy, and contemporary practice of that faith. The history of Judaism is laid out both by periods and by regions, that is, Judaism in Christian Europe and in the Muslim Middle East and North Africa. The important holy books of Judaism, from ancient Israelite Scripture ("Tanakh," meaning, Torah, or Pentateuch, Nebi'im or Prophets, and Ketubim or Writings, called by Christianity "the Old Testament"), to the Dead Sea Scrolls, the writings of the sages of ancient times, including the Mishnah, Midrash, and Talmuds, writings of theology, philosophy and mysticism—all are introduced. The liturgy of the synagogue is spelled out, as well as synagogue architecture, art, and material culture. The practice of Judaism in important centers of the religion, the U.S.A., Britain, Russia, France, South Africa, the State of Israel, and elsewhere, is described. So too is the practice of Judaism in significant times and circumstances, e.g., in the time of the Holocaust, in the circumstance of life in central and eastern Europe, in Muslim countries, in medieval Christendom.

Besides the normative Judaism defined by the ancient rabbis and called Classical or Rabbinic or—in the world today—Orthodox, other Judaisms are described, including the Essene Judaism of Qumran, Karaite Judaism, Reform, Conservative,

and Reconstructionist Judaisms, and the like. Jewish mysticism and Kabbalah in particular receive systematic treatment. Philosophy, numerous theological topics within the paramount, Rabbinic Judaism, ethics, law, and other normative components of the religion are explained in detail. The life cycle of Judaism is spelled out, as are the components of everyday piety, religious observance, and liturgy and worship. The material culture of Judaism, synagogue architecture, and other concrete matters are presented.

How Judaism relates to other religions and the views upon Judaism expressed by outsiders, ancient Greek and Latin historians and philosophers, Christian and Muslim theologians both in ancient times and in the world today, are covered. How Judaism makes its impact upon politics, the relationship of Judaism to natural science, psychology, and economics, all are expounded. Numerous special topics of religious thought and theological systemization of religious ideas, such as theological anthropology, sin, the soul, evil, suffering, tradition, death and afterlife, are set forth. Topics of acute contemporary interest, such as medical ethics, women and Judaism, Zionism and Judaism, are treated in a thorough and objective manner. In all, the table of contents shows a comprehensive and thorough treatment of a complex religion, revealing what we believe is required in the systematic and descriptive study of a religion.

The articles serve two purposes, reading and reference. In this way we have learned from the excellent idea of the Encyclopaedia Britannica, which presents a macropaedia, with long, readable articles, and a micropaedia, ready reference for basic facts of various topics. Our entries are meant to accomplish the same double purpose. First, they are written to be read, so that anyone in search of a systematic account of a topic will find here a cogent and comprehensive statement. The editors hope that readers will find many occasions to follow a topic from beginning to end, as the many contributors to these pages organize knowledge of their respective subjects.

Second, the articles are meant for ready reference in looking up facts, so that people in search of specific information will find it conveniently via the index at the end. Alongside names, places, and concepts, this index includes topical references, so that each individual topic covered in a protracted entry is made accessible. Through these references, readers may locate the individual paragraphs that form the counterpart to the brief entries of dictionaries and quick-reference encyclopedias. To take a simple example, a reader who wants to know about the Sabbath, the Festival of Sukkot, or Passover will be directed by the index to the relevant references in the long article, Calendar of Judaism. There concrete information is available on each of the holy times and seasons of Judaism. But that information is put in a context in which the Sabbath or the Festival of Sukkot or Passover forms part of a larger picture, the system of keeping time, of celebrating holy days and festivals, of an entire religion. The advantage of seeing details in their larger contexts is formidable.

The editors hope in this way both to inform by providing information and also to enlighten by placing facts into the setting in which they take on meaning, and forming out of them significant generalizations about the religion, Judaism.

Above all, by seeing things whole and in context, readers may form a judgment concerning matters of proportion and significance, assigning to some matters appropriate weight, to others a lesser priority in the assessment of the whole.

In providing both ready-references and large-scale, comprehensive statements, *The Encyclopaedia of Judaism* differs from all other dictionaries and encyclopedias of Judaism to date. These have tended to supply short entries, containing facts and defining words, but to neglect the larger framework in which facts take on meaning. But to describe the religion, Judaism, as we propose to do in these pages, facts out of context do not illuminate, and information without an effort at interpretation yields knowledge of only limited consequence. We cannot know a religion without mastering the facts that religion generates, but we also cannot understand a religion without some broader conception of its principal points of emphasis and contention. These impart to the whole that shape and structure that turn information into knowledge and produce insight for purposes of comparison and contrast.

While the knowledge we convey in these pages rests on a detached and objective foundation, one bias does dictate proportion and structure, defining our priorities throughout. This bias is to insist that Judaism is a living religion, not only a phenomenon out of the past. That is why many articles are devoted to the practice of Judaism in various parts of the world today, and many others to how Judaism is practiced in general, its piety, liturgy, calendar, and other practices. We wish Judaism to emerge in these pages as a set of vivid religious systems, all of them capable of sustaining and maintaining communities of "Israel," however defined, and every one of them rich in nourishment of individual and family life as well.

From the very beginning we signal our bias. Every contributor to *The Encyclopaedia of Judaism*, whether a practitioner of Judaism, some other religion, or no religion at all, whether of Jewish origin or otherwise, writes about Judaism with respect for a living religious community, its world view and way of life as these cohere, respectively, to form a self-evidently valid response to an urgent and paramount question. If we may use the word "passion" in speaking of learning, what the contributors bear in common is a passion for their subject, which they treat with respect and unfailing dignity. But the statements made in each of the more than one hundred entries are objective, factual, and non-partisan. No particular position within Judaism dominates, and every group and viewpoint is covered in a manner we believe to be fair and balanced. The list of contributors includes specialists from the major universities of the State of Israel, Europe, and the U.S.A. and Canada, as well as other parts of the world; scholars of Orthodox and Reform and Conservative and Reconstructionist origin; Jews and gentiles, women and men, a wide range of convictions and engagements. Judaism is set forth as both a religious tradition and also a living religion, practiced by large and cogent communities of the faithful today. The editors mean not only to inform and enlighten, but to advance understanding of Judaism in its own terms and in the framework of the study of religion generally. That is why, among the articles,

approaches of social science and comparative religion are represented, as well as studies of Judaism in its own terms and setting.

To understand the plan of the ENCYCLOPEDIA overall, its inclusions and omissions, a particular complication in studying Judaism requires attention. Judaism, the religion, bears intimate relations with a particular nation-state, the State of Israel, on the one side, and a transnational ethnic group, the Jewish people, on the other. We here take account of the confusion of the national, ethnic, and political with the religious that complicates the study of Judaism as a religion. Take the national first of all. The State of Israel recognizes Judaism and supports that religion. But Judaism the religion is transnational and does not tie itself to any secular political entity, even with the State of Israel. Then there is the ethnic, often a matter of individual self-definition or identification, called "Jewish identity." The ethnic may or may not engage with the religious at all. In the ethnic framework the Jews, viewed individually as defining themselves in some way or another as Jewish, by reason of shared history, sentiment, and culture claim to constitute a group formed around shared history and memory. Finally, among Judaic religious communities are those that reject the nationality offered by the State of Israel and also dismiss the ethnic ties that to many Jews are binding. These categories—national, ethnic, political, religious—complicate the work of defining the task of *The Encyclopaedia of Judaism.*

Clearly, the border between the religion, Judaism, and the secular, ethnic group, the Jews, or between that religion and the State of Israel, cannot be drawn very rigidly or with much precision. But it is obvious that, because of its intimate tie to the Jews as individuals and the Jewish people, an ethnic group, Judaism also helps to define the secular culture of Jews wherever they live, whether or not they practice the religion, Judaism, no religion, or some other religion altogether. And the religion, Judaism, further contributes many of the critical mythic and symbolic elements of Zionism and shapes many aspects of the cultural life of the State of Israel. We have tried to take account of the interplay of the national, the ethnic, and the religious dimensions of Jewish existence, while focusing upon the religion in particular. Accordingly, while paying most attention to Judaism, the religion, *The Encyclopaedia of Judaism* presents the entire range of contexts in which that religion affects human life and culture. These include areas often deemed essentially secular, such as the impact of Judaism upon systems of politics and economics, psychology, and the supposedly secular life of contemporary Jews living in conditions of religious freedom. Given the rich and diverse religious heritage of Judaism, from ancient Israel to the modern State of Israel, such descriptions claim a central position within the analysis of Judaism, the religion.

* * *

The Editors take special pride that *The Encyclopaedia of Judaism* finds a place as one of the first major educational projects under the sponsorship of the new MUSEUM OF JEWISH HERITAGE, in New York City. The ENCYCLOPEDIA reached

its final stages just as the Museum opened its doors. Through the Museum's collaboration with our work from the very beginning and through the participation of its director, Dr. David Altshuler, as chairman of the editorial board, the Museum helped both to create *The Encyclopaedia of Judaism* and also to define its educational program and scholarly mission. It is the link between *The Encyclopaedia of Judaism* and its editors and publishers, on the one side, and the educational mission of the organized Jewish community, on the other. Just as the Museum of Jewish Heritage speaks to the entire public world of learning and culture, so we mean in these pages to do the same.

Special thanks are owed to Dr. Altshuler for opening to us the Museum of Jewish Heritage's extensive photo-archives. We benefited as well from the help of the Museum's staff, in particular, Louis Levine, Director of Collections and Exhibitions, and from the painstaking work of Shari Segel, Curator of Photography, who identified appropriate materials in the Museum's collection. Identification and acquisition of photos from other collections was the result of the hard work of our photo-researcher, Rhoda Seidenberg, who also prepared all of the captions and photo credits. We benefitted tremendously from her expertise and great dedication to this project.

For a companion to this Encyclopedia, providing easy access to facts and definitions, the editors call attention to their now-complete and inprint reference-work, *Dictionary of Judaism in the Biblical Period, from 450 B.C. to 600 A.D.* (N.Y., 1995: Macmillan Publishing Co.). That systematic work facilitates ready-reference to persons, places, events, and the like in the period in which Judaism took shape.

The editors found much pleasure in the professionalism of the scholarly executives of Brill, who sustained the project from the moment it was proposed to them. These are Elisabeth Erdman-Visser, now retired, the first, and Elisabeth Venekamp, the second, of Brill's editors assigned to *The Encyclopaedia of Judaism*. Both not only supported every proposal and initiative aimed at producing a still more ambitious work than originally contemplated. They also identified with the project and took as much pleasure in the results as have the editors, noting the excellent quality of the entries as they made their appearance and appreciating the ever-expanding range of coverage of the work. Among the European and international academic imprints in the field of Judaism, Brill has long taken the principal position as the leading publisher. Our uniformly positive experience with the firm explains why. The editors also enjoyed the counsel and acumen of Werner Mark Linz and Justus George Lawler and the staff of Continuum. We take special pride in the participation in this project of two such formidable publishers.

The editors express their thanks to their respective universities, which sustain their research and scholarly projects. The University of South Florida and Bard College, The College of the Holy Cross, and the University of Rochester make possible the work and careers of the three, respectively, including the rather considerable enterprise that reaches fruition here. Along with the collaboration of the Museum of Jewish Heritage in the largest Jewish community in the world,

this diverse mixture of academic sponsors—a huge, municipal and public university, a tiny private college, a Catholic college, and a major private research university—matches the mixture of personalities and viewpoints comprised by the entire editorial board.

To the Board of Consulting Editors, who advised on the planning of the project and produced the articles, is owed the credit for the successful completion of *The Encyclopaedia of Judaism*. Given the vast range encompassed by the history and contemporary practice of Judaism, the diversity that characterizes the Board of Consulting Editors proves entirely appropriate to the subject and the task of elucidating it. Many talents contributed to the project. That explains why the editors also owe their genuine gratitude to the dozens of contributors. Each a principal expert in his or her field, they not only did their work as assigned and on time but turned in their best work and produced first rate scholarship in literate and interesting articles. *The Encyclopaedia of Judaism* forms a felicitous indicator of where we now stand in the study of Judaism within the academic study of religion today. To the many contributors to these pages we pay tribute for the excellence that their entries evince and express our thanks for the learning, wit, intelligence, and responsibility that they brought to this collaborative project. It is hardly necessary to say we could not have done it without them!

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PREFACE TO SECOND EDITION

This new edition of *The Encyclopaedia of Judaism* nearly doubles the original 3-volume edition in size. It includes fifty-two previously unpublished entries (approximately half a million words) in addition to the entries from the two separately published supplementary volumes. The project now is comprised by more than 225 entries, two and a half million words. Alongside the many gaps in the initial *The Encyclopaedia of Judaism* that the new entries fill, bibliographies have been updated for all the entries. The result is that this new edition presents what we conceive to be the authoritative consensus of the present age of learning in the humanities and social sciences upon fundamental issues of Judaism. Indeed, this collection of systematic topical expositions shows how the religion, Judaism, is to be presented in the setting of the study of religions.

Any encyclopaedia aims at a comprehensive and systematic presentation of its topic, and this second edition of the *The Encyclopaedia of Judaism* may fairly claim to do just that. A religious tradition requires a variety of approaches for a complete picture: historical, literary, theological, ethical. Art and music are integral, mysticism and rationalism both belong. Social issues require exposition. Every medium of human expression, art and philosophy, piety and prayer and forms of the social order, the facts of sentiment, emotion, and the encounter with God in worship and in service—all demand attention in balance and in proportion. That is why, while we have laid heavy emphasis on the classical literature of Judaism and its history, we also have principal entries on circumcision, genetic engineering, homosexuality, intermarriage in American Judaism, and other acutely contemporary issues. All of them are set forth in the framework of the law and theology of the religious tradition, Judaism, its authoritative writings and its reliable testimonies. In an age of change, when ancient traditions give way to contemporary taste and access to the heritage of the ages is not so much lost as willingly given up with little thought to what has gone its way, this encyclopaedia stands as testimony to what has been: a portion of humanity's heritage of faith and religious culture.

The program of potential topics of Judaism has not been, and cannot ever fully be, exhausted. While the entries cover a formidable range of subjects, some fundamental, some secondary, achieving the ambition of covering everything equally well eludes us. For religion encompasses the entire human venture, and Judaism comprehends—and transforms—the entirety of the Jewish experience of being human under the aspect of God.

Our original plan, which comes to fruition, was to present systematic statements for reading, joined with an elaborate index for access to particular facts—persons, places, things—for reference. Thus "Passover" has no free-standing entry but appears in the context of "Calendar of Judaism." There is no entry on "the Mishnah" or "the Talmud" but there is one on "Rabbinic Judaism. Formative Canon," covering the Rabbinic literature from the Mishnah through the Bavli. What we gain is a sense for the proportion, context and importance of the facts, a picture of the whole, not just the parts. Our goal is to produce expositions to be read, not merely facts to be collected and absorbed.

We are proud of the range and variety of contributors to the completed project, all of them members of the editorial board. They represent their fields and provide authoritative and reliable accounts of them. The consensus of learning for the topics we cover here is recorded in these pages. We are proud that so many distinguished scholars have participated in the project.

The initial edition of *The Encyclopaedia of Judaism* in three volumes was awarded marks of recognition in the library world, including the "Book of the Year" Citation, *Choice*, 2000. And the American Libraries (American Library Association): Outstanding Reference Sources 2001, selected by Reference Users' Service Association of ALA. We are thankful for this recognition of our effort to produce a reference work for reading and consultation.

The editors express their thanks to Brill's editorial and production staff for their conscientious work on this project. Dr. Michiel Klein Swormink took over a long tradition of commitment on the part of Brill to this work and met the high standard established by his predecessors. The encyclopaedia project began nearly fifteen years ago and staff came and went, but the work always prospered. This writer's first book with Brill appeared nearly a half century ago, and he has never been disappointed by Brill.

Jacob Neusner
For the editors

June 22, 2005

ABBREVIATIONS

A.Z.	Abodah Zarah	Jer.	Jeremiah
Ah.	Ahilot	Josh.	Joshua
Ar.	Arakhin	Judg.	Judges
B.	Bavli, Babylonian Talmud	Kel.	Kelim
B.B.	Baba Batra	Ker.	Keritot
B.M.	Baba Mesia	Ket.	Ketuvot
B.Q.	Baba Qamma	Kgs.	Kings
Bek.	Bekhorot	Kil.	Kilaim
Ber.	Berakhot	Lam.	Lamentations
Bes.	Besah	Lev.	Leviticus
Bik.	Bikkurim	M.	Mishnah
Chr.	Chronicles	M.Q.	Moed Qatan
Col.	Column	M.S.	Maaser Sheni
Cor.	Corinthians	Ma.	Maaserot
Dan.	Daniel	Macc.	Maccabees
Dem.	Demai	Mak.	Makkot
Deut.	Deuteronomy	Makh.	Makhshirin
Eccl.	Ecclesiastes	Mal.	Malachi
Ed.	Eduyyot	Mat.	Matthew
Erub.	Erubin	Me.	Meilah
Esdr.	Esdras	Meg.	Megillah
Esth.	Esther	Men.	Menahot
Exod.	Exodus	Mic.	Micah
Ezek.	Ezekiel	Mid.	Middot
Gal.	Galatians	Miq.	Miqvaot
Gen.	Genesis	MS.	Manuscript (pl. MSS.)
Git.	Gittin	Naz.	Nazir
Hab.	Habakkuk	Ned.	Nedarim
Hag.	Hagigah	Neg.	Negaim
Hal.	Hallah	Neh.	Nehemiah
Heb.	Hebrew	Nid.	Niddah
Hor.	Horayot	Num.	Numbers
Hos.	Hosea	Obad.	Obadiah
Hul.	Hullin	Oh.	Ohalot
Is.	Isaiah	Or.	Orlah
Jdt.	Judith	Par.	Parah

Pes.	Pesahim	Tam.	Tamid
Prov.	Proverbs	Tan.	Tanhuma
Ps.	Psalm (pl.: Pss.)	Tem.	Temurah
Qid.	Qiddushin	Ter.	Terumot
Qin.	Qinnim	Thess.	Thessalonians
R.H.	Rosh Hashanah	Tim.	Timothy
Rab.	Rabbah	Toh.	Toharot
Rev.	Revelations	Uqs.	Uqsin
Rom.	Romans	Vol.	Volume
Sam.	Samuel	Y.	Yerushalmi, Palestinian Talmud
Shab.	Shabbat		
Shav.	Shavuot	Y.T.	Yom Tob
Sheb.	Shebiit	Yad.	Yadaim
Sheq.	Sheqalim	Yeb.	Yebamot
Sir.	Sirach	Yom.	Yoma
Sot.	Sotah	Zab.	Zabbim
Suk.	Sukkah	Zeb.	Zebahim
T.	Tosefta	Zech.	Zechariah
T.Y.	Tebul Yom	Zeph.	Zephaniah
Ta.	Taanit		

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A

Abortion in Jewish Religious Law

Abortion is one of the most controversial moral issues of our culture. Possibly, it is the only debate in which one side often speaks of the other as "murderers of innocent people," whereas those labeled as "killers" regard themselves as protectors of human rights and of respect for personal autonomy. Abortion, therefore, poses a serious challenge to all those attempting to practice pluralistic and multicultural ethics. In Judaism, this problem is further accentuated by the fact that in no other questions of medical ethics do contemporary Rabbinic teachings differ so much from each other as well as from Christian morality.

In one of the longest responsa on abortion, the influential twentieth century Rabbi Weinberg concludes that the legal foundations for Halakhic objections to abortion are obscure.[1] Indeed, opinions vary widely. Some consider abortion an "appurtenance to murder" and a prohibition of the Torah,[2] whereas others regard it as a "light injunction created by the sages."[3] For a positivist legal system such as the Halakhah, the absence of a definitive legal source for the injunction on abortion poses a serious difficulty. Indeed, at the level of *legal* analysis, this lacuna is the main reason for the divergence of rulings.

Schiff and Sinclair provide exhaustive and up-to date surveys of the abortion debate in Judaism.[4] Readers of Hebrew will find additional material in Steinberg's *Encyclopedia of Medicine and Halakhah* and in the pages of the periodicals *Assia* and *Tehumin*. I have analyzed this topic in length as well.[5] Here, however, I take a step beyond legal analysis to explore the metaphysical, moral, and social fabric underlying Rabbinic discourse on abortion. Before analyzing some of the principles governing the discourse, I summarize relevant sayings in the Talmud and *poskim* (authorities in Halakhah). As customary in Rabbinic discourse, the explicit positions of early masters set the limits on the leeway of later Halakhic creativity.

Early Sources

The Talmud rules that for non-Jews, feticide constitutes murder punishable by death; for Jews, only the killing of a day old human counts as homicide (the maxim of "*kol nefesh*"), since only a born baby is considered a "human soul" (*nefesh adam*).[6] These two rulings create a legal lacuna with regard to feticide committed by Jews. Is it forbidden at all and what punishment does it carry with it? The Talmud also cites two cases in which fetuses *should* be killed (B. Arak. 7a):

> If a pregnant woman is condemned to death, we do not wait for her to give birth. She is executed promptly. If the process of birthing has started, we wait for her to give birth and then carry out the punishment.
>
> R. Judah says in the name of Samuel, "We first hit her on the belly and kill the fetus in order to reduce her disgrace (i.e., preventing the unseemly sight of a struggling fetus inside her dead body)."

Apart from asserting the legal significance of birth, and perhaps due to the extremely unusual circumstances of capital punishment, this source is infrequently referred to in later discourse on abortion. However, it is noteworthy that the Talmud bases its objection to letting a person wait on a death row, even for a few days, on the maxim of neighborly love.[7]

The second situation in which the Talmud calls for the destruction of a fetus has been much more influential in the debate over abortion (M. Oh. 7:6):

> If a woman has difficulties in labor, we cut the fetus inside her belly and extract it limb after limb because her life comes before his. Once most of his body [in another version: head] has been born, we do not touch it, because it is forbidden to save a soul by means of displacing another soul.

Rashi's gloss (in B. San. 72b):

> As long as the fetus has not entered the world, it is not a soul (*nefesh*), and it is permissible to kill it and save its mother.

Maimonides rules that the fetus is a pursuer (*rodef*) and that according to Halakhah, there is a duty to kill the pursuer and not to have mercy on it, if this is the only way possible to save the life of the victim, even if the pursuer is innocent.[8] Maimonides explains that the law of the *rodef* is a special case since the *rodef* is about to inflict an *irreversible* and *irrecoverable* harm. There are only two kinds of such harm, killing and rape.[9]

In another place Maimonides places maternal anguish before the vital interests of the fetus, Hilchoth Ishuth, 21, 11,

> A pregnant woman is given an allowance to buy food as much as she needs. If she craves for more, because of the pathological want in her belly, she may [spend her own money and] eat as much as she pleases. The husband cannot stop her by saying that excessive intake or bad food might kill the baby (*valad*), because the sorrow of her own body/self comes first (*tza'ar gufah kodem*).

The Shulhan Arukh cites Maimonides alongside a differing opinion.[10] Possibly because of its extreme position, this ruling is little mentioned in the rich responsa literature on abortion. Complicating the matter is the debate among medieval authorities whether it is permitted to desecrate the Sabbath and Yom Kippur in order to prevent fetal loss. Since in those days any imminent miscarriage was considered life-threatening to the mother, there were little practical differences between the varying opinions.[11]

From a legal perspective, the Mishnah and the Talmud set the border between regarding the fetus as a part of his mother and regarding it as an independent human (but not yet a legal person) at the moment birth starts (*akkar* mimkomo, yielding a "separate body," *guffa aharina*). The second legally significant moment is when most of its body (or: head) is born. Only then does the newborn becomes a "*nefesh*." These distinctions are borne out by both citations, on the condemned woman and on the one with difficulties at birth.

It is notable that none of the above sources takes into consideration the *age* of the pregnancy. It is evident that these Halakhot obtain for both viable fetuses and very young embryos, with the possibility that an embryo younger than forty days counts even less, since the Talmud refer to it as "mere water."[12]

Pre-modern Responsa

In two short responsa Rabbi Joseph of Tranni ("Maharit," Turkey, sixteenth century)[13] explains that the fetus is merely a part of its mother's body.[14] Therefore, it has no independent status when she stands for trial, and it is permissible to feed a woman possessed by a desire to eat on a fast day when her life is at stake. As for a woman who dies during labor, we violate the Sabbath performing a post-mortem cesarean operation (B. Ar. 7b). When she is dead, we treat the fetus as if it has already been born, even though it is still in the womb. It is as if the fetus is "trapped in a box."[15] The two short responsa by the Maharit opened the door for extrapolating the permissibility of abortion of a *mamzer* or of a son of a non-Jew.[16]

Bachrach (seventeenth century, Germany) and Emdin (eighteenth century, Germany) acknowledge the legal openings to such abortions but ultimately refrain from explicit approval that might encourage sexual licentiousness: "Because of the common practice among us and among them [the gentiles] to set rules that discourage adultery."[17] Bachrach adds one more remark. He suggests that abortion is like onanism, the non-procreative shedding of semen. No concern about a "slippery slope" trend with regard to the moral standing of embryos is articulated.

Rabbi Judea Ayyash (Algiers, eighteenth century) writes that a woman may drink an abortificent for a good reason, such as a fear of the Evil Eye or because she is nursing, as pregnancy during lactation is believed to reduce the quality of milk and risk the living baby.[18] According to Ayyash, abortion without a good reason is a forbidden act of gratuitous destruction, *bal tash'hith*.[19] But the women in Ayyash's responsum have a reason.

Worry for the well-being of a sibling justifies abortion neither for the sake of the mother nor for that of the fetus. Yet, it exemplifies the holistic and caring attitude that is expressed by many women who elect for abortion with the well-being of their whole family in mind.[20] Abortion as part of utility-oriented family planning is well known in Eastern cultures and peoples, such as Japan.[21] But it seems to me that even permissive rabbis took care not to develop this line of thinking. A potential and serious harm to a person, particularly the mother, might be taken as a justification to abortion, but not the mere belief, for instance, that having the child later on would be better for the potential child and for the family.

Modern Rabbinic Writings

The western attitude towards abortion was transformed during the nineteenth century. The Napoleonic Code of 1810 made abortion a felony. In 1869 Pope John XIII decreed that quickening takes place at conception. The British Offences Against the Person Act of 1861 stated that abortion was a felony punishable by life imprisonment. The law was carried over to the British Commonwealth worldwide and to Muslim countries as well. The Spaniards, Portuguese, and French also exported their own anti-abortion laws to their colonies. Most American states severely restricted abortion in the postbellum period.[22] Additionally, developments in obstetrics and gynecology loomed over these changes in the laws on abortion, and I will deal with them later on.

Prior to surveying Rabbinic sources that reckon with non-Jewish morality, I present two contemporary responsa that seem untouched by the legal trends among the nations. Rabbi Waldenberg (Israel, b. 1917) contends that whereas gentiles are concerned with that which confers humanhood, Halakhah has its own way of thinking.[23] Since it is evident from the formative sources that abortion cannot be murder, Waldenberg concludes that it is an issue of physical assault. Since one has permission to endanger and even mutilate one's own body by means of medical procedures, ". . . [the sages] permitted abortion for the benefit of the mother but not for the benefit of others. Once labor starts, it is permissible to kill the fetus only to save the life of the mother." Waldenberg adds that when abortion is sought in order to save the fetus from genetic or other conditions, it is preferable to abort during the first forty days and, if necessary, up to the fourth month.

Waldenberg permits aborting a Tay-Sacks fetus up to the seventh month. He does not invoke the argument of viability, though, but a Talmudic saying to the effect that the formation of hair and nails is completed by that time. Waldenberg does not rule out abortion *after* seven months, but considers it "more serious." When asked about aborting a fetus with Down's syndrome, he refrains from giving a direct answer, writing that the same considerations regarding Tay-Sacks apply, but that more definite rulings must be tailored on an individual basis and following a thorough consultation with the parents.[24]

Rabbi Israeli (Israel, 1909–1995) concurs with the opinion that abortion is forbidden as an assault and as an act of destruction.[25] Israeli explains that although the fetus is not a *nefesh*, there is a duty to save it on the grounds of *pikuah nefesh*, namely, the idea that we had better violate one Sabbath so that the child ultimately to be born will observe many. Israeli argues that the duty to save fetuses is only a duty to God, not to the fetus, who is not yet a person. Accordingly, Israeli qualifies the duty to care for the fetus:

> Whenever the existence of the fetus is dependent on the sorrow (*tza'ar*) of another, even though the fetus is not its [direct] source, but, nevertheless, the existence of the fetus does not allow the removal of that sorrow, it is permissible to kill it.

Israeli even permits the abortion of defective fetuses in order to save the parents from the sorrow of having such a child. Besides, if the fetus is doomed to a life of misery, there possibly is a religious *duty* to abort for the benefit of the fetus.

Israeli goes on to permit abortion on the grounds of mental retardation, even in cases that do not involve suffering, since the retarded person would never observe the Sabbath. Once born, however, the profoundly retarded person is equal to any other human being; killing that person is murder, punishable by death. Israeli makes the claim that neighborly love and the prohibition on murder are applicable only to those who have been born. Therefore, it is possible to kill a fetus out of love for the future person when, for that person, life is not worth living.[26] The prohibition against murder, on the other hand, applies to all people who have been born, even when it is good for them to die.

The former chief rabbi of Israel, Rabbi Unterman (1886–1976), holds that the abortion of a formed fetus (one that has face, torso, and limbs, after forty days) is an appurtenance of murder.[27] Unterman invokes the argument of potentiality, pointing out that, if a man fells a tree of another, he has to pay for the loss of the fruit that would have grown on the tree.

Rabbi Zweig (Belgium, twentieth century) concludes his lengthy discussion on abortion by realizing that the source and scope of the prohibition are not fully determined and that the fetus has no independent legal or moral standing in Halakhah:

> Although "Whoever kills any man shall surely be put to death" does not pertain to fetuses, meaning that the fetus has no intrinsic claim against its killing. It seems that, nevertheless, it is not permissible to kill it gratuitously.

The bottom line is that Zweig objects to non-medical abortions. He rules against aborting fetuses exposed to thalidomide. Zweig argues that it is a disgrace (*hilul hashem*) for Judaism to tolerate a practice that the clergy view as murder of innocent humans.[28]

In 1978 Rabbi Feinstein (U.S.A., 1895–1986) wrote one of the most severe Rabbinic rulings on abortion. He maintains that it is impossible that abortion should be less serious for Jews than for gentiles, namely murder. Feinstein only permits abortion for the purpose of saving the life of the mother.[29]

Abortion in Halakhah: A Synthesis

The abortion discourse in Judaism has ample room for the value of life, for the future observance of the commandments, for the interests of the mother and father, and for respect for the word of God as such. However, nowhere will we find the fetus as a moral player in its own right.[30] Besides, the Halakhic discourse of abortion is unique in its rejection of developmental considerations; after the first forty days of pregnancy, the legal status of the embryo/fetus remains unchanging until the very beginning of labor.

Disregard for the personal aspect of fetal life does not entail a metaphysical and naturalist belief that fetuses are not persons or have no "souls." The rabbis were much interested in embryology and ensoulment. Until modern times, however, they kept these subjects separate from the laws on abortion. For example, Rabbi Abulafia (Spain, thirteenth century), who argues that the *neshama* (a synonym for soul or spirit) is infused in conception,[31] writes with regard to abortion, "a fetus is not *nefesh*."[32]

The rabbis take morphological considerations into account when dealing with the laws of purity (B. Nid. 3). Halakhah recognizes the embryo as a separate entity regarding the right of a pregnant woman to eat the food of the priests (*t'ruma*; B. Yeb. 67a). Developmental issues take center stage when Jewish law discusses the care of premature neonates.[33]

Since abortion is not mentioned in the New Testament, the church fathers discussing abortion cite verses indicating that persons such as John and Jesus were alive and active while in the womb.[34] The Aggadah interpreting the story about Rebecca's pregnancy refers to her twin fetuses as moral persons struggling in the womb (Rashi on Gen. 25:22). Not a single Rabbinic source discussing abortion cites this and similar Aggaddot.

Contemporary rabbis such as Waldenberg,

Weinberg, and Auerbach[35] entertain common developmental milestones such as viability and ultimately reject them as irrelevant to Halakhic discourse on abortion. In the same vein Rabbi Ariel summarizes:[36]

> Most of the early sages think that the fetus is not a man (*adam*—there is no Hebrew parallel to person). And for those who think it is, this is not a matter of rational inquiry (*sevara*) but [they hold it to be] the decree of the Torah (*gzerath hakatov*).

I contend that in Halakhah the problem of abortion is not a question of the metaphysical standing of the fetus but of its relationship with other living persons (including, according to Israeli, his own future person), and most significantly with its own mother.

From a developmental point of view, birth is not particularly significant.[37] Why, then, does exposure to the air of the world—the Talmudic wording for birth—matter? Following Tranni and the Tosafot, I contend that birth matters because it relieves the fetus from its physical dependence on the mother as a human being. Prudy makes the same point, asking, "Are pregnant women fetal containers."[38]

In Halakhah a moral person is one to whom the duty of neighborly love applies. A person is never treated as an instrument, a container. This is exactly the metaphor employed by the *Rishonim* with regard to the *dead* body of the mother—it is "like a box in which the baby is trapped."

The rabbis debate the legal source for the prohibition on abortion, whether it is an issue of wanton waste, shedding of semen, physical assault, an offense akin to homicide, making a disgrace of Judaism, or a combination thereof. Even if the basis for the injunction on abortion is only the legally weak prohibition against gratuitous destruction, one must keep in mind that in Talmudic virtue ethics, the degree of care one exercises with regard to the loss of even potential life of a plant defines one as wicked (*rasha*), righteous (*tzadik*), or virtuous (*hasid*).[39]

The Halakhic values that call upon us to protect fetal life are: the virtue of care, the ethos of procreation, the injunction against shedding seed, commitment to future religious life, and respect for the wholesomeness of the human body as a creation in the image of God. These values stem from an ethos of vitalism, considerations of which should be clearly distinguished from demographical ones. The latter are non-existent in the Halakhic discourse on abortion.[40] A demographic approach seeks to increase only one nation and make it stronger than its perceived enemies. Demographic attitudes tend to promote procreation, to proscribe abortion in general, yet to encourage or even coerce abortion, neglect, and even the killing of "defected" babies, whose presence is a burden on the nation. Nazism fostered such policies, which were also endorsed by Plato and other thinkers from antiquity.[41]

A vitalist regards life as a value in itself, a value beyond measure.[42] A vitalist therefore neither calls for mathematical increase in the number of living people or creatures, nor calculates the "value" of each individual life. Halakhah grants the human being a prerogative. Every living soul is as important as the whole world (B. B.B. 11a, B. San. 37a). The Halakhic duty to procreate is fulfilled when one begets one son and one daughter. Men who have two children are called to try and have more, because "one never knows who would succeed [survive and continue the chain of procreation]."[43]

As Carr and Lorberbaum discuss in length, the Hebrew reading of the *Imago Dei* motif is that God created humans in his image, which is the ability to generate new life and to guard the creation.[44] Concern over gratuitous waste of the vital forces in the world is a cardinal element in the ethics of procreation and abortion. Halakhic respect for life is constrained mainly by the welfare of the mother. Rabbi Heschel writes,[45] "Man, then, is involved in a polarity of a divine image and worthless dust." In the context of abortion I would say that man (and woman) is suspended between being regarded as a divine image and being regarded as "mere water."

Christianity and the Noahide Code

The rabbis regard the Noahide Code as representing something akin to a minimal state or a threshold below which human society cannot exist.[46] Evidently, the Jewish

people, being humans as well, cannot be exempt from these laws. The laws of the Torah are diachronic, messianic, and utopian. Their legal authority stems from a *covenant* between God and the people of Israel. On the other hand, the Noahide Code represents a synchronic, everlasting, and unchanging view of how human society should behave without revelation. Halakhah stresses procreation and preservation of nature, while the Noahide Code merely preserves human society from disintegration.[47] According to Natural Law, procreation is mandatory in order to protect humanity from extinction.

The Noahide Code is a Rabbinic concept that was never enacted as practical legislation among a group of gentiles. It represented how the Talmudic rabbis envisioned a moral society based not on revelation but on reason. Christianity was the first major religion to adopt a naturalistic ethic, which is compatible with the Noahide Code. Moreover, the Church Fathers adopted a more demanding reading of the biblical maxim "love thy neighbor as thyself" than Rabbinic Judaism did. B. B.M. 62a rules: "Your life comes before the life of your fellow man." The rabbis never considered the fetus a "neighbor" to whom the duty of neighborly love pertains. Even if it is a "neighbor," it is permissible to kill a pursuing neighbor to save the life of its victim.

The Epistle of Barnabas 19:5, contemporaneous with the Mishnah, writes: "Thou shalt love thy neighbor more than thine own soul. Thou shalt not murder a child by abortion, nor again shalt thou kill it when it is born." According to this verse, the fetus is a neighbor who deserves to be loved even *more* than one's own soul, and *regardless* of its being sometimes a threat to the life of the mother.

Christianity (up until the Reformation) rejected the duty to procreate as a fundamental value of *personal* religious life and cast procreation as a social value.[48] It extolled celibacy as a nobler platform for salvation than conjugal love.[49] Rabbinic Judaism regards an active sexual life, even for old people who cannot beget children, as a prerequisite for full spiritual life.[50] According to the Halakhah, men, but not women, have a duty to procreate. One main reason is the risks and suffering associated with pregnancy and birth.[51] Nevertheless, Judaism championed an ethos of fertile family life. Virginity was not a virtue for women who came of age, and barrenness has been considered a terrible curse since biblical times. Moreover, procreation is a personal duty of every Jewish man. The Talmud says that every man who abstains from begetting children is like a spiller of blood (B. Yeb. 63b), a person who "diminishes the image [of God]" and, therefore, deserves death at the hands of Heaven.

Cohen observes that Judaism belabored the first half of Gen. 1:28, "Be fertile and increase." The rabbis are silent with regard to the other half, "fill the earth and master it." The New Testament and the church fathers ignore the first half or interpret it allegorically, while their emphasis was shifted to the second half, the sovereignty given to Jesus and by extension to his followers to have dominion in virtue of their *Imago Dei*, human rationality.[52]

Judaism is not the only religion to foster procreation and conjugal life, but Judaism is also committed to the welfare of every individual human being. Since an ethos of fertility is liable to trample upon the well-being of women, Halakhah exempts them from the duty to have children and even expresses relatively lenient rulings on abortion. Not only might this policy encourage people to try and have more children; but it also somewhat relieves individual women from the pressure of society and family to have children and from the fear of pregnancy's becoming dangerous. I think this is also the undertone of Waldenberg's and Israeli's leniency with regard to aborting defective fetuses. Their policy will certainly encourage carriers of genetic diseases and other women with medical problems to take the risk.[53]

As explained above, Halakhah is based on a progressivist utopian vision, while the Noahide Code is cast in the mold of Natural Law, eternal and unchanging. Jewish valuing of procreation belongs to Jewish optimistic embrace of the future.[54] This attitude is balanced by granting higher moral standing to the living over those who are not

yet born. As Hare shows, if we count future generations in our moral deliberation, it is possible to object to abortion on the grounds of the Golden Rule.[55] Although the Golden rule is virtually a human universal, a prototype of ethical naturalism, the exact boundaries of the Halakhic duty of neighborly love are defined by a decree of the Torah.

Many rabbis express concern over the image of Judaism in the eyes of the non-Jews. Rabbi Bachrach, for example, first concludes his Halakhic discussion and then comments on the "common practice" of a severe attitude to aborting adulterous pregnancies. Rabbis Feinstein, Lichtenstein, and other American rabbis such as Hibner, Carmy, and Bleich employ non-Jewish morality in arguing what the Halakhah on abortion should be.[56] Bleich even suggests that the Catholic Church harbingers the Jewish messianic period by its tenacious promulgation of the sanctity of fetal life.[57]

It follows that with regard to the question of abortion, the Rabbinic conceptualization of the Golden Rule (the value of neighborly love) differs from that of Christianity by three cardinal features: The Rabbinic version is time-asymmetric, as it discriminates against the unborn in favor of their mothers (and possibly in favor of other born people). Second, being a pursuer suspends one's membership in the community of neighborly love, even if the pursuer is innocent. We must not have mercy on a pursuer, and if he directly endangers the life of another person, there is a duty to stop him, even if it means killing him. Last, as we will see in the next section, the Rabbinic version stresses subjective feelings and states of mind rather than an objectified notion of the good of the person. Here I offer a rational explanation for these distinctions. But this is only a philosophical exegesis. The foundations of the Rabbinic discourse rest on positive decrees such as *kol nefesh*.[58]

"Neighborly Love" Vs. "*Imago Dei*"

The Talmud debates what is the "greatest maxim" of the Torah. Aqiba maintains it is the law of neighborly love. Ben Azzai points to the verse (Gen. 5:1), "This is the book of the genealogy of Adam. In the day that God created man, He made him in the likeness of God" (Y. Ned. 9:4). The Rabbinic concept of *Imago Dei* pertains to the corporeal and procreating human body and person. Eilberg-Schwartz shows that this is probably what Ben Azzai had in mind.[59]

The value of *Imago Dei* calls upon us to respect every human being regardless of his or her mental states of mind, moral standing, or any other personal aspect. This is borne out by the prohibition on exposing the bodies of executed offenders (Deut. 21:23). The victim does not *feel* his exposure and humiliation; nor is he innocent. However, it is the *Imago Dei* inhering in his body that prevents us from aggravating the punishment as was customary in antiquity. We respect the divine image of the person even if the person himself or herself refuses to do so.

Rabbinic literature invokes the value of *Imago Dei* almost exclusively with regard to the treatment of human remains. The reason for that, I believe, is the primacy of *neighborly love* in interpersonal ethics. Only when the person dissolves and a cadaver is lying in front of us do we have to reckon solely with the value of *Imago Dei*.[60]

According to the Midrash Ben Azzai inveighs against Aqiba's morality arguing that it is too lenient and too labile, since it anchors moral standards in the subjective state of mind and personal well being of each person, whereas the concept of *Imago Dei* is objective and unchanging (Gen. Rabbah 24, 7). Aqiba seemingly respects every form of suffering, even if irrational, whereas the tradition of Natural Law seeks to promote only the good of the person. Aqiba's subjectivization of the Golden Rule is exemplified by prominent contemporary rabbis who decline coercive cesarean surgery on a woman who refuses it on grounds of "irrational fears," even if this might lead to the loss of her fetus.[61]

According to Villey, the Church Fathers interpreted the Golden Rule, as a "thing (*rem*), something existing in external nature."[62] The rabbis seem to have preserved the *subjective* dimension of the rule; they put feelings of persons before objective rational considerations. Since Halakhah accepted Aqiba's attitude, we may reevaluate the Jewish ethics of abortion in that light.

The *formed* fetus is endowed with human dignity. After a miscarriage or an abortion, it deserves burial and any use of its dead body is taboo.[63] Nevertheless, as long as a pregnancy is an external constraint on a person, the duty of neighborly love applies only to the woman. It overrides the value of human dignity inherent within the fetus.

If my reading is correct, Aqiba and the medieval rabbis actually anticipate Thomson's "violinist paper," in which she argues that a person should not have a legal duty to endure significant levels of suffering and bodily violations in order to respect the right to life of another person.[64]

Whereas in Natural Law ethics, *Imago Dei* and neighborly love constitute the same ethical value, in Rabbinic discourse, each has its own place and separate meanings. My contention is that within the Halakhic framework of ethics the value of *Imago Dei* protects the human embryo from exploitation. Killing formed embryos violates their human dignity. Therefore, abortion is not permitted for the sake of economic gain or scientific research. The only maxim that is greater than *Imago Dei* is neighborly love. At least in this context, the rabbis were usually careful to limit the duty of the power of neighborly love only to the removal of suffering or health hazards, and most usually only when the mother is suffering or at risk.

Only in the past thirty years did it become medically feasible to diagnose and to abort "defected" embryos. Some rabbis tend to permit this on the grounds of neighborly love towards the future person of the fetus, in consideration of the psycho-social suffering of the parents, or on the presumption that the fetus will never be able to observe the Sabbath (possibly a euphemism for "meaningless life").

I have argued that in Jewish law, the primacy of neighborly love does not allow us to accept a new member to the moral community, a new "neighbor,"[65] until its existence does not compromise the well-being of another member.[66] The fetus is highly valued, but it receives no *personal* standing; it is not a "neighbor" until it has ceased to be a burden on its mother. For many women who seek abortion, the fetus is far from being a threat to life or limb. However, in pre-modern obstetrics, every pregnancy was prone to culminate in a life-threatening crisis. From a purely legal point of view, one may regard embryos as moral persons only to revoke this status or to ignore it in case they become pursuers. In actuality, it is very difficult to urge mothers and caregivers to destroy babies after they have been accepted as persons and as members in the community of morals. In the following discussion on embryotomy I argue that not only was feticide sometimes necessary to save the mother, but it was also necessary to carry it out relatively early in order for it to be effective. Therefore, daily practice of the Mishnah on obstructed labor was incompatible with granting fetuses a moral standing similar to that of human beings.

For many centuries the Hippocratic Oath has articulated the essence of western medical ethics. The oath clearly states, "I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art." Indeed, extreme circumstances as well as personal courage were needed in order to persuade a decent physician to induce an abortion. In one of the first licensure systems for European midwives dating to sixteenth century England, applicants had to swear, among other things, that

> I will not destroy the child born of any woman, nor cut, nor pull off the head thereof, or otherwise dismember it or hurt the same, or suffer it to be hurt or dismembered by any manner of way or means.[67]

However, the ethos of Halakhah[68] does not allow for such a barrier to stand between women's health and medical care. According to Rabbi El-Haham (Iraq, nineteenth century) this clause from the oath is meant to protect women from the dangerous and difficult side effects of abortificient drugs.[69] The rabbi does not mention the fetus at all.

Nonetheless, El-Haham deliberates in length whether a woman may abort when the pregnancy poses a direct threat to her life. Not only does this show us that both rabbis and women (at least those who care for consulting religious law) are not likely to seek abortion for trivial reasons, but it is also unlikely for them to consider elective abortion when, even under the best of conditions, their mortality rate reaches as

high as 30%, as is the case in non-modern medicine.

In naturalist ethics, the moral status of the fetus increases parallel to its development. In Halakhic ethos, the closer the fetus approaches the precarious stage of birth, the more its humanity is suppressed. Ironically, the Talmudic law on obstructed labor plays center stage in the contemporary Rabbinic discourse on abortion. This is precisely because modern Rabbinic sources hardly discuss difficult labor as a real-life situation of relatively frequent occurrence but as an abstracted topic of sophistry relevant to deliberations on the allocation of scarce resources and on self-defense.[70]

Arrested Labor

Edward Shorter estimates that up to 7% of pre-modern women died due to obstetric complications, common among which was arrested labor.[71] Skeletal deformities of maternal pelvis, fetal malformations, and malpresentation were the leading causes of obstruction. The most common cause of such deformities was rickets, a nutritional deficiency. The second most common cause was premature maternal age.[72] Hence arrested labor was more often a tragedy of low class and abused women.

Some obstetricians advised the pulling of the child by the presenting part. In some cases this inevitably leads to the baby's being torn up without any clear distinction between deliberate and accidental embryotomy.[73] Systemic maternal illness such as mere weakness was common as well. Since fetal malformations were highly associated with obstructed labor, it is possible that defected fetuses were taken as threats to their mothers.

When delivery is obstructed, the attendants may try to save the fetus by performing a cesarean section. Until the nineteenth century, such surgery was almost always fatal to the mother. Alternatively, they may save the mother by killing the baby (embryotomy, usually by means of craniotomy), or they may stay passive, thus risking the loss of both mother and infant. Less frequently, other highly fatal or quite destructive methods were used, such as induction of premature birth, so as to deliver a small baby, and surgeries on the mother's pelvis. The horrible dilemma of obstructed labor was shared by all pre-modern societies. Labor was the only circumstances in which care givers vivisected their charge. (Pre-modern surgeries were otherwise limited to external conditions). We have seen that the Halakhah prescribes embryotomy. Official teachings of Western Church and Christian countries demanded that mothers and infants in the same situation be left to the mercy of God, since it is never permissible to deliberately kill the innocent, even at the price of self-sacrifice through inaction.

The Mishnah refers blankly to "a woman who has difficulties at birth."[74] Jewish and non-Jewish sources are relatively silent on the indications for embryotomy: what are the signs, symptoms and findings that deem it necessary?[75] This is not a trivial question since even ordinary pre-modern labor was difficult, messy, dramatic, painful, and risky.

Before the era of modern obstetrics, it was common knowledge that labor that did not terminate within seventy-two hours was fatal. In nineteenth century England 0.5% of births ended in embryotomy. From this perspective we have to realize that every problem or delay in labor increased the risk of death. One might try to overcome the difficulty or to go on waiting. But playing against the clock was cruel. The longer one waited, the lower the chances were to rescue somebody. Possibly one reason many people accepted the prohibition on embryotomy was the observation that those who carried it out *only* as a very last measure saw little success.[76] In order to be an effective therapy for the woman, embryotomy should have been performed relatively early. But then it would seem as if little respect is given to the life of fetuses, because at least in some cases watchful waiting or skilful manipulation would have resulted in both mother and child's surviving labor.

The first firm statistics on obstetrics mortality comes from 1847 England, indicating six maternal deaths for every thousand live births. Historians believe the true figure was much higher.[77] In England (and in other Protestant countries) embryotomy was often

preformed even when episiotomy (sic) could facilitate labor.[78] In Italy, embryotomy was carried out only on "already dead babies," a very tricky diagnosis, which became even more problematic after auscultation of fetal heartbeat became routine.[79] Modern medical authorities are also quite vague in delineating their own indications for embryotomy. For example, the 1908 edition of Williams' Obstetrics, a classic of American obstetrical practice, mentions, "a possible sign of maternal infection" and "child does not look in good condition" (p. 464). In continental Europe more factors operated in favor of the baby,

> In choosing between a caesarean section and craniotomy, French obstetricians took into account first of all the duty to preserve the life of a child: this was partly because, according to the precepts of the Catholic religion, failure to baptize the (live) foetus would result in its losing the promise of eternal life.[80]

Other doctors felt a moral duty to act in the face of imminent death. In Italy action always meant cesarean surgery, never embryotomy. Doctors were not able, morally and psychologically, to torture innocent babies.[81] Hence, seventeenth-nineteenth century continental obstetrics was divided between "passive," and "active;" the former resorted to policy of "wait and see," whereas the latter would attempt a cesarean delivery before the mother or the baby died.[82]

However, the most crucial point in the story is the sad fact that butchering a living baby is a gruesome experience. Uncertainties regarding the prospects that this act would eventually save the mother render this procedure even less palatable.[83] This is clearly borne out by Procopius (fifth century) who endorsed embryotomy only when the physician is certain that he would save the life of the mother.[84]

People in general, not only Christians, dislike "playing God" and tend to avoid active killing even for the sake of saving many lives.[85] Consequently, birthing women are at risk of abandonment when they most desperately need life saving assistance. Rabbi Deutch (Hungary, late nineteenth century) rules that if the fetus is stuck *after* most of its body is born, only the mother has permission to dismember it.[86] I have not found historical material documenting self-performed embryotomies among the Jews. However, medieval Christian literature expresses worries about birthing women who kill their own babies in desperate, immoral, and illegal attempts to terminate prolonged labor.[87]

Considering the extreme psychological and moral difficulties associated with prudent practice of embryotomy, it is no wonder that Maimonides does not copy the words of the Mishnah. Instead, he opens his ruling on obstructed labor stating that it is a religious duty *not* to have mercy on a pursuer. But, my contention is that in order to internalize such an attitude and to act upon it, one has to adopt Rashi's words, namely, that the fetus is not a person, not a "*nefesh adam*."

In summary, we see that the Mishnaic way of managing labor saved many mothers and lost many infants, whereas the Christian way saved some babies, but lost many mothers. Medieval Christian obstetrics could have saved even more babies had it permitted post-mortem cesarean surgery, but, because such surgeries were performed rather late, only when the death of the mother was certain, cesarean surgeries were encouraged only for the sake of baptism, not in expectance of viable newborns.[88]

B. Ar. 7a demands that the mother's belly be cut and the fetus be saved only after her death. Obviously, it was almost impossible to pinpoint a moment of death and then to proceed with a cesarean of a salvageable fetus. The diagnosis of death is often a tricky task for doctors today, let alone for pre-modern practitioners. Establishing the diagnosis of death is even more challenging when the patient is suffering from hemorrhagic shock and is stupefied by drugs and alcohol, as was the situation of many birthing women. Watchfulness until signs of death accumulate has always been the safest course of action. However, the laws on purity and on the distribution of the estate of the deceased made it necessary for Mishnaic people to determine the exact moment of death.[89]

I assume that a culture which is accustomed to "diagnosing the precise moment of death" is less concerned about ambigu-

ous cases and about performing post-mortem cesarean sections on still-living mothers. Early Christians were not preoccupied with the issues of inheritance and not at all bothered by the laws of impurity. Hence, the power of doubt prevailed. In addition to embryotomy some Church Fathers and Christian theologians also proscribed cesarean section, arguing that human hands must never take innocent lives.

Rashbatz (fourteenth century, Spain), who was also a physician, insists that it is impossible to save the baby after the mother's death. As of a Jewish legend about a child surviving a post-mortem cesarean, Rashbatz explains, "Since she was nearly dead, she was good as dead and was referred to as 'dead,' and the child was extracted through the wall of her belly."[90] This is a very problematic description. Indeed, Rabbi Isserles (sixteenth century) writes that post-mortem cesarean is no longer practiced among the Jews because "the art of diagnosing maternal death in a manner that enables us to bring forth viable neonates has been lost" (Shulkhan Aruch, Orah Haim, 330:5).

In spite of official objection to both cesarean surgery and embryotomy, the former practice survived and accumulated recognition in the Christian world whereas the latter disappeared from at least historical records.[91] Sixteenth century surgeons, who were much better skilled in anatomy and much better equipped with mechanical tools, were also less ready to remain passive in the face of obstructed labor. This brought about a revival of interest in cesarean surgery rather than in embryotomy. Catholic theologians endorsed this development.[92] Some claimed that one should cut the tree for the sake of its fruit."[93] This is particularly relevant when the mother was sick, malnourished, and deformed. Some doctors regarded cesarean surgery as a form of euthanasia.[94]

On the other hand, not a single post-medieval Jewish source expresses the slightest toleration of compromising the well-being of the mother and the value of her life. As Isserles indicates, cesarean surgery disappeared from Jewish society. The sixteenth century Italian rabbi and physician Tobais Cohen describes cesarean surgery thus,[95]

> When the woman and the infant are still alive, but there is an impediment preventing its exit, a specialist is summoned and he cuts open the wall of the uterus. Says the author: the intelligent reader knows this is unlikely, and—God forbid—such a thing is not done on the daughters of Israel.

Considering that the Talmudic passage indicating post-mortem cesarean surgery expressed a hypothetical reservation only with regard to the desecration of the Sabbath and not at all regarding accidental slaughter of a still-living woman, this is a radical change indeed.

As opposition to abortion was growing, and the gravity of this sin was increasing, Christian teaching offered new standards of morality and intolerance, declaring embryotomy and cesarean surgery murderous. In nineteenth century America a Catholic Priest wrote that anyone who performs embryotomy "would not scruple under the mantle of night to use the stiletto of the assassin."[96] At that time the clergy advocated cesarean surgery, which had become less fatal than it had been in the past.

Suspicions become particularly rampant in the case of midwives belonging to a marginalized minority. The fundamental book of witch-hunting in Europe, the *Malleus Maleficarum*,[97] printed in 1486, dedicates a whole chapter to witch-midwives. Other early modern sources explicitly accuse witches of performing craniotomies.[98] As late as the twentieth century, African-American midwives were often accused of killing mothers and infants. Eminent doctors objected to teaching anatomy to "negro midwives," lest they use this knowledge to induce abortion.[99]

In those days rabbis could not accept such standards of morality, which merely preferred one kind of life to another. Many rabbis probably knew that nineteenth century Catholic enthusiasm for cesarean surgery was misleading to many women whose chances of dying from it were in the range of 50%.[100] Qualified doctors performed it quite rarely. The number of cesarean surgeries carried out by "empirics"—folk practitioners without a degree—remains unknown. Between the World Wars, mortality from cesarean section in America ranged between 4–16%.[101] Only in the middle of the

twentieth century when cesarean surgery became safe and common could the rabbis' resort to Christian ethics on abortion as a standard to reckon with. But, as long as the specter of arrested labor loomed over the ethics of fetal care, the *poskim* had to be very lenient with abortion in general. If some difficulties in labor justify the destruction of a term fetus, and if this is a daily practice, what arguments may be marshaled against the abortion of a three months embryo?[102] Due to the incredible revolution in childbearing, contemporary ethicists, theologians, and policy makers tend to forget the grim reality that was part of most of human history and the reality within which our traditional systems of ethics on abortion took shape.

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Notes

[1] Y.J. Weinberg, *Seridei Esh* (Jerusalem, 1966), vol. 3, resp. 127.

[2] See Unterman, discussed below. A. Lichtenstein, "Induced Abortions—Halakhic Views" in *T'humin* (2001) 21, pp. 93–99. An English translation is available at http://www.vbm-torah.org/halakha/abortion.htm.

[3] A.S. Koydnover, *Emunath Shmu'el* (Lember, 1885), res. 14. B.M.H. Uziel, *Mishpatei Uziel*, part 4 (Jerusalem, 2000), resp. 46.

[4] D. Schiff, *Abortion in Judaism* (Cambridge, 2002). D.B. Sinclair, *Jewish Biomedical Law: Legal and Extra-Legal Aspects* (Oxford, 2003), chaps. 1–3.

[5] Y.M. Barilan, "Her Sorrow Comes First: Abortion in Halakhah and Israeli Law," in *Re'fuah U'mishpat*, (2003) 29, pp. 72–101.

[6] B. Nid. 44b, B. San. 56a. From the context of the Mishnah it seems reasonable to make the analogy to the modern concept of "legal person."

[7] B. San. 52a. Sages debated capital punishment. Aqiba declared, "If I were a judge, nobody would ever be executed" (Y. Mak. 1:8). However, tribunals of the people executed fornicating women, possibly while still pregnant with the evidence of their misdeed. B. San. 52a.

[8] *Mishne Torah, Hilchoth Rotze'ach* 1,9.

[9] *Guide to the Perplexed* book III, chap. 40. Possibly, this explanation is necessary in order to defend the killing of a pursuer in accordance with the belief in the uniqueness of each and every human soul. Only the danger of irreversible harm justifies an irreversible loss. The notion that tabooed sex is an irreversible harm is to be found in M. Hag. 1:7.

[10] Eben Ha'Hezer 80, 11. For an updated discussion see *Tehumin* (2004) 24, pp. 117–125.

[11] Barilan, op. cit., section 3.5.

[12] B. Yeb. 78a. The supposition that the preformed embryo is a watery compound was prevalent in the occident until the Renaissance.

[13] I. Tranni, *Shut Ma'harit* (Lemberg, 1861), part I, resp. 97, 99.

[14] See B. Yeb. 78a. This wording is taken from Roman Law.

[15] Tosefot, B. Nid. 44b. Citing this source, Waldenberg ruled in favor of non-consensual cesarean surgery on irreversibly comatose woman and against the wishes of the father. E. Waldenberg, *Tzitz Elie'zer*, part 18 (Jerusalem, 1993), resp. 31.

[16] Y.H. Bachrach, *Havoth Ya'ir* (Lemberg, 1894), resp. 31, and J.Z. Emdin, *She'ilath Ya'avetz* (Lemberg, 1888), part I, resp. 43. Y.H.E. Hacham, *Rav pe'alim* (Jerusalem, 1901). Eben Ha'Ezer, resp. 4, cites Bachrach and Emdin without adding his own conclusion.

[17] According to Westermarck's cross-cultural survey. The most common motivation for induced abortion in pre-modern non-Western societies is illegitimate pregnancy. E. Westermarck, *The Origin and Development of Moral Ideas* (2nd ed.; London, 1912), vol. I, pp. 413–415. The same applies to early modern Europe as well. M.E. Wiesner, *Women and Gender in Early Modern Europe* (Cambridge, 1993), p. 51. The next common motivation is the aesthetic impacts of child bearing on the body.

[18] J. Ayyash. *Beth Ye'hudah* (Livorno, 1746). Eben Ha'Ezer, resp. 14.

[19] Similarly, Jewish philosophy and esoteric teachings (Qabbalah) emphasize the destructive and anti-vitalistic aspects of abortion. The prohibition against onanism is cast as a special case of gratuitous waste of vital forces.

[20] L. Cannold, *The Abortion Myth: Feminism, Morality, and the Hard Choices Women Make* (Hanover, 1995).

[21] W.R. LaFleur, *Liquid Life: Abortion and Buddhism in Japan* (Princeton, 1992).

[22] R.J. Simon, *Abortion: Statutes, Policies, and Public Attitudes the World Over* (Westport, 1998), chap. 1.

[23] Waldenberg, *Tzitz Eliezer*, vol. 13, resp. 51: "The measure is the thing that names it a man"—my literal translation. I think Waldenberg refers to the debate about the personhood of the fetus.

[24] Ibid., resp. 100, 101.

[25] S. Israeli, *Amud Ha'Ye'mi'ni* (Tel Aviv, 1966) resp. 32.

[26] In opposition to Natural Law ethics, Halakhah recognizes the possibility that it is good for a person to die, yet killing him or her is prohibited. Y.M. Barilan, "Revisiting the Problem of Jewish Bioethics: The Case of Terminal Care,"

in *Kennedy Institute of Ethics Journal* (2003) 13, pp. 143–170.

[27] I.Y. Unterman, "On *Pikuah Nefesh* of the Fetus," in *Noam* (1963) 6, pp. 2–11.

[28] M. Zweig, "On Induced Abortion," in *Noam* (1964) 7, pp. 35–56.

[29] M. Feinstein, *Iggroth Moshe*, vol. VII (Bnei Berak, 1985), *Hoshen Mishpath* part B, resp. 69.

[30] With the exception of the very recent discussion on aborting fetuses diagnosed with medical conditions, where the moral person in question is the future baby.

[31] *Yad Ramah* on B. San. 91b.

[32] Op. cit., on B. San. 72b.

[33] N. Bar Ilan, R. Koffman, and Y.M. Barilan, "The Very Low Birth Weight Neonate," in *Assia* (2004) 63–4, pp. 94–103.

[34] M.J. Gorman, *Abortion and the Early Church: Christian, Jewish and Pagan Attitudes in the Greco-Roman World* (Eugene, 1998), p. 56.

[35] A.S. Abraham, *Nishmath Abraham* (Jerusalem, 1986), vol. C, *Hoshen Mishpat*, p. 229.

[36] J. Ariel, *B'Ohala shel Torah* (Kfar Darom, 1998), *Hoshen Mishpat*, resp. 116. See also J. Schorr. *Ko'ah shor* (Lvov, 1755), resp. 20.

[37] For a naturalist argument in favor of birth as morally significant, see M.A. Warren, "The Moral Significance of Birth," in *Hypatia* (1989) 4, pp. 46–61.

[38] L.M. Prudy, "Are Pregnant Women Fetal Containers?" in *Bioethics* (1990) 4, pp. 273–291.

[39] See B. M.Q. 18a and the medieval book *Hinuch* #529.

[40] They play some role in the Halakhic discourse on contraception.

[41] P. Carrick, *Medical Ethics in Antiquity* (Dordrecht, 1985), pp. 112–119.

[42] The founding father of Jewish bioethics, the late chief rabbi of England Rabbi Jakobovitz, refrains from applying the words "sanctity of life" to Halakhah, but he gracefully stressed that, in Judaism, life is beyond measure and calculation; E. Jakobovitz, *Jewish Medical Ethics* (new ed.; New York, 1975), pp. 45–46. One has to distinguish between "vitalism," which is the valuing of life as such, and "strong vitalism," which places the value of life above all other values. See R. Dworkin, *Life's Dominion: An Argument about Abortion, Euthanasia and Individual Freedom* (New York, 1993), chap. 3, and J. Kleinig, *Valuing Life* (Princeton, 1991).

[43] B. Yeb. 63b. The Talmud provides another reasoning, which also hints at a fear of loss and chaos, citing Is. 48:18: "Who did not create it in vain, Who formed it to be inhabited."

[44] D.M. Carr, *The Erotic Word: Sexuality, Spirituality and the Bible* (Oxford, 2003). Y. Lorberbaum, *Image of God: Halakhah and Aggadah* [Hebrew] (Tel Aviv, 2004).

[45] A.J. Heschel, *Between God and Man: An Interpretation of Judaism* (New York, 1959), p. 235.

[46] Y.M. Barilan, "Revisiting the Problem of Jewish Bioethics," pp. 143–170. Y.M. Barilan, "The Vision of Vegetarianism and Peace: Rabbi Kook on the Ethical Treatment of Animals," in *History of the Human Sciences* (2004) 17(4), pp. 79–101. Y.M. Barilan and G. Siegal, "Stem Cell Research: An Israeli Perspective," in W. Bender, C. Hauskeller, L. Manzei, eds., *Crossing Borders. Cultural, Religious and Political Differences Concerning Stem Cell Research* (Munster, 2005), pp. 221–252. And see, for example, D. Platski, *Kli Hemda* (Pieterkow, 1927) on Deut. 33:1.

[47] Little can be inferred from the juridical and penal system of the Noahide code. Possibly, the rabbis think that a "thin constitution" requires a firmer penal system. For these differences, see B. San. 57b. In the fourth chapter of the introduction to his commentary on Mishnah Abot, Maimonides describes two tiers of moral virtues. The external one, which most probably stands for the laws of the Nohaides, is the moral laws required for establishing peace among all humans. The Torah stands for the inner circle, the laws of moral and intellectual *perfection*. See also Maimonides' treatise on logic, chap. 14, and I. Efros, "Maimonides Treatise on Logic," in *Proceedings of the American Academy of Jewish Research* (1938) 8, pp. 34–65. Compare the Talmudic ruling that Jews are not accountable for a theft of a trifling sum of money to Grotius' distinction between enforceable *perfect rights* (that seem to parallel Nohaide injunctions) and voluntary *imperfect rights*, "the law of love," such as generosity and similar virtues of neighborly love; J.B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge, 1998), pp. 78–81.

[48] Ibid., chap. 5, and J.T. Noonan, *Contraception: A History of Its Treatment by Catholic Theologians and Canonists* (Cambridge, 1986).

[49] J.E. Salisbury, "The Latin Doctors of the Church and Sexuality," in *Journal of Medieval History* (1986), 12, pp. 279–289. Thomas Aquinas (Summa Theologica II, 2, Q152, reply to the first objection) reinstated the centrality of procreation in Christian theology. He, however, emphasized that the duty to procreate lies on the "multitude of humanity," not on every single individual.

[50] Cohen, chap. 4. D. Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (New York, 1992), chap. 2, and D. Boyarin. *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley, 1993). Interestingly, many herbs mentioned in the Song of Songs were used as contraceptives in the ancient Near East. A. Brenner, *Intercourse of Knowledge: On Gendering Desire and 'Sexuality' in the Hebrew Bible* (Leiden, 1997), pp. 87–89.

[51] S. HaCohen, *Meshech Chokhma*. Edited by J. Kupperman (Jerusalem, 1977) on Gen. 9:7.

[52] J. Cohen, *Be Fertile and Increase, Fill the Earth and Master It: An Ancient and Medieval Career of a Biblical Text* (Ithaca, 1989), pp. 224ff. and 268–269.

[53] In a very recent responsum Rabbi Melamed endorsed abortion of fetuses affected with Down's Syndrome (*Be'sheva*, Heshvan 4, Tashsag). In an oral conversation with me he explained that since most religious Israeli women shun abortion, he

became worried about the demographic possibility that most retarded children will belong to the religious sector.

[54] See, for example, B. Yeb. 62b.

[55] R.M. Hare, "Abortion and the Golden Rule," in *Philosophy and Public Affairs* (1975) 4, pp. 201–222.

[56] S. Hibner, "Aborting the Fetus to Save the Mother" (in Hebrew), in *HaDarom* (1969) 28, pp. 31–42. S. Carmy, "Halakhah and Philosophical Approaches to Abortion," in *Tradition* (1977) 16, pp. 126–157. J.D. Bleich, *Contemporary Halakhic Problems* (New York, 1977).

[57] J.D. Bleich, "Stem Cell Research," in *Tradition* (2002) 36, pp. 56–83. D. Sinclair, "The Legal Basis for the Prohibition of Abortion in Jewish law," in *Israel Law Review* (1980) 15, pp. 109–130, presents the argument of Christian influence at length.

[58] B. Nid. 44b. Cf. Hume's assertion that justice is an "artificial duty" since it necessitates arbitrary divisions. D. Hume, *A Treatise on Human Nature* (Oxford, 1740/1978) p. 529. Hume's atheistic naturalism is a good test case for the conceptualization of the Noahide laws as non-revelatory thin constitution of any moral society. The rest (e.g., specific boundaries and definitions) are mere local conventions. In this light, Rabbinic voluntarism is limited to those sections in moral theory that require some arbitrary rules. The Noahides may draw their own lines; the Jews follow those delineated by the Torah. See also Rashi on Gen. 2:1.

[59] H. Eilberg-Schwartz, *God's Phallus* (Boston, 1994), pp. 215–222.

[60] See more in Barilan and Siegal, op. cit.

[61] A.S. Abraham, *Nishmath Abraham*, *Orah Haim* (Jerusalem, 1997), #330. And see I. Zilberstein, "Coercing Cesarean Surgery in Order to Save the Fetus," in *Assia* (1999) 17(65–6), pp. 9–12.

[62] B. Tierney, *The Idea of Natural Rights* (Grand Rapids, 1997), p. 23, and see J. Finnis, *Natural Law and Natural Rights* (Oxford, 1980) p. 206.

[63] I. Ettlinger, *Binyan Zion* (Altona, 1868), res. 120. Waldenberg, *Tzitz Eliezer*, part 10, resp. 25, chap. 8. M. Feinstein, *Iggroth Moshe*, part 2 (New York, 1961), *Yore De'ah*, resp. 332.

[64] J.J. Thomson, "A Defense of Abortion," in *Philosophy and Public Affairs* (1971) 1, pp. 47–66.

[65] In Hebrew, *re'a*, "friend;" see B. Freedman, *Duty and Healing: Foundations of a Jewish Bioethics* (London, 1999), pp. 54–55.

[66] At the meta-legal level, however, future generations count, as the Midrash explains that all "future generations stood in Sinai." See Bachrach, op. cit., resp. 126.

[67] J.H. Aveling, *English Midwives: Their History and Prospects* (London, 1872), p. 9.

[68] Y.M. Barilan and M. Weintraub, "Pantagruelism: A Rabelaisian Inspiration for Understanding Poisoning, Euthanasia and Abortion in the Hippocratic Oath and in Contemporary Clinical Practice," in *Theoretical Medicine and Bioethics* (2001) 22, pp. 269–286.

[69] Y.H. El-Haham, *Rav Pe'alim*, part IV (Jerusalem, 1913), *Yore De'ah*, #14. Famous Jewish physicians, who were not Halakhists, adopted the Hippocratic attitude to abortion. S. Pines, *The Oath of Asaf the Physician and Yohanan ben Zabda* (Jerusalem, 1975).

[70] Research on the history of abortion tends to focus on early abortion, thus ignoring feticide during delivery, e.g., M.J. O'Dowd, *The History of Obstetrics and Gynecology* (New York 1997), pp. 157–165, and V.L. Bullough and J.A. Brundage, eds., *Handbook of Medieval Sexuality* (New York, 1996). Historians of ancient surgery seem to disregard the fact that Hellenic and Roman surgeons owned many instruments of embryotomy. For an impressive account, see J.S. Milne, *Surgical Instruments in Greek and Roman Times* (Oxford, 1907), pp. 81ff.

[71] E. Shorter, *A History of Women's Bodies* (New York, 1982), chap. 5.

[72] The medieval rabbis were aware of the pain and trauma sustained by girls who are subjected to intercourse at young age. Tosafot to B. Ket. 39a.

[73] W. Perkins, *Midwifery and Medicine in Early Modern France: Louise Bourgeois* (Exeter, 1996), p. 66. B. Rowland, *Medieval Woman's Guide to Health: The First English Gynecological Handbook* (London, 1981), p. 127.

[74] In other contexts the Talmud uses the root *Kishuy* (the word used in the Mishnah for "difficulty") as excessive or abnormal bleeding. B. Yeb. 83a, B. Nid. 37b and parallels in the Yerushalmi. The only analogy from the process of birth comes from B. Hul. 24a, which clearly reads *kishuy* as obstructed labor due to malpresentation.

[75] R. Blumenfeld-Kosinski, *Not of Woman Born: Representations of Caesarean Birth in Medieval and Renaissance Culture* (Ithaca, 1990). D. Trolle, *The History of Cesarean Section* (Copenhagen, 1982), pp. 157ff. R.E. Wright-St. Claire, "A History of Mutilating Obstetric Operations," in *New Zealand Medical Journal* (1963) 62, pp. 468–470. J.H. Young, *Caesarean Section: The History and Development of the Operation from Earliest Times* (London, 1944), pp. 74ff. H.H. Ploss, M. Bartels and P. Bartels, *Woman: An Historical, Gynecological, Anthropological Compendium* (London, 1935), vol. 2 and beginning of vol. 3.

[76] The same consideration applied with regard to cesarean surgery in the nineteenth century. H. Speert, *Obstetrics and Gynecology in America: A History* (Chicago, 1980), pp. 63, 155.

[77] F.B. Smith, *The People's Health: 1830–1910* (rev. ed.; London, 1990), pp. 17–27.

[78] E.g., *The Lancet*, Dec. 31, 1898, p. 1764.

[79] Filippini, op. cit., pp. 225–226.

[80] O. Moscucci, *The Science of Woman: Gyneacology and Gender in England 1800–1929* (Cambridge, 1990), p. 142.

[81] N.M. Filippini, *Tra madre e figlio: la rivoluzione del taglio cesareo (sec. XVIII-XIX)* (Milan, 1995), p. 236.

[82] Ibid., chap. 2.

[83] In the nineteenth century the overall mortality of women undergoing embryotomy was 20%. I. Loudon, *Death in Childbirth: An International Study of Maternal Care and Maternal Mortality 1800–1950* (Oxford, 1992), pp. 132–143.

[84] H.B. Dewing, trans., *Procopius: The Anecdota or Secret History* (London, 1935), section 10.3. It seems that in early Byzantium embryotomy was tolerated as a last measure. F. Adams, trans., *The Seven Books of Paulus Aegineta* (London, 1844), vol. II, p. 389. R.J. Deferrari, ed., *St. Basil, Letters* (London, 1930), letter 188. Byzantine medicine might have tolerated some forms of abortion as well. T.S. Miller, *The Birth of the Hospital in the Byzantine Empire* (Baltimore, 1985), p. 213. The instrument Miller refers to might have well been used for embryotomy.

[85] J.J. Thomson, "Killing, Letting Die and the Trolley Problem," in *The Monist* (1976) 59, pp. 204–217, and her "The Trolley Problem," in *Yale Law Journal* (1985) 94, pp. 1395–1415. P. Unger, *Living High and Letting Die* (Oxford, 1996).

[86] A.H. Deutch, *Pri Ha'sadeh* (Tulma, 1915), part IV, p. 24. Other *poskim* concur; see A. Steinberg, *Encyclopedia of Medicine and Halakhah* (Jerusalem, 1995), vol. II, p. 82, note 86.

[87] J.C. Robertson, trans., *Miracles for the History of Thomas Becket* (London, 1875), vol. I, p. 504. This hagiographic anthology also relates a story about a woman lying helplessly while her child was stuck half inside her body and half outside. The midwife left. When she came back the child "disappeared" and the "miracle" of saving the mother was attributed to St. Becket; ibid., pp. 393–394. One of the first cesarean surgeries in America was performed by a fourteen-year-old, who cut her own body and was only dressed by a physician post factum; Speert, p. 150.

[88] For this reason, in eighteenth century Sicily no pregnant woman was to be buried before undergoing a cesarean. D.I. Kertzer, *Sacrificed for Honor: Italian Infant Abandonment and the Politics of Reproductive Control* (Boston, 1993), p. 20. The source for this practice, which remained controversial until modernity, is traceable to C.F. Emmanuele, *Embryologia Sacra* (Augsburg, 1765), bk. 2, chap. 16. The desire to extract every infant from the belly of a dead mother diffused into European Jewry as well. Rabbi Epstein (nineteenth century, Lithuania) comments: "We do not know the reason, but the populace regard this as a must-to-do." Y.M. Halevi-Epstein, *Aruch HaShulhan. Orah Haim* (Warsaw, 1908), #330, 8. On Jewish and Christian folk-practices and beliefs regarding the burial of gravid women, see J. Jakobowitz, *Jewish Medical Ethics* (New York, 1959), pp. 130–131.

[89] See for example T. Y.K. 1:12 and M. B.M. chap. 10.

[90] S. Duran, *Tashbetz, hut Ha'Meshulash* (Lemberg, 1891), part I, resp. 110. The Geonim ruled against the *gemara*, commenting that post mortem cesarean is futile since the baby must be dead as well. A.E. Harkavi, *Teshwoth HaGeonim* (Berlin, 1887), #508. A contemporary rabbi argues that patients, by means of a "living will," may donate their organs to transplantation should they become irreversibly comatose during their dying process. N. Bar Ilan, "On a Donor of a Liver and a Heart," in *Assia* (1990) 47–48, pp. 131–41.

[91] Medieval manuscripts contain scenes of birth including that of cesarean surgery but never craniotomy. Officially, both procedures were permitted—even advocated—when the victim was already dead. I.L. MacKinney, "Childbirth in the Middle Ages as Seen in Manuscript Illustrations," in *Ciba Symposium* (1960) 8, pp. 5–6. F. Weindler, *Geschichte der gynakologisch-anatomischen abbildung* (Dresden, 1908). H. Speert, Obstetrics and Gynecology: A History and Iconography (San Francisco, 1994).

[92] E. Berroit-Salvadore, "The Discourse of Medicine and Science" in G. Duby, M. Perrot, N. Zemon-Davis, and P. Schmitt-Panel, eds., *A History of Women in the West: Renaissance and Enlightenment Paradoxes (*Cambridge, 2000) pp. 381– 383.

[93] P. Gall, *L'iconografia del taglio cesareo* (Milan, 1936), p. 51.

[94] Filippini, op. cit., p. 240.

[95] T. HaCohen, *MaAsse Tuvia* (Venice, 1705), book III, chap. 18.

[96] C.G. Ryan, "The Chapel and the Operating Room: The Struggle of Roman Catholic Clergy, Physicians, and Believers with the Dilemmas of Obstetric Surgery, 1800–1900," in *Bulletin of the History of Medicine* (2002) 76, pp. 461–494; citation from p. 467.

[97] M. Summers, trans., *Malleus Maleficarum* (London, 1948), part II, chap. 13.

[98] T.R. Forbes, *The Midwife and the Witch* (New Haven 1966), p. 127.

[99] G.J. Fraser, *African American Midwifery in the South: Dialogues of Birth, Race and Memory* (Cambridge, 1998), pp. 90–91, 98.

[100] Ryan, op. cit.

[101] E.D. Plass, "Forceps and Cesarean Section," in *White House Conference on Child Health and Protection* (New York, 1933), pp. 215–247. In Italy, cesareans were performed much less frequently and with higher mortality rates. Filippini, op. cit., pp. 210–219.

[102] Until elective abortion became safer than delivery, Common Law usually endorsed abortion whenever the risk involved was less than that of delivery. Sinclair, op. cit., pp. 22–28. Special thanks to families Tzfatman and Bendor. This essay is dedicated with love to souls which have never been considered as persons.

Aggadah

The Category-Formations

A principle of category-formation selects and organizes facts into the building blocks of social culture (compare Halakhah: The Category-Formations). It tells us how we define what we want to know and, therefore, also how to find it out. The category-formation defines the theory of the conglomeration of random data into coherent wholes. Cultural categories define the context of coherence. Out of context facts present gibberish, in context, they afford insight and meaning. Out of context information is useless, just inert facts. In context information registers, makes a difference. Thus categories determine what we choose to learn and how we explain and make sense of what we have selected. And the principle that governs category-formation tells us what we collect and what we do not collect, then how we arrange what we have assembled and so construe the relationships among data deemed reciprocally pertinent.

A category defines how one piece of information joins with another piece of information to create useful knowledge. It does so by establishing the rules for making connections between this and that and dictating the necessary conclusions to be drawn from those connections. Then the categorical connection between two facts is deemed self-evident and forms a statement of the ambient culture. That explains why a category-formation attests to the governing logic of that ambient culture. Categories therefore embody the culture's rules for establishing connections and drawing conclusions between and among free-standing data. They define and organize reality.

Rabbinic Categories

As with the Halakhah, so in the case of the Aggadic writings, the Rabbinic sages in assembling and organizing documents made choices, document by document, as to the categories that would order and systematize the data to be assembled in those documents. They leave us no doubt as to the nature of those formations and the decisions on which the categories rest. Documents alone supply the data that attest to the character of the Rabbinic culture in its formative age. Among the potential sources of a culture—literary or material, generated from within or preserved by outside observers—we gain access to the religious system and structure that define Rabbinic Judaism in its initial canonical statement only through the writings of the Rabbinic virtuosi. That supplies a very thin slice of culture for inspection.

For the Aggadic categories defined by pertinent documents, we turn to Genesis Rabbah, Leviticus Rabbah, and Pesiqta deRab Kahana, with attention to the Bavli at the end.

How, in the Rabbinic Documents, Do We Recognize a Category When We See One?

The answer is, we ask how discrete bits of data cohere, what links contiguous sentences, what indicates cogent sequences of subjects (head-nouns, in linguistic terms)? The question should elicit evidence concerning the indicative traits that superficial analysis reveals to be common to two or more pieces of data, traits that they share and that therefore form them into coherent aggregates. Then again to check our theory of matters we ask, How do we know when one categorical composite ends, another begins, in a complex compilation? If we can answer that question, we have come to a dividing line of discourse that a principle of category-formation has drawn. So the answers to these questions yield signals of the principles of category-formation that are in play in documents, and, consequently, allow us to identify specific categorical formations of data preserved by documents.

Genesis Rabbah: The Exegetical Mode of Category-Formation Addresses Scriptural Narrative

Genesis Rabbah fails to establish coherent categories. In Genesis Rabbah we find recurrent motifs and repeated propositions, but nothing—no program of organizing categories—that imparts coherence of a systematic character to the entire document. The first Aggadic document of Rabbinic canon and the least fully realized one, the compilation, devoted to a verse-by-verse exposition of the book of Genesis, challenges the proposition that conceptual categories functioned to establish coherence in the Aggadic writings of the formative age. The challenge arises from the fact that the document's characteristic verse-by-verse comments on this and that produce random propositions but no formal evidence of a categorical system.

Here the exegetical mode of category-formation yields discrete comments on successive verses of Scripture. It produces a long sequence of singleton topics, not a coherent composition such as is constituted by a Mishnah-tractate of the Halakhah, nor a focused documentary polemic. Genesis Rabbah depends on no ready-made categories at all—and defines none.

That self-evident failure of coherent categorization would explain why, for the Rabbinic canon, Genesis Rabbah also is the last compilation of the formative canon to conduct the main work of exegesis in this way: to abandon all pretense at mounting a coherent, persistent documentary categorical construction. The compilations that came to closure later on, Leviticus Rabbah and Pesiqta deRab Kahana, which we shall meet presently, replicated commentary-form in the construction of well-crafted categories of a propositional character. This they did systematically and consistently. The late Rabbah-compilations (Song of Songs Rabbah, Lamentations Rabbah, for example) also utilized the episodic medium of verse-citation and gloss, but they invoked the verse-by-verse exegetical form for setting forth coherent expressions of propositions. And that is a purpose quite different from the one that governs here.

Now when we come to Genesis Rabbah, we deal with a document that lacks a clear polemical focus and that plays off of a prior document. To be sure, we can identify here and there a coherent program of inquiry. It is that the actions of the ancestors provide a model for their descendants. The patriarchs foresaw Israel's future and made choices for their heirs. Genesis Rabbah transforms parts of the book of Genesis from a genealogy and family history of Abraham, Isaac, Jacob, then Joseph, into a book of the laws of history and rules of the salvation of Israel: the deeds of the founders become omens and signs for the final generations. That is a recurrent theme. But that theme like others in context finds its place only episodically; to begin with the document is unsystematic. How the exegesis defines categories is not signaled in a manner readily discerned.

Hence the recurrent polemic, e.g., about the patriarchs' foreknowledge of Israel's fate does not define the document, only cogent constructions in a miscellaneous collection. One may claim that the diffuse character comes about partly by reason of its size alone. Genesis Rabbah is made up of one hundred *parashiyyot* or chapters, and each *parashah* or chapter is comprised of from as few as five to as many as fifteen subdivisions. Genesis Rabbah is a huge document, probably five times larger than the book of Genesis itself. But the Bavli (of all documents) manages to follow a coherent program for thirty-seven immense exercises in Mishnah-exegesis. So the difference is not size.

Nor is it intellectual flaccidity. On the contrary, the hundred chapters' subdivisions in the main formed cogent statements. That is to say, words joined together to form autonomous statements, sentences. Sentences then coalesced into cogent propositions, paragraphs. Paragraphs then served a larger purpose, forming a cogent proposition of some sort. All together, therefore, discrete words turned into sentences, and sentences into whole thoughts, that we can discern and understand. The smallest whole units of thought of Genesis Rabbah contain cogent thought. We can discern the ideas presented in the composition at hand. The use of the word "composition" is justified: there is

thought, in logical sequence, in proportion, in order, with a beginning, middle, and end. Genesis Rabbah then is composed of a long sequence of these smallest whole units of thought, strung together for some purpose or other. But that larger, animating purpose does not yield cogent composites, organizing categories in an intellectual sense, in the way in which other Rabbinic documents produce paramount categories.

That is not to suggest the document is simply a random compilation of this and that. What accomplishes the ultimate unification of the writing is that the framers of Genesis Rabbah wished to do two things. First, they proposed to read the book of Genesis in light of other books of the Hebrew Scriptures, so underlining the unity of the Scriptures. Second, they planned to read the book of Genesis phrase by phrase, so emphasizing the historical progression of the tale at hand, from verse to verse, from event to event. The net effect of the exegetical process yields that continuous narrative. But neither outcome encompassed the construction of categories in the sense in which Halakhic categories are defined.

Exegesis and Proposition: Separate Tasks and the Distinctive Forms Devised to Accomplish Those Tasks

The document therefore undertakes two tasks: exegesis and contextualization. The first task yields ad hoc results, the second, systematic propositions, which, in Leviticus Rabbah and beyond, would form the medium for categorical discourse. To accomplish the second goal, reading Genesis in the light of the rest of Scripture and the rest of Scripture in the light of Genesis, a quite novel method of organizing and reading Scripture came to the fore. It involves the introduction, at the beginning of a sustained composition, of a verse other than the one of Genesis that is under analysis. That other verse intersects with the verse of Genesis. Hence the verse chosen from some other part of Scripture than Genesis is called the intersecting verse and the verse of Genesis that is expounded is called the base verse. This formal arrangement of verses is pioneered, in the Rabbinic canon, in Genesis Rabbah and would predominate from Genesis Rabbah forward, in Leviticus Rabbah, Pesiqta deRab Kahana, and other compilations.

The intersecting-verse/base-verse exposition accomplishing that first goal noted just now, generates fresh thought. On the surface, the intersecting verse expands the frame of reference of the base verse, introducing data otherwise not present. But just beneath the surface lies the implicit premise: both the intersecting verse and the base verse make the same point, and, in their meeting, each rises out of its narrow framework as a detail or an instance of a rule and testifies to the larger picture, the encompassing rule itself. The intersecting verse/base verse construction therefore yields a proposition that transcends both verses and finds proof in the cases of each, and that powerful way of composing something new forms the centerpiece of the present document and the two that follow.

The reason that this rhetorical program—intersecting verse/base verse—serves so well derives from the program of the document. It is to demonstrate that there are reliable rules that govern Israel's history, specifically to discover and validate those fixed and governing rules within the details of stories of the origins of the family of Abraham, Isaac, and Jacob, which Israel now constitutes. A process of search for the governing laws of history and society, requires not specific cases but general rules, and an inductive process will demand that sages generate rules out of cases.

The meeting of rhetoric, logic, and topic takes place here. Putting together the cases represented by two verses, one deep within the narrative of Genesis, the other far distant from that narrative, the exegetes found it possible to state a case and along with the case to point toward an implicit generalization yielded by the two or more cases at hand. The rhetoric involves the recurrent arrangement of verses, the logic, the inquiry into the general rule that holds together two cases and makes of them a single statement of an overriding law, and the topic, the direction of the history of Israel, specifically, its ultimate salvation at the end of time.

In a sequence of expositions of verses of Genesis, the base-verse/intersecting-verse construction always introduces a sustained reading of a coherent passage. In the sort of passage under discussion, a verse of the book of Genesis will be followed by a verse from some other book of the Hebrew Scriptures. The latter will then be subjected to extensive discussion. But in the end the exposition of the intersecting-verse will shed some light, in some way, upon the base-verse, cited at the outset. The exegesis of a verse of the book of Genesis next will be subjected to sustained analysis and amplification, but not with reference to some other intersecting-verse but now, commonly with regard to numerous proof texts, or to no proof texts at all.

The result for Genesis Rabbah is episodic, not systematic; it does not yield a propositional topic, in the way in which it would later on, in Leviticus Rabbah. But it does represent a step forward, beyond ad hoc, episodic exegesis of a non-categorical sort. A sample of the exegetical program of the document will show the result of the absence of a recurrent topic (short of "creation"!) or generative conception guiding analysis of a recurrent topic that is subject to classification.

The Propositional Mode of Category-Formation Addresses Scripture

Genesis Rabbah, for all its episodic composition of dense components, in no way yielded for the Aggadah and its facts that rational construction accorded to the Halakhah and its data. As we see in Halakhah: The Category-formations, that was accomplished by categorization through propositional exposition of topics defined by common taxonomic traits inhering in the bits and pieces of information. Leviticus Rabbah, the second document of the Aggadic corpus, showed the way to category-formation in the model of the Halakhah: propositional expositions of well-defined, coherent topics.

Had the Rabbinic sages, with the finished Genesis Rabbah in hand, then ceased to experiment with conceptions of category-formation, a conceptual fissure should have separated thinking about Halakhic data from thinking about Aggadic ones. For the Halakhic data in the Mishnah had been set forth in topical categories, with the exposition of a proposition having to do with the respective Halakhic categories giving purpose to the task. But Aggadic data in Genesis Rabbah were subject to no counterpart to that reasoned process of systematic exposition of subjects, e.g., God's preferences, Israel's history, Israel and the nations, divine justice and mercy, creation and the end of days, and the like. No large topical constructions made Aggadic statements coalesce, for example, around "repentance." And no problems of analysis lent purpose and consequence to framing such constructions as would accommodate data on the Messiah or the Land or Israel and the gentiles or other givens of Scripture.

Then, at that point in the canonical sequence marked by the closure of Genesis Rabbah but not yet the inauguration of Leviticus Rabbah (ca. 450), a vast chasm separated the two great divisions of the Rabbinic sages' culture, the Halakhic and the Aggadic. The modes of exposition did not match, and the modes of analysis did not cohere. The way in which sages thought about law did not match the way in which they thought about lore—theology, narrative, exhortation. It was as if two utterly unrelated, and formally incompatible, mathematical systems were in play, one devised for one set of data, the other for the other.

Leviticus Rabbah: Halakhic Method, Aggadic Categories

But that anomalous condition of intellect could not be permitted to continue. The Rabbinic sages had taken as their task the regularization and ordering of the heritage of divine truth entrusted to them not only in the law but in the narratives of Scripture, tradition, and custom. Organizing data of one sort in one way, of another in a different way, would yield not a system for Israel's social order but two of them, one for action, another for attitude. A single mode of thought, yielding a compatible theory of

category-formation, was required for the rational ordering of all data, Halakhic and Aggadic, into a single system of meaning and consequence. The two native categories of Rabbinic Judaism could be distinguished by type of topic, the one involving norms of behavior, the other, norms of belief. But for rigorous thinkers such as the Rabbinic sages, there could not be two ways of thinking, two distinct methods of analysis, different, even contradictory, criteria of reasoned argument and truth.

In fact the canonical sequence from Genesis Rabbah to Leviticus Rabbah would resolve the tension between philosophical analysis of topics undertaken in the Mishnah and its continuators and the exegetical exposition of received texts set forth by Genesis Rabbah, among documents that had already come to closure. How, then, to think in the same way about the distinct data of law and lore? The sole option represented in the Rabbinic canon of the formative age was to invoke for Aggadic data the analytical program of the Mishnah for topical category-formation. The classification of data through the propositional exposition of topics, the Mishnah's mode of category-formation, then would come to bear on the book of Leviticus in Leviticus Rabbah. That was the document that in the manner of the Mishnah would solve for the Aggadah the problem of defining categories that had been resolved for the Halakhah by the classification-system of the Mishnah and its medium of category-formation.

Stated simply: the mode of category-formation familiar in the Halakhic documents from the Mishnah forward—propositional exposition of a given topic—first meets Aggadic materials in Leviticus Rabbah, ca. 450–500 C.E. What, exactly, does this mean? The framers of Leviticus Rabbah treat topics, not only particular verses. Out of diverse theological or exegetical or narrative data they form generalizations that are free-standing. They express cogent propositions through extended and coherent compositions, not through the random agglutination of episodic ideas. We see a true replication of the Halakhic mode of category-formation, inclusive of its rigorous approach to exposition of propositions. This they did by preserving the form of Midrash-composition—citation and gloss of verses of Scripture—while radically revising its substance.

Earlier, as seen in Genesis Rabbah, things people wished to say were attached to predetermined, predefined statements based on an existing text, constructed in accord with an organizing logic independent of the systematic expression of a single, well-framed idea. Genesis Rabbah has shown how bound an authorship was to the sequence of verses of Scripture. That emerged even—or *especially*—when that authorship proposed to establish a proposition of its own. Then the outcome was episodic order, but little system. In Leviticus Rabbah the authors so collect and arrange their materials that in each of the thirty-seven units (*parashiyyot*), a particular topic governs and, concerning that topic, a single paramount, abstract proposition emerges. The thirty-seven composites yield thirty-seven topical expositions of propositions. To produce these counterparts to the Mishnah's tractates, the mode of thought and analysis characteristic of the Mishnah defined matters in Leviticus Rabbah.

As in the case of the Mishnah-tractate as definitive category, that proposition concerning a topic is not expressed only or mainly through episodic restatements, assigned to an order established by a base-text. Rather the order of exposition, the juxtaposition of thoughts in sequence, emerge through a logic of their own. That derives from the proposition to be imputed to the topic subject to exposition. What changes from Genesis Rabbah therefore proves blatant. It is the move from an exegetical mode of organizing categories to a fundamentally philosophical one. It is the shift from discourse framed around an established (hence old) text to syllogistic argument organized around a proposed (hence new) theorem or proposition.

Leviticus Rabbah still takes Scripture as its base-line. Another generation—the successors of Leviticus Rabbah in Pesiqta deRab Kahana—would experiment with total freedom from received modes of organizing data, those dictated by books of Scripture. The full abstraction of propositional categories defined by topics—comparable to the Mishnah's absolute freedom from prior media of ordering matters—would be realized only

in there, in Pesiqta deRab Kahana. What changes in the move from Genesis Rabbah to Leviticus Rabbah, therefore, is the way in which cogent thought about Aggadic issues takes place. Now, people move from discourse contingent on some prior formal organization to discourse autonomous of a ready-made program inherited from an earlier document. Scripture formally no longer defined what would be discussed and what would be said about the subject under discussion. Theology, in Leviticus Rabbah, would emerge as an abstraction subject to reasoned analysis of probative data, those of Scripture and history and established culture, something very like criticism being the outcome. The thirty-seven topics contain thirty-seven propositions set forth through the exposition of said topics. These emerge, for the opening *Parashah*, in my outline, particularly in the intersecting-verse/base-verse compositions, and the same serves for the other thirty-six topical expositions. The upshot—the cumulative propositions, counterparts to the topics of the Halakhah and their expositions—may be stated in brief way.

Categorical Origins: Biblical Exegesis or Theological Syllogism?

What we see in the thirty-seven topical propositions summarized just now is a theological system and structure. These have been adduced in the encounter with Leviticus, and why Leviticus, of all documents of the Torah, served demands attention. For only when we know why Leviticus shall we also form a theory as to why the Mishnah's mode of category-formation, propositional exposition of a topic, came to shape the Aggadic categories before us.

The message of Leviticus Rabbah attaches itself to the book of Leviticus, as if that book had come from prophecy and addressed the issue of salvation. But it came from the priesthood and spoke of sanctification. The paradoxical syllogism—the as-if reading, the opposite of how things seem—of the composers of Leviticus Rabbah therefore reaches simple formulation. In the very setting of sanctification we find the promise of salvation. In the topics of the cult and the priesthood we uncover the national and social issues of the moral life and redemptive hope of Israel. The repeated comparison and contrast of priesthood and prophecy, sanctification and salvation, turn out to produce a complement, which comes to most perfect union in the text at hand.

Nearly all of the *parashiyyot* of Leviticus Rabbah turn out to deal with the national, social condition of Israel, and this in three contexts: (1) Israel's setting in the history of the nations, (2) the character of the inner life of Israel itself, (3) the future history of Israel. So the biblical book that deals with the holy Temple now is shown to address the holy people. Leviticus really discusses not the consecration of the cult but the sanctification of the nation—its conformity to God's will, laid forth in the Torah, and God's rules.

So when we review the document as a whole and ask what is that something else that the base-text is supposed to address, it turns out that the sanctification of the cult stands for the salvation of the nation. So the nation now is like the cult then, the ordinary Israelite now like the priest then. The holy way of life lived now, through acts to which merit accrues, corresponds to the holy rites then. The process of metamorphosis is full, rich, complete.

The Unity of the Aggadah and the Halakhah: Different Topics, Common Mode of Category-Formation

In context, therefore, we have in Leviticus Rabbah the counterpart to the list-making that defined the labor of the philosophers of the Mishnah. Through composing lists of items joined by an indicative, definitive trait, the framers produce underlying or overriding rules always applicable. Here too, through lists of facts of history, the foundations of social life rise to the surface. All of this, we see, constitutes a species of a molecular argument, framed in very definite terms, e.g., Nebuchadnezzar, Sennacherib, David, Josiah did so-and-so with such-and-such result. So the mode of argument at hand is the assembly of instances of a common law. The argument derives from the

proper construction of a statement of that law in something close to a syllogism. The syllogistic statement often, though not invariably, occurs at the outset, all instances of so-and-so produce such-and-such a result, followed by the required catalog.

A final point is in order. The conditional syllogisms of our composition over and over again run through the course of history. The effort is to demonstrate that the rule at hand applies at all times, under all circumstances. Why so? It is because the conditional syllogism must serve under all temporal circumstances. The recurrent listing of events subject to a single rule runs as often as possible through the course of all of human history, from creation to the fourth monarchy (Rome), which, everyone knows, is the end of time prior to the age that is coming. Accordingly, the veracity of Rabbinic conditional arguments depends over and over again on showing that the condition holds at all times.

The Mishnah here takes priority over Scripture in the media of category-formation. What we have in Leviticus Rabbah, therefore, is the result of the mode of thought not of prophets or historians, such as produced Scripture, but of natural philosophers, scientists. The categories shift from laws of everyday life, in the Halakhah, to laws of historical existence, in the Aggadah. But the categories take shape in one and the same way. That is, as we find the rules of nature by identifying and classifying facts of natural life, so we find rules of society by identifying and classifying the facts of Israel's social life. In both modes of inquiry we make sense of things by bringing together like specimens and finding out whether they form a species, then bringing together like species and finding out whether they form a genus—in all, classifying data and identifying the rules that make possible the classification. That sort of thinking lies at the deepest level of list-making, which is work of offering a proposition and facts (for social rules) as much as a genus and its species (for rules of nature). Once discovered, the social rules of Israel's national life of course yield explicit statements, such as that God hates the arrogant and loves the humble. The readily-assembled syllogism follows: if one is arrogant, God will hate him, and if he is humble, God will love him. The logical status of these statements, in context, is as secure and unassailable as the logical status of statements about physics, ethics, or politics, as these emerge in philosophical thought. What differentiates the statements is not their logical status—as sound, scientific philosophy—but only their subject matter, on the one side, and the distinctive rhetoric devised to match the particular kind of data subject to analysis, on the other.

The link between mode of forming categories and the documentary purpose at hand comes to the surface when we answer a simple question. It is, what task did the compilers and authors of the composites that comprise Leviticus Rabbah assign to themselves? It clearly was not to explain the data of the book of Leviticus. Then in light of the character of the document, the question has only one answer: it was to answer a set of theological questions out of the account of Israel's sanctification set forth in Leviticus. And the mode of defining the categories they would expound was the one best suited to the documentary task at hand: proposition, evidence, argument, concerning a given topic, e.g., God's mercy, the topic, instantiated by God's preference for the pursued over the pursuer. Once more we see that the document forms the setting for the definition of how categories are to be defined. To accomplish their goals, the Rabbinic sages found they had to select and order their data in this way, not that.

Two problems of categorization of law and lore remained to produce a wholly free-standing construction: theology set forth in its own, not in Scripture's, auspices, on the one side, Halakhah and Aggadah set forth in a common document, on the other. The first was to free the Aggadic data from the thrall of Scripture altogether, to confirm the legitimacy of topical organization and propositional exposition of topics independent of Scripture. The second was how to present the two classifications of topics, Halakhah and Aggadah, in a single coherent document. Pesiqta deRab Kahana would solve the first problem of categorization, the Bavli, the second. Both constitute extraordinary

intellectual achievements. They tower among the highest of the recorded peaks of human culture. They form monuments to the power of the human mind to find order in the chaos of history and nature, which is to say, Aggadah and Halakhah writ large.

Beyond Scripture: Categories Shaped by the Liturgical Calendar, Its Topics and Their Propositions

Leviticus Rabbah accomplished the first of two critical tasks in correlating Aggadic with Halakhic category-formations. It showed the way to form out of Aggadic compositions topical categories subjected to propositional exposition. But it left open another question: could the Aggadah find its topics beyond the limits of Scripture, in the way in which the Halakhic categories had done in the Mishnah (and the Tosefta)? The Halakhic principle of category-formation governing in the Mishnah and the Tosefta transcended the bounds of Scripture, finding topics not framed by Scripture and bypassing others defined there.

Once Aggadic categories attended to data shaped by topics defined by independent observation, not solely those deriving from Scripture, that question would find its answer. And the question was answered in a Midrash-compilation continuous with Leviticus Rabbah and sharing complete *parashiyyot* with that document. In Pesiqta deRab Kahana, the topical program found its organizing data in the liturgical calendar of the synagogue. Furthermore, its propositional agenda derived from the theological system and structure that animated all documents and was particular to none of them, elements of which we have met in Leviticus Rabbah as well. So with Pesiqta deRab Kahana, the Aggadah matched the Halakhic principles of category-formation: propositions governing the exposition of topics defined not solely by Scripture.

The compilation of twenty-eight propositional discourses on theological topics, Pesiqta deRab Kahana defines its categories exactly as does Leviticus Rabbah: propositional expositions of topics. The rhetorical medium for framing of the proposition is familiar and may be stated in a simple way. It emerges from the intersection of an external verse with the base verse that recurs through the *Pisqa'*, and then is restated by the systematic dissection of the components of the base verse, each of which is shown to say the same thing as all the others. A *Pisqa'* in Pesiqta deRab Kahana systematically presents a single syllogism, which is expressed through the contrast of an external verse with the base verse—hence, our familiar friend, the base verse/intersecting verse form.

Whence the topic and the proposition? The document innovates because it appeals for its themes and lections to the liturgical calendar, rather than to a Pentateuchal book. Pesiqta deRab Kahana marks a stunning innovation in Midrash-compilation because it abandons the pretense that fixed associative connections derive solely from Scripture. Rather, the document follows the synagogal lections and highlights their themes. The text that governs the organization of Pesiqta deRab Kahana and that supplies its topics and their propositions is comprised by a liturgical occasion of the synagogue. That is what has told our authorship what topic it wishes to take up and the proposition that (self-evidently) pertains. That is the principle of category-formation that therefore also designates what verses of Scripture (if any) prove suitable to that topic and its exposition. The calendar divides as follows:

Adar-Nisan-Sivan
  Passover-Pentecost: *Pisqa'ot* 2–12
  [possible exception: *Pisqa'* 6]
Tammuz-Ab-Elul
  The Ninth of Ab: *Pisqa'ot* 13–22
Tishré
  Tishré 1–22: *Pisqa'ot* 23–28

Only *Pisqa'* 1 (possibly also *Pisqa'* 6) falls out of synchronic relationship with a long sequence of special occasions in the synagogal lections.

The twenty-eight *Pisqa'ot* of Pesiqta deRab Kahana in order follow the synagogal lections from early spring through fall, in the Western calendar, from late February or early March through late September or early October, approximately half of the solar year, 27 weeks, and half of the lunar year.

On the very surface, the basic building block is the theme—yielding a topic presented in a particular proposition—of a given lectionary Sabbath. Scripture figures as the source of facts concerning the topic, attitudes defining the governing proposition.

The Propositional Mode of Category-Formation Abandons Scripture

It follows that, unlike Genesis Rabbah and Leviticus Rabbah, the document focuses upon the sacred calendar, defined by the movement of the moon and the solar seasons. So while its framers set forth propositions in the manner of the authorship of Leviticus Rabbah, these are framed in a different way. They find definition in particular by appeal not only to the rules governing the holy society, as in Leviticus Rabbah, but also to the principal events of Israel in nature matched by Israel in history, celebrated in the Torah-lections of the synagogue. And will be seen later on, that formulation somewhat misstates the matter, for it is not Israel in history that forms the focus, but astral Israel: how Israel in the heavenly firmament is matched by Israel on earth. Pesiqta deRab Kahana has been assembled so as to exhibit a viewpoint, a purpose of its particular authorship, one quite distinctive, in its own context (if not in a single one of its propositions!) to its framers or collectors and arrangers.

The contrast to the earlier compilations—this one is generally assigned to ca. 500—is striking. The framers of Sifra and Sifré to Numbers and Sifré to Deuteronomy follow the verses of Scripture and attach to them whatever messages they wish to deliver. The authorship of Genesis Rabbah follows suit, though less narrowly guided by verses and more clearly interested in their broader themes: topics and propositions. The framers of Leviticus Rabbah attached rather broad, discursive and syllogistic propositions to verses of the book of Leviticus, but these verses do not follow in close sequence, one, then the next, as in Sifra and documents like it. That program of exposition of verses of Scripture read in or out of sequence, of organization of discourse in line with biblical books, parallel to the Tosefta's and Talmuds' authorships exposition of passages of the Mishnah, read in close sequence or otherwise, we see, defines what our authorship has *not* done.

Beyond Scripture: The Astral Categories

The new way of conveying a familiar theological proposition makes all the difference. Consider the unfolding message imposed by Pesiqta deRab Kahana upon the lunar lectionary cycle matching the seasons of the solar year. From Hanukkah through Pentecost, Israel in nature's time—the rainy season giving way to the renewal of spring—celebrates its meeting with God in the Temple. Then follow the days of desiccation and death, three weeks of mourning, when Israel's rebellion against God brings about God's abandonment of the Temple. With Israel's rebellion fully requited in the disaster, there succeed the seven Sabbaths of consolation for the penitent, corporate Israel. Then at the end of the season of death and at the eve of the season of renewal, correspondingly, come the Days of Awe, the individual Israelite's time to recapitulate in his own being the main lines of corporate Israel's story of sin, punishment, suffering and atonement and the rest. The Days of Awe, the New Year and the Day of Atonement, marked by repentance for sin, atonement, and prayer for forgiveness, then correspond to the days from the seventeenth of Tammuz to the ninth of Ab and the weeks following. At the end follows the climactic moment, the Festival par excellence, Tabernacles, with the promise of renewal.

That program, laid out in the lectionary cycle superimposed on the Pentateuchal one, presents the main points of Rabbinic theology in its doctrine that builds on the correspondence of Adam and Israel, Eden and the Land. And this rabbinization of the liturgical experience does not match the way in which the Pentateuchal lections, whether annual or triennial, organize the sacred calendar of synagogue worship. A curious disjuncture imposes itself on the two distinct sequences, the narrative-historical sequence of the Pentateuch and the

paradigmatic category-formations of the lunar cycle.

The Pentateuchal lectionary cycle recapitulates the narrative sequence from Adam to the border of the promised land. By extension through Joshua, Judges, Samuel, and Kings, the narrative (if not the lectionary) cycle ends where it began: loss of Eden, loss of Jerusalem. By contrast, the lectionary program of Pesiqta deRab Kahana hardly works through the same narrative in the same sequence at all. There is no beginning, middle, and end, constructed in a teleological sequence out of the narrative history of Israel. Now, the events of the natural year, signified in the movement of the lunar months correlated with the solar seasons, built around the first full moon after the vernal and autumnal equinoxes in particular, do match certain moments in Israel's life. But these are not in the temporal order so paramount in the lectionary narrative from Genesis through Numbers plus Deuteronomy. They follow their own order and sequence. The occasions of nature matched by moments in Israel's pattern of conduct and its consequence thus are removed from the narrative framework, e.g., of Genesis through Kings. Events are no longer unique, linear, sequential—teleological. They now are formed into moments of an exemplary character, out of time altogether, out of phase with the Pentateuchal-narrative setting. Thought is no longer teleological but rather paradigmatic.

No wonder, then, that Pesiqta deRab Kahana starts where it does, with the rededication of the Temple signified by Hanukkah. In the repertoire of events gathered in the document, that is the only logical starting point; the alternative, the end point, is impossible. That is then followed by the leap to the four Sabbaths preparatory to Passover, with the rest in sequence! With the preparations for the celebration of Israel's beginning in the Exodus and at Sinai marking the starting point, the rest of the natural year lays itself out against the main lines of the liturgical year. There is then this cycle:

1. the preparation of the Temple, dedication, then purification;
2. the beginnings at Passover-Pentecost,
3. the catastrophe of Tammuz-Ab, the season of death, then the consolation quick to follow, and at the end,
4. the recapitulation of the same cycle in Elul and Tishré—sin, punishment, atonement, consolation and renewal, as the life-cycle of nature and the rhythm of Israelite existence correspond and signify, each, the reliability and renewal of the other.

Change the order and the entire construction collapses into gibberish. What is unique in the document's theology thus emerges when we see the total message in lectionary context. Pesiqta's "text" is nature, not Scripture—the passage of the seasons, on the one side, and the sequence of lunar months, on the other, as these correlate and are correlated with exemplary occasions in Israel's existence. The *Pisqa'ot* follow the sequence of nature's year. Internally, the individual Pisqa' finds coherence in the unfolding of the message that pertains to that occasion in nature and history. So Pesiqta deRab Kahana does not organize its discourse around Scripture at all. The base-verses all are selected utterly out of the context of the books of Scripture in which they occur.

Chosen for a focus are those passages of Scripture that speak to liturgical occasions set by the passage of the moon and the solar seasons in the heavens. And the sequence and sense of coherence then derive from the lunar-solar calendar, that alone. Pesiqta deRab Kahana therefore forms an exercise in correlating Israel's affairs on earth with the movement of the heavenly bodies. Israel's history, linear and sequential, no longer governs. Now exemplary moments, chosen out of time and not arranged in temporal sequence, define matters. Hence—history set aside, its sequence no longer pertinent—the natural, seasonal passage of the moon in the heavens signals paradigmatic moments in Israel's life on earth. Israel on earth responds—and corresponds—to the heavenly bodies above. It would claim more than the document establishes to describe Pesiqta deRab Kahana as an exercise in astral religion—but not by much.

The Parts and the Whole

The parts count only as part of the whole; seen one by one, they find counterparts in other documents, if not verbatim then in proposition or implication. It is only as part of a whole possessing its own logic of coherent discourse that we grasp that logic and understand the documentary program and message. When we look back over the theological compositions and composites, we discern the sequential unfolding of the document's themes. These form a continuous statement, with a beginning, middle, and end: beginning with the dedication of the Temple/tabernacle, ending with the climactic moments of Tabernacles (including the Eighth Day of Solemn Assembly). They therefore turn out to conform to a required, logical order. By that is meant, if we change the sequence of themes in any detail, situating one theme somewhere other than in its present location, and the entire document falls to pieces. Its logic and cogency then derive from the lunar calendar, which signals moments in Israel's encounter with God through the natural life of the Land and its seasons, rainy, then dry, then rainy, spring, summer, autumn.

Halakhic and Aggadic Category-Formations: The Role of Scripture

The Halakhah both invokes Scripture and categorically ignores, or transcends it. So too the Aggadic category-formation before us. The categorical theology of astral Israel bears its consequences for the reading of Scripture. Now the times and the seasons embody heaven's account of Israel on earth. But here Scripture is not the only voice of God, nature's time and sequence speaks for him as well. And, it follows, if Scripture is no longer the sole supernatural message, then Israel in time no longer follows a simple, linear sequence, this happened, then that; Israel did this, with that result. Rather we have a perspective on matters formed from Heaven's view: this season responds to Israel's conduct in that circumstance, this event in the heavens correlates with that activity of Israel on earth.

The account bears a cyclicality that the Pentateuchal narrative, with its purposive direction from beginning to middle to end, does not possess. Thus the document viewed whole imposes upon the cycle of narrative—the story of Israel in time—that other cycle, the cycle of nature. One may characterize the resulting cycle as a competing, or at least, as a correlative, mode of recapitulating Israel's record from its beginnings to now. Annually Israel dedicates the Temple, prepares it for the pilgrims, celebrates the advent of freedom and receives the Torah. Annually Israel rebels against the Torah and sins, is punished through the loss of the Temple. Annually Israel atones and repents, and God consoles and forgives. And annually Israelites recapitulate that same cycle of sin and atonement, consolation and forgiveness, so that, year by year, the rains follow the Festival, Tabernacles, in a renewal of nature's—and Israel's—cycle.

What has happened to the scriptural story, which is linear, sequential, and historical, not cyclical, episodic, and exemplary? Pesiqta deRab Kahana takes over and reshapes *the results* of Israel's continuous narrative from Creation to destruction and the hope of restoration and incorporates the linear into the paradigmatic structure. The narrative tells of Adam's loss of Eden, then—with Genesis through Kings in hand—Israel's loss of the Land. The consequences to be drawn from that story—sin leads to punishment, but repentance leads to restoration and renewal—define the paradigm discerned in the very movement of the moon and the solar seasons by Pesiqta deRab Kahana. At issue then is how to break the cycle signified by the natural year. Israel has the power, any time, any year, to disrupt that cycle and inaugurate the end of history and nature as then known. So Pesiqta deRab Kahana has folded the results of Israel's narrative into a pattern yielded by the very givens of the natural world and its times and seasons. Reference is made to the recapitulation, in reference to the natural year, of the consequences to be drawn from the comparison of Israel and Adam, the loss of the Land and the loss of Eden, that the scriptural account, read continuously, has yielded to the Rabbinic sages.

Then the continuous, linear, one-directional narrative is folded into the cycle of nature's time, marked by seasons and events in heaven, with their counterpart. That is the celebration of nature at the altar of the Temple through offerings that signify particular events in the unfolding of the natural year. These, further, are correlated with paradigmatic moments in Israel's year. So the story of the Temple on earth recapitulates in Israel's setting the story of the passage of the seasons. But that is with this proviso. The seasons follow the course that they do because they signal the unfolding existence of Israel, with special reference to its Temple altar, where God and Israel meet. Because Israel repeats its conduct, nature recapitulates its cycles. But there will come a new heaven and a new earth, when Israel completes the work badly begun by Adam.

Categorical Perfection: The Absolute and Fixed Order of the Document

The categories of the document and the order in which they are laid out derive from the task and purpose of the document, not from the data that are categorized. What defines the governing classification system—topic/proposition—is the program of organizing the year and its messages. The tight logic of the document was such that changing the position of a single exposition or *Pisqa'* will have ruined the entire construction.

A moment of reflection on the articulated plan of the whole shows that for a construction with its focus on the Temple, nexus of heaven and earth, the sole possible starting point was Hanukkah: celebrating the dedication of the Temple, its purification after gentile defilement: today the Temple commences. Then what can have followed? The only logical continuation is with the four Sabbaths prior to the advent of Nisan, with Passover following two weeks later. These Sabbaths then prepare the way for the pilgrim festival, Passover-Pentecost. From the climactic season, Passover-Pentecost, with the end of the rains, follows the long dry season, marked by the Temple's destruction.

Then comes Israel's repentance. That is in two correlated phases, corporate and individual. First is the corporate with the ninth of Ab, then the individual with the penitential season of Elul followed by the New Year, the day of remembrance, and the Day of Atonement. So is realized the time of renewal marked by judgment of the year gone by and renewal of life in the year to come. Once the natural year, celebrated in Temple rite, defines the heart of the matter, then the matter was set. That is why, within the logic of the natural year embodied in the Temple rites, there is no other sequence that can have served, no other starting point that can have realized the governing program of the document viewed whole.

Here—as mediated by the theology of Pesiqta deRab Kahana—is how Israel encounters that other reading of the Torah. That is the besides the one beginning with Creation and ending at the border of the Land of Israel in the lectionary cycle encompassing Genesis through Deuteronomy, week by week. The document's authorship has undertaken to expound the Torah in the sequence of the natural year in such a way as annually to tell the tale of Israel's conduct embodied in the passage of the seasons, celebrated in the realization of the Temple, where God and Israel meet. The plan is therefore to show how what happens to the Temple, then, now, and in time to come, signifies the relationship of God and corporate Israel and recapitulates the relationship of God and the individual Israelite. Then the liturgical lections of the synagogue's special occasions delineate the categorical program, the topics and the propositions that shape them. The category-formation in its sequence tells the story encompassing the Festival cycle and related, special Sabbaths. Autonomous of the sequence of Sabbath lections that begins with Genesis and concludes with Deuteronomy, it makes its own selections of appropriate occasions and their inexorable themes. In its context, its statement is unique.

Nature and Renewal

Through its categorical program set forth in the lectionary cycle, Pesiqta deRab Kahana makes Israel's progress through the

year of nature into an annual journey of renewal. So while Pesiqta deRab Kahana through its categorical structure participates in the common theology of Rabbinic Judaism, through its selection of categories and definition of governing propositions concerning them, it affords a rare theological moment within that same Judaism. That is the moment at which theology becomes natural, by which is meant, an interpretation, a realization, of nature. Here theology, with its topical and propositional categories, gives way to theology as the explanation of realized experience, both corporate and individual, of nature in all its majesty.

What of the omissions, the standard theological categories that play no part in the selection and organization of the topics and their propositions? The issue of the end of days, the resolution of linear time in its Messianic climax, plays a negligible a role in the document. Cyclicality in nature has taken over and assigned a marginal position to those critical components of the historical-Messianic view of Israel's existence, the end of days and the advent of the Messiah. Here, consolation means restoration, and the Temple is the focus. Then nature takes over and the movements of the heavenly bodies become determinative. And withal Israel makes all the difference. In the unfolding of the natural year within the theology of Pesiqta deRab Kahana, Israel lives out its theology of repentance and restoration in the inexorable passage of the times and the seasons. All that history can contribute is the unique event that can be transformed into a paradigmatic moment, part of a recurrent pattern.

The Astral Category, Israel

Can we designate the paramount category that is in play? Of course we can, it is *Israel*—but Israel in heaven, a remarkably daring category-formation indeed. Israel on earth embodies the course of the moon and the solar seasons in heaven, and when Israel mends its way, all of astral nature will respond. All else forms a commentary and is made up of details. Categories come to definition on the part of documentary framers, who identify the organizing classifications once they have formed their large message and grasped what is required to register and instantiate that message. The categorical structure of Pesiqta deRab Kahana derives from the lectionary cycle as translated into metaphysical and theological concerns; the topics then bear self-evident propositions. In context, in sequence, these pertain to Israel in nature, in heaven.

Note the contrast with the Torah-cycle, with its earthly narrative of history. The synagogue through the paramount Torah-cycle calls Israel to rehearse, week by week, the chapters of Israel's formative life: Genesis for the foundation of Israel, Exodus through Numbers, then Deuteronomy, for the definition of Israel. Then, on a given week, Israel once more recapitulates through its paradigmatic and definitive narrative the earthly story of itself. This week the world was made, that week recalls the Flood, the next, the call to Abraham, and so throughout. So through the lectionary cycle, annually or triennially, the past is made present, the present resituated in the past, historical time, marked by unique, one-time events, is recapitulated, the past both recognized and renewed.

In that context, we recall, Pesiqta deRab Kahana has made a remarkable choice. It is to impose upon the story of Israel's formation and definition another dimension, another layer of being: the heavenly. It is now Israel in the context—indeed, in control—of natural time, marked by the stars and the seasons. The Sabbaths of Joseph's story, for example, that in the annual lectionary cycle come in Kislev in accord with the annual cycle of lections, embody also the occasion of the rededication of the Temple. But these do not intersect with Hanukkah. While an exegetical initiative may link the one with the other (reading Scripture to underscore the Temple in the patrimony of Benjamin, for instance, joining the two distinct themes), that is a mere serendipity.

In fact, Pesiqta deRab Kahana invokes a distinct layer of Israelite being, hence the particularity, if not the originality, of its categories. Our review of the theological components of the document identifies that layer of being: it concerns Israel's celebration in

the Temple, its loss of the Temple, and its hope for forgiveness and restoration of the Temple. It is no wonder that ten of the twenty-eight *Pisqa'ot* concern themselves with the season of death and the correlative destruction. Nor is it surprising that the following sequence of heavenly events—those of Elul and Tishré—recapitulates the pattern of Tammuz-Ab! The one concerns corporate Israel, the other Israel as Israelite, one by one, all before God but judged as individuals. So what Pesiqta deRab Kahana contributes to the Israel's encounter with God in the Torah is the matter of the coming consolation and redemption. That is now portrayed as heaven's promise. This survey shows that Pesiqta de Rab Kahana makes a theological statement that is, in its own terms, entirely cogent.

On eschatological matters Pesiqta deRab Kahana has its own points of interest, even while concurring with the main propositions given here. The document wishes to underscore that what God is going to do he has already done; that what will happen in the ultimate redemption is already prefigured in this world's experience. What will happen at the end of time has already happened at the beginning, and the advent of the end of time will mark the restoration of the condition of Eden. These propositions do not fit tightly with the framing of matters in more general terms. For the correspondence of end to beginning, while part of the repertoire of the governing theology, hardly limits the eschatological doctrine of that theology. But it is the main point of Pesiqta deRab Kahana. So the theological structure of Pesiqta deRab Kahana is asymmetrical with that of the Aggadic documents viewed systematically; but it coheres. Where Pesiqta deRab Kahana intersects, it conforms in conception with the encompassing system. But the proportions and the emphases are its own.

What makes Pesiqta deRab Kahana's revision of the lectionary encounter powerful and persuasive ought not to be missed. It is its emphasis upon the correspondence of the cycle of nature with the exemplary moments of Israel's existence, the whole abstracted from linear history. The dedication and celebration in the Temple, loss of the Temple, atonement and renewal and restoration correspond to nature's cycle. Then, after the season of desiccation and death, the renewal signified by the winter rains, comes the climax of Passover-Pentecost. Then the sequence concludes with the advent of the summer's drought, followed by the renewal once more.

We should not miss the radical change represented by this reading of the cycle of nature that defines the rhythm of the Israelite year. While the lunar-solar calendar conventionally interpreted knows two climactic moments, the first full moon after the vernal equinox, then the same after the autumnal equinox, for Passover and Pentecost, respectively, Pesiqta deRab Kahana has constructed a single, continuous sequence. Events of nature, the unfolding of the lunar year, and events of history, the unfolding of Israel's life in historical time, are formed into a single, unitary construction. That is, furthermore, transformed into a paradigm of the life of not only corporate Israel but also the individual Israelite. Nature, Israel, the Israelite—all now are given their moment in the lectionary life of the synagogue.

Each *Pisqa'* in context represents a propositional category. Implicit in every category-*Pisqa'*, then is the intent to highlight Israel as the counterpart, on earth, to the heavenly bodies. And the unfolding of Israelite existence on earth, the patterns of its relationship with God—these categories correspond down here to the movement of the moon and sun in the heavens above. But though taken with that correlation, we should not miss the point: the stars in their courses respond to Israel's conduct. The cycle of time as told by Pesiqta deRab Kahana treats Israel not as a principal player in world history on earth alone, in the way that the Pentateuchal cycle as framed by the Rabbinic masters does. Rather, Israel now represents the cosmic presence of that sector of humanity that pertains: the heavenly actor on the natural stage of the Temple, along with the moon in relationship to the sun and the passage of the natural seasons.

There is no missing the categorical singularity of the document. No other Midrash-compilation organizes itself around that conception of Israel in relationship with

heaven that governs here. No Midrash compilation viewed whole but Pesiqta deRab Kahana proposes that what happens to Israel on earth correlates with the movement of the heavenly bodies, the moon and the sun in particular. It is the Midrash-compilation in the formative canon of Rabbinic Judaism that endows Israel with astral setting and dimensions, raising Israel from earth to heaven—a remarkable revision in the categorical structure that encompassed the Aggadic topics and the propositions that animated those topics. That is why there can be no doubt: the categories are constructed by the document. They are integral to the formation of the document. But, manifestly, the contents and program of the categories transcend documentary limits: repentance, Israel and the nations, the Land, God, Torah—none of these formidable categories is unique to Pesiqta deRab Kahana, and none of them originates here.

First we must address the final question of the documentary venue of Rabbinic category-formations that awaits attention. It is, how do the Halakhic and the Aggadic category-formations form a coherent statement in the one document that joins them systematically and in an orderly fashion, and that is, the Bavli.

The Bavli's Union of Halakhic and Aggadic Categories

The Bavli encompasses not only Halakhic, but Aggadic compositions. These in general define categories on the familiar principle of category-formation: large-scale systematic topical presentations bearing a propositional purpose. That is in the manner of the Mishnah's and Leviticus Rabbah's propositional expositions of categorical topics, Halakhic and Aggadic, respectively. In context that represents a major documentary innovation.

Our task is now to define the topical expositions of the Bavli and to ask how the Bavli integrates Halakhic and Aggadic topical propositions. For among the canonical documents of the formative age, only the Bavli systematically integrates Aggadic with Halakhic categories. That is not only systematic but remarkably successful: the Aggadah amplifies the Halakhah and is essential to the Halakhic exposition intended by the Bavli's compilers.

The Three Classifications of the Bavli's Composites

All of the Bavli's composites fall into three principal categories: [1] exegesis and amplification of the law of the Mishnah; [2] exegesis and exposition of verses of, or topics in, Scripture; [3] free-standing composites devoted to topics other than those defined by the Mishnah or Scripture. Much more than four-fifths of all composites of the Bavli address the Mishnah and systematically expound that document. These composites are subject to sub-classification in two ways: Mishnah-exegesis and speculation and abstract theorizing about the implications of the Mishnah's statements. The former type of composite, further, is to be classified in a few and simple taxa, for example, composites organized around [1] clarification of the statements of the Mishnah, [2] identification of the authority behind an anonymous statement in the Mishnah, [3] scriptural foundation for the Mishnah's rules; [4] citation and not seldom systematic exposition of the Tosefta's amplification of the Mishnah. That means that most of the Bavli is a systematic exposition of the Mishnah.

That brings us to the Bavli's topical composites of an Aggadic type. The other fifth (or less) of a given tractate will comprise composites that take shape around Scripture or themes or topics of a theological or moral character. Distinguishing the latter from the former, of course, is merely formal; very often a scriptural topic will be set forth in a theological or moral framework, and very seldom does a composite on a topic omit all reference to the amplification of a verse or topic of Scripture. The proportion of Aggadic topical expositions in a given tractate is generally not more than 10%, and generally less, depending on the tractate. The question before us is, how are the Aggadic categories integrated with the Halakhic ones by the Bavli's compilers? Or do we deal with free-standing composites, simply parachuted down into the funda-

mentally Halakhic construction of the Bavli? The beginnings of a hypothesis follow, based on a single exemplary case.

From the Mishnah to the Talmud: The Bavli's Aggadic Category for Abodah Zarah

From its initial insertion of a massive account of gentile idolatry, the Talmud reframes issues. The Mishnah asks not a single question of history or theology. it deals only with commercial relationships with gentiles, so far as these are affected by idolatry, idols, and libation wine. So the topic at hand is treated in a routine and commonplace manner. The Talmud transforms and transcends the topic. It transforms it by reframing the issue of idolatry so that at stake is no longer relationships between Israel and idolatrous nations but rather, those between idolatrous nations and God. It then transcends the topic by introducing the antidote to idolatry, which is the Torah. So Israel differs from idolatrous nations by reason of the Torah, and that imparts a special character to all of Israel's everyday conduct, not only its abstinence from idol-worship. In fact, the Talmud makes this tractate into an occasion for reflection on the problem of Israel and the nations.

Predictably, the Rabbinic sages invoke the one matter that they deem critical to all else: the Torah. Israel differs from the gentiles not for the merely negative reason that it does not worship idols but only an invisible God. It differs from them for the positive reason that the Torah that defines Israel's life was explicitly rejected by the gentiles. Every one of them had its chance at the Torah, and all of them rejected it. When the gentiles try to justify themselves to God by appealing to their forthcoming relationships to Israel, that is dismissed as self-serving. The gentiles could not even observe the seven commandments assigned to the Noahides. From that point, the composite that stands at the head of the tractate and imparts its sense to all that will follow proceeds to the next question, that is, from the downfall of the gentiles by reason of their idolatry and rejection of the Torah to the salvation of Israel through the Torah.

Lest we miss the point, the reason for God's favor is made explicit: God favors Israel because Israel keeps the Torah. God therefore is strict with the gentiles but merciful to Israel. This is forthwith assigned a specific illustration: Balaam, the gentiles' prophet, presents the occasion to underscore God's anger toward the gentiles and his mercy to Israel. Bringing us back to the beginning, we then are shown how God's anger for the gentiles comes to the fore when the gentiles worship idols: when the kings who rule the world worship nature rather than nature's Creator. How God forgives Israel is then shown in respect to David's sin, and Torah-study as the antidote to sin once more is introduced. It is difficult to conclude other than that the framers of the Talmud have added to the presentation of the topic the results of profound thought on idolatry as a force in the history of humanity and of Israel. They thus have represented the Mishnah's topic in a far more profound framework of reflection than the Mishnah, with its rather petty interests in details of this and that, would have lead us to anticipate.

The next set of free-standing composites deserve mention. They present episodic portraits of the matters introduced at the outset. The first involves world history and its periods, divided, it goes without saying, in relationship to the history of Israel, which stands at the center of world history. Rome defines the counterpart, and Israel's and Rome's relationships, culminating in the coming of the Messiah, are introduced. The next two collections form a point and counterpoint. On the one side, we have the tale of how Rabbi and the Roman Emperor formed a close relationship, with Rabbi the wise counselor, the ruler behind the throne. So whatever good happens in Rome happens by reason of our sages' wisdom, deriving as it does from the Torah, on which the stories predictably are going to harp. Then comes as explicit a judgment upon Christianity in the framework of world-history is likely to be found in the Talmud. The set of stories involves Eliezer b. Hyrcanus and how he was tried for Minut, which the story leaves no doubt stands for

Christianity. Now "Minut" and the Roman government are treated as twin-sources of condemnation. And it is in that very context that the stories of Roman justice and Jewish martyrdom, by reason of Torah-study, are introduced. Not only so, but—should we miss the contrast the compilers wish to draw—the very same setting sets forth the counterpart and opposite: the stadium, circus, and theater, place for scoffers and buffoons, as against the sages' study-center, where people avoid the seat of the scornful but instead study the Torah.

The Talmud's associations with idolatry then compare and contrast these opposites: Israel and Rome; martyrdom and wantonness; Torah and lewdness and other forms of sin; probity and dignity and buffoonery; and on and on. The Mishnah finds no reason to introduce into the consideration of idolatry either the matter of the Torah or the issue of world history. The Talmud cannot deal with the details of conduct with gentiles without asking the profound questions of divine intentionality and human culpability that idolatry in the world provokes. And yet, if we revert to the Mishnah's fabricated debates with the philosophers, we see the issue introduced and explored. What the Mishnah lacks is not a philosophy of monotheism in contrast with polytheism and its idols, but a theology of history and a theodicy of Israel's destiny, a salvific theory. These the Talmud introduces, with enormous effect. And as these propositions have been inserted, the Talmud allows the systematic exposition of the Mishnah to go forward without theological intrusion of any kind. The point has been made. The Aggadic category has made its mark on the exposition of the Halakhic one.

The Documentary Basis for Category-Formation: Do Categories Circulate Beyond Documentary Boundaries?

The upshot requires no elaborate statement. Both the mode of category-formation, that is, the type of governing category, and the articulation of that type in particular categories find definition in the documentary program. Categories respond to the documents that use them, both as to type and as to definition. The program of the Mishnah exemplifies the matter. Once people determined to form a law code philosophically to order the laws of Scripture and tradition and custom, the topical mode of category-formation presented itself, and the propositional exposition of the chosen topics followed naturally. Sifra took up a problem of its own, requiring nothing that would correspond to an organizing category; Scripture organized the discourse of the document—and that was its very point. A different approach to Scripture unfolded in the sequence from Genesis Rabbah through Leviticus Rabbah to Pesiqta deRab Kahana. It was one that in the manner of the Mishnah formed topical categories and articulated a proposition, but that, unlike the Mishnah, drew topics from Aggadic, rather than Halakhic, venues and advanced propositions of a theological character. Finally, the Bavli would encompass both Halakhic and Aggadic-theological categories and form of the two a single coherent message. Thus the definitive principle of category-formation in the Rabbinic canon—type of category, proposition attached to categories—originates in the document, viewed whole, planned to begin with.

Does that outcome mean, categories do not circulate beyond documentary boundaries or are defined only within those limits? For this survey yields the conclusion that category-formation forms a function of documentary planning and design. The Halakhic inquiry in the companion entry on the Halakhah: The Category-Formations calls into question the notion that Halakhic categories circulated beyond the limits of the Halakhic documents, the Mishnah-Tosefta-Yerushalmi-Bavli. The Aggadic exercise certainly suggests the opposite conclusion. Those propositional expositions of topics in Genesis Rabbah, Leviticus Rabbah, and Pesiqta deRab Kahana clearly point to a corpus of theological categories autonomous of documents. That is the topical repertoire, common to all Aggadic documents, from which authors of documentary compositions and composites made their selections. The upshot appears to be two facts. First, Aggadic-theological categories form a body of

topics and propositions not particular to any given Aggadic document. Second, the framers of documents selected the categories that they required to accomplish their documentary purposes.

Why should the Halakhic categories limit themselves to the topics and propositions of the Mishnah, while the Aggadic ones overspread the boundaries of any particular Aggadic compilations? The answer lies in the question, what document forms the counterpart, for the Aggadah, to the Mishnah's paramount position for the Halakhah? Asked in that way, the question answers itself: Scripture is to the Aggadah as Mishnah is to the Halakhah. The Mishnah forms the categorical construction that organizes and systematizes the Halakhah, and Scripture serves as the source for the organization and systematization of the Aggadah. The categories—topics, propositions concerning those topics—of the Aggadah as set forth whether in Genesis Rabbah or Leviticus Rabbah or Pesiqta deRab Kahana (to take the cases dealt with here), all originate in Scripture and organize the data of Scripture into topics that yield particular propositions.

Do categories circulate beyond documentary boundaries? No, they originate in the two components of the Torah that defines Judaism, the written and the oral. They are integral to, originate in, Scripture for the Aggadah, the Mishnah for the Halakhah. And the category-formations are limited to those two parts of the Torah, wholly deriving from and not circulating beyond those documentary boundaries. The simple facts, now established, sustain that judgment. First, the Aggadic-theological categories take shape within the documentary boundaries of Scripture, just as the Halakhic ones come to definition and articulation within the framework of the Mishnah. Second, both law and theology of the Rabbinic canon find their categorical structure—topics purposefully articulated in a propositional framework—in the Torah, oral for the Halakhah, written for the Aggadah. And that is precisely the manner in which, for two millennia, Rabbinic Judaism has portrayed its native category-formations and how they took shape.

JACOB NEUSNER

Aggadah in the Halakhah

AGGADIC discourse comments on a received text, tells a story, or advocates an attitude or a proposition of normative conviction and conscience. Halakhic discourse expounds and analyzes a topic of normative conduct. How does narrative or theological discourse participate in the presentation of the halakhic norms of conduct? The two modes of discourse, Aggadah and Halakhah, are quite different from one another. Each organizes its presentation in large building blocks or category-formations, and the halakhic ones do not match the aggadic ones in morphology or structure, nor do the aggadic invoke halakhic composites, let alone category-formations, within their own. Occasionally the halakhic presentation will invoke aggadic facts, less commonly vice versa. But the respective composites of building blocks or category-formations do not intersect. Since, however, within the halakhic structure of category-formations, aggadic compositions and composites occasionally figure, we may ask about the cogency of the Halakhah and the Aggadah at those points. For the intersection indicates markers of inner unity between the Halakhah and the Aggadah. It signals the point at which Rabbinic Judaism as a unitary construct emerges out of its diverse, distinctive sectors and their building blocks.

At issue is not the very occasional reference to a halakhic fact in an aggadic exposition, or the somewhat more commonplace resort to an aggadic datum in a halakhic one, e.g., for purposes of illustration. What is at stake is the context of thought and expression established by systematic composites, compilations of many discrete facts in the service of a coherent argument. We occasionally find the intersection of large aggregates of well-composed aggadic data

in a halakhic composite or of halakhic ones in an aggadic setting—not discrete texts but articulated contexts of thought. Where and why do these intersect when they do?

Overall, the category-formations of the Aggadah and those of the halakhah are indeed incompatible. The aggadic documents rarely introduce halakhic materials in their exposition of aggadic propositions. And the contrary is also the case. The exposition of the halakhic components of the halakhic documents, meaning, nearly the entirety of the Mishnah, Tosefta, and Yerushalmi, and the greater part of the Bavli, only rarely requires aggadic complements or supplements. Yet while the aggadic documents rarely resort to halakhic materials to make the case they wish to set forth, in some of the Rabbinic documents of the formative age the presentation of the Halakhah is accompanied by a massive aggadic component.

The Uses of the Aggadah by the Halakhah

Halakhic discourse seldom invokes Aggadah to accomplish its purposes. In Rabbinic literature, rarely indeed does a fully articulated halakhic category-formation encompass and utilize a fully articulated aggadic category-formation. To be sure, an aggadic composition may find a place in proximity to a halakhic exposition. But the Halakhah within its own categorical bounds will not then exploit the aggadic discourse for its purpose, e.g., allude to the aggadic fact to make the halakhic point. That is so, even though the rare exceptions to that rule show that the halakhic discourse could have done so. Conversely, when the aggadic category-formation defines the primary discourse, e.g., in a Midrash-compilation, the Halakhah in its cogent category-formations still more rarely occurs in aggadic composites. That is the case, moreover, even though when it does, the halakhic composition serves to render the aggadic exhortation more compelling and concrete. But the actual occasions prove remarkably few in number and negligible in proportion. Aggadic discourse rarely asks Halakhah to contribute norms of practical conduct to its expositions of its propositions of an other-than-concrete character, e.g., the moral rules and their consequences. So how do the two media of Rabbinic discourse, halakhic and aggadic, with their two distinct bodies of data, form a complete and cogent whole: the statement of Rabbinic Judaism as a coherent structure and system?

A simple fact makes possible an answer to the question of the unity of the Aggadah and the Halakhah. It is that, despite the rule that in the halakhic documents the halakhic category-formations rarely intersect with aggadic category-formations and vice versa, there is a substantial point at which Aggadah and Halakhah do meet. That is in some of the halakhic documents of Rabbinic literature. There, aggadic compositions and composites take a position side by side with halakhic ones. And when a halakhic exposition, within the halakhic category-formation, is juxtaposed to aggadic compositions that articulate the categorical constructions of the Aggadah viewed whole, we sometimes see a remarkable fact. It is how the Aggadah makes the halakhic discourse more profound and encompassing. Then who has seen the implicit correspondence of the halakhic and the aggadic category-formations and so effected the juxtaposition, if not the union, of the two? Clearly, the framer of the document, not the author of the composition or composite, whether halakhic or aggadic, conceived that the Aggadah intersects with, and vastly enriches, the halakhic discourse.

These established facts carry us to the problem at hand. Since in the halakhic documents—Mishnah, Tosefta, Yerushalmi, Bavli—we find aggadic compositions and composites, we want to know how the aggadic contribution affects the halakhic discourse: what holds them together? These aggadic components of halakhic documents stand on their own. But since, at some points, while the aggadic discourses are free-standing, they contribute to the halakhic exposition within the category-formations defined by the Halakhah, an interesting question arises. It is one that is systematic and not merely episodic in character, as follows:

> In halakhic discourse viewed in its entirety what does the Aggadah provide that the Halakhah cannot say in its own terms but

> that nevertheless the compositor of the document deemed essential to the presentation of the halakhic statement?

The answer to that question carries us deep into the profound unities of halakhic and aggadic discourse. These unities define Rabbinic Judaism at its core. This study explores that generative conception behind the juxtapositions, reconstructing its principles by working back from the data to the premises and presuppositions. What I wish to find out is, case by case, what connections did the compiler of the halakhic documents perceive between the halakhic and the aggadic category-formations that he has juxtaposed, often with great effect?

For the Halakhah is normative in deed, definitive in practice. The Aggadah, people generally maintain, allows for greater latitude in conviction than the Halakhah does in conduct. So when we find that a compositor has encompassed in his halakhic repertoire an aggadic corpus, we identify elements of the Aggadah that participate in the normative statement of the Halakhah. Accordingly, given the issue at hand, when we assess the role of the Aggadah in the Halakhah, it is the Halakhah that defines the basis for coherent discourse, the governing category-formation. Therein, aggadic compositions occasionally find a place. So it is for the Halakhah to explain why the selected aggadic composite belongs. But then, with that explanation, the Halakhah also encompasses the aggadic selection within its penumbra of what is authoritative and obligatory, thus, once more, Judaism.

Mere proximity of an aggadic to a halakhic composition by itself does not settle the matter. The occurrence of a free-standing sentence here or there hardly suggests that to the Aggadah in that context is assigned a role in the halakhic discourse. Only when we can establish a large-scale intrusion of the one into the other does the question before us arise. That is to say, we have to establish that into the halakhic context, an aggadic construction, itself fully cogent, has entered. But that is not always self-evident.

Why the uncertainty about whether the presence of an aggadic composite in a halakhic context makes a difference? That is because the category-formations of the Aggadah and those of the Halakhah are incompatible. Both the Halakhah and the Aggadah select data and construct of them coherent statements within category-formations that impart cogency and context for the discrete pieces of information. But the very model of category-formations of the one bears little in common with those of the other. The halakhic topics and the aggadic ones do not intersect or even correspond in formal expression, let alone in principles of coherence. The fundamental theory of category-formation governing for halakhic data does not explain the construction of the category-formations that serve for the aggadic, and the opposite is also the case. If the halakhic category-formations define the model of discourse that imparts sense and coherence to data, then the Aggadah yields no larger constructions that qualify as category-formations at all—and vice versa. It is therefore noteworthy when the category-formation of the one accommodates the presence of a cogent composition of the other. And in the pages of this study and its companions, we address those noteworthy occasions and ask the question that stands at the head: what does the Aggadah uniquely provide for halakhic discourse that the Halakhah requires but cannot supply on its own?

Aggadic and Halakhic Incompatibility in Category-Formations

Let us dwell on the incompatibility of the category-formations that function in the respective modes of discourse. The Halakhic category-formations, topical, analytical, and cogent, are defined for us on documentary grounds. That is, they are framed by the documents that convey the Halakhah: their divisions and the basis therefor. They are comprised, specifically, by the tractates of the Mishnah, which are topical and propositional in character. The Mishnah (ca. 200 C.E.) identifies the five dozen of these topical category-formations that govern the Halakhah in its formative age. These then are explored by the continuation-documents of the Mishnah, which are the Tosefta (ca. 300 C.E.), Yerushalmi (Talmud of the Land

of Israel, ca. 400 C.E.) and Bavli (Talmud of Babylonia, ca. 600 C.E.). The respective halakhic Category-formations include nearly everything that a given document wishes to say on the specified topic and nothing that does not pertain to that topic. They organize the data in a rational and coherent way. Not only so, but in many, though not all, category-formations, a particular focus of interest, a problem repeatedly posed for solution, dictates what, concerning a given topical category-formation, the Halakhah will wish to investigate. So the category-formations match literary divisions, tractates, with the classification of data by topic and problematic.

Not so the Aggadah. While the Halakhah announces its category-formations for us, the Aggadah requires us to define them on our own, as best we can. But they do not emerge out of the aggadic documents, and, so far as they are topical, the topics derive from an a priori expectation of how aggadic discourse should take shape. That is to say, given the character of aggadic discourse in the Midrash-compilations, we have no problem in proposing obvious aggadic category-formations, e.g., God, Torah, Israel, idolatry, sin, the gentiles, and so on. Then the lines of definition of the Aggadic category-formations do not coincide with the documentary limits that present the Aggadah, e.g., Genesis Rabbah (ca. 400), Leviticus Rabbah (ca. 450), Pesiqta deRab Kahana (ca. 500), Song of Songs Rabbah and Lamentations Rabbati (of no clear date), and their subdivisions.

None of these constitutes a category-formation or is topically divided into category-formations that correspond in function to those of the Halakhah. The documents are organized according to the Scriptural books on which they comment (Genesis Rabbah) or large themes, theological or ethical propositions for example (Leviticus Rabbah, Song of Songs Rabbah, Pesiqta deRab Kahana). But these composites do not match in formal cogency or analytical rigor the indicative traits of the halakhic ones. The aggadic discourses certainly do not coalesce into topical-analytical units. We now address a specific case, on the basis of which generalizations may be constructed.

Aggadah in the Halakhah of Taanit, the Law of Fasting in Times of Crisis and of the Village Cohort that Participates in the Temple Cult

We come now to the case of Mishnah-Tosefta-Yerushalmi-Bavli Tractate Taanit, taking up the four documents one by one in succession, and systematically answering the same questions out of the resources of each one.

a. *Aggadic Compositions in Mishnah-Tosefta Taanit*

Mishnah Taanit 3:8

A. On account of every sort of public trouble (may it not happen) do they sound the shofar,
B. except for an excess of rain.
C. M'SH S: They said to Honi, the circle drawer, "Pray for rain."
D. He said to them, "Go and take in the clay ovens used for Passover, so that they not soften [in the rain which is coming]."
E. He prayed, but it did not rain.
F. What did he do?
G. He drew a circle and stood in the middle of it and said before Him "Lord of the world! Your children have turned to me, for before you I am like member of the family. I swear by your great name—I'm simply not moving from here until you take pity on your children!"
H. It began to rain drop by drop.
I. He said, "This is not what I wanted, but rain for filling up cisterns, pits, and caverns."
J. It began to rain violently.
K. He said, "This is not what I wanted, but rain of good will, blessing, and graciousness."
L. Now it rained the right way, until Israelites had to flee from Jerusalem up to the Temple Mount because of the rain.
M. Now they came and said to him, "Just as you prayed for it to rain, now pray for it to go away."
N. He said to them, "Go, see whether the stone of the strayers is disappeared."
O. Simeon b. Shatah said to him, "If you were not Honi, I should decree a ban of excommunication against you. But what am I going to do to you? For you importune before the Omnipresent, so he does what you want, like a son who importunes his father, so he does what he wants.

P. "Concerning you Scripture says, 'Let your father and your mother be glad, and let her that bore you rejoice' (Prov. 23:25)."

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The aggadic narrative illustrates the rule, A-B, that the alarm is sounded for every crisis except an excess of rain. But the narrative does not qualify as a legal precedent; the incident is treated as exceptional in every way. On the basis of the aggadic narrative, we could not have reconstructed the halakhic ruling. But with that ruling in hand, we are informed by the Aggadah how exceptional a case would have to be to trigger the exception to the rule just now given.

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? The link between the aggadic composition and the halakhic composite is intimate. The Aggadah, as noted, contradicts the rule, giving a case in which the alarm is sounded for an excess of rain.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? So far as the Halakhah requires an expression of the remission of the law, the Aggadah provides that expression. On the basis of this instance, we may say, the Halakhah states the rule, the Aggadah, the exception.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? Hence the function of the Aggadah is to illustrate, in extreme terms, the working of the Halakhah: where the Halakhah is remitted. It is not possible to frame a case for the union of the Halakhah and the Aggadah more fitting than this one. Now to Tosefta:

T. Taaniyyot 2:12–13

2:12 A. *A town which gentiles besieged, or a river* [M. Ta. 3:7B]—
B. and so too, a ship foundering at sea,
C. and so too, an individual pursued by gentiles or by thugs or by an evil spirit—
D. they are not permitted to afflict themselves in a fast, so as not to break their strength [but only to sound the shofar].
E. And so did R. Yose say, "An individual is not permitted to afflict himself in a fast,
F. "lest he fall onto the public charity, and [the community] have to support him."

2:13 A. M'SH B: To a certain pious man did they say, "Pray, so it will rain."
B. He prayed and it rained.
C. They said to him, "Just as you have prayed so it would rain, now pray so the rain will go away."
D. He said to them, "Go and see if a man is standing on Keren Ofel [a high rock] and splashing his foot in the Qidron Brook. [Then] we shall pray that the rain will stop [cf. M. Ta. 3:8].
E. "Truly it is certain that the Omnipresent will never again bring a flood to the world,
F. "for it is said, 'There will never again be a flood' (Gen. 9:11).
G. "And it says, 'For this is like the days of Noah to me: as I swore that the waters of Noah should no more go over the earth, so I have sworn that I will not be angry with you and will not rebuke you' (Is. 54:9)."
H. R. Meir says, "A flood of water will never be, but a flood of fire and brimstone there will be, just as he brought upon the Sodomites.
I. "For it is said, 'Then the Lord rained on Sodom and Gomorrah brimstone and fire from the Lord out of heaven' (Gen. 19:24)."
J. R. Judah says, "A flood affecting all flesh there will never be, but a flood affecting individuals there will yet be.
K. "How so?
L. "[If] one falls into the sea, and he drowns, or if one's ship sinks at sea, and he drowns, lo, this is his [particular] flood."
M. R. Yose says, "A flood affecting everything there will not be, but a flood of pestilence there will be for the nations of the world in the days of the Messiah,
N. "as it is said, 'And I took my staff, and I broke it, annulling the covenant which I had made with all the peoples' (Zech. 11:11).
O. "What does it say? 'So it was annulled on that day' (Zech. 11:12)."

1) The Context, in halakhic Discourse, of the aggadic composition or Composite: Here is a case in which the Tosefta has its version of the Mishnah's story, but the halakhic setting is lost.

We may then say, the Tosefta contains a formulation of the tale that is prior to the Mishnah's version, and the Mishnah's version improves by supplying details; or the Mishnah's version has been removed from the halakhic setting that affords context and meaning and has been treated in a generalized way by its heirs in the Tosefta; or we have two independent formulations of the same theme, but we need not waste time on petty historical questions that in the end cannot be definitively settled.

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? In Tosefta's version, there is no connection between the halakhic statement at T. 2:12 and the Aggadah of T. 2:13; that is explicit.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? No.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? The documentary program of the Tosefta is different from that of the Mishnah. The halakhic focus of the Mishnah has secured a halakhic reference-point for the story as set forth by the Mishnah. The Tosefta's compositor had no such interest, at least, not at this point.

Mishnah-Taanit 4:5

A. The time of the wood offering of priests and people [comes on] nine [occasions in the year]:
B. on the first of Nisan [is the offering of] the family of Arah b. Judah [Ezra 2:5, Neh. 2:10];
C. on the twentieth of Tammuz [is the offering of] the family of David b. Judah;
D. on the fifth of Ab [is the offering of] the family of Parosh b. Judah [Ezra 2:3, Neh. 2:8];
E. on the seventh of that month [is the offering of] the family of Yonadab b. Rekhab [Jer. 35:1ff.];
F. on the tenth of that month [is the offering of] the family of Senaah b. Benjamin [Ezra 2:35, Neh. 7:381];
G. on the fifteenth of that month [is the offering of] the family of Zattu b. Judah [Ezra 2:8, Neh. 7:13];
H. and with them [comes the offering of] priests, Levites, and whoever is uncertain as to his tribe, and the families of the pestle smugglers and fig pressers.
I. On the twentieth of that same month [is the offering of] the family of Pahat Moab b. Judah [Ezra 2:6, Neh. 7:11].
J. On the twentieth of Elul [is the offering of] the family of Adin b. Judah [Ezra 2:15, Neh. 7:20].
K. On the first of Tebet the family of Parosh returned a second time [with another wood offering].
L. On the first of Tebet [Hanukkah] there was no delegation,
M. for there was Hallel on that day, as well as an additional offering and a wood offering.

T. Taaniyyot 3:5

3:5 A. Why did they set aside [special times for] the wood-offering of priests and people [M. Ta. 4:5A]?
B. For when the exiles came up, they found no wood in the wood-chamber.
C. These in particular went and contributed wood of their own, handing it over to the community.
D. On that account prophets stipulated with them, that even if the wood-chamber should be loaded with wood, even with wood belonging to the community, these should have the privilege of contributing wood at this time, and at any occasion on which they wanted,
E. as it is said, "We have likewise cast lots, the priests, the Levites, and the people, for the wood-offering, to bring it into the house of our God, according to our fathers' houses, at times appointed, year by year, to burn upon the altar of the Lord our Cod, as it is written in the law" (Neh. 10:34).
F. And it says, "For Ezra had set his heart to study the law of the Lord and to do it, and to teach his statutes and ordinances in Israel" (Ez. 7:10).
3:6 A. Those days [of the wood-offering, M. Ta. 4:5] it is prohibited to conduct the rite of mourning or to have a fast,
B. whether this is after the destruction of the Temple or before the destruction of the Temple.
C. R. Yose says, "After the destruction of the Temple it is permitted [to

lament or to fast], because it is an expression of mourning for them."
D. Said R. Eleazar b. R. Sadoq, "I was among the descendants of Sana'ah [M. Ta. 4:5F, Ezra 2:35] of the tribe of Benjamin. One time the ninth of Ab coincided with the day after the Sabbath, and we observed the fast but did not complete it."

3:7 A. What was the matter having to do with the families of the Pestle-Smugglers and the Fig-Pressers [M. Ta. 4:5H]?
B. Now when the Greek kings set up border-guards on the roads, so that people should not go up to Jerusalem, just as Jeroboam the son of Nebat did, then, whoever was a suitable person and sin-fearing of that generation—what did he do?
C. He would take up his first fruits and make a kind of basket and cover them with dried figs,
D. and take the basket with the first-fruits and cover them with a kind of dried figs,
E. and he would put them in a basket and take the basket and a pestle on his shoulder and go up.
F. Now when he would come to that guard, [the guard] would say to him, "Where are you going?"
G. He said to him, "To make these two rings of dried figs into cakes of pressed figs in that press over there, with this pestle which is on my shoulder."
H. Once he got by that guard, he would prepare a wreath for them and bring them up to Jerusalem.

3:8 A. What is the matter having to do with the family of Salmai the Netophathites [cf. I Chr. 2:54: "The sons of Salma: Bethlehem, the Netophathites"?
B. Now when the Greek kings set up guards on the roads so that the people should not go up to Jerusalem, just as Jeroboam the son of Nebat did,
C. then whoever was a suitable and sin-fearing person of that generation would take two pieces of wood and make them into a kind of ladder and put it on his shoulder and go up.
D. When he came to that guard, [the guard] said to him, "Where are you going?"
E. "To fetch two pigeons from that dovecote over there, with this ladder on my shoulder."
F. Once he got by that guard, he would dismantle [the pieces of wood of the ladder] and bring them up to Jerusalem.
G. Now because they were prepared to give up their lives for the Torah and for the commandments, therefore they found for themselves a good name and a good memorial forever.
H. And concerning them Scripture says, "The memory of a righteous person is for a blessing" (Prov. 10:17).
I. But concerning Jeroboam son of Nebat and his allies, Scripture says But the name of the wicked will rot (Prov. 10:17).

3:9 A. R. Yose says, "They assign a meritorious matter to a day that merits it, and a disadvantageous matter to a day of disadvantage."
B. When the Temple was destroyed the first time, it was the day after the Sabbath and the year after the Sabbatical year.
C. And it was the watch of Jehoiarib, and it was the ninth of Ab.
D. And so in the case of the destruction of the Second Temple.
E. And the Levites were standing on their platform and singing, "And he has brought upon them their own iniquity, and he will cut them off in their own evil" (Ps. 94:23).
F. Now tomorrow, when the Temple-house will be rebuilt, what will they sing?
G. "Blessed be the Lord, the God of Israel, from everlasting to everlasting" (I Chr. 16:36).
H. "[Blessed be the Lord, the God of Israel] who alone does wondrous things. Blessed be his glorious name [forever; may his glory fill the whole earth! Amen and Amen]" (Ps. 72:18–19).

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The Halakhah, M. Ta. 4:5A, refers to particular times for wood offerings presented to the Temple by priests and people, as catalogued. The Tosefta's aggadic amplification then provides a narrative account of the origin of those details of the cult. We have found counterpart instances at which aggadic tales explain the origins of cultic regulations, broadly construed. To this point we have not found, in aggadic compositions, etiologies, in the form of narrative, of the origin of other than Temple-rites and procedures. The explanation is not only generic, but particular and detailed, as T. 3:7–8 show. T. 3:9 is tacked on.

2) What links do we discern between the

aggadic composition and the halakhic composite in which it has been situated? The link concerns not the detail of the Halakhah to be explained, but the occasion for the making of the Halakhah in general terms. The bias of the Aggadah favors a narrative explanation for cultic rites, as noted.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? The Mishnah's presentation of the Halakhah does not require the aggadic picture of historical, one-time origins, but derives support from it.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? The framer of the Tosefta fills out the picture given by the Mishnah in the manner set forth above. What about the Yerushalmi's use of aggadic compositions within its halakhic composites?

b. *Aggadic Compositions in Yerushalmi Taanit*

YERUSHALMI TAANIT 3:9 III.1–2

III:1. A. And he prayed, but it did not rain [M. 3:9E]:
B. Why did the rain not come properly?] Said R. Yose b. R. Bun, "Because he did not come before God with humility."

III:2. A. Said R. Yudan Giria, "This is Honi the circle drawer [of M. 3:9], the grandson of Honi the circle drawer. *Near the time of the destruction of the Temple, he went out to a mountain to his workers. Before he got there, it rained. He went into a cave. Once he sat down there, he became tired and fell asleep.*
B. *"He remained sound asleep for seventy years, until the Temple was destroyed and it was rebuilt a second time.*
C. *"At the end of the seventy years he awoke from his sleep. He went out of the cave, and he saw a world completely changed. An area that had been planted with vineyards now produced olives, and an area planted in olives now produced grain.*
D. *"He asked the people of the district, 'What do you hear in the world?'*
E. *"They said to him, 'And don't you know what the news is?'*
F. *"He said to them, 'No.'*
G. *"They said to him, 'Who are you?'*
H. *"He said to them, 'Honi, the circle drawer.'*
I. *"They said to him, 'We heard that when he would go into the Temple courtyard, it would be illuminated.'*
J. "*He went in and illuminated the place and recited concerning himself the following verse of Scripture*: 'When the Lord restored the fortune of Zion, we were like those who dream'" (Ps.)

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The point of halakhic intersection is attenuated; it is at III:1, which is then expanded at III:2.

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? None.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? No.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? The Yerushalmi's final compositor has provided a topical appendix on the figure of Honi. The story does not bear on the Halakhah in any direct way. I have omitted from the repertoire a large mass of Honi-stories and counterparts set forth by the Bavli; these connect to the Halakhah only via the name of Honi (!).

c. *Aggadic Compositions in Bavli Taanit*

B. to M. TAANIT 2:12 XII.1, 3 17B-18A

XII.1. A. As to any [day concerning which] in the Fasting Scroll [Megillat Taanit] it is written [in Aramaic:] "not to mourn"—on the day before, it is prohibited to mourn. On the day after, it is permitted to mourn:

XII.3. A. The master has said: *from the eighth of Nisan until the close of the Festival of Passover, during which time the date for the Festival of Pentecost was reestablished, fasting is forbidden:*
B. *Why say, "until the close of the Festival of Passover"? Why not say simply, until the Festival, and since the Festival itself is a festival period, mourning is forbidden at that time anyhow.*
C. Said R. Pappa, "It is in line with what Rab said, **[18A]** 'That formulation was required only to

extend the prohibition to the preceding day.' Here too, that formulation was required only to extend the prohibition to the preceding day."

D. *In accord with the view of what authority does that position conform?*

E. *It conforms to the position of R. Yose, who has said,* "It is forbidden to mourn both on the day prior and on the day following the specified occasions."

F. *If that is the rule, it should be forbidden to mourn also on the twenty-ninth day of Adar also—why do you determine to focus on the consideration that it is the day before the Daily Offering was established, when you can derive the rule governing that day from the fact that it is the day after the twenty-eighth of Adar.*

G. *For it has been taught on Tannaite authority:*

H. *On the twenty-eighth of that [month, that is, Adar], good news came to the Jews, that they need not separate themselves from [practice of] the law.'* For the government had decreed that they may not involve themselves with [study and practice of] Torah, that they may not circumcise their sons, and that they must profane the Sabbath. What did Judah b. Shammua and his associates do? They went and took council with a certain matron with whom all of the notables of Rome were familiar. She said to them, "Tonight, come and cry [to the Roman government] for help!" That night, they came and cried out: 'In the eyes of [God in] heaven, are we not your brothers? And are we not all the children of a single father? And are we not all the children of a single mother? How are we different from every other people and language that you enact harsh decrees upon us?' Now, as a result [the government] annulled those [decrees], and [as for] that same day—they designated it a feast.

I. Said Abbayye, "That formulation was required only to deal with the case of a month that is full [that has thirty days, not twenty-nine]. [In that case the thirtieth of Adar would be the last day of the month and could only be included in the restriction on the ground that it precedes the first of Nisan and not that it follows the twenty-ninth of Adar, since a day, the twenty-eight, intervenes]."

J. R. Ashi said, "You may even maintain that it pertains to a month that is lacking [and is only twenty-nine days]. On a day following a festival day fasting alone is forbidden, but mourning is permitted, but as for the twenty-ninth of Adar, situated between two festival days, it is treated as though it were a festival day itself, with mourning forbidden on that day too."

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The Aggadah, H, is essential to the argument of F, which makes reference to the clause of the mourning scroll that pertains. Then the aggadic narrative explains the background of the celebratory occasion. We note the very favorable representation of Roman government, accessible as it is alleged to have been to rational argument on humanitarian grounds!

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? The aggadic narrative forms evidence in the halakhic argument and makes a contribution to the corpus of facts on which the argument is built.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? The Aggadah is integral to the halakhic presentation.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? Only by appeal to the Aggadah at hand (or a comparable story) can the case have been made for the position that is maintained by a party to the discussion.

M. Taanit 3:1–2

3:1. A. The conduct of these fast days which have been described applies in the case of the first rainfall.

B. But in the case of crops that exhibit a change [from their normal character]

C. they sound sound the shofar on their account forthwith.

D. And so [if] the rain ceased between one rainstorm and the next for a period of forty days,

E. they sound sound the shofar on that account forthwith,

F. for it represents the blow of famine.
3:2 A. If the rain fell sufficient for crops but not for trees,
B. for trees but not for crops,
C. for this and that, but not for [filling up] cisterns, pits, or caverns,
D. they sound sound the shofar on their account forthwith.

B. to M. Taanit 3:1–2 III.1–6 19B-20A
III.1. A. If the rain fell sufficient for crops but not for trees, for trees but not for crops, for this and that, but not for [filling up] cisterns, pits, or caverns, they sound sound the shofar on their account forthwith:
B. *Now it is so that rain sufficient for crops but not for trees does happen, when it rains gently and not heavily; so too, rain that is good for trees but not for crops happens, when it rains heavily and not gently; and there can be rain that is good for both crops and trees but not fill up cisterns, ditches, and caves, if it falls heavily and gently but not yet sufficiently. But how is it possible for sufficient rain to fall to fill cisterns, ditches, and caves, yet not to be good for crops and frees, in accord with the Tannaite formulation?*
C. *It would be a case of torrential rain.*
III.2. A. *Our rabbis have taught on Tannaite authority*:
B. They sound an alarm for rain for trees if it has not rained by half a month prior to Passover [that is, the new moon of Nisan], and for cisterns, ditches, and caves even half a month prior to Tabernacles; and whenever there is not sufficient water for drinking, it is done at once.
C. What is the definition of "at once"?
D. On the following Monday, Thursday, and Monday.
E. They sound the alarm only in their own province [T. Ta. 2:8C-F].
F. In the case of croup, they sound the alarm only if deaths result. If no deaths result, they do not sound the alarm.
G. They sound the alarm in case of locusts, however small the sample.
H. R. Simeon b. Eleazar says, "Even on account of grasshoppers [do they sound the alarm]" [T. Ta. 2:9D-E, 2:10A-B].
III.3. A. *Our rabbis have taught on Tannaite authority*:
B. They sound the alarm on account of the condition of the trees [needing rain] through the other years of the Sabbatical cycle [but not in the Seventh Year], and for cisterns, ditches, and caves, even in the Sabbatical Year.
C. Rabban Simeon b. Gamaliel says, "Also on account of trees in the Sabbatical Year [do they sound the alarm], because they provide support for the poor [who then are permitted freely to take the fruit]."
C. *It has further been taught on Tannaite authority*:
D. They sound the alarm on account of the condition of the trees [needing rain] through the other years of the Sabbatical cycle [but not in the Seventh Year], and for cisterns, ditches, and caves, even in the Sabbatical Year.
E. Rabban Simeon b. Gamaliel says, "Also on account of trees in the Sabbatical Year [do they sound the alarm]."
F. For the scrub in the field they sound the alarm even in the Seventh Year because it provides support for the poor."
III.4. A. *It has been taught on Tannaite authority*:
B. From the day on which the house of the sanctuary was destroyed, rains have turned irregular for the world: there is a year in which the rain is abundant, and there is a year in which the rain is scanty; there is a year in which the rain falls at the anticipated time, and there is a year in which the rain does not fall at the anticipated time.
C. To what is a year in which the rain falls at the anticipated time to be compared? To the case of a worker who is given his week's food in advance on Sundays: the dough is well baked and edible.
D. To what is a year in which the rain does not fall at the anticipated time to be compared? To the case of a worker who is given his week's food at the end of the week on Fridays: the dough is not well baked and is inedible.
E. To what is a year in which the rain is abundant to be compared? To the case of a worker who is given his week's food all at once. The waste in grinding a qab [thirty seahs] is no more than the water in grinding a qab [a sixth of a seah], and the waste in kneading a kor is no more than the waste in kneading a qab.
F. To what is year in which the rain is scanty to be compared? To the case of a worker who is given his

food bit by bit. The waste in grinding a qab is no less than the waste in grinding a kor, so too with kneading a qab, it is no less than kneading a kor.

G. Another matter: to what is a year in which the rain is abundant to be compared?

H. To the case of a man kneading clay. If he has plenty of water, then the clay is well kneaded, but not all of the water is used up; if he has only a little water, then the water will be used up, but the clay still won't be well kneaded.

III.5. A. *Our rabbis have taught on Tannaite authority*:

B. One time all Israel ascended to Jerusalem for the festival, and they didn't have enough water to drink. Naqedimon b. Gurion went to a certain lord. He said to him, "Lend me twelve wells of water for the pilgrims, and I shall pay you back with twelve wells of water, and if I don't do it, then I'll give you instead twelve talents of silver," with a fixed time for repayment.

C. When the time came for repayment and it did not rain, in the morning, he sent him a message, "Send me the water or the money that you owe me."

D. He sent word, "I still have time, for the rest of the entire day belongs to me."

E. At noon he sent him word, "Send me the water or the money that you owe me."

F. He sent word, "I still have time, for the rest of the entire day belongs to me."

G. At dusk he sent him word, "Send me the water or the money that you owe me."

H. He sent word, "I still have time today."

I. That lord ridiculed him. He said to him, "The whole year it hasn't rained, **[20A]** and now is it going to rain?"

J. He cheerfully went off to the bath-house.

K. While the lord was cheerfully going to the bath house, Naqedimon sadly went to the house of the sanctuary. He wrapped himself in his cloak and stood up in prayer, saying before him, "Lord of the world, it is obvious to you that it was not for my own honor that I acted, not for the honor of my father's house did I act, but I acted for your honor, to provide ample water for the pilgrims."

L. At that moment the skies darkened with clouds and it rained until water filled twelve wells and more.

M. As the lord was going out of the bath-house, Naqedimon b. Gurion was leaving the house of the sanctuary. When the two met, he said to him, "Pay me the cost of the extra water that you owe me."

N. He said to him, "I know full well that the Holy One, blessed be he, has disrupted his world only on your account. But I still have a legitimate gripe against you to collect the money that is owing to me! The sun has already set, so the rain has fallen in the time that belongs to me [after the end of the specified time limit]."

O. He once more went into the house of the sanctuary, wrapped himself in his cloak, and stood up in prayer, saying before him, "Lord of the world, let people know that you have loved ones in your world."

P. At that instant the clouds scattered and the sun shone at that moment.

Q. The lord said to him, "Had the sun not broken through, I still would have had a legitimate gripe against you to collect the money that is owing to me."

R. A Tannaite statement:

S. His name wasn't Naqedimon, it really was Boni, and why was he called Naqedimon? For the sun broke through [niqedera] on his account.

III.6. A. *Our rabbis have taught on Tannaite authority*:

B. In behalf of three persons the sun broke through: Moses, Joshua, and Naqedimon b. Gurion.

C. *As to Naqedimon b. Gurion, we have a tradition.*

D. *As to Joshua, there is a verse of Scripture*: "And the sun stood still and the moon stayed" (Josh. 10:13).

E. But how do we know that that is so of Moses?

F. Said R. Eleazar, *"It derives from the use of the words*, "I will begin," *in the two instances. Here we find*, 'I will begin to put the dread of you' (Deut. 2:25), and in connection with Joshua, 'I will begin to magnify you' (Josh. 3:7)."

G. R. Samuel bar Nahmani said, *"It derives from the use of the word 'put' in both cases. Here we find*, 'I will begin to put the dread of you' (Deut. 2:25), and in connection

with Joshua, 'In the day when the Lord put the Amorites' (Josh. 10:12)."

H. Said R. Yohanan, *"From the verse itself the lesson is to be derived*: 'The peoples that are under the whole heaven who shall hear the report of you and shall tremble and be in anguish because of you' (Deut. 2:25): And when did they tremble and feel anguish on account of Moses? This is when the sun stood still for him."

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The theme of the Mishnah-rule, M. 3:2, and the Bavli's compositions in amplification of that rule, III.1–2, is sounding the alarm for a dearth of rain, which accounts for the formation of the composite, III.1–5. In that composite, what is the role of the Aggadah? The story translates the general allusions to a situation of drought into a particular case and how Israelite ingenuity, resting on divine grace, solved the problem. The miracles compound, as the story unfolds. Then, III.6 adds, the exceptional situation is comparable to occasions involving Moses and Joshua. Then the whole, III.5–6, is formed around Naqedimon's name, and inserted because of the general thematic interest in drought. But while the Halakhah deals with routine response to the crisis, the Aggadah explicitly deals with the one-time and extraordinary.

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? The links are attenuated and merely thematic, but placing the aggadic narrative into this context bears a theological implication of considerable weight.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? The Aggadah articulates what is implicit in the Halakhah, which is, in the end, Israel has to make itself worthy of Heaven's provision of miracles.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? The Halakhah prescribes certain activities to that end, but the decision remains in the hands of God and is not to be coerced. That is the message involving both Naqedimon and Honi. Joining the aggadic stories to the halakhic rules allows the compositor to make a statement that the Halakhah, on its own, cannot make; and to correct an impression that the Halakhah, willy-nilly, might leave.

B. TO M. TAANIT 3:11 XVI.1–4 25B–26A

XVI.1. A. If they were fasting and it rained for them before sunrise, they should not complete the fast. [If it rained] after sunrise, they should complete the day in fasting:

B. *Our rabbis have taught on Tannaite authority*:

C. "If they were fasting and it rained for them before sunrise, they should not complete the fast. [If it rained] after sunrise, they should complete the day in fasting," the words of R. Meir.

D. R. Judah says, "It if rained before noontime, they need not complete the fast. If it rained after noontime, they should complete the day in fasting."

E. R. Yose says, "If it rained before the ninth hour, they need not complete the fast, if after the ninth hour, they must complete it. For lo, we find in the case of Ahab, king of Israel, that he did fast from the ninth hour onwards: 'See you how Ahab humbles himself before me' (1 Kgs. 21:29)."

XVI.2. A. R. Judah the Patriarch decreed a fast and it rained after dawn. He considered that people should complete the fast. Said to him R. Ammi, "We have learned: 'before noontime . . . after noontime.'"

XVI.3. A. Samuel the Younger decreed a fast and it rained before down. The people thought that it was a gesture of praise for the community. He said to them, "I shall tell you a parable: to what is the matter to be compared? To a slave who asked his master for a favor, and the master said to them, 'Give it to him, so I don't have to hear his voice.'"

XVI.4. A. Again Samuel the Younger decreed a fast, and it rained after sunset. The people thought that it was a gesture of praise for the community. He said to them, "This is not a gesture of praise

to the community. But I shall tell you a parable: to what is the matter to be compared? To a slave who asked his master for a favor, and the master said, 'Let him wait until he is submissive and upset and then give him his favor.'"

B. And then, from the viewpoint of Samuel the Younger, *what would represent a case that* involved a gesture of praise to the community at all?

C. He said, "[a case in which they recited the prayer, 'he causes the wind to blow,' and the wind blew; 'he causes rain to fall' and rain fell."

1) The Context, in Halakhic Discourse, of the Aggadic Composition or Composite: The Halakhah, XVI.1, provides for the occasion of Heaven's immediate response to prayers for rain: do the people have to complete the fast day that has early on accomplished its purpose? I should distinguish between the precedent, XVI.2, and the aggadic narratives, XVI.3–4. The former involves the law as articulated, the latter moves beyond the Halakhah and raises exactly the point paramount elsewhere in the halakhic exposition: does Israel coerce Heaven by these rites? The answer is, not only does Israel not have the power to coerce Heaven, but even though Israel's prayers for rain are answered, that is not a mark that Israel enjoys special favor in Heaven. So here, as is often the case, the Aggadah moves beyond the this-worldly limits of the Halakhah.

2) What links do we discern between the aggadic composition and the halakhic composite in which it has been situated? The Aggadah directly addresses the facts of the Halakhah but changes the focus of analysis.

3) Does the Aggadah play a role in the documentary presentation of the Halakhah, and if so, what task does it perform? The power of the Aggadah to disclose a deeper layer of theological thinking provoked by the Halakhah could not be more dramatically articulated.

4) Can we explain why the compositor of the halakhic document (or its main components) found it necessary to shift from halakhic to aggadic discourse to accomplish his purposes? The Halakhah permitted him to raise the deeper question that, in his view, the Aggadah resolves. Only together, in their counterpoint relationship, do the Aggadah and the Halakhah make the entire statement that the compositor had in mind for the topic at hand.

The Aggadic Role in the Halakhic Discourse of Taanit

At each point in the unfolding of Mishnah-Tosefta-Yerushalmi-Bavli Taanit, the Aggadah and the Halakhah work together, each carrying out its particular task, to present a cogent and proportionate picture for the topic before us. The topic, fasting in times of crisis in order to win Heaven's favor, bears within itself the obvious dilemma: does God respond automatically when Israel fasts? Or does God exercise mercy as an act of grace, in which case, why fast? The Halakhah then sets the stage, defines the activity, and so raises the question, and the Aggadah responds, time and again, to that deeper question implicit in the very provisions of the Halakhah for human activity in response to evidences of divine displeasure. In this context, the Mishnah's story about Honi underscores the uncertainty of importuning Heaven. That is something Honi could accomplish, but not many others. The secondary expansion of the Honi-materials in the Tosefta and Yerushalmi need not detain us. A still more explicit statement emerges in the compositors' union of M. Ta. 3:1–2, with their secondary exposition at B. to M. Ta. 3:1–2 III.2–4, at III.5–6: such events of divine intervention are exceedingly rare. And then, at the end, comes the explicit response to the challenge of the Halakhah in the aggadic narratives of B. to M. Ta. 3:11 XVI.1–4.

A more familiar role of the Aggadah is to account for the origin of halakhic rules for the Temple cult and its extensions in the village and household, so B. to M. Ta. 2:12 XII.1, 3.

How the Halakhah and the Aggadah Relate in Shared Discourse

The four documents, through the Aggadah that intersects with the Halakhah, in the native-category-formation, Taanit, do make a single, coherent statement, one in which the Halakhah sets the norm, the Aggadah the exception. Here, the Halakhah details with the ordinary, the Aggadah the extraordinary. A single religious system of the world order comes to expression, for the particular halakhic system at hand, only when the Aggadah and the Halakhah are permitted to make each its distinctive contribution. Separately they produce cacophony, together, coherence and cogency—Judaism, whole and complete.

Jacob Neusner

Altruism in Judaism

A rough and ready definition of altruism permits us to begin with concrete data. That definition is simple: altruism is unselfish, unrewarded behavior that benefits others at a cost to oneself. While we find in the Rabbinic canon of the formative age stories that qualify, in general Judaism does not provide for altruistic behavior, although it makes ample provision for unselfish and sacrificial conduct in behalf of others. First, it is difficult to imagine that a critical position for altruism will present itself in a religious tradition that takes as its watchword, "You will love your neighbor as yourself" (Lev. 19:18), meaning, not more than yourself, and which teaches, "Your life takes priority over the life of another." In Judaism one is expected to give up one's life for God, "for the sanctification of God's name," which means, accept death as a martyr rather than publicly commit idolatry, murder, or sexual impropriety. Accepting martyrdom under less exalted auspices than God's is difficult to validate. For example, the law assigns priority to the life of a woman in childbirth over that of the foetus until the baby is born (M. Yeb. 7:6):

> A. The woman who is in hard labor—they chop up the child in her womb and they remove it limb by limb, because her life takes precedence over his life.
> B. If its greater part has gone forth, they do not touch him, for they do not set aside one life on account of another life.

Here at the very critical transaction of childbirth, an act of self-sacrifice is not demanded of the mother, even as it cannot be demanded of the foetus. We should not anticipate that the religious system represented by these rulings and comparable ones altruism meaning more than a generous spirit toward others will find form a dominant motif. But a more systematic account of Judaism is required for characterizing the normative position. What we shall see is that for systemic theological reasons, altruism in any rigorous definition—meaning, anything beyond mere philanthropy in a broad sense—does not apply. If it finds a natural home in Christianity, that too is for systemic reasons, particular to the theological narrative of Christianity, not to the generic religiosity characteristic of all religious traditions, if we may speak of the generic in the context of religion at all.

Since our problem in the matter of altruism focuses on issues of definition and systemic coherence, I represent the doctrine of Judaism in its classical context, provided by the Hebrew Scriptures of ancient Israel as mediated by the Rabbinic authorities of the first six centuries of the Common Era. Their writings of legal exposition and Scriptural interpretation form a coherent system of law and theology, and they have defined the norm for Judaism from antiquity to modern times. Diverse Judaic religious systems from the nineteenth century forward have evaluated the Classical writings in diverse ways, but for most, though not all, of the Judaisms of contemporary times continue to consult those writings and accord to them normative standing, if in some instances allowing them only a vote but not a veto on contemporary practice and belief. The "classical Judaism" under discussion

here, therefore, is comprised by the legal and theological system that animates the Rabbinic canon. Any account of a Judaic doctrine must encompass two different types of writing, legal or Halakhic and theological or Aggadic. For my exemplary cases of altruism, I have chosen a theological narrative and a legal exposition of the hierarchy of philanthropic conduct, respectively.

Altruism as Unselfish Behavior to the Benefit of Others in Judaic Theology

Narratives of singular acts of altruistic conduct do circulate in the formative canon of normative Judaism. What we shall now see is a set of stories about how heavenly favor is shown to a simple man by reason of his self-sacrifice for which no reward was anticipated. Important in these stories is that no articulated religious obligation—mitzvah or commandment—is thereby carried out. It is supererogatory conduct. Through deeds that the law of the Torah cannot require but must favor one commits an act of altruism: beyond the measure of the law. This encompasses what one does on one's own volition, beyond a commandment of the Torah that embodies God's volition.

Yerushalmi Taanit 1:4.I:

A. A certain ass driver appeared before the rabbis [the context requires: in a dream] and prayed, and rain came. The rabbis sent and brought him and said to him, "What is your trade?"
B. He said to them, "I am an ass driver."
C. They said to him, "And how do you conduct your business?"
D. He said to them, "One time I rented my ass to a certain woman, and she was weeping on the way, and I said to her, 'What's with you?' and she said to me, 'The husband of that woman [me] is in prison for debt, and I wanted to see what I can do to free him.' So I sold my ass and I gave her the proceeds, and I said to her, 'Here is your money, free your husband, but do not sin by becoming a prostitute to raise the necessary funds.'"
E. They said to him, "You are worthy of praying and having your prayers answered."

The ass-driver clearly has a powerful lien on Heaven, so that his prayers are answered, even while those of others are not. What he did to get that entitlement? He did what no law could demand: impoverished himself to save the woman from a "fate worse than death." He had no expectation of reward. He did not ask the Rabbinic sages about his power to pray for rain, they asked him. His act of altruism was to give up his means of making a living.

Yerushalmi Taanit 1:4.I.

A. In a dream of R. Abbahu, Mr. Pentakaka ("Five sins") appeared, who prayed that rain would come, and it rained. R. Abbahu sent and summoned him. He said to him, "What is your trade?"
B. He said to him, "Five sins does that man [I] do every day, for I am a pimp: hiring whores, cleaning up the theater, bringing home their garments for washing, dancing, and performing before them."
C. He said to him, "And what sort of decent thing have you ever done?"
D. He said to him, "One day that man [I] was cleaning the theater, and a woman came and stood behind a pillar and cried. I said to her, 'What's with you?' And she said to me, 'That woman's [my] husband is in prison, and I wanted to see what I can do to free him,' so I sold my bed and cover, and I gave the proceeds to her. I said to her, 'Here is your money, free your husband, but do not sin.'"
E. He said to him, "You are worthy of praying and having your prayers answered."

The second story moves us still further, since the named man, a reprobate, has done everything sinful that one can do, and, more to the point, he has done and does wicked deeds every day. So we are shown the singularity of the act of altruism, which suffices if done only one time to outweigh a life of sin. Here too the man sold the necessities of life to spare the woman a life of sin.

These narratives meet the requirements of our preliminary definition: action that is unselfish and gratuitous, carried out, without anticipated reward, to the actor's disadvantage. Whether the set of stories qualifies by a more rigorous definition remains to be seen. The set occurs in an authoritative document, and it is clearly intended to encourage self-sacrifice in behalf of another.

The issue of context and proportion, however, presents itself. May we characterize the system that values these stories as an altruistic one? In the context of Rabbinic Judaism, with its emphasis on the priority of learning in the Torah as a means of acquiring merit, the two players—the unlettered man, the woman in each story—represent outsiders. The system's norms—mastery of the Torah, consistent conformity to the law, maleness—are not met. Neither is represented as a master of Torah-learning. In the setting of Rabbinic Judaism, with its stress on the long-term disciplines of the law, leading to a life of piety lived out in consistent daily discipline, the stories' make a further point. A single action accomplishes what an entire life of piety and Torah-learning accomplishes.

In both cases—the unlettered man, the woman excluded by definition, and also the single action outweighing a life of sin—we therefore deal with a systemic reversal: outsiders who do not keep the law acting beyond the outer requirements of the law. The transvaluation of values accomplished by the narratives indicates we have located the very heart of the system: provision for the spontaneous in the midst of the routine. And that singular act, which outweighs all else, embodies what God cannot command but what man can freely give: un-compensated self-sacrifice. In the setting of the creed, "You will love the Lord your God with all your heart, soul, and might," altruism conforms to the paradigm of the relationship for which God yearns but which only human beings can realize of their own free will: love, which cannot be commanded and coerced, only responded to, by God. So much for an Aggadic representation of altruism. But altruism cannot be represented as the norm.

What about a Halakhic formulation? The system makes its normative statements in law, not in narrative, and so we have to turn to a legal document for an authoritative picture of the way in which our rough-and-ready definition of altruism guides us to a view of Judaism on that matter. I turn to part of the definition of proper philanthropy—the Hebrew word is *tzedakah*, righteousness—that is set forth by Moses Maimonides (1135–1204), who codified the law of the Talmuds, commentaries, and existing codes, in a highly systematic and rational statement. He sets forth "the eight stages of Tzedakah." What we wish to identify is a place for altruism in the transactions of philanthropy.

There are eight degrees of tzedakah, each one superior to the next.

A. Than which there is none higher, is the one who upholds the hand of an Israelite reduced to poverty by handing that person a gift or loan, or by entering into a partnership with him or her, or by finding that Israelite work, in order to strengthen that person's hand, so that she or he will have no need to beg from others. Concerning such a person it is stated, You shall uphold that one, as a stranger and a settler shall that person live with you—meaning, uphold that person, so that she or he will not lapse into want.

B. Below this is one who gives alms to the poor in such a way that the giver knows not to whom the alms are given, nor does the poor person know from whom the alms are received. This constitutes the fulfilling of a religious duty for its own sake, and for such there was a chamber of secrets in the Temple, where the righteous would contribute sums secretly, and where the poor of good families would draw their sustenance in equal secrecy. Close to such a person is the one who contributes directly to the charity fund.

C. Below this is the person who knows the one receiving while the poor person knows not from whom the gift comes. Such a donor is like the great among the sages who would set forth secretly, throwing money before the doors of the poor. This is an appropriate procedure, to be preferred if those administering charity funds are not behaving honorably.

D. Below this is the instances in which the poor knows the identity of the donor, but remains unknown to the donor. The giver is thus like the great among the sages who would place money in the folded corner of a linen sheet, throw the sheet over their shoulders, and allow the poor to come up form behind them and remove the money without being subject to humiliation.

E. Below this is the one who hands charity directly to the poor before being asked for it.

F. Below this is the one who hands charity to the poor after the poor has requested it.

G. Below this is the one who gives to the poor less than what is appropriate, but gives it in a friendly manner.
H. Below this is the one who gives charity with a scowl.

At what point does an act of philanthropy qualify as altruistic? It enters in at the seventh stage, when the donor is anonymous and gets no public credit for his action, and when the donor also does not know to whom the funds have gone. Then the self-sacrificial act—the surrender to the other of scarce resources—is done "for its own sake," not for the sake of a reward. That is the second highest level of philanthropy. But the donor pleases Heaven and furthermore gains satisfaction from knowing that he has helped some poor person, if not a particular one. He has carried out an obligation to Heaven, such as philanthropy embodies. It is difficult to represent the transaction as true altruism, un-rewarded self-sacrifice. That systemic representation of virtuous actions in response to God's commandments leaves little space indeed for truly altruistic conduct in the normative Judaism.

The highest has no bearing on our problem but embodies a social philosophy for philanthropy beyond altruistic limits. The highest form of philanthropy is attained through rendering philanthropy altogether unnecessary: giving a fish hook, not a fish. That matter has no bearing on our problem, so we stop at the seventh level. On the surface, therefore, we may say that Classical Judaism does set forth a doctrine of altruistic behavior: acts of love for the other that are not only not done for the sake of a reward but that also exact a cost in the resources or circumstances of the altruistic actor. Let us turn to the analytical program that animates this exercise and broaden the frame of reference. For the examples offer merely suggestive, not probative evidence for altruism in normative Judaism.

It remains to ask, how does Judaism represent the act of self-sacrifice for the good of the community at large? Does such an act qualify as unselfish self-sacrifice for the public welfare? Can Judaism say, no greater merit attaches to any deed than to giving up one's life for one's fellow, for the public good? We have such a case described in the setting of Joshua's exchange with Achan. In the description of how the death penalty was inflicted, the law of the Mishnah invokes the case of Achan in connection with the confession. Specifically, Joshua 7 tells the story of how the Israelites lost a skirmish in conquering the Land and blamed it on a sin committed in their midst. Joshua located Achan, who had violated the divine instruction on the disposition of the spoils of war, and this is how the Mishnah represents the transaction (M. San. 6:2):

A. When he was ten cubits from the place of stoning, they say to him, "Confess," for it is usual for those about to be put to death to confess.
B. For whoever confesses has a share in the world to come.
C. For so we find concerning Achan, to whom Joshua said, "My son, I pray you, give glory to the Lord, the God of Israel, and confess to him, and tell me now what you have done; hide it not from me." And Achan answered Joshua and said, "Truly have I sinned against the Lord, the God of Israel, and thus and thus I have done" (Josh. 7:19). And how do we know that his confession achieved atonement for him? For it is said, "And Joshua said, Why have you troubled us? The Lord will trouble you this day" (Josh. 7:25)—*This day you will be troubled, but you will not be troubled in the world to come.*
D. And if he does not know how to confess, they say to him, "Say as follows: 'Let my death be atonement for all of my transgressions.'"

At issue is the welfare of the community. Achan sacrifices himself for its future relationship with God. But it is to his own advantage. He enjoys a very concrete reward: atonement and reconciliation with God, leading to eternal life. Within the very center of the Halakhic exposition comes the theological principle that the death-penalty opens the way for life eternal. Achan pays the supreme penalty but secures his place in the world to come. This is not an act of altruism at all, but an act of repentance committed to Achan's own advantage.

In the Sources of Judaism in Its Classical Canon, What Are the Major Categories of Behavior for the Welfare of Others?

Now when we turn to the agenda of issues of altruism addressed to the principal religious traditions of humanity, we place into systemic context the episodic lessons just now set forth. What we have seen is, we can find narratives that value altruistic behavior conventionally defined. But do these represent a systemic component of critical consequence? In context does altruistic behavior define a norm of everyday conduct, or an exception to what is expected in ordinary circumstances? We answer the question by asking how the system that tells these stories provides for the welfare of others in a workaday world of common folk, not in a world of transvaluation and exceptional conduct. We begin with classifications for the welfare of others. Judaism does not leave to the vagaries of human initiative and volition the systematic maintenance of the poor, needy, and disempowered. It provides obligatory support and does so as a matter of routine. It is a religious duty to support the poor, and this is in concrete and detailed patterns. Altruism does not enter in to action for the welfare of others, conventionally construed, which is commanded and not self-initiated.

To ask the Halakhic system of Judaism how it makes provision for the welfare of others is to demand a comprehensive survey of the system viewed whole. For the Halakhic system portrays a comprehensive account of the social order, all things in proper place, all transactions yielding a proportionate outcome. What the individual component of the social order, the private person, does must take account the rights of others in that same society. The law covering economic transactions—the disposition of scarce resources—rests on a theory of distributive economics that prohibits one party to an exchange from emerging with more value than he brought to the transaction, another with less. The system understands by welfare, moreover, relationships of not only a social but a supernatural character. The conduct of the Temple offerings yields atonement for the collective sin of all Israel, the holy people, and forms a critical component of the public welfare.

But the conventional category of "welfare of others" addresses the support of the poor, the landless, the unempowered. That encompasses in the case of the Halakhic system the priests and Levites, who are landless, as well as the poor. What is important is that the same procedures apply. God and the householder are deemed partners in the ownership of the Land of Israel, and when the householder lays claim on his share of the crop, God's interest in the crop is provoked, and his share is to be set aside. Then the householder must set aside God's share of the crop to be given to the priesthood for their rations and to the poor for their support. Professor Roger Brooks states the matter definitively:

> Tractate Peah asserts that needy Israelites are entitled to a portion of each crop that grows on the Land of Israel. The householder must designate some of his produce to meet this entitlement, while other gifts become the property of the poor entirely through processes of accident. What these various types of food have in common is the fact that they are reserved for the poor alone—no one else may eat them. So the fundamental claim of this tractate is that the poor should receive some bit of the Land's yield for their exclusive use. This notion of poor-relief emerges through Mishnah's discussion of the procedures for designating and distributing the several poor-offerings mentioned in Scripture. Tractate Peah deals with each offering specified in the Mosaic Codes in the order in which they are separated during the harvesting process: that which grows in the rear corner of the field (*peah*; Lev. 19:9; 23:22), gleanings (Lev. 19:9; 23:22), forgotten sheaves (Deut. 24:19), separated grapes (Lev. 19:10), defective clusters (Lev. 19:10; Deut. 24:21), and poorman's tithe (Deut. 26:12). In sum, the tractate takes as its topic the entire repertoire of Scriptural references to poor-offerings. . . .

What conception stands behind this analogy between the poor and the priests? It is their common claim on God for protective support. Because neither group possesses a portion of the Land of Israel, neither can produce the food it needs. The priests, for their part, are forbidden by Scriptural law to own land (see Deut. 18:1–5). Instead, they act as God's servants in the Temple and

are accorded food on that account. Similarly, the poor have lost whatever portion of the Land they may have possessed, and so are entitled to receive some of its yield. God supports both the priests and the poor because they neither own land nor attain the economic prosperity promised to all Israelites who live in the Land (see Deut. 8:7–10).

These claims on God are satisfied through the action of the ordinary Israelite householder. As a tenant farmer, he works God's Land and enjoys its yield, with the result that a portion of all that he produces belongs to God. In order to pay this obligation, Israelites render to the priests grain as heave offering, tithes, and other priestly rations. Similarly, a specific portion of the Land's yield is set aside, by chance alone, for the poor. So underlying the designation of both priestly rations and poor-offerings is a single theory: God owns the entire Land of Israel and, because of this ownership, a portion of each crop must be paid to him as a sort of sacred tax (see Lev. 27:30–33). According to Mishnah's framers, God claims that which is owed him and then gives it to those under his special care, the poor and the priests.[1]

The support for the poor and the priesthood cannot be classified as altruistic. It is routine, not spontaneous; it is exacted as an obligation, it does not fall beyond the measure of the law; above all, it yields a benefit to the donor, who thereby acquires access to the portion of the crop that God, as landowner, assigns the householder, as tenant farmer, for his share. The absence of intentionality is striking: the selection of the portion of the crop for the priests' rations and the poor is done by chance.

We have now eliminated from the realm of altruistic conduct three classifications of activity for the welfare of others: donations to the sacrificial service in the Temple, exchanges of scarce resources in commercial transactions, broadly construed, and donations to the support of scheduled castes, the priesthood and the poor. All these represent areas in which the criteria of altruistic conduct do not pertain. On the contrary the good that is done for others produces a commensurate advantage for the one who does the deed.

Does nothing correspond? A saying in the collection of wise sayings, The Sentences of the Fathers (Pirqé Abot 5:10), captures the matter:

> A. There are four sorts of people.
> B. (1) He who says, "What's mine is mine and what's yours is yours"—this is the average sort.
> C. (And some say, "This is the sort of Sodom.")
> D. (2) "What's mine is yours and what's yours is mine"—this is a boor,
> E. (3) "What's mine is yours and what's yours is yours"—this is a truly pious man.
> F. (4) "What's mine is mine and what's yours is mine"—this is a truly wicked man.

Here we find ourselves near the conception of altruistic conduct: un-rewarded, unselfish sacrifice for another. It comes with the truly pious man, who does not take but gives and is truly pious. The conduct of Mr. Five-Sins would qualify—if he knew that Heaven would ignore his behavior and acted deliberately on condition that he not be compensated. The story does not suggest whether or not those conditions have been met.

Behavior for the Welfare of Others: What is Meant by "Others"? What Does the Religion Mean by "Others," Both Doctrinally and Historically? For Example, in the Classical Texts, Do "Others" Include People Outside of the Religious Community?

Who is the "other" who is the object of altruistic conduct? Our opening narratives assume we deal with Israelites in an interior transaction. The support for the poor outlined in tractate Peah and described by Professor Brooks sustains Israel's scheduled castes. The systematization of levels of philanthropy explicitly refers at the highest level to making it possible for an Israelite to support himself. The four types of possessors in tractate Abot recapitulate the same assumption, that we speak of transactions within the community of Israel. The Judaic theology of the gentiles, which sees them as an undifferentiated phalanx of enemies of God, who worship idols deliberately ignoring the truth, leaves little basis for affirming

altruistic conduct toward "others." On the contrary, even ordinary transactions that express simple compassion are subjected to doubt (M. A.Z. 2:1–2):

(2:1)A. They do not leave cattle in gentiles' inns,
B. because they are suspect in regard to bestiality.
C. And a woman should not be alone with them,
D. because they are suspect in regard to fornication.
E. And a man should not be alone with them,
F. because they are suspect in regard to bloodshed.
G. An Israelite girl should not serve as a midwife to a gentile woman,
H. because she serves to bring forth a child for the service of idolatry.
I. But a gentile woman may serve as a midwife to an Israelite girl.
J. An Israelite girl should not give suck to the child of a gentile woman.
K. But a gentile woman may give suck to the child of an Israelite girl,
L. when it is by permission.
(2:2)A. They accept from them healing for property,
B. but not healing for a person.
C. "And they do not allow them to cut hair under any circumstances," the words of R. Meir.
D. And sages say, "In the public domain it is permitted,
E. "but not if they are alone."

The prevailing attitude of suspicion of gentiles derives from the definition of gentiles: idolaters, enemies of God. One should not anticipate a rich repertoire of rulings on how one must sacrifice for the welfare of the gentile-other. I cannot point to narratives that suggest one must, let alone laws that obligate it. There is motivation to sacrifice for the outsider: one supports the poor of the gentiles "for the sake of peace (M. Git. 5:8–9):

(5:8)A. They do not prevent poor gentiles from collecting produce under the laws of Gleanings, the Forgotten Sheaf, and the Corner of the Field, in the interests of peace.
(5:9)B. And they inquire after their [gentiles'] welfare,
C. in the interests of peace.

This is not un-rewarded behavior, carried out gratuitously. It is a matter of sound public policy, leading to communal peace and amity. "They do not prevent . . .," "they inquire after their welfare"—minimal gestures of common courtesy prevent needless enmity. They accommodate the gentile-other, they do not accord selfless love to him. Altruism within Judaism is embodied in stories that presuppose the Israelite identification of the actors and beneficiaries. Judaism sets forth a social system that distinguishes, in humanity, those that know and love God from those that serve idols and hate God.

How Does Judaism Assess the Meaning of Behavior for the Welfare of Others?

To answer the question, we turn back to the narratives of extraordinary, altruistic conduct set forth at the outset. We made reference to the impact on the actor of Mr. Five-Sins' conduct. How does Judaism assess the meaning of behavior for the welfare of others? The story before us values conduct for the welfare of others. This valuation is attributed to heaven. When Mr. Five-Sins prayed for rain, rain would follow. The context in which the capacity to pray for rain and elicit a response from Heaven is defined by the public liturgy for communal prayers, as follows (M. Ta. 2:6):

A. (1) For the first [ending] he says, "He who answered Abraham on Mount Moriah will answer you and hear the sound of your cry this day. Blessed are you, O Lord, redeemer of Israel."
B. (2) For the second he says, "He who answered our fathers at the Red Sea will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who remembers forgotten things."
C. (3) For the third he says, "He who answered Joshua at Gilgal will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who hears the sound of the shofar."
D. (4) For the fourth he says, "He who answered Samuel at Mispeh will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who hears a cry."
E. (5) For the fifth he says, "He who answered Elijah at Mount Carmel will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who hears prayer."

F. (6) For the sixth he says, "He who answered Jonah in the belly of the fish will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who answers prayer in a time of trouble."
G. For the seventh he says, "He who answered David and Solomon, his son, in Jerusalem, will answer you and hear the sound of your cry this day. Blessed are you, O Lord, who has mercy on the Land."

Able to pray for rain and evoke a response from Heaven, Mr. Five-Sins now finds his classification in the great saints of Israel's history, saints acknowledged by Heaven's favor in precisely the same way in which Mr. Five-Sins' virtue is acknowledged.

To the second question: does the law of Judaism assess such behavior in terms of its impact on the recipient, in terms of the action itself, in terms of the motivation or intention of the actor, or some combination of the above? I find here a matter of judgment. The act is valued for its impact on the woman. But I think the narrator also admires the self-sacrifice that leads Mr. Five-Sins to give up his livelihood in favor of the woman. So the selfless action, joined to pure intention ("for its own sake") and its desired result, the saving of the woman from a fate worse than death, join together.

If the actor's intention or motivation is a factor in determining the action's meaning, how is intention or motivation known and assessed? I think the narrative takes for granted the intention and motivator of the actor: the capacity to make the trouble facing the other into one's own concern, the power to turn sympathy into empathy.

Does the actor determine what motivated the action, or is there some other source that makes such a determination? The narrator creates the entire transaction. The act is—and to qualify as altruistic must be—self-motivated, not in response to a religious duty or divine commandment, for there is no religious commandment in Judaism that imposes the obligation to sacrifice in behalf of the other. The important participant is the divine witness, God, who values that love that cannot be coerced or commanded but only elicited by one's own capacity for empathy and empathetic response. God knows what motivated the action. That is because God's record, in the context of responding to the prayers of Abraham at Moriah, Israel at the Sea, Joshua at Gilgal, Samuel at Mispeh, Elijah at Carmel, Jonah in the fish, and David and Solomon at Jerusalem—God's record is what is replicated by Mr. Five-Sins. He has acted like God in responding to pathos, and his selfless service is what a human being can do to act like God.

Does Judaism Create a Context in Which it is Possible that Intentional Action for the Welfare of Others Can Have Only a Neutral or Negative Consequence on the Actor? Is It Possible for Action on Behalf of Others to Have No Beneficial Consequence for the Actor?

Nothing in this rapid review of some high points of the Judaic law and narrative of service to others suggests that action on behalf of others to have no beneficial consequence for the actor. On the contrary, the one who intentionally commits an act of altruism—selfless un-rewarded service to others at considerable cost to oneself—by definition cannot produce neutral, let alone negative, results for himself. Self-sacrifice for others elicits God's empathy. That is why it is not possible for an action for others to produce no consequence for the actor, such a possibility lies beyond the imaginative power of the system.

Once God craves but cannot coerce one's love, God's own record intervenes. What one gives freely, to one's own cost, is bound to win God's recognition and appreciation. The only difference between a good deed for others that is commanded by God, such as support for the poor, and a good deed that cannot be commanded by God, such as support for the poor that is beyond the measure of the law, is the greater response, in proportion, provoked in Heaven by authentic altruism on earth. But then, with such a reward in prospect, as the narrative at hand underscores, self-sacrifice is not an act of altruism. Heaven itself, by its very nature, renders null the very category, selfless

action for another's benefit without beneficial consequence for the actor. God is always present to assure appropriate response: "pray and one's prayers for rain are answered," for example. Altruistic conduct is difficult to locate in the classical statements of law and theology of Judaism. That is because the category-formations of that Judaism, with their stress on human obligation to carry out the divine will, with reward or punishment the consequence of obedience or rebellion, make no provision for a critical role of unselfish, un-rewarded behavior that benefits others at a cost to oneself. Altruism so defined is a-systemic, and I think, anti-systemic, since it turns virtuous conduct into supererogatory action, while the commandments govern: greater is the action of one who is commanded and acts than the one who is not commanded but acts, in context, to carry out a virtuous deed.

JACOB NEUSNER

NOTE

[1] *The Law of Agriculture in the Mishnah and the Tosefta. Translation, Commentary, Theology.* (Leiden, 2004–2006), vol. II. *Peah.* Translation and commentary by Roger Brooks, p. 4.

Ancient Judaisms—Modern Syntheses

EVERY scholar of ancient Judaism has to deal with the many "Judaisms" that existed in antiquity. That is because during its formative period, the first seven centuries C.E., no unified monolithic religion called "Judaism" flourished in Palestine, Babylonia, Alexandria, and other places in the Roman Empire. Rather, the texts from these centuries give evidence of many different Judaic religious systems, each of which saw itself and none other as Israel and claimed that it and none other kept Torah in the way that God intended it to be kept. For example, the framers of the Mishnah exclude Sadducees and Samaritans from the world to come (M. San. 10:1), while authors of the Community Rule of the Dead Sea Scrolls pronounce a curse on everyone who does not submit to the sons of Zadok (1QS V).

Before scholars can speak of a single "Judaism," they must therefore explain how they will treat multiple "Judaisms" as a coherent whole. Because academic disciplines first taxonomize what they study, we should expect to see scholars of Judaism begin by delimiting the smallest coherent taxonomic units of study—individual religious systems or "Judaisms"—an exercise in contrast. Only then, as a second step, can they construct a larger classification, within which the individual Judaisms form subspecies—an exercise in comparison. This enterprise should produce a matrix, built in the order of smallest unit to largest, of subspecies, species, and genus. Thus, in the case of E.P. Sanders, as we shall see below, Rabbinic Judaism, the Dead Sea Scrolls, and the books of the Apocrypha and Pseudepigrapha comprise subspecies, "Judaism" the species, and (were he to continue to construct the taxonomy) "Judaism," "Christianity," and "Islam" the species of the genus "monotheisms."

In this article we will examine five authors, three of the past generation (Solomon Schechter, George Foot Moore, and Ephraim E. Urbach) and two of the current one (E.P. Sanders and Jacob Neusner), in order to perceive how recent scholarship has produced syntheses of ancient Judaism. We want to know, first, how scholars understand the problem of many and different ancient Judaisms, second, if they propose a solution to the problem, and, third, whether each solution is sustainable. We can answer this last question, knowing that a synthesis is arguably correct, if the matrix the author produces allows us to understand how diverse Judaisms can be classified as subspecies of a single religion: "Judaism."

Solomon Schechter compiled the first systematic theology of Judaism of the past century.[1] The bulk of his work (17 chapters) he devotes to laying out and systematizing theological ideas contained in Rabbinic sources: "the Talmudic and the recognized Midrashic literature," or the "great Midra-

shim" (p. xxx; cf., p. 3), but also the Medieval *Sifrè Mussar* and *Piyutim* (pp. xxxiii-xxxiv). Given the diversity of these documents, we want to know how Schechter arrives at a homogeneous Judaism whose thought he can systematize. He provides an answer in his Preface (p. xxx):

> This literature covers . . . many centuries and was produced in widely differing climes amid varying surroundings and ever-changing conditions, and was interrupted several times by great national catastrophes and by the rise of all sorts of sects and schisms.

Here Schechter lays out the problem of the diversity of the sources: we should expect the varying circumstances in which the documents were produced to yield manifold opinions on different theological subjects. His solution follows (p. xxxi):

> Notwithstanding, however, all these excrescences which historic events contributed towards certain beliefs and the necessary mutations and changes of aspects involved in them, it should be noted that Rabbinic literature is, as far as doctrine and dogma are concerned, more distinguished by the consensus of opinion than by its dissentions.

The language indicates that Schechter adopts a model used by historians of Christianity: orthodoxy (which he calls "Catholic Israel," pp. xxviii, 9, versus "heresy" (see, esp., p. 10)). In this matrix, a core set of beliefs held by the majority of people ("the religious consciousness of the bulk of the nation," p. xxviii) constitutes the theology of Judaism. Whatever makes up various minority opinions Schechter discards as extraneous or superfluous. Schechter passes the same judgment on what he calls "mere legend and fancy, falling within the province of folk-lore and apocalypse" (p. xxviii), which could constitute a reference to components of the Apocryphal, Pseudepigraphic, or midrashic literature. By what criterion does Schechter reckon one idea to be "Catholic" and another incidental? That which leaves "almost no mark on Jewish thought" (p. 7)—by which we must surmise that he means an idea that appears infrequently in the literature and not at all in the liturgy (pp. 10–11)—Schechter does not treat in his study.

Hence Schechter presents a coherent solution to the problem of many ancient Judaisms: he examines what is orthodox and leaves aside what he judges to be heretical or marginal. But does this solution work? The classic Christian orthodox-heresy paradigm introduces the problem of how to produce history using Rabbinic texts: we do not know whether what we label orthodox or "Catholic" in the sources reflects what the majority of people actually believed and practiced at any given time. We simply cannot verify what people did or did not do.

More importantly, Schechter asserts the homogeneity of Rabbinic sources but fails to provide the grounds for doing so. He claims that "widely differing climes" made their impact on Rabbinic literature but that these had only superficial effects, producing no real change in the great stream of Jewish thought from beginning to end. Schechter never demonstrates how he can treat such different texts, produced centuries apart, as products of a single, monolithic religion.

George Foot Moore was the first Christian scholar to study Judaism on its own terms. In the introductory "Historical" section of his landmark work,[2] he acknowledges the many "parties and sects" that existed during the long stretch of these centuries. How does he deal with these many Judaisms? We explains in the opening lines of his work (vol. I, p. vii):

> [S]ources of various kinds disclose not only the continuity of development in the direction of the normative Judaism of the second century, but many divergent trends—the conflict of parties over fundamental issues, the idiosyncrasies of sects, the rise of apocalyptic with its exorbitant interest in eschatology—a knowledge of all of which is necessary to a historical understanding of the Judaism which it is the principal object of this work to describe.

Moore's language implies that he proposes an evolutionary model in which initial diversity yields to conformity. How so? We may conceive of Moore's model as a tree consisting of a main trunk from which many limbs diverge, each in a different direction. The trunk symbolizes what Moore calls "normative" (also "Tannaitic") Judaism, with its roots in the time of Ezra and becoming the most common or representative type of

Judaism in the late first century C.E. From this trunk many branches—the several and varied "divergent trends" of Judaism—sprouted as offshoots. The Judaism of Ezra (vol. I, pp. 29ff.), the Scribes (vol. I, pp. 37ff.), Pharisees (vol. I, pp. 56ff.), and the schools of Shammai and Hillel (vol. I, pp. 83ff.) constitute the early development of Judaism that becomes "normative," while the colony at Elephantine (vol. I, p. 23), Samaritans (vol. I, pp. 23ff.), "apocalyptic" (vol. I, pp. 127–130), Sadducees (vol. I, pp. 68ff.), and the authors of the Damascus Document (vol. I, pp. 200ff.)[3] make up the divergent trends. Normative Judaism eventually yields the Mishnah, which includes the work of scholars from preceding generations, the Tannaim. What of other Judaisms? In Moore's model, these become evolutionary dead-ends; they do not survive the First Jewish Revolt, and they produce no continuators that exist side by side with normative Judaism.

Having summarized Moore's understanding of Judaism, we ask whether he constructs a coherent solution to the problem. Moore's argument encounters difficulties when he moves from his historical section to a description of the tenets and practices of the Tannaitic Judaism of the first centuries C.E. The problem is that Moore adduces for his claims evidence from documents that in no way match the criteria for this Judaism.[4] A single example suffices. In his chapter on "Motives for Moral Conduct" (vol. II, pp. 89ff.), Moore discusses the idea of "merit laid up for the hereafter" (vol. II, p. 90). We are surprised, however, to see him cite Jesus' words in Matt. 19:21, Mark 10:21, and Luke 18:22 as his first examples, and then 4 Esdras and 2 Baruch as corroborating evidence. Later in the same discussion he will draw examples from the much later Rabbinic midrash Tahnhuma and Sifre Deut. Nowhere does Moore explain how he can adduce these texts as data in an argument about Tannaitic Judaism.

In the end, Moore produces a work of harmonization much like that of Schechter. His initial solution to the problem of many Judaisms accounts for both diversity and unity,[5] but he then abandons that solution, treating so-called Jewish documents as if all were produced by a single, monolithic religion in which differences in place and century of origin have no bearing.

Ephraim E. Urbach was the first student of Judaism to produce a monumental synthesis of ancient Judaism in Hebrew.[6] Unlike Schechter or Moore, however, Urbach does not begin by explaining and resolving the problem of diverse ancient Judaisms. Rather, he ignores the problem from the start, dissolving all distinctions between different Judaisms into a single religious system that exists unchanged for nearly a millennium. This Urbach makes explicit at the outset (vol. I, p. 1):

> The term "Sages" is customarily used to denote the Sages of the Oral Law, who are mentioned in its literary sources: the Mishnah, Tosefta, Halakhic Midrashim, Talmuds and Haggadic Midrashim. The earliest of the scholars lived in the era preceding the Maccabean revolt, and the last, when the Mediterranean countries were conquered by the Arabs—that is, their activities extended over a period of more than nine hundred years.

This is how Urbach asserts the longevity and permanence of Rabbinic Judaism: he places its first sages in the third or second century B.C.E., two hundred years or so earlier than any other scholar dates them.[7] Their homogeneity he alleges with the following language (vol. I, p. 2):

> On the one hand it is clear that the events enumerated [from Alexander to the ascension of Christianity]—and many others besides—left their mark on the thought and doctrines of their times; but on the other, the Sages, in each generation, introduced, by their beliefs and concepts, a ferment into the ranks of the nation, and by waging a constant struggle they achieved the crystallization and formulation of ideas and sentiments that were accepted as credal principles and were held in common by the scholars and the nation as a whole.

That is to say, although the world around them changed, the sages themselves did not. This assertion marks a return to Schechter's work of sixty years ago. But Urbach goes even further than Schechter had: he maintains that the sages were able to enforce a uniformity of belief on all Jews everywhere. Where we envisioned Moore's construction

of Judaism as a tree with many limbs, we can conceive of Urbach's as a wide and tranquil river, neither admitting tributaries into its flow nor permitting forks to diverge from it, indistinguishable at its mouth from what it was at its source. Urbach posits a monolithic Judaism that survived unchanged for almost a thousand years.

We cannot say, therefore, that Urbach produces a matrix that allows us to understand both how many Judaisms differ from one another and how they nevertheless can be classified as subspecies of the same religion, for he ignores all the data that point to the existence of a variety of Judaisms during this period. He does not address the problem of the various collections of documents, such as the Apocrypha, Dead Sea Scrolls, and the sources of the "Oral Law." Nor does he account for differences within the collections themselves, such as variations in language, place of origin, purpose, topical program, logic of coherent discourse, world-view, and construal of the social order, for example. As with Schechter and Moore before him, differences in the parts have no bearing on the whole.

E.P. Sanders: Each scholar that we have surveyed presents a work of history in the guise of theology, by which I mean that he attempts to show, through a study of theological ideas found in literary sources, what Jewish people believed in antiquity. Each wanted to know what people did and when. In his monumental work *Paul and Palestinian Judaism*,[8] E.P. Sanders, by contrast, does not address the historical question. Rather, he asks what systems of thought the Jewish sources reveal without claiming to deduce what the majority of people in a given time or place believed. He is the first to produce a comprehensive study of ancient Judaism working primarily from ideas.

Sanders compares two religious systems that he calls "Palestinian Judaism" and "Paulinism," but he seeks to avoid the errors of past studies, nearly all of which based their comparisons on superficial similarities between religious "motifs" (pp. 2–16). His solution is to compare one "pattern of religion" with another. This allows Sanders (p. 16):

> . . . to compare an entire religion, parts and all, with an entire religion, parts and all; to use the analogy of a building, to compare two buildings, not leaving out of account their individual bricks.

Thus Sanders indicates that he recognizes a problem: how to synthesize many different data into a single "pattern," which he can then compare with another pattern, similarly synthesized. Sanders then defines what he means by "pattern of religion" (p. 17):

> A pattern of religion, defined positively, is the description of how a religion is perceived by its adherents to *function*. "Perceived to function" has the sense not of what an adherent does on a day-to-day basis, but of *how getting in and staying in are understood*: the way in which a religion is understood to admit and retain members is considered to be the way it "functions."

By a "pattern of religion," therefore, Sanders indicates the mechanism by which a religion works out its view of the social order: who makes up the community of the faithful and who does not.

In order to get at the pattern for Judaism, Sanders examines three collections of writings, produced between 200 B.C.E. and 200 C.E. (p. 24), which he calls "Tannaitic Literature," "Dead Sea Scrolls," and "Apocrypha and Pseudepigrapha." He finds in all three a single pattern, which he names "covenantal nomism" (p. 422):

> (1) God has chosen Israel and (2) given the law. The law implies both (3) God's promise to maintain the election and (4) the requirement to obey. (5) God rewards obedience and punishes transgression. (6) The law provides for means of atonement, and atonement results in (7) maintenance or reestablishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God's mercy belong to the group which will be saved.

This is how Sanders synthesizes many different Judaisms into one: he discovers the least common denominator shared by the three bodies of literature he has identified.

Sanders' solution to the problem of many Judaisms encounters two difficulties. First, he never explains how all sources of a given collection—the Rabbinic literature, Dead Sea Scrolls, and Apocrypha-Pseudepigrapha—

constitute a coherent whole. Sanders does not demonstrate by what logic, except fortuitous accident, we should read the *Manual of Discipline* and the *Habakkuk Commentary*, or *Ben Sirach* and *4 Ezra*, as documents that express the same religious system (pp. 24–25). Second and most important, Sanders never finds "covenantal nomism" whole in any one text (p. 423). Rather, he takes one component of the pattern from this document and another from that one. The result is a pattern cobbled together from many different sources, but existing complete in none.

It is this last problem that shows how Sanders, like those who preceded him, homogenizes many Judaisms into one Judaism. He asserts, but never demonstrates, how many different texts comprise the documents of one religion.

Jacob Neusner is the first scholar of ancient Judaism to produce an extended exposition of Rabbinic literature, presenting a detailed taxonomy of how each source is organized, how it makes its argument, how it sustains a particular world-view, understanding of the social order, and way of life, and how these components may be compared and contrasted with those of any other source. Indeed, it was he who coined the term "Judaisms," in the plural, to denote the variety of Judaic systems that existed in antiquity. While this labor of analysis and differentiation has taken shape over many decades, recently Neusner has addressed the second task of taxonomy, that of synthesis or comparison, of stating how the different religious systems (i.e., Judaisms) of the many sources are held together in a coherent whole. Neusner suggests that the key to reading the Rabbinic texts all together lies in discerning the theological system they all express. We examine a single work of that project, *The Theology of the Oral Torah*.[9] Because Neusner presents a methodical response to the problems laid out at the beginning of this article, his work requires an extended exposition.

In his first chapter ("Prologue: Imagining Eden") Neusner presents a detailed report of both the problem of producing what he calls a "descriptive theology" of Judaism and the methodology that he employs. While he uses language familiar from our previous study, he redefines terms and reconfigures the concepts. Like Schechter, he maintains that he sets forth the "orthodox" or "catholic" views of the rabbis; from Moore he borrows the language "normative" to indicate those sayings or stories that are representative of the rabbis' ideas; like Urbach, he claims to "portray *the* sages and *their* beliefs and opinions" (pp. 34–35). How, then, does the synthesis Neusner presents avoid recapitulating what these others have done? Neusner lays out his program as follows (pp. 34–35):

> By what is representative I mean not what stands for broadly held opinion, but rather what embodies the ubiquitous governing rational modes of thought, on the one side, and what sets forth the necessary and sufficient and integral doctrines generated by that rationality, on the other. By that criterion of what is "representative," therefore, the former—the modes of thought—are alleged to define rationality, and the latter—the logically consequent propositions—are claimed to define the *logos*, the principle that pervades the whole. This takes from in the idea that creation reveals God's justice, defined in terms man comprehends, and appears in many forms.

Neusner indicates that unlike the other authors cited in this study, he does not begin by setting forth ideas at all. The result would be an account of scattered and disconnected thoughts, found here and there in the Rabbinic sources, which he could then systematize. On the contrary, he intends first to discover the "*logos*" that lies behind the thought of those who compiled the Rabbinic sources. By *logos* Neusner means a principle that governs both the ideas that are set forth and the system that animates those ideas. Once he has discovered this governing principle, Neusner proposes that he can identify the normative propositions of Judaism and that he can present them in the only order in which they make sense. If he were to state these propositions in any other order, changing the position of only one, the entire system would collapse. By that same token, propositions presented in proper order represent no less than Judaism's theology, a complete system, needing no further systematization (p. 37). Here is

how Neusner states what I have summarized (p. 36):

> In my view, what represents the structure and system that sustains a variety of kindred writings emerges in positions that logically hold together among them all. These positions, whether concerning doctrine or correct modes of thought, will . . . form a tight fabric, of gossamer weight to be sure, spread over the whole, a thin, translucent tent that holds within everything that belongs and keeps out everything that does not. As with philosophy, so here too, consistency with the first-established givens, beginning with the principle of one, sole, omnipotent, just God, opens the way for inclusion, while contradiction among parts, failure to form a seamless whole, excludes.

In these passages, Neusner reveals that the governing principle of Judaism's theology is the justice of God. It is this idea that generates the worldview and understanding of the social order that we find in the Rabbinic documents, the world and society, both as God intended them to be and as they are now. And it is in the difference between the two that we discover the system inherent in Judaism's theology: because God is just, he created an ordered world; humanity's will, in opposition to God's, constitutes the cause of disorder, the present state of things; God will one day restore the order that he built at the beginning (xii–xiii).

Although Neusner employs the technical language of "structure" and "system," he also uses the metaphor of story to explain the theology that he sets forth (p. xiv), and this is exactly what he reproduces: the story of God's creation of the world, humanity's fall, God's redemptive and ongoing activity of justice and mercy in the world, and his intention to restore it to the perfected state he intended at the beginning. I say "reproduces" because this story recapitulates the story of Scripture. This is why Neusner argues that Judaism's theology constitutes a system, and that each component can occupy one position and no other. If God were not just, we should not expect creation to be ordered and perfect; if creation were not perfect, we should not regard disorder as a problem; if disorder posed no threat to God's justice, we should not expect, either that he would involve himself in the dealings of humankind, or that he would one day restore the perfection of Eden. It is due to the coherence of this system/story, and because of its familiarity (that is, it exactly repeats the story of creation, fall, and redemption which we already know from the Hebrew scriptures), that Neusner regards as schismatic any proposition found in the Rabbinic sources that runs contrary to the principle parts he lays out here.[10] Furthermore, according to Neusner, anyone who wishes to argue that he has misrepresented Judaism's theological system must show how the opposite principle (God is not just) and the schismatic idea (creation is imperfect by design, God has no intention of restoring the perfection of the created order), and therefore an entirely different system/story, governs the thinking of the rabbis (pp. xvi, 37).

Finally, it is this recapitulation of the story of Scripture that provides an answer to the question, what texts of Judaism does Neusner synthesize? He does not spell this out at the outset, but the *aggadic* texts constitute his evidence, primarily the great scripture commentaries (Genesis and Leviticus Rabbah, Sifra, Sifre to Deuteronomy and Numbers), but also the *aggadic* sections of the *halakhah* (the Mishnah, Tosefta, the two Talmuds), and other *midrashim*. Thus Neusner argues, "the sages'" is the only possible system that the Hebrew Scriptures sustain (p. 645, n. 2). The story that the sages tell represents the story that Scripture tells.

The only question left for us to ask is whether Neusner accomplishes what he sets out to do. Neusner organizes the book, not topically by idea or dogma, but into four sections that reveal the logic of the system: "Sources of World Order," "Perfecting World Order," "Sources of World Disorder," "Restoring World Order." In each section Neusner reproduces large sections of his translations of the primary texts in order to allow readers to judge for themselves whether he provides "an accurate account of the meaning of matters" (p. xvi). Because the story's "plot" states that at the end of time God will restore the perfection that existed at the beginning, both the sections and the individual chapters naturally take on chiastic form. Sources of world order in the first

section (the moral and political orders, and the anomaly of private lives) find their counterparts in the chapters of the last ("Restoring Private Lives: Resurrection" and "Restoring the Public Order: The World to Come"). In the same way, the chapters of the two center sections balance one other.

The result of this presentation of matters matches what Neusner proposes to do. The book sets forth nothing less than a matrix for reading the many and different Rabbinic texts whole. In Neusner's synthesis the logic of the system, rather than the frequency with which ideas are discussed in the texts, reveals both the normative shank of the theology and what is beside the point.

James Riley Strange

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Notes

[1] Solomon Schechter, *Aspects of Rabbinic Theology* (Woodstock, 1993; originally published in 1909 as *Some Aspects of Rabbinic Theology*).

[2] George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim*, 3 vols. (Cambridge, 1950; originally published in 1927).

[3] When Moore completed his work the Dead Sea Scrolls had not been discovered. Hence he made no connection between the Damascus Document and the Essenes.

[4] "The recognized Palestinian scholars . . . from about the beginning of the Christian era [to the completion of the Mishnah], as transmitters of the unwritten law, are called *Tannaim*, 'Traditioners,' or, more generally, 'Teachers'" (vol. I, p. 4).

[5] Space does not permit us to debate whether the data bear out Moore's picture of a single, homogeneous Judaism from the second century onward. I merely argue that he presents a logical and coherent solution to the problem.

[6] Ephraim E. Urbach, *The Sages, Their Concepts and Beliefs*, 2 vols. (Jerusalem, 1975; translated from the second Hebrew edition, 1971; originally published in 1969).

[7] Urbach's hazy dating prevents us from being any more precise in ours.

[8] E.P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (London, 1977).

[9] Jacob Neusner, *The Theology of the Oral Torah: Revealing the Justice of God* (Montreal & Kingston, 1999). For a brief history of the work that led up to the writing of this particular book see pp. 42–47.

[10] Neusner goes on, pp. 38–39, to spell out the specific ways that the sages themselves signify what is normative.

Anti-Gnostic Polemics in Rabbinic Literature

In some ways, the world of the early Common Era was very similar to our own. It was an open marketplace of religions and ideas; as author Keith Hopkins playfully put it in his book of the same name, it was "a world full of gods." During those centuries, rabbinic Judaism was struggling for its own self-definition and fighting for its very survival. The Jewish diversity of that period is legendary; one source surmises that there were twenty-four versions of heresy in Palestine before 70 C.E. (Y. San. 29c). As part of those internal and external struggles, Judaism engaged in a series of polemical arguments with those competing world-views. But there was perhaps no polemical struggle that would prove to be as important, and as pervasive, as its struggle against the religious philosophy known as Gnosticism.

Gnosticism has undergone a resurgence of interest in recent years. Amazon.com, an accurate mirror of contemporary culture, lists more than three thousand books on the subject. The renaissance of interest in Gnosticism began in 1945, with the discovery at Nag Hammadi, Egypt—a library of twelve codices containing many Gnostic works. These works have helped to illuminate many of the doctrines and beliefs held by the Gnostics, as well as helping scholars discern the complex linkages between Gnosticism, Judaism, and Christianity. Religious historian Elaine Pagels has popularized the

study of Gnostic versions of Christianity.

In the words of the historian of religion, Morton Smith:

> . . . the Hellenistic period saw the development of a Judaism profoundly shaped by Greco-Oriental thought, in which mystical and magical . . . elements were very important. From this common background such elements were derived independently by the magical papyri, Gnosticism, Christianity, and Hellenistic and Rabbinic Judaism. . . .[1]

Gnosticism preaches a hidden wisdom or knowledge ("gnosis") that is necessary for salvation or escape from this world and is available only to a select group. This idea finds parallels in the Dead Sea Scrolls (the composition of which predates the origins of Gnosticism) and, later, Jewish mysticism, which has been called a Jewish Gnosticism.[2] Gershom Scholem notes that there are certain elements in common: ". . . the possession of a knowledge that cannot be acquired by ordinary intellectual means but only by way of a revelation and mystical illumination; the possession of a secret doctrine concerning the order of the celestial worlds and the liturgical and magical-theurgical means that provide access to it."[3]

Gnosticism was a religion of radical dualism, a trait that it shares with Persian Zoroastrianism. It posited a god of light/god of good, locked in a cosmic struggle with a god of darkness/god of evil. This world is the creation of an evil power—the Demiurge, identified with the God of the Hebrew Bible. Creation, therefore, is tainted. This evil god is also responsible for the revelation of moral norms. Gnosticism is a mysticism that finds nothing of redeeming value in this world. It rejects its rules and values and believes that the world itself is beyond redemption. The Gnostic chooses to free himself from this world. We are not surprised, therefore, to find any number of Gnostic sects that were both ascetic and which rejected child-bearing.[4] Redemption can only come through interiority and meditation. God will send a primordial being into the world to save men—an idea, which, in one adaptation, leads to nascent Christianity.[5]

In many ways, Gnosticism was the "real" religion of the ancient world.[6] Its influence was clearly and profoundly felt in the aggadic traditions of Judaism.[7] Its influence has stretched far beyond that world. It survived in Christianity as the Marcionite heresy. The Church Father, Marcion, adapted the Gnostic idea of a flawed revelation, and taught the heretical belief that the evil god of this world must be differentiated from a higher, more abstract God, revealed through Jesus Christ (see below) Gnosticism survived in the Middle Ages as the dualistic Christian heresies of Catharism and Albigensianism, which flourished in southern France and Provence in the twelfth century. The Catharists, in particular,

> postulated an antithesis between the Evil and the Good God; Jehovah of the Old Testament is the Evil Principle because of the thoughts and actions attributed to him in the Jewish revelation; Jehovah is changeful, cruel, addicted to falsehood, and profoundly different from the God represented in the New Testament; therefore Jehovah is Satan, whereas the God of the Gospels is the beneficent principle in the universe. Both the absolute and relative dualists reject the Mosaic books; the latter repudiate the Prophets and the Psalms as well; the former, however, interpret the Prophetical books allegorically, on the basis of an exegesis peculiar to Catharist sects alone. In addition to several minor heretical parties, the Bogomiles, Luciferians, Albigenses, Concorrezi, and other Catharist groups, accepted the doctrine of antagonism towards the Old Testament; each group professed certain minor variations, though all were agreed on the basic doctrine.[8]

One particular challenge in finding anti-gnostic polemics in rabbinic literature is that there is no Hebrew term for "Gnostic." Instead, there is a mélange of terms for "heretic," and the reader must depend on the context of the passage to determine what kind of heresy is being addressed.

Many polemical passages, however, contain the term *min*, which can mean "type," "kind," "species," but in our context is loosely translated as "heretic." There is no commonly acceptable derivation of the term. Fanciful interpretations, such as *min* being derived from Mani (Manicheism) or being an abbreviation for *maamin Yeshu notzri* ("one who believes in Jesus of Nazareth") have been rejected. It is not always easy to ascertain whether a polemic against a min is directed against a Jewish-Christian, a

Christian of pagan origin, a Gnostic, a Sadducee, or simply a Roman.[9]

Sometimes the term refers to Jewish sectarians, such as the Jewish Christians. B. Ber. 28b states that at the assembly at Yavneh, Gamaliel (II) made an open request for a malediction against the *minim*—a request that was fulfilled by Samuel ha-Qatan. The malediction was included in the Amidah as the twelfth benediction. The purpose was either to keep early Jewish Christians out of the synagogue or to proclaim a definite breach between the two religions.

But in many contexts, *minim/minin* are clearly Gnostics, and there is a long association of the term *minim* with the Gnostics.

How shall the rabbis respond to Gnostic attacks on strict monotheism?

> Genesis Rabbah 1:7:[10]
> R. Isaac commenced with, "The beginning of Your word is truth, and all Your righteous ordinances endure forever" (Ps. 119: 160). Said R. Isaac: From the very commencement of the world's creation, "The beginning of Your word is truth." Thus, "In the beginning God created" [corroborates the statement] "But the Lord God is the true God" (Jer. 10:10). Therefore, "And all Your righteous ordinances endure forever" (Ps. 119). For in regard to every single decree which You promulgate concerning Your creatures, they affirm the righteousness of Your judgment and accept it with faith. And no one can say that two powers created the world. For "And the gods spoke" is not written here, but rather, "And God spoke." "In the beginning the gods created" is not written here, but rather "In the beginning God created."
>
> M. San. 4:5:
> Therefore but a single man was created in the world . . . that none should say to his fellow, "My father was greater than your father;" also that the heretics [*minin*] should not say, "There are many ruling powers in heaven."
>
> Mekhilta Beshalach Shira 4:5:
> "The Lord is a man of war." At the Sea of Reeds, God was revealed as a hero and warrior. At Sinai, God was revealed as an old man full of compassion . . . so as not to give permission for the nations of the world to say that there are two powers. God was in Egypt; God was at the Sea; God was in the past and God will be in the future, in this world and in the next world.

Here, the midrash makes it clear that God alone created the world, rejecting the temptation to confuse the grammatically plural term "Elohim" with the presence of two or more gods. The midrash will make clear that even though Elohim is a plural form, the verbs that are associated with it—*dibeir* ("spoke") and *bara* ("created") are rendered in the singular form. Moreover, here we have a response to a different argument—that more than one god gave (more than one?) Torah.

Moreover, the oft-quoted passage from the Mishnah makes it clear that only one person was created at the dawn of creation. This not only establishes and clarifies the moral unity of the world and the utter equality of all human beings. It also challenges those who might have thought that a multiplicity of created beings would have implied a multiplicity of gods.

In order to avoid the semblance of the Gnostic heresy, the worshiper must also be careful in the way that he addresses God in prayer.

> M. Ber. 5:3:
> He who says [in a prayer]: "Even to a bird's nest do your mercies extend" or "May your name be remembered for the good" or "We give thanks, we give thanks" [uttered twice, as if to two gods]—he is to be silenced.
>
> M. Meg. 4:9:
> He who says "*Yivarchucha tovim*—may the good ones bless you"—this is the way of heresy [because it implies that there are two powers that are responsible for blessing]
>
> M. Ber. 9:5:
> Man is bound to bless God for the evil even as he blesses God for the good" [lest it be imagined that another god should be blamed for the evil]

Moreover, the rabbis firmly disputed the idea that God perhaps was not the sole agent of creation.

> Midrash Tanhuma (Buber edition), Bereshit 1:
> Why were the angels not created on the first day? So that the heretics will not say that the angel Michael stood at the north, and that the angel Gabriel stood at the south, and that they were partners with God in creating the world.
>
> T. San. 8:7:
> Adam was created last. Why? So that the heretics could not say that he was a partner with God in the act of creation.

The rabbis have their work cut out for them, especially because the biblical text opens the door for confusion. Consider the problematic nature of "Let *us* make man in our image and after our likeness" (Gen. 1:26). The Midrash must clarify that this cannot be interpreted as being a multiplicity of gods, as the Gnostics were teaching (and as Christian Trinitarians were beginning to teach):

> Y. Ber. 9:12b:
> The *minin* asked Rabbi Simlai: "How many gods created the world?" He answered: "You're asking me? Go ask Adam, the first man, as it is said, 'Go inquire of the former days' . . . *asher baru adam al ha-aretz* is not written, but rather "from the day that God created man on the earth . . ."[11] It is written, "In the beginning God created. . . ." Rabbi Simlai said: In every place where the *minin* raise objections, the response to them can be found in context. They [the *minin*] asked him: What does the text mean when it says, "Let *us* make man in *our* image and in *our* likeness"? He said to them: It does not say "And *they* created man in *their* likeness," rather, "And God made man in *His* image."

Rabbinic literature must make it clear, therefore, that only God created the world, without helper, either another god or an angel. The later the angels and Adam were created, the better. There could be nothing present at the time of creation. This has become the almost dogmatic foundation of Rabbinic Judaism.[12]

The Gnostics believed that the creator god of the Jewish Bible was evil. Procreation and even sexuality were suspect. The Gnostics taught renunciation of sexual desire—even, in some cases, to the point of castration. "To have intercourse was to open the human body to the firestorm that raged through the universe. Sexual desire . . . stood for the headlong energy of a universe that was opposed to the cool tranquility of the realm of unmoving spirit."[13]

Here, the liturgy itself comes to refute the anti-creation ideas of the Gnostics. *Yotzer* ("Creator of Light") from the morning worship service will defend the goodness of the Creator god.

> Praised be the Lord our God, Ruler of the Universe, who makes light and creates darkness, who ordains peace and fashions all things. With compassion He gives light to the earth and all who dwell there; with goodness He renews the work of creation continually, day by day . . .[14]

The author of the prayer has transformed a phrase from Is. 45:7—"God ordains peace and fashions all things"—in place of the original translation that notes that "God ordains peace *and creates evil.*" The deliberate mistranslation of the Isaiah text keeps the possibility of gnostic dualism out of the service.[15]

The Gnostics believed that the true, ultimate, and transcendent God is beyond all created universes. It was the mission of the adept to escape this world in order to get to the "real" god. The higher deity intervenes and "saves" the elect from the power of the evil creator who holds them imprisoned in matter and in this world. The gnostic rejection of creation and the cosmos led to a very rigorous asceticism and rejection of this world.

Here, too, the rabbis must engage in polemic against the Gnostics.

> Genesis Rabbah (Vilna edition) 1:5:
> R. Jonah said in the name of R. Levi: Why was the world created with the letter *bet*? Because just as the letter *bet* is closed on three sides and has its opening before it, therefore you have no permission to inquire about what is below and what is above, what is before [the creation of the world]—only from the day that the world was created . . . and to teach you that there are two worlds [the letter *bet* equals the number "two"]—this world and the next world . . . and one more thing: The world was created with the letter *bet* and not with the letter *alef* to teach you that the world was created with the language of blessing and not of a curse.[16]

Gnosticism was an anti-nomian faith. The evil Demiurge was considered evil not only because he was involved in the act of creation, but because of his involvement with the revelation of law and morality. By contrast, Gnosticism believed that morality comes from within the individual. To the Gnostic, commandments and rules do not lead to salvation. In the words of Eugene Mihaly:

> The miserable elements of this world [are] the Creator's handiwork—the coercive laws which he has promulgated, the institutions which he has established—partake of his nature; they reflect the cosmic tyranny, the

> true essence of this petty, vindictive god of justice, of creation, and of law . . . man's attempt to make things better only makes them infinitely worse. To live by the law, to do good—as understood within generally accepted civilized norms—is to be a tool of the demiurge. Matter is irredeemably evil; flesh and its desires, defiled; marriage, an obscenity; birth—maculate, polluted.[17]

In one sense, Pauline Christianity inherits this notion. Leo Baeck writes:

> The demands of ethics have a place only outside the sphere of this faith; at best, alongside it. The commandments of ethics can at most constitute a supplement to the doctrine of salvation, an appendix to that which alone is of vital significance. Ethical religion is in this context a contradiction in terms. Romantic religion says in effect: religion must supplant ethics. The anarchical principle of Gnosticism, "everything is permitted," is therefore only the new justice carried to its logical conclusion. In principle and theoretically, it is a matter of indifference for the Pauline doctrine how man behaves in action, whether he does good or evil. For deeds are deeds and have nothing to do with religion; they always involve a valuation of the human subject and a denial that only faith in grace remains. Already the Epistle of Barnabas proclaimed: the tablets of Moses are broken.[18]

In its most radical Christian form, this world view produces the teachings of Marcion, born approximately 85 C.E. Marcion carried Gnostic dualism to its extreme position. The Torah of law and justice is the cruel gift of the evil creator god, whereas the gospel and love are the gift of the good god. But this good god is not the god of the Hebrew Bible, Who learns about the higher god from Jesus, and in wrath brings him to his tormentors. "As the evil creator was the one who gave the Bible, according to this view the way one should act should be the opposite from what the Bible demands. . . . Thus Israel is the nation of Satan's servants. It is difficult to deny that such a view was a source of religious antisemitism in the Middle Ages, which regarded the Jewish people as Satan."[19] This view survives even into early modernity; the deists of the seventeenth century portrayed Judaism as unspiritual and the source of all that was wrong with Christianity.[20]

In response to these challenges—challenges that only became more intense with the growth of Christianity—the goodness, morality, and consistency of Torah will need to be upheld. Here, again, the liturgy comes to testify. The *Ahavah Rabbah* ("Great love") from the morning service proclaims:

> Deep is your love for us, O Lord our God, and great is your compassion. Our maker and king, our ancestors trusted you, and you taught them the laws of life: be gracious now to us, and teach us. Have compassion upon us, O source of mercy, and guide us to know and understand, learn and teach, observe and uphold with love all the teachings of your Torah. . . . Blessed is the Lord, who in love has chosen his people Israel to serve him.[21]

Moreover, the Gnostics will question God's character and strength. "Jahweh, far from being the single Lord of creation, is its simple artificer, uncouth and ignorant. Moreover, boasting of being the only god and believing himself to be the true Creator, he does no more in his arrogance and stupidity than emphasize his blind folly."[22] God Himself must therefore be defended.

> Numbers Rabbah 8:4:
> With regard to the profanation of the Name it is written, "His body shall not remain all night upon the tree" (Deut. 21:23), while in regard to the sanctification of the Name it is written, "From the beginning of harvest until water was poured upon them from heaven," which teaches that they remained suspended from the sixteenth of Nisan until the seventeenth of Marheshvan!
>
> Now, surely, it is written, "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers" (Deut. 24:16), yet here children were put to death for the iniquity of their fathers! Said R. Hiyya b. Abba in the name of R. Yohanan: It is preferable that a letter be plucked out of the Torah rather than that the Name of Heaven be openly profaned. The nations of the world were saying: The Law of these people is a fraud. It is written in their law, "His body shall not remain all night,' yet these remained hanging seven months!

Here we see an imagining of God as the deus otiosus, the incompetent God.

> B. Ber. 32a:
> "Because the Lord was not able [*yekolet*]." It should be *yakol*! [the masculine form] R. Eleazar said: Moses said before the Holy One, blessed be he: Sovereign of the Universe, now the nations of the world will say,

> he has grown feeble like a female and he is not able to deliver. Said the Holy One, blessed be he, to Moses: Have they not already seen the wonders and miracles I performed for them by the Red Sea? He replied: Sovereign of the Universe, they can still say, he could stand up against one king, He cannot stand up against thirty. . . . And the Lord said, I have pardoned according to thy word. It was taught in the school of R. Ishmael: According to thy word: the nations of the world will one day say, Happy is the disciple to whom the master gives right!

Finally, the sages recognized that Gnosticism carried with it its own intellectual and spiritual dangers. Its cosmogony was dangerous; its very world view was capable of plunging the intellectually naïve into the depths. One could not study Creation nor the chariot of Ezekiel, lest the questions raised become too perplexing.

> M. Hag. 2:1:
> Forbidden marriages must not be discussed before three, nor the Creation before two, nor the throne-chariot [of Ezekiel] even before one, unless he be a sage who comprehends in virtue of his own knowledge. Whoever regards four things would better not have been born: the things above, the things below, the things that were before, and the things that shall be. Whoever has no regard for the honor of his God would better not have been born.

But the most famous of all texts about the dangers of Gnosticism is about the four sages who entered the *pardes*, the orchard of Gnostic speculation. Gershom Scholem has suggested that the text is about the dangers of the ascent through the seven palaces of the seventh heaven.[23]

> B. Hag. 14b:
> Our masters taught: Four men entered the *pardes*: Ben Azzai, Ben Zoma, Aher ["the heretic," Elisha ben Abuya] and R. Aqiba. R. Aqiba said to them: When you arrive at the slabs of pure transparent marble, do not say: Water, Water! For it is said, "He that speaks falsehood shall not be established before my eyes" (Ps. 101:7) Ben Azzai cast a look and died; of him Scripture says, "Precious in the sight of the Lord is the death of His saints" (Ps. 116:15). Ben Zoma looked and became demented; of him Scripture says, "Have you found honey? Eat as much as is sufficient for you, lest you be filled with it, and vomit it" (Prov. 25:16). Aher mutilated the shoots. R. Aqiba departed unhurt.

What does it mean that Aher/Elisha ben Abuya "mutilated the shoots?" It seems to be a euphemism for the act of heresy. Elisha had ascended to heaven and saw Enoch, transformed into the angel Metatron, sitting on a throne of glory surrounded by all the divine rulers of the nations. This led Elisha to believe that Metatron was a power equal to God himself (in fact, Metatron is sometimes called *Adonai ha-qatan*—the lesser *Adonai*!). At this, the heretic declared: "There are two powers in heaven."

How does the biblical figure Enoch become transformed into this angel? It was almost too juicy a possibility to resist. Enoch is a minor figure in the early genealogical chapters of the book of Genesis, but substantial speculation surrounded him because of his mysterious departure from the earth: "All the days of Enoch were three hundred and sixty five years; and Enoch walked with God, and he was not, for God took him." Because the text does not say that Enoch died, both Jews and Gnostics came to believe that he ascended to heaven in some way, similar to the prophet Elijah.

Enoch became the subject of several apocryphal books that bore his name—produced in different ancient languages, such as Greek, Ethiopic, and Slavonic. The lore about Enoch suggests that he ascended into heaven, walked with God's angels, returned to his family and told them what he had seen, and finally was again taken up to heaven. In his travels he learned the secrets of heaven and earth, and he saw what had become of the sinful angels, "the sons of God," who, according to Gen. 6:1–4, had come to earth and cavorted with the daughters of men.

Through the Slavonic text, Enoch became a figure of veneration in the Russian Orthodox Church, as well as in other sects of ancient Christianity, where he was seen as a non-Jew/pre-Jew who attained the highest levels of prophecy. In some traditions, he is another (better?) Moses, the inventor of writing, the discoverer of science, the perfectible man who is subject to apotheosis.[24]

The definitive response to this is:

> Genesis Rabbah (Theodor-Albeck edition) 25:5:
> *Minim* asked R. Abbahu: Why is it that we do not find any reference to death in the

> story of Enoch? He asked them, "Why?" They replied: About him it is written that he was "taken," and about Elijah it is also written that he was "taken." He said to them: If you are seeking out the meaning of "taking," see what it says in Ezekiel (Ezek. 24:16): "O mortal, I am about to take away the delight of your eyes from you through pestilence." R. Tanhuma said: "You have responded well."

Why are such anti-Gnostic polemics of interest to the contemporary Jewish reader? It is not only because of the new academic and popular interest in Gnosticism. It is also because Gnosticism may, in fact, be *the* secret, hidden religion of America.

Harold Bloom (who describes himself as "an unbelieving Jew of strong Gnostic tendencies") argues that American spirituality is, in a deep sense, Gnostic, because it uses inward solitude to seek the unmediated experience of the self as God, or as God's equal. In this solitary freedom, the American is liberated both from other selves and from the created world.

Bloom sees various manifestations of popular religion, such as angelology, near-death experiences, dream interpretation, and astrology, as a re-worked Gnosticism.[25] He finds the roots of the Church of Latter Day Saints and Mary Baker Eddy's Christian Science in Gnosticism. He notes Joseph Smith's abiding interest in the seemingly deathless Enoch/Metatron. "The God of Joseph Smith is a daring revival of the God of some of the Qabbalists and Gnostics." He refers to what he believes to be the most important spiritual moment in American religious history—the ecstatic revival at Cane Ridge, Kentucky, August 6, 1801, which involved 25,000 people at a camp meeting and went on for a week.

> It baffled description. Many, very many fell down, as men slain in battle, and continued for hours together in an apparently breathless and motionless state—sometimes for a few moments reviving, and exhibiting symptoms of life by a deep groan, or piercing shriek, or by a prayer for mercy most fervently uttered. After lying thus for hours, they obtained deliverance. The gloomy cloud, which had covered their faces, seemed gradually and visibly to disappear, and hope in smiles brightened into joy. . . .[26]

While this event happened in public, it was essentially private. It was creedless: the birth of the doctrine of experience. To quote Bloom: "The drunk, sexually aroused communicants at Cane Ridge, like their drugged and aroused Woodstockian descendants a century and a half later, participated in a kind of orgiastic individualism, in which all the holy rolling was the outward mark of an inward grace that traumatically put away frontier loneliness. . . ."

Camille Paglia finds echoes of Gnosticism in New Age religion: "New Age sees a spiritual universe permeating or transcending the visible, material one. This idea descends from nineteenth-century spiritualism, a late Romantic stream that has flowed like an undercurrent through Anglo-American culture beneath the official history of literary and artistic modernism. . . . In Gnosticism, as in New Age, it is matter itself, rather than society, that chains the soul."[27]

Finally, Gnosticism and its more contemporary spiritual offshoots continue to pose a threat to contemporary Judaism. As Arthur Hertzberg famously put it: a highly individualized spirituality is mostly concerned with "the hunger i." To the extent that it focuses on inner meaning and self-realization, it is highly intuitive and therefore neither compelling nor reproductive in any historical way. That individualism can obscure the Jewish passion for communal obligations which are derived from a sense of inherited discipline.

The voice that says "I'm not religious; I'm spiritual" is a Gnostic voice, because it is antinomian. It assumes that there is something wrong, perhaps even inherently evil, in a demanding God Who speaks from Sinai. The voice that criticizes the fabled cruelty of the Old Testament [*sic*] God is a Gnostic voice, because it seeks to portray the God of history as being evil and capricious—and the actions of His children in the land of Israel as being quite the same.

It may well be said, therefore, that the intellectual and spiritual battle against Gnosticism continues today.

Jeffrey K. Salkin

NOTES

[1] Morton Smith, "Observations on Hekhalot Rabbati," in Alexander Altmann, ed., *Biblical and Other Studies* (Cambridge, 1963), pp. 142–160, quoted in Jacob Neusner, *Early Rabbinic Judaism: Historical Studies in Religion, Literature and Art* (Leiden, 1975), p. 142.

[2] Gershom Scholem, *Kabbalah* (New York, 1978), p. 45: "The encounter between the Gnostic tradition contained in the Bahir and neoplatonic ideas concerning God, His emanation, and man's place in the world, was extremely fruitful, leading to the deep penetration of these ideas into earlier mystical theories. The Kabbalah, in its historical significance, can be defined as the product of the interpenetration of Jewish Gnosticism and neoplatonism." See, also, Peter Schafer, *Mirror of His Beauty: Feminine Images of God From the Bible to the Early Kabbalah* (Princeton, 2002), on the origins of the Shekhina myth in early Gnosticism. And yet, see Ephraim E. Urbach, *The Sages—Their Concepts and Beliefs* (Jerusalem, 1979), vol. 1, p. 65: "In all the sayings and Haggadot in which reference is made to the Shekhina, figurative expressions like Princess, Matron (Lady), Queen or Bride are absent. In brief, they contain no feminine element, an element that subsequently played a significant role in the Cabbala [sic], under the influence of Gnostic doctrines. . . ."

[3] Gershom Scholem, *Origins of the Kabbalah* (Princeton, 1987), p. 22.

[4] A strand of this asceticism found its way into Jewish mysticism and ultimately into some kinds of Hasidic thinking as well. See, for example, this passage: "Why did God send the soul into the body? He did so because of the body's lowly nature; God derives great pleasure from it. The soul is housed in a filthy vessel made of dust—and yet, it constantly gives praise and thanksgiving to the Holy Blessed One . . ." (R. Dov Baer of Mezeritch, *Haim v'Hesed*, #13–14, in Or Rose, ed. *God In All Moments: Mystical and Practical Spiritual Wisdom from Hasidic Masters* (Woodstock, 2003), p. 111.

[5] Mircea Eliade. *A History of Religious Ideas* (Chicago, 1982), vol. 2, pp. 371ff.

[6] This essay acknowledges, but cannot engage in depth, those theories that locate the origins of Gnosticism in ancient Judaism. See, among others, Joseph Dan, *The Ancient Jewish Mysticism* (Tel Aviv, 1993), pp. 48ff. Gershom Scholem states, "Although separate, both of these phenomena, heretical Judaism and esoteric Judaism, had very real influence on the development of Gnosticism." Lawrence Hoffman, in *Beyond the Text: A Holistic Approach to Liturgy* (Bloomington, 1987), has suggested that the boundaries between Judaism and Gnosticism were not as fixed as we might have once imagined:

> . . . There are those—myself included—who see Gnosticism as not one but many things, shading off at some point into a recognizable form of Christianity or of Judaism. Similarly, the latter two religions no appear so fixed as never to permit the practice of something that surely appears "gnostical" . . . it appears (in Morton Smith's words) that "Christian, magical, Gnostic and Jewish material . . . must all derive from some common stock which existed, at the latest, in the first century C.E." (p. 157).

[7] See, in particular, Alexander Altmann, "Gnostic Motifs in Rabbinic Literature," in A. Altmann, *The Meaning of Jewish Existence: Theological Essays 1930–1939* (Hanover, 1991).

[8] Louis Newman, *Jewish Influences on Christian Reform Movements* (New York, 1925), p. 172.

[9] David Rokeach, *Jews, Pagans and Christians in Conflict*. (Jerusalem, 1982), p. 78.

[10] All quotes from Midrash Rabbah are from the Soncino edition of that work, with certain changes of language by this author.

[11] Here the text makes it plain that the plural form *baru*, "they made," is not used, but rather *bara*, "He made."

[12] Schafer, p. 83.

[13] Peter Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity* (New York, 1988), p. 116.

[14] Chaim Stern, ed., *Gates of Prayer: The New Union Prayerbook* (New York, 1975), p. 55.

[15] Lawrence A. Hoffman, *Beyond the Text: A Holistic Approach to Liturgy* (Bloomington, 1987), p. 157.

[16] It would have made sense for the Torah to begin with the letter *alef*, which is the first letter of the Hebrew alphabet. But *alef* is the first letter of *arur*, "curse," and *bet* is the first letter of *brakha*, "blessing." Thus we learn that the created world is a blessing, and not a curse, as the Gnostics would have believed.

[17] Eugene Mihaly, *A Song to Creation: A Dialogue with a Text* (Cincinnati, 1975), pp. 42–43.

[18] Leo Baeck. *Judaism and Christianity: Essays* (Philadelphia, 1958), pp. 249–250.

[19] Dan, p. 46.

[20] The Marcionite heresy may still be alive. Consider the insights of Richard John Neuhaus:

> Yet it must be admitted that, for many Christians, Marcionism is by no means dead. I do not mean that Christians today subscribe to the doctrines taught by Marcion, although among some fringe groups there are possibly some who do. But in what is viewed as the mainstream of Christianity, also in America today, there is what we might call an operative Marcionism in which it is assumed that Christianity and Judaism are two different religions that have little or nothing to do with one another. It is Marcionism without the animus, or at least usually without the animus. In this view, the People of Israel lived back in the olden days of the Old Testament, and the fact that there are still Jews in the world is little more than a curious anomaly.

Neuhaus goes on to trace Marcionism into the modern age through the work of the German church historian Adolf von Harnack (1851–1930) who considered it the great achievement of the Apostle Paul that he "delivered the Christian religion from Judaism." Friedrich Schleiermacher counseled the Christian theologian to safely ignore the Old Testament, which is to be "utterly discarded" since it is no more than the "husk or wrapping," and since "Whatever is most definitely Jewish has least value." Richard John Neuhaus, "Why Christianity Needs Judaism," in *First Things: A Monthly Journal of Religion and Public Life* 115 August/September 2001, p. 86.

[21] Stern, p. 56.

[22] Giovanni Filoramo, *A History of Gnosticism* (Oxford, 1990), p. 78.

[23] Gershom Scholem, *Major Trends in Jewish Mysticism* (Jerusalem, 1941), pp. 52–53.

[24] Philip S. Alexander, "From Son of Adam to Second God: Transformations of the Biblical Enoch," in Michael E. Stone and Theodore A. Bergren, eds., *Biblical Figures Outside the Bible* (Harrisburg, 1998), pp. 87–123.

[25] Harold Bloom, *Omens of Millennium: The Gnosis of Angels, Dreams, and Resurrection* (New York, 1997), pp. 31–32.

[26] Harold Bloom, *The American Religion: The Emergence of the Post-Christian Nation* (New York, 1992), p. 60.

[27] Camille Paglia, "Cults and Cosmic Consciousness: Religious Vision in the American 1960s," in *Arion* (Winter 2003: Third Series, vol. 10, no. 3).

Apocalyptic Judaism

An expression of ancient Jewish religion, known to us from pseudonymous writings whose authors, seeking to assert the authority of these writings, make the explicit claim that they transmit the revelation of hidden things granted to distinguished figures of the past. The revelations concern, variously, the structure and progression of history, the nature of the cosmos, and the interpretation of divine law, and they take the form of (symbolic) dreams and visions and their interpretation, journeys through the cosmos (usually within dreams), and interactions with angels and occasionally the deity. Almost always these writings were composed in response to moments of real or perceived crisis.

Perspective and Approach

Because the term "apocalyptic" has been used in many ways over the past two centuries, it is best to center a discussion of apocalyptic Judaism on texts that scholars generally consider to be "apocalypses."[1] Apocalyptic Judaism, or Jewish apocalypticism, is of course a phenomenon whose permutations appear among real human settings and respond to situations that touch human beings. However, our knowledge of such apocalypticism derives from literary texts, and it is to such apocalypses that we must turn in order to gain knowledge of these human beings and this form of their religious expression and its settings. The definition of an apocalypse developed by the Society of Biblical Literature Genres Project provides a useful entree into the discussion. According to this definition, "Apocalypse is a genre of revelatory literature with a narrative framework in which a revelation is mediated by an otherworldly being to a human recipient, disclosing a transcendent reality which is both temporal, insofar as it envisages eschatological salvation, and spatial insofar as it involves another, supernatural world."[2]

Apocalyptic Writings from the Hellenistic Period

The earliest Jewish texts that are cast in the form of apocalypses were composed in the four centuries B.C.E. Until the 1970s scholarship tended to identify the Book of Daniel as the earliest apocalypse,[3] but evidence from the Qumran Scrolls indicates that parts of 1 Enoch antedate Daniel. The Enochic writings are also a fountainhead for later apocalyptic writings.

1 Enoch

First Enoch is a composite of revelatory writings composed in stages between the fourth century C.E. and the turn of the era.[4]

The text as a whole is extant only in an Ethiopic translation of a Greek translation of texts composed in Aramaic. Its contents are informed by two myths. The first of these builds on Gen. 5:22–24, "Enoch walked with God, and he was not, for God took him." These verses are interpreted to mean that Enoch toured the cosmos and was then assumed to heaven. The second myth reads Gen. 6:1–4 to refer to the mating of angels ("the sons of God") and humans ("the daughters of humans"), which results in the birth of giants, who ravage the earth and bring on divine judgment.

1 Enoch 1–36: The Book of the Watchers This section of 1 Enoch dates from the third century B.C.E. and its narrative core (chs. 6–11), probably from the previous century. The book's introduction (chs. 1–5) imitates the form of a prophetic oracle and cites as the sources of Enoch's words the seer's vision of God and of heaven and the interpretive words of the angels, "the holy ones" (1:2). It announces the imminent great judgment, in which God, "the great Holy One," will bless "the righteous chosen," who accept Enoch's revelation (5:8–9), and curse "the sinners," who have rebelled against God by perverting divine law (5:5–6c).

The narrative in chapters 6–11 employs the mythic fragment in Gen. 6:1–4 to explain the source of violence during the author's own time (chs. 6–9), as well as to describe the coming annihilation of that evil and the restoration of the earth to its primordial purity and fertility (chs. 10–11). The perspective is cosmic and dualistic. An angelic rebellion in the primordial past has brought violence to the world, with the angels ("the watchers") breeding evil into the world in the form of warrior giants (quite possibly understood to be the Diadochi, the successors of Alexander the Great) and revealing secrets that generate violence and promiscuity, as well as the forbidden arts of magic and astrological prognostication. Thus, different from Genesis 6, humans are the victims rather than the perpetrators of evil and violence. The solution is eschatological; the Flood of antiquity is a prototype of the coming judgment announced in chapters 1–5. The myth in 1 Enoch 6–11 is not identifiably Enochic in its origin, and the notion of revelation appears only in 10:1–3, where Noah is the recipient of angelic revelation about the Flood. In their context in the Book of the Watchers, however, these chapters are part of Enoch's revelation about the past, the author's present time, and the future judgment.

In chapters 12–16, the notion of revelation is explicit. Enoch describes his ascent to the heavenly throne room, where God commissioned him to announce judgment to the rebel watchers. The account is cast in the classical form of a prophetic call narrative, but the heavenly journey takes place in a dream vision (13:7–8, 10; 14:1). The myth of the angelic rebellion is also recast. The watchers are depicted as priests of the heavenly sanctuary whose mating with women involves the illicit confusion of spirit and flesh (15:3–7). Moreover, God's judgment, rather than extirpating the giants, releases their spirits so that they constitute a demonic world that will plague humanity until the eschatological judgment (15:8–16:1). The author accomplishes two things. First, appealing to the notion of a primordial heavenly rebellion, he explains the origin of the demonic realm that was common religious coinage in his time, and he promises its destruction in the judgment of the end time. Secondly, his description of the sin of the heavenly priests is colored by contemporary language about the impurity of the Jerusalem priests and thus seems implicitly to condemn that priesthood.[5] The author's message is given authority by the claim that it derives from the heavenly throne room itself and gains authenticity by the seer's description of the heavenly phenomena that he saw and experienced during his heavenly journey.

According to chapters 17–19, Enoch travels from the heavenly throne room to the outer reaches of the cosmos.[6] The account begins by recounting the "landmarks" that Enoch passes on his way to the far northwest of the terrestrial disk (including a quick summary of his tour of the winds that sustain the cosmos, 18:1–5; cf. ch. 76), and it climaxes as he approaches God's mountain

throne and views beyond it the places of punishment for the rebel angels and certain stars that defied God's cosmic order (18:6–19:3). This account provides spatial reinforcement for the divine oracle of judgment in chapters 14–16; Enoch sees the places where that judgment is being and will be executed. The form is revelatory; Enoch *sees* the pits of the damned, *queries* the angels who have accompanied him concerning the meaning of the sights, and *receives an explanation.* Like the previous two sections of the book, the author focuses on the nonhuman agents of evil (the watchers and the stars) and their punishment.

The last section of the Book of the Watchers changes this emphasis by focusing on the human sin that dominated the book's introduction. Chapters 20–32 repeat Enoch's cosmic journey, beginning where chapters 17–19 had left off, in the far northwest, but extending the journey to the eastern reaches of the cosmos. The journey account, moreover, is expanded to include stations of eschatological and primordial importance for human beings: the mountain of the dead (the equivalent of Sheol, ch. 22), where God's judgment is already being dispensed to human spirits and where the righteous await their resurrection; the places of eschatological blessing and curse at the center of the earth (Jerusalem, 24:2–25:7; 26:1–27:5); and the primordial "paradise of righteousness," where the first parents sinned (chaps. 28–32). As in chapters 17–19, the stations of the journey are depicted through a series of revelatory vignettes: journey, vision, query, angelic interpretation (which have been anticipated and emphasized by the list of angels in chap. 20), and an appropriate liturgical blessing. Especially noteworthy are chapters 24–27, where the author employs material from Trito-Isaiah's oracles (Is. 65–66), giving it his special brand of authority by embedding it in a pair of revelatory visions. The last three chapters of the Book of the Watchers turn to cosmology per se. Enoch sees strange animals at the end of the earth and, beyond them, at the juncture of earth's disk and the heavenly dome, a series of gates from which the stars emerge. Thus, 33:1–4 and chapters 34–36 provide a summary of the Book of the Luminaries (chapters 72–82).

Taken as a whole, the Book of the Watchers is an apocalypse. Enoch receives revelations in the form of visionary journeys (in a dream according to chapters 13–14). The first of them is a vision of the Deity and an audition of a divine oracle about primordial sin and eschatological judgment; the others are visions of the cosmos of eschatological import that are interpreted by angels. This eschatological emphasis notwithstanding, the cosmological information is also the tip of an iceberg. The basis of the indictment in 2:1–5:4 and the summaries in 18:1–5 and chapters 33–36 indicate a substantial interest in the shape and orderly functioning of God's universe, which is said to be the subject of revelation in 33:3–4, and of which we shall learn more in chaps. 72–82.

Although the Book of the Watchers presently ends with chapter 36, an erratic block of narrative in 81:1–82:3, now embedded in the Book of the Luminaries, has many points in common with the Book of the Watchers and provides a logical conclusion to his journey narratives:[7] Enoch returns to earth in the company of his angelic escorts and in keeping with their instruction, writes an account of his revelatory visions in books that he gives to his children to transmit to all the generations of the world. Enoch's "wisdom" is of ethical import and has eschatological consequences (see also the related narrative in chapters 91–93, discussed below). The wording of 81:5, 10 raises some question as to whether, or at what point in the developing tradition, chapters 17–36 were construed as part of Enoch's dream.[8]

The precise historical settings of the Book of the Watchers and of its various components are difficult to determine, given the test's pseudepigraphic character, but we may make some general observations. The authors of the various sections depict humanity as a whole as the victim of powerful supernatural forces, whose present and past actions wreak violence of various sorts. Chapter 22 (v. 7) also refers to human violence by "the posterity" of Cain, which leaves the blood of its victims crying from the earth. Calendrical polemics appear to lie behind 2:1–5:4,

and a critique of the Jerusalem priesthood, behind chapters 12–16. Thus, as a whole, the book portrays a world in rebellion against God and in sore need of the divine judgment that will set things right, punishing the human and non-human rebels and vindicating the righteous who are God's chosen ones.

1 Enoch 72–82: The Book of the Luminaries In this section Enoch, recounts to his son Methuselah how, in the company of the interpreting angel Uriel, he saw all the luminaries of heaven, the gates through which they travel, the laws that govern their motion and its timing, as well as the four quarters of the earth, the winds that blow over it, and the gates from which they emerge. Its broader cosmological scope notwithstanding, the book focuses on the orderly movement of the heavenly bodies and the created structures that facilitate this. As the superscription to the book suggests, this uranology functions to provide documentation for calendrical calculation, both for a solar year of 364 days and a lunar year of 354 days. Different from the calendrical documents found at Qumran (see below), this text does not mention the Jewish festivals or the Sabbath and thus attach these to one or the other of the calendars.[9] Also different from those texts, these chapters present their contents as the subject of revelation about the cosmos transmitted by a heavenly being to a human recipient, and in this sense, the work is an apocalypse. Different from the accounts of Enoch's journeys in chapters 17–32, this text does not have an eschatological emphasis (though see 72:1, "until a new creation lasting forever is made"). The revelatory character of the work is striking and may reflect a polemic against what the author considers to be wrong calendrical calculation. Such a concern is evident in chapter 80 and in 82:4–8, but it is uncertain whether these passages belong to the original form of the text. A comparison of the Ethiopic text of these chapters with the Qumran Aramaic fragments of these chapters and related texts indicates that 1 Enoch 72–82 is a condensed and substantially redacted form of an earlier text. The dating of the Qumran fragments suggests that the Book of the Luminaries dates from the third century B.C.E. and perhaps earlier.[10]

1 Enoch 83–90: Enoch's Dream Visions This section comprises two (symbolic) dream visions (83:1–2), which Enoch recounts to Methuselah. Both are apocalypses according to the accepted definition, since it is God who sends revelatory dreams,[11] and both are concerned with eschatological matters. The first focuses on the Flood, which is a prototype of the eschatological judgment in which God will wipe out sinful humanity and leave a righteous remnant to inhabit a renewed earth (Enoch hopes) (84:5–6). Different from the Book of Watchers and the Book of Luminaries, the interpreter of the symbolism, and thus a secondary revealer, is not an angel, but Enoch's grandfather Mahalalel. As in the Book of the Watchers, this vision presupposes a world overrun by angelic and human sin and in need of divine judgment.

In the second and much longer vision (chaps. 85–90), Enoch sees the history of humanity from Adam to the eschaton played out in an allegory in which the rebel angels are depicted as falling stars, good angels as humans, and humans as animals. The patriarchs are bulls, the Israelites are sheep, and the gentiles are carnivorous beasts and predatory and scavenging birds that prey on the sheep. The symbolism requires no interpreter because the sequence of events clearly reflects the order of Genesis through Ezra-Nehemiah and beyond. The function of the allegory, and thus of the dream's revelation is, first of all, its interpretation of human, and especially Israelite history. Evil has been introduced into the world through the primordial angelic rebellion (rather than the first parents' sin). Israel's victimization by the gentiles results from its apostasy, depicted as blindness to God's revealed law, and in the latter days (from the Exile to the present), it is a function of the rebellious angelic shepherds that have abused their mandate. Secondly, as the details of its historical sequence clearly indicate, the dream reveals that the eschaton and divine judgment are imminent. At that time, God will punish the ancient and present-time evil angels, as

well as the latter-day apostates (90:20–27), God will reward the righteous, restoring to a new Jerusalem the scattered flock of Israel, gathering the dispersion and probably raising the dead (90:33–36), and God will restore humanity as a whole to its primordial pristine state, transforming it into the image of a latter-day Adam (90:37–38).

The setting of the text is a time of great tribulation for Israel (the Maccabean period). Its world view is dualistic, with evil being attributed significantly to a primordial angelic rebellion and ongoing supernatural influence. Its vision of the future likewise depicts a sharp break between the present evil time and a reversion to the goodness and wholeness of God's creation. The turning point in the historical sequence is the reception of revelation by a few, who unsuccessfully appeal to others (90:6). The function of the revelatory dream text is to place the present time in relation to the imminent eschaton and to encourage the faithful to stand fast in the face of violent oppression by Israel's enemies.

1 Enoch 91–105: Enoch's Epistle, preceded by a Narrative Segment In its initial address to Methuselah (v. 1), chapter 91 continues the instruction that has been running through chaps. 72–90. As a piece of narrative that proceeds to address all of Enoch's larger clan (v. 2), its fits better as a sequel to 82:1–3. Claiming divine inspiration (v. 1), Enoch lays out in summary both ethical and eschatological instruction (91:3–9, 18–19), framing the latter with the wisdom idiom of the two ways (vv. 3–4, 18–19).

This narrative forms a transition to the last major part of 1 Enoch (chaps. 92–105), Enoch's epistle to his spiritual descendants, who will live in the last generations (92:1). The Epistle begins with "the Apocalypse of Weeks" (93:1–10; 91:11–17),[12] a schematic recitation of human history from the time of Enoch to the eschaton. At that time, "the chosen" receive "sevenfold wisdom and knowledge" (identified with the Enochic corpus in 104:12–14),[13] the grossly wicked are uprooted and removed, Enochic law is revealed to the rest of humanity, and along with a purified earth, the heavens are renewed forever. The revelatory character of the apocalypse is indicated in its introduction (93:1–2), which, like 1:2–3, refers to Enoch's vision and its interpretation by the holy watchers. The reference to the heavenly tablets suggests that it summarizes the contents of the tablets that Enoch read according to 81:1–2. This section thus fits our accepted definition of an apocalypse, in this case a historical summary based on a heavenly revelation that the angels interpreted for Enoch. The fragment of text that follows refers to the uniqueness of the revelations of the cosmos received by Enoch (93:11–14), and this is followed by a brief section of two-ways instruction (94:1–5) that parallels 91:3–4, 18–19.

The major part of the Epistle consists of woes directed to the sinners, exhortations addressed to the righteous, and some interspersed narrative descriptions of events in the end-time (94:6–105:2). Taken together, these sections describe the sinners' violations of divine law and their violent and unjust deeds against the righteous, and announce the imminent eschatological judgment that will punish the sinners and reward the righteous, raising those who have died unjustly to the heights of heaven and the company of the angels (103:1–4; 104:1–5). The relationship of the Epistle to the apocalyptic genre is complex. From a formal point of view, these chapters as a whole are not an apocalypse, since as a whole they do not narrate the mediation of revelation by an otherworldly figure. Three elements indicate, however, that they possess a revelatory character. First, the woes, exhortations, and descriptions have prophetic prototypes. Second, they are introduced by the Apocalypse of Weeks. Third, there are a number of allusions to Enoch's journeys and his knowledge of events in the heavenly realm (97:6; 98:6–8; 99:3; 100:10; 103:1–4; 104:1–13). These latter two elements justify our calling this author's eschatology "apocalyptic eschatology," because it is based on Enoch's apocalyptic visions.

Like other parts of 1 Enoch, the Epistle is set in a time of deep trouble, which the woes spell out in great detail, and it promises a resolution of this trouble in the coming

judgment. Its eschatology is apocalyptic in character, if not in form. The Epistle can be dated to some time in the second century B.C.E.[14]

1 Enoch 37–71: The Book of Parables These chapters were originally a separate Enochic work.[15] With the possible exception of the concluding summary of the corpus (ch. 108), the Book of Parables is the latest stratum in the developing corpus, and dates from around the turn of the era.[16] The book divides into three major sections or "parables" (chs. 37–44; 45–57; 58–69) and concludes with an appendix and a double conclusion about Enoch's assumption to heaven (chs. 70–71). Its initial chapters imitate in compressed form the opening of the Book of the Watchers: (37:1–5 || 1:1–3b, superscription and address; 38:1–6 || 1:3c–5:9, epiphany and judgment with its consequences; 39:1 || chapters 6–11, sin of the watchers; 39:3 || 14:8, Enoch's ascent; 39:9–40:10 || 14:9–24, his vision of the heavenly throne room and God's angelic entourage. The remainder of the Book of Parables comprises four kinds of material, three of them familiar from other parts of 1 Enoch: Enoch's viewing of astronomical and meteorological phenomena (41:3–8; 43:1–44:1; 59:1–3; 60:11–22; see also 69:13–25); his journeys to the places of eschatological punishment (52:1–54:6, 55:3–56:4; 67:4–13); and material relating to Noah and the Flood (54:7–55:2; 60:23; 60:1–6; 65:1–67:3). The fourth type of material consists of a series of vignettes about the final judgment, which draw on non-Enochic, biblical traditions and depict events relating to the great judgment and its executor, God's "Chosen One." At the time of the great judgment, the dead will be raised and the righteous and chosen will dwell on a renewed earth (51:1–5) beneath a transformed heaven (45:4–5).

The drama depicted in the Parables includes a diverse cast of characters. On the one side are God, God's heavenly entourage, who are the agents of divine judgment (primarily "the Chosen One," but also certain of God's angels), and God's people ("the chosen," "the righteous," and "the holy"). On the other side are the chief demon Azazel, his angels, and their human agents, "the kings and the mighty." It is a time of great evil. The rebel angels have revealed secrets that facilitate violence on the earth, which the kings and the mighty perpetrate on the righteous, God's chosen ones. This evil and God's definitive judgment of it are the leitmotifs that run through the book. Strikingly, the executor of that judgment is a figure alien to the rest of the Enochic tradition.[17] Known by the titles, "Chosen One," "Righteous One," "son of man," and "Anointed One," this figure is depicted in language drawn from biblical texts that relate to Second Isaiah's Servant of the Lord, oracles about the Davidic king in the Psalms and Isaiah, the vision of the son of man in Daniel 7, and perhaps Jewish speculation about pre-existent heavenly Wisdom (see Prov. 8 and Sir. 24).[18] His primary task as the agent of God's judgment is to deliver and vindicate his namesakes, "the righteous and chosen."

The Book of Parables is, by all accounts, an apocalypse. Enoch ascends to heaven (whether in the body or out of the body in a dream one does not know),[19] where he views "hidden" things, namely cosmic and eschatological phenomena, which are interpreted by an accompanying angel.[20] In writing the book for those who dwell on earth in the latter times (37:1–5), Enoch is a secondary mediator of revelation. Different from the Book of the Watchers and supplementing the Book of the Luminaries, sections of the Parables dwell on astronomical and meteorological material in its own right rather than employing it mainly in the service of the work's eschatology. This fact notwithstanding, the author's revelations treat principally the subject of eschatological judgment. As is indicated by the extensive references to the oppression of the righteous and chosen by the kings and the mighty, this is crisis literature, and its function is to confirm the faith of chosen in the hidden realm—here revealed—where the apparatus of judgment is already in operation (38:3; 48:6–7; 63:6–7).[21] The chosen are both the righteous and the enlightened. The kings and the mighty are their foils because they

are without revealed insight, denying the heavenly realm and the coming judgment (45:1; 60:6), and because they act accordingly—defying God's majesty and persecuting God's chosen ones (46:4–5).

Summary: The Apocalyptic Construction of Reality in 1 Enoch First Enoch as a whole and variously in its component parts, is governed a full-blown apocalyptic world view, in which a set of complementary dualisms or polarities is relieved by means of a revealed message received by an ancient sage.[22] A *spatial* dualism contrasts the inhabited world, the site of violence and injustice, with the heavenly realm, where God's will is done and judgment is being prepared, and with the outer reaches of earth's disc, the location of the places of reward and punishment. A *temporal* dualism juxtaposes the present time of evil with the primordial time of angelic rebellion and the future time of adjudication. An *ontological* dualism sets humanity over against the rebel watchers and demons, on the one hand, and God and God's good angels, on the other hand. Along with this, these texts place humanity in the midst of a *cosmic ethical* dualism between the divine and the rebel demons. The seer has traveled to heaven and the ends of the cosmos and has seen into both the past and the future. His revelation (apocalypse) to a world bereft of justice is that God's will, which is being done in heaven, will be fulfilled on earth and in a new creation, when the imminent future judgment eradicates the present evil that was spawned in the past. This apocalyptic message is embodied in literary genres that are defined as "apocalypses" (1–36; 37–71; 83–90) and in an admonitory section (92–105) that contains an apocalypse (93:1–10; 91:11–14) and that presupposes the other Enochic apocalypses just mentioned. In a number of cases, the apocalypses are accounts of dreams (at least chaps.14–16, and perhaps 17–36; 83–90).

The sources of Enochic apocalypticism are varied and complex. The authors reflect cross-cultural traditions about dreams and their interpretation[23] and draw on non-Israelite mythology[24] and on Israelite prophetic (especially Trito-Isaianic) and sapiential traditions.[25] Although the authors collectively are familiar with, and sometimes interpret Scripture, they are, in fact, offering new revelation, albeit in the guise of ancient revelation.[26] By citing Enoch as the transmitter of this revelation, they are, in effect, trumping the authority of the Mosaic Torah, in general ignoring the venerable prophet and speaking in sapiential rather than halakhic idiom.[27]

Sociologically, the apocalyptic message of the ancient sage and seer, constitutes an eschatological community of the chosen, although we know almost nothing about its (formal or loose) structure and the details of its everyday life. Their identity centers on the observance of Enoch's law and trust in Enoch's promise of imminent deliverance (93:10; 104:12–105:2). To judge from some passages in the Epistle, this community possessed a sectarian mentality that excluded from the realm of salvation those Jews who did not abide by its interpretations of divine law.[28] Paradoxically, however, almost all the major sections of the corpus anticipate an eschatological conversion of the Gentiles (10:21; 50:2–3; 90:38; 91:14; 100:6; 105:1). The eschatological ideology of Enochic eschatology is decidedly militant in places. Gabriel will send the giants into war against one another (10:9). The author of the Animal Vision sees the militant activity of Judas Maccabeus as part of the eschatological deliverance (90:9–16), and the Epistle anticipates human participation in the coming judgment (91:11–12; 95:3; 96:1; 98:12). Whether the readers of this material actually resorted to violence is another matter.

Daniel 7–12

The second half of the biblical book of Daniel has generally been considered to be the parade example of Jewish apocalyptic literature and, indeed, its earliest exemplar. Although the latter assertion is no longer sustainable, the four segments of these chapters do exemplify one type of the genre apocalypse, namely revelations about the eschaton, given by an otherworldly being to a human recipient. Like 1 Enoch this pseudepigraphic recipient is alleged to have

been a distinguished figure of the past. All four texts speak to the crisis created by the persecution of the Jews under the Seleucid monarch, Antiochus IV Epiphanes in 167–164 B.C.E.[29]

Daniel 7, the first of these apocalypses, recounts a symbolic dream vision in which Daniel sees four ravenous beasts rising from the sea, with the fourth one wrecking terrible havoc on earth (vv. 1–8). The scene then switches to heaven, where Daniel sees the divine court sit in judgment, destroy the last beast, and enthrone "one like a son of man—" that is, a figure that looks like a human being (perhaps in contrast to the beasts), but is actually an angel (vv. 9–14). Different from the throne vision in 1 Enoch 14, on which it draws, this text does not describe Daniel ascending to heaven; however, this seems to be presumed since he converses with one of the heavenly courtiers, who interprets the vision for him (vv. 15–27). The four beasts symbolize the kingdoms of the Babylonians, the Medes, the Persians, and the Macedonians. The last Macedonian king (Antiochus), who persecutes the Jewish people and defies their God, will be judged and destroyed, along with the kingdom founded by Alexander the Great. Then, with their heavenly angelic patron enthroned, the Jewish people on earth ("the people of the holy ones of the Most High") will receive everlasting kingship and dominion over all the nations on the earth (vv. 26–27). This apocalypse was written during the height of Antiochus's persecution of the Jews, and its revelation assured them that God's judgment of their persecutor is imminent. Like 1 Enoch, this author depicts events that take place on both an earthly and a heavenly level and emphasizes the manner in which events in the heavenly sphere impinge of earthly, historical events. His temporal axis is not nearly a wide as in the Animal Vision and the Apocalypse of Weeks in 1 Enoch. His look to the past compresses four hundred years of history, but similar to parts of 1 Enoch, it also depicts the imminence of the end, initiated by the great judgment, and followed by an everlasting new age on earth, in which God's people will be the executors of God's sovereignty rather than the subjects of domination by demonic powers. The vision as a whole is an Jewish revision of an ancient Near Eastern myth.[30]

Daniel's second symbolic vision, in chap. 8, also concerns itself with the Antiochan crisis and its resolution in the near future. Again reflecting ancient Near Estern myth, Antiochus is here supposed to be the human personification of a demonic figure who storms heaven and attempts to sit on God's throne (vv. 9–11).[31] This demonic characterization of the king parallels that of the kings and the mighty in the Enochic Book of Parables—who are the agents of Azazel—and, quite possibly, the giants in 1 Enoch 6–11. Different from Daniel 7, the seer receives the vision not in a dream, but while he is awake (8:2–5). In the second part of the account (8:15–26), the angel Gabriel (cf. 9:21) appears to him and interprets the vision to refer to the collapse of the Macedonian kingdom at "the time of the end" (8:17).

Daniel 9 recounts a revelation of a different sort. Its structure is not vision/interpretation, but prayer/epiphany of an interpreting angel. Daniel is puzzled over Jeremiah's prediction that the desolation of Jerusalem would last 70 years (v 2; cf. Jer. 25:11, 12; 29:10). His prayer of confession (9:1–19), which is saturated with biblical language, acknowledges that Israel is suffering the curses of the covenant and concludes with a plea to end the city's desolation.[32] The angel Gabriel identifies the time of the end in an explicit interpretation not of a vision (*he is* the vision), but of the Jeremianic prediction. The prophet's Jeremiah's seventy years of exile are really seventy weeks of years (490 years). Daniel's prayer of confession is noteworthy, because it depicts Israel's suffering not as a function of demonic predators, but as the consequence of its own sins.

Like chapter 8, the final and longest of Daniel's revelations is a waking vision (10:2–12:13). In it, as in chapter 9, he sees an unnamed angel, glorious and fearful (10:2–11:1), who recounts events from the last days of the Persian kingdom to the demise of the Macedonian kingdom, which is anticipated in the reign of Antiochus Epiphanes. As in chapter 7, the events in

human history have their counterparts in heaven. The death of Antiochus is the result of the heavenly war in which Israel's angelic patron Michael defeats the angelic prince of Greece (10:13, 21; 12:1). At this point on the temporal axis, Antiochus's demise coincides with the great judgment and the resurrection of the dead that close the present age and initiate the everlasting new age. The locus of this everlasting salvation appears to be on earth (cf. 7:27; and 12:2 with 1 Enoch 24–27)[33] and for "the wise," in the heights of heaven (12:3).

In summary, the revelatory visions in Daniel 7–12 provide revealed entree into the unseen world of heaven and the hidden structure of history, especially the unknown timing of the end. In so doing, they bring comfort to the people of God, who are living in a time of severe crisis when God's justice is not apparent.

Enochic and Danielic Apocalypticism: A Summary and Comparison

The apocalypticism of 1 Enoch and the Book of Daniel presents itself as authoritative revelation that speaks to the cognitive dissonance that arises in a world that is threatening and seemingly out of control. Life and history as the authors experience them seem to contradict one's belief in God's justice. For these apocalypticists, however, such a perspective is untenable. Divine justice and divine power to enact that justice are an essential component of their religion, whether it is embedded in the wisdom traditions of the Enochic authors or the Mosaic covenantal theology of Danielic authors. And so, denying the ultimate reality of the empirical world, they assert that things are not really as they appear. The cosmos and human history present a set of mysteries that must be solved, an obscure reality that must be penetrated and interpreted in order to be understood. The sacred traditions of Israel—whether they be the unfulfilled prophecies of Jeremiah or the glib, optimistic promises of Deuteronomy—compound the problem. The solution and the interpretation lie in an unseen world, in the hidden structure and meaning of history, in the truth that lies behind the prophetic words, and superlatively in a judgment whose climax is the resurrection of the dead.[34]

One can penetrate the mysteries and the obscurities only through the divine revelation that uncovers what otherwise is hidden and grants wisdom and insight concerning what hitherto has been obscure or unknown. In the accounts of the apocalypticists, this occurs through God-given dream visions, loaded with symbolism, through other dreams in which one toured the cosmos, through bodily tours of the cosmos, and through waking visions. In almost all cases, the revelatory character of what one sees in the dreams and visions, or what one contemplates is enhanced by an interpreting angel. Paradoxically, perhaps, the revelation can be expressed in the imagery of non-Israelite myth and biblical tradition.[35] The substance of the revelation is that present evil (sometimes enacted by human beings) is a function of demonic activity, which God will obliterate in the great judgment, when the demonic forces and wicked humanity will be punished, the righteous will be rewarded, and the creation will be renewed.

The apocalypticism of Daniel and 1 Enoch also differ from one another in important respects. Daniel does not focus on cosmology or rely on cosmic journeys to undergird his eschatology, and hence his spatial dualism is only occasionally evident. Although Daniel depicts Michael as engaged in a heavenly battle, he minimizes the value of Maccabean militancy (11:34).[36] Although, with the exception of chap. 9, the enemy king is a demonic operative, demonology is not expounded in detail. Different from 1 Enoch, the Danielic authors speak to a general audience rather than to a select group of the chosen.[37]

The Book of Jubilees

At a first reading, one notices immediately that the Book of Jubilees is a rewritten form of Genesis 1–Exodus 12 with extensive narrative and legal additions.[38] Notably lacking in the book are the symbolic visions and dreams, and otherworldly journeys that characterize 1 Enoch and Daniel 7–12, and dreams in general play a minor role in the book.[39] These differences notwithstanding,

Jubilees has all the characteristics of the genre apocalypse as defined above. It begins with a narrative framework that places the composition of the book at the time of the giving of the Torah at Mount Sinai. An angel of the presence transmits its contents to its pseudonymous author, Moses, a distinguished figure of antiquity. These contents include heavenly realia, namely, the Torah that is inscribed on heavenly tablets, as well as some eschatology, notably a broad historical summary in 1:7–25 and a second, more detailed one that focuses on the events of the end time in 23:11–31 and climaxes with the renewal of creation (vv. 27–31; cf. 1:26–29). The activity of a demonic realm surfaces at key moments in the narrative (e.g., 1:20; 7:27; 10:5–13; 11:4–5, 11; 17:16–18:12; 48:1–19). Moreover, the author has great respect for, and quotes from major parts of the Enochic corpus (the Book of the Watchers, the Book of the Luminaries, the Animal Vision, and the Apocalypse of Weeks),[40] and is beholden to the Enochic accounts from some of the details of his demonology.[41] For these reasons, it is appropriate to define the work as an apocalypse.[42]

Although the Enochic and Danielic revelations use and interpret biblical traditions, the fact that the Jubilee*s* apocalypse is at the same time a running paraphrase of a sizable run of Scripture is striking and worthy of consideration. The author recasts the narratives and laws of Scripture (including parts of 1 Enoch) and claims that this interpretation is a revelation of the contents of the heavenly tablets mediated by an angel (1:27–2:1)[43] at God's direction (1:4b-18, 22–26). The substance and function of this biblical interpretation parallels that of the apocalypses. The book was written during the Hellenistic crisis in the first half of the second century B.C.E., either just before, during, or in the aftermath of the Antiochan persecution.[44] According to the author, Israel is suffering the curses of the covenant (23:22–25), which will be reversed when a new generation begins "to search the Torah and to search the commandments and to return to the way of righteousness" (vv. 26–31). Thus it is a process of study that leads to the right observance of the Torah, which is by definition the Torah expounded in this book. Revealed Torah, described in the book's literary fiction as the gift of angelic revelation, is in historical fact the result of the learned study ("searching") of Scripture. The parallel to Daniel 9 is noteworthy, although there the relevant Scripture is the prophecies of Jeremiah. In both cases, however, the claim of revelation invests the author's interpretation of Scripture with the divine authority that makes it persuasive in a situation of crisis.

In short, Jubilees exemplifies the apocalyptic Judaism we have seen in 1 Enoch and Daniel 7–12, although its explicit dependence on Genesis and Exodus suggests the increasing authority of these texts. Conversely, the correct interpretation of these texts requires for this author an explicit appeal to special angelic revelation that speaks to a situation of crisis that is perceived to be related to the incorrect interpretation or non-observance of the Torah, not least a calendar that is based on the revelations given to Enoch. It differs from 1 Enoch and Daniel 7–12 in its explicit interpretation of Scripture and its lack of a major visionary component.

Qumran: An Apocalyptic Community?

The definition of the Qumran community as an "apocalyptic community" dates to the first decade of Qumran studies.[45] Here we may reevaluate this definition in light of the publication of the whole Qumran corpus and the studies of apocalypticism generated in the past three decades.[46] Three data from the Qumran literary corpus are relevant to this issue.

First, the Qumran corpus includes numerous fragmentary copies of at least five texts that are either apocalypses or writings with a strong apocalyptic bent. These include 1 Enoch (eleven copies containing, variously, the Book of the Watchers, the Book of the Luminaries, the Animal Vision, and the Epistle of Enoch, as well as ten copies of the Enochic Book of Giants); Daniel (seven copies); the Visions of Amram (five copies); Jubilees (fourteen or fifteen copies); the Aramaic Levi Document (seven copies).[47] To these we might add, among other texts, the Aramaic Apocalypse (4Q246), the

Melchizedek text (11QMelch), and the Genesis Apocryphon (1QapGen), with its emphasis on Enoch's revelatory role.[48] This textual evidence provides a window into a community for which the use of apocalypses and apocalyptic texts is central. The Enochic Book of the Luminaries and the Book of Jubilees provided authority for the community's calendar (on Jubilees, see CD 16:3–4). Other Enochic texts informed the sect's eschatology and various other elements in its theology.[49] Daniel was important for its eschatology, the Visions of Amram are related to the two-spirits speculation in 1QS 3:15–4:26, the Aramaic Levi Document supported aspects of the community's priestly identity, and some of the community's halakhah is related to the laws in Jubilees.[50]

Second, there is no indication that any of these apocalyptic works was *authored* at Qumran. The presence of visionary activity there is uncertain. The allusions to heavenly realia in 1QS 11:3–8 and 1QH 9(1):23–25 are noteworthy, but ambiguous, and the language in 1QH 12(4):5–6, 17–18 may or may not indicate visionary activity.

Third, these uncertainties notwithstanding, Qumran was the site of a community with a strong eschatological consciousness, a dualistic world view that located the group between the battling forces led by the Prince of Light and the Angel of Darkness (1QS 3:15–4:26), and a strong sense that its theology was based on divine revelation. The Qumranites' uniquely valid interpretation of the Torah had been revealed to the leaders of the community (1QS 5:9) and to the Teacher of Righteousness (CD 1:11; 1QpHab 1:11–2:4), to whom God had also made known all the secrets of his servants the prophets 1QpHab 7:4–5; cf. 1:7–10). Precisely how these revelations took place is uncertain, although, like Jub. 23:26, 1QS 6:6–7; 8:12–16 refer to an ongoing process of studying the Torah (see also CD 6:2–12).

As was the case with some of the texts we have already discussed, revelation in the Qumran sectarian texts functions to provide authority to the group's teaching in an embattled religious setting, which is spelled out in strong dualistic terminology and with bitter polemics against those who do not agree with the sect.[51] It authenticates the group's identity as God's chosen to the exclusion of the rest of Israel and the rest of humanity.

The precise interrelationships between the authors and milieus of the Enochic writings, Daniel, Jubilees, and some of the sectarian writings of Qumran were doubtless complex and are probably impossible to determine with certainty.[52] The author of Daniel 7 knows the throne room scene in 1 Enoch 14, and the author of the Book of Parables reciprocates by drawing on Daniel 7. The Qumranites cherished the Enochic writings, Daniel, and Jubilees. Allusions in 1 Enoch 90:6; 93:10; 104:12–14; Jubilees 23:26; 1QS 8:5–19; and CD 1:8–12; 6:2–11 indicate that the crises and tensions of the late third and early to mid-second centuries B.C.E. catalyzed the rise and development of revelatory apocalyptic movements that claimed divine authority for teachings that spoke relevantly to their circumstances and that called them to the righteous and pious life. Apart from Qumran and its parent and/or sister community (or communities), however, we know very little about how loosely or formally these communities were structured and how they carried out their daily life.[53]

Apocalyptic Writings from the End of the First Century C.E.

The Jewish War of 66–70 C.E. gave rise to a new wave of apocalypticism. As terrible as the Antiochan persecution had been, the demolition of the Temple, the sacking of the holy city, and the widespread devastation of the land could be compared only with Nebuchadnezzar's destruction of the first Temple and the Babylonian exile.

4 Ezra

This apocalypse, which has its fictional setting in the thirtieth year after the Babylonian destruction of Jerusalem (557 B.C.E.), is ascribed to Ezra the scribe, who in reality lived during the following century. The work is to be dated to the end of the first century C.E., that is, approximately thirty years after the *Roman* destruction of Jerusalem.[54]

The book divides into seven sections,

each centering around a revelation. The first three sections recount dreams in which Ezra and the angel Uriel engage in a developing series of dialogues about God's justice as it relates to the destruction of Jerusalem (3:1–5:20; 5:21–6:35; 6:36–9:26). Ezra attributes Israel's present plight to the condition of the human heart. Humanity since Adam has been burdened by "an evil heart," which God did not remove from the covenant people so that the Torah could bear fruit. Hence they are being punished at the hands of Gentiles whose sins are infinitely greater than those of Israel. Uriel responds not by dealing with Ezra's logical dilemma, but by providing an eschatological solution to the problem: the blessings of the age to come are imminent. The fourth and middle section (9:27–60) serves as a transition between the two halves of the book. Ezra's prayer is followed by the appearance of what in retrospect is a supernatural figure with whom Ezra engages in a dialogue. This woman is a symbol and is transformed into a splendid vision of the heavenly Zion come to earth, and then Uriel appears, interprets the vision, and invites Ezra to enter the building and behold its glory. Chapters 11–13 (sections 5 and 6) contain two symbolic dream visions of the end-time, which expand on the two parts of the dream vision in Daniel 7, and which are interpreted by "the Most High." Chapters 11–12 are an exposition of the four-kingdoms of Daniel 7 that identifies the Roman Empire as the last kingdom. Chapter 13 interprets the Danielic son of man as the Messiah and draws on the tradition about the son of man/Chosen One that is preserved in the Book of Parables in 1 Enoch. As with the texts discussed in the previous sections, a pair of eschatological revelations provides the answer to the present crisis. In the seventh and final section of 4 Ezra, the author depicts the seer not only as a scribe, but as a second Moses, who restores the Torah and the rest of Scripture and dictates seventy books of esoteric lore that is to be transmitted to the wise.

Fourth Ezra shares a number of characteristics with the 1 Enoch, Daniel, and Jubilees to a degree. The author responds to a major crisis by appealing to revelations that promise an eschatological solution to the problem. Like Daniel 7–12, and parts of 1 Enoch, the revelation comes in the form of symbolic dream visions. Two of these are themselves reinterpretations of Daniel 7, and one of them draws on the Enochic son of man tradition. Different from 1 Enoch and Daniel 7, although Ezra enters the earthly manifestation of the heavenly Zion, he does not ascend to heaven; the interpreting angel descends to Ezra in his place on earth. In other respects also, the author of 4 Ezra goes his own way. Unlike 1 Enoch, he repudiates the value of cosmological speculations.[55] Although Ezra's questioning of God's justice has a certain parallel in the angelic prayer in 1 Enoch 9, he presses the issue of theodicy much farther, indeed to its theoretical limits. The sin that has led to Israel's plight is not the function of a demonic realm antagonistic to God's purposes; it is the result of the human condition, which the Creator has not rectified. Thus, the evil spirit of 1QS 3–4 emerges here as an evil inclination in the human heart. Finally, although Ezra centers his exposition on a series of eschatological revelations transmitted by means of angelophanies and dream visions, his final word is that salvific revelation is to be found in the Torah and the Prophets. In this respect, he shares the developing tendency evident already in the texts of the Qumran community, although he does not present sectarian halakhah nor does he not intend his text for an exclusive community of the chosen.

2 Baruch

Once again the fictional setting is Nebuchadnezzar's destruction of Jerusalem, and in this case the pseudonymous author is Jeremiah's scribe Baruch, who was, in fact, a contemporary of that event.[56] The many parallels between this text and 4 Ezra indicate that they were composed around the same time and that their content was the subject of considerable theological debate.[57] Like 4 Ezra, 2 Baruch divides into seven sections, although there is no consensus as to where some of them begin and end. The respective sections consist of disputative dialogues that relate to God's justice (chs. 9–30;

41–52), as well as two symbolic dream visions and their interpretations. The first of these deals with the four-kingdom scheme and the victory of a militant messiah (chs. 36–40). The second traces human history from Adam to the eschaton, when the messiah will obliterate Israel's enemies and the earth will be restored to is primordial perfection (chs. 53–74). Throughout most of the book, including the first symbolic dream vision, the earth-bound Baruch's interlocutor and interpreter is the invisible God whose voice he hears. Only in chapter 55 does the angel Remiel appear and interpret Baruch's second vision.

As in 4 Ezra the principal issue turns on God's justice, and the revealed answers point to the imminent eschaton. A major narrative element in this apocalypse that has only a partial counterpart in 4 Ezra relates to Baruch's relationship to the people. In these narrative episodes the people express their anxiety over Baruch's absences caused by his quests for revelation (chs. 31–34; 44–46; 77). In the last of these he states that he must leave the people permanently. At this point, Baruch—like Ezra—points beyond visions for authoritative revelation. The people's hope lies in the Torah and its interpretation, and God will send shepherds to lead them, lamps to enlighten them, and fountains to quench their thirst.

The Apocalypse of Abraham

This third apocalypse from the end of the first century also deals with the problems arising from Israel's defeat at the hands of the Romans.[58] Different from 4 Ezra and 2 Baruch, however, the fictive setting of the text is not the Babylonian destruction of Jerusalem. In keeping with the problem of Israel's status as the chosen people, the pseudonymous author is Israel's patriarch Abraham. Like the book of Daniel, the Apocalypse divides into a narrative, legendary section and a visionary section (chaps. 1–14; 15–32; cf. Dan 1–6; 7–12). The transition recasts the account of the theophany, sacrifice, and dream vision in Genesis 15 (Apoc. Abr. 9–15). The angel Yaoel appears to Abraham and accompanies him to the divine throne room. This mystical ascent breaks with the earthbound apocalypticism of 4 Ezra and 2 Baruch and parallels Enoch's dream ascent recounted in 1 Enoch 14–15; 37–71. While in heaven, Abraham looks down upon the earth, where he sees humanity and its division into good and evil persons, as well as the destruction of the first Temple. The end of the vision looks forward to an eschatological consummation (29:14–32:4). Different from 4 Ezra and 2 Baruch, human sin is not a function of an evil heart, but of the archdemon, Azazel (13:6–14:14; chs. 20–22), whose name recalls that of one of the chief demons in 1 Enoch 6–16 and 37–71.

4 Ezra, 2 Baruch, and the Apocalypse of Abraham: a Summary and Comparison

The composition of 4 Ezra, 2 Baruch, and the Apocalypse of Abraham attest the flourishing of apocalyptic Judaism at the end of the first century C.E., when, as in the past, its authoritative revelations provide assurance to a deeply traumatized people. The interpretation of symbolic dreams is alive and well. As was the case with Enoch, two of the transmitters of revelation are scribes (although Baruch sounds more like a prophet and Ezra is depicted as a second Moses), thus emphasizing the written character of the revelatory message. To a considerable degree, eschatology provides the answer to Israel's problem and the reversal of its distress. Different from the early apocalypses, disputative dialogue, somewhat reminiscent of Job (especially in Ezra), plays a prominent role and may reflect a real life setting as sages and seers debate the issues. The revelations transmitted in these texts are to some degree the reinterpretation of ancient apocalyptic tradition. Fourth Ezra and 2 Baruch employ Danielic tradition, in part as interpreted in the Enochic Book of Parables. Second Baruch may also draw on earlier Jeremianic non-apocalyptic traditions about the destruction of Jerusalem.[59] The Apocalypse of Abraham seems to draw on the Enochic ascent traditions and may indicate contemporary mystical practice. The point of the ascent, however, is not just to view the divine throne; it is prelude to a vision that explains the problem of evil and offers an eschatological solution. The Apoc-

alypse of Abraham attributes sin to the demon Azazel and thus parallels elements in 1 Enoch, Jubilees, and Daniel 7–12. For the authors of 4 Ezra and 2 Baruch humans are responsible for their sins.

Apocalyptic Judaism, A Summary

The texts we have discussed attest a form of Jewish religion in which revelation is a central and dominating feature. The importance of revelation in these texts is explicit in the literary form of most of the texts: they are apocalypses, that is, their content is said to have been transmitted to the pseudonymous author by a otherworldly figure, usually an angel, but occasionally God. For the most part these revelations speak to situations of (perceived) crisis, where God's justice power appears to be in question: persecution, oppression, the defilement of the Temple and priesthood, and destruction through war. They function to exhort the righteous and/or to polemicize against the authors enemies or opponents. The revelations are not simply statements of divine truth; they unveil matters that hitherto have been hidden from human eyes, whether this be the structure of the cosmos, the existence and actions of a demonic realm, activity in the heavenly courtroom, or the impending eschaton with its great judgment and the everlasting bliss and damnation that result from it. Perhaps unexpected is the degree to which most of the apocalypticists, their dismal view of history and the world notwithstanding, anticipate salvation occurring in a new creation on a transformed earth.[60]

Apocalyptic religion did not arise in a vacuum. The prophets had spoken as the mouthpieces of God, always in circumstances of crisis or what they perceived to be impending doom. Some of them had asserted the validity of their claim by recounting visions (Isaiah, Amos, Ezekiel, Zechariah). What distinguished the apocalypses was: their pseudonymous attribution to figures of antiquity; the degree to which their revelatory character was constantly kept in focus; their extensive use of symbolic dream visions, usually interpreted by an angel; their claims to recount cosmic journeys, including visits to the heavenly throne room; and, to some degree, their various forms of dualism that posited and emphasized a kind of hiddenness (of the cosmos, of history, and of the causes of evil) that required explanatory and salvific revelation. Although the apocalypticists presented their material as unique revelations, they drew on traditional non-Israelite and Israelite traditions, and, in fact, they interpreted Scripture. At Qumran one sees the increasing authority of scripture, and both Fourth Ezra and 2 Baruch straddle the fence, claiming to present special visionary revelations, while giving the Scriptures (4 Ezra) and especially the Mosaic Torah (4 Ezra and 2 Baruch) primary authority as the revelation that brings deliverance from the present crisis and divine blessing to the righteous life.

Behind the apocalypses and the religion that they embodied were real people who were generating what they considered to be relevant and viable responses to concrete historical situations. This fact notwithstanding, we know relatively little about the sociology of the apocalypticists and their constituencies, not least because of the pseudonymity of the apocalypses. Nonetheless, the texts and some comparative material provide a few hints. Cryptic dreams are the stuff of real life, the ancient world was populated with persons skilled in the interpretation of symbolic dreams, and there were sacred places and rituals that induced dreaming and provided interpretation.[61] Granting the existence of such contexts, we cannot be certain to what degree individual dreams recounted in the apocalypses reflect actual dreams and to what degree they and their details are literary fabrications generated or elaborated by scholars learned in their religion and its broader culture.[62] The social status and roles of the apocalyptic authors is not altogether certain, but there is some evidence that some of them were scribes and priests, and Daniel and 1 Enoch refer to "the wise" of the real authors' times.[63] Persons with professional skills as dream interpreters are also indicated (whatever other social roles they may have played).

Visionary activity, the dualistic world view often associated with it, and claims to have

other special entree to divine mysteries generated and nourished apocalyptic movements (1 Enoch 90:6; 93:10; 91:11; Dan. 11:14). In some cases, this apocalypticism brought into being communities whose possession of this revelation led them to believe that they were uniquely the chosen people of God. Examples include the Qumranites and the early church, preeminently, but also, by inference, the tradents of the Enochic tradition and the authors of Jubilees. In some cases, the apocalyptic authors directed their revelations to more general audiences in crisis situations, intending to bolster faith in the God of the covenant and to encourage obedience to the Torah (e.g., Daniel, 4 Ezra, and 2 Baruch). These texts are noteworthy, for their lack of sectarian language and appeals to special or esoteric interpretations of divine Law (for this function, cf. also 1 Enoch 92–105).

The Qumran corpus presents our best documented case for the social realities of a apocalyptically oriented sectarian community. The community's book of procedural rules (1QS and its variants in 4QS^{a-j}), the legal parts of the Damascus Document, the calendrical texts, and the various halakhic documents provide considerable information about the day-to-day life and operation of the Qumran community and, to some degree its parent and sister communities. The apocalyptic character of the community is attested by the quantity and variety of apocalypses found among the fragments from, especially, Cave 4. Although the Qumranites may not have generated apocalypses, their life and world view were informed by such texts, and in ways that we do not fully understand, their existence owed itself to the activity of the apocalypticists. The literature generated at Qumran and its closely related communities also suggests that the content of texts that are not formally apocalypses was informed by an apocalyptic world view and expressed an apocalyptic eschatology.

The Qumran sectarian literature also indicates that notions of special revelation were broader and more variegated than the content and forms of the apocalypses. Qumranic theology and life were governed by that claim that they possessed the revealed and, thus, exclusively correct understanding of the Torah, which had to be "searched" (*darash*), and of the Prophets, whose secrets (*raz*) were in need of an interpretation (*pĕsher*). To what extent any of this involved visionary activity is doubtful and, probably, indemonstrable. A more likely model is that of ben Sira, who deprecated dreams and visions and their interpretation (Sir 34:1–8), but believed in the revelatory character of prayerful scribal interpretation of the Torah and the Prophets (39:1–11; 24:30–34).

As ben Sira's comments indicate, claims of revelation appear in Jewish literature apart from apocalypses and apocalyptic communities, notably in texts that are commonly defined as sapiential. Thus, in 4Q Instruction, a sapiential text commonly agreed to be of non-sectarian origin, the master exhorts his students to ponder "the mystery to be" (or "the mystery of existence").[64] In the Wisdom of Solomon, a text with both sapiential and philosophical characteristics, divinely given Wisdom enables one to know God's secret purposes in human life (2:21–3:9) and to understand the secrets of the cosmos (ch. 7, esp. vv. 17–22). In both cases it can be argued that the author had some knowledge of the apocalyptic tradition,[65] but it must also be noted that the apocalyptic authors of 1 Enoch, for example, spoke in the idiom of "sapiential" literature as they presented their revealed message.[66]

From all these considerations it is evident that the revelatory religion of the apocalypticists stood on a continuum. The apocalyptic world view is manifested in revelatory texts that reflect visionary and related activity. This literature and the world view that informs it generally spoke to moments of crisis and informed the activity of movements and the lives of communities. In the case of Qumran, it also stood comfortably with other notions of revelation and interpretative activity. If, in fact, we have some understanding of Jewish apocalypticism in its literary and social manifestations, we shall understand its uniqueness better if we place it in the broader context of other Israelite forms of revelatory religion, which range from the various claims of the prophets through the sapiential literature that increas-

ingly makes claims to revelation, to the revealed interpretations of the Torah and the Prophets at Qumran, to the rabbinic interpretations of these texts and the Hekaloth texts of merkhavah mysticism. Along that same continuum one should place the interpretations of Scripture in the New Testament, the Christological claims of the early church based on the resurrection appearances of the risen Christ (including the revelation to John of Patmos), the esoteric revealed knowledge of the Gnostics and the apocalypses they wrote, and other Christian pseudepigraphic apocalypses that became common fare in the Roman and Byzantine period.

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NOTES

[1] This approach was first suggested by Klaus Koch, *The Rediscovery of Apocalyptic* (Naperville, 1972), p. 23.

[2] John J. Collins, "Introduction: Towards the Morphology of a Genre," in *Semeia* 14 (1979), p. 9. The centrality of the element of revelation in the apocalyptic literature was emphasized by Christopher Rowland, *The Open Heaven: A Study of Apocalyptic in Judaism and Early Christianity* (New York, 1982). See especially, pp. 73–189.

[3] H.H. Rowley, *The Relevance of Apocalyptic: A Study of Jewish and Christian Apocalypses from Daniel to the Revelation* (New York, 1955), pp. 77–84; and D.S. Russell, *The Method and Message of Jewish Apocalyptic 200 BC–AD 100* (Philadelphia, 1964), pp. 48–53; but see R.H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament* (Oxford, 1913), vol. 2, p. 170.

[4] My major documentation of 1 Enoch appears in the relevant parts of George W.E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch Chapters 1–36, 81–108* (Minneapolis, 2001). Chapter and verse numbers come from George W.E. Nickelsburg and James C. VanderKam, *1 Enoch: A New Translation* (Minneapolis, 2004).

[5] Nickelsburg, *1 Enoch 1*, pp. 230–231.

[6] On these chapters, see Kelley Coblenz Bautch, *A Study of the Geography of 1 Enoch 17–19: 'No One Has Seen What I Have Seen'* (Leiden, 2003).

[7] See Nickelsburg, *1 Enoch 1*, pp. 335–337.

[8] The juxtaposition of chap. 17 to chap. 16 suggests that Enoch is departing from the heavenly throne room while still in his dream. The language of 81:5–10 seems to indicate a bodily return.

[9] VanderKam in Nickelsburg and VanderKam, *1 Enoch*, pp. 7–8.

[10] Ibid., p. 6.

[11] Frances Flannery-Dailey, *Dreamers, Scribes, and Priests: Jewish Dreams in the Hellenistic and Roman Eras* (Leiden, 2004), pp. 11–67.

[12] On the displacement of 91:11–17, see Nickelsburg, *1 Enoch 1*, pp. 413–415.

[13] Ibid., pp. 52–53. For the parallels between the Apocalypse of Weeks and the Animal Vision, see ibid., p. 360.

[14] Ibid., pp. 427–428.

[15] This work was subsequently inserted into the collection, separating the astronomical material in chaps. 33–36 from the Book of the Luminaries, which was their source and is their natural sequel. On the developing stages of the Enochic corpus, see Nickelsburg, *1 Enoch 1*, pp. 25–26, and in summary, George W.E. Nickelsburg, *Jewish Literature Between the Bible and the Mishnah* (Rev. ed.; Minneapolis, 2005) pp. 114–115.

[16] Nickelsburg, *Jewish Literature*, pp. 254–255.

[17] For this figure as the functional equivalent of others in the earlier Enochic tradition, see George W.E. Nickelsburg, "Salvation Without and With a Messiah: Developing Beliefs in Writings Ascribed to Enoch," in Jacob Neusner, William S. Green, Ernest S. Frerichs, eds., *Judaisms and Their Messiahs* (New York, 1988), pp. 49–68, reprinted in Jacob Neusner and Alan Avery-Peck, *George W.E. Nickelsburg in Perspective: An Ongoing Dialogue of Learning* (Leiden, 2003), vol. 1, pp. 61–82.

[18] George W.E. Nickelsburg, "Son of Man," in *Anchor Bible Dictionary* vol. 6, pp. 138–140.

[19] A comparison of 39:3 with 14:8d might suggest that this is a dream, but cf. 2 Kgs. 2:1.

[20] For the term "hidden" with reference to things now revealed and explained by the angels, see 40:2, 8; 43:3; 46:2, 3; 52:1, 5; 60:11; 64:1; 65:6; 68:5; 69:17.

[21] John J. Collins, "The Heavenly Representative: The 'Son of Man' in the Similitudes of

Enoch," in George W.E. Nickelsburg and John J. Collins, eds., *Ideal Figures in Ancient Judaism* (Chico, 1980), pp. 111–133.

[22] For details, see Nickelsburg, *1 Enoch 1*, pp. 37–42. This summary quotes Nickelsburg, *Jewish Literature*, p. 52. See also Flannery-Dailey (*Dreamers*, p. 113 and throughout), who sees the dream world as a place where one has access to the normally inaccessible spatial, temporal, and ontological realms.

[23] Flannery-Dailey (*Dreamers*, pp. 270–278) sees dreams as a major component in the rise of apocalypticism.

[24] Nickelsburg, *1 Enoch 1*, pp. 60–62.

[25] Ibid., pp. 58–60.

[26] Ibid., pp. 57–58.

[27] Ibid., pp. 60–61.

[28] George W.E. Nickelsburg, "The Epistle of Enoch and the Qumran Literature," in Geza Vermes and Jacob Neusner, eds., *Essays in Honour of Yigael Yadin* (= *JJS* 33 [1982]), pp. 334–345; reprinted in Neusner and Avery-Peck, *Nickelsburg in Perspective*, vol. 1, pp. 106–118.

[29] For a detailed discussion of the Danielic texts, see John J. Collins, *Daniel: A Commentary on the Book of Daniel* (Minneapolis, 1993), ad loc.

[30] Collins, *Daniel*, pp. 280–294.

[31] George W.E. Nickelsburg, *Resurrection, Immortality, and Eternal Life in Intertestamental Judaism* (Cambridge, 1972), p. 15.

[32] Rodney A. Werline, *Penitential Prayer in Second Temple Judaism: The Development of a Religious Institution* (Atlanta, 1998), pp. 67–82.

[33] Nickelsburg, *1 Enoch 1*, pp. 315–316, 318–319.

[34] John J. Collins, "Apocalyptic Eschatology as the Transcendence of Death," in *Catholic Biblical Quarterly* 36 (1974), pp. 21–43.

[35] For some examples of Daniel's biblical interpretation, see Richard Clifford, "History and Myth in Daniel 10–12," in *Biblical Archaeology* 220–221 (1975–1976), p. 25; and Nickelsburg, *Resurrection*, pp. 17–26.

[36] John J. Collins, *The Apocalyptic Vision of Daniel* (Missoula, 1977), pp. 213–218.

[37] Ibid., p. 213.

[38] On the book see James C. VanderKam, *The Book of Jubilees* (Sheffield, 2001); and Nickelsburg, *Jewish Literature*, pp. 69–74.

[39] As dreams and dream-reports, Flannery-Dailey (*Dreamers*, p. 270, n. 66) cites 4:19; 14:1; 32:1, 16, 21; 35:6; 39:16; 40:1; 41:24.

[40] James C. VanderKam, *Enoch and the Growth of an Apocalyptic Tradition* (Washington, D.C., 1984), pp. 179–188; Nickelsburg, *1 Enoch 1*, pp. 71–76.

[41] Nickelsburg, *1 Enoch 1*, p. 73.

[42] Collins ("Apocalypse," pp. 28, 32) cites only chap. 23 as an apocalypse, but nuances his position on the book as a whole, calling it a borderline case; John J. Collins, *The Apocalyptic Imagination: An Introduction to the Jewish Matrix of Christianity* (New York, 1984), pp. 63–67.

[43] Emending 1:27 to read "cause Moses to write" (cf. 2:1); see James C. VanderKam, "The Putative Author of the Book of Jubilees," in *JSS* 26 (1981), pp. 209–217.

[44] For the alternative dates early and late in the first half of the second century, see VanderKam, *Book of Jubilees*, pp. 17–22; and Nickelsburg, *Jewish Literature*, pp. 72–74.

[45] See Frank Moore Cross, Jr. *The Ancient Library of Qumran and Modern Biblical Studies* (Garden City, 1958), pp. 55–57.

[46] For a study devoted to this issue, see John. J. Collins, "Was the Dead Sea Sect an Apocalyptic Movement," in Lawrence H. Schiffman, ed., *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (Sheffield, 1990), pp. 25–51.

[47] For the Enoch texts, see J.T. Milik, *The Books of Enoch: Aramaic Fragments of Qumrân Cave 4* (Oxford, 1976); and E.J.C. Tigchelaar and F.C. García Martínez, in DJD, vol. 36, pp. 95–171. For the Book of the Giants, see É. Puech, DJD, vol. 31, pp. 9–115; and L. Stuckenbruck, DJD, vol. 36, pp. 49–94. For the Visions of Amram, see É. Puech, DJD, vol. 31, pp. 283–405. For Jubilees, see J.T. Milik and J.C. VanderKam, DJD, vol. 13, pp. 1–140. For the Aramaic Levi Document, see the commentaries by Henryk Drawnel, *An Aramaic Wisdom Text from Qumran: A New Interpretation of the Levi Document* (Leiden, 2004); and Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary* (Leiden, 2004).

[48] On the role of Enoch in the Genesis Apocryphon, see George W.E. Nickelsburg, "Patriarchs Who Worry About their Wives: A Haggadic Tendency in the Genesis Apocryphon," in Michael E. Stone and Esther G. Chazon, eds., *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 May, 1996* (Leiden, 1998), p. 158, reprinted in Neusner and Avery-Peck, eds., *Nickelsburg in Perspective*, vol. 2, pp. 198–199.

[49] Nickelsburg, *1 Enoch 1*, pp. 76–78.

[50] See, e.g., Lawrence H. Schiffman, "The Sacrificial System of the *Temple Scroll* and the Book of Jubilees" in *Society of Biblical Literature Seminar Papers* 24 (1985), pp. 217–233.

[51] George W.E. Nickelsburg, "Religious Exclusivism: A World View Governing Some Texts Found at Qumran," in Michael Becker and Wolfgang Fenske, eds., *Das Ende der Tage und die Gegenwart des Heils: Begegnungen mit dem Neuen Testament und seiner Umwelt: Festschrift für Heinz-Wolfgang Kuhn zum 65. Geburtstag* (Leiden, 1999). pp. 45–59, reprinted in Neusner and Avery-Peck, eds., *Nickelsburg in Perspective*, vol. 1, pp. 139–153.

[52] See Collins, "Was the Dead Sea Sect and Apocalyptic Movement," p. 46, and the bibliography cited in G.W.E. Nickelsburg, *Ancient Judaism and Christian Origins* (Minneapolis, 2003), p. 241, n. 181.

[53] The calendar and halakhot in Jubilees offer something of an exception, but our information

is scant in comparison to the Qumran Community Rule and legal texts.

[54] On 4 Ezra, see M.E. Stone, *Fourth Ezra: A Commentary on the Book of Fourth Ezra* (Minneapolis, 1990), ad loc. For a brief discussion, see Nickelsburg, *Jewish Literature*, pp. 270–277. On the sequence of dreams, see Flannery-Dailey, *Dreamers*, pp. 159–160, 194–197, 212–220.

[55] Michael E. Stone, "Lists of Revealed Things in the Apocalyptic Literature," in Frank Moore Cross, Werner E. Lemke, and Patrick D. Miller, eds., *Magnalia Dei: The Mighty Acts of God: Essays on the Bible and Archaeology in Memory of G. Ernest Wright* (Garden City, 1976), pp. 419–421.

[56] On 2 Baruch, see Nickelsburg, *Jewish Literature*, pp. 277–283.

[57] Ibid., pp. 283–285.

[58] On this text, see ibid., pp. 285–288.

[59] George W.E. Nickelsburg, "Narrative Traditions in the Paralipomena of Jeremiah and 2 Baruch," in *Catholic Biblical Quarterly* 35 (1973), pp. 60–68.

[60] On the permutations of this theme and the exceptions that anticipate salvation in heaven, see George W.E. Nickelsburg, "Where is the Place of Eschatological Blessing?" in Esther G. Chazon, David Satran, and Ruth A. Clemens, eds., *Things Revealed: Studies in Early Jewish and Christian Literature in Honor of Michael E. Stone* (Leiden, 2004), pp. 53–71.

[61] See Flannery-Dailey, *Dreamers*, pp. 312–313, index sub "incubation," and "interpretation."

[62] On the dreams and their possible relationship to experience, see Collins (*Daniel*, p. 58), who cites Rowland, *Open Heaven*, p. 243. See also Stone, *Fourth Ezra*, pp. 30–33, 119–124. Flannery-Dailey (*Dreamers*, pp. 13, 251) twice emphasizes that she is not saying that the dreams recounted in this literature correspond to real dreams, yet she frequently acknowledges that dream cults sought to interpret real dreams. Martha Himmelfarb (*Ascent to Heaven in Jewish and Christian Apocalypses* [New York, 1993], pp. 110–114) doubts that the accounts reflect visionary experiences by the real authors.

[63] On priests and scribes, see Flannery-Dailey, *Dreamers*, pp. 256–269. On "the wise," see Nickelsburg, *1 Enoch 1*, pp. 65–67; Collins, *Daniel*, pp. 66–70.

[64] See Matthew J. Goff, *The Worldly and Heavenly Wisdom of 4Q Instruction* (Leiden, 2003), pp. 51–79.

[65] On 4QInstruction, see the literature cited in Nickelsburg, *Jewish Literature*, p. 387, n. 323. On Wisdom of Solomon, see John J. Collins, "Cosmos and Salvation: Jewish Wisdom and Apocalyptic in the Hellenistic Age," in *HR* 17 (1977), pp. 123–128.

[66] Randall A. Argall, 1 Enoch *and Sirach*: *A Comparative Literary and Conceptual Analysis of the Themes of Revelation, Creation and Judgment* (Atlanta, 1995); and Nickelsburg, *1 Enoch 1*, pp. 50–53, 58–60.

Aramaic in Judaism, The History of

THE language of Aramaic first became important to Jews during the Assyrian period. From the eighth century B.C.E., to the fall of the Persian Empire, in the fourth century, Aramaic was the language of three empires that dominated the greater Mesopotamian world, namely, Assyria, Babylonia, and Persia. For those four-hundred years, the fortunes of Israel and Judah/Judea were firmly under the control of those empires. Aramaic became so influential within Judaism during this time that even after Greek became the language of government, Aramaic continued to be used among Jews for more than a thousand years. Indeed the most important Jewish writings in Aramaic—the Aramaic Dead Sea Scrolls, parts of the Palestinian and Babylonian Talmuds and other Rabbinic literature, the translations of Scripture called the Targums, and even the Zohar—come from the centuries after Aramaic lost its imperial support.

Languages are used by people. They do not exist in a vacuum but in connection with human lives. As such, they are subject to the same historical and cultural forces as other human creations. This article studies the growth of Aramaic and the development of its dialects in the context of the history of the Jews and their geographical locations and migrations. It follows the standard periodization and geographical differentiation of Aramaic dialects. In particular, it follows that proposed by Joseph Fitzmyer, which has been adopted, with a few modifications, by the Comprehensive Aramaic Lexicon.[1] But rather than limit description to such synchronic slices of language, the article aims further to characterize the historical forces that affected the language and the people who used it. Some of the description will necessarily be provisional, but it represents the current state of scholarly knowledge and debate.

The essay begins with the earliest knowledge of Aramaic and then describes the spread of Aramaic to the land of Israel and the Jews living there.[2] After the destruction of the Jerusalem Temple in 70 C.E., Aramaic-speaking Jewry splits into two groups, one remaining in Palestine and the other moving to Babylonia. The essay will examine each group separately. Before concluding the article, it will address two historical/linguistic problems in greater detail.

The Period of Old Aramaic

Aramaic was first spoken by the Aramean tribes who came to historical prominence during the eleventh century B.C.E. in Syria and Upper Mesopotamia. Several Aramean tribes established small, independent kingdoms in this region, where they bore the brunt of the later Assyrian expansion to the west. The longest-surviving Aramean state, Aram, had its capital in Damascus, and remained independent until 732 B.C.E., falling to the Assyrians at the same time as the northern kingdom of Israel.

The period of Old Aramaic extends slightly beyond the time of the independent Aramean states, from the eleventh century B.C.E. down to the start of the seventh. A few inscriptions and other written texts are known from the tenth century onwards, scattered across this region.

Although there is no evidence Israelites used Aramaic in this period, Northern Palestine, which was frequently under the control of Aram during the ninth and eighth centuries, has produced some Aramaic material. Two recent finds are particularly intriguing. The first is the Tel Dan stele, which tells of the victory of a king of Aram, perhaps Hazael, over Israel and the "king of the house of David" in the ninth century.[3] This is the only known, contemporary reference to the Davidic dynasty outside the Hebrew Bible. The second find is the Deir Alla text from northern Jordan.[4] This fragmentary text relates a vision seen by Balaam son of Beor and has some parallels to the Balaam story found in Num. 22–24. The text's interpretation remains the subject of much debate, as does its language. Its Aramaic contains so many Canaanite features that some scholars consider it to be Canaanite rather than Aramaic.

The Period of Official Aramaic

During the Assyrian Empire (more properly called the Neo-Assyrian Empire), Aramaic replaced Akkadian as the language of the imperial administration. An Eastern dialect of Aramaic was chosen for this role and its spread throughout the Empire brought previously unknown linguistic forms to the Empire's western reaches, particularly areas on the Mediterranean Sea such as Syria, Palestine and Egypt.[5] This dialect, known to scholars as Imperial Aramaic (also called Official Aramaic and *Reichsaramäisch*), became a standard for both spoken and written communication.[6]

Scholars generally date this period from the start of the seventh century B.C.E. down to about 200 B.C.E. The general process by which Imperial Aramaic became dominant is clear, if not fully known in detail. The Assyrian king Tiglath-Pileser III, who ruled from 744 to 727, first made Aramaic into the language of governance. He brought Aramean scribes into his administration to be in charge of the correspondence across the empire. The spread of Aramaic was assisted by the deportation of conquered Aramean populations throughout the empire and through its use by imperial administrators and military garrisons.

The first evidence for knowledge of Aramaic among the Israelites comes from the siege of Jerusalem ordered by King Sennacherib in 701 B.C.E. This took place when King Hezekiah ruled Judah (2 Kgs. 18:13–27). During the siege, the Assyrian ambassadors stood outside the city and negotiated with Hezekiah's representatives standing on the city wall by shouting in Hebrew. When the Israelite officials asked them to speak in Aramaic because although they knew it, the average citizen did not, the Assyrians refused. They preferred to use their fluency in the local language to enable their threats to be understood by everyone, rather than to negotiate in the language of the empire.

There are unfortunately few texts or in-

scriptions for Aramaic during the Assyrian Empire or during the Babylonian Empire (better, the Neo-Babylonian Empire), which was in ascendance from 626–539. Despite this, the Babylonian Empire had a major impact on the Israelites' knowledge of Aramaic. In 586, the Babylonian armies sacked Jerusalem and deported its nobility and upper classes into exile in Babylon. There the Judeans and their descendents lived surrounded by a society making extensive use of Aramaic in their day-to-day lives. When the Persians let the descendants of the exiled Judeans return to Jerusalem, they were apparently more fluent in Aramaic than in Hebrew. Furthermore, when they wrote Hebrew, they used the Aramaic alphabet rather than the proto-Hebrew character set Israelites had used during the First-Temple period. These Aramaic characters were the basis for what we today call the Hebrew alphabet.

It is the period of the Persian Empire (also known as the Achaemenid Empire) that provides modern scholars with a wealth of material written in Imperial Aramaic. The written remains from the Persians, who ruled from 539 to 332, have been found across the Empire's territory, from Persia in the east all the way west across the fertile crescent into Egypt. Indeed, Egypt has provided the largest number of documents because its dry climate helps preserve usually perishable writing materials. The discoveries consist of everything from literary texts to inscriptions, letters, contracts and other formal documents to lists, graffiti, and other informal jottings.[7] A large amount of this material comes from archives of Jews who lived on Elephantine island near Aswan during the fifth century B.C.E.

The Persian period in Judea has provided little written historical evidence. Apart from the books of Ezra and Nehemiah, almost nothing exists. The same holds true for Aramaic, for only Ezra contains material composed in Aramaic. This material largely consists of correspondence and copies of imperial decrees concerning the rebuilding of Jerusalem and its Temple (Ezra 4:8–6:18 and 7:12–26). Apart from one sentence in the book of Jeremiah (Jer. 10:11), this is the earliest evidence of Jewish writing in Aramaic.

The Period of Middle Aramaic

Middle Aramaic, usually dated from the start of the second century B.C.E. to the start of the third century C.E., is characterized by the proliferation of regional dialects. During the period of Official Aramaic, there had been an ongoing tension between the empire-wide standard of Imperial Aramaic and the local dialects, but Imperial Aramaic had maintained the dominant position because of its political support and administrative role. After Alexander conquered the Persian Empire in the late fourth century B.C.E., that political support was gone. Instead the new Greek empires under the Seleucids and the Ptolemies supported the Greek language and used it in their administrations. The local Aramaic dialects burgeoned without the constraints of the standard Imperial Aramaic.

Inscriptional evidence for three new dialects used in the countries near Israel appeared at this time. Nabatean was used in northwest Arabia and the Negev Desert, south and southeast of Palestine. Palmyrene was used in areas of Syria influenced by the oasis-based, trading city of Palmyra (= Tadmor), halfway between the Mediterranean coast and the Euphrates River. In the region around Edessa in Northern Syria, the earliest evidence of Syriac begins to appear. These all resulted from the interaction of local dialects with the breakdown of Imperial Aramaic, with the local dialects perhaps playing a dominant role.

In Palestine, two dialects appear. The local dialect, recently given a dictionary by M. Sokoloff, is called Judean Aramaic.[8] Like the three dialects in neighboring countries, the primary body of evidence comes from inscriptions, mostly related to burials, that have been found in Jerusalem, Jericho, Masada, and nearby locations.[9] There are also a number of lists (names, priestly shares, and rations among the Masada defenders) as well as legal documents of various kinds: sales, marriage, divorce, debt, receipts, and promissory notes.

Most of the inscriptions and lists stem from the first centuries B.C.E. and C.E., but the legal materials from Nahal Hever and Wadi Murabba'at derive from the early

second century C.E.[10] These belong to the so-called Bar Kokhba finds, related to the Second Jewish Revolt against the Romans in 132–135. In addition to the legal material there are twenty-two letters, mainly military dispatches, which Sokoloff also includes within Judean Aramaic. Finally, the last type of evidence for this dialect comes from the Megillath Taanit, a scroll listing days on which fasts should not take place, and a few fossilized legal formulae that appear in the later Mishnah and Tosefta.

As evidence for a single dialect, this material presents a rather diverse character. The second-century C.E. Bar Kokhba letters reflect a colloquial dialect of the time, while the contracts and marriage documents of the same period probably reflect linguistic usage from a century or two earlier, frozen into legal formulae. The inscriptions of the previous two centuries may represent a colloquial language, but most are so short they provide few dialectal indicators. This material has yet to produce an in-depth understanding of the dialect, but like those in surrounding areas, it seems to represent a synthesis of a local dialect with the memory of the earlier Imperial Aramaic.

The second dialect evidenced in Palestine is the dialect of Jewish Literary Aramaic, the only dialect of Middle Aramaic for which the evidence is primarily literary rather than inscriptional and legal. This evidence allows us to trace the "afterlife" of Imperial Aramaic in the local, Judean context. As such, it provides insight into the process by which all Middle Aramaic dialects developed.

The story begins in the Official Aramaic period. When Imperial Aramaic became the main form of oral and written communication in the Persian Empire, a literary dialect arose alongside it. This prestige dialect—perhaps better understood as an ideal to be strived for, as S.A. Kaufman once observed—was used in composing formal declarations and literary works. J.C. Greenfield called this dialect Standard Literary Aramaic, and argued it could be found in the Ahiqar framework story and the Bar Punesh fragments, as well as in later Jewish literary texts.[11] Greenfield views this literary dialect as the literary standard for the entire Persian Empire, although the evidence for its existence in many areas is so far lacking.

The prestige in which Standard Literary Aramaic was held among Aramaic scribes, even after Alexander changed the language of empire to Greek, enabled it to retain its status as a literary dialect during the Middle Aramaic period. In the Land of Israel, it gradually attained a local flavor, probably under the influence of Judean Aramaic, but without losing a clear link to Standard Literary Aramaic. In American scholarly circles, the dialect has become known as Jewish Literary Aramaic, the version of Standard Literary Aramaic that developed in Judea.

The recognition of SLA as a dialect that provided a continuity between the periods of Official and Middle Aramaic is key to understanding the dialects of Middle Aramaic. Its origins, however, remain unclear. While Greenfield identified a set of texts he thought written in this dialect, he never described any linguistic features that would distinguish it from Imperial Aramaic. Given this, it actually seems that SLA originated as Imperial Aramaic, the dialect known across the Persian Empire, and was adapted for literary use after Alexander because of the widespread scribal expertise in it. By contrast, Greenfield's proposal requires the nearly immediate loss of the widely known Imperial Aramaic after Alexander and the continuation of a literary dialect so rare it has yet to receive a distinguishing linguistic description.

There are no known Jewish writings in the earliest stage of the Palestinian version of SLA, namely, Jewish Literary Aramaic. It was not until the book of Daniel, usually dated to the start of the second century B.C.E., that Jewish Literary Aramaic appeared in Judaism. Already the sections of the book written in Aramaic rather than Hebrew (Dan. 2:4–7:28) gave the dialect a Palestinian twist. This can be seen in both the singular and plural demonstrative pronouns, the third person masculine personal pronoun, and the use of a preformative *lamed* instead of a *yodh* in imperfect forms of the verb "to be."[12] This distinction of Daniel's Aramaic from that found in Ezra indicates the artificial nature of treating them as texts of the same "Biblical Aramaic."

The next stage of this process appears in the Aramaic literary texts found at Qumran. The oldest of these is the Targum to Job, which has no relationship to that book's rabbinic targum.[13] Its composition stems from the second century B.C.E. The youngest is most likely the Genesis Apocryphon, which retells stories of Lamech, Abraham and other patriarchs and probably derives from the first century B.C.E.[14] On a line between these two endpoints scholars place several other texts, the most important of these are fragments from Enoch, Tobit, the Testament of Levi, the Visions of Amram, and the New Jerusalem text.

Comparison of these texts reveals that the linguistic character of these documents did not develop at the same pace or in the same direction. Rather than progressing along a single line of development, the Qumran Aramaic texts show an increasing variety of forms in Jewish Literary Aramaic, more appropriate to the metaphor of an expanding cone than a line. M. Sokoloff's study of the Job Targum, for example, indicated that out of the thirty-two features he examined, sixteen were in common with the older Aramaic of Daniel, four were shared with the younger Aramaic found in the Genesis Apocryphon, while three features could only be found in texts even more recent than the Apocryphon! Rather than representing a literary "standard," then, Jewish Literary Aramaic seems to contain an ever increasing range of new features, combined in different ways with older features, as the dialect develops through time.

Most scholars hold that Targum Onqelos to the Pentateuch and Targum Jonathan to the Prophets were written in Palestine. These Targums thus constitute a development of Jewish Literary Aramaic, one which imposes standardization on the earlier variety. This would have been done in Judea during the first or early second century C.E.[15] However, there remains a strong minority of scholars who would see the origins of these targums further to the East. This debate will be discussed in more detail at the end of this essay.

There are two important questions about Jewish Aramaic in the Middle Aramaic period which our present evidence does not answer. First, how widespread was Jewish Literary Aramaic and Judean Aramaic in the Land of Israel? Unfortunately, nearly all the evidence that can be located stems from Judea and the Jordan Valley. The dialect may have been used in neighboring locales, such as Idumea to the south or Samaria to the north, but decisive evidence is lacking. Second, what was the spoken dialect of this period? These two Aramaic dialects provide little reliable evidence concerning the spoken character of Jewish Aramaic during this time. To that evidence, scholars have yet to apply reliable methods for extracting the few hints of spoken dialect from the written materials.

The Period of Late Aramaic in the Land of Israel

The period of Late Aramaic began around the start of the third century C.E., and scholars usually see it extending to around 700 in the land of Israel. Among the Jews of Israel, the dialect of Aramaic being used was no longer Jewish Literary Aramaic or Judean Aramaic, but rather Jewish Palestinian Aramaic.[16] The earliest inscriptions in this dialect are usually dated to the mid-third century and this is often seen as the beginning of the period. Some scholars, however, date the initial composition of the Palestinian Targum to the late second century.[17] This would push back the beginning date to about 150.

Jewish Palestinian Aramaic has three subdialects, all closely related to each other but with key linguistic differences. The first subdialect is evidenced by a number of inscriptions, found mostly on the mosaic floors of synagogues, and by a few amulets.[18] The earliest of these inscriptions was composed in the third century C.E., while the latest inscription derives from the seventh century.

The location of these finds reveals the geographical distribution of Jewish Palestinian Aramaic. Although the dialect is primarily associated with Galilee, Aramaic synagogue inscriptions also appear along the Jordan Valley and into Idumea (i.e., southern Judea). Inscriptions in Jewish Palestinian Aramaic do not appear in (northern) Judea

around Jerusalem, for during this period it is dominated by Christians, whose primary Aramaic dialect is Christian Palestinian Aramaic. Nor does Jewish Palestinian Aramaic appear in Samaria, the home of Samaritan Aramaic. This information both indicates a wider spread of this dialect than has often been recognized and reflects the pattern of Jewish settlement during this period.

The second sub-dialect of Jewish Palestinian Aramaic appears within the later Palestinian Rabbinic literature and is usually referred to as Galilean Aramaic.[19] The main texts that use this dialect are the fifth-century Palestinian Talmud and the fourth-sixth century *midrashim* of Genesis and Leviticus Rabbah, as well as Pesiqta de Rab Kahana. A few fragments of halakhic writings from the Geonic Period have also been found among the Cairo Geniza fragments, as well as some *ketubbot* (marriage documents). Some *piyyutim* (poems) written in this dialect have also been found. Galilean Aramaic has a great deal in common with the Aramaic of the inscriptions and both show colloquial tendencies.

The third sub-dialect of Jewish Palestinian Aramaic appears in the Palestinian Targums of the Pentateuch.[20] It is more formal than the other two sub-dialects. The title "Palestinian Targum" is the English rendering of the Aramaic sigil "*ty*," which stands for *targum yerushalmi*. There are three main types of Palestinian Targums: the complete manuscript of Targum Neofiti, the fragments of complete Palestinian Targums found in the Cairo Geniza, and the so-called "Fragment Targums," which contain passages, phrases and words selected from complete Palestinian Targums. These targums are characterized by a shared, highly literal translation, into which the writers sometimes placed additional material. These added expansions can be as short as a word or two, or as long as several paragraphs. The vast majority of these additions are shared among the Palestinian Targums, wherever a targum is extant for a particular verse. This shared material is called the Proto-PT Source. The first targum with the translation and the Proto-PT expansions characteristic of the known Palestinian Targums was probably composed in the latter half of the second century C.E.

Targum Pseudo-Jonathan was once considered a Palestinian Targum; for centuries it carried the designation "TY1."[21] But although it contains most of the Proto-PT expansions, its translation draws from—indeed copies almost verbatim—the translation of Targum Onkelos. Furthermore, it contains additional material that appears only in this targum—nearly three times as many additions as the Proto-PT Source. The translation and the additional material distinctive to Pseudo-Jonathan are not written in Jewish Palestinian Aramaic but in a dialect called Late Jewish Literary Aramaic—identified separately by S.A. Kaufman and E. Cook.[22] These differences have led scholars to decide that Pseudo-Jonathan is not a Palestinian Targum, but belongs to a development later in this period, with suggested dates ranging from the fourth century up to the eleventh century. Recent research into the character of this dialect indicates that it fuses aspects of Jewish Literary Aramaic and Jewish Palestinian Aramaic, with the morphology tending to be closer to the former and the lexicon closer to the latter. It also has a tendency to use archaic forms (whether real or imagined) and draws lexical items from several other dialects, including Syriac, Samaritan, Babylonian Talmudic, and Christian Palestinian Aramaic. Many of the Writings Targums were also composed in this dialect, including the Targums to Psalms and Job.

The Period of Late Aramaic in Babylonia

In Babylonia, the period of Late Aramaic extended from about 200 C.E. to the end of the Geonic period, at about 900 C.E. Babylonian Jews lived in south-central Mesopotamia, in the general vicinity of Baghdad, in cities such as Pumbedita, Sura, and Nehardea. The population probably consisted in part of Jews descended from the exiles of 586 B.C.E.—at least some made that claim—but mostly of Jews whose ancestors fled the Land of Israel after the destruction of Jerusalem in 70 C.E. or the Bar Kokhba revolt in 135.

Written materials from Babylonian Jews

reveal three different dialects in use during this period. The best known and best evidenced dialect is found in the Babylonian Talmud. Scholars generally date the completion of this large religious text to around 600, although it was clearly in the process of composition for decades, if not centuries. The main dialect used in this massive text is called Jewish Babylonian Aramaic, although it is sometimes given the more specific name Babylonian Talmudic Aramaic.[23] This is an Eastern Aramaic dialect with many similarities to the other Eastern dialects of Syriac and Mandaic. For example, it signifies third masculine verbs of the imperfect with a prefixed *nun* or *lamed* rather than the *yodh* found in Palestinian dialects. Similarly, the masculine plural form of nouns is indicated by *-e* rather than the *-ayya* of Palestine. BTA thus constitutes a local dialect that fits into its linguistic surrounding.

A second, "mixed," dialect appears in at least three types of Babylonian Jewish documents. These documents include Nedarim, Nazir and a few other tractates of the Babylonian Talmud, certain official documents cited in the Babylonian Talmud, and Geonic writings. In addition, this dialect probably also appears in the Jewish Magic Bowls found in Nippur and other locations, and perhaps even in some Karaite writings.[24] The dialect in each corpus differs slightly from that used in the other corpi, but all witnesses share a large core of common linguistic features and differ in only a few. These differences may in part be attributed to chronological development—the bowls can be dated as early as the fourth through seventh centuries, as can the material in the Talmud, while the Geonic writings stem from the seventh century or later. The differences may also be partly attributed to genre: "official" documents, talmudic tractates, commentaries, and magical texts and incantations.

The common dialect of these texts is usually characterized as a "mixed dialect," and at least one scholar has deemed it a Babylonian Koine. At this stage of analysis, there is no agreement on a name. The mixed dialect combines elements of a contemporary, eastern nature with features that are archaic and western. The contemporary, eastern aspects derive from Babylonian Talmudic Aramaic, while most of the archaic, western features appear in Targum Onkelos to the Pentateuch and Targum Jonathan to the Prophets. Some scholars have linked these latter features to the older Imperial Aramaic, but this is not necessary. Those features that do not appear in the two Targums can be found in the Aramaic texts of the Hebrew Bible.

This linguistic situation provides evidence for a third dialect in Babylonia. Over the past century, scholars have tried to explain the presence of this mixed dialect in a number of ways; most fail the test of Occam's Razor. The remaining explanations aim to explain the source of the archaic features. Although one group of interpretations holds that the archaic features derive from texts that use those features—such as Daniel, the Targums, etc.—it seems more likely that they derive from a living dialect still being used in Babylonia. If so, then this must be the dialect Jewish Literary Aramaic, which the exiles from Judea would have brought with them after the cataclysms of 70 and 135. The variety of different genres in which the dialect is used makes this the most likely explanation. This explanation entails that large numbers of Judean emigrants brought JLA—the version of SLA created in Palestine—with them to Babylonia in the late first and second centuries. (It could not have been a version of SLA created in Babylonia because that would lack the western features that characterize JLA.) Over the generations, this dialect absorbed aspects of the dominant dialect, BTA, until by the fourth century, the earliest date of our evidence, there is a thoroughly mixed dialect containing aspects of both the migrants' western dialect and the local, eastern dialect to which they came.

This understanding is supported by the preliminary report of a study of the literary character of the magic bowl texts done by C. Müller-Kessler.[25] She states that the texts are written in two parts, namely, the incantations, and the introductory and closing framework surrounding them. The framework consists largely of formulaic phrases is written in a pure form of "Standard Literary Aramaic" (= Jewish Literary Aramaic),

the dialect brought from the Land of Israel by the Judean exiles. Müller-Kessler terms this transplanted dialect Standard Literary Babylonian Aramaic, because it absorbed a few Babylonian linguistic features, even though it did not lose its western ones. The incantations themselves apparently appear in the "mixed dialect," which she calls Koine Babylonian Aramaic.

So in the early part of this period, Jewish Aramaic in Babylonia seems to consist of two dialects, namely, the local dialect BTA and the Palestinian Jewish immigrants' dialect of JLA. Upon its arrival, JLA seems to have been the prestige dialect for Babylonian Jews, since it is from Jerusalem and its Temple. Over the generations, however, it became unable to maintain its purity against the dominant BTA and gradually absorbed enough features of BTA to lose its identity and become a mixed dialect. So by the end of this period, there were still two dialects, but while BTA remained strong, JLA had shifted into a mixed character. The only exception to this may be the retention of JLA in the Targums of Onkelos and Jonathan, and in the fixed, formulaic phrases used in magical texts.

Aramaic in the Medieval and Modern Periods

After the end of the Late Aramaic period, Aramaic largely died out as a productive Jewish language. Since parts of the Babylonian Talmud and the geonic literature were written in Aramaic, as well as Targums Onkelos and Jonathan, the language has remained a focus of study into modern times. Similarly, parts of Jewish liturgy were composed in Aramaic, such as the *qaddish*, and hence Aramaic has also retained a liturgical use. Aramaic thus continued to be used through medieval and modern times up to today, but primarily in passive forms rather than as an actively, productive language.

There are two exceptions to this picture. The first is the composition of the Zohar in Aramaic. This was probably done by Moses de Leon in thirteenth-century Spain. The Zohar is attributed to the second-century rabbi, Simeon bar Yohai, and De Leon apparently composed it in Aramaic to give it an ancient flavor. Despite this attribution, it is clear that the Zohar's Aramaic is primarily a combination of Onkelos's JLA and BTA, with a few forms garnered from other dialects and idioms taken from medieval Hebrew.[26] G. Scholem considers this an artificial creation of De Leon.

The second exception comes from Jewish Neo-Aramaic, namely, dialects of Aramaic that remained the spoken *lingua franca* of Jews in a region of Kurdistan which is today in northern Iraq.[27] They lived in towns such as Zakho, Saqqiz, and Dihok.There are written materials in this dialect as old as 1600, including *midrashim* and commentaries, poetry and translations. The Jews who spoke these dialects emigrated to Israel in the 1950s and became Hebrew speakers. Neo-Aramaic developed from Eastern Aramaic and was not limited to Jews only. Although there were several different dialects used by Jews, most shared features with near-by Christian Neo-Aramaic speakers.

Problems in the Scholarly Understanding of Jewish Aramaic

Problem #1. Where were Targums Onkelos and Targum Jonathan written?

Targum Onkelos to the Pentateuch and Targum Jonathan to the Prophets present modern scholarship with a conundrum. On the one hand, historical and literary data place Targum Onkelos and its companion targum in Babylonia during the Late Aramaic period. It is quoted several times in the Babylonian Talmud, where it is also referred to by rabbinic authorities as "our targum." Indeed, the targum seems to travel hand-in-hand with the Babylonian Talmud during the medieval period and retains its importance in Talmudic-based Judaism into the modern period, when we find that Orthodox Jewry still reads it.

On the other hand, the dialect in which these two targums were composed consists largely of western Aramaic features, accompanied by only a few eastern characteristics. These suggest a western (i.e., Palestinian)

place of composition, even though scholars have long searched for seemingly non-existent evidence of Targum Onkelos in Palestine and Syria. How can this combination of mainly western features with its clear Babylonian location be explained? Three possibilities delimit the scholarly discussion.

The idea that Targum Onkelos (and similarly Targum Jonathan) was created in two stages nearly constitutes a scholarly consensus on this matter. The first stage, often called Proto-Onkelos or the Old Palestinian Targum, was the translation of Targum Onkelos by Jews in Judea using their dialect of Jewish Literary Aramaic. Most scholars attribute this to the early second century, although some see it happening prior to the Temple's destruction in 70. It accounts for the predominantly western features of Onkelos' language. In the second stage, Proto-Onkelos was taken to Babylonia, where it was partly recast into the Targum Onkelos we have today. This accounts for the few eastern features of the Targum's dialect. This recasting is usually thought to have taken place by the fourth century.

A second, possible position is that Targum Onkelos was composed in a single step in Babylonia.[28] Although the formulation of this explanation has changed with the scholarly understanding of Eastern Aramaic, it now seems evident that refugees from Judea brought Jewish Literary Aramaic with them to Babylonia. This would account for the western features. Over a generation or two, some eastern features entered the dialect from the local BTA. It was after these changes that Targum Onkelos and Targum Jonathan were composed. While its date is uncertain, this probably happened before the end of the fourth century.

A third explanation has been put forward in recent years by E. Cook.[29] He argues that rather than seeing Late Aramaic divided into two divergent Eastern and Western groups, the existence of "Central Aramaic" should be recognized. Building upon the wave-theory of linguistic change, Cook posits that there is no sharp geographical line of difference between Eastern and Western Aramaic. Instead, different features migrate from east to west and from west to east at different rates, resulting in a linguistic continuum. This means that the geographically central area between the two extremes is a place where features from both types will be located and will be combined together in ways more flexible and more frequent than at either end. Thus the combination of western and eastern dialectal features of Targum Onkelos and Targum Jonathan occurred because the targums were written in a geographically central location, hence, Central Aramaic. Through comparison with inscriptional evidence of other dialects, Cook posits that this location is geographically located near Edessa, the home of (early) Syriac—another dialect that Cook classifies as "Central." From this location in northern Syria, the two targums were taken later to Babylonia.

The apparent lack of direct evidence linking Targum Onkelos to the Land of Israel has prevented the first position from achieving full consensus and keeps the second two as alternative explanations. Recent work by this author however has brought new evidence to this problem. My research into the translations and expansions of the Palestinian Targums shows that these targums are often based upon knowledge of Onkelos' rendering.[30] This indicates that far from being unknown in Palestine, a version of Targum Onkelos (i.e., Proto-Onkelos) was used as the base, alongside the Hebrew text, in the composition of the Palestinian Targums in Galilee, probably during the second or third century. This evidence favors the two-stage model.

Problem #2. What dialect of Aramaic did Jesus speak?

This question seeks to identify the linguistic world in which Jesus lived and functioned, a world in which the spoken, rather than the written, word dominated. The recognition of that fact immediately raises a methodological problem, for all the evidence we have for this period is written. Any attempt to ascertain the nature of Jesus' Aramaic dialect must extract the spoken from the written. The method used will depend on the genre of the documents under study, for different genres require different methods for identifying spoken elements

contained in them. Personal letters reveal the spoken language fairly close to the surface, often on purpose, while a biblical translation uses a more formal dialect that buries conscious use of the colloquial. Law documents, by contrast, often contain mostly frozen legal formulae reflecting older language forms and thus reveal nothing about the spoken or colloquial.

Since the methods used for getting at aspects of a spoken language depend upon a text's genre, the determination of which methods these are must wait until the identification of the texts themselves. It is at this stage that the search for the "language of Jesus" has bogged down. Since Jesus lived his life out in Galilee during the first century C.E., scholars need texts that evidence that dialect. The short response is that there are none. The long response is that this lack has spurred scholars to search for a way to determine the character of first-century Galilee's dialect from the existing documents. Three solutions have arisen over the past century.[31]

At the start of the twentieth century, G. Dalman tried to extrapolate to first-century Galilee from two directions.[32] He argued that the Western Aramaic features of Targum Onkelos represented the Aramaic dialect of first-century Judea, while the Aramaic found in the Palestinian Talmud and the Palestinian Midrashim was Galilean, although from a couple of centuries later. The proper balance of these two kinds of data would lead to Jesus' language.

P. Kahle countered by arguing that Targum Onkelos did not enter Palestinian prior to 1000 C.E., when it moved West with the Babylonian Talmud, and that the rabbinic literature was too late.[33] Instead, the fragments of Palestinian Targums found in the Cairo Geniza, which Kahle had recently published, represented a pre-Christian form of spoken Palestinian Aramaic which Jesus would have known. Followers of his position—such as M. Black, M. McNamara, R. Le Déaut, and A. Díez Macho—gradually added all the Palestinian Targums, including Targum Pseudo-Jonathan, into this argument.

The publication of the Aramaic documents among the Dead Sea Scrolls had a significant impact on this debate. Here finally were texts discovered in a first-century, Judean context which evidenced Aramaic from first century C.E. back to the second century B.C.E. First, E.Y. Kutscher used them to reinforce the role of Targum Onkelos in this debate by showing that its form of Aramaic was close to that of the Genesis Apocryphon.[34] His method assumed that the linguistic features from texts of identifiable provenance (viz., the Apocryphon) could be used to date texts of uncertain origins (viz., Targum Onkelos). Second, J. Fitzmyer took a stricter approach.[35] He argued that the key principle here was that written documents that could be located in time and place—i.e., Judea in the second century B.C.E. to first century C.E.—eliminated the uncertainty of the dating of texts with uncertain provenance or whose composition was later (such as the *targumim*). Thus the Aramaic Dead Sea Scrolls trumped all rabbinic and targumic texts for use in the question of Jesus' dialect of Aramaic.

The problem with all three positions is that none of them identify texts that directly evidence first-century Galilee. The Dead Sea Scrolls and Targum Onkelos are Middle Aramaic, but from Judea. The targums and the rabbinic literature are from Galilee, but come from the period of Late Aramaic. Progress forward, then, will not come from holding up only one corpus as representative of the dialect Jesus spoke. Instead, it depends on scholars working out the historical and linguistic relationships among the dialects represented by these texts, folding in the evidence from new finds such as the Bar Kokhba letters, and then using that understanding to triangulate on first-century Galilee.

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NOTES

[1] J.A. Fitzmyer, "The Phases of the Aramaic Language," in J.A. Fitzmyer, *A Wandering Aramean: Collected Aramaic Essays* (Missoula, 1979), pp. 57–84. The five periods are: Old Aramaic, Official Aramaic, Middle Aramaic, Late Aramaic, and Modern Aramaic. This schema has gained wide acceptance, although some scholars continue to use an older scheme which places Official and Middle Aramaic together, renaming the four

periods as: Old Aramaic, Official Aramaic (= Fitzmyer's Official and Middle), Middle Aramaic (= Fitzmyer's Late Aramaic), and Late Aramaic (= Fitzmyer's Modern Aramaic).

[2] Helpful overviews of Aramaic include: S.P. Brock, ed., *The Hidden Pearl: The Syrian Orthodox Church and Its Ancient Aramaic Heritage* (Rome, 2001); E.M. Cook, "Aramaic Language and Literature," in E.M. Meyers, ed., *The Oxford Encyclopedia of Archaeology in the Near East* (Oxford, 1997), vol. 1, pp. 178–184; S.A. Kaufman, "Languages (Aramaic)," in D.N. Freedman, ed., *The Anchor Bible Dictionary* (New York, 1992), vol. 4, pp. 173–178. An excellent additional resource is the Comprehensive Aramaic Lexicon project, which is gathering all the ancient Aramaic texts and inscriptions into a single collection. It is accessible online at http://cal1.cn.huc.edu/.

[3] Avraham Biran and Joseph Naveh, "An Aramaic Stele Fragment from Tel Dan," in *Israel Exploration Journal* 43 (1993), pp. 81–98. Avraham Biran and Joseph Naveh, "The Tel Dan Inscription: A New Fragment," in *Israel Exploration Journal* 45 (1995), pp. 1–18.

[4] J. Hoftijzer and G. van der Kooij, *Aramaic Texts from Deir Alla* (Leiden, 1976).

[5] J. Greenfield, "The Dialects of Early Aramaic," in *Journal of Near Eastern Studies* 37 (1978), pp. 93–100.

[6] A good general essay on Imperial Aramaic is D.M. Gropp, "Imperial Aramaic," in Meyers, *The Oxford Encyclopedia of Archaeology*, vol. 3, pp. 144–146.

[7] B. Porten, *Archives from Elephantine: The Life of an Ancient Jewish Military Colony* (Berkeley, 1968).

[8] M. Sokoloff, *A Dictionary of Judean Aramaic* (Ramat Gan, 2003).

[9] Many of these have been assembled in J.A. Fitzmyer and D.J. Harrington, *A Manual of Palestinian Aramaic Texts* (Rome, 1978). This volume also contains most of the Aramaic material found among the Dead Sea Scrolls.

[10] Y. Yadin, J.C. Greenfield, et al., eds., *The Documents from the Bar Kokhba Period in the Cave of Letters* (Jerusalem, 2002).

[11] J. Greenfield, "Standard Literary Aramaic," in A. Caquot and D. Cohen, eds. *Actes du Premier Congrés International de Linguistique Sémitique et Chamito-Sémitique, Paris 16–19 juillet 1969* (The Hague, 1974), pp. 280–289. Tal's analysis of this phenomenon as a *Koine* does not seem to have been widely accepted; see A. Tal, *The Language of the Targum of the Former Prophets and its Position within the Aramaic Dialects* (Ramat Aviv, 1975) (in Hebrew).

[12] F. Rosenthal, *A Grammar of Biblical Aramaic* (Wiesbaden, 1974 [1961]).

[13] S.A. Kaufman, "The Job Targum from Qumran," in *Journal of the American Oriental Society* 93 (1973), pp. 317–327; M. Sokoloff, *The Targum to Job from Qumran Cave XI* (Ramat Gan, 1974).

[14] J.A. Fitzmyer, *The Genesis Apocryphon of Qumran Cave I, A Commentary* (2nd ed.; Rome, 1971).

[15] For information on the language of these targums, see D.M. Gropp, *The Aramaic of Targums Onkelos and Jonathan: An Introduction* (forthcoming). For English translations and information, see the series *The Aramaic Bible*, M. McNamara, et al., eds. (Wilmington, 1987–1989, and Collegeville, 1991–).

[16] M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic* (2nd ed.; Ramat Gan and Baltimore, 2002).

[17] P.S. Alexander, "The Toponomy of the Targumim with Special Reference to the Table of Nations and the Boundaries of the Holy Land" (D.Phil. diss., Oxford University, 1974).

[18] Many inscriptions have been collected in J. Naveh, *On Stone and Mosaic* (Jerusalem, 1978) (in Hebrew); see also Fitzmyer and Harrington, *A Manual of Palestinian Aramaic Texts*.

[19] E.Y. Kutscher, *Studies in Galilean Aramaic* (Ramat-Gan, 1976).

[20] For more information and translations of the Palestinian Targums, see *The Aramaic Bible* series, edited by M. McNamara, cited above. The relationship among the various Pentateuchal Targums, Targum Onkelos as well as Palestinian Targums, is a matter of intense discussion. In addition to the discussion of Targum Onkelos at the end of this essay, see A. Tal, "The Dialects of Jewish Palestinian Aramaic and the Palestinian Targum of the Pentateuch," in *Sefarad* 46:1–2 (1986), pp. 441–448; S.A. Kaufman, "Dating the Language of the Palestinian Targums and Their Use in the Study of First Century CE Texts," in M. McNamara and D.R.G. Beattie, eds. *The Aramaic Bible: Targums in Their Historical Context* (Sheffield, 1994), pp. 118–141; and P.V.M. Flesher, "The Literary Legacy of the Priests? The Pentateuchal Targums of Israel in their Social and Linguistic Context," in B. Olsson and M. Zetterholm, eds., *The Ancient Synagogue from Its Origins until 200 C.E.* (Stockholm, 2003), pp. 467–508.

[21] Or in German, "TJ1."

[22] S.A. Kaufman, "Targum Pseudo-Jonathan and Late Jewish Literary Aramaic," in M. Bar-Asher and M. Garsiel, et al., eds., *Moshe Goshen-Gottstein—In Memoriam, Studies In Bible and Exegesis 3* (Ramat Gan, 1993) (in Hebrew); and E.M. Cook, "Rewriting the Bible: The Text and Language of the Pseudo-Jonathan Targum" (University of California, Ph.D., 1986).

[23] M. Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan and Baltimore, 2002).

[24] See S.F. Rybak, "The Aramaic Dialect of Nedarim" (Yeshiva University, Ph.D., 1980); T. Harvianen, "Diglossia in Jewish Eastern Aramaic," in *Studia Orientalia* 55:2 (1983), pp. 95–113; H. Juusola, *Linguistic Peculiarities in the Aramaic Magic Bowl Texts* (Helsinki, 1999).

[25] C. Müller-Kessler, "The Earliest Evidence for Targum Onqelos from Babylonia and the Question of its Dialect and Origin," in *Journal of the Aramaic Bible* 3:1–2 (2001), pp. 181–198.

[26] G.G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1941), pp. 163–168.

[27] Y.A. Sabar, *A Jewish Neo-Aramaic Dictionary: Dialects of Amidya, Dihok, Nerwa, and Zakho, Northwestern Iraq* (Wiesbaden, 2002).

[28] Müller-Kessler still holds to this position. See citation above.

[29] See E.M. Cook, "A New Perspective on the Language of Onqelos and Jonathan," in M. McNamara and D.R.G. Beattie, eds., *The Aramaic Bible: Targums in Their Historical Context* (Sheffield, 1994), pp. 142–156; and E.M. Cook, "Qumran Aramaic and Aramaic Dialectology," in T. Muraoka, ed., *Studies in Qumran Aramaic* (Louvain, 1992), pp. 1–21.

[30] See P.V.M. Flesher, "Is *Targum Onkelos* a Palestinian Targum? The Evidence of Genesis 28–50," in *Journal for the Study of the Pseudepigrapha* 19 (1999), pp. 35–79; and P.V.M. Flesher, "The Translations of Proto-Onqelos and the Palestinian Targums," in *Journal of the Aramaic Bible* (now *Aramaic Studies*) 3:1–2 (2001), pp. 75–101.

[31] L.T. Stuckenbruck, "An Approach to the New Testament through Aramaic Sources: The Recent Methodological Debate," in *JSP* 8 (1991), pp. 3–29.

[32] G. Dalman, *Die Worte Jesu* (Leipzig, 1898, 1st edition; 1930, 2nd edition).

[33] P.E. Kahle, *The Cairo Geniza* (2nd ed.; Oxford, 1959).

[34] E.Y. Kutscher, "The Language of the 'Genesis Aprocryphon': A Preliminary Study," in *Scripta Hierosolymitana* 4 (1957), pp. 1–35.

[35] See the essays in Fitzmyer, *A Wandering Aramean.*

Art and Material Culture of Judaism—Medieval through Modern Times[1]

While works of Jewish ceremonial art fulfill functions mandated by Judaism's obligatory ritual practices, their forms and decoration often are drawn from those of the surrounding cultures in which Jewish communities have lived. As a result, although the function of a ceremonial object made in a particular cultural area will be identical to one created within another culture, and while they may share a common vocabulary of symbols, their shape, techniques, and decorative motifs will differ. Therefore, a work of Jewish art or material culture must always be studied within two frames of reference: its place within the practice of Judaism, and its relationship to the art and material culture of its place of origin.

Medieval Illuminated Manuscripts

In the realm of art, illuminated manuscripts link the culture of ancient Israel with the later culture of the diaspora. Several fragments of manuscripts that were written in the ninth-tenth centuries are decorated with both carpet pages of overall, repeated motifs and with pages bearing the implements of the wilderness Tabernacle and the Temple in Jerusalem.[2] Some of these early illuminations are formed through micrography, the use of letters to shape forms, which became a distinctive feature of Hebrew manuscript illumination into the modern era, although the technique is not exclusive to books written in Hebrew.

The same decorative schemes are found in later manuscripts created in Cairo and in Spain.[3] Carpet pages are also a feature of illuminated Korans, and the corpus of Hebrew and Arabic Bibles extant from medieval Spain share a common repertoire of carpet page compositions and motifs, as both were produced within the iconoclastic culture of Islam. In Hebrew Bibles, additional pages bear images of the Tabernacle and Temple instruments, continuing the iconography of earlier Tiberian manuscripts (fig. 1). Inscriptions surrounding the Spanish compositions elucidate their meaning: the Bible is the *mikdash me'at*, the small sanctuary, that sustains Jewish belief until the reestablishment of the holy Temple in the messianic age.

With the spread of Christian hegemony over the Iberian Peninsula and the influence of new artistic models in the early fourteenth century, an innovative type of Hebrew manuscript appeared in Barcelona and its environs, the illuminated haggadah or service book for the Passover seder. The decoration of these Sephardic haggadot was influenced by the Christian tradition of figurative manuscript decoration. It includes

a prefatory cycle of biblical pictures tracing the history of the world from the creation through the death of Moses, or some portion of that history.[4] Illuminated haggadot also incorporate textual illustrations, such as the four sons and the symbolic foods, and even genre scenes depicting preparations for Passover, for the seder, and the enactment of the seder itself.

The genre scenes are important sources for the history of a Jewish ceremonial art that largely disappeared with the expulsion from Spain in 1492 and from Portugal in 1497. For example, a deep dish (*brasero*) inscribed with Hebrew names of three symbolic Passover foods is in the Israel Museum (fig. 2). Its exact use is unknown, but one illuminated fourteenth-century haggadah shows the master of the house distributing matzah to his household from a similar dish.[5] Such information on the forms of ceremonial art is invaluable in the light of the losses suffered by the Jews of Iberia because of edicts forbidding them to leave Spain and Portugal with their gold and silver. Both synagogual and private ceremonial objects were melted down and used to compensate cities for the loss of tax revenues caused by the expulsion of Jewish citizens.

Genre illustrations of Judaica also appear in manuscripts created in Ashkenaz, whose Jews lived within a dominant Christian culture with a long tradition of using images as both an aid to devotion and for education. Scenes depicting Jewish ceremonial objects appear in prayer books, even those used in the synagogue, and haggadot.[6] Despite periodic persecutions, the Jews of Ashkenaz did not suffer the wholesale expulsions inflicted on the Sephardim, with the result that greater numbers of actual ceremonial objects remain from the French and German-speaking areas of medieval Europe.

The High Middle Ages (Twelfth-Fiteenth Centuries)

Hannukah lamps constitute the earliest group of ceremonial objects extant from the medieval period, with their characteristic row of eight lights all on the same level. A twelfth-century bench-type lamp, designed to sit on a surface, was excavated in Lyons.[7] Made of stone from a nearby quarry, its row of oil and wick containers are shaped as horseshoe arches, a motif drawn from the Islamic art of nearby Spain.

A change in usage occurred in the thirteenth century. Hanukkah lamps began to be hung on the wall. Three bronze examples from northern France or the Rhineland are known (fig. 3).[8] Above their oil and wick containers rises a backplate formed of an interlaced arcade similar to that on Norman buildings of the thirteenth century, and a gable housing animals in relief framed in roundels. A century later, a group of lamps with simplified gables and arcades appeared.[9] Their major motif is a Gothic rose window.

Recent excavations in the old Jewish quarter in Teruel, which was a center for the manufacture of pottery during the Middle Ages, have uncovered fragments of three fifteenth-century ceramic Hanukkah lamps.[10] They are bench type and glazed cream, purple, and green like other Teruel ceramics of the period. Painted eyes animate the oil containers, giving them a face-like appearance.

Other excavations along the Rhine and in the mining town of Kutna Hora, the Czech Republic, revealed additional domestic Judaica. One type is the *kiddush* cup. At Lingenfeld near Speyer, beakers were found along with a coin hoard dated 1348, their burial probably due to the persecution of Jews following the Black Death.[11] A set of nested beakers was found in an administrative building in Kutna Hora (fig. 4). Although originally made for a queen named Elizabeth, whose coats of arms appear on the bottoms of the beakers, these cups were later acquired by a Jew named Wolf, who added his Hebrew name to the shield bearing that animal.

The double cup, a very elaborate drinking vessel whose cover was formed to serve as a second cup, was popular as a wedding present from the thirteenth through the sixteenth centuries. The symbolism of two combining into one made these vessels highly appropriate as marriage gifts. One example dated to the fourteenth century was found with the Lingenfeld coin hoard. An even more elaborate example of jasper was commissioned by a Jew named Zvi, then

acquired at some point by the archbishop of Erbach, who substituted his own coats of arms for that of the prior Jewish owner.[12] The miniatures of fifteenth-century Ashkenazic haggadot attest to the presence of both nested *kiddush* cups and the more elaborate double cups in wealthy Jewish homes, those also capable of commissioning illuminated manuscripts.[13]

Seder scenes in both Ashkenazic and Sephardic haggadot commonly show a star-shaped hanging lamp above the festive table.[14] The form was in general use in medieval Europe, but was eventually superseded by other forms of lighting. Among Jews, however, the lamp became a traditional type so that, by the sixteenth century, it became known among German goldsmiths as a *Judenstern*. The star-shaped hanging lamp was utilized by central- and east-European Jews for Sabbaths and holy days into the twentieth century. One medieval survivor of Jewish ownership was found in Deutz (fig. 5). Made of bronze, its faceted form indicates a date in the first half of the fourteenth century. An engraved six-pointed star on the base together with its discovery in an area inhabited by Jews suggest Jewish ownership.

Excavations of medieval sites have also yielded distinctive Jewish marriage rings, whose bezels are formed in the shape of small buildings. The earliest was found at Weissenfels, near Halle, in a hoard dated to the first half of the fourteenth century.[15] Another example found with a fourteenth-century coin hoard comes from Colmar, and a third was in the Munich Schatzkammer before 1598.

Another medieval object, the aquamanile in the form of a lion, was used by Jews both in the home and in the synagogue. An example in the Walters Art Gallery, Baltimore, is engraved with the Hebrew blessing said after washing the hands and was probably used in the home.[16] Two others were published in 1928 as the property of German synagogues; their whereabouts are today unknown. One may be identical with a damaged example, now in a private collection, that bears a Hebrew inscription indicating its dedication to a synagogue by a woman whose father was a *kohen*, a member of the priestly class. It may have been used for washing the hands of *kohanim* prior to their blessing the congregation.

According to Rabbinic responsa and to documents such as the lists of objects belonging to various synagogues found in the Ben Ezra geniza in Cairo, the Torah finial was an independent object as early as the twelfth century.[17] It is most often called a *rimmon* (pomegranate), implying that its shape was round or fruit-like. This is the form found in medieval miniatures and in the earliest extant Sephardic finials, dated 1601/2 and discovered in Pest, in an area occupied by the Ottomans.[18] The only medieval pair to survive, however, is formed as a tower, a symbol of the heavenly Jerusalem used by both Christians and Jews since the early Byzantine period (fig. 6). The finials were made in Sicily during the fifteenth century, when that island was under Spanish rule, and are close in form to the verges, the ceremonial stave ends, used by the church.[19] This may account for their survival to this day in the Cathedral Treasury of Palma de Majorca. These Sicilian Torah finials are decorated with horseshoe arches and filigree, as well as with semiprecious and glass stones. Hebrew inscriptions appear on all four sides of the towers.

Although the Sicilian finials and earlier Torah finials dated as far back as the twelfth century were created independent of the Torah scroll, other finials were fashioned from the Torah's wooden staves themselves. They can be seen in manuscript illustrations where the rod of the stave terminates in a bulbous form and in one extant pair of stave decorations dated to the late fifteenth century.[20] The stave finials were created for Nathanael Trabuto, who worked as a punctuator and scribe of Hebrew manuscripts and may have adorned a Torah scroll that he copied. They are carved with Gothic motifs: multiple lancet windows, a frieze of leaves that appear on metalwork of the late fifteenth century, and the name of their owner.

Unfortunately, none of the Torah crowns mentioned in Rabbinic responsa and seen in miniatures such as the one in the Spanish Sarajevo Haggadah of the second quarter of the fourteenth century survive.[21] These

Sephardic crowns were sometimes used individually, but were often placed together with a pair of finials on the staves of the Torah scrolls, a usage that has been followed throughout the Sephardic diaspora and in eastern communities until the present day.

A detailed description of a medieval crown was found in a French archive, in a contract dated March 24, 1439, written between an Avignon silversmith, Robin Asard, and the Jewish community of Arles.[22] The contract indicates what materials were to be used and the working conditions and restrictions mandated by the community, who also specified the forms to be incorporated into their Torah ornament. Robin Asard was required to make a hexagonal crown whose corners were marked by pillars, each adorned with the head of a lion from whose mouth three chains emerged bearing bells. The sides of the crown were to be articulated as masonry and topped by crenellations to give the appearance of a fortress. This literary description recalls the polygonal polycandelons donated to important German churches beginning in the twelfth century.[23] Latin inscriptions on these large lamps indicate that their patrons saw them as representations of the heavenly Jerusalem, a meaning appropriate to a Torah crown as well. The Arles contract also describes the renovation of an older crown belonging to the congregation that likewise was to be furnished with towers, interesting testimony to a desire to modernize an older work by investing it with symbols matching those on the new crown.

Only one other type of ceremonial object associated with the Torah survives from the Middle Ages. It is represented by a single silver pointer, a rod with a terminal in the form of a hand, made in Ferrara, Italy, in 1488, for use by the reader in following the text.[24] The Talmudic prohibition against touching the sacred Torah scroll with the naked hand or finger (B. Meg. 32a) gave rise to the practice of covering the hand with a piece of silk or the corner of a prayer shawl. Documents from Prague indicate that in 1581 the Jews of that city commissioned pointers from Christian silversmiths attached to the court of Rudolf II, who were considered to be better-trained than their Jewish counter-parts, but none survive.[25] Although the new instrument appeared in the late fifteenth century, both means of following the text, the silver pointer and a textile wrapped around the hand, survived into the late sixteenth century.[26]

When not in use, the Torah scroll was placed in an ark, which, as in the period of the early synagogues, could be part of the building fabric or an independent wooden structure. Until *Kristallnacht*, the synagogue in Worms, dated to 1174/75, was the oldest in Europe, and its ark was an aedicula. A similar ark, dated ca. 1265, still exists in the Altneuschul, Prague, now the oldest surviving European synagogue.[27] The gable of the ark contains a stone relief of the Tree of Life, a motif repeated over the entrance door to the men's prayer hall.

Both Ashkenazic and Sephardic manuscript illuminations depict wooden arks as independent pieces of furniture. A surviving example stems from Modena and is today in the Musée de Cluny, Paris. Although its inscription indicates a date of 1472, in the midst of the Renaissance, the Modena ark is decorated with Gothic motifs, notably a series of lancet openings. The old-fashioned style of this ark may indicate it was based on a preexisting work that the congregation wished to replace. Just a few years later, ca. 1500, the Jews of Urbino commissioned an ark in Renaissance style, whose basic scheme appears to derive from the *studioli* of their duke in his palaces at Gubbio and Urbino.[28] The temporal coexistence of different styles remains characteristic of Jewish ceremonial art into the modern age.

The Sixteenth-Nineteenth Centuries—Torah Ornaments

The development of Jewish ceremonial art in the post-medieval period was governed by many of the same conditions that affected the production of European decorative arts in general. Of major significance was the increased availability of silver in Europe as the result of the discoveries of the Americas, which led to the creation of greater numbers of silver vessels and tableware. The ownership and display of works in silver

came to express the power and wealth of their possessor. Not only individuals but corporate entities such as city governments and guilds commissioned quantities of silver plate that were placed on view at ceremonial occasions. Jewish participation in this trend can be seen in the commissioning of large numbers of silver ritual objects whose forms were known in the Middle Ages, finials, crowns, and pointers, and in the creation of an important new ornament for the Torah scroll: the Torah shield, a plaque indicating the biblical book and chapter to which the scroll was rolled.

In 1530, a Jewish convert to Catholicism, Antonius Margaritha, wrote that he saw silver plaques hanging by means of chains over the mantles of the Torah scroll.[29] Other mid-sixteenth-century evidence for Torah shields are entries in the register of the Frankfurt goldsmiths' guild. They list a "Jewish plaque," "a Moses plaque engraved with the Ten Commandments," and two "silver covers for Jewish Torah scrolls."[30] One shield made in Frankfurt in 1587 survives, as does another made in Trieste in 1599.[31]

The Frankfurt shield is an oblong topped by a crown and, in the middle, has a holder for small plaques that were engraved with the names of special readings used to indicate the place to which the scroll was rolled. The Trieste shield is oriented vertically and lacks accommodations for interchangeable plaques. Instead, it is engraved "the third scroll." It became traditional for Italian synagogues to own three such plaques, engraved "first," "second," and "third." Rather than heralding specific readings, these indicated the order in which the scrolls were to be used on a given Sabbath or holy day (fig. 7). From their earliest appearance through the beginning of the twentieth century, Torah shields were useful appurtenances that marked the scroll turned to the reading of the day. They were also decorative. Only in the twentieth century did they lose their practical purpose and become exclusively ornamental.

The few shields that survive from the seventeenth century are oblong like the early example from Frankfurt and preserve the large proportions of the interchangeable plaques relative to the size of the shield as a whole.[32] Two examples were made by silversmiths from Emden, and the remainder stem from Strasbourg.

A new period begins in the later seventeenth century, a great age of experimentation with the form of the Torah shield, when some of the most impressive examples of the genre were created. During the last decades of the century, silversmiths in several German centers added framing columns to the repertoire of motifs on the shields, thereby establishing a vertical orientation that soon became commonplace. The columns were frequently topped by confronted lions that "guarded" the motif at center, usually a crown symbolic of the Torah. Within this basic scheme many individual variations occurred, such as the 1717–1718 shield of Zacharias Wagner of Augsburg, whose columns are multiplied to form a garden pavilion (fig. 8) and the Bohemian and Moravian shields, whose crowns copy the imperial Austrian regalia. In the works of two Prague goldsmiths of the second quarter of the nineteenth century, the guardian lions are often playful, as in the works of Carl Skremenec, or they disappear in favor of dragons on the shields of Thomas Hoppfl.[33] This unusual iconography was probably inspired by the fourteenth-century statue of Saint Michael Vanquishing the Dragon, a landmark sculpture that stood in front of Prague's St. Vitus Cathedral.

Although the framing columns, guardian animals, and even crowns could be interpreted as Jewish symbols and often are labeled as such, these motifs in fact come from the general repertory of seventeenth- and eighteenth-century decorative silver. Other shields made in the same period display specifically Jewish iconography, including biblical subjects such as Abraham and the three angels or the Offering of Isaac,[34] while others bear scenes showing the celebration of Jewish holy days or the furnishings of the Temple. This last iconographic theme was also popular on Torah curtains, mantles, and valances of the period.[35] The most commonly found biblical theme is the pairing of Moses holding the Tablets of the Law and Aaron holding a censer. This iconographic scheme appeared first on the title pages of Latin books during the

1520s and later on the title pages of Hebrew books printed in the late seventeenth century. Since the Torah shield announced the specific contents of the scroll on which it hung, the shield functioned like a title page and came to assume the iconography of printed examples.

Figures of Moses and Aaron are most commonly found on shields produced in Breslau and other German cities (fig. 9). In the early nineteenth century, Moses Sofer, rabbi in Pressburg and a proponent of strict orthodoxy, discussed the propriety of shields with figures of the Lawgiver and the High Priest.[36] He ruled that they were permissible, since the iconography of Moses and Aaron was widely known and their figures would not be mistaken for idols. Nevertheless, a diminution of the human forms by cutting off the tips of their noses or the tops of their ears was preferable.

As was the case with Moses and Aaron, various compositional schemes were particularly popular in specific regions. Following the fire in the Frankfurt Judengasse of 1711, a series of simple shields of cast rectangles to which were attached molded appliqué symbols were quickly made to replace the synagogue silver lost in the conflagration.[37] In Augsburg and Nuremberg, a composition focused on a vertical arrangement of the Temple menorah, the reading plaques, and the Tablets of the Law, all flanked by columns supporting lions, was popular into the early nineteenth century, while in eastern Europe, shields devoid of pictorial decoration were dedicated in honor of newborn children.[38] Later, many east-European shields were embellished with filigree as was other Judaica from the region. Immigrants from Russia and Poland continued to produce filigree shields in the United States, often stamped with false Russian marks to assure other immigrants of their quality.

Prior to the mid-nineteenth century, Torah shields, although a characteristic form of Ashkenazic Judaica, were unknown in Sephardic and eastern lands. The few that were made were ornamental and were often formed from an existing object (fig. 10). They do not fulfill the common function of Ashkenazic shields of indicating the lection.

On the other hand, Torah finials were used in Sephardic and eastern communities throughout the Middle Ages and afterward, as attested by Rabbinic responsa and other documentary evidence. As we have seen, the earliest pair, found in Budapest and dated 1601, is of spherical form. Fruit-shaped finials continue to be used in eastern, Italian and other Sephardic communities until the present day, sometimes in combination with crowns on the top of a scroll or on the top of *tikim* housing scrolls, or placed at the corners of the reader's desk.[39]

Tower-formed finials found in the synagogues of eastern communities in the nineteenth and twentieth centuries suggest European influence, as in the Italianate finials used in North Africa until the recent emigration of the community (fig. 11). Ashkenazic communities, on the other hand, favored the tower-form finial from the beginning, although this shape underwent many changes and varied from naturalistic towers with apertures and articulated masonry, some actually copying local landmarks, to others whose tower form disappeared beneath an overlay of baroque ornament.[40] The Torah crown was usually employed as an alternative to finials in Ashkenazic lands, sometimes reserved for holy days as opposed to routine Sabbaths. Its form varied from region to region, reflecting the regalia of local rulers of the cities in which it was made (fig. 12).

A variety of literary and visual evidence, together with a few extant works, suggest that the Torah curtain and mantle as articulated compositions including both iconographic and decorative elements first developed in the mid-sixteenth century. The curtains depicted in medieval miniatures were made of unembellished textiles, but a responsum of Joseph Caro, 1488–1575, discusses the permissibility of hanging curtains with woven designs.[41] In his answer, Caro wrote that the custom of placing a figured and embroidered Torah curtain before the ark had spread throughout the diaspora.

The earliest extant curtains are a carpet with Mamluk borders and motifs whose framing architecture was modeled on the title page of a Hebrew text printed in Padua, and an embroidered silk curtain made by Solomon Perlsticker of Prague in 1592, whose

columned frame likewise echoes a printed example.[42] A major inspiration for the creation of articulated curtain compositions may have been the adoption of decorated title pages by the printers of Hebrew texts who, in turn, often modeled their works on Latin title pages.

On the Perlsticker curtain, the inscription, rows of squared letters of equal height, is placed in a block frame at the top of the textile, a compositional element that remained constant on Central European curtains and mantles into the nineteenth century. The remainder of the curtain or mantle consisted of a beautiful woven or embroidered textile, as on the earliest mantle, that commissioned by Mordecai Meisel in 1592.[43] Sometimes, an independent, elaborately decorated valance hung atop the curtains. Its scallops were richly embroidered with the implements of the Temple, while two stumpwork eagles, representing the cherubim, and the inscription filled the horizontal field (fig. 13).

The iconography of the Prague valances was taken up in Bavaria during the 1720s by the embroiderer Elkone of Naumberg, who signed the elaborate curtain and valance sets that were his specialty.[44] His compositions were a model for the works of Jakob Koppel Gans, active in the 1770s, who integrated the design of the valance with that of the curtain, and who treated inscriptions in a freer manner than did his counterparts in Prague. The basic iconography found on their curtains became standard in the nineteenth and twentieth centuries in both western and eastern Europe, although often reduced to framing columns, confronted lions, and the menorah or Tablets of the Law.

Most Italian Torah curtains consist of beautiful fabrics without any additional decoration. A number of works are exceptional, however, and are formed of elaborately embroidered or needlework compositions with sophisticated iconographic programs (fig. 14). Executed by women, whose achievement was sometimes engraved on their tombstones, these curtains echo the complexity of meaning found in altarpieces of baroque churches. Italian Jewish women also embroidered binders for the Torah, as well as mantles.

Women in the Ottoman Empire similarly played a role in furnishing textiles for the synagogue, both new pieces and ones made from previously used works. Ceremonial bedcovers, tablecovers, and dresses embroidered with gold thread were donated to the synagogue and used to form Torah curtains, reader's desk covers, and the like.[45] At the same time, the carpet curtain first known in Padua, where it was probably knotted by an itinerant Egyptian rug maker, was the forerunner of a series of Ottoman Torah curtains modeled on prayer rugs, whose iconographic elements (framing columns and lamps) were transposed into Ottoman forms.[46] They continued to be made into the twentieth century.

Besides differing in style and materials, the Ottoman curtains and those made elsewhere in the Mideast contrast with Ashkenazic examples in their avoidance of animal imagery. While lions and other guardian figures were acceptable in Ashkenaz, they were avoided by the Jews of countries whose dominant religious art was severely iconoclastic. Some European Jewish communities went so far as to allow human forms on Torah shields, as we have seen, and on curtains and mantles. These exceptional textiles were made in Alsace and Germany in the eighteenth and nineteenth centuries.[47]

A similar distinction exists between the Torah binders used by Sephardim and those used by Ashkenazim to hold the parchment rolls of the scroll together. Until *Kristalnacht*, textile binders dating to the sixteenth century were part of the holdings of the Synagogue in Worms. The inscription dominated these long rectangle binders. Embroidered with the name of a young boy, his date of birth, and wishes that he grow to knowledge of the Torah, the wedding canopy, and to good deeds, the binders became the demographic record of Jewish communities. The main inscription, designed by a male scribe, was often decorated with motifs appropriate to the boy's name, his zodiac sign, his father's name, and the blessings that follow (fig. 15).

Sephardic binders served the same generic purpose but represented different social concerns. They were made by women to com-

memorate a major life cycle event, such as marriage and the birth of a child.[48] Their inscriptions do not dominate the compositions but are equivalent or subsidiary to decorative elements, such as floral or abstract ornaments. Often, a beautiful fabric is used as a binder without the addition of any embroidery. Sephardi women also made and dedicated elaborate reader's desk covers, the cloths on which the Torah scroll is laid for reading. Although some Torah textiles in Ashkenazic communities were given to the synagogue by women, either together with their husbands or as widows, their role in provisioning the synagogue was less consistent than in countries like Italy, whose Roman rite prayer book acknowledges their role in the passage, "[bless] every daughter of Israel who makes a mantle or cover for the Torah."

Other Judaica was commissioned by communal associations affiliated with one or more synagogues. These included societies to furnish dowries for poor brides, to pay for circumcision feasts for indigent families, to maintain the lamps in the synagogue, and to provide for the general needs of the poor. Prominent above all these associations was the Burial Society, which cared for the ill and dying, provided a proper internment, and looked after survivors. By the seventeenth century, societies began to acquire regalia of the type owned by Christian guilds, whose social services they emulated. Large inscribed drinking vessels of silver or enameled glass were commissioned and used at the society's annual banquet to mark the induction of new members (fig. 16). Some Burial Societies even owned sets of dishes and silver tableware for use at the banquet, as well as flags that were carried in the processions so popular in the eighteenth century. Inscribed sets of silver combs and nail cleaners were used for the members' central task, preparing the dead for burial, silver frames, for the prayers recited during the rites, and alms boxes, for the collection of charity at the cemetery. The manuscript record books of all types of societies bore miniatures depicting members carrying out their duties.[49]

The Sixteenth-Nineteenth Centuries—Domestic Judaica

Because Judaism is a home-centered religion as well as one focused on the synagogue, many significant ceremonial objects were created for domestic use. There are, first of all, those known from the Middle Ages, like the *Judenstern*, whose kindling marked the onset of the Sabbath. The star-shaped lamp remained traditional for Sabbaths and holy days in Germany and eastern Europe, although many used candlesticks and candelabra after wax candles came into widespread use.

The silver *kiddush* cup is another medieval type that continued to be made in the modern era in a variety of styles and forms: beakers, footed vessels, cups with covers. As long as the cup for *kiddush* was clean, had an unbroken rim, and encompassed the minimum volume specified in Jewish law, its form was left to individual choice. Sometime in the seventeenth century, the elaborate double cup known from the Middle Ages was supplanted by a simpler type, the barrel shape that separates into two.[50] Like its medieval predecessor, it was used for marriage ceremonies and at circumcisions, both of which require the use of two cups.

The *mohel* (circumcisor) worked as an individual but was considered a community functionary. His basic implement was a knife with a rounded tip, whose handle was often of silver or semiprecious stones, sometimes engraved with an appropriate biblical quotation. Supplementary implements included the double cups mentioned above, plus bowls and flasks for various unguents. Custom-made sets were provided with specially fitted containers and were passed down from one generation to another.[51]

A third type of object known from the Middle Ages that continued to be used in later centuries is the seder plate. Numerous European examples in pewter that survive from the seventeenth century onward are decorated with inscriptions, usually the order of the seder service and the owner's initials, and with symbols and scenes drawn from the haggadah, but lack containers for the symbolic foods.[52] In the eighteenth century

a new tiered type appeared in which three trays for the matzot are capped by a tray bearing food containers and the Cup of Elijah. The earliest example has a Danzig (Gdansk) provenance but was probably brought there from Poland (fig. 17). Brass grill work similar to that on Hanukkah lamps surrounds the wooden trays for matzot; the footed cups for food are of wood. Early in the nineteenth century, the artisans of Vienna translated the tiered seder plate into silver, sometimes interpreting the food holders as workers with wheelbarrows and baskets.

The earliest example of another Judaica object, used both in the home and synagogue and mentioned in a medieval source, dates to the mid-sixteenth century. Ephraim of Regensburg, who lived in the twelfth century, reportedly owned a glass container for spices that he used during the ceremony of *havdalah*, performed at the close of Sabbaths to separate the holy day from the workday week. Because of the olfactory function of a spice container, it was termed either *Rauchfass* (censer) or *Hedes* (myrtle) in the list of works created by Frankfurt goldsmiths in the sixteenth century. The form of these spice boxes was generally a tower, which had been used for church censers since the early Byzantine period and, as we have noted, symbolized the heavenly Jerusalem (fig. 18).

That this iconography was acceptable to Jewish patrons is indicated by the one extant example from the mid-sixteenth century, now in The Jewish Museum, New York, and by a drawing found in the records of a court case in Frankfurt of the same period.[53] Joseph Goldschmidt sued a goldsmith because the spice box he had produced was not like that of Goldschmidt's father, recorded in the sketch. By the time of the court case, the tower form had become traditional among Ashkenazim, and it remains the most popular form to this day, despite the appearance of other shapes.[54] Sephardim have adhered to a more ancient manner of fulfilling the need to smell spices during *havdalah*. Those living in lands with warmer climates continue to use freshly picked branches of myrtle or other aromatic trees and do not use spice containers at all.

The Hanukkah lamp is the final type known from the Middle Ages, which continues to be made to our own day. Both medieval forms, the bench type and the hanging lamp, were popular in succeeding centuries, although the motifs used as decoration on later examples are more varied. The decorative motifs of most of the surviving medieval lamps are architectural, perhaps because the lamps were always placed by the door, opposite the *mezuzah*, when lit. On later lamps with backplates, the style of the architecture or alternative motif changes with the country of origin and date of the lamp.[55]

The earliest post-medieval Hanukkah lamps with backplates stem from Renaissance Italy. Some echo architectural shapes, while other Italian backplates are filled with figures from classical mythology, such as nereids, combined with motifs drawn from the decorative repertoire of Renaissance bronzes that have no iconographic relationship to Hanukkah. An exception is the late-sixteenth-early-seventeenth century lamp from the workshop of Joseph de Levis (1552–1611/14), a Jewish bronze caster of Verona, which is the single known attempt to create a Hanukkah lamp with a Jewish theme.[56] The scene of Judith beheading Holofernes appears in relief on the backplate, while figures of reclining Hasmoneans appear in repose below a three-dimensional figure of Mattathias. That most of the Italian Hanukkah lamps dated to the sixteenth century and later are of bronze must be due to the prestige of bronze sculpture in the Renaissance.

An innovative development of the late seventeenth century in Germany was the creation of a menorah-form Hanukkah lamp of a size suitable for use in the home. The large menorot found in ancient synagogues are represented in a few late medieval Hebrew manuscripts, but the actual examples that survive were made for Carolingian and Romanesque churches to signify that the church was successor to the synagogue. In the late seventeenth century, a silversmith of Altona fashioned a small silver version with bare, tube-like arms, stems, and supports.[57] A few decades later, the type was

taken up in Frankfurt by a group of silversmiths who produced seven examples that adhere more closely to the biblical description of the menorah as a branched lampstand with knops and flowers (fig. 19). Small molded figures of Judith with the head of Holofernes stand atop the center shafts. She was associated with the Hasmonean family in antiquity and in Renaissance Italy became a symbol of virtue and civic pride.

The Hanukkah lamps of eastern Europe are generally made of brass and feature openwork, sometimes inhabited by paired deer, lions, and birds. Their bench form provided a place for the Hanukkah lights on the "seat" level, while the "arms" supported two candle-holders. One could be used as the servitor, while both together functioned as candle-holders for the Sabbath of Hanukkah. An outstanding, large example from the Mintz Collection in The Jewish Museum, New York, incorporates pairs of each of the animals found singly on other lamps, plus a rampant bear and gorilla, muzzled like circus animals.[58]

The second minor holiday of the Jewish year, Purim, is celebrated by listening to the story of Esther recited from a handwritten scroll, by giving gifts of foods to friends in accord with the custom of the Jews of ancient Persia, and by donating alms to the poor. Three forms of ceremonial art were created around these practices. The first is the illuminated *megillah* or scroll, whose ornamentation could be decorative, composed of scenes from the Purim story, or a combination of both.[59] These scrolls, as well as undecorated ones, were placed in an ornamented cylindrical case (fig. 20). In central and eastern Europe, the decoration often took the form of bands, executed in relief, of scenes that told the Esther story. Purely ornamental cases are known from the same regions and are common in Arabic countries. The third art object associated with Purim is a special plate for sending *mishloah manot*, gifts of foods to friends. In some areas known for ceramic workshops, like Alsace, the plates are painted ceramics, while pewter was common in Central Europe. Alms containers bearing inscriptions specifying their use on Purim are also known; the oldest dates to the thirteenth century and comes from Spain.[60]

The Twentieth Century

In general, the Judaica produced in the second half of the nineteenth century was derivative of earlier types. The sterility of invention that characterized this period was bolstered by the "Historismus" movement in Germany, which called for repeating decorative arts themes of the past. Only in the last decade of the century did a new aesthetic emerge, based on forms drawn from nature. Called Art Nouveau in France and Jugendstil in German, the new style emphasized sinuous outlines and foliate forms and broke with the artificial ornament that had been the rule since the baroque. One of its German practitioners was Friedrich Adler (1878–1942), a designer of interiors, decorative arts, and fabrics, who was the first to create Judaica in a modern style. In 1908, he designed a silver spice container with clean lines, whose perforated cover rises in the center to form a handle. Three years later, he created a bulbous Torah crown for the Hamburg Temple based on nineteenth-century shapes, whose surface, however, is an expression of Judgendstil artistic principles.[61] Plain areas of polished silver alternate with perforated panels composed of sinuous leafy forms. The companion Torah shield was completely covered with ornament. In 1912 and 1913, Adler created multiples of Judaica for domestic use: a seder set, *kiddush* goblets, etrog and spice containers, and candlesticks. His seder plate has a new broad and low outline, enclosing solid areas of silver contrasting with perforated ornament based on nature.[62] In 1914, he formed an association with a firm in Regensburg to produce a line of pewter and brass Judaica. The culmination of these efforts was Adler's design for the interior of a synagogue, exhibited in 1914 at the Werkbund Exhibition in Cologne, which was cited for its unity of forms and decoration.[63]

By the second decade of the twentieth century, German architects and designers

were espousing a new, modernist aesthetic in which form followed function and works emphasized the beauty of materials rather than ornamentation. Among the chief proponents of the new trend were Mies van der Rohe and his colleagues at the Bauhaus school in Weimar. One of their students was a Hungarian Jew, Gyula Pap (1899–1983), who created a brass synagogue menorah in 1922, whose appeal lies in the beauty of its curved brass forms and their finely calibrated proportional relationships.[64]

Judaica following the new aesthetic was also created in workshops that followed the artistic principles established in the Bauhaus, but without any formal affiliation with the Weimar school. The textile workshop of Rudolf Koch in Offenbach used traditional techniques following the pattern of early Weimar production. Koch worked primarily as a designer of typefaces and books, and the commission given him by the collector and patron of Judaica, Siegfried Guggenheim, in 1924 was for a series of hangings incorporating Jewish texts (fig. 21). The Hebrew alphabet used in some of the hangings was designed by Koch's Jewish pupil, Bernard Wolpe, who created a stylized alphabet that mimicked the simplified letters of Koch's Latin typefaces.[65] For both men, lettering was the prime means of decoration, a principle that would be adopted by a great many younger artists creating Judaica in the second half of the twentieth century.

The revolutionary Hebrew alphabets and modernist forms created for books and wall hangings in the 1920s also influenced the shape of inscriptions and symbols embroidered on Torah curtains, as on a series created in Berlin during the 1920s whose symbolic forms are as dense and compact as Adler's seder plate and whose lettering is stylized in the manner of the Koch-Wolpe hangings.[66]

Ludwig Wolpert (1900–81) was another pioneer influenced by the Bauhaus who applied its stylistic principles to Judaica in metal. One of his surviving prewar works is a silver pointer whose shape is an abstract curve devoid of ornament.[67] It is a sharp renunciation of the type used to follow the text in the eighteenth and nineteenth centuries, which consisted of a baluster-like handle and stem terminating in a hand with extended finger.[68] Another work that represents a rethinking of an older type of Judaica is Wolpert's three-tiered seder set of 1930 (fig. 22). The original, lost in the war, was recreated in the 1960s. It has the same broad and low proportions of Adler's set, but unlike the earlier example relies solely on the beauty of the materials, the forms of the parts, and the decorative use of script to convey a modernist aesthetic.

Following several years of teaching at the Bezalel School in Jerusalem, Wolpert came to New York's Jewish Museum in 1956 to head its Tobe Pascher Workshop. With a larger clientele, many of them new suburban synagogues of the postwar era, Wolpert was able to produce a wide variety of Judaica for both the home and the synagogue. He also began to mass produce his designs, with the result that his Judaica influenced the taste of generations of patrons and, through classes held in the workshop, his aesthetic principles were transmitted to silversmiths working in the field.

Wolpert's most outstanding pupil at the Bezalel School had been Moshe Zabari (b. 1935), a Jerusalemite of Yemenite ancestry, who followed his teacher to New York in 1961, becoming artist-in-residence at the Jewish Museum workshop. His art, formed under the International Style espoused by the teachers at Bezalel, was recast under the influence of new trends in American art, such as the kinetic sculpture of the 1950s. From this combination of sources came Zabari's Torah Crown of 1968, whose curved tubes of silver and dangling pearls vibrate with the movement of the scroll.[69] In the 1970s, he explored the structural and decorative uses of Hebrew script and, in other works, the forms of Art Nouveau, which had served as a major influence on early works of the Bezalel School. Zabari's works of the 1980s reflect the principles of post-modernism, a movement that allowed the artist to incorporate a richer repertoire of symbols into his Judaica for home and synagogue (fig. 23).

In the 1980s, Zelig Segal (b. 1933), Zabari's former schoolmate at Bezalel, joined him in New York. Today, both have returned to Israel, a move that symbolizes the inter-

nationalism characteristic of contemporary Judaica. Both Israeli and diaspora artists train with the same masters and compete at the same competitions and fairs, with the result that their works draw on similar vocabularies of form and decoration. Whereas the Judaica of earlier centuries was closely tied to the visual culture of individual countries, and even to that of particular cities, the international character of modernism is now characteristic of Judaica.

Vivian B. Mann

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Notes

[1] On this topic, see also Synagogues, Ancient Times, and Synagogues, Medieval and Modern.

[2] Bezalel Narkiss, *Hebrew Illuminated Manuscripts* (Jerusalem, 1969), pl. 1.

[3] Vivian B. Mann, Thomas F. Glick, and Jerrilyn Dodds, eds., *Convivencia: Jews, Muslims and Christians in Medieval Spain* (New York, 1992), figs. 46–47.

[4] Narkiss, op. cit., pl. 8.

[5] Bezalel Narkiss, *Hebrew Illuminated Manuscripts in the British Isles* (Jerusalem and London, 1982), fig. 186.

[6] Mendel Metzger and Thérèse Metzger, *Jewish Life in the Middle Ages* (Fribourg, 1982), figs. 90, 93, 98, 145, 152.

[7] Bezalel Narkiss, "Un Objet de culte: La lampe de Hanuka," in Bernhard Blumenkranz, ed., *Art et archéologie des Juifs en France médiévale* (Toulouse, 1980), pp. 200–201.

[8] See also, Susan L. Braunstein, "Hanukkah Lamp," in *Sigmund Freud's Jewish Heritage*, (Binghamton and London, 1991), n.p.

[9] Mann, Glick, Dodds, op. cit., fig. 13.

[10] Mann, Glick, Dodds, ibid., cat. no. 79, fig. 65.

[11] Vivian B. Mann, "'New' Examples of Jewish Ceremonial Art from Medieval Ashkenaz," in *Artibus et Historiae* 17 (1988), fig. 9.

[12] On these items, see ibid., figs. 10–14.

[13] Ibid., fig. 15 and note 55.

[14] Metzger and Metzger, *Jewish Life*, figs. 133, 152.

[15] Mann, op. cit., fig. 2.

[16] Ibid., fig. 6.

[17] Maimonides, *Teshuvot ha-Rambam*, vol. II, ed. Jehoshua Blau (Jerusalem, 1960), no. 165; Shlomo David Goitein, "The Synagogue Building and Its Furnishings according to the Records of the Cairo Genizah," in *Eretz-Israel* 7 (Hebrew: 1964), p. 91.

[18] Alexander Scheiber, *Jewish Inscriptions in Hungary* (Budapest and Leiden, 1983), no. 153.

[19] Mann, "Torah Ornaments before 1600," figs. 8–9 and n. 54.

[20] Metzger and Metzger, *Jewish Life*, fig. 94; Vivian B. Mann, *Gardens and Ghettos* (Berkeley, Los Angeles, and Oxford, 1989), no. 115.

[21] Metzger and Metzger, *Jewish Life*, fig. 90.

[22] See [George Stenne], *Collection de M. Strauss* (Poissy, 1878), pp. VIII–X.

[23] For discussions of monumental church polycandelons, see Peter Lasko, *Ars Sacra 800–1200* (Harmondsworth, 1972), pp. 178–79, 216, pls. 187, 246–247; Percy Ernst Schramm and Florentine Mütterich, *Denkmäle der Deutschen Könige und Kaiser* (Munich, 1962), no. 177.

[24] Umberto Nahon, *Holy Arks and Ritual Appurtenances from Italy in Israel* (Hebrew: Tel-Aviv, 1970), p. 153.

[25] Otto Muneles, ed., *Prague Ghetto in the Renaissance Period* (Prague, 1965), p. 119.

[26] Antonius Margaritha, *Der Gantz Jüdisch Glaub* (Leipzig, 1705), p. 268.

[27] David Altshuler, ed., *The Precious Legacy: Judaic Treasures from the Czechoslovak State Collections* (New York, 1983), fig. 53.

[28] Vivian B. Mann, "The Recovery of a Known Work," in *Jewish Art* 12–13 (1986–87), pp. 269–278.

[29] Margaritha, op. cit., pp. 267–268.

[30] Wolfgang Scheffler, *Goldschmiedes Hessens* (Berlin and New York, 1976), pp. 92, 96, 106.

[31] Mann, "Torah Ornaments before 1600," fig. 12; Hava Lazar, "Du nouveau dans l'art sacre Juif," in *L'Oeil* 288/289 (1979), pp. 62–63.

[32] William Gross, Rafi Grafman, and Annette Weber, *Zeugnisse einer zerstörten Vergangenheit. Jüdisches Kulturgerät aus Emden 1639–1806* (Emden, 1992), figs. 6, 7, 9.

[33] On all these shields, see Altshuler, *The Precious Legacy*, figs. 122–123, 125.

[34] Iris Fishof, pp. 50–51.

[35] Norman Kleeblatt and Vivian B. Mann, *Treasures of The Jewish Museum* (New York, 1985), pp. 106–09; Altshuler, *The Precious Legacy*, fig. 113.
[36] Moses Sofer, *She'elot u-Teshuvot* (Hebrew: Jerusalem, 1970), part 6, no. 6.
[37] Vivian B. Mann, "The Golden Age of Jewish Ceremonial Art in Frankfort," in *Leo Baeck Institute Yearbook* 231, 1986, pp. 392–395.
[38] Grafman, op. cit., nos. 2–32, 50–60, 136–143.
[39] On these items, see Grafman, op. cit., nos. 406, 414–17, 426–29; Mann, *Gardens and Ghettos*, fig. 115; Fishof, op. cit., pp. 42–43, 46–47.
[40] Mann, ibid., figs. 107, 112.
[41] Metzger and Metzger, *Jewish Life*, figs. 97–98; Joseph Caro, *Avkat Rokhel* (Jerusalem, 1960), no. 66.
[42] Mann, *Gardens and Ghettos*, figs. 25, 31; Muneles, op. cit., figs. 42, 56–57.
[43] Muneles, ibid., fig. 27.
[44] Franz Landsberger, "Old-Time Torah Curtains," in *Beauty in Holiness* (n.p., 1970), pp. 147–156.
[45] Esther Juhasz, ed., *Sephardic Jews in the Ottoman Empire* (Jerusalem, 1990), figs. 5–7, 19–22, 24–25, pl. 9.
[46] Ibid., pls. 17–20.
[47] E.g., Barbara Kirschenblatt-Gimblett, *Fabric of Jewish Life* (New York, 1977), no. 137.
[48] Mann, *Gardens and Ghettos*, nos. 124–125, 128.
[49] On these materials, see Altshuler, *The Precious Legacy*, no. 85, 150–155, 163–167, and Ilona Benoschofsky and Alexander Scheiber, eds., *The Jewish Museum of Budapest* (Budapest, 1989), nos. 214, 217–219.
[50] On kiddush cups, see Benoschofsky and Scheiber, ibid., nos. 1–17, and Grace Cohen Grossman, *Jewish Art* (New York, 1995), p. 133.
[51] On these objects, see Altshuler, *The Precious Legacy*, no. 192, and Kleeblatt and Mann, op. cit., pp. 156–157.
[52] Benoschofsky and Scheiber, nos. 136–142.
[53] Kleeblatt and Mann, pp. 34–35.
[54] Grossman, op. cit., pp. 182–183.
[55] Ibid., pp. 184, 226–235.
[56] Mann, *Gardens and Ghettos*, fig. 38.
[57] Stephen Kayser and Guido Schoenberger, *Jewish Ceremonial Art* (Philadelphia, 1959), no. 141.
[58] Kleeblatt and Mann, p. 127.
[59] Mann, *Gardens and Ghettos*, figs. 29, 91.
[60] On objects associated with Purim, see Grossman, op. cit., p. 240; Benoschofsky and Scheiber, no. 116–17; Mann, Glick, and Dodds, op. cit., no. 104.
[61] Birgitte Leonhardt, Dieter Zühlsdorf, and Norbert Götz, eds., *Friedrich Adler: zwischen Jugenstil und Art Déco* (Stuttgart, 1994), nos. J1, J3.
[62] Grossman, op. cit., p. 254.
[63] Leonhardt, et al., op. cit., pp. 104–107.
[64] Grossman, op. cit., p. 272.
[65] For the Guggenheim commissions, see Kleeblatt and Mann, pp. 176–177.
[66] Kirshenblatt-Gimblett, op. cit., no. 66.
[67] E.g., Grafman, 1996, no. 637.
[68] Ibid., nos. 520–524.
[69] Kleeblatt and Mann, op. cit., p. 194.

Art and Symbol in Judaism

Most synagogues built from the third to the seventh century C.E., both in the land of Israel and abroad, had decorated floors or walls. Some iconic symbols out of the religious life of Judaism or of Greco-Roman piety occur nearly everywhere. Other symbols, available, for example, from the repertoire of items mentioned in Scripture, or from the Greco-Roman world, never make an appearance at all. We find representations of the following symbols of Judaic origin: shofar (ram's horn, for the New Year), a lulab ("branches of palm trees, boughs of leafy trees, and willows," Lev. 23:40, for Sukkot), and etrog ("the fruit of goodly trees," Lev. 23:40, also for Sukkot), a menorah (candelabrum). In addition, synagogue art encompassed such pagan symbols as a Zodiac. All of these form part of the absolutely fixed symbolic vocabulary of the synagogues of late antiquity. By contrast, symbols of other elements of the Judaic calendar year, at least as important as those that we do find, turn out never to make an appearance. And, obviously, a vast number of pagan symbols proved useless to Judaic synagogue artists. It follows that the artists of the synagogues spoke through a certain set of symbols and ignored other available ones. That simple fact makes it highly likely that the symbols they did use meant something to them, represented a set of choices, delivered a message important to the people who worshipped in those synagogues.

The second commandment (Exod. 20:4–5) forbids the making of graven images: "You shall not make yourself a graven image or any likeness of anything that is in heaven above or that is in the earth beneath or that is in the water under the earth; you shall not bow down to them or serve them." Therefore people have long taken for granted

that Judaism should not produce an artistic tradition. Some held that, if Judaic settings yielded iconic representations, these should be essentially abstract and non-representational, much like the rich decorative tradition of Islam. But from the beginning of the twentieth century, archaeologists began to uncover in the Middle East, North Africa, the Balkans, and the Italian peninsula, synagogues of late antiquity richly decorated in representational art. For a long time historians of Judaism did not find it possible to accommodate the newly discovered evidence of an on-going artistic tradition. Today the testimony of archaeology, especially of the art of the synagogues of antiquity, finds a full and ample hearing. In understanding the way in which art contributes to the study of the history of a religion, we find in Judaism in late antiquity a fine example of the problems of interpretation and how they are accommodated and solved.

Synagogue Iconography: The Distribution Over Time

Before the fourth century C.E., it was uncommon to decorate synagogues with iconic representations; afterward, it became routine. Synagogue decoration in the fifth and sixth centuries C.E. utilized iconic symbols for the communication of religious sentiments. A restricted vocabulary of symbols served. Not only so, but a strikingly limited repertoire of symbols predominated. A few components of the symbolic vocabulary recur very broadly, and many possible ones (out of the same corpus) not at all. Signs meant to serve as symbols are distinguished, in iconic form, by three traits:

1. the function and provenance, within a synagogue;
2. the combination or relationship with other representations of things;
3. the selection of those few things among many that can have been represented.

We shall now see that these conditions are met by synagogue iconic representation in the fourth, fifth, and sixth centuries, so it would appear that symbolic discourse as a medium for the expression of religious feeling served not only the authors of compositions and compilers of composites but also the patrons and artists responsible for the decoration of synagogues. A brief survey of the data validates that claim.

If synagogues were decorated at all before the fifth and sixth centuries (and many were), they exhibited diverse iconic representations, and, so far as we can see, no severely limited repertoire of iconic items governed. By contrast, in the fifth and sixth centuries, most synagogues were decorated, and most utilized a severely restricted symbolic vocabulary. By the criteria just now set forth, therefore, the marks of symbolic discourse are exhibited by the iconic evidence of Judaism in the fifth and sixth centuries. What symbols recur most commonly are these: the lulab and etrog (nearly always together, so not to be differentiated as two distinct symbols), the shofar, and the menorah (variously represented, with five, seven, or nine branches). If any iconic representations are to be deemed symbolic merely by reason of frequent appearance in a wide variety of settings, they are those. The three symbols appear to form, on the average, between one-fourth and one-third of all iconic representations. Since, as a rough guess, we may count upwards of a hundred different items represented on the sites that are examined, the three items occur a disproportionate number of times. The appearance of these particular items is therefore highly unlikely to have occurred by chance alone. No such result favoring one item is likely to have appeared randomly, and the probabilities of three items' forming a traveling unit are still more remote. These results therefore seem to me to point toward these propositions:

1. The etrog, lulab, and shofar travel together, and the menorah goes with them. Among the sites in which the etrog, lulab, and shofar occur, the menorah is always portrayed. Where there is an etrog and a lulab, there is ordinarily a shofar as well (eighteen sites for the etrog and lulab, eighteen sites for the shofar, with only two discrepancies).
2. While, by a rough guess, any "other" symbol may occur at two or at most

three sites by chance or randomly, the grouping of etrog and lulab, shofar, and menorah is very unlikely to have occurred by chance alone. If the etrog, lulab, and shofar occur, it will always be with a menorah.

It follows that 1) symbolic discourse did go forward through utilization of combinations of symbols in iconic form; 2) single combination of iconic symbols did circulate very broadly; and 3) that set of symbols in iconic form does represent a clear-cut selection among a much larger repertoire of available symbols.

Whether or not the ninety-seven other objects that are represented in synagogue art (a rough count at best!) were symbolic and not decorative, I do not claim to know. But the etrog and lulab, shofar, and menorah do form a repertoire of icons that clearly carried symbolic significance.

Integrating Symbolic Discourse in Iconic and Verbal Forms

How does the iconic symbolic vocabulary of the synagogues compare with the counterpart usages of the Rabbinic canon? What we shall now see is that in the writings of the Rabbinic sages, the lulab and etrog, shofar, and menorah, if they occur at all, do not occur in the combination(s) common in synagogue art. To state the question in concrete form: When in writing people refer to the lulab or to the shofar, do they forthwith think also of the menorah and shofar, along with the lulab, or the lulab and menorah, along with the shofar? Or do they think of other things—or of nothing? It turns out that they do think of other things, but not, in the case of the lulab, of the menorah and shofar; and not, in the case of the shofar, of the lulab and menorah. So the combinations people make in writing are not the same as the combinations they make iconically. In no case of symbolic discourse in verbal form that I have examined do we find the combinations of etrog and lulab, shofar, and menorah.

To satisfy ourselves that the distinctive combination of symbols characteristic of the synagogue—the etrog and lulab, shofar, and menorah—does not occur in the literary form of discourse we consider how the Rabbinic writings treat two of the three items, the first and second. Here we see that the persistent manipulation of the three symbols as a group finds no counterpart in writing. The connections are different. We begin with the lulab and ask whether representation of that symbol provokes discourse pertinent, also, to the symbols of the shofar and of the menorah, or even only of the menorah. The answer is negative. Other matters, but not those matters, are invoked. Leviticus Rabbah treats the festival of Sukkot, the sole point in the liturgical calendar at which the etrog and lulab pertain. Lev. 23:39–40 is taken to refer, specifically, to the lulab. When sages read that verse, they are provoked to introduce the consideration of Torah-study; the opening and closing units of the pertinent unit tell us what is important (Lev. Rabbah XXX:I.1, 6:1):

A. "[On the fifteenth day of the seventh month, when you have gathered in the produce of the land, you shall keep the feast of the Lord seven days . . .] And you shall take on the first day [the fruit of goodly trees, branches of palm trees and boughs of leafy trees and willows of the brook, and you shall rejoice before the Lord your God for seven days]" (Lev. 23:39–40).
B. R. Abba bar Kahana commenced [discourse by citing the following verse]: "Take my instruction instead of silver, [and knowledge rather than choice gold]" (Proverbs 8:10).
C. Said R. Abba bar Kahana, "Take the instruction of the Torah instead of silver.
D. "'Why do you weigh out money? Because there is no bread' (Is. 55:2).
E. "'Why do you weigh out money to the sons of Esau [Rome]? [It is because] "there is no bread," because you did not sate yourselves with the bread of the Torah.
F. "'And [why] do you labor? Because there is no satisfaction' [Is. 55:2].
G. "'Why do you labor while the nations of the world enjoy plenty? 'Because there is no satisfaction,' that is, because you have not sated yourselves with the wine of the Torah.
H. "For it is written, 'Come, eat of my bread, and drink of the wine I have mixed'" (Prov. 9:5).

6.A. Said R. Abba bar Kahana, "On the basis of the reward paid for one act

of 'taking,' you may assess the reward for [taking] the palm branch [on the festival of Tabernacles].
B. "There was an act of taking in Egypt: 'You will take a bunch of hyssop' [Exod. 12:22].
C. "And how much was it worth? Four manehs.
D. "Yet that act of taking is what made Israel inherit the spoil at the sea, the spoil of Sihon and Og, and the spoil of the thirty-one kings.
E. "Now the palm-branch, which costs a person such a high price, and which involves so many religious duties—how much the more so [will a great reward be forthcoming on its account]!"
F. Therefore Moses admonished Israel, saying to them, "And you shall take on the first day . . ." (Lev. 23:40).

Whatever the sense of lulab to synagogue artists and their patrons, the combination with the etrog, menorah, and shofar was critical; nothing in these words invokes any of those other symbols. What would have led us to suppose some sort of interchange between iconic and verbal symbols? If we had an association, in iconic combinations, of the Torah-shrine and the etrog and lulab, we might have grounds on which to frame the hypothesis that some sort of association—comparison, contrast for instance—between the symbols of the festival of Sukkot and Torah-study was contemplated. Here there is no basis for treating the iconic symbols as convergent with the manipulation of those same symbols in propositional discourse. It suffices to say that nowhere in Leviticus Rabbah do we find reason to introduce the other iconic symbols.

What about the shofar? If we speak of that object, do we routinely introduce the etrog, lulab, menorah? The answer is negative. We introduce other things, but not those things. Pesiqta deRab Kahana pisqa 23 addresses the New Year, regarding which Lev. 23:24 states: "In the seventh month on the first day of the month you shall observe a day of solemn rest, a memorial proclaimed with blast of trumpets." The combination of judgment and the end of days is evoked in the following. I give two distinct statements of the same point, to show that it is in context an important motif.

Pesiqta deRab Kahana XXIII:II 2
A. "For I will make a full end of all the nations" (Jer. 30:11): As to the nations of the world, because they make a full end (when they harvest even the corner of) their field, concerning them Scripture states: I will make a full end of all the nations among whom I scattered you.
B. But as to Israel, because they do not make a full end (when they harvest, for they leave the corner of) their field, therefore: "But of you I will not make a full end" (Jer. 30:11).
C. "I will chasten you in just measure, and I will by no means leave you unpunished" (Jer. 30:11). I shall chasten you through suffering in this world, so as to leave you unpunished in the world to come.
D. When?
E. "In the seventh month, [on the first day of the month]" (Lev. 23:24).

Pesiqta deRab Kahana XXIII:V 1.
A. R. Jeremiah commenced [[discourse by citing the following verse]: "The wise man's path of life leads upward, that he may avoid Sheol beneath" (Prov. 15:24).
B. [He said,] "The path of life: The path of life refers only to the words of the Torah, for it is written, as it is written, 'It is a tree of life' (Prov. 3:18).
C. "Another matter: The path of life: The path of life refers only to suffering, as it is written, 'The way of life is through rebuke and correction' (Prov. 6:23).
D. "'[The wise man's path]' . . . leads upward refers to one who looks deeply into the Torah's religious duties, [learning how to carry them out properly].
E. "What then is written just prior to this same matter (of the New Year)?
F. "'When you harvest your crop of your land, you will not make a full end of the corner of your field' (Lev. 23:22).
G. "The nations of the world, because they make a full end when they harvest even the corner of their field, [and the rest of the matter is as is given above: 'I will make a full end of all the nations among whom I have driven you' (Jer. 30:11)]. But Israel, because they do not make a full end when they harvest, for they leave the corner of their field, therefore, 'But of you I will not make a full end' (Jer. 30:11). I will chasten you in just measure, 'and I will by no means leave you unpunished' (Jer. 30:11)."
H. "When? 'In the seventh month, on the first day of the month, [you shall observe a day of solemn rest, a memorial proclaimed with blast of trumpets]' (Lev. 23:24)]."

What is now linked is Israel's leaving the corner of the field for the poor, Lev. 23:22, the connection between that verse and the base-verse here is what is expounded. Then there is no evocation of the menorah or the lulab and etrog—to state the obvious. We can explain what is combined, and we also can see clearly that the combination is deliberate. That means what joined elsewhere but not here bears another message but not this one. An elaborate investigation of the role of lulab and etrog, shofar, and menorah in the literary evidence of the Midrash-compilations hardly is required to demonstrate what we now know: we find no evidence of interest in the combination of those items in literary evidence.

Symbols in Verbal Form

Now that we have identified the iconic symbols that occur together in a given manner, let me set forth an already-familiar example of what I conceive to be a fine statement of the symbolic structure of Judaism as symbols in verbal form set forth such a structure. This will serve as an example of the kinds of symbols we find in general in symbolic discourse in verbal form. Our further experiments will then draw on the symbolic repertoire that a single passage—counterpart to a single synagogue—has supplied. The character of the passage will explain why I have chosen it as representative. I have abbreviated the passage as much as possible:

GENESIS RABBAH LXX:VIII 2

A. "As he looked, he saw a well in the field:"
B. R. Hama bar Hanina interpreted the verse in six ways [that is, he divides the verse into six clauses and systematically reads each of the clauses in light of the others and in line with an overriding theme:
C. "'As he looked, he saw a well in the field:' this refers to the well [of water in the wilderness, Num. 21:17].
D. "'. . . and lo, three flocks of sheep lying beside it:' specifically, Moses, Aaron, and Miriam.
E. "'. . . for out of that well the flocks were watered:' from there each one drew water for his standard, tribe, and family."
F. [Reverting to Hama's statement:] "'. . . and put the stone back in its place upon the mouth of the well:' for the coming journeys. [Thus the first interpretation applies the passage at hand to the life of Israel in the wilderness.]
A. "'As he looked, he saw a well in the field:' refers to Zion.
B. "'. . . and lo, three flocks of sheep lying beside it:' refers to the three festivals.
C. "'. . . for out of that well the flocks were watered:' from there they drank of the holy spirit.
D. "'. . . The stone on the well's mouth was large:' this refers to the rejoicing of the house of the water-drawing."
E. [Resuming Hama b. Hanina's discourse:] "'. . . and when all the flocks were gathered there:' coming from 'the entrance of Hamath to the brook of Egypt' (1 Kings 8:66).
F. "'. . . the shepherds would roll the stone from the mouth of the well and water the sheep:' for from there they would drink of the Holy Spirit.
G. "'. . . and put the stone back in its place upon the mouth of the well:' leaving it in place until the coming festival. [Thus the second interpretation reads the verse in light of the Temple celebration of the Festival of Sukkot.]
A. "'. . . As he looked, he saw a well in the field:' this refers to Zion.
B. "'. . . and lo, three flocks of sheep lying beside it:' this refers to the three courts, concerning which we have learned in the Mishnah: There were three courts there, one at the gateway of the Temple mount, one at the gateway of the courtyard, and one in the chamber of the hewn stones [M. San. 11:2].
C. "'. . . for out of that well the flocks were watered:' for from there they would hear the ruling.
D. "The stone on the well's mouth was large:' this refers to the high court that was in the chamber of the hewn stones.
E. "'. . . and when all the flocks were gathered there:' this refers to the courts in session in the Land of Israel.
F. "'. . . the shepherds would roll the stone from the mouth of the well and water the sheep:' for from there they would hear the ruling.
G. "'. . . and put the stone back in its place upon the mouth of the well:' for they would give and take until they had produced the ruling in all the required clarity." [The third interpretation reads the verse in light of the Israelite institution of justice and administration.]
A. "'As he looked, he saw a well in the field:' this refers to Zion.
B. "'. . . and lo, three flocks of sheep lying beside it:' this refers to the first three

kingdoms [Babylonia, Media, Greece].
C. "'. . . for out of that well the flocks were watered:' for they enriched the treasures that were laid upon up in the chambers of the Temple.
D. "'. . . The stone on the well's mouth was large:' this refers to the merit attained by the patriarchs.
E. "'. . . and when all the flocks were gathered there:' this refers to the wicked kingdom, which collects troops through levies over all the nations of the world.
F. "'. . . the shepherds would roll the stone from the mouth of the well and water the sheep:' for they enriched the treasures that were laid upon up in the chambers of the Temple.
G. "'. . . and put the stone back in its place upon the mouth of the well:' in the age to come the merit attained by the patriarchs will stand [in defense of Israel].' [So the fourth interpretation interweaves the themes of the Temple cult and the domination of the four monarchies.]

Further readings of the same verse find in it symbolic reference to the Sanhedrin and to Israel at Sinai. The six themes read in response to the verse cover (1) Israel in the wilderness, (2) the Temple cult on festivals with special reference to Tabernacles, (3) the judiciary and government, (4) the history of Israel under the four kingdoms, (5) the life of sages, and (6) the ordinary folk and the synagogue. The whole is an astonishing repertoire of fundamental themes of the life of the nation, Israel: at its origins in the wilderness, in its cult, in its institutions based on the cult, in the history of the nations, and, finally, in the twin social estates of sages and ordinary folk, matched by the institutions of the master-disciple circle and the synagogue. The vision of Jacob at the well thus encompassed the whole of the social reality of Jacob's people, Israel. If we wished a catalogue of the kinds of topics addressed in passages of symbolic, as distinct from propositional, discourse, the present catalogue proves compendious and complete.

Symbolic Discourse in Iconic and Verbal Form—Convergence or Divergence?

A simple set of indicators will now permit us to compare the character of symbolic discourse in verbal form with that in iconic form. The question is now a simple one. Let us represent the Judaism—way of life, world view, theory of who or what is "Israel"—set forth by symbolic discourse in iconic form effected by the lulab and etrog, shofar, and menorah. Let us further represent the Judaism set forth by symbolic discourse in verbal form, treating as exemplary a discourse that will appeal to visual images appropriate to the themes of Israel in the wilderness, the Temple cult, the judiciary and government, Israel under the four kingdoms and at the end of time, the life of sages, ordinary folk and the synagogue. How do these statements relate?

The shared program will cover the standard topics that any symbolic structure of representing a religion should treat: holy day, holy space, holy word, holy man (or: person), and holy time or the division of time.

	ICONIC SYMBOLS	VERBAL SYMBOLS
Holy day	New Year/Sukkot/Hanukkah Tabernacles/Pentecost/Passover	
Holy space	Temple	Temple/Zion
Holy man/person	No evidence	The sage and disciple
Holy time	Messiah (shofar)	Four kingdoms/Israel's rule
Holy event	Not clear	Exodus from Egypt

The important point of convergence is unmistakable: holy space for both symbolic structures is defined as the Temple and Mount Zion. That is hardly surprising; no Judaic structure beyond 70 C.E. ignored the Temple, and all Judaisms, both before and after 70, found it necessary to deal in some way with, to situate themselves in relationship to, that paramount subject. So the convergence proves systemically inert, indeed trivial. Both structures—the iconic, the literary—point toward the end of time; but

they speak of it differently. So far as the shofar means to refer to the coming of the messiah the gathering of the exiles, and the restoration of the Temple, as in the synagogue liturgy, then the iconic representation of the messianic topic and the verbal representation of the same topic diverge. For the latter frames the messianic topic in terms of Israel's relationship with the nations, and the principal interest is in Israel's rule over the world as the fifth and final monarchy. That theme is repeated in symbolic discourse in verbal form, and, if the shofar stands in synagogue iconography for what the synagogue liturgy says, then the message, if not an utterly different one, is not identical with that delivered by symbols in verbal form. So here matters are ambiguous.

The unambiguous points of divergence are equally striking. The most important comes first. Symbolic discourse in verbal form privileges the three festivals equally and utterly ignores Hanukkah. So far as the menorah stands for Hanukkah—and in the literary evidence, the association is firm—we may suppose that, just as the lulab and etrog mean to evoke Sukkot, and the shofar, the New Year and Day of Atonement, so the menorah speaks of Hanukkah. Then we find a clear and striking divergence. That the menorah serves, also, as an astral symbol is well established, and if that is the fact, then another point of divergence is registered. In symbolic discourse in verbal form I find not one allusion to an astral ascent accessible to an Israelite, e.g., through worship or Torah-study. A survey of the cited passages yields not a trace of the theme of the astral ascent.

The second point of divergence seems similarly unambiguous. Critical to the symbolic vocabulary of the Rabbinic compilations is study of the Torah, on the one side, and the figure of the sage and disciple, on the other. I do not find in the extant literary sources a medium for identifying the figure of the sage and the act of Torah study with the symbols of the lulab, etrog, shofar, or menorah. Quite to the contrary, the example given above from Leviticus Rabbah counterpoises the lulab with words of Torah. The fact that these are deemed opposites, with the former not invoking, but provoking, the latter, by itself means little. But it does not sustain the proposition that the combined symbols before us, the lulab, etrog, shofar, and menorah, somehow mean to speak of Torah-study and the sage.

When we compare the symbols that reach us in two distinct forms, the verbal and the iconic, we find ourselves at an impasse. The verbal symbols serve in one way, the iconic in another, and while they occasionally converge, the points of convergence are few, those of divergence, overwhelming. No evidence permits us to describe as single Judaism. Some scholars still claim that there is a "Judaism out there," beyond any one document, to which in some way or other all documents in various ways and proportions are supposed to attest. But if evidence for such a Judaism is to be located, then nonverbal data such as we have examined should have provided it. Here, by definition, in iconic and verbal symbols alike, we should have been able to demonstrate that, whatever verbal explanations people attached to symbols, a fundamentally uniform symbolic structure served all Judaisms that our evidence attests. If we had been able to show that a single symbolic vocabulary and a single syntax and grammar of symbolic discourse served in all extant testimonies to all Judaisms, then we should have begun to pursue the problem of defining that Judaism through the principles of symbolic discourse. Why choose the symbolic data? Because it is through the study of what is inchoate and intuitive, a matter of attitude and sentiment and emotion rather than of proposition and syllogism, therefore through the analysis of symbolic structure, that we should be able to discern and set forth the things on which everyone agreed. But that is the opposite of what we find out when we compare the symbolic discourse of synagogue iconography with that of the Rabbinic writings. The art of the synagogues employs a symbolic vocabulary, deriving from Scripture, that intersects only partially with the symbolic vocabulary of the writings of the Rabbinic sages. That fact underscores the point at which we started, the diversity of Judaic religious systems that flourished in antiquity, all of them resting on Scripture.

Conclusion: From Scripture to Judaism

Judaic religious systems rest squarely on the Hebrew Scriptures of ancient Israel. The Rabbinic sages read from the Written Torah forward to the Oral Torah. That is by the profound congruence of the Rabbinic presentation of the Torah, written and oral, with the course of the Scriptural exposition. Any outline of Scripture's account begins with Creation and tells about the passage from Eden via Sinai and Jerusalem to Babylon—and back. It speaks of the patriarchal founders of Israel, the Exodus, Sinai, the Torah, covenants, Israel, the people of God, the priesthood and the tabernacle, the possession of the Land, exile, and restoration. And so too does Rabbinic Judaism focus upon these same matters. Sages' Judaism, that is, their theological structure and system, appeals to the perfection of Creation and account for imperfection by reference to the fall of man into sin by reason of arrogant rebellion and Adam's and Eve's descent into death in consequence. The Rabbinic sages, then, tell Scripture's story of the formation of holy Israel as God's party in humanity, signified by access to knowledge of God through God's self-manifestation in the Torah. They then present the exile of Israel from and to the land of Israel as the counterpart to the exile of Adam from Eden and the return of Israel to the Land. Therefore main beams of the Hebrew Scripture's account of matters define the structure of the Oral Torah's theology. The generative tensions of the Hebrew Scripture's narrative empower the dynamics of that theology.

A few obvious facts suffice. Take the principal propositions of Scripture read in sequence and systematically, meaning, as exemplary, from Genesis through Kings. Consider the story of the exile from Eden and the counterpart exile of Israel from the Land. Sages did not invent that paradigm. Scripture's framers did. Translate into propositional form the prophetic messages of admonition, rebuke, and consolation, the promise that as punishment follows sin, so consolation will come in consequence of repentance. Sages did not fabricate those categories and make up the rules that govern the sequence of events. The prophets said them all. Sages only recapitulated the prophetic propositions with little variation except in formulation. All sages did was to interpret within the received paradigm the exemplary events of their own day, the destruction of Jerusalem and Israel's subjugation in particular. But even at that they simply asked Scripture's question of events that conformed to Scripture's pattern. Identify as the dynamics of human history the engagement of God with humanity, especially through Israel, and what do you have, if not the heart of sages' doctrine of the origins and destiny of humankind. Review what Scripture intimates about the meaning and end of time, and how much do you miss of sages' eschatology of restoration? Details, amplifications, clarifications, an unsuccessful effort at systematization—these do not obscure the basic confluence of sages' and Scripture's account of last things (even though, as I said, the word "last" has its own meaning for sages).

Nor do I have to stress the form that sages impart to their propositions. As we have seen, nearly everything they say is joined to a verse of Scripture. That is not a formality. Constant citations of scriptural texts cited as authority serve merely to signal the presence of a profound identity of viewpoint. The cited verses are not solely pretexts or formal proof-texts. Sages cite and interpret verses of Scripture to show where and how the written Torah guides the oral one, supplying the specificities of the process of recapitulation. And what sages say about those verses originates not in the small details of those verses (such as Aqiba was able to interpret to Moses' stupefaction) but in the large theological structure and system that sages framed.

Sages read Scripture as a letter written that morning to them in particular about the world they encountered. That is because for them the past was forever integral to the present. So they looked into the Written part of the Torah to construct the picture of reality that is explained by the world-view set forth in the Oral part of the Torah. They found their questions in Scripture; they identified the answers to those questions

in Scripture; and they then organized and interpreted the contemporary situation of holy Israel in light of those questions and answers. Scripture's corpus of facts, like nature's, was deemed to transcend the bonds of time. That timelessness accounts for the fact that, in the heavenly academy to which corner of Eden imagination carried them, the great sages could amiably conduct arguments with God and with Moses. Not only so, but they engage in on-going dialogue with the prophets and psalmists and the other saints of the written Torah as well as with those of their masters and teachers in the oral tradition who reached Eden earlier. A common language joined them all, for in their entire engagement with the written part of the Torah, sages mastered every line, every word, every letter, sorting matters of the day out in response to what they learned in the written tradition.

Accordingly, on every page of the writings of the Oral Torah we encounter the sages' encompassing judgment of, response to, the heritage of ancient Israel's Scripture. There they met God, there they found God's plan for the world of perfect justice, the flawless, eternal world in stasis, and there in detail they learned what became of that teaching in ancient times and in their own day, everything seen in the same way. The result is the Rabbinic sages' account of the Torah revealed by God to Moses at Sinai and handed on in tradition through the ages.

So if we ask, what if, in the timeless world of the Torah studied in the same heavenly academy, Moses and the prophets, sages, and scribes of Scripture were to take up the results of oral tradition produced by their heirs and successors in the oral part of the Torah, the answer is clear. They would have found themselves hearing familiar words, their own words, used by honest, faithful men, in familiar, wholly legitimate ways. When, for example, Moses heard in the tradition of the Oral Torah that a given law was a law revealed by God to Moses at Sinai, he may have kept his peace, though puzzled, or he may have remembered that, indeed, that is how it was, just so. In very concrete, explicit language the sages themselves laid their claim to possess the Torah of Moses. We recall how impressed Moses is by Aqiba, when he observed, from the rear of the study hall, how Aqiba was able to interpret on the basis of each point of the crowns heaps and heaps of laws. But he could not follow the debate and felt faint until he heard the later master declare, "It is a law given to Moses from Sinai," and then he regained his composure:

> Bavli Menahot 3:7 II.5/29B
> A. Said R. Judah said Rab, "At the time that Moses went up on high, he found the Holy One in session, affixing crowns to the letters [of the words of the Torah]. He said to him, 'Lord of the universe, who is stopping you [from regarding the document as perfect without these additional crowns on the letters]?'
> B. "He said to him, 'There is a man who is going to arrive at the end of many generations, and Aqiba b. Joseph is his name, who is going to interpret on the basis of each point of the crowns heaps and heaps of laws.'
> C. "He said to him, 'Lord of the Universe, show him to me.'
> D. "He said to him, 'Turn around.'
> E. "He went and took a seat at the end of eight rows, but he could not grasp what the people were saying. He felt faint. But when the discourse reached a certain matter, and the disciples said, 'My lord, how do you know this?' and he answered, 'It is a law given to Moses from Sinai,' he regained his composure.
> F. "He went and came before the Holy One. He said before him, 'Lord of the Universe, How come you have someone like that and yet you give the Torah through me?'
> G. "He said to him, 'Silence! That is how the thought came to me.'
> H. "He said to him, 'Lord of the Universe, you have shown me his Torah, now show me his reward.'
> I. "He said to him, 'Turn around.'
> J. "He turned around and saw his flesh being weighed out at the butcher-stalls in the market.
> K. "He said to him, 'Lord of the Universe, Such is Torah, such is the reward?'
> L. "He said to him, 'Silence! That is how the thought came to me.'"

Then are the rabbis of the Oral Torah right in maintaining that they have provided the originally-oral part of the one whole Torah of Moses our rabbi? To answer that question in the affirmative, sages would have only to point to their theology in the setting of Scripture as they grasped it. The Rabbinic

sages' Torah, oral and written, tells a simple, sublime story.

1. God created a perfect, just world and in it made man in his image, equal to God in the power of will.
2. Man in his arrogance sinned and was expelled from the perfect world and given over to death. God gave man the Torah to purify his heart of sin.
3. Man educated by the Torah in humility can repent, accepting God's will of his own free will. When he does, man will be restored to Eden and eternal life.

In our terms, we should call it a story with a beginning, middle, and end. In sages' framework, we realize, the story embodies an enduring and timeless paradigm of humanity in the encounter with God: man's powerful will, God's powerful word, in conflict and, ultimately, in concert.

JACOB NEUSNER

Astral Israel

IN the systematic theology of Rabbinic Judaism, the stars do not govern Israel, only God does. Challenging astrology placed sages in opposition to the science of their day, which took for granted that the positions of the stars dictated events on earth. Sages could not dismiss such established science, any more than their contemporary continuators can plausibly reject the laws of gravity or Copernican astronomy. But sages took up a distinctive position on astrology, one consistent with their theology of holy Israel. Specifically, sages took for granted astrology governed the gentiles, and, true to their generative convictions about Israel, what most (though not all) sages could and did maintain was that the laws of astrology do not affect holy Israel. But that negative statement does not tell the whole story of the relationship between Israel and the stars, only the part that is made articulate. In Pesiqta deRab Kahana we find an implicit statement that tells the rest of the story, the representation of Israel in a cosmic framework, as part of the celestial system.

THE NEGATIVE SIDE: ISRAEL IS NOT SUBJECT TO ASTROLOGICAL INFLUENCE

Israel is *sui generis*, because God alone, and not determinism in any form, dictates what happens to Israel and to Israelites. What happens to Israel realizes God's will, that alone. Gentiles, by contrast, live within the ordinary rules of nature that pertain to all but Israel and so are subject to astrology, having rejected a position in God's dominion and chosen not to live under his rules, beyond nature's. That is why God does not choose to overrule the stars, because gentiles do not accept his dominion in the Torah, and that is why they are ruled by impersonal forces of physics. At stake in the logic of an orderly world subject in every detail to the rationality of justice, then, is the working of God's just will. Where God chooses to govern and is so chosen, there the stars affect nothing. So we see once more the working of the doctrine of Israel and the Torah, the gentiles and idolatry. While recognizing the scientific standing of astrology, therefore, most sages represented in the Oral Torah therefore concurred that when it comes to Israel, God rules, not the stars.

Since the Bavli sets forth systematic topical expositions, not merely random opinion, and organizes those composites in such a way as to indicate the thrust and direction of opinion, I choose for the authoritative statement on astrology the Bavli's one sustained statement on the subject. That systematic statement is so organized as to yield only a single conclusion. Specifically, I focus upon the single most systematic composite on the subject, which is so framed as to demonstrate that astrology does not apply to Israel (B. Shab. 24:4 III.9/156a–b):

A. It has been stated:
B. R. Hanina says, "One's star is what makes one smart, one's star is what gives

wealth, and Israel is subject to the stars."
C. R. Yohanan said, "Israel is not subject to the stars."

Clearly, two opinions competed. Two characteristics mark the normative one in a dispute: [1] whose opinion is explored, whose neglected; and [2] whose opinion is complemented with sustaining authorities' views, whose not. In the following, Yohanan's position is analyzed, Hanina's ignored:

D. And R. Yohanan is consistent with views expressed elsewhere, for said R. Yohanan, "How on the basis of Scripture do we know that Israel is not subject to the stars? As it is said, 'Thus says the Lord, Do not learn the way of the gentiles, nor be dismayed at the signs of the heavens, for the nations are dismayed at them' (Jer. 10:2). They are dismayed, but the Israelites are not dismayed."

Now begins a long sequence of systematic demonstrations that Israel is not subject to astrology. We begin with exegetical-scriptural proof:

III.10A. And so Rab takes the view that Israel is not subject to the stars, for said R. Judah said Rab, "How on the basis of Scripture do we know that Israel is not subject to the stars? As it is said, 'And he brought him forth outside' (Gen. 15:5). Said Abraham before the Holy One, blessed be He, 'Lord of the world, "Someone born in my household is my heir" (Gen. 15:3).' He said to him, 'Not at all. "But he who will come forth out of your own loins" (Gen. 1:4).' He said before him, 'Lord of the world, I have closely examined my star, and I have seen that I am destined to have no children.' He said to him, 'Abandon this astrology of yours—Israel is not subject to astrology. Now what's your calculation? [156B] Is it that Jupiter stands in the west [and that is your constellation]? I'll turn it back and set it up in the East.' And so it is written, 'Who has raised up Jupiter from the east? He has summoned it for his sake' (Is. 41:2)."

Scripture, as always, supplies the initial demonstration. Wherever possible, the patriarchs will be asked to show that, even at the very beginning of Israel, the besought principle applied. At the next stage, we are given exemplary cases that show us how and why sages maintain that Israel is not subject to astrology. The first case pits astrological judgment against divine intervention; the latter sets aside the testimony of the stars.

Not only so, but a specific reason is adduced to account for the special favor shown the man, which is the man's own supererogatory act of generosity, to which Heaven responds with a supererogatory miracle:

B. It is also the position of Samuel that Israel is not subject to the stars.
C. For Samuel and Ablat were in session, and some people going along to a lake. Said Ablat to Samuel, "That man is going but won't come back, a snake will bite him and he'll die."
D. Said to him Samuel, "Yeah, well, if he's an Israelite, he will go and come back."
E. While they were in session, he went and came back. Ablat got up and took of the man's knapsack and found in it a snake cut up and lying in two pieces.

So there must be a reason, and the reason has to do with an act of generosity or some other source of merit—*zekhut*. The man acted in a way that the law could not require, but that God could, and did, much appreciate:

F. Said Samuel to the man, "What did you do [today in particular]?"
G. He said to him, "Every day we tossed our bread into one pot and ate, but today one of us had no bread, and he was shamed. I said to him, 'I will go and collect the bread.' When I came to him, I made as if to go and collect the bread, so he shouldn't be ashamed."
H. He said to him, "You have carried out a religious duty."
I. Samuel went forth and expounded, "'But charity delivers from death' (Prov. 10:2)—not [merely] from a grotesque death, but from death itself."

In the next case astrology is set aside by a sheer accident, which, we shall see in a moment, sages identify as a medium of God's will. Here the astrologers ("Chaldaeans") make a flat prediction, and an accident overturns their prognostication; once more,

the supererogatory act of generosity accounts for God's personal intervention:

III.11A. It is also the position of R. Aqiba that Israel is not subject to the stars.
B. For R. Aqiba had a daughter. Chaldaeans [astrologers] told him, "On the day that she goes into the bridal canopy, a snake will bite her and she'll die."
C. This worried him a lot. On that day she took a brooch and stuck it into the wall, and by chance it sank into the eye of a snake. The next day when she took it out, the snake came trailing along after it.
D. Her father said to her, "What did you do [today in particular]?"
E. She said to him, "In the evening a poor man came to the door, and everyone was busy with the banquet so no one could take care of him, so I took some of what was given to me and gave it to him."
F. He said to her, "You have carried out a religious duty."
G. R. Aqiba went forth and expounded, "'But charity delivers from death' (Prov. 10:2)—not from a grotesque death, but from death itself."

If piety on the part of an Israelite overcomes astrology, a lapse in piety for even a moment subjects the man to the influence of the stars. Here keeping one's head covered serves as a sign of fear of Heaven, and the rest follows:

III.12A. It is also the position of R. Nahman bar Isaac that Israel is not subject to the stars.
B. For to the mother of R. Nahman bar Isaac the Chaldaean said, "Your son will be a thief." She didn't let him go bareheaded, saying, "Keep your head covered, so fear of Heaven may be upon you, and pray for mercy."
C. He didn't know why she said that to him. One day he was in session, studying under a palm tree. His head covering fell off. He lifted his eyes and saw the palm tree, and was overcome by temptation; he climbed up and bit off a cluster of dates with his teeth.

The proof therefore is positive and negative, and the composite leaves no doubt as to the position taken by the Oral Torah, even while dissenting opinion registers.

If determinism in the form of astrology conflicts with the logic inherent in the theology of a just God, freely acting in a rational way, then what appears to come about by sheer accident—in other words, what others may deem sheer chaos—coheres with that logic. Chance or accident reveal God's intent and plan; there is no such thing as sheer chance and pure accident. Sages regard what happens by chance as an act of Heavenly intervention, an event in the dominion of the kingdom of Heaven. In the Oral Torah, casting of lots and other forms of chance yield God's decision. How the lot falls then reflects how God wants things, since to begin with God commands and fate conforms. Nothing in fact takes place by chance, so by allowing the dice to fall where they will, man discovers God's wishes. That position, explaining events in private life rather than in public affairs—we do not have a single instance in which sheer chance serves to explain an event in the life of Israel or the gentiles in relationship to Israel—is formulated more in Halakhic than in aggadic terms. The fact that the identification of chance with God's determinate will forms the premise of entire bodies of the law proves the normative standing of that conviction.

The Positive Side: Israel on Earth Matches the Stars in the Heaven. The Unstated Position of Pesiqta deRab Kahana

The positive side is not articulated, but implicit in a single document. To understand how it is expressed, we have to take some time to describe the document that forms the medium for a message of great subtlety and power.

A compilation of twenty-eight propositional discourses, Pesiqta deRab Kahana innovates because it appeals for its themes and lections to the liturgical calendar, rather than to a Pentateuchal book. It sets forth expositions of verses of Scripture chosen in accord with the requirements of the liturgical calendar, e.g., a verse important in the Passover lection or one pertinent to

the ninth of Ab. The other Midrash compilations of the formative age organize their materials around books of Scripture, e.g., Leviticus Rabbah around passages of Leviticus, Sifra around Leviticus as well. But that is not the case in Pesiqta deRab Kahana. That is why we cannot present an account of how Pesiqta deRab Kahana treats the book of Leviticus, but rather, how Pesiqta deRab Kahana treats the festival of Passover, and so throughout.

Pesiqta deRab Kahana abandons the pretense that fixed associative connections derive solely from Scripture. In each exposition, a holy day has told our authorship what topic it wishes to take up—and therefore also what verses of Scripture (if any) prove suitable to that topic and its exposition. These are by seasons, as follows:

Adar-Nisan-Sivan
Passover-Pentecost: *Pisqaot* 2–12
(possible exception: *Pisqa* 6)
Tammuz-Ab-Elul
The Ninth of Ab: *Pisqaot* 13–22
Tishré
Tishré 1–22: *Pisqaot* 23–28

Only *Pisqa* 1 (possibly also *Pisqa* 6) falls out of synchronic relationship with a long sequence of special occasions in the synagogal lections.

The twenty-eight parashiyyot of Pesiqta deRab Kahana in order follow the synagogal lections from early spring through fall, or, in the Western calendar, from late February or early March through late September or early October, approximately half of the solar year, twenty-seven weeks, and somewhat more than half of the lunar year. On the very surface, the basic building block is the theme of a given lectionary Sabbath—that is, a Sabbath distinguished by a particular lection—and not the theme dictated by a given passage of Scripture, let alone the exposition of the language or proposition of such a scriptural verse. The topical program of the document may be defined very simply: expositions of themes dictated by special Sabbaths or festivals and their lections.

Pisqa/Base-verse
Topic or Occasion

1. *On the day Moses completed* (Num. 7:1)
   Torah-lection for the Sabbath of Hanukkah
2. *When you take the census* (Ex. 30:12)
   Torah-lection for the Sabbath of Sheqalim first of the four Sabbaths prior to the advent of Nisan, in which Passover falls
3. Remember Amalek (Deut. 25:17–19)
   Torah-lection for the Sabbath of Zakhor second of the four Sabbaths prior to the advent of Nisan, in which Passover falls
4. Red heifer (Num. 19:1ff.)
   Torah-lection for the Sabbath of Parah third of the four Sabbaths prior to the advent of Nisan, in which Passover falls.
5. This month (Ex. 12:1–2)
   Torah-lection for the Sabbath of Hahodesh fourth of the four Sabbaths prior to the advent of Nisan, in which Passover falls
6. My offerings (Num. 28:1–4)
   Torah-lection for the New Moon that falls on a weekday
7. It came to pass at midnight (Ex. 12:29– 32)
   Torah-lection for the first day of Passover
8. The first sheaf (Lev. 23:11)
   Torah-lection for the second day of Passover on which the first sheaves of barley were harvested and waved as an offering
9. When a bull or sheep or goat is born (Lev. 22:26)
   Lection for Passover
10. You shall set aside a tithe (Deut. 14:22)
    Torah-lection for Sabbath during Passover in the Land of Israel or for the eighth day of Passover outside of the Land of Israel
11. When Pharaoh let the people go (Ex. 13:17–18)
    Torah-lection for the Seventh Day of Passover
12. In the third month (Ex. 19:1ff.)
    Torah-lection for Pentecost

13. The words of Jeremiah (Jer. 1:1–3)
    Prophetic lection for the first of three Sabbaths prior to the Ninth of Ab
14. Hear (Jer. 2:4–6)
    Prophetic lection for the second of three Sabbaths prior to the Ninth of Ab
15. How lonely sits the city (Lam. 1:1–2)
    Prophetic lection for the third of three Sabbaths prior to the Ninth of Ab
16. Comfort (Is. 40:1–2)
    Prophetic lection for the first of three Sabbaths following the Ninth of Ab
17. But Zion said (Is. 49:14–16)
    Prophetic lection for the second of three Sabbaths following the Ninth of Ab
18. O afflicted one, storm tossed (Is. 54:11–14)
    Prophetic lection for the third of three Sabbaths following the Ninth of Ab
19. I even I am he who comforts you (Is. 51:12–15)
    Prophetic lection for the fourth of three Sabbaths following the Ninth of Ab
20. Sing aloud, O barren woman (Is. 54:1ff.)
    Prophetic lection for the fifth of three Sabbaths following the Ninth of Ab
21. Arise, Shine (Is. 60:1–3)
    Prophetic lection for the sixth of three Sabbaths following the Ninth of Ab
22. I will greatly rejoice in the Lord (Is. 61:10–11)
    Prophetic lection for the seventh of three Sabbaths following the Ninth of Ab
23. The New Year
    No base verse indicated. The theme is God's justice and judgment.
24. Return O Israel to the Lord your God (Hos. 14:1–3)
    Prophetic lection for the Sabbath of Repentance between New Year and Day of Atonement
25. Selihot
    No base verse indicated. The theme is God's forgiveness.
26. After the death of the two sons of Aaron (Lev. 16:1ff.)
    Torah-lection for the Day of Atonement
27. And you shall take on the first day (Lev. 23:39–43)
    Torah-lection for the first day of the Festival of Tabernacles
28. On the eighth day (Num. 29:35–39)
    Torah-lection for the Eighth Day of Solemn Assembly

This catalogue draws our attention to three eccentric pisqa'ot, distinguished by their failure to build discourse upon the base verse. These are No. 4, which may fairly claim that its topic, the red cow, occurs in exact verbal formulation in the verses at hand; No. 23, the New Year, and No. 25, Selihot. The last-named may or may not take an integral place in the structure of the whole. But the middle item, the New Year, on the very surface is essential to a structure that clearly wishes to follow the line of holy days onward through the Sabbath of Repentance, the Day of Atonement, the Festival of Tabernacles, and the Eighth Day of Solemn Assembly.

These synagogal discourses, read in their entirety, form a coherent statement of three, now familiar, propositions:

God loves Israel: That love is unconditional, and Israel's response to God must be obedience to the religious duties that God has assigned, which will produce merit. Israel's obedience to God is what will save Israel. That means doing the religious duties as required by the Torah, which is the mark of God's love for—and regeneration of—Israel. The tabernacle symbolizes the union of Israel and God. When Israel does what God asks above, Israel will prosper down below. If Israel remembers Amalek down below, God will remember Amalek up above and will wipe him out. A mark of Israel's loyalty to God is remembering Amalek. God does not require the animals that are sacrificed, since man could never match God's appetite, if that were the issue, but the savor pleases God (as a mark of Israel's loyalty and obedience). The first sheaf returns to God God's fair share of the gifts that God bestows on Israel, and those who give it benefit, while those who hold it back suffer. Observing religious duties, typified by the rites of The Festival, Tabernacles, brings a great reward of that merit that ultimately

leads to redemption. God's ways are just, righteous and merciful, as shown by God's concern that the offspring remain with the mother for seven days. God's love for Israel is so intense that he wants to hold them back for an extra day after The Festival in order to spend more time with them, because, unlike the nations of the world, Israel knows how to please God. This is a mark of God's love for Israel.

God is reasonable and when Israel has been punished, it is in accord with God's rules: God forgives penitent Israel and is abundant in mercy. Laughter is vain because it is mixed with grief. A wise person will not expect too much joy. But when people suffer, there ordinarily is a good reason for it. That is only one sign that God is reasonable and that God never did anything lawless and wrong to Israel or made unreasonable demands, and there was, therefore, no reason for Israel to lose confidence in God or to abandon him. God punished Israel to be sure. But this was done with reason. Nothing happened to Israel of which God did not give fair warning in advance, and Israel's failure to heed the prophets brought about her fall. And God will forgive a faithful Israel. Even though the Israelites sinned by making the golden calf, God forgave them and raised them up. On the New Year, God executes justice, but the justice is tempered with mercy. The rites of the New Year bring about divine judgment and also forgiveness because of the merit of the fathers. Israel must repent and return to the Lord, who is merciful and will forgive them for their sins. The penitential season of the New Year and Day of Atonement is the right time for confession and penitence, and God is sure to accept penitence. By exercising his power of mercy, the already-merciful God grows still stronger in mercy.

God will save Israel personally at a time and circumstance of his own choosing: Israel may know what the future redemption will be like, because of the redemption from Egypt. The paradox of the red cow, that what imparts uncleanness, namely touching the ashes of the red cow, produces cleanness, is part of God's ineffable wisdom, which man cannot fathom. Only God can know the precise moment of Israel's redemption. That is something man cannot find out on his own. But God will certainly fulfill the predictions of the prophets about Israel's coming redemption. The Exodus from Egypt is the paradigm of the coming redemption. Israel has lost Eden—but can come home, and, with God's help, will. God's unique power is shown through Israel's unique suffering. In God's own time, he will redeem Israel.

To develop this point, the authorship proceeds to further facts, worked out in its propositional discourses. The lunar calendar, particular to Israel, marks Israel as favored by God, for the new moon signals the coming of Israel's redemption, and the particular new moon that will mark the actual event is that of Nisan. When God chooses to redeem Israel, Israel's enemies will have no power to stop him, because God will force Israel's enemies to serve Israel, because of Israel's purity and loyalty to God. Israel's enemies are punished, and what they propose to do to Israel, God does to them. Both directly and through the prophets, God is the source of true comfort, which he will bring to Israel.

Israel thinks that God has forsaken them. But it is Israel who forsook God, God's love has never failed, and will never fail. Even though he has been angry, his mercy still is near and God has the power and will to save Israel. God has designated the godly for himself and has already promised to redeem them. He will assuredly do so. God personally is the one who will comfort Israel. While Israel says there is no comfort, in fact, God will comfort Israel. Zion/Israel is like a barren woman, but Zion will bring forth children, and Israel will be comforted. Both God and Israel will bring light to Zion, which will give light to the world. The rebuilding of Zion will be a source of joy for the entire world, not for Israel alone. God will rejoice in Israel, Israel in God, like bride and groom.

Theology of Pesiqta deRab Kahana

Pesiqta de Rab Kahana's compilers thus register standard points. What we have here

is a new way of conveying a familiar theological proposition. But what is new makes all the difference. Consider the unfolding message imposed by Pesiqta deRab Kahana upon the lectionary cycle and essentially distinct from it. From Hanukkah through Pentecost, Israel in nature's time celebrates its meeting with God in the Temple. Then follow the days of desiccation and death, three weeks of mourning, when Israel's rebellion against God brings about God's abandonment of the Temple. With Israel's rebellion fully requited in the disaster, there succeed the seven Sabbaths of consolation for the penitent, corporate Israel. Then, correspondingly, come the Days of Awe, the individual Israelite's time to recapitulate in his own being the main lines of corporate Israel's story of sin, punishment, suffering and atonement and the rest. The Days of Awe, the New Year and the Day of Atonement, marked by repentance for sin, atonement, and prayer for forgiveness, then correspond to the days from the seventeenth of Tammuz to the ninth of Ab and the weeks following. At the end follows the climactic moment, the Festival par excellence, Tabernacles, with the promise of renewal.

That program, laid out in the lectionary cycle superimposed on the Pentateuchal one, presents the main points of Rabbinic theology in its doctrine that builds on the correspondence of Adam and Israel, Eden and the Land. And this rabbinization of the liturgical experience does not match the way in which the Pentateuchal lections, whether annual or triennial, organize the sacred calendar of synagogue worship. A curious disjuncture imposes itself on the two distinct sequences, [1] the narrative-historical sequence of the Pentateuch, [2] the paradigmatic of the lunar cycle.

The Pentateuchal lectionary cycle recapitulates the narrative sequence from Adam to the border of the promised land. By extension through Joshua, Judges, Samuel, and Kings, the narrative (if not the lectionary) cycle ends where it began: loss of Eden, loss of Jerusalem. By contrast, the lectionary program of Pesiqta deRab Kahana hardly works through the same narrative in the same sequence at all. There is no beginning, middle, and end, constructed in a teleological sequence out of the narrative history of Israel. Now, the events of the natural year, signified in the movement of the lunar months correlated with the solar seasons, built around the first full moon after the vernal and autumnal equinoxes in particular, do match certain moments in Israel's life. But these are not in the temporal order so paramount in the lectionary narrative from Genesis through Numbers plus Deuteronomy. They follow their own order and sequence. The occasions of nature matched by moments in Israel's pattern of conduct and its consequence thus are removed from the narrative framework, e.g., of Genesis through Kings. Events are no longer unique, linear, sequential—teleological. They now are formed into moments of an exemplary character, out of time altogether, out of phase with the Pentateuchal-narrative setting. Thought is no longer teleological but rather paradigmatic.

No wonder, then, that Pesiqta deRab Kahana starts where it does, with the rededication of the Temple signified by Hanukkah. In the repertoire of events gathered in the document, that is the only logical starting point; the alternative, the end point, is impossible. That is then followed by the leap to the four Sabbaths preparatory to Passover, with the rest in sequence! With the preparations for the celebration of Israel's beginning in the Exodus and at Sinai marking the starting point, the rest of the natural year lays itself out against the main lines of the liturgical year. There is then this cycle:

1. the preparation of the Temple, dedication, then purification;
2. the beginnings at Passover-Pentecost,
3. the catastrophe of Tammuz-Ab, the season of death, then the consolation quick to follow, and at the end,
4. the recapitulation of the same cycle in Elul and Tishré—sin, punishment, atonement, consolation and renewal, as the life-cycle of nature and the rhythm of Israelite existence correspond and signify, each, the reliability and renewal of the other.

The Unique Theological Perspective of Pesiqta deRab Kahana

Change the order and the entire construction collapses into gibberish. What is unique in the document's theology thus emerges when we see the total message in lectionary context. Pesiqta's "text" is nature, not Scripture—the passage of the seasons, on the one side, and the sequence of lunar months, on the other, as these correlate and are correlated with exemplary occasions in Israel's existence. The Pisqa'ot follow the sequence of nature's year, as I have already stressed. Internally, the individual Pisqa finds coherence in the unfolding of the message that pertains to that occasion in nature and history. So Pesiqta deRab Kahana does not organize its discourse around Scripture at all. The base-verses all are selected utterly out of the context of the books of Scripture in which they occur.

Chosen for a focus are those passages of Scripture that speak to liturgical occasions set by the passage of the moon and the solar seasons in the heavens. And the sequence and sense of coherence then derive from the lunar-solar calendar, that alone. Pesiqta deRab Kahana therefore forms an exercise in correlating Israel's affairs on earth with the movement of the heavenly bodies. Israel's history, linear and sequential, no longer governs. Now exemplary moments, chosen out of time and not arranged in temporal sequence, define matters. Hence—history set aside, its sequence no longer pertinent—the natural, seasonal passage of the moon in the heavens signals paradigmatic moments in Israel's life on earth. Israel on earth responds—and corresponds—to the heavenly bodies above. It would claim more than the document establishes to describe Pesiqta deRab Kahana as an exercise in astral religion—but not by much.

The parts and the whole: The parts count only as part of the whole; seen one by one, they find counterparts in other documents, if not verbatim then in proposition or implication. It is only as part of a whole possessing its own logic of coherent discourse that we grasp that logic and understand the documentary program and message. When we look back over the theological compositions and composites, we discern the sequential unfolding of the document's themes. These form a continuous statement, with a beginning, middle, and end: beginning with the dedication of the Temple/tabernacle, ending with the climactic moments of Tabernacles (including the Eighth Day of Solemn Assembly). They therefore turn out to conform to a required, logical order. By that I mean, if we change the sequence of themes in any detail, situating one theme somewhere other than in its present location, and the entire document falls to pieces. Its logic and cogency then derive from the lunar calendar, which signals moments in Israel's encounter with God through the natural life of the Land and its seasons, rainy, then dry, then rainy, spring, summer, autumn.

Two cycles of time joined: In their present sequence and only in that sequence, the purposeful ordering of the document's theological propositions emerge. And these represent a decision by the authorship of the document. They bring into relationship two cycles of time: historical-narrative and natural-paradigmatic.

1. The one—the historical-narrative built on teleology—recapitulates the cycle of synagogue lections of the Pentateuch, the one that sets into sequence the events of humanity's history from creation, through the fall, past the flood, to the formation of Israel as a family and its reformation as a kingdom of priests and a holy people. It is the story of Israel's recapitulation of Adam's experience, with its calamity but, in the case of Israel when repentant, also with the promise of a different ending.
2. The natural-paradigmatic, highlighted, among the Rabbinic Midrash compilations, only here, is the cycle of the seasons, as these flow in sequence from the dedication of the Temple through its rites on distinguished occasions defined by the movement of heavenly bodies, the moon correlated with the solar seasons. It is nature's logic, heaven's logic—a different mode of organizing time altogether, one in which the

> paradigm of Israel's existence is recast. It is transformed from a linear sequence of one-time historical events into a pattern of recurrent moments in nature. These heavenly occasions capture points of intersection between Israel and God, corresponding to the unfolding of the seasons—hence, in the language used earlier, "natural-paradigmatic."

The details correspond. And why not? For both cycles focus upon the same entity, Israel in relationship to God. But the one, the established lectionary cycle from Genesis through Deuteronomy, tells a story, and the other, the supererogatory lectionary cycle of particular Sabbaths and special occasions, celebrates events in the heavens and their corresponding moments in Israel's eternal existence. The narrative-teleological cycle conveys its messages through the story that it tells. By the natural-paradigmatic cycle these messages are abstracted from that story and set forth as propositions of a general character.

The upshot may be simply stated. In bypassing the Pentateuchal cycle altogether, the authorship of Pesiqta deRab Kahana has adopted an intellectual structure of its own. It is one that is different from the unfolding of Israel's life in time through a sequence of one-time, particular events: the day this happened, the time that remarkable, unique event took place. Sequence is everything, story nothing. The sequence invokes that logic to which I have already made reference: the logic of Israel's moral, covenanted existence, its life with God.

Pesiqta deRab Kahana builds upon its own, cosmic sense of world order. It makes its own judgment on the meaning of the cyclical sequence of the movement of the heavenly bodies. It defines in its own way the encounter of Israel and God, in earth and in heaven, always in correspondence. This is, then, a different way of framing Israel's and God's relationship from the established one that begins with Genesis and concludes with Deuteronomy, the familiar comparison of Adam and Israel, Eden and the Land.

The theology of astral Israel and the reading of Scripture: The theology of astral Israel bears its consequences for the reading of Scripture. Now the times and the seasons embody heaven's account of Israel on earth. Scripture is not the only voice of God, nature's time and sequence speaks for him as well. And, it follows, if Scripture is no longer the sole supernatural message, then Israel in time no longer follows a simple, linear sequence, this happened, then that; Israel did this, with that result. Rather we have a perspective on matters formed from Heaven's view: this season responds to Israel's conduct in that circumstance, this event in the heavens correlates with that activity of Israel on earth.

The account bears a cyclicality that the Pentateuchal narrative does not possess. Thus the document viewed whole imposes upon the cycle of narrative—the story of Israel in time—that other cycle, the cycle of nature. One may characterize the resulting cycle as a competing, or at least, as a correlative, mode of recapitulating Israel's record from its beginnings to now. Annually Israel dedicates the Temple, prepares it for the pilgrims, celebrates the advent of freedom and receives the Torah. Annually Israel rebels against the Torah and sins, is punished through the loss of the Temple. Annually Israel atones and repents, and God consoles and forgives. And annually Israelites recapitulate that same cycle of sin and atonement, consolation and forgiveness, so that, year by year, the rains follow the Festival, Tabernacles, in a renewal of nature's—and Israel's—cycle.

What has happened to the scriptural story, which is linear, sequential, and historical, not cyclical, episodic, and exemplary? Pesiqta deRab Kahana takes over and reshapes the results of Israel's continuous narrative from Creation to destruction and the hope of restoration and incorporates the linear into the paradigmatic structure. The narrative tells of Adam's loss of Eden, then—with Genesis through Kings in hand—Israel's loss of the Land. The consequences to be drawn from that story—sin leads to punishment, but repentance leads to restoration and renewal—define the paradigm discerned in the very movement of the moon and the solar seasons by Pesiqta deRab Kahana. At

issue then is how to break the cycle signified by the natural year. Israel has the power, any time, any year, to disrupt that cycle and inaugurate the end of history and nature as then known. So when I say that Pesiqta deRab Kahana has folded the results of Israel's narrative into a pattern yielded by the very givens of the natural world and its times and seasons, I refer to the recapitulation, in reference to the natural year, of the consequences to be drawn from the comparison of Israel and Adam, the Land and Eden, that the scriptural account, read continuously, has yielded.

Then the continuous, linear, one-directional narrative is folded into the cycle of nature's time, marked by seasons and events in heaven, with their counterpart. That is the celebration of nature at the altar of the Temple through offerings that signify particular events in the unfolding of the natural year. These, further, are correlated with paradigmatic moments in Israel's year. So the story of the Temple on earth recapitulates in Israel's setting the story of the passage of the seasons. But that is with this proviso. The seasons follow the course that they do because they signal the unfolding existence of Israel, with special reference to its Temple altar, where God and Israel meet. Because Israel repeats its conduct, nature recapitulates its cycles. But there will come a new heaven and a new earth, when Israel completes the work badly begun by Adam.

The absolute, fixed order of the document once more: Now we see the basis of the claim that the tight logic of the document was such that changing the position of a single exposition or pisqa' will have ruined the entire construction. A moment of reflection on the articulated plan of the whole shows that for a construction with its focus on the Temple, nexus of heaven and earth, the sole possible starting point was Hanukkah: today the Temple commences. Then what can have followed? The only logical continuation is with the four Sabbaths prior to the advent of Nisan, with Passover following two weeks later. These Sabbaths then prepare the way for the pilgrim festival, Passover-Pentecost. From the climactic season, Passover-Pentecost, with the end of the rains, follows the long dry season, marked by the Temple's destruction.

Then comes Israel's repentance. That is in two correlated phases, corporate and individual. First is the corporate with the ninth of Ab, then the individual with the penitential season of Elul followed by the New Year, the day of remembrance, and the Day of Atonement. So is realized the time of renewal marked by judgment of the year gone by and renewal of life in the year to come. Once the natural year, celebrated in Temple rite, defines the heart of the matter, then the matter was set. That is why, within the logic of the natural year embodied in the Temple rites, there is no other sequence that can have served, no other starting point that can have realized the governing program of the document viewed whole.

Here—as mediated by the theology of Pesiqta deRab Kahana—is how Israel encounters that other reading of the Torah. That is the besides the one beginning with Creation and ending at the border of the Land of Israel in the lectionary cycle encompassing Genesis through Deuteronomy, week by week. The document's authorship has undertaken to expound the Torah in the sequence of the natural year in such a way as annually to tell the tale of Israel's conduct embodied in the passage of the seasons, celebrated in the realization of the Temple, where God and Israel meet. The plan is therefore to show how what happens to the Temple, then, now, and in time to come, signifies the relationship of God and corporate Israel and recapitulates the relationship of God and the individual Israelite. Then the liturgical lections of the synagogue's special occasions. It is the story encompassing the Festival cycle and related, special Sabbaths. Autonomous of the sequence of Sabbath lections that begins with Genesis and concludes with Deuteronomy, it makes its own selections of appropriate occasions and their inexorable themes. In its context, its statement is unique.

Nature and Renewal

Through its lectionary cycle, Pesiqta deRab Kahana makes Israel's progress through the

year of nature into an annual journey of renewal. So while Pesiqta deRab Kahana participates in the common theology of Rabbinic Judaism, it affords a rare theological moment within that same Judaism. That is the moment at which theology becomes natural, by which I mean, an interpretation, a realization, of nature. Here theology as intellectual proposition gives way to theology as the explanation of realized experience, both corporate and individual, of nature in all its majesty. No wonder, then, that the issue of the end of days, the resolution of linear time in its Messianic climax, plays so negligible a role in the document. Cyclicality in nature has taken over and assigned a marginal position to those critical components of the historical-Messianic view of Israel's existence, the end of days and the advent of the Messiah. Here, consolation means restoration, and the Temple is the focus. Then nature takes over and the movements of the heavenly bodies become determinative. And withal Israel makes all the difference. In the unfolding of the natural year within the theology of Pesiqta deRab Kahana, Israel lives out its theology of repentance and restoration in the inexorable passage of the times and the seasons. All that history can contribute is the unique event that can be transformed into a paradigmatic moment, part of a recurrent pattern.

How Pesiqta deRab Kahana Forms a Theological Statement of Astral Israel

Israel on earth embodies the course of the moon and the solar seasons in heaven, and when Israel mends its way, all of astral nature will respond. All else forms a commentary and is made up of details.

The synagogue through the paramount Torah-cycle calls Israel to rehearse, week by week, the chapters of Israel's formative life: Genesis for the foundation of Israel, Exodus through Numbers, then Deuteronomy, for the definition of Israel. Then, on a given week, Israel once more recapitulates through its paradigmatic and definitive narrative the earthly story of itself. This week the world was made, that week recalls the Flood, the next, the call to Abraham, and so throughout. So through the lectionary cycle, annually or triennially, the past is made present, the present resituated in the past, historical time, marked by unique, one-time events, is recapitulated, the past both recognized and renewed. In that context, we recall, Pesiqta deRab Kahana has made a remarkable choice. It is to impose upon the story of Israel's formation and definition another dimension, another layer of being: the heavenly. It is now Israel in the context—indeed, in control—of natural time, marked by the stars and the seasons. The Sabbaths of Joseph's story, for example, that in the annual lectionary cycle come in Kislev in accord with the annual cycle of lections, embody also the occasion of the rededication of the Temple. But these do not intersect. While an exegetical initiative may link the one with the other (reading Scripture to underscore the Temple in the patrimony of Benjamin, for instance, joining the two distinct themes), that is a mere serendipity.

In fact, Pesiqta deRab Kahana invokes a distinct layer of Israelite being. Our review of the theological components of the document identifies that layer of being: it concerns Israel's celebration in the Temple, its loss of the Temple, and its hope for forgiveness and restoration of the Temple. It is no wonder that ten of the twenty-eight Pisqa'ot concern themselves with the destruction and consequent consolation. Nor is it surprising that the following sequence of heavenly events—those of Elul and Tishré—recapitulates the pattern of Tammuz-Ab! The one concerns corporate Israel, the other Israel as Israelite, one by one, all before God but judged as individuals. So what Pesiqta deRab Kahana contributes to the Israel's encounter with God in the Torah is the matter of the coming consolation and redemption. That is now portrayed as heaven's promise. This survey shows that Pesiqta deRab Kahana makes a theological statement that is, in its own terms, entirely cogent.

On eschatological matters Pesiqta deRab Kahana has its own points of interest, even while concurring with the main propositions given here. The document wishes to underscore that what God is going to do he has

already done; that what will happen in the ultimate redemption is already prefigured in this world's experience. What will happen at the end of time has already happened at the beginning, and the advent of the end of time will mark the restoration of the condition of Eden. These propositions do not fit tightly with the framing of matters in more general terms. For the correspondence of end to beginning, while part of the repertoire of the governing theology, hardly limits the eschatological doctrine of that theology. But it is the main point of Pesiqta deRab Kahana. So the theological structure of Pesiqta deRab Kahana is asymmetrical with that of the Aggadic documents viewed systematically; but it coheres. Where Pesiqta deRab Kahana intersects, it conforms in conception with the encompassing system. But the proportions and the emphases are its own.

Pesiqta de R. Kahana's theology in the context of the Rabbinic system and structure: Pesiqta deRab Kahana takes an essential role in the larger theological program of Rabbinic Judaism. This it does by superimposing, upon the Pentateuchal story of Israel's beginning, the narrative of the ending—destruction but also atonement, forgiveness, renewal, for both corporate Israel and the Israelite. The reliable heavens then guarantee what is to come about, the seasons in their sequence embody the promise of the coming redemption: consolation and restoration following repentance, atonement, and forgiveness. The summer drought, the advent of the early rains—these now are made, in the very heart of synagogue liturgy, to signify the existential reality of Israel in its encounter with God.

What makes Pesiqta deRab Kahana's revision of the lectionary encounter powerful and persuasive ought not to be missed. It is its emphasis upon the correspondence of the cycle of nature with the exemplary moments of Israel's existence, the whole abstracted from linear history. The dedication and celebration in the Temple, loss of the Temple, atonement and renewal and restoration correspond to nature's cycle. Then, after the season of desiccation and death, the renewal signified by the winter rains, comes the climax of Passover-Pentecost. Then the sequence concludes with the advent of the summer's drought, followed by the renewal once more.

We should not miss the radical change represented by this reading of the cycle of nature that defines the rhythm of the Israelite year. While the lunar-solar calendar conventionally interpreted knows two climactic moments, the first full moon after the vernal equinox, then the same after the autumnal equinox, for Passover and Pentecost, respectively, Pesiqta deRab Kahana has constructed a single, continuous cyclical sequence, as I have explained. Events of nature, the unfolding of the lunar year, and events of history, the unfolding of Israel's life in historical time, are formed into a single, unitary construction. That is, furthermore, transformed into a paradigm of the life of not only corporate Israel but also the individual Israelite. Nature, Israel, the Israelite—all now are given their moment in the lectionary life of the synagogue.

Astral Israel in Pesiqta deRab Kahana: Implicit in every Pisqa', then is the intent to highlight Israel as the counterpart, on earth, to the heavenly bodies. And, as I stress, the unfolding of Israelite existence on earth, the patterns of its relationship with God—these correspond down here to the movement of the moon and sun in the heavens above. But though taken with that correlation, we should not miss the point: the stars in their courses respond to Israel's conduct. The cycle of time as told by Pesiqta deRab Kahana treats Israel not as a principal player in world history on earth alone, as does the Pentateuchal cycle as framed by the Rabbinic masters. Rather, Israel now represents a cosmic presence, a heavenly actor on the natural stage of the Temple, along with the moon in relationship to the sun and the passage of the natural seasons.

That is why Pesiqta deRab Kahana is unique among the Midrash compilations of the formative age of Rabbinic Judaism. No other Midrash compilation organizes itself around that conception of Israel in relationship with heaven that governs here. No Midrash compilation viewed whole but Pesiqta deRab Kahana proposes that what happens to Israel on earth correlates with the movement of the heavenly bodies, the

moon and the sun in particular. It is the Midrash in the formative canon of Rabbinic Judaism that endows Israel with astral setting and dimensions, raising Israel from earth to heaven.

Israel is not subject to astral influence because Israel forms a Celestial Body: Discerning in its activities the recurrent pattern of the skies, Pesiqta deRab Kahana substitutes theology for astrology. Then, along with the Bavli's famous composite, "Israel is not subject to planetary influences" (Bavli Shabbat 152b-153a) it forms a kind of anti-astrology, one might say. That is because the message throughout, normative for Rabbinic Judaism, is, Israel makes choices and bears responsibility for those choices. So it relates to the movement of the moon and the sun through the seven levels of heaven signified by the fixed stars. But this is not in the way in which others are subject to the same heavenly movements. Israel drives its own chariot through the skies, the nations are merely passengers on a chariot they do not drive.

JACOB NEUSNER

Astrology and Ancient Judaism

UNLIKE astronomy, the history of astrology was ignored by the early critical study of Judaism, the Wissenschaft des Judentum. In the nineteenth century, when astrology had already been condemned for centuries, the history of Jewish astrology seemed to be irrelevant, if not worse. In a time of enlightenment, there was a place for the history of the Jews as scientists, philosophers, or doctors, but not as people who dealt with the occult (astrology then being considered a branch of that area). In the twentieth century, Gershom Scholem, the founder of the scientific study of Jewish mysticism, published several thousands of pages on Qabbalah and on all kinds of esoteric doctrines but less than one page on astrology. On the other side, unfortunately, were scholars who, enthusiastic to reveal Jewish astrology, did their work incompetently so that the whole issue still waits to be (re)evaluated.

Astrology, like astronomy, was a science, based on astronomical observations, attributing to the heavenly bodies powers over the earth and men. Ptolemy was not only the great astronomer of antiquity but the great astrologer as well, and this model of a scientist played its role until the sixteenth century with very few exceptions. Astrology was astronomy's counterpart. However, many modern scholars prefer to ignore this and consider astrology, rather, a counterpart of magic. Just as modern historiography is aware that history is not necessarily a report of humankind's achievements only, but of misdeeds and failures as well, historians of science should realize that astrology was a science that was later found to be false, and it therefore should be studied as a science. The philosophy of this science, if any, was basically pre-Socratic (Pythagorean, to begin with), and "Natural Philosophy." Astrology claimed it could predict the future of individuals, just as astronomy enables the prediction of the future of heavenly bodies. Moreover, astrology was thought to explain the causes of everything, among them diseases, and naturally to be able to cure the ill. Its medical basis, though uncritically thought to be Hippocratic, is the four humors, a pre-Socratic doctrine. Later the Stoics were fond of astrology, and other philosophies were adapted to astrology.

The relation of Jews to astrology is complex, to say the least, from biblical times until this very day. Many texts await analysis to expose the depth of the relationships between Judaism and astrology throughout the ages.

THE BIBLICAL PERIOD

Before the fifth century B.C.E. (in Babylonia) there was no astrology in the sense of what later became known as such. Therefore, though Bilaam's practices (Num. 22–23) seem to be connected to astrology, they are more like propitiatory rituals (*namburbis*) to seven

different Aramaic Gods (such as Baal), which may be called pre-astrology. Joel 2:10 might be taken to reflect belief in omens of several types: earthquakes, thunders, solar and lunar eclipses, yet all of these represent God's will. True, Jeremiah (10:2) told Israel not to be dismayed at the signs in the heavens, but apparently they did then and centuries later as well. The prophets were well aware of the role of astrologers in Babylonia (Is. 47:13) and their connection to the royal court (Dan. 2:27; 5:10). However, astrology in biblical times was not yet the developed astrology of the Hellenistic era.

The Post-Biblical Period

In Jub. 12:16, Abraham is depicted as an astrologer who observed the stars on the first day of the seventh month (later known as Rosh Hashanah), to know how rainy the coming year would be. This connection between stars and rain is part of the Mesopotamian omen heritage, as the author of Jubilees (11:8) knew as well. The context is not polemical against astrology but rather a claim, in an apologetic manner, that there is no contradiction between faith in God and astrology. The rabbis in later centuries were aware of the connection between Abraham and astrology, claiming either that Abraham was an astrologer (B. B.B. 16b) or that he stopped practicing astrology (B. Shab. 156a).

A few of the texts found at Qumran disclose that some of the people who lived there were practicing astrologers. Among them is an Aramaic text (4Q318), called a *Brontologion*, that interprets thunder in order to forecast the future. Though the text is short and has some lacuna, its concept is clear. First the writer demonstrates the system of the planets' ruling over the days of the solar year (changes in sequence every 2, 2, 3 days =; 2 1/3). The beginning of the text is corrupt but from 7 Elul, under the Archer (Sagittarius), the writer gives, in a very technical way, the names of the ruling planets, ending in "(Adar) 27 and 28 under Fishes (Pisces), 2[9, 30 (31?) under Ram (Aries)]." After listing the ruling planets as an introduction, the writer continues: "If it thunders on [a day under the rule of] the Bull (Taurus), it signifies changes in the world and toil for the cities, and destruction in the royal court. . . . If it thunders on the Twins (Gemini)—fear and distress caused by foreigners and by. . . ." There is no doubt that the text derived from (Royal) Babylonian lunar astrology such as *Enuma Anu Enlil* (the first half of the first millennium B.C.E.). The text is assumed to have been written in the first century B.C.E.

Other Qumran texts of astrological character are 4Q186, 4Q534 and 4Q561. 4Q186 presents a physiognomic-astrological description cryptographically. It is also written there: "And this is the nativity in which he was born: in the foot of the Bull" (= Taurus). This kind of precision has no parallel in any known prediction in regard to the nativity of a man (usually, born under a "whole" zodiac sign). Therefore, it is more likely that the text discusses the nativity of the moon. The "molad" (= nativity) is a terminology well known from later Rabbinic sources, and the text alluded to the new moon if seen in Taurus' lower part, either as an astronomical position or, better, as an omen (e.g., "when the new moon is in Taurus' foot, happiness will come to Israel").

The conjecture that these texts should not be taken as revealing the Qumranites' adherence to astrology since they were "collected for critical argumentation against the 'wisdom of the Chaldeans' " should (like the conjecture that the texts found there had nothing to do with those who lived there) be rejected for several reasons: 1) The rabbis, who were much less stringent than the Qumranites, could not tolerate sectarian books (T. Shab. 13:5; B. San. 100b), so the assumption that the Qumranites, like modern scholars, collected their opponents' books seems to be inappropriate; 2) Depriving the Qumranites of astrology does not do them historical justice. In later generations there were many pious Jews who practiced a "harder" astrology than the one found at Qumran (fearing thunder included); 3) the Qumranites had already shown their deep interest in the calendar, that is, astronomy, a fact that leads automatically to some awareness of astrology, even without any text in hand.

In sum, the Qumranites believed in astrology like many other people in Hellenistic times. Their astrology was Mesopotamian in origin, like their astronomy, even though they did not admit it. This astrology was basically omen-type, according to the development of astrology at the time, and it was related to some others of their beliefs and practices, such as healing and belief in predestination.

Among pseudepigraphic books, there is only one in which astrology plays a (minor) role: the Testament of Solomon. There, especially in chap. 18, there is a combination of Egyptian Astrology—of a low level: zodiac signs and thirty-six decans—and demonology, angelology, magic, and medicine. This book is relatively late and originated among Christians. The Testament of Shem is a book of astrology that was wrongfully attached to modern Pseudepigrapha. This is a Syriac book, composed around the fifth—sixth centuries (of Mesopotamian origin). The book deals with astrology related to the letters of one's name (close to Mandean astrology, on the one side, and to modern numerology, on the other). Later, while copying the text, a scribe added to the headline, thus attributing it to Shem, son of Noah. Modern study has failed to recognize this late addition.

Rabbinic Judaism

Among the Tannaim, it seems there are no traces of astrology. However, a few omens were known among them. Meir said that an eclipse is a bad sign for Israel, while another rabbi had a different view. He said:

> When the sun is afflicted (solar-eclipse), it is a bad omen for the pagans; when the moon is afflicted, it is a bad omen for Israel, since Israel calculates according to the moon and the pagans according to the sun. If the affliction is in the east, it is a bad omen for those who dwell in the east; in the west, it is a bad omen for those who dwell in the west; in the middle of the sky, it is a bad omen for the whole world. If the face (of the moon) looks like blood, war is coming to the world; if it looks like a sack, arrows of famine are coming to the world; if it looks like both, war and arrows of famine are coming to the world. If it was afflicted while rising, tribulation sojourns; while setting, (tribulation) comes fast. Some say the other way around (T. Suk. 2:6).

Doubtless, these omens are Jewish adaptations of old Babylonian omens and lore. This tradition is repeated with a slight difference in another source, with the addition: "R. Joshaia says: 'When the zodiac signs are afflicted in the east, it is a bad omen for those who dwell in the east; in the west, it is a bad omen for those who dwell in the west.' R. Jonathan says: 'All these omens were given to the gentiles'" (Mekhilta deRabbi Ishmael, Bo, Pisha, 1). Thus one can see here a dispute among the Tannaim over the validity of omens.

In another case the Tannaim said: "For four reasons there is a solar-eclipse," and then there is a list of four crimes that cause a solar-eclipse (B. Suk. 29a). A modern critic might claim that in the name of ethics, omens become truth, but it seems the other way around: omens are divine, telling people how (not) to act. R. Isaac b. Abdimi said that in the days of the Temple, on the last day of Sukkot, people observed the direction of the smoke from the altar, for the omen-significance of the wind from any of the directions (B. Yom. 21b). The absence of a northern wind might be taken as a divine rebuke (B. Yeb. 72a). Pappa ruled that on a misty day or on a day when there was a southern wind, one is not to circumcise or let blood, since the weather condition was considered dangerous (B. Yeb. 72a). One of the Amoraim did not declare a fast day since it was misty out, understanding this to denote a curtain between Israel and God (B. Ber. 32b). An earthquake was taken as a sign of God's displeasure with human behavior (B. Ber. 59a). Because of that, Bar Qappara ruled that, after an earthquake, people should fast and pray (Y. Ber. 9:2, 13c). Nehorai claimed that earthquakes happen when Israel does not observe the commandments of heave-offering and tithes. Aha thought earthquakes happen because of homosexuality, while other sages said they happen because of a controversy among Jews. Samuel stated that an earthquake is a sign that a royal reign will end (Y. Ber. 9:2, 13c). Jeremiah b. Eleazar said that for twenty-five years God

sent earthquakes to Sodom warning them to repent (Gen. Rabbah, 49:6). So it seems that omens like a solar-eclipse, a lunar-eclipse, "disappearance" of a zodiac sign, wind, mist, an earthquake, and comets played a role among Rabbinic Jews in antiquity. Some of these omens came directly from Babylonian sources, stated by Babylonian rabbis, but apparently some derived from ancient Jewish sources.

Among the Amoraim, there is much more astrological knowledge than among the Tannaim. At least two contrary attitudes prevailed among the rabbis in the land of Israel. "R. Hanina said: 'One's Mazal (= zodiac sign) is what makes one smart; one's Mazal is what gives wealth; and there is Mazal to Israel.' Yohanan said: 'There is no Mazal to Israel' (B. Shab. 156a). This well-known dispute concludes a Talmudic passage as follows. On the *pinax* of Joshua b. Levi, a famous rabbi in third century land of Israel, there was a whole set of celestial omens. For example: "One who is born on a Monday will be a tartar, on a Tuesday—will be a wealthy man; . . . under Venus, he will be a wealthy man and adulterer; under Mercury, clever and smart," etc. On that R. Hanina said: "It is not the sign of the day but rather the sign of the hour that determines." This concept is called genethlialogy, that is, predicting a person's fate according to the star or zodiac sign that was rising at the time of his birth. According to Simeon, (even) each herb has its own zodiacal sign that strokes it and tells it to grow (Gen. Rabbah 10:6). "Everything depends on a zodiac sign, even a Torah-scroll in the shrine" (a quote of Pesiqta Rabbati in Geonim New Responsa).

Samuel, in third century Babylonia, after offering astronomical calculations (intra), ruled as follows: "There is no Nissan-season (vernal equinox) that falls in Jupiter that does not break the trees. There is no Tebet-season (winter solstice) that falls in Jupiter that does not dry out the seedlings (Aramaic addendum: provided that the [previous] new Moon was born either in Moon or in Jupiter" (B. Erub. 56a). This is a purely astrological omen of a kind that is not attested elsewhere in Rabbinic literature. Samuel also ruled concerning blood-letting, which should be done "only on a Sunday, a Wednesday, and a Friday, not on a Monday and a Thursday . . . and (certainly) not on a Tuesday, since Mars governs that day" (B. Shab. 129b). Other Babylonian Amoraim ruled that one is not allowed to consult Chaldeans (B. Pes. 113b), and this might be explained as either a difference of opinion of the sages, as is common in the Talmud, or as a rule against predictions not based on astrology (such as in T. Shab. 7:14). According to Rava (third-fourth centuries, Babylonia): "Life, children and livelihood (literally: food) depend not on one's merit but on Mazal." This might be taken as either mere luck or dependence on a zodiac sign (ibn Ezra in his long commentary on Exod. 32:32; Ecc. 2:21). According to the rabbis, or already in the Bible (Deut. 33:14), it is assumed that the moon ripens the fruits (Rashi, ad loc.: squash and pumpkin; Gen. Rabbah 10; addendum 2 to ADRN version A). From post-talmudic texts it is clear that there were Jews who ordered a *Mezuzah* to be written on Monday or Thursday only, resembling the rule of Samuel.

Usually astrologers had bad reputations in Rabbinic sources, and they were not allowed to predict concerning Jews. The rabbis understood that the rules of astrology do not affect Jews who recite the Shema and Eighteen Benedictions (Tanhuma Shoftim 10) or give charity (B. Shab. 156b). According to Rabbinic legends, many astrologers were mistaken, such as those who lived at the time of the flood (Kallah Rabbati 2:7), the astrologers of Pharaoh (B. San. 101b; B. Ber. 4a), and there were other cases in Rabbinic legends to exemplify the mischief of astrology. However, in a (late) midrash Solomon is depicted as an astrologer who, after checking the zodiacal signs, tried to free his daughter from her destined groom, in vain (Tanhuma, Buber ed., preface, p. 136).

Texts

In Rabbinic literature some sermons in which the zodiac signs play a literary role have been preserved. Some of the sermons writ-

ten in the land of Israel included astrological ideas, such as in a sermon by Hama b. Hanina. Here the evil Haman of the story of Esther is portrayed as an astrologer, who checks the zodiac for the optimum date to achieve his goal of destroying the Jews (Esther Rabbah 7:11; Sifre deAgadeta on Esther, Buber ed.). In another sermon, God is depicted as an astrologer who chooses by means of astrology the right month to give the Torah (Pesiqta Rabbati 20). Solomon was an expert in astrology; he excelled in the wisdom of the East as well as of the Egyptians and Pharaoh (Pesiqta Rabbati 14). Though the extent of the belief in astrology in these sermons is not clear, it seems that the audience, if not the rabbi, knew astrology far better than is explicitly stated.

In the *Book of Secrets* (*Sefer ha-Razim*), from the fourth-fifth centuries land of Palestine, there are all sorts of magic prescriptions of which some 10% are of an unsophisticated astrological nature. The author recommends a certain procedure to be carried out on the seventh day of the month in the seventh hour (Heaven 1 line 52). The author knows that there are angels that rule the zodiac signs of men and women and then recommends a rite to be carried out "on the twenty-ninth of the month when the moon is ending" (2:33–36). This book, written by a non-Rabbinic Jew, attests to a kind of amalgamation of astrology (hemerology) and magic (similar to that found in Egyptian papyri) in a way that became famous centuries later.

Among the Hebrew liturgical poems, piyyutim, composed in the fourth-seventh centuries, there are more than ten piyyutim that mention the signs of the zodiac. The authors of most of these piyyutim are anonymous, but a few were composed by Eleazar Ha-Qalir. An anonymous piyyut that discusses the zodiac is a lamentation recited in Orthodox Judaism until this very day on the eve of the ninth of Ab ("*Az beHataenu Harab Miqdash*," composed around fourth-fifth centuries). In the Palestinian Aramaic translation to the Bible, several piyyutim (from the fourth-seventh centuries) were incorporated. Among them are (at least) two astrological piyyutim. One mentions the zodiac signs, using them as a literary figure only (like in the Hebrew piyyutim), denoting "soft" astrology. However, another piyyut (to be recited at the beginning of Nissan) reflects "hard" astrology, which involves a much deeper astrological knowledge. As a matter of fact, that piyyut demonstrates a poetic derivation of Mesopotamian omens known as *Summa Sin ina tamaritsu* (if the moon in its appearance).

The *Book of Creation* (*Sefer Yetsira*) is the first book on astrology in Hebrew, written by a multi-talented scholar who was obviously a linguist, a mathematician, and an astronomer as well as having other capabilities. He wrote a small book (some two-thousand words), in which he shows his knowledge, inter alia, of medical astrology. His theories, later characterized as *homo-Zodiacus*, reflect (Neo-)Pythagorean, Hellenistic, and Byzantine concepts. The book was written in the fifth-sixth centuries, probably in Tiberias. Several centuries later this book became the "trigger" of the Qabbalah, and more than sixty commentaries have been written on it during the ages (without necessarily acknowledging the astrology in it).

Baraita deMazalot (intra) includes unique astrological data, taken from various sources. The author focused on genethlialogy, foretelling the life-span of a person who was born under a specific zodiacal sign. For example, one who is born under Saturn will live fifty-seven years, an idea that resembles Paulus of Alexandria (fourth century). The responsibility of each of the planets is described. Thus: "Saturn governs poverty, wretchedness, sore, desolation, sickness, hidden blow in the body an corn," in accordance with Ptolemy (a concept derived from Mesopotamia). Since some of this tractate's ideas penetrated the Qabbalah, some modern scholars have been surprised to find a similarity between Middle-Ages Qabbalistic concepts and old Mesopotamian texts without knowing the role of this book in the chain of astrological tradition.

In *Pirqe de Rabbi Eliezer* there is no explicit astrology, though the author states: "The zodiac signs 'serve' the birth of the moon as well as the births (or: generations, or: history) of humans, and on these the world stands. And anyone who is smart and clever—he knows the births of the moon

and of humans as well." However, when the author states that each of the zodiac signs rules 2 1/3 days (3 in a week), just as the astrological text from Qumran, it seems that either the author knew astrology better than he intended to disclose or that the text was censored in later generations.

In *Baraita deShmuel* there is a unique set of omens for the weather. For example: "When the season begins under Mercury—heat." Rain and dew happen only under specific conjunctions of the signs and the planets, such as Cancer and Sun or Virgin and Venus or Gemini and Mercury, etc. Though the author tries to show that his knowledge is based on the Bible, it is quite clear that he drew his knowledge from other sources as well.

The sages made use of astral omens as a tool to explain some biblical verses. For example, Exod. 10:10 was understood as referring to a star of bad omen (Rashi, ad loc., Mid. Canticles, Greenhut ed.), or that Moses overcame the Amelekites with his sophisticated knowledge of astrology (Exod. 17:12; Rashi, ad loc., Tanhuma Beshalah 28). The editor of the Second Targum on Ecclesiastes included astrology in his translation quite systematically. However, the infiltration of astrological concepts into the Targum is attested to in other verses in the Aramaic translation of the Bible (e.g., 1 Chron. 12:32). Since in the Second Targum on Song of Songs 7:5 there is an allusion to scribes and those in the Sanhedrin who make intercalations, it may be assumed that the translator had evidence of his own eyes, no doubt, in Tiberias (ibid., Numbers 34:8).

A unique text that combines astrology with metoscopy and chiromancy has been found in the Cairo Geniza. This Hebrew text was probably composed by a rabbi in the land of Israel in the Byzantine era, and it is the earliest piece of its kind. A recent discovery in the Geniza shows the similarities between Hermetic literature and Jewish astrology. A text in Aramaic describes the "character" of each day in a month: what is the name of the ruling angel, what is appropriate or not appropriate to do on that day, with a set of omens without precedent. For example, on the twenty-first of the month: "Whatever is lost will not be found," or "Whoever is born shall fall into the hands of wild animals." On each day the author adds the name of a herb that is appropriate to be picked on that day, no doubt to be used as a medicament. The text has magical characters, and its Aramaic, with Greek names, might indicate its original provenance. Though it is difficult to evaluate the text's origin, since it is part of a chain in a long history of astral omens, with some caution it is assumed that it was composed in the land of Israel between the fifth-eighth centuries.

In a text called "Pishra de-Rabbi Hanina ben Dosa," the influence of Hermetic literature on Jewish matters can be seen. In a long text in Aramaic, assumed to be from around the fifth-eighth century, the author gives instructions to a magician to "solve" (= *pishra*) all sorts of problems he is asked. Each of the cases should be directed to a different angel, first without being aware of the days of the week. However, later the author directs that his procedures depend strictly on the days of the week, the days of the month, the months under a specific zodiac sign, and the hours under a specific planet. That is to say, magic, angelology, and hemerology combined aim to cure all sorts of ailments.

When the first synagogues with zodiac signs were excavated in the land of Israel in the first half of the twentieth century, some scholars conjectured this was proof of an unorthodox Judaism (fig. 24; compare fig. 25). Now that we have six synagogues of this kind, together with the many texts ignored until now, it is clear that these synagogues actually reflect the Rabbinic Judaism of their time. Under the roofs of the synagogues, astral signs were depicted and written, astrological sermons were given, and astrological data were chanted in prayer and Targum.

Most of the astrologers remain anonymous; however, we do know the names of a few of them. Mash'allah ibn Athri, a Jew of a Persian origin (ca. 762–815) was active in the ʿAbbasid court in Baghdad (and may have converted to Islam). He wrote in Arabic a few books on astrology (based on former astrologers), some of which were later translated into Hebrew by R. Abraham ibn Ezra.

The well-known Jewish blessing "*Mazal*

tob" (= good zodiac sign) on family occasions is assumed to have been invented in the eleventh century at the latest (fig. 26).

Conclusion

In late antiquity, Jews, like their contemporaries, lived under starry skies, and the role of astrology was much greater than old Jewish texts tend to admit. It is true, a few people condemned and rejected astrology, but no doubt the adherents of this esteemed science and divination were far more numerous, Jews included. Astrology played its role not only in day to day behavior but reached the mainstream of the Jewish religion, synagogues, liturgy, sermons, piyyut and Targum. For a modern scholar who is not afraid to examine the sources, there is no reason to ignore or deny the importance of astrology in Jewish religion and culture in antiquity.

Meir Bar Ilan

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Astrology and Magic in Medieval Jewish Thought

Astral magic was a type of sorcery popular among Jewish intellectuals beginning in the early twelfth century. Its basic idea was that humans are capable of harnessing the celestial bodies for their use and benefit. The stars and the constellations produce a constant stream of influence or emanation, known as spirituality (*ruhaniyyat* in the original Arabic), and they are a source of powerful forces. The nature of the emanation and the qualities of the forces depend on the heavenly bodies from which they derive and on their location in the heavens. Both emanation and powers may be received and purposefully directed in the terrestrial world, conditional on the proper preparation or disposition (Hebrew: *hakhanah*). Such reception of heavenly emanation or supernal forces is referred to as "bringing (or drawing) down" (Hebrew: *horadah*). The magician brings down spirituality for practical reasons, such as modifying nature, foretelling the future, or healing the sick. The emanation or supernal forces cannot be used to advantage without detailed, accurate knowledge of the position of the sources of emanation, that is, of the heavenly bodies (planets, constellations) and, correspondingly, of the necessary disposition. To achieve the proper disposition, the practitioner must fashion or procure some image, effigy, or amulet, symbolizing the emanating source, that is, the star or constellation, at a certain well-defined time. Underlying this procedure is the concept of sympathy and interaction between heaven and earth, between the symbol and what it symbolizes. In many cases the form of the emanating star or constellation is actually fashioned on the image.

There are several stages in the magician's actions:

a) First comes a careful examination of the configuration of stars and constellations that may yield the desired result. For example, if the object is to heal an invalid, the magician will examine the astrological and magical sources at his disposal to determine which configuration of the stars guarantees the proper emanation for healing that particular sickness. Possible configurations might be the sighting of a given constellation on the horizon, the position of a certain planet (*mesharet*, "servant") within the constellation (referred to in this context as a *bayit*, "house"), or the conjunction (*mahberet*) of two or more planets within that constellation. In many cases, the configuration is elementary, involving a single constellation or star.

b) An image or effigy symbolizing the emanating configuration is prepared.

c) The effigy is produced at the time the stars and constellations actually form the

required configuration. In the above example, the magician might place the effigy on the diseased part of the body at the time the star or constellation is active.

d) Various secondary techniques may be necessary, such as burning incense, offering prayers to the stars, invocations, use of magical names, and the like.

Systematic manifestations of astral magic appear in the Hermetic writings, which date to the three first centuries C.E. These writings were concerned with the secrets of the god Hermes, who was identified with the Egyptian god of wisdom, Thoth. For the Greco-Roman world, the ancient Egyptian religion, still being practiced in Egypt, was a kind of "ancient truth" and therefore of singular importance. The earliest systematic articulations of astral magic date, therefore, to the waning years of the mythological idolatry of the Ancient East and the Hellenistic world. The philosophical worldview expressed in Hermetic literature is a mixture of Neoplatonic, Stoic, and oriental elements, presented together with astrological concepts and detailed astral-magical techniques. These techniques were intended to help achieve the theoretical and ecstatic goals envisaged by the Hermetic writings.

Another area in which magical and theurgical conceptions were formulated was Neoplatonic philosophy, in the writings of Proclus and Iamblichus. The Hermetic worldview was a major factor in the development of philosophical alternatives to the Aristotelian picture of the world. The bearers of the Hermetic heritage sought to ascribe physical processes in some degree to stellar influence on the material world. That stellar emanation exerted an essential influence on processes in the terrestrial world was the fundamental principle informing astral-magical activity.

While the popularity of the Hermetic writings and of magical techniques aroused the disapproval of official church circles, they continued to influence the cultural and scientific world. One expression of this influence was the revival of Hermetic ideas in Harran, Mesopotamia, in the ninth and tenth centuries, where a religious group, known as the Sabians, emerged. They had internalized the elements of the original Hellenistic pattern: besides adopting Neoplatonic, Neo-Pythagorean, and Hermetic concepts, they formulated a broad range of astral-magical techniques and made a major contribution to the development of Hermetic concepts in the Arab world. The source of all wisdom and science, they believed, was Idris, identified with the ancient Enoch, though many identified him with Hermes Trismegistus. In time, the Sabians left their mark on the Muslim world. Hermetic influence may be detected in the writings of Al-Kindi (the letter *De Radiis*), the Brethren of Purity (*Ikhwān al-Safā'*), Al-Biruni, and other circles. These philosophers, as a whole, continued to favor an alternative to the purely scientific Aristotelian view of the world, at the same time teaching that the supernal world was intimately involved in establishing order in the sublunar world.

As in other areas, medieval Jewish thought in the area of astral magic was influenced by Muslim thought. Astral magic played an important role in shaping systematic Jewish theology beginning in the twelfth century. Many thinkers argued that Judaism possessed a superior ability to attract stellar emanation. Almost all the commandments of the Torah were explained as instruments for bringing down influence from the stars.

Beginnings

Definite astral-magical convictions were first expressed in the twelfth century by three poet-thinkers who were in personal contact: Moses ibn Ezra, Judah Halevi, and Abraham ibn Ezra; astral magic was in fact a distinct theological element in the writings of the last-named two. The process of internalization, however, was far from easy. Their older contemporary, Abraham bar Hiyya, and their younger contemporary, Maimonides, regarded the fashioning of effigies and the attraction of spirituality as idolatry; and Maimonides even launched an all-out attack on all branches of astrology. This stage of development may be described in greater detail as follows.

Judah Halevi

In *Sefer ha-Kuzari* (I, 77), describes the purpose of the golden calf (Exod. 32) as a vehicle to bring down the spirituality of the stars. The Israelites, fearful of being abandoned in the wilderness after Moses' disappearance, fashioned the golden calf as an amulet to attract stellar emanation. According to Judah Halevi, the people sinned in devising the amulet themselves, rather than waiting for God to supply one, as God did later, in form of the cherubim. In *Sefer ha-Kuzari*, the system of the commandments is seen at least in part as an effective way to derive benefit from stellar influence. The Hermetic writings are mentioned with respect in the book (I, 1), and it is therefore clear that Judah Halevi had admitted their content to Jewish theology. Being the first to do so, he disguised those ideas through techniques of esoteric writing. In view of their resemblance to idolatry, his reluctance to articulate them openly is certainly not surprising.

Abraham Ibn Ezra

Judah Halevi and Abraham ibn Ezra were personally acquainted, and the latter's theological writings considerably expand the technique of astral-magical interpretation. Here are a few examples:

a) Ransom. Ibn Ezra lays down a rule: "For the edict of the constellation will not be removed save by the giving of ransom, and that is a great secret (*sod*)" (short commentary to Exod. 12:7). Sacrifices channel the negative astral powers emanated by the stars to the animals or birds being sacrificed (*ad* Lev. 1:1). The command to smear blood on the doorpost in Egypt, just before the Exodus, is readily understood on that basis (long commentary to Exod. 12:7).

b) Sanctuary and Temple. On several occasions, Ibn Ezra alludes in his Bible commentary to the role of the sanctuary and its appurtenances as talismans to bring down spirituality. For example: "Here is the rule: each cherub was fashioned to receive supernal power" (long commentary to Exod. 26:1).

c) Sacrifices. The role of sacrifice as an instrument capable of accelerating or obstructing the action of stellar powers is already alluded to in relation to offerings made before the theophany on Mount Sinai (*ad* Gen. 8:21).

d) Festivals. The times of the festivals are conditioned by astrological configurations (*ad* Lev. 23:24); it is hard to imagine that Ibn Ezra was unaware of the magical and theurgical significance of these times.

e) When Ibn Ezra likens the order of the tribes in the desert to a definite stellar configuration (*ad* Num. 1:19), he clearly is taking for granted the reception of stellar influence.

Ibn Ezra's astral-magical exegesis also figures in his treatment of certain negative aspects, such as the *teraphim*, the sin of the golden calf, the brass serpent, and the Balaam episode. He in fact perfected esoteric techniques to conceal astral-magical ideas, sometimes evading the use of astral-magical terms and only hinting at them, at others ostensibly rejecting astral-magical concepts but actually embracing them in their entirety. In his scientific writings, unlike his Bible commentaries, Ibn Ezra unreservedly expresses astral-magical ideas; the difference may be attributed to the difference between the prospective readers of the commentaries—the general public—and the astrologers, whether professional or novices, who read scientific literature.

Besides his extensive astral-magical exegesis of the commandments and of biblical events, Ibn Ezra occasionally describes the attraction of stellar spirituality as idolatry. It would appear that the distinction between worshiping a star and a permissible astral-magical practice was not necessarily a question of technique: Stellar forces were brought down both in idolatrous ceremonies, when the stars were actually worshiped, and in procedures aimed at bringing down spirituality, unrelated to idolatry. The prohibition of such practices, therefore, was theological. The distinction depended on the celebrant's intent and the similarity of the practice to astral worship proper, not on the mere fact that stellar powers were being invoked. For the astral worshiper, attraction of heavenly

powers was a necessary condition of idolatrous religion, or an intermediary agent in the worship of the deity; for the man of science, healer, or person observing a commandment, it was merely a utilitarian act, a source of benefit in the material and religious realm.

Maimonides' Opposition

Maimonides produced an uncompromising assault on the validity of astrology and the reality of magic. Maimonides describes different levels of magic and sorcery, distinguishing between "folk" magic and "learned," that is, astral magic. While denying the reality of magical acts of any sort, he considers it a special challenge to divest "learned" magic of its pseudo-scientific cloak and demonstrate its falsehood. In *The Guide of the Perplexed* (III, 33), he divides those forms of magic whose reality he denies into different categories: (a) practices deriving from the use of forces inherent in existing objects, inanimate or animate; (b) acts whose supposed significance derives from their performance at certain prescribed times (*bitaḥdīd zamān*, i.e., "by determination of the time"); and (c) practices deriving from the use of forces inherent in human actions, such as burning incense. Maimonides goes on to classify magical practices into two categories: (a) those that possess all three of the abovementioned characteristics; (b) those based on only one of the three characteristics. In his view, there is a qualitative difference between the two, as he associates those practices based on only one characteristic (the second category) with women, as a sign of contempt and limited intellectual value; while practices of the first category are not limited in that regard.

Furthermore, Maimonides distinguished between magic and two areas related directly or indirectly, justly or unjustly, to magic. One is astral magic and the other is the doctrine of *segullot* (special properties; sing.: *segullah*), which was based upon experimental verification. According to this doctrine, the activities of the visible form of an object constitute only a small part of the possibilities embodied in that object. There is a wondrous world of regularity in the hidden forms, which may be revealed by experience and experimentation alone. Such regularity, manifested in a *segullah*, such as the efficacy of remedies in pharmacology or the action of the magnet, cannot be explained in terms of Aristotelian causality but depends entirely on experience. Maimonides mentions numerous *segullot* in his medical writings. In *the Guide of the Perplexed* (III, 37) he lays down a rule: association of *segullot* with astrology renders them invalid and halakhically prohibited. In themselves, however, *segullot* are efficacious and halakhically permitted. This distinction rests on Maimonides' scientific method and his conception of nature.

Astral Magic in Fourteenth-Century Rationalism—Causes

In the first half of the thirteenth century astral magic more or less disappeared from the writings of the rationalists; one might say that it went underground. Maimonides' attack was therefore effective. The later thirteenth century and the fourteenth century, however, witnessed a significant shift in the position and prestige of astral magic in Jewish thought. Hitherto an enigmatic element, allusive and covert, it became a powerful exegetical and theological tool. Numerous works were written offering astral-magical exegesis, consistent and overt, of biblical and midrashic sources. The roots of this revival lay in various social-professional, exegetical-authoritarian and ideological-theological processes. In the social context, many rationalists were healers who used astrologically based amulets. In the exegetical context, fourteenth-century thinkers "rediscovered" Ibn Ezra's Torah commentary and composed a variety of supercommentaries to it. As far as ideology was concerned, astral magic profited from the onset of another phenomenon that emerged and took root during the fourteenth century—"astrological theology." This term denotes a process in which the most fundamental tenets of Jewish theology were explicated in light of astrology, as if the Torah had been given on Mount Sinai in order to point man in

directions guided by astrological calculations. If a person observed the commandments, he would be saved from adverse astrological judgment and enjoy success; but if he disobeyed them, he would be left to the fate predicted for him by the stars. This principle found expression in a variety of areas:

a) Biblical and midrashic exegesis explaining whole chapters on an astrological basis. For example, the Exodus from Egypt took place at the time of "the grand conjunction," that is, when "Saturn and Jupiter were in conjunction with the Zodiac, it was then that their constellation was taken and He took them out of their exile in Egypt" (Shem Tov ibn Mayor, late fourteenth century, *Ha-Ma'or ha-Gadol*, Ms. Oxford, Bodl. 228, fol. 103a).

b) Prophecy based on accurate knowledge of the ways of heaven, in regard to both the prophet's "disposition" to receive prophecy and the content and nature of that prophecy. For example, according to Solomon Alconstantin (mid fourteenth century), the prophets timed their actions to correspond with astrological events "on certain days" (*Megalleh ʿAmuqot*, MS. Vat. 59, fol. 7a).

c) A person could not achieve perfection without familiarity with inter-stellar relationships, a precise knowledge of stellar influences and an ability to rise above such influences. Thus, Solomon ibn Yaʿish (first half of fourteenth century) declared that "man's wisdom and intelligence are dependent on the heavenly hosts" (supercommentary to Ibn Ezra's Torah commentary, Ms. Vat. 54, fol. 240a).

d) Definition of the Jewish people's uniqueness in light of their affinity with the astrological system or their complete independence therefrom. According to Solomon ibn Yaʿish, "Israel were born under the planet Saturn, which indicates and dictates exile" (*ibid.*, fols. 274b–275a). This is representative of views expressed by many thinkers explaining the historical fate of the Jewish people in terms of their heavenly disposition.

All these thinkers were members of a well-defined philosophical circle which combined intensive study of *The Guide of the Perplexed* and its heritage with the intensive disclosure of Ibn Ezra's "secrets." However, astrological theology and astral-magical interpretation of the sources could also be found among other Spanish thinkers of the time, such as Hasdai ibn Crescas and his disciples. The echoes of astrological theology reached as far as Byzantium, where we find such figures as Judah Mosconi and Elnathan Kalkish applying astrological and astral-magical exegesis to the Bible.

Astral Magic in Fourteenth-Century Rationalism—Applications

In the fourteenth century, consequent to the above-mentioned causes, astral magic became a powerful exegetical and theological tool. Many thinkers accepted it without question as ancient, esoteric lore. An import supercommentator on Ibn Ezra, Joseph Bonfils (Tov Elem), wrote:

> . . . That is the way of the wise men of India, who make metal effigies at certain times to bring down the power of the stars, and that is a great science, of which there are many books, and I am acquainted with Ishmaelites who are conversant with it. And I myself know some of it, but theoretically and not practically, for it is in truth idolatry (*Zafenat Paʿaneah*, ed. D. Herzog, I, p. 245).

The definition of astral magic as idolatry was intended to conceal the author's adherence to it. Bonfils explained the use of the staff during the Ten Plagues as an amulet to bring down stellar forces. Solomon Alconstantin also attributed at least some of the plagues to the use of astral magic, portraying Moses as a magician. Astral magic found its main application in explaining the reasons for the commandments. Many details of the commandments were explained as techniques for the attraction of stellar spirituality. But astral-magical exegesis was at its best in providing a compelling explanation for the operation of the Sanctuary and the Temple, as talismans whose task was to bring down stellar forces. The point of departure of all these commentators was the analogy between the Sanctuary and the world of the heavenly bodies: the Sanctuary

and its accessories symbolized the stars and the constellations. Once that principle was accepted, it was almost natural to present the various Temple utensils as tools for attracting stellar forces and "bringing down abundance and emanation" (a common phrase in Alconstantin's work).

In parallel, "demons" were explained as negative spirituality from the stars. Members of this circle had occasion to mention demons in sources of two types. In the first type, they denied demons any reality, describing them as products of diseased imagination or hallucination, not as actually existing. In the second type of source, demons are identified with heteronomic forces originating in the stellar world (spirituality); as such, they were indeed real and not imaginary. The difference between these two categories of sources actually represents a developmental process. At first, demons were described as mere figments of the imagination. Only at a later stage did these thinkers discover a translation, ascribed to Ibn Ezra, of a Hermetic work (*Sefer ha-ʿAzamim*), in which demons were portrayed as forces coming from the stars. Shem Tov ibn Shaprut (Spain, late fourteenth century) and Shem Tov ibn Mayor explicitly claimed that they had changed their minds after discovering *Sefer ha-ʿAzamim* (Book of the Substances), this being the reason they now identified demons with real negative stellar spirituality.

Fourteenth-century Spanish rationalists postulated a clear distinction between astral magic, which was real and valid, and other forms of magic. Astral magic was not included in the biblical and talmudic definitions of sorcery (except in its negative manifestations), and it thus became an important exegetical and theological tool. Sorcery, however, in its diverse forms, was considered as fraudulent, an illusion, and therefore forbidden. Here again one has the distinction between "learned magic," which is in effect not considered magic, and "primitive magic" which is unreal and prohibited.

Thirteenth- and Fourteenth-Century Disputes Over Astral Magic

Toward the end of the thirteenth century, a fierce dispute broke out in Provence between traditionalists and rationalists. While the main bone of contention was radical rational-allegorical exegesis of the Bible, the dispute actually flared up over the rationalist practice of healing with astral magic. The traditionalists, headed by Abba Mari of Lunel, accused them of idolatry. Abba Mari tried to drag R. Solomon b. Adret (Rashba) into the argument, but failed. Rashba noted that he himself, before the anti-philosophical controversy had arisen, had unhesitatingly permitted the fashioning of effigies for medical purposes, and even while the controversy was still raging refused to issue an absolute prohibition of the medical use of astral magic. As against Maimonides' approach, denying the reality of sorcery, Rashba pointed out that both Talmuds contain an abundance of magical material which violates no religious precept. Moreover, Rashba accused the opponents of sorcery of denying the possibility of miracles. To support his acceptance of the possibility that spirituality might descend upon amulets, he wrote:

> And I say that it was the kindness of the Supreme Being at the start of Creation to create in his world things that would ensure the health of the created beings, that if the existents happen to fall ill or for any other reason deviate from their natural perfection, these [things] are ready to restore them to their realm or to make them healthy. And He placed these forces in the essence of things found in nature, as may be attained by study, such as medications and aids known to scholars of medicine, or in nature based on properties but not attainable by study . . . And it is not impossible that such a power should also be in speech, as in the case of amulets and similar things (*Minhat Qena'ot*, in Rashba, *Responsa*, ed. H.Z. Dimitrovsky, p. 302).

The possibility that stellar forces could be used to heal the sick was provided for in advance by God. Whether such practices were permissible or not depended, according to Rashba, on the magician's innermost intention: it was his awareness that God

was the primary cause of recovery that legitimized the astral-magical practice. Thus, Abba Mari was unable to persuade Rashba to join him in condemnation of astral magic.

Through the fourteenth century, the dispute became increasingly acrimonious; at least four positions can be distinguished with regard to the status of astral magic:

a) False and forbidden: The moderate rationalists rejected astral magic of any kind and therefore also considered it halakhically prohibited. They thus accepted Maimonides' firm negation of any reality of astral magic and his prohibition of its practices. These thinkers, then, took up Maimonides' approach in content, style and language (Menahem ha-Meiri, David ha-Kokhavi). Some rationalists chose almost to ignore the issue, probably because they attached no reality whatever to astral magic (Joseph ibn Kaspi).

b) Dubious and forbidden: This was the view of the traditionalists, who consistently battled the radical rationalists and in fact defined the latter group, *inter alia*, in terms of their employment of astral magic for medical purposes (Abba Mari, Jacob b. Solomon ha-Zarfati). They, too, prohibited the practice absolutely, as did the moderate rationalists, although they did not entirely deny the possible reality of astral magic. Their most characteristic trait was the tie they perceived between the practice of astral magic and the magician's affinity for philosophy: in their view, a rationalist philosophy was bound to lead to the practice of astral magic.

c) False in respect of its reality but psychologically effective, and forbidden: Some circles denied that astral magic could actually bring down stellar forces, but believed that there was some psychological benefit in the practice. Nevertheless, they, too, prohibited its use from the standpoint of Halakhah (Gersonides, Jedaiah ha-Penini of Bers). In a sense, this might be considered an intermediate position, though it is closer to that of the moderate rationalists and its proponents were essentially a subgroup of the latter.

d) Real and permitted: Certain thinkers believed in the absolute reality of astral magic (Nissim of Marseilles, Frat Maimon) and even considered it halakhically legitimate (Levi b. Abraham). For such thinkers, astral magic was a theological principle that could be used in interpreting various biblical passages.

The Provençal controversy left its mark in Spain as well, but in a much weaker form. While Isaac Pulgar entirely rejected astrology and astral magic, his was a lone voice. A more common position among the disciples of Rashba and R. Asher b. Jehiel (Rosh) was the following: Astral magic is real, but its use as a theological foundation should be limited. The limitation was on two counts: astral-magical exegesis of the sources was clearly circumscribed, being replaced by the traditional rationalist exegesis; and astral magic could not be considered an autonomous realm, recognized and permitted by the Torah and in fact supporting the Torah. The proponents of this stand were apprehensive about the dangerous affinity between astral magic and idolatrous cultic practices. This position aroused a lively dispute, with Abraham Altabib bitterly criticizing Solomon Franco, author of a supercommentary on Ibn Ezra's Torah commentary. The main targets of his attack were astral-magical interpretations of the following chapters: (a) the materials of the Sanctuary; (b) the reason for the scapegoat; (c) the reasons for the festivals; (d) the reasons for ritually forbidden foods; (e) the reasons for forbidden sexual unions. Solomon Franco's excuse was that he was not expressing his own opinions but merely revealing Ibn Ezra's intentions; but this feigned innocence did not avert the dispute. The debate may be found in MS Oxford, Bodl. 1258.

Astral Magic in Fifteenth-Century Rationalism—Applications

The prevailing fifteenth-century attitude toward astrology and astral magic was exemplified by the circle of R. Judah, son of the Rosh. Having been formulated in response to the controversies over the status of those two areas, it came to the fore in the century preceding the expulsion from Spain.

Many thinkers, while critical of the considerable theological influence of astrology, nevertheless recognized the validity of astrological laws as a *fait accompli*. Astral magic, however, was different, and it was approached with some uncertainty. The influence on the dynamics of Spanish-Jewish philosophy exerted by those rationalists who had embraced astral-magical views had dwindled by the beginning of the fifteenth century, as may be discerned in the work of Vidal Joseph de la Cabaliria, who was strongly influenced by Salomon Alconstatin. From that time on, the taditional approach which questioned the reality of astral magic, again came to the fore.

Thus, Isaac Arama criticized the consistent astrological interpretation of Jewish history that could be found, e.g., in the writings of Abraham bar Hiyya; but at the same time he, too, recognized the validity of astrology in itself, as is evident from many examples. His attitude to astral magic was similar: it was, he believed, a variety of idolatry. In his lengthy explanation of the golden calf episode he expressed profound doubts as to the reality of effigy worship, but was unwilling to reject it out of hand. On the contrary, Arama had proposed that the Israelites had chosen the form of the ox "in order to bring down the emanation from the heavenly forms," because the ox is "the king of animals." Why, then, did they not use the form of a lion? The answer was clear: "According to the path of truth, although we do not wholly accept such things, we nevertheless take them into consideration, for it was precisely in the month of Av, when the zodiacal constellation of *Leo* rises every morning, that the crown of our splendor fell and our magnificent Temple was burned twice" (*'Aqedat Yizhaq*, Gate 53). In other words, while Arama is dubious about astrological and astral-magical principles, they must nevertheless be heeded. A similarly ambiguous attitude was taken by Abraham Bibago, for whom the main characteristics of astral magic were esotericism ("one of a city and two of a family") and dependence upon place and time. Bibago, too, was doubtful of the existence of what he called "this science" and in fact carefully delineated its shortcomings, but did not reject it outright. Finally, some moderate astral-magical interpretations may be detected at this time in Isaac Abravanel's commentary on the sacrifices. Clearly, then, astral-magical doctrines were in a decline and had been ideological marginalized. Rational works systematically explaining biblical chapters on an astral-magical basis were no longer common, and the situation was no different among Spanish rationalist thinkers after the expulsion. There was, indeed, a revival of astral magic in Renaissance Italy, but that topic merits separate consideration.

Astral Magic in Kabbalah

Central schools of kabbalistic thought readily wove astral-magical principles into their doctrines, except that the kabbalists spoke of the influence not of the stars but of the *sefirot*. Thus, various commandments were interpreted as vehicles for attracting sefirotic emanation. The first kabbalist who powerfully and clearly adopted the astral-magical mode of thought was Nahmanides. One of the earliest theosophical kabbalists, although his relationship with the circle of Gerona kabbalists is a matter of scholarly controversy, Nahmanides was a healer who employed astral-magical techniques. His astral-magical inclinations are most obvious in his explication of sacrifices. Commenting on the midrashic dictum, "To till it and tend it [Genesis 2:15]—this refers to sacrifices," Nahmanides writes:

> The intent of the Rabbis in this interpretation is that plants and all living beings are in need of primary forces from which they derive the power of growth and that through the sacrifices there is an extension of the blessing to the higher powers. From them it flows to the plants of the garden of Eden [= the *sefirah* of *Malkhut*, Kingship], and from them it comes and exists in the world in the form of "rain of goodwill and blessing," through which they will grow. This conforms to what the Rabbis have said [*Gen. Rabba* 15,1]: "The Trees of the Lord drink their fill, the cedars of Lebanon, His own planting [Ps. 104:16]. R. Hanina said: Their life shall have its fill; their waters shall have their fill; their plantings shall have

> their fill. 'Their life' refers to their higher foundations; 'their wastes' refer to His good treasure which brings down the rain; and 'their plantings' refer to their force in heaven, just as the Rabbis have said: There is not a single blade of grass below that does not have a constellation in heaven that smites it and says to it, 'Grow.' It is this which Scripture says, 'Do you know the laws of heaven or impose its authority (*mishtarah*) on earth?' [Job 38:33]—[*mishtarah* being derived from the same root as] *shoter* (executive officer)" [*Gen. Rabba* 10,6; Nahmanides' commentary to Gen. 2:8].

This passage, which is replete with kabbalistic symbolism, postulates the active influence of the sacrifices on attracting or "extending" the heavenly emanation to both the *sefirot* ("higher foundations") and the stars ("their force in heaven"). Nahmanides' portrayal of the emanation that can be brought down and used has two aspects: a supernal one, as the divine emanation originating in the sefirotic world; and an inferior one, as astral emanation. The work of Nahmanides' kabbalist disciples, though following in his footsteps, exemplifies four different reactions:

a) Synthesis, combining theurgy and astral magic in Nahmanides' formulation (David Cohen, Shem Tov ibn Gaon, Menahem Recanati, Judah Canpanton).

b) Ignoring the astral-magical dimension or combining the theosophical and astral aspects in the definition of the descending influence, but without the magical emphasis (Bahya b. Asher, Jacob Sikili, Isaac of Acre).

c) Suppressing the astral-magical element (author of *Sefer ha-Hinnukh*, author of sermons from the school of Jonah of Gerona).

d) Suppressing the entire discussion, most probably because it was considered esoteric lore and not to be committed to writing (Rashba, Ritba).

The astral-magical model also penetrated kabbalistic circles other than that of Nahmanides. The *Zohar*, for example, expands the negative aspects of astral magic. However, scholars are divided as to the degree to which astral magic influenced the formulation of Zoharic thought. While some consider it highly significant, others belittle its role. The astral-magical model appeared in the fourteenth century among the members of the circle of *Sefer ha-Temunah*, and with amazing vigor in Spain just before the expulsion, in *Sefer ha-Meshiv*. It was resuscitated during the Renaissance in the teachings of various Italian thinkers, primary Johanan Allemanno.

Summary

The astral-magical model entered Jewish thought beginning in the twelfth century and soon became an important factor, shaping and molding that thought. One could in fact rewrite the history of late medieval Jewish philosophy from the standpoint of astral magic (as indeed done by Dov Schwartz in his *Astral Magic in Medieval Jewish Thought*, BIU Press, Ramat-Gan, 1999). As a theological and exegetical factor (in relation to the reasons for the commandments and other issues), it derived its power from medical practice, as many doctors made their livings by healing with astrological amulets. In sum, astral magic became a distinct tool for interpreting Jewish theology in medieval times.

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Astronomy in Ancient Judaism

In antiquity, astronomy was not only a kind of applied mathematics but rather a way of knowing God, science, and religion. When God is depicted as counting the stars and giving them names (Ps. 147:4; Is. 40:26), it is apparent that any believer in God who practices astronomy works together with God while imitating him, *imitatio Dei*, as the ultimate religious practice.

Astronomy

While the Bible has a fair amount to say about medicine, astronomy is rarely mentioned. The idea that there were "rules of Heaven" (Jer. 33:25; Job 38:33) does not say much about the observation of stars or about the Israelite understanding of astronomy, especially in a text that wholly rejects star-worship. Only God knows the exact number of stars as well as their names (Ps. 147:4), while such a task as numbering the stars is beyond humankind's ability (Gen. 15:5). Still, the prophets and sages were aware of at least seven different stars and constellations (Jer. 44:17–19; Amos 5:8, 5:26; Job 9:9, 38:32). Though what we consider astronomy is missing, its offshoot, in the form of a deep consciousness of a heavenly calendar, exists, even if only to a small degree. The way the luminaries are said to have been created (Gen. 1:14) shows awareness of the role of the luminaries in the calendar. The story of the flood (Gen. 7–8) reveals calendrical thinking in the form of an awareness of the eleven day difference in length between a lunar and a solar year (according to the Massoretic text). The five "stops" in the flood narrative show awareness of a (some say: solar) calendar. The book of Esther shows another kind of calendrical thinking as well as an awareness of astrology, but astronomy is absent.

Post-Biblical Astronomy

Theophrastos (372–288/7 B.C.E.), a disciple of Aristotle, wrote that the Jews watch the stars at night and pray to God. Since Theophrastos wrote in the period of the sacrificial cult, it is evident that he was writing about priests in the Temple, where the exact date had significance for the ritual, sacrifices, and festivals (= calendar). Though there is no other evidence that priests were engaged in astronomy (Ps. 8:4 is not sufficient), it goes well with the Mesopotamian tradition where there was a connection between astronomers and priests. Moreover, before the destruction of the Temple in 70 C.E., there was a priestly court in Jerusalem at which testimony of the sighting of the new moon was analyzed (M. R.H. 1:7). So there is no reason to doubt Theophrastos' evidence.

Post-biblical writings reveal much more interest in astronomy than in former generations. In 1 Enoch, a Priestly Aramaic book edited out of (at least) five books, is an astronomical work (chaps. 72–82), from the third century B.C.E. This book is based on Mesopotamian astronomy, as seen by its measuring the movements the sun's rising point along the horizon as well as from other aspects. The book shows a unique combination of astronomy and religious mystical cognition, based on a 364 day solar year, beginning on Nissan 1. The advantage of this calendar is its simplicity together with its fixed days of the festivals on the week-days (thus, the first day of the year is always on Wednesday). However, losing a day and (almost) a quarter every year leads to a gross deviation from astronomical ("real") time.

The priest who wrote the book of Jubilees, though deeply interested in rewriting the Bible according to a profound understanding of chronology, based his calculations on a 364 day year similar to 1 Enoch (Jub. 6:32–38). The people in Qumran had (better: tried to have) the "Jubilees" calendar of a solar year, made of 364 days, as in the Temple Scroll. But it is most likely that they used other calendars (though not simultaneously). The day probably began at sunrise, as in Lev. 7:15 and Rabbinic priestly traditions (see T. Zeb. 6:18).

Some twenty texts found at Qumran show a deep consciousness of calendrical issues that, although they do not support a new calendar, exemplify the importance the calendar at Qumran. 2 Enoch (which was not found in Qumran) comes from another priestly milieu, most probably from Jerusalem, where Enoch was a hero. The author writes of a more complex calendar than that found in 1 Enoch, of 365 days a year, with seven years of intercalation in a cycle of nineteen years and a great cycle of ($19 \times 28 =$) 532 years (2 Enoch 6:21–26). The author gives the order of the planets in a non-Hellenistic system: Saturn, Venus, Mars, Sun, Jupiter, Mercury, Moon. It is quite obvious that this calendar shows a better

knowledge of astronomy than the one in 1 Enoch, reflecting Hellenistic, combined with Mesopotamian, influence.

The Rabbinic Attitude

Rabbinic astronomy cannot be considered a continuation of earlier priestly concepts. Rabbinic astronomy began rather as a popular and practical occupation, with anti-priestly affinities, and only through generations of tradition did it gain a scientific value. In the days of the Temple, rabbis intercalated the calendar according to natural phenomena (T. San. 2:2–3). At first, rabbis relied on any testimony (such as that of cattle-herders; Y. San. 1:2). But after a few generations they began to intercalate according to astronomical calculations, in a much more professional way (T. San. 2:7). The same process of development occurred in establishing the date of the new moon. In the first and second centuries, the rabbis needed witnesses (and therefore even allowed witnesses to transgress the Sabbath, M. R.H. 1:5–6). Several centuries later the rabbis relied instead on their own calculations, thereby establishing a Jewish calendar. The exact development of the Rabbinic attitude towards astronomy and the calendar is difficult to describe, since the evidence is either blurred or contradictory. But the bottom line is clear. The Rabbi decisions exemplify a long course of deepening awareness of scientific (that is, Hellenistic and Mesopotamian) astronomy. Notably, the Amoraim themselves already were unaware of this process, believing instead that the knowledge of seasons and intercalations was part of the legacy of the children of Issachar, found already in Scripture (1 Chron. 12:33; Gen. Rabbah 72).

Few sundials have been found in the land of Israel, another proof of astronomers' activity, since in this period keeping time was done by astronomers, not instruments. The rabbis used sundials to a small extent (M. Ed. 3:8; Mekhilta deRashbi 12), leaving no impression on their main interest, the development of the law.

The Earth and Cosmos

The rabbis, needing to accurately establish the calendar and correctly to observe the sacrificial ritual, had some need for astronomy. But to accomplish these purposes, they had no motivation to learn geography. Therefore, while Ptolemy excelled in astronomy and geography as well (based on similar doctrines), the rabbis were interested in astronomy alone. Thus there are Jewish traditions of non-scientific concepts about the cosmos. For example, we find at B. Pes. 94a: "Egypt is 400 over 400 parsah (Persian parsang), and Egypt is 1/60 of Kush, and Kush is 1/60 of the world, and the world is 1/60 of a garden. . . ." etc. The schematic narrative shows that this was a kind of Midrash, not a strictly geographic concept. This understanding should be applied to a tradition that appears on the same page: "From Earth to Heaven—walking distance of five hundred years; and the thickness of Heaven—walking distance of five hundred years; and from one Heaven to another—walking distance of five hundred years." The rabbis thought that the heavens were made of water and fire. According to biblical concepts (Job 26:11), the world rests on columns (B. Hag. 12a). However, the rabbis described the world as a ball (Y. A.Z. 3:1, 42c). Rava (third-fourth centuries in Babylonia) said that the whole world is 6,000 parsah (B. Pes. 94a), which is about 24,872 miles, close to modern estimates.

Observations

In the whole of Rabbinic literature covering the first five centuries of this era, there is no evidence that any of the rabbis read any non-Jewish book on astronomy, though the rabbis did have many relationships with non-Jews. These relationships were face to face, some with philosophers and some with astronomers. Still, it seems the rabbis found their own way in astronomy. The four points of the compass (the cardinal points that divide the horizon) were well known to the rabbis (B. Erub. 56a). The rabbis thought a solar year has 365 days (B. R.H. 6b), while a lunar year has 354 days (T. Naz.

1:3). It took the rabbis some generations to realize that their data was not precise enough for calendrical purposes. The state of the rabbis' knowledge of astronomy was improving over the course of centuries of moon-observation and intercalations.

Those who saw the new moon appeared before a court, first of priests and then of rabbis, who evaluated the witnesses' testimony (M. R.H. 1:7). The different courts had different rules, and it is highly probable that they had different calendars in the same period. Yohanan b. Zakkai (first century), one of the founders of the Rabbinic tradition, was said to know all the Torah, *Tequfot* (seasons), and geometry (B. Suk. 28a), that is, calendrical calculations and astronomy. No evidence is given to support this claim.

The eleven days difference between a solar and lunar year is attested as an astronomical observation. Simeon b. Gamaliel said that it is very simple to observe, with a scratch on the wall, that the solar year is eleven days longer than the lunar year (Gen. Rabbah 33:8). Even earlier, the author of Seder Olam (attributed to Yose) thought that this gap was already attested in Scripture's flood story (Seder Olam 4).

The idea that the length of a lunar month is approximately 29.5 days is implicit in the laws concerning the intercalation of a month (T. Arak. 1:8), in which twelve months yield (365–11) = 354 days. However, the Talmud stated that Rabban Gamaliel II (second century C.E.) said, according to his family tradition: "A new moon (does not appear) in less than twenty-nine days and a half, two thirds of an hour and seventy-three parts" (B. R.H. 25a). This length equals Ptolemy's value in sexagesimal fractions: $29:31,50,8,20^{d}$. However, modern scholars largely agree (though without any manuscript support) that this testimony was honed by adding a few words to support greater exactness, for three reasons: 1) in the whole of talmudic literature the idea of dividing an hour into 1080 occurs only here; 2) this kind of exactitude has no parallel in talmudic literature; 3) Since Gamaliel says "in less than" (= a minimum), there is no reason to expect the exactitude that follows. This analysis suggests that Gamaliel's words were either "twenty-nine days and a half," which yields a lunar year of (a minimum of) 354 days, or, less likely, "twenty-nine days and a half, two thirds of an hour," which yields a lunar year of 354 1/3 days.

Rabban Gamaliel had all sorts of images of lunar crescents against which he could check the witnesses (M. R.H. 2:8). While he stated the opinions of the sages of Israel as against the sages of the nations, we are told that the sages of Israel contend that the sphere is fixed while the zodiac signs are cycling, but the sages of the nations say the opposite. Judah the Prince, as the last referee, added an argument to prove the Jewish opinion (B. Pes. 94b). However, in another dispute, stated at the same place, concerning the path of the sun at night, Judah said that the opinion of the sages of the nations seems to be superior. According to Maimonides (Guide 2:8), the rabbis held the Pythagorean opinion while the opposing sages were Aristotelians, and they were victorious.

Samuel, one of the most famous Amoraim in third century Babylonia, was an astronomer and astrologer (and maybe even a physician), as attested in his various sayings. He held that a lunar year is not less than 352 days and not more than 356 days (B. Arak. 9b), that is, mean length of 29:12 days. Except for observations of the sun and of the moon in regard to the calendar, the Amoraim watched a minimum of two stars after sunset as denoting a new day (Y. Ber. 1:1, 2:2), but this observation had no astronomical value. There are very few other astronomical observations among the rabbis. Among them was the observation that when Kima (mentioned in Amos 5:8, Job 9:9, 38:31) sets in Iyyar, the fountains give less water, and that is why the flood began on that day (B. Ber. 59a; B. R.H. 11b). Samuel said that Kima is a cold star compounded of some hundred stars (B. Ber. 58b). Later, Kima was identified with the Pleiades. Samuel said that Kesil is a hot star without which the world would not survive (ibid). Samuel said: "the paths of the sky are known to me like the paths of Nehardea, except for a comet whose nature I do not know" (B. Ber. 58b). After Samuel's statement, the Talmud continued: "we have learned that it (a comet) never passes through Kesil, and

if it does, the world will be destroyed" (Kesil is mentioned in Amos 5:8, Job 38:31, and identified by ibn Ezra as "the heart of the Crab"). Samuel was asked: "(Is it true), we see that it passes?!" And he answered: "This is impossible, either the comet goes above it or beneath it" (Y. Ber. 9:2, 13c). The rabbis said that there is a star that rises once in seventy years and deceives sailors (B. Hor. 10a). It is assumed they meant the comet later named after Hailey, a comet that appeared around 140 C.E. (seventy is taken as a round number for a cycle of around seventy-eight years).

In a sermon that Afes (third century) delivered in Antioch (Gen. Rabbah 10:1) appear data concerning the times of the planets' circling the earth in a very scientific way (compare to Vitruvius, *On Architecture*, 9:1). This sermon was given on the occasion of reading the beginning of Genesis, and the whole sermon has a flavor of combining Torah and science (as in modern times).

Bar Kappara (second-third centuries C.E.) said: "One who knows how to calculate the seasons and zodiac signs (in calendrical issues), but he does not do so—of him Scripture says: 'But they regard not the work of the Lord, neither have they considered the work of his hands' (Is. 5:12)." Yohanan said that there is a religious commandment to calculate the seasons and the zodiac signs (= months, B. Shab. 75a). These opinions are a continuation of a long tradition that sees the study of astronomy as a religious practice.

Calendar

The Jewish calendar is luni-solar, as in Mesopotamia. It has no pretension to be exact every day, from an astronomical perspective, but, in the long run, it shows adaptations to both solar and lunar cycles. Almost every year is slightly different in length than the former year. Every year has either twelve or thirteen lunar months. Months begin in the evening when the lunar crescent is first visible after conjunction. The calendar played a religious role in determining the days on which festivals occur.

Because of its role in determining festival observances, the calendar was, in talmudic times, a sectarian document. The calendar one followed marked him as either a Rabbinic or a sectarian Jew (M. R.H. 2:9; B. Ber. 63a-b). According to the rabbis, non-Rabbinic Jews did their best to distort the authoritative Rabbinic calendar (M. R.H. 1:1–2; T. R.H. 1:15). Thus Hizqia, a third century Amora in the land of Israel explained that the villains who do not understand the deeds of God in Ps. 28:5 are those who do not know the *Tequfot* (Shoher Tob 28); they are heretics. This early division of Jews according to the calendar they follow became crucial again in the ninth-tenth centuries with the Karaite movement. Samaritans have their own calendar until this very day.

The bud of a calendar can be seen in the third-fourth centuries C.E., when a rabbi initiated rules concerning the "postponing" of Rosh Hashanah so that it would not occur on either a Wednesday or Friday, which meant that Yom Kippur would not fall either before or after the Sabbath (B. R.H. 20a). Simeon ruled that those who calculated the calendar should make sure that the Day of Willow (Tishre 21) does not occur on the Sabbath, which would prevent observance of the commandment of beating the willow (Y. Suk. 4:1, 54b). The meaning of this rule is that Rosh Hashanah should not fall on a Sunday. Thus we see already in the Amoraic period a rule that "Rosh Hashanah never falls on Sunday, Wednesday, or Friday" (in initials: "*lo ADU Rosh*"). In later generations the calendar included more such rules. For example, Elul must have twenty-nine days, a rule that was stated as a (false) historical fact (B. R.H. 19b). The accumulation of rules from about the third-tenth centuries C.E. changed the calendar from a system that accurately determined dates only de facto into one by which millennia could be calculated in advance. But looking back, we cannot today calculate any exact date prior to the tenth century C.E.

Samuel is the first rabbi to give the duration of the solar year more precisely than the Tannaim. Samuel said: "In between every 'season' there are ninety-one days and

seven hours" (B. Erub. 56a); that is an average that yields a solar year of 365 days, in accordance with the Julian year. He showed his astronomical knowledge by sending to the land of Israel a calendar with intercalations for sixty years in advance, a calculation that was not enough however to impress Yohanan (B. Hul. 95b). Samuel was also sure he could make calculations of the calendar (without the need for witnesses) for the whole diaspora, but he was shown that he was not aware of some of the rules of the calendar (B. R.H. 20b), or else this rule had no Babylonian origin. A certain Amora in the land of Israel, Yohanan b. Media, said he calculated a date (the twenty-fourth day of the seventh month) mentioned on the Bible (Neh. 9:1), saying that it did not fall on the Sabbath (Y. A.Z. 1:1, 39b). Though it is not clear on what this calculation was based, it does not necessarily mean that Yohanan b. Media was an expert in intercalations. The idea that Ada b. Ahaba (third century, Babylonia) was an expert in the calendar (with more precise data than that of Samuel, such as the length of the *tequfa*: 91:7:28), was known only to medieval rabbis and it is not rooted in the Talmud. The dispute over the authenticity of calculations attributed to Ada has not been settled yet, but it should be noted that in the Talmud there is no mention of his capabilities.

Intercalations

Intercalation, that is, adding a lunar month to the year, is based on the idea of observing the month of Abib, in the spring (B. R.H. 7a; B. San. 13b), while the Mesopotamians had the same idea (without having the Bible), based on astronomical observations. The Rabbinic calendar continues the Mesopotamian tradition in that only Adar is intercalated, that is, the last month of the year, perhaps because agricultural observation is meaningful only during that month. The Mesopotamians intercalated Elul as well, and though the rabbis were aware of the possibility of adding another Elul, it was understood that it was done under pressure only (T. San. 2:7). The month of Ab may have once been intercalated (B. San. 12a). To enable keeping the laws of the Sabbatical year and because of natural phenomena, the rabbis had no systematic order of intercalation (T. Sheb. 2:9, 2:12). According one of the basic calculations of the Tannaim (T. San. 2:7), a cycle of nineteen years of intercalations might occur, but a set of seven years intercalated in a cyclic of nineteen years is not attested to in the Rabbinic sources before the seventh century C.E. This system was practiced in Babylonia from around the fourth century B.C.E., and it reasonable from several perspectives. Medieval Rabbis claimed that once there had been a Tannaitic rule on intercalations in a cycle of nineteen years, but it was lost. However, authentic Rabbinic sources contradict such a claim (though not all contemporary Rabbinic authorities agreed on this). At the beginning of this era, intercalations were made for non-astronomical reasons, such as the state of livestock and fruits (T. San. 2:6; B. San. 11b). That is to say that from its very beginning the Jewish calendar was more an agricultural calendar (as well as a religious one) than a precise astronomical calendar.

Date of Foundation

According to medieval authorities (Abraham b. Hiyya and Nahmanides quoting Hai Gaon), the Jewish calendar, based on calculations, began with Hillel (the 2nd), son of Judah, in 359. However, not only is this fact not attested in Talmudic sources, but even later authorities (ibn Ezra, Maimonides) failed to mention this Hillel, so that there is doubt concerning his role in the development of the calendar. It has bean claimed that a certain piece of paper with an old text was found in the ruins of Tiberias, attributing to Hillel some share in calendar issues, but it is not clear whether this paper is authentic. It should be noted that in the Middle-Ages there were other opinions concerning the beginnings of the calendar. Hai b. Nahshon said that the calendar had been established by Isaac Nafha, but no Talmudic tradition attests that. An Arab writer wrote that a certain Eliezer b. Paroah (elsewhere unknown) initiated the Jewish calendar, once

again without any confirmation. Saadya Gaon claimed that the calendar was "a rule to Moses on Sinai," thus giving the calendar absolute authority. It seems that all these explanations (as well as other medieval concepts attributed to the sages of the Talmud) were given against the background of various disputations over the "correct" calendar.

Later scholars and Rabbinic authorities were sure that their own understanding was the same as their ancestors', and speculation became facts of history. Theology went hand in hand with astronomy, and since astronomy required an epoch, that is, a beginning of the calendar based on astronomical observations by deduction, naturally the creation of the luminaries was taken as such an epoch, that is the beginning of the calendar. Jews began to calculate their dates according to *Annus Mundi* not earlier than the seventh century.

Texts

In the talmudic literature are only sporadic statements concerning the stars. However, the observation of the new moon in regard to the Jewish calendar as well as discussing intercalations is one of the main issues of tractate Rosh Hashanah. That is, there was full awareness of the daily calendar while its scientific background was ignored.

In the lost *Midrash of 49 Middot*, from the land of Israel, probably from the fourth-fifth centuries, occurs a sermon that has fortunately been preserved (Yalkut Shimoni, Shemot 418). A rabbi found a correspondence between the zodiac signs in the heavens and the way the tribes of Israel dwelled in the desert. He stated: "Tribe of Judah in the East, Isachar and Zebulun with him. Against them in heavens are Aries, Taurus, and Gemini. With the sun, together they serve five parts out of eight." He probably meant that out of the 180° in the Eastern horizon, the sun on the longest day rises at azimuth of 67.5°. However his words are understood, it is evident that the rabbi (and his audience) knew something about astronomy, which played a role in the synagogue.

Baraita deMazalot is a unique astronomical and astrological tractate. It gives astronomical data in unprecedentedly scientific ways. The author describes two systems, an Egyptian and a Babylonian one, regarding the position of the stars in the zodiac at the moment of creation. The author gives the exact distances from Earth to the moon, from the moon to Mercury and so forth, in a manner resembling the Mesopotamian *beru ina same*, x heavenly units equal to y earthly units. The author quotes not only Rabbinic sources but states the opinions of "the sages of the gentiles," "the sages of Egypt, Chaldeans, and the Babylonians." There is no doubt that the writer drew some of his data from Ptolemy (not necessarily directly), but his other sources remain to be analyzed. The author used Greek terminology, such as *trigon* (triangle), *Stirigamos* (standing), and *diametron* (diameter). The writer was probably a rabbi who lived in the land of Israel in fifth-sixth centuries, and one of his sermons shows his competence very well.

Eleazar Ha-Qalir, in the sixth-seventh centuries, was a master of the Hebrew language, a sage who knew all Rabbinic traditions, and a prolific poet who wrote hundreds, if not more, Piyyutim, many of them still in use today. In a famous piyyut ("*az raita ve-Safarta*," to parashat Sheqalim), his abilities as a mathematician and geographer are clear. However, in a piyyut only recently discovered ("*Or Hama u-Lebana*"), it becomes apparent that he was an astronomer as well. Ha-Qalir gives data of astronomical value: a solar year is 365 days (like Samuel), and a lunar year is 354 1/3 days (without explicit precedent). His intercalation cycle was nineteen years ("*Ehad beEhad Gashu*"), but he knew another solar cycle of twenty-eight years. Notably, more data in his piyyutim has not yet been evaluated (e.g. in: "*Abi Kol Hoze*"). It is assumed he was the head of the Jewish academy in Tiberias and played a role in the process of intercalations.

Pirqe de Rabbi Eliezer is a midrash from the land of Israel, from the seventh or the beginning of the eighth century (though it claims to be older). Chapters 5–7 discuss the calendar in prosaic Hebrew in a way similar to Ha-Qalir's poetics. The author's solar year is 365 days, and his lunar month

is 29:12:793 (assumed to be a Talmudic tradition). The author continues by stating that the length of a lunar year (as precisely multiplied by twelve) is 354:8:876, exactly like in *Midrash Aggadah*, Buber ed., Gen. 1:14, *Midrash Sod Ha-ʿIbur*, and in our "modern" data (though slightly bigger than the "real" time). This precision makes the author of this midrash a good candidate for the founder of the Jewish calendar. The author's astronomy is combined with angels, and he uses the terminology of "large hour," that is, two hours, and giving the heavenly windows names, unknown earlier. The author teaches that a human eye can see the new moon sixteen hours after the lunar conjunction. The author gives his calculations in regard to ecliptical limits: A solar eclipse will occur if the moon's latitude at conjunction is at most sixty "ma'alot" (units), and a lunar eclipse at most forty "maʿalot" (units) (fig. 27). The moon's great cycle is of twenty-one years while the sun cycles every twenty-eight years, and this leads to a great cycle of eighty-four years ($21 \times 4 = 28 \times 3$), that is, (approximately) one hour of God (based on Ps. 90:4), though this cycle is not easy to explain. However, his system of intercalation is based on a nineteen year-cycle, like the "modern" Jewish calendar, while adding one lunar month in years 3, 6, 8, 11, 14, 17, 19. From the way the author portrays biblical heroes as having secret knowledge of intercalation, and from his own description of the process of making decisions on this issue, it is evident that he played an active role in calendar decisions. That is to say, the author, rabbi and astronomer, was one of the heads of the Yeshiva in Tiberias where they met at least once in two or three years to consider whether to intercalate the year or not. The author's data, together with Talmudic halakhah, reveal that the author's calendar could have been as exact as ours.

The "editor" of the Aramaic Targum attributed to Jonathan b. Uziel in his translation of Gen. 1:16 made an addition that places him among the most knowledgeable scholars of the calendar. The translator says: "both (luminaries) were equal in their foundation: 21 hours minus 672 parts of an hour." That is: every month has 29:12:793 days, so the "difference" in the new moon from one year to another (an "ordinary" year) is 4:8:876 (so far like Ravina, according to Rashi in B. Arak. 9b). Now, Adam was created on the New Year (according to Rabbinic tradition), and it was on a Friday, that is 6:14 (considered by Jews of Babylonia to be the beginning of the calendar). From this it is clear that the new moon in the previous year was at 2:5:204 (considered by Jews of Palestine to be the beginning of the calendar). However, since it is written that the luminaries were created on Wednesday, on the very same day, it must have been in the year before (6:14–4:8:876–4:8:876), that is 4:20:408). In other words, both luminaries were created on 4:(21 hours − 672 parts). In short, the calculation of the translator is based on two virtual years before Adam was created, showing the type and level of the astronomy of the translator, and it seems that the translator used the same system as Eleazar HaQalir.

Baraita deShmuel is an astronomical and astrological tractate based on biblical knowledge combined with Greek science, as is clear from its inclusion of a few Greek words, such as *ametron* (without measure). The author uses some of his own terminology. Some of his Hebrew words are mere translations. A degree is called "*hail*," that is, an army-corps (following B. Ber. 32b). The author uses "large hour" as does Pirqe de Rabbi Eliezer. The author shows his ability to use a "reed," *Qane* (a precursor of the theodolite, already known in Egyptian astronomy), which makes him the first Jewish author to do so (fig. 28). The author gives the values of the noon-shadow during the year (Cancer 0; Leo and Gemini 2; Virgo and Taurus 4 . . . Capricorn 12). The author gives the oblique ascension of the zodiac signs such as "Aries 20°, Libra (the cane of Libra) 40°, from Aries to the cane (of Libra) one should add 4° for each sign" (= Taurus 24°; Gemini 28°; Cancer 32°; Leo 36°; Virgo 40°; Libra 40°; Scorpio 36°; etc.). This is precisely a scheme of the Babylonian

System A. Some biblical verses are quoted in a midrashic manner. However, the text is full of astronomical data, such as the time it takes each of the planets to circle the Earth, and the apogee and nadir of the zodiac signs. There is a special treatment of the *Teli*, that is Draco (mentioned no less than seventeen times), and other stars are mentioned as well. The author mentions the year 4536 Anno Mundi (= 776 C.E.), and this is used to conclude that the text was composed that year, though there are doubts concerning its authenticity. The author gives the limit of 12° 21' for both solar and lunar eclipses. The tractate was attributed to Samuel the Babylonian (sharing a solar year of 365 days), though its dependence on Baraita deMazalot is very clear. This derivation leads to the probability that the text was composed in the land of Israel with dependence on Babylonian-type arithmetical methods in Hellenistic culture.

It seems that the last adjustment to the Jewish calendar of talmudic times was made by Saadya Gaon. He was a philosopher, poet, translator (into Arabic), well versed in the whole of Jewish literature, and he was an astronomer as well. In 922, there was a dispute between him (before he came to Babylonia) and the head of the Yeshiva in the land of Israel, Aaron b. Meir, over a minor issue (whether the conjunction of the moon after mid-day and 642 parts enables visibility of the new moon in the coming night = conjunction + less than around eighteen hours). This astronomical debate led to two different calendars for the Jews in the land of Israel (Rosh Hashanah of 4683 on Tuesday) and the Jews of Babylonia (Rosh Hashanah on Thursday). At least for a year Rabbinic Jews in Babylonia and in the land of Israel had different calendars, but in the end Saadya won the case. Thus, the Jews in Israel accepted the superiority of their brethren in Babylonia, contrary to the priority of Judea and the land of Israel in calendrical issues until that day (T. San. 2:13; Y. San. 1:2, 19:1). This case marks the end of the developing process of the Jewish calendar, and all the rules of the calendar known then have prevailed until this very day.

The complexity of the Jewish calendar, relative to the Gregorian, is due to two factors: 1) the Jewish calendar is based on a synchronization of two different systems (luni-solar), while the Gregorian is based on one system only; and 2) the rules of the Jewish calendar were not formulated at one time but rather accumulated over the ages. But despite this, the Jewish calendar became scientific and cosmopolitan, such that observation of the moon in the land of Israel no longer plays a role. The Jewish calendar is based on several assumptions and rules, influenced by different cultures in several generations. Still, since this calendar only adds approximately one day every 216 years (as opposed to the Gregorian calendar, which adds a day every 3,700 years), it is actually quite accurate. Even so, this deviation suggests that some minute changes are to be expected in the future, not without religious controversies.

MEIR BAR ILAN

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Augustine and Judaism

Augustine of Hippo's life, in North Africa and Italy (354–430) coincided with the period in which, to the east, the Rabbinic sages of the land of Israel produced the Talmud of the Land of Israel in amplification of the Mishnah as well as their Midrash-compilations in extension of Moses's books of Genesis and Leviticus, ca. 400–500.[1] But he comes to mind, for comparison and contrast with Rabbinic Judaism, not merely because of temporal coincidence. Rather, the reason is that, like the sages of Judaism, he confronted a comparable this-worldly circumstance, one in which the old order was coming to an end—and was acknowledged to be closing. And the changes were those of power and political. World-historical change began with the conversation of Constantine and came to a climax a century later. In 410 the Goths took Rome, refugees of Alaric's conquest fleeing to North Africa (as well, as a matter of fact, as to the Land of Israel/Palestine, as events even early in the story of Jerome in Jerusalem tell us).[2] At the very hour of his death, some decades later, long after his historical reflections had reached publication in *City of God*, Augustine's own city, Hippo, lay besieged by the Vandals. So it was at what seemed the twilight of the ancient empire of Rome that Augustine composed his account of theology of the social order known as the *City of God*. Within his remarkable *oeuvre*, it was that work that renders of special interest here the Rabbinic sages' contemporary and their counterpart as a system-builder.

The issues in detail were hardly comparable. The critical issue of political calamity facing sages came about in the aftermath of the triumph of Christianity and the failure of the Emperor Julian's brief restoration of both paganism and (as to Jerusalem) Judaism. The question Augustine addressed presented a fundamental challenge to the foundations of the Christian order, coming as it did from refugees from Carthage, pagan aristocrats, taking refuge in North Africa.[3] What caused the fall of Rome, if not the breaches in its walls made by Christianity? The first three books of *The City of God* responded, in 413, and twenty-two books in all came to a conclusion in 426: a gigantic work.[4] While *The City of God* (re)presents Christian faith "in the form of biblical history, from Genesis to Revelation,"[5] just as the Rabbinic sages present important components of their system in historical form of narrative, There are no important doctrinal points in common between the program of Israel's sages in the Land of Israel and that of the great Christian theologian and philosopher. Each party presented in an episodic way what can be represented as an orderly account of the social order,[6] each for the edification of its chosen audience; neither would have understood a line of the composition of the other, in writing or in concept.

But that unbridgeable abyss makes all the more striking the simple fact that, from one side of the gap to the other, the distance was slight. For each party addressed questions entirely familiar to the other, and the gross and salient traits of the system of the one in some striking ways prove symmetrical to those of the other. The relationship of the opposing cities of God and the devil, embodied in the pilgrim Church and the empirical state, presents the chief systematic problem of *The City of God*.[7] Augustine covered, in five books, "those who worshipped the gods for felicity on earth;" in five, "those who worshipped them for eternal felicity;" and twelve, the meaning of the origin of "two cities, one of God, the other of the world," "their unfolding course in the part," "their ultimate destinies."[8] True, the Rabbinic sages reconsidered the prior disinterest in history, but they did not then produce a continuous account of everything that had every happened, and Augustine did. Nor do the two literary monuments, Augustine's and the documents produced by Rabbinic sages', bear anything in common as to form, style, sources, mode of argument, selection of audience, literary convention of any kind. Then why treat the system of the Rabbinic sages and the systematic statement of Augustine as so connected

as to warrant comparison? For the obvious reason that the authorship of Israel and the Christian author not only responded to the same circumstance but also framed the question deemed posed by that common circumstance in the same terms: a recasting, in historical terms, of the whole of the social order, a rethinking, in the image of Augustine, of God's city.

What then was the value of the polis, to be rendered as "the social order," and exactly who lived in the city of the earth? It was "any group of people tainted by the Fall," any that failed to regard "the 'earthly' values they had created as transient and relative."[9] To this Augustine responds, "Away with all this arrogant bluffing: what, after all, are men but men!"[10] The rise of Rome is reduced, in Brown's words, "to a simple common denominator . . . the 'lust for domination.'" The Romans were moved by "an overweening love of praise: 'they were, therefore, "grasping for praise, open-handed with their money; honest in the pursuit of wealth, they wanted to hoard glory."'"[11] But the true glory resides not in Rome but in the city of God: "the virtues the Romans had ascribed to their heroes would be realized only in the citizens of this other city; and it is only within the walls of the Heavenly Jerusalem that Cicero's noble definition of the essence of the Roman Republic could be achieved."[12] The Judaic sages assuredly concurred on whence comes glory, whence shame: the one from humility, the other, pride. They announced in so many words that the Messiah would be identified by his humility, not by the pride such as was displayed by Bar Kokhba, about whose arrogance the fourth and fifth century Rabbinic documents preserved stories.

The system of Augustine addresses the crisis of change with an account of history, and it is, therefore, in the same sense as is the system of the Judaic sages, a deeply historical one: "The whole course of human history . . . could be thought of as laden with meanings which might be seized, partially by the believer, in full by the seer."[13] So Brown: "In his *City of God*, Augustine was one of the first to sense and give monumental expression to a new form of intellectual excitement." God communicates through both words and events. Specifically, history proves the presence of a division between an earthly and a heavenly city.[14] Why is this historical interest pertinent to the picture of a Judaism's social order? Because, in Brown's words, "there is room, in Augustine's view of the past, for the consideration of whole societies. . . ."[15] But the building block of society is relationship, and the whole of human history emerges out of the relationship of Cain and Abel, natural man after the fall, citizen of this world, against a man who built no city, "by hoping for something else . . . he waited upon the name of the Lord."[16] Brown says:

> Augustine treats the tension between Cain and Abel as universal, because he can explain it in terms applicable to all men. All human society . . . is based on a desire to share some good. Of such goods, the most deeply felt by human beings is the need for 'peace:' that is, for a resolution of tensions, for an ordered control of unbalanced appetites in themselves, and of discordant wills in society . . . the members of the [city of earth[, that is, fallen men, tend to regard their achievement of such peace in society as sufficient in itself. . . .[17]

The city of Heaven is "the consecrated commonwealth of Israel," the city of earth, everybody else.[18] Brown's summary of Augustine's main point with slight alteration serves as epitome of the Rabbinic sages' views:

> What was at stake, in the City of God and in Augustine's sermons, was the capacity of men to 'long' for something different, to examine the nature of their relationship with their immediate environment; above all, to establish their identity by refusing to be engulfed in the unthinking habits of their fellows.[19]

How can alien sages, concerned as they were with the possibilities of extraordinary conduct or attitude, have found Augustine's interest in establishing identity by reflection on what others deemed routine? The obvious answer justifies juxtaposing the two systems as to not only their ineluctable questions, but also their self-evidently valid answers.

Two further rhetorical questions seem justified: if Augustine spoke of "resident aliens" when referring to the citizens of God's city,[20] then how difficult can the Rabbinic sages have found interpreting the identity of their

social entity, their Israel, in the same way: here now, but only because of tomorrow: the pilgrim people, en route to somewhere else. And why should we find surprising, as disciples of Israel's sages, a city of God permeated, as was Augustine's, by arguments for hope:[21]

> "Lord, I have loved the beauty of Thy house." From his gifts, which are scattered to good and bad alike in this, our most grim life, let us, with His help, try to express sufficiently what we have yet to experience.[22]

Two systems emerged from the catastrophes of the fifth century, Augustine's[23] for the Christian, sages' for the Judaic West. Constructed in the same age and in response to problems of the same character and quality, the systems bore nothing in common, except the fundamentally same messages about the correspondence of the individual's life to the social order, the centrality of relationship, the rule of God, and the response of God to what transcended all rules.

By both systems, each in its own way, God is joined to the social order because it is in relationships that society takes shape and comes to expression.[24] That is why, for Augustine, the relationship between the individuals, Cain and Abel, can convey and represent the relationships characteristic of societies or cities, and that is why, for the Rabbinic sages, the relationships between one person and another can affect God's relationship to the village needing rain or the householder needing to shore up his shaky dwelling-place.

True, we deal with the two utterly unrelated systems of the social order, fabricated by different people, talking about different things to different people, each meant to join the society of humanity (or a sector thereof) with the community of Heaven. But both formed quite systematic and well-crafted responses to one and the same deep perception of disorder, a world that has wobbled, a universe out of line. Rome fallen, home besieged, for Augustine, corresponding to the end of autonomy and the advent of another (to be sure, soi-disant) "Israel," for the Rabbinic sages, called into question orders of society of very ancient foundation. And that produced a profound sense that the rules had been broken, generating that (framing matters in contemporary psychological terms) alienation that was overcome by Augustine in his way, by the Rabbinic sages in theirs.

How, in the language of Judaism as the Rabbinic sages formulated it, may we express the answer to the question of the times? The shaking of the foundations of the social order shows how Israel is estranged from God. The old rules have been broken, therefore the remarkable and the exceptional succeeds. What is unnatural to the human condition of pride is humility and uncertainty, acceptance and conciliation. Those attitudes for the individual, policies for the nation, violate the rule. Then let God respond to transcending rules. And when—so the system maintains—God recognizes in Israel's heart, as much as in the nation's deliberation, the proper feelings, God will respond by ending that estrangement that marks the present age. So the single word encompassing the question addressed by the entire social system of the successor-Judaism must be alienation. The human and shared sense of crisis—whether Augustine reflecting on the fall of Rome, or the Rabbinic sages confronting the end of the old order—finds its response in the doctrine of God's assessment, God's response. God enters the social order imagined by the Rabbinic sages because God in the natural order proves insufficient, a Presence inadequate to the human situation. God must dwell in the city of humanity, and Israel in the city of God. So what in secular terms we see as a historical crisis or in psychological terms as one of alienation. The psychological theology of the system joins the human condition to the fate of the nation and the world—and links the whole to the broken heart of God.

And yet that theological observation about the incarnate God of Judaism does not point us toward the systemic center, which within my definitions of what a system is must be social and explain the order of things here and now. For in the end, a religious theory of the social order describes earth, not Heaven. It simply begs the question to claim that the system in the end attended to the condition of God's heart, rather than

humanity's mundane existence. For a religious system is not a theological one, and questions about the way of life, world-view, and social entity, admittedly bearing theological implications or even making theological statements, in the end find their answers in the reconstruction of the here and now. It is for identifying that generative problematic of the religious Judaism of the fifth century that the comparison between the Judaism of the Rabbinic sages and the Christianity of Augustine in his City of God proves particularly pertinent.

To state matters very simply, Augustine's personal circumstance and that of the Rabbinic sages correspond, so do Augustine's central question and the fundamental preoccupation of. Augustine's City of God and the Talmud of the Land of Israel took shape in times that were changing, and both systemic statements accommodated questions of history. But we see the answer, therefore the question, when we realize that, as a matter of fact, both did so in the same way.

Specifically, Augustine, bringing to fruition the tradition of Christian historical thought commencing with Eusebius, provided for Christianity a theory of history that placed into the right perspective the events of the day. And the Rabbinic sages did the same, first of all affirming that events required recognition, second, then providing a theory of events that acknowledged their meaning, that is, their historicity, but that also subordinated history to considerations of eternity. The generative problematic of the successor-system concerned history: vast changes in the political circumstance of Israel, perceived mutations in the tissue of social relationship, clearly an interest in revising the plain meaning of ordinary words: value, power, learning. And the systemic answer for its part addressed questions of long-term continuity, framed in genealogical terms for the now-genealogically-defined Israel. I state the matter with emphasis: the past lives in us. This conception comes to expression in the conception of Zekhut, meaning, the heritage of merit received from ancestors and transmitted to descendants, marking genealogical Israel as the embodiment of humility and self-abnegation, and the descendants and heirs of generations of those who gave God more than he could command: love beyond the call of obligation. The system explains in very precise and specific terms just how that transaction takes place, which is through the medium of inherited entitlement or attained entitlement. The medium was indeed the same. The concept of Zekhut is critical in the fifth century Rabbinic documents, particularly the Yerushalmi (Talmud of the Land of Israel).

A systematic exposition of that concept is required for the comparison of the Judaic religious system of the Rabbinic sages represented by the Yerushalmi and companion documents and that put forth by Augustine. Zekhut stands for the empowerment, of a supernatural character, that derives from the virtue of one's ancestry or from one's own virtuous deeds of a very particular order. No single word in English bears the same meaning, nor can I identify a synonym for Zekhut in the canonical writings in the original either. The difficulty of translating a word of systemic consequence with a single word in some other language (or in the language of the system's documents themselves) tells us that we deal with what is unique, beyond comparison and therefore contrast and comprehension. What is most particular to, distinctive of, the systemic structure and its functioning requires definition through circumlocution, such as was given earlier: "the heritage of virtue and its consequent entitlements."[25] The word Zekhut for the successor-system forms the systemic counterpart to the mythologoumenon of the resurrection of Jesus Christ, unique son of God, for important Christianities.

It must follow that Zekhut, not Torah, in a single word defines the generative myth, the critical symbol of the successor-Judaism. The signal that the Gnostic Torah formed a mere component in a system that transcended Torah-study and defined its structure in some way other than by appeal to the symbol and activity of the Torah comes from a simple fact. Ordinary folk, not disciples of sages, have access to Zekhut entirely outside of study of the Torah. In stories not told about rabbis, a single remarkable deed, exemplary for its deep humanity, sufficed to win for an ordinary person the Zekhut—"the heritage of virtue and its consequent

entitlements"—that elicits the same marks of supernatural favor enjoyed by some rabbis on account of their Torah-study.

Accordingly, the systemic centrality of Zekhut in the structure, the critical importance of the heritage of virtue together with its supernatural entitlements—these emerge in a striking claim. It is framed in extreme form—another mark of the unique place of Zekhut within the system. Even though a man was degraded, one action sufficed to win for him that heavenly glory to which rabbis in lives of Torah-study aspired. The mark of the system's integration around Zekhut lies in its insistence that all Israelites, not only sages, could gain Zekhut for themselves (and their descendants). A single remarkable deed, exemplary for its deep humanity, sufficed to win for an ordinary person the Zekhut that elicits supernatural favor enjoyed by some rabbis on account of their Torah-study. The centrality of Zekhut in the systemic structure, the critical importance of the heritage of virtue together with its supernatural entitlements therefore emerge in a striking claim. Even though a man was degraded, one action sufficed to win for him that heavenly glory to which rabbis in general aspired. The rabbinical storyteller whose writing we shall consider assuredly identifies with this lesson, since it is the point of his story and its climax.

In all three instances that follow, defining what the individual must do to gain Zekhut, the point is that the deeds of the heroes of the story make them worthy of having their prayers answered, which is a mark of the working of Zekhut. It is deeds beyond the strict requirements of the Torah, and even the limits of the law altogether, that transform the hero into a holy man, whose holiness served just like that of a sage marked as such by knowledge of the Torah. The following stories should not be understood as expressions of the mere sentimentality of the clerks concerning the lower orders, for they deny in favor of a single action of surpassing power sages' lifelong devotion to what the sages held to be the highest value, knowledge of the Torah:

Y. Taanit 1:4.I.
F. A certain man came before one of the relatives of R. Yannai. He said to him, "Rabbi, attain Zekhut through me [by giving me charity]."
G. He said to him, "And didn't your father leave you money?"
H. He said to him, "No."
I. He said to him, "Go and collect what your father left in deposit with others."
J. He said to him, "I have heard concerning property my father deposited with others that it was gained by violence [so I don't want it]."
K. He said to him, "You are worthy of praying and having your prayers answered."

The point of K, of course, is self-evidently a reference to the possession of entitlement to supernatural favor, and it is gained, we see, through deeds that the law of the Torah cannot require but must favor: what one does on one's own volition, beyond the measure of the law. Here we see the opposite of sin. A sin is what one has done by one's own volition beyond all limits of the law. So an act that generates Zekhut for the individual is the counterpart and opposite: what one does by one's own volition that also is beyond all requirements of the law.

L. A certain ass driver appeared before the rabbis [the context requires: in a dream] and prayed, and rain came. The rabbis sent and brought him and said to him, "What is your trade?"
M. He said to them, "I am an ass driver."
N. They said to him, "And how do you conduct your business?"
O. He said to them, "One time I rented my ass to a certain woman, and she was weeping on the way, and I said to her, 'What's with you?' and she said to me, 'The husband of that woman [me] is in prison [for debt], and I wanted to see what I can do to free him.' So I sold my ass and I gave her the proceeds, and I said to her, 'Here is your money, free your husband, but do not sin [by becoming a prostitute to raise the necessary funds].'"
P. They said to him, "You are worthy of praying and having your prayers answered."

The ass-driver clearly has a powerful lien on Heaven, so that his prayers are answered, even while those of others are not. What he did to get that entitlement? He did what no law could demand: impoverished himself to save the woman from a "fate worse than death."

Q. In a dream of R. Abbahu, Mr. Pentakaka ["Five sins"] appeared, who prayed that rain would come, and it rained. R. Abbahu sent and summoned him. He said to him, "What is your trade?"
R. He said to him, "Five sins does that man [I] do every day, [for I am a pimp:] hiring whores, cleaning up the theater, bringing home their garments for washing, dancing, and performing before them."
S. He said to him, "And what sort of decent thing have you ever done?"
T. He said to him, "One day that man [I] was cleaning the theater, and a woman came and stood behind a pillar and cried. I said to her, 'What's with you?' And she said to me, 'That woman's [my] husband is in prison, and I wanted to see what I can do to free him,' so I sold my bed and cover, and I gave the proceeds to her. I said to her, 'Here is your money, free your husband, but do not sin.'"
U. He said to him, "You are worthy of praying and having your prayers answered."

Q moves us still further, since the named man has done everything sinful that one can do, and, more to the point, he does it every day. So the singularity of the act of Zekhut, which suffices if done only one time, encompasses its power to outweigh a life of sin—again, an act of Zekhut as the mirror-image and opposite of sin. Here again, the single act of saving a woman from a "fate worse than death" has sufficed.

V. A pious man from Kefar Imi appeared [in a dream] to the rabbis. He prayed for rain and it rained. The rabbis went up to him. His householders told them that he was sitting on a hill. They went out to him, saying to him, "Greetings," but he did not answer them.
W. He was sitting and eating, and he did not say to them, "You break bread too."
X. When he went back home, he made a bundle of faggots and put his cloak on top of the bundle [instead of on his shoulder].
Y. When he came home, he said to his household [wife], "These rabbis are here [because] they want me to pray for rain. If I pray and it rains, it is a disgrace for them, and if not, it is a profanation of the Name of Heaven. But come, you and I will go up [to the roof] and pray. If it rains, we shall tell them, 'We are not worthy to pray and have our prayers answered.'"
Z. They went up and prayed and it rained.
AA. They came down to them [and asked], "Why have the rabbis troubled themselves to come here today?"
BB. They said to him, "We wanted you to pray so that it would rain."
CC. He said to them, "Now do you really need my prayers? Heaven already has done its miracle."
DD. They said to him, "Why, when you were on the hill, did we say hello to you, and you did not reply?"
EE. He said to them, "I was then doing my job. Should I then interrupt my concentration [on my work]?"
FF. They said to him, "And why, when you sat down to eat, did you not say to us 'You break bread too'?"
GG. He said to them, "Because I had only my small ration of bread. Why would I have invited you to eat by way of mere flattery [when I knew I could not give you anything at all]?"
HH. They said to him, "And why when you came to go down, did you put your cloak on top of the bundle?"
II. He said to them, "Because the cloak was not mine. It was borrowed for use at prayer. I did not want to tear it."
JJ. They said to him, "And why, when you were on the hill, did your wife wear dirty clothes, but when you came down from the mountain, did she put on clean clothes?"
KK. He said to them, "When I was on the hill, she put on dirty clothes, so that no one would gaze at her. But when I came home from the hill, she put on clean clothes, so that I would not gaze on any other woman."
LL. They said to him, "It is well that you pray and have your prayers answered."

The pious man of V, finally, enjoys the recognition of the sages by reason of his lien upon Heaven, able as he is to pray and bring rain. What has so endowed him with Zekhut? Acts of punctiliousness of a moral order: concentrating on his work, avoiding an act of dissimulation, integrity in the disposition of a borrowed object, his wife's concern not to attract other men and her equal concern to make herself attractive to her husband. None of these stories refers explicitly to Zekhut; all of them tell us about what it means to enjoy not an entitlement by inheritance but a lien accomplished by one's own supererogatory acts of restraint.

Zekhut integrates what has been differentiated. Holding together learning, virtue,

and supernatural standing, by explaining how Torah-study transforms the learning man, Zekhut further makes implausible those points of distinction between economics, and politics that bore the systemic message of the initial philosophy. Hierarchical classification, with its demonstration of the upward-reaching unity of all being, gives way to a different, and more compelling proposition: the unity of all being within the heritage of Zekhut, to be attained equally and without differentiation in all the principal parts of the social order. The definition of Zekhut therefore carries us to the heart of the integrating and integrated religious system of Judaism.

The message carried by Zekhut counseled performance of actions of renunciation, in the hope that Heaven would respond. Power was weakness, value was knowledge, and knowledge was power: all things formed within the Torah. And at this point we return, by a circuitous route to be sure, to the corresponding concern of Augustine and the Rabbinic sages of the fifth century documents: ways of negotiating with world-shaking events, modes of mediating between history and the received theological system. Zekhut represents a way of transcending history. But if that was the message by way of answer to the historical question of change and crisis, then what how had the question of history come to be formulated?

It was, of course, precisely what events should be deemed to constitute history, what changes matter, and what are we to do. The answer—the Rabbinic sages' and Augustine's alike—was that only certain happenings are eventful, bear consequence, require attention. And they are eventful because they form paradigms, Cain and Abel for Augustine, Israel's patriarchs and matriarchs for the Rabbinic sages. Then what has happened to history as made by the barbarians at Rome and Hippo, the Byzantine Christians at Tiberias and Sepphoris? It has ceased to matter, because what happened at Rome, what happened at Tiberias, is no happening at all, but a mere happenstance. The upshot is not that history follows rules, so we can predict what will be, not at all.

Augustine did not claim to know what would happen tomorrow morning, and the Rabbinic sages interpreted events but did not claim to shape them, except through the Torah. The upshot is that what is going on may be set aside in favor of what is really happening, and the story that is history has already been told in (for Augustine) the Bible and (for the Rabbinic sages) the Torah. But, then, that is no longer history at all, but merely, a past made into an eternal present. So there are some things that matter, many that do not, and the few that matter echo from eternity to eternity, speaking in that voice, the voice of God, that is the voice of silence, still and small.

The systemic question, urgent and immediate and critical, not merely chronic, then, concerned vast historical change, comprising chains of events. The answer was that, in an exact sense, "event" has no meaning at all. Other than historical modes of organizing existence governed, and history in the ordinary sense did not form one of them. Without the social construction of history, there also is no need for the identification of events, that is, individual and unique happenings that bear consequence, since, within the system and structure of the successor-Judaism, history forms no taxon, being replaced by Zekhut, a historical category that was—we now realize—in the deepest sense anti-historical. So, it must follow, no happening is unique, and, on its own, no event bears consequence.

Neither Augustine nor the Rabbinic sages—theologians engaged by historical problems—produced narrative history; both, rather, wrote reflections on history, a very different matter.[26] For neither did narrative history, ordinarily a sustained paraphrastic chronicle, serve as a medium for organizing and explaining perceived experience. True, both referred to events in the past, but these were not strung together in a continuing account. They were cited because they were exemplary, not because they were unique. These events then were identified out of the unlimited agenda of the past as what mattered, and these occasions of consequence, as distinct from undifferentiated and unperceived happenings were meant to explain the things that mattered in the chaos of the everyday.

In responding as they did to what we conceive to be historical events of unparalleled weight, Augustine and the Rabbinic sages took positions that, from our perspective, prove remarkably contemporary. For we now understand that all histories are the creation of an eternal present, that is, those moments in which histories are defined and distinguished, in which events are identified and assigned consequence, and in which sequences of events, "this particular thing happened here and therefore . . .," are strung together, pearls on a string, to form ornaments of intellect. Fully recognizing that history is one of the grand fabrications of the human intellect, facts not discovered but invented, explanations that themselves form cultural indicators of how things are in the here and now, we may appreciate as far more than merely instrumental and necessary the systemic responses to the urgent questions addressed in common by the Rabbinic sages and by Augustine.

Shall we then represent the successor-Judaism as a historical religion in that it appeals for its world-view to not myth about gods in heaven but the history of Israel upon earth—interpreted in relationship to the acts of God in heaven to be sure? And shall we characterize that Judaism as a religion that appeals to history, that is, to events, defined in the ordinary way, important happenings, for its source of testing and establishing truth? The answer is negative. That Judaism identifies an event through its own cognitive processes. Just as the canon that recapitulates the system, so events—things that happen given consequence—recapitulate the system. Just as the system speaks in detail through the canon, so too through its repertoire of events granted recognition the system delivers its message. But just as the canon is not the system, so the recognition of events does not classify the system as historical.

What exactly does the successor-Judaism mean by events? To answer that question succinctly is simple. In the canonical literature of the successor-Judaism, events find their place, within the science of learning of Listenwissenschaft that characterizes this literature, along with sorts of things that, for our part, we should not characterize as events at all. Events have no autonomous standing; events are not unique, each unto itself; events have no probative value on their own. Events form cases, along with a variety of other cases, making up lists of things that, in common, point to or prove one thing. Not only so, but among the taxonomic structure at hand, events do not make up their own list at all, for what is truly eventful generates Zekhut. It is the act of Zekhut that unites past and present, and it is the act that gains Zekhut that makes history for tomorrow.

Events of other kinds, even those that seem to make an enormous, and awful, difference in Israel's condition, will appear on the same list as persons, places, things. And the contrary lists—very often in the form of stories as we have seen—tell us events that in and of themselves change biography (the life and fate of an ass-driver) and make history. That means that events other than those that gain Zekhut not only have no autonomous standing on their own, but also that events constitute no species even within a genus of a historical order. For persons, places, and things in our way of thinking do not belong on the same list as events; they are not of the same order. Within the logic of our own minds, we cannot classify the city, Paris, within the same genus as the event, the declaration of the rights of man, for instance, nor is Sinai or Jerusalem of the same order of things as the Torah or the Temple, respectively. But in the logic of the Judaism before us, Jerusalem stands for sanctity and for Temple; it is of precisely the same taxic order.

What then shall we make of a list that encompasses within the same taxic composition events and things? Answering that question shows us how the Rabbinic sages sort out what matters from what does not, and events, by themselves, do not form a taxon and on their own bear no means and therefore do not matter. For one such list made up of events, persons, and places, is as follows: [1] Israel at the sea; [2] the ministering angels; [3] the tent of meeting; [4] the eternal house [= the Temple]; [5] Sinai. That mixes an event (Israel redeemed at the sea), a category of sensate being (angels), a location (tent of meeting, Temple), and

then Sinai, which can stand for a variety of things but in context stands for the Torah. In such a list an event may or may not stand for a value or a proposition, but it does not enjoy autonomous standing; the list is not defined by the eventfulness of events and their meaning, the compilation of matters of a single genus or even a single species (tent of meeting, eternal house, are the same species here). The notion of event as autonomous, even unique, is quite absent in this taxonomy. And once events lose their autonomy, that process of selection gets under way that transforms one event into history bearing meaning and sets aside as inconsequential in the exact sense all other events.

Since this point is systemically so fundamental, let me give the case of another such list, which moves from events to other matters altogether, finding the whole subject to the same metaphor, hence homogenized. First come the events that took place at these places or with these persons: Egypt, the sea, Marah, Massah and Meribah, Horeb, the wilderness, the spies in the Land, Shittim, for Achan/Joshua and the conquest of the Land. Now that mixture of places and names clearly intends to focus on particular things that happened, and hence, were the list to which I refer to conclude at this point, we could define an event for the successor-Judaism as a happening that bore consequence, taught a lesson or exemplified a truth, in the present case, an event matters because it the mixture of rebellion and obedience. But there would then be no doubt that "event" formed a genus unto itself, and that a proper list could not encompass both events, defined conventionally as we should, and also other matters altogether.

But the literary culture at hand, this textual community proceeds, in the same literary context, to the following items: [1] the Ten Commandments; [2] the show-fringes and phylacteries; [3] the Shema and the Prayer; [4] the tabernacle and the cloud of the Presence of God in the world to come. Why we invoke, as our candidates for the metaphor at hand, the Ten Commandments, show-fringes and phylacteries, recitation of the Shema and the Prayer, the tabernacle and the cloud of the Presence of God, and the mezuzah, seems to me clear from the very catalogue. These reach their climax in the analogy between the home and the tabernacle, the embrace of God and the Presence of God. So the whole is meant to list those things that draw the Israelite near God and make the Israelite cleave to God. And to this massive catalogue, events are not only exemplary—which historians can concede without difficulty—but also subordinated.

They belong on the same list as actions, things, persons, places, because they form an order of being that is not to be differentiated between events (including things that stand for events) and other cultural artifacts altogether. A happening is no different from an object, in which case "event" serves no better, and no worse, than a hero, a gesture or action, recitation of a given formula, or a particular locale, to establish a truth. It is contingent, subordinate, instrumental.[27] And why find that fact surprising, since all history comes to us in writing, and it is the culture that dictates how writing is to take place; that is why history can only paraphrase the affirmations of a system, and that is why events recapitulate in acute and concrete ways the system that classifies one thing that happens as event, but another thing is not only not an event but is not classified at all. In the present instance, an event is not at all eventful; it is merely a fact that forms part of the evidence for what is, and what is eventful is not an occasion at all, but a condition, an attitude, a perspective and a viewpoint. Then, it is clear, events are subordinated to the formation of attitudes, perspectives, viewpoints—the formative artifacts of not history in the conventional sense but culture in the framework of Sahlin's generalization, "history is culturally ordered, differently so in different societies, according to meaningful schemes of things."[28]

Events not only do not form a taxon, they also do not present a vast corpus of candidates for inclusion into some other taxon. Among the candidates, events that are selected by our documents are few indeed. They commonly encompass Israel at the Sea and at Sinai, the destruction of the first Temple, the destruction of the second

Temple, events as defined by the actions of some holy men such as Abraham, Isaac, and Jacob (treated not for what they did but for who they were), Daniel, Mishael, Hananiah and Azariah, and the like. It follows that the restricted repertoire of candidates for taxonomic study encompasses remarkably few events, remarkably few for a literary culture that is commonly described as quintessentially historical!

Then what taxic indicator dictates which happenings will be deemed events and which not? What are listed throughout are not data of nature or history but of theology: the issue of history is one of relationship, just as with Augustine. Specifically, God's relationship with Israel, expressed in such facts as the three events, the first two in the past, the third in the future, namely, the three redemptions of Israel, the three patriarchs, and holy persons, actions, events, what-have-you—these are facts that are assembled and grouped. What we have is a kind of recombinant theology given narrative form through tales presented individually but not in a sustained narrative. This recombinant theology through history is accomplished when the framer ("theologian") selects from a restricted repertoire a few items for combination. What we have is a kind of subtle restatement, through an infinite range of possibilities, of the combinations and recombinations of a few essentially simple facts (data).

The net effect, then, is to exclude, rather than to include: the world is left outside. The key to systemic interpretation lies in the exegesis of that exegetical process that governs selection: what is included, what is excluded. In this context we address Jonathan Z. Smith's statement:

> An almost limitless horizon of possibilities that are at hand . . . is arbitrarily reduced . . . to a set of basic elements. . . . Then a most intense ingenuity is exercised to overcome the reduction . . . to introduce interest and variety. This ingenuity is usually accompanied by a complex set of rules.[29]

If we know the complex set of rules in play here, we also would understand the system that makes this document not merely an expression of piety but a statement of a theological structure: orderly, well-composed and proportioned, internally coherent and cogent throughout.

The canonical, therefore anything but random, standing of events forms a brief chapter in the exegesis of a canon. That observation draws us back to Smith, who observes:

> the radical and arbitrary reduction represented by the notion of canon and the ingenuity represented by the rule-governed exegetical enterprise to apply the canon to every dimension of human life is that most characteristic, persistent, and obsessive religious activity. . . . The task of application as well as the judgment of the relative adequacy of particular applications to a community's life situation remains the indigenous theologian's task; but the study of the process, particularly the study of comparative systematics and exegesis, ought to be a major preoccupation of the historian of religions.[30]

Smith speaks of religion as an "enterprise of exegetical totalization," and he further identifies with the word "canon" precisely what we have identified as the substrate and structure of the list. An event in this canonical context is merely another theological thing: something to be manipulated, combined in one way or in another, along with other theological things.

In insisting that the successor-system remains connected to the initial one, I have until now left open the identification of the joining threads of thought. The systems are connected because the successor-system sustains the generative mode of thought of the initial one, which was list-making. But now the lists derive from data supplied by Scripture (as with the bulk of Augustine's historical events of paradigmatic consequence), rather than by nature. Now as before, list-making is accomplished within a restricted repertoire of items that can serve on lists; the list-making then presents interesting combinations of an essentially small number of candidates for the exercise. But then, when making lists, one can do pretty much anything with the items that are combined; the taxic indicators are unlimited, but the data studied, severely limited. So the systems connect because the successor-system in mode of thought and medium of expression has recapitulated the initial system.

The radical shift in category-formation, the utterly-fresh systemic composition and construction—these turn out to carry forward received modes of thought. So far as the two systems may both be called Judaisms, and so far as these Judaisms so join as to form one on-going Judaism, continuity is in not message but method. The history of religion is the exegesis of exegesis, and, for the case before us, the transformation of Judaism likewise tells two stories. The one portrays successive and essentially distinct, free-standing systems. The other narrates that enduring process that sustains and unites and nourishes—and, therefore, also defines.

A Postscript

The sack of Rome represents in acute form what I argue was a chronic concern. Specifically, I treat "the sack of Rome" as shorthand for a variety of events that, from Constantine and for the next hundred years, directed Christian and Judaic thought to questions of the meaning of history. In *Judaism and Christianity in the Age of Constantine*,[31] I proposed a comparable correspondence between interests of Eusebius and Genesis Rabbah. Both the Church Father and the framers of the Rabbinic recapitulation of Genesis addressed the problem of the beginnings of history, which has come to fulfillment in the events of the fourth century. So I do not mean to impose upon 410 a burden of proof too heavy to bear. For his part, Augustine minimized the impact of the event: the invaders withdrew after a few days, casualties were relatively light, and suffering was less widespread than in many other calamities of Rome's history. But world-historical events provoked his reflection: Augustine began City of God because refugees in Carthage took the sack of Rome as evidence that Rome's traditional gods were still powerful and were angered by Christian neglect. That given of Augustine-scholarship suffices to sustain my perspective on matters.

The astute reader supplies the following language: "[Augustine] argued that the city of God, which is the community of those united by love of God, is to be preferred to the city of this world, which is the community of those united by love of worldly power." The issue of power is what preoccupied the Rabbinic sages responsible for the comparable narratives of Zekhut. Power is not the capacity to coerce but to elicit response by the very opposite of coercion. That is why the Rabbinic sages take the view that those who out of free will give God the love he cannot coerce, which is the love of self-sacrifice for others, embody that grace that man for his part cannot coerce God to give. That is the opposite of worldly power, and that defines the Israel, heir to the Zekhut of the Patriarchs and Matriarchs of Israel, that endures.

Jacob Neusner

Notes

[1] See my *The Transformation of Judaism. From Philosophy to Religion* (Champaign, 1992; paperback edition: Baltimore, 1999).

[2] I refer to J.N.D. Kelly, *Jerome: His Life, Writings, and Controversies* (New York, 1975).

[3] I rely on Peter Brown, *Augustine of Hippo* (Berkeley and Los Angeles, 1967, rev. ed. 2000). The pertinent passage is on p. 302. All otherwise unidentified page references to follow are to this work. I found very helpful the outline of the work presented by John Neville Figgis, *The Political Aspects of S. Augustine's 'City of God'* (London, 1921), pp. 1–31, and the characterization of Augustine's thought by Herbert A. Deane, *The Politician and Social Ideas of St. Augustine* (New York and London, 1963). In Deane's lucid account, anyone in search of specific doctrinal parallels between sages' system and that of Augustine will find ample evidence that there is none of consequence. As will become clear, what are heuristically suggestive are structural and functional parallels, not points of doctrinal coincidence of any material importance. My sense is that the success of Brown's book overshadowed the important contribution of Gerald Bonner, *St. Augustine of Hippo. Life and Controversies* (London, 1963; rev. ed. 1986), a less dazzling, but more systematic and (it seems to me) useful presentation. A brief and clear account of the two cities is in Eugene Teselle, *Augustine Theologian* (N.Y., 1970), pp. 268–278, who outlines the variety of approaches taken to the description and interpretation of the work: polemical, apologetic; philosophy or theology of history; analysis of political ideology; source of principles of political and moral theory; and of ecclesiastical policy; and the like. The achievement of F. Van der Meer, *Augustine the Bishop. Religion and Society at the Dawn of the Middle Ages* (New York, 1961) is not to be missed: a fine example of the narrative-reading of religion by

a historian of religion of one useful kind. Precisely what Augustine means by "the city of God" is worked out by John O'Meara, *The Charter of Christendom: The Significance of the City of God* (New York, 1961), who says (p. 43) that "the city of God exists already in heaven and, apart from certain pilgrim men who are on their way to it while they are on this earth, in heaven only." When I speak of sages' having extended the boundaries of the social system from earth to Heaven, I mean to suggest something roughly parallel, in that, when women and men on earth conform to the Torah, they find themselves in the image and after the likeness of Heaven. The sense of the concept "history," then, is "the story of two cities," so Hardy, pp. 267ff. (cf. Edward R. Hardy, Jr., "The City of God," in Roy W. Battenhouse, *A Companion to the Study of St. Augustine* (New York, 1955), pp. 257–286. Note also Robert Markus, *Saeculum. History and Society in the Theology of St. Augustine* (1970, rev. ed., 1988).

[4] P. 303.

[5] John H.S. Burleigh, *The City of God. A Study of St. Augustine's Philosophy*. Croall Lectures, 1944 (London, 1949), p. 153.

[6] But the two parties have in common the simple fact that the representation of their respective systems is the accomplishment of others later on, indeed, in the case of sages, much later on indeed. Note the judgment of Deane: Augustine "was not a system-builder . . . Virtually everything that Augustine wrote . . . was an occasional piece" (Herbert A. Deane, *The Political and Social Ideas of St. Augustine* (New York and London, 1963), p. viii). Sages' documents, it is quite obvious, do not utilize the categories for the description of the social order: ethos, ethics, ethnos; worldview, way of life, doctrine of the social entity. But systemic description in its nature imputes and of necessity imposes system, and that is so, whether the system is deemed social or theological in its fundamental character. There is no difficulty in defending the proposition that sages' system was in its very essence a system of society, that is, of the holy people, Israel, and the union of social and theological thought in Augustine is signaled by the very metaphors he selected for his work, in his appeal to "the city."

[7] So Teselle, p. 270.

[8] Pp. 303–304. Cf., also Burleigh, pp. 166ff., on Augustine's attitude toward "the concrete political structures of history."

[9] P. 309.

[10] P. 309.

[11] P. 310.

[12] Pp. 311–312.

[13] P. 317.

[14] P. 319. See Burleigh, pp. 185ff., "A philosophy of history." He cites the following: "St. Augustine's De Civitate Dei . . . may be regarded as the first attempt to frame a complete philosophy of history . . . It was . . . a singularly unsuccessful attempt; for it contained neither philosophy nor history, but merely theology and fiction." Burleigh describes the dominant philosophy of the age, characteristic of Augustine as well, as anti-historical. But Augustine's "Platonic Biblicism in effect brings them [history and philosophy] into the closest relation. Biblical History is Platonic idealism in time." That statement seems to me to run parallel to the characterization of the Rabbinic uses of history in the form of persons and events as exemplary and cyclical, rather than unique and linear.

[15] P. 320.

[16] P. 320.

[17] P. 322.

[18] P. 322.

[19] P. 322.

[20] P. 323

[21] P. 328.

[22] P. 328.

[23] Note Burleigh, p. 218: "The Fifth Century . . . was a period of radical historical change." But just as Augustine expressed no sense of "the end of an era," so in the pages of the documents surveyed here I find no world-historical foreboding, only an optimistic and unshakeable conviction that Israel governed by its own deeds and attitudes its own destiny every day. That seems to me the opposite of a sense that all things are changing beyond repair. There is no more ample representation of the historical convictions of the Rabbinic sages than Burleigh's representation of Augustine's: "Rome might pass away. The protecting fostering power of her emperors might be withdrawn. But God endured. His purpose of gathering citizens into His Eternal City was not frustrated by transient circumstances. St. Augustine had no anxiety for the Empire or for civilization, even 'Christian' civilization, because he found a better security in God." It is interesting to note that Burleigh gave his lectures in 1944, responding it seems to me to the impending dissolution of the British Empire in his rereading of Augustine—and dismissing an interest in the fate of Empires as essentially beside the point for Augustine. So it was for the Rabbinic sages.

[24] Burleigh characterizes matters in this way: "He seems to have been satisfied to show . . . that the exposition and defense of the Christian faith necessitates a survey of all History, which is in its essence God's providential government of the human race" (p. 202).

[25] The commonly-used single word, "merit," does not apply, but "merit" bears the sense of reward for carrying out an obligation, e.g., by doing such and such, he merited so and so. Zekhut, by contrast, commonly refers to acts of supererogatory free will, and therefore while such acts are meritorious in the sense of being virtuous (by definition), they are not acts that one owes but that one gives. And the rewards that accumulate in response to such actions are always miraculous or supernatural or signs of divine grace, e.g., an unusually long life, the power to prevent a dilapidated building from collapsing.

[26] See my *The Presence of the Past, the Pastness of the Present. History, Time, and Paradigm in Rabbinic Judaism* (Bethesda, 1996).

[27] I can think of no more apt illustration of Geertz's interesting judgment: "an event is a unique actualization of a general phenomenon, a contingent realization of the cultural pattern." But my principal master in the present matter is Sahlin, cited in the next note.

[28] See his *Islands of History* (Chicago, 1985).

[29] "Sacred Persistence: Towards a Redescription of Canon," in William Scott Green, ed., *Approaches to Ancient Judaism* 1978, 1:11–28. Quotation: p. 15.

[30] Ibid. p. 18.

[31] *Judaism and Christianity in the Age of Constantine. Issues of the Initial Confrontation* (Chicago, 1987).

Australia, Practice of Judaism in

The practice of Judaism in Australia is a reflex both of the demography of the Jewish community and the "tyranny of distance;" that is the distance from Europe and the centers of Jewish culture that make for Australia's being Jewishly independent while formerly being under the nominal authority of the Chief Rabbinate of the now defunct British Empire. As an outpost of British civilization, Protestant in religious outlook, the white settlers from the very first tried to recreate a little Britain down under. Their heroes were British, and the literature of Shakespeare, Dickens, and Kipling set the pattern for the young. There was no fully developed self-image, and most saw themselves as Anglo-Australians, Scottish-Australians, and Irish-Australians. The British character of Australian life was imprinted on society by the British authorities who administered the country and by the free settlers, many of whom had come from the upper strata of British society, while British capital dominated the economy of the country.[1] In many ways the development of the Jewish community paralleled that of the host society, the Jewish community being dominated by English speaking Jews from Britain who were determined to establish those institutions and community organization with which they were familiar. Australian Jewry can generally be described as a calque of Anglo Jewry, for Australian Jewry continued to be oriented towards the "Mother" country, an attitude that lasted from the 1830s till the eve of the Second World War.

This was in many respects unique. In most other New World countries Jews were relative latecomers, arriving well after institutions and patterns of community governance had already been established by the white settlers. In early colonial times the British-born founders of organized Jewry in Australia adopted an attitude of Jewish nondistinctiveness in all but religion, where they themselves imposed some restrictions in order to maintain some form of Jewish continuity and Judaism. Nevertheless, as the community developed and changed so its interests and practices developed, for as migrants arrived in response to events in Europe so the pattern of Jewish life changed. As the geographical sources from which Jewish migrants stemmed, changed, so did the languages they spoke and the nature of their Judaism.

This fact is underscored and well demonstrated by the range of periodicals and publications of Australian Jewry.[2] One sees that they include the organs of societies that sprang out of the concerns of Judaism in its varieties. Others are the voices of societies that sprang from the social and ethical teachings of Judaism and that grew to offer help, education, succor, and assistance to the poor and needy. There are many, however, that represent the voices of groups of confrères, landsmanschaften, who came to these shores and organized their social life and group publications in languages and ways that reflect their origins. It is a *sine qua non*, therefore, of a sensible discussion of Judaism in Australia that it incorporates an analysis of the settlement of Jews in the continent.[3]

The Jewish community in Australia stems from the beginning of the first white settlement, in fact from the first day of European settlement on the continent January 26, 1788, for there were at least eight and perhaps

as many as sixteen Jews[4] in the first transport of eight hundred and twenty-seven convicts from England to Botany Bay, near Sydney, in this "First Fleet" for c omparatively trivial crimes. This number was probably the largest percentage (0.9%–1.9%) that the Jews ever formed among the Australian colonists until today. However there can have been no tendency to develop a community for worship until the numbers were more substantial and their circumstances were better. While the literacy rate among the Jews was probably substantially better than the literacy rate among their fellow convicts,[5] they were probably not well versed in Hebrew nor likely to have had with them prayer books or religious objects that would have encouraged them to seek out other Jews for joint worship.[6] Moreover, the convicts were forced to attend Christian services, and failure to attend was punishable.[7] The number of Jews in the colony gradually increased with every convict transport until the end of transportation to the eastern colonies in the 1840s. In that period perhaps 0.5% of each transportation was Jewish.[8] At the 1828 census there were one hundred Jews in the colony, especially in New South Wales and Van Diemen's Land (Tasmania), where Jews had also been settled at the beginning of colonization. The Jewish convict numbers had been supplemented by Jewish free settlers, the first of whom arrived in 1812. When transportation began to Western Australian in the 1850s Jews were among the convicts settled there.

It is extraordinary how quickly an organized Jewish community appeared in some of the provincial towns as well as in Sydney[9] and what substantial resources a small group, which at no stage numbered more than 0.5% of the population,[10] could find to use to erect synagogues and maintain their activities. In Sydney the Jewish settlers, convicts and emancipists, gathered their first *minyan*[11] in 1817, just twenty-nine years after European settlement. They established a Jewish burial society and campaigned for a Jewish section in the cemetery.[12] The first free Jewish settlers arrived in 1821, and by 1841 there were one thousand and eighty three free Jewish settlers. Their arrival triggered the slow development of Jewish community organization. In 1828 a Jewish burial ground was established in Hobart, Tasmania, and in 1832 attempts were made, unsuccessfully, to do the same in Launceston, Tasmania. The foundations of the synagogue in Hobart were laid in 1843.

Jewish communal life began with the establishment of the first congregation in Sydney in 1831 in rented premises in George Street, Sydney followed by a move to Bridge Street, Sydney, in 1837 (the *Beth Tephillah* congregation) and the establishment of the Sydney Jewish Philanthropic Society. The census of 1841 showed that the majority of Jews in Australia was then in New South Wales[13] and there were some fifty-seven Jews in Melbourne, Victoria. Jewish emancipists and free settlers were to be found in most of the growing country towns of New South Wales and Tasmania. The town of Maitland was declared in 1829 and by the 1840s the first Jewish burials and services were being held. The oldest surviving synagogue building in the Commonwealth is that of Hobart, where there was once a flourishing community which at the end of the twentieth century was reduced to less than one hundred persons. In the current century it has grown, as a result of the immigration of Russian Jews.

In 1844 a four-hundred seat synagogue was consecrated in York Street, Sydney. The pattern of relationships with the general community that pertained in many situations and respects was set with the building of this synagogue. The government contributed £1,000 to its construction costs of £4,000, and many Christians also gave financial assistance. This Jewish Christian cooperation, particularly in charitable work for Jewish causes, was to be marked up until the end of the nineteenth century and a little way into the twentieth century.

A Jewish community organization was established in Adelaide, South Australia, in 1847 and the first South Australian synagogue was built in 1848.[14] Queensland, as a colony of New South Wales, had been receiving convict settlers from 1824 and a relatively small number of Jews had been among these. From 1842, when the state was opened for free settlers the convicts were joined by free settlers, some of whom

stayed in what was to become the capital, Brisbane, and others of whom followed the Australian Jewish tradition of the period and spread to the towns and cattle stations outside the major city. A Jew, George Mocatta, was probably one of the pastoral pioneers of Queensland, establishing a sheep station on the Darling Downs, close to the settlement of Toowoomba, 130 kilometers west of the coast, where the colony's second synagogue was eventually built in 1873, after a small community of some sixty souls had first acquired a burial ground.[15] The synagogue was built with funds largely provided by British philanthropists, confirming the way the colonists saw their relationship with the "mother country." A congregation was formed in Brisbane in 1864 with a minister, but a synagogue was not built for another twenty years. Because of the difficult tropical climate of Queensland it has never been so heavily colonized with Jewish settlers as the other states.

By the end of the fourth decade of the nineteenth century, not long before the discovery of payable gold in New South Wales, the colony was beginning to recover from a serious economic depression; a measure of democratic government was being enjoyed and the transportation of convicts had ceased. Though over a quarter of the whole population of the continent lived in Sydney, there were Jewish settlers throughout Australia, free settlers outnumbering convicts and emancipists, and not, as today focused in the State and Federal capitals, but living in country towns and small settlements where they followed nearly every trade and profession, in private or government service. At this time, for example there were twenty-four Jews living in the country New South Wales town of Bathurst, including the owner of the newspaper, *The Bathurst Advocate*, the Chief Constable, several shopkeepers and store managers, a pastoralist, and a jeweler and watchmaker. Goulburn, one focus of the pastoral industry, was undoubtedly the most important Jewish country center in the colony, with fifty-four Jewish settlers just before the beginning of the gold rush. It was the largest concentration of Jews outside Sydney, and, as one pioneer put it, the town owed much "to the commercial genius of the Hebrew race." Their contribution to the commercial welfare of the town and district gave rise to the contemporary saying, "as solid as a Goulburn Jew."

The position of all the Jewish communities began to strengthen with the surge in the Jewish population in the so-called "Golden Fifties," the gold rush years of the 1850s. Census figures show that between 1851 and 1861 the Jewish population of Australia almost tripled in size, growing to some 5,486 persons. This compares with a general population growth for the same period from 186,000 persons to 358,000, a slower rate of growth. Until 1851 only 1.6% of the population had been of non-British origin, but by 1861 that figure had become 10% and included many Jews from Germany and Russo-Poland. The proportion of Jews of English origin to that of European origin changed substantially from more than 90% Anglo-Jewish to less than 50% Anglo-Jewish by 1861. It was probably the changing character of the immigrants with so many non-English speakers that made the Jews objects of fun in the writings and memoirs of the 1850s. Their foreignness also resulted in a predisposition to over-estimate the number and influence of the Jews, for example the estimate that there were ten-thousand Jews in Melbourne during the gold rush years.

The majority of the Jewish newcomers went to Victoria where the gold discoveries were more substantial than in New South Wales. The gold discoveries had an additional effect of drawing Jewish settlers from farming communities and capital cities on to the goldfields themselves where some dug for gold, seized with the popular idea of making their fortune with a rich strike; others bought and sold bullion, owned and operated quartz crushers, smelted gold dust, or transferred it to city banks in secure transport. The majority was engaged in secondary industries such as owning newspapers, horse-breaking, peddling, transporting foodstuff and mining goods, inn-keeping or store-keeping. Among those transporting goods should be noted several Jewish shipowners whose vessels transported miners and mining equipment between California and Australia. It seems to have been at this

time that a number of Yiddish and Hebrew words passed into Australian slang on the goldfields (*haver* = cobber, a comrade; *meßiyah* = motza, a discovery, *shikkur* = shikker, a drunk) and became naturalized into the Australian vocabulary.

The goldfield Jews, rather than the pastoralists, sought to erect synagogues, so that in mining centers such as Ballarat and Bendigo in Victoria, and Forbes in New South Wales, there were synagogues, whereas at Goulburn, in the rich pastoral downs to the south of Sydney, where a land grant had been made for the erection of a house of worship, there was none. A probable reason is that the life-span of many of the new immigrants was relatively short because of lawlessness on the goldfields, the difficult state of the roads, and the activities of bushrangers and regular ship wrecks. The records are replete with references to funeral services for Jews being held in churches, and there was an obvious need for Jewish ritual facilities.

It has been suggested that the change in size and location of the Jewish population during the gold rush era consolidated the foundations of Jewish communal life, particularly within the extant Victorian communities. Yet it is equally clear that many of the mining and commercial pioneers were assimilated into the general community and lost to the Jewish communities. Their subsequent careers can be followed by noting in Australian country towns the large number of individuals with names such as Cohen or Levy who have had no direct connection with Jewry since the 1850s. It was probably the relationship between Jews and non-Jews on the goldfields that set up the overall tolerance towards Jews that has been characteristic of Australia until the post World War II immigration of East European non-Jews. Ibn Saphir, in his travel memoirs of 1861 showed his appreciation of the general, but not universal, tolerance and freedom enjoyed by Australian Jewry with the words, "In this land they have learned that the Jews have good qualities and hatred towards him has entirely disappeared here."

A smaller gold-rush started in Queensland in 1873 when gold was discovered around the Palmer river. By 1876, 35,000 people had passed through a new shanty town known as Cooktown, but illness, accidents, and attacks by Aboriginals reduced the number of miners. When the alluvial gold petered out the population was reduced to about four hundred souls of whom a number were Jewish. Since that time there have always been a few Jews in the town.

Although the proportion of Jews from non-British sources increased during the gold-rush, it has been estimated that Ashkenazi Jewry from the United Kingdom and Germany remained in the majority until 1881 and, in consequence of this demographic origin, as well as the Britishness of the colony, synagogues had an Anglo-Ashkenazi liturgical style: from 1880 immigration from Russia began to grow. In the years from 1880 to 1921 over 60% of Jewish immigrants came from Eastern Europe and only 30% from Germany. The congregations in Melbourne reflected this diversity, each representing a different segment of the community.[16] The persecutions in the Ukraine and Lithuania caused a mass emigration: some adventurous Jews chose Australia instead of the USA as their future home. At first the new settlers were easily absorbed into what today would be defined as a multicultural society but by the 1890s there began to be considerable discord between the older settlers and the newcomers who numbered more than one half of the total Jewish community. The cause of conflict was the contrast between the foreign (i.e., European) vibrant Judaism of the newcomers and the anglicized and more staid Judaism of the older established settlers. This cleavage was a major factor in the development of Australian Zionism.

By 1901, the year of Federation, the character of the country had been shaped by more than a hundred years of immigration, mainly from the United Kingdom and even second and third generation Jewish Australians regarded England as "Home." Australian political unity was superficial and there was no traditional experience of loyalty to a single national government.[17]

The six states (the former colonial governments which still retained a large measure of autonomy) and the combative jealousy between Melbourne and Sydney which had

been determined by history and geography remained and grew, with over a quarter of the total population of 3.75 million living in these two cities. Following the period of the Gold Rush in the 1870s when new immigrants from Europe and China were welcomed, most political parties subscribed to the "White Australia" policy of excluding Asians as well as Pacific Islanders. These restrictions were a response to the attempts to use coolies to replace convicts as cheap labor, as well as a result of conflicts between Chinese and Europeans on the goldfields. The community generally regarded all non-British as less desirable immigrants, and in the years from 1906 to 1914 various schemes were revived by all the states to encourage British immigration so that nearly half of the newcomers in those years were from Britain, and most of them were assisted.

The Jewish community, which produced many notable "Australian" citizens, publicly demanded equality as the rights of citizens and not as "an act of toleration or favor," which would imply fundamental inequality.[18] They openly fought prejudice against Jews during the colonial period, while fully identifying with prevalent Australian mores, and continuing at all times the process of minimizing differences between themselves and the general community. This produced a communal posture that sought group invisibility resulting in a blunted response to outside challenges and a real danger of disappearance through assimilation. The fact that Jewish notables had access to the higher echelons of government diminished the need for a representative body as existed in various Jewish communities in Europe and North America and delayed the formation of a representative body.

It was taken for granted that mass immigration of Jews from Eastern Europe would result in increased anti-semitism; the entrenched Australian Jewish community was nonetheless willing to encourage the establishment of a limited number of Jewish farming settlements in outlying areas in the Northern Territory and Queensland. The community also established branches of the Anglo-Jewish Association in the larger Jewish communities during the 1870s to raise money to help European Jews get to America.

The frame of organization was generally the synagogue and congregation and not the incorporation of the Jewish community as such. The first synagogues maintained a "high church" atmosphere[19] and the congregations placed themselves under the authority of the British Chief Rabbi. Laymen controlled general matters, leaving the rabbis to deal only with the ritual and religious spheres. Moves for federating the congregations in 1898 failed, as did the 1906 idea of setting up a Board of Deputies in Victoria along the lines of the British model.

From 1871–1911, the Jewish population of Australia increased fourfold, with most of the migration coming from Russia, sometimes directly and sometimes via England with the assistance of the Jewish Emigration Society of Great Britain, the Jewish Board of Guardians of great Britain, and the Jewish Colonization Association in conjunction with the Anglo-Jewish Association. Despite the depressed condition during the 1880s, the newcomers were welcomed to the antipodean shores, When the editor of the Hanover journal, *Jeschurun*, wrote to the editor of the Melbourne *Jewish Herald* with five questions about the nature and quality of Jewish life in Australia in order to satisfy potential migrants who were readers of his paper, a reader wrote to the English newspaper, the *Jewish Chronicle*, to publicize the questions and responses, hoping to attract migrants to Australia.

As late as 1889 publicity was given to the possibilities of making good in Australia. A letter to the *Jewish Chronicle* on April 19, 1889, is of especial interest, for less than three years later, the same writer, an Anglo Jew, was to show his hostility to the new migrants. The two letters, the first of which welcomes "hard-working toilers" show the speed at which antipathies developed within the Australian community towards the Russian migrants.

By 1890 the Russian Jews totaled about 52% of the Jewish census. Most of the newcomers went to the cities, where they were involved in the textile industry, general dealing and skilled and independent trades in contrast to wealthier second and third generation families who were moving into the professions and more remunerative cate-

gories of store-keeping. The wealthier Jewish "establishment," typical of Australia sympathetic churchmen, took some responsibility for the newcomers, and the 1880s saw the development of loan and aid societies for the Jewish migrants.

The advent of these newcomers, who were to be the backbone of the Zionist movement, colored the attitude of the Anglo-Jewish establishment to Zionism, for they tended to associate the Jewish national revival with the problems of assimilating the refugees. It was not merely the contrast between the vibrant—and alien —Judaism of the newcomers and the Anglicized respectability of the veterans or the wealth-based social distinction between the two groups, which was formative in attitude making: another major factor was the reaction of the non-Jewish majority of the community to the influx of Russian Jews at a time of economic uncertainty. In essence there was a sudden expression of anti-Semitism in a country in which Jews had been regarded as equals in every sense, where towns and geographical features bore the names of Jewish pioneers, where Sydney, the State capital of New South Wales and premier town in Australia, was sometimes known as "the Jew's Paradise," and where Jews participated at all levels of the governing system. The neo-anti-Semitism was not only directed at the immigrants but touched upon established Jews, as seen in the matter of Max Hirsch, a candidate for the Victorian State parliament.

The stampede of migrants from Russia in 1891 led to rumors that the Jewish Colonization Association, established by Baron de Hirsch, was hoping to send half a million Jews to the Antipodes. The rumor probably sprang from the increasing number of Russian and Rumanian immigrants, arriving with the assistance of the British organizations, but there was no plan to establish Jewish colonies in Australia until the Freeland League considered the Kimberley project in the 1920s. The response of the Jewish community to this anti-Semitism was to display an ambivalence in giving any amount of money to relief funds as long as Russian Jews stayed out of Australia.

The Anglo-Jewish "cathedral" community in Melbourne, the Melbourne Hebrew Congregation, and the Victorian branch of the Anglo-Jewish Association, took a stand against Russian Jewish migration. The Premier of Victoria, parliamentarians, and some churchmen also spoke against the immigration of impoverished Jews and expressed doubts about their loyalties, especially of those who were members of the Chovevei Zion and who spoke of a national home in Palestine. These anti-immigration protests took a marked, anti-Semitic turn. Significantly, the leader and spokesman of the anti-Zionist faction in the 1940s, Isaac Isaacs (later Sir Isaac Isaacs and the first native-born Governor General of Australia) was honorary secretary of the Russian Relief Fund in the 1880s, and was present at the special meeting of the Victorian branch of the Anglo-Jewish Association when it resolved not to support Jewish immigration to Australia. In view of his early sensitivity to anti-Semitism and his strong reactions to any suggestion of a tension between his religion and his British citizenship, it is probable that the anti-Semitic manifestation of the 1890s, with its divisive effect on the Jewish community, influenced his attitude to Zionism. Pro-Zionism and anti-Zionism became dominant features of Australian Jewish life when the founding of the State of Israel made the State the focus and center of Diaspora Jewish life.

When the news of Herzl's proposal for a Jewish state in Palestine reached Australia, the local Jewish press was mainly opposed to the idea though not unanimously so. There was particular hostility in the community to the calling of the first Zionist Congress. The opposition originated with the anglicized Jewish community, "the Anglo Jewish country gentlemen with the dignity, courtesy and charity, but also the authority and power of the nineteenth century English gentry"[20] who saw in Zionism a challenge to the place of Jews in Australia. There was greater support for the Zionist movement in Western Australia, where very few members of the Jewish community were second generation Australians. Most had been attracted to Western Australia by the gold rush of the 1890s and a surprising number were of Palestinian origin (see below). Few of the inhibiting factors that were found

in the older established communities in the eastern states existed in the Jewish communities of Perth and the goldfields towns of Kalgoorlie and Coolgardie where there synagogues.

Another divisive factor in the community at this time was the influence of the territorialist movement in Zionism. At the Sixth Zionist Congress there were two Australian delegates, one of whom supported Herzl's Uganda plan. When Israel Zangwill founded the Jewish Territorial Organization, following the Seventh Zionist Congress in 1905, a number of Australian Zionists adopted the Zangwill agenda. These Australians included the editor of the influential *Hebrew Standard* and the Rabbi of the "cathedral" synagogue in Sydney, Rabbi Francis Lyon Cohen of the Great Synagogue, who took up public stances against the Herzlian movement. In 1906 the president of the Immigration League of Australia, Dr. Richard A. Arthur, suggested that a Jewish colony might be founded in the Northern territory of Australia or in Queensland. He wrote to Zangwill, advocating his plan, and the project was given considerable publicity. Zangwill's interest was aroused, and he gave serious consideration to Australia as a site for a Jewish national home, because he felt that Australia would have to make a choice between a white Jewish population or Asiatics in the sub-tropical parts of the country. Plans were made to buy one million acres of land in the Northern Territory for the settlement of 500–1000 families. In the end the scheme came to naught when the Australian Prime-Minister met Zangwill in London and advised him that although Australia welcomed Jewish immigrants it would never tolerate the establishment of an enclave under separate laws.

In 1907, an attempt was made to establish a Zionist Federation of Australia and New Zealand under the auspices of the Zionistische Zentral Bureau so that Australian delegates might join the central executive of the Zionist movement. However, since Australian opinion was divided on the issue and since the English Zionist Federation claimed to represent Australia, the move failed.

Jewish migration temporarily came to a halt during World War I but, immediately after the war, there was another influx of European Jews who had been displaced, especially from Poland, and who sought to escape the rising tide of anti-Semitism. In 1920, Zangwill proposed to the Premier of Western Australia that one million Jews should be allowed to settle there in a self-contained colony where the Jewish religion, including the suspension of work on the Sabbath, could be the basis of life for the settlers. The proposal was rejected on the same grounds as the previous proposal.

In 1921 the secretary general of the Jewish World Relief Conference, then in session in Paris, inquired from relief committees in Australia as to the possibilities of Australia absorbing substantial numbers of Jewish migrants. The Australian government was consulted and gave an opinion that provided the candidates were agriculturalists and met the physical standards prescribed by Australian law their entry to Australia would be welcomed. On receipt of this statement the Relief Conference decided as "an experiment" to send two hundred Jewish agriculturalists to Australia. Meanwhile, the Nansen All Russian Relief Committee had approached the Australian authorities with a proposal to settle five thousand refugees in Western Australia. The Jewish World Relief Conference decided to await the decision of the Australia authorities to Dr. Nansen's scheme before proceeding with its own. The larger proposal apparently frightened the Australian Federal authorities, for despite the fact that the Australian High Commissioner in London sent a special envoy to Australia in order that the scheme might be carefully represented it was not given serious consideration. The only result was to create prejudice against the smaller venture, which was abandoned.

After the introduction of restrictive immigration quotas by the United States' government in 1922, the number of immigrants from Poland increased rapidly and Yiddish became an important community language. In 1924 restricted visas were introduced to Australia in response to straitened economic circumstances and financial restrictions were tightened in 1930. Between 1925 and 1930

there was a substantial influx of migrants from Palestine, at least two thousand of them in one six month period, with an effect on internal community politics. It is probable that 85% of the newcomers went to Melbourne (Victoria) where they so skewed the composition of the Jewish community that second and third generation Jews were in the minority. Henceforth, Melbourne began to overtake Sydney as the dominant Jewish city, where they tended to create a Jewish sub-culture, in that they focused on the Jewish-Hebrew-Zionist values that they considered vital for their own future and that of their children.[21] New synagogues started to be built. Newtown, Sydney, was consecrated in 1919. The foundation stone of the Central Synagogue was laid during the visit of Chief Rabbi Hertz, the Maccabean War Memorial Hall was built in 1923, and around it Jewish communal organizations began to focus their activities.

The newcomers were dissatisfied with the Anglo-Jewish type of education available for their children and set about establishing new social and educational facilities that emphasized Hebrew and Zionism. Many of these newcomers regarded themselves only as temporary residents in Australia to which they had come as refugees from the harsh economic conditions in post-World War I Palestine. Under the terms of the British Mandate, Palestinian Jews could be given British passports and avoid the quota restrictions in the U.S.A. Thus there was a substantial migration from Palestine. The Jewish endeavors of the newcomers were bolstered by the situation confronting the community in the early 1920s Jewish ex-servicemen returning from World War I and new young Jewish graduates of the Universities of Melbourne and Sydney shared a growing concern at dwindling of communities through intermarriage and assimilation. It was estimated that some 30% of males and 16% of females were marrying out.

Among their achievements was the establishment of the *Ivriah* society, which attracted to its Hebrew lecture program and its literary events far more of the established Jewish families than Palestinian migrants: it introduced many of these Anglo-Jews to the Zionist movement. For example, in 1921 Randwick-Coogee residents of Sydney decided to build a synagogue and set up an education board. Free Hebrew education was provided but the school lasted but a short time. It was closed and reopened as a Tarbuth school, which was also closed as it did not suit the ethos of the Anglo Jews. A new pro-Zionist newspaper, the *Australian Jewish Chronicle* was published by the same group, However, the presence of the Palestinian immigrants was also an obstacle to some Zionist activities. Some of the new arrivals spread unfavorable reports about conditions in Palestine, and the anti-Zionists in the community used their presence to stir up anti-Zionist sentiment.

For Australian Jewry pro-and anti-Zionism was a crucial factor in identity. The steadily developing conflict in Palestine between the Mandatory power and the Jewish Agency began to erode the support of the Australian Anglo-Jews for Zionism, especially in Sydney, where fewer Palestinian migrants had settled. Australian Jewry, recalling the role of the Jewish citizen soldiers during World War I, and especially the role of the Australian military hero, General Sir John Monash, felt that it had a stake in the powerful bond of military nationalism between Australia and Britain. The rabbi of the Great Synagogue of Sydney, which was the principal Jewish war memorial in the Commonwealth, publicly and repeatedly advocated defense policies identifying with British foreign policy, thus confronting pro-Zionists with the issue of divided loyalties.

In Melbourne, the European Jewish Relief Committee led by the leader of the Anglo-Jews, Rabbi Danglow, seized the opportunity to turn itself first into the Victorian Jewish Questions Immigrations Committee and then into the Australian Jewish Land Settlement Trust. The stated purpose of this Trust was to solve the problems of Jewish immigration by establishing immigrants as poultry farmers, market gardeners, dairy farmers, orchardists, and other agricultural pursuits, either singly or mixed. The Trust was not concerned with increasing the flow of migrants; on the contrary, it was interested in resettling migrants already in Australia. The directors of the Trust were as

much concerned with the welfare of the settlers as they were in the effect the flow of immigrants was having on the established Jewish community in Melbourne, and on the public image of the Jewish community at a time of high unemployment. Ironically, the Trust was remarkably successful in establishing two Jewish settlement towns, at Berwick and Shepparton, from which settlements came a generation of Zionist leaders, Jewish educationalists, and immigrants to the land of Israel.

By contrast, the government of the State of New South Wales was still anxious to receive Jewish immigrants, especially from Britain. However, the community effort to encourage immigration was split by the affair of the Wailing Wall in Jerusalem of 1928 and the Arab riots that followed. The Wailing Wall incident in September, 1928 (the removal of a *mehitsah*, which separated men and women at prayer, by British police officers) was one of the triggers of the riots a year later, The Australian Zionist Federation conveyed a resolution to the Commonwealth government deploring the action of "certain British officials of the Palestine Government" in denying worshippers free access to the wall. In Sydney, the rabbinate spoke against the Federation from the pulpits, and the Melbourne Jewish Advisory Board, which in reality represented the Anglo-Jewish component of the Victoria Jewish community, publicly dissociated itself from this resolution and sought to prevent the Australian government from transmitting the text of the resolution to London, The Advisory Board set the tone of the schism with the words that Australian Jews, as "loyal British Jews" should make every effort to uphold the authority of the British government and do nothing to embarrass it in its already difficult task.[22] Complaints were also made by the anti-Zionists to the police, with the effect of hardening opinion against the Anglo-Jews among members of the community who were not previously committed Zionists.

An interesting phenomenon in this schism was the degree of public support given the Zionist faction by prominent non-Jewish members of the State Governments and the churches. It was difficult for one part of the Jewish community to argue that support for the *yishuv* was a form of disloyalty to the Crown when prominent Australian non-Jews made public statements of support in state parliaments and gave financial contributions. Australian Christadelphians launched a fund-raising campaign to plant a forest of their own in the Jezreel valley.

The 1930s was a period of rapid growth in the Australian Jewish population. As a result of the events in Europe the number of Jewish immigrants began to increase, even though there was a restriction of one hundred permits per week. This was far too few for the number of applicants, and the Australian government agreed after the Evian conference to increase the number to fifteen thousand, which was to include permits for non-Jews. The outbreak of war prevented this quota being reached, but at least seven thousand Jewish immigrants reached the security of Australia between 1934 and 1938. The total Jewish population of the continent in 1938 was estimated at 27,500, an increase of some 25%. Between 1938 and 1939 a further 6,500 Jewish refugees arrived mainly from Germany and Austria.

The immigrants were to play a key role in the life of the community, and they ensured that ultimately the Jewish life of the community would strengthen and become rich, but their immediate reception was one of hostility. The impact of these newcomers was felt in the establishment of new synagogues in Sydney and Melbourne and the increase in the numbers of members of established congregations in all States. They also made a key contribution to the maturation of Australian intellectual life, especially through the *Duneera* affair. The *Duneera* was a troopship that arrived in Australia in 1940 with 2,542 internees on board who had been cleared out of Britain as enemy aliens and were ill-treated *en-route* by soldier escorts. Some two thirds of their number were Jewish, among them musicians, artists, writers, and scholars who, when they were eventually freed from internment in remote parts of Australia, made well-chronicled contributions to Australian arts and sciences.

Before World War II it seemed to be very likely that the Jewish community would disintegrate. It enjoyed full religious, political, and social equality, and the emphasis

on the Britishness of Australia caused a leveling in the whole community. The Jews of Australia showed a strong tendency to intermarry, and it has been suggested that the intermarriage rate reached thirty percent of the Jewish male population. World War II changed that.

At first, the Jewish establishment took pains not to be identified with the newcomers who were pejoratively known as "reffos." The Australian "establishment" Jews were afraid that the migrants who were very different in their culture would jeopardize their position in some way. It was expected of the refugees that they would abandon all foreign features and through the rapid adoption of English, and Australian customs and practices, quickly present themselves as "one hundred percent Australians." There were few social contacts, so the newcomers had to recreate their Jewish identity. They developed their own new synagogues and landsmanschaften within the orbit of the Yiddish speaking society, the Jewish Folk Centre, the Kadima in Melbourne and the Hebrew speaking groups created by the earlier generation of Palestinian immigrants, and the like. It was in these circumstances that the successful B'nai Brith movement, an important identity vehicle for the newcomers, was launched in Australia.

To understand the role of B'nai Brith and the landsmanschaften one must understand the Australia into which the refugees came and how they perceived it. Established Australian Jewry was still a relatively small group that was well integrated into Australian society. Anglo-(Australian) Jewry was thoroughly assimilated and there were very low levels of anti-Semitism. There was a high level of acceptance into general society. Jewish life in the two most populous states, i.e., in New South Wales and Victoria, revolved around two organizations, the Great Synagogue of Sydney and its Victorian-equivalent, the Melbourne Hebrew Congregation. Strong Jewish identification was lacking and the main aim of Jews was to practice religion at minimal levels and be accepted into Australian society.

Arriving migrants brought a stronger sense of Jewish identity and a vastly different cultural background. Most of them had a university background and an interest in the theatre and the arts and music. They found it hard to be accepted by Australian Jews, and their status as "reffos" was galling. Integration into the existing community was difficult and many of the newcomers had a developing sense of alienation. The newcomers found it convenient to settle into a relationship with people of similar backgrounds.

As aliens in wartime the newcomers were subject to movement restrictions so that they could not meet in each other's homes, and they tended to congregate in Tarbuth offices. There was a clear need for organizations that could provide them with social relationships. Thus, they collaborated and founded the Australian chapters of the B'nai Brith and other social and cultural organizations. One other important effect of the alienation of the newcomers was the establishment of representative institutions.

In 1938 institutions for the governance of Australian Jewry hardly existed.[23] There was no national body or representative organizations for the Jewish community other than those of the Zionist organizations. At state levels, there were limited undemocratic bodies, the Jewish Advisory Boards which took the place of representative bodies and made a public show of their role as representing the communities but they were in fact "autocratic oligarchies run by small cliques." Advisory boards seen as preserve of the Anglo-Jewish elite It was claimed that they were hostile to Yiddish-speaking Jews, to refugees and the European world from which they came. They were congregational in nature since only synagogue representatives or delegates were included in their number. In essence, large segments of the community were unrepresented especially the European immigrants. By 1945 transformed bodies existed in New South Wales and Victoria and to a more limited extent in Western Australia. These new bodies emphasized Jewish self-assertion (a form of early multicuturalism) and the adoption of Zionist agendas.

The process of revolution included admission of secular organizations such as the Zionist Federation and the Yiddish-speaking organizations, the Kadimah, and the

Jewish Folk Centre to membership. This occurred in 1933 in New South Wales and 1938 in Victoria. This change recognized Jewish identity beyond religion. In 1942 a meeting was called (and advertised in the Jewish press) for the reconstruction of New South Wales Jewry. A program was adopted that included the election of a democratically composed Board of Deputies representing forty-one supporting bodies. Jewish advisory boards were abolished. The revolution succeeded because of public awareness of the catastrophe in Europe. Moreover there was the substantial influence of Rabbi Israel Porush, who occupied the erstwhile Anglo-Jewish pulpit at the Great Synagogue. What happened in Sydney was repeated in Melbourne and in Perth.

The result of the revolution was the establishment of a national oversight body, the Executive Council of Australian Jewry, whose headquarters and secretariat rotated between Melbourne and Sydney. At the State level, two Boards of Deputies with delegates from most Jewish secular and religious organizations represented the views of the Jewish community to State governments and press. They acted as ethnic community councils since Jews were represented by ethnicity rather than by religion and they spoke out on controversial issues. This change gave an institutional base to the post war, Jewish identity with its patriotic recognition of Israel as the centre of the Jewish world, replacing the old loyalties to the empire.

Between 1944–1948 the Australian Jewish community had faced a traumatic schism. The majority of the community was staunchly Zionist and whole-heartedly supportive of the effort to establish a Jewish state in Palestine. Sir Isaac Isaacs, a former Governor General, and his supporter, Rabbi Danglow, took public stances in opposition to the community and a public debate flared, with Julius Stone, Professor of Jurisprudence at the University of Sydney, serving as the public spokesman of the Zionist majority.[24] When the State of Israel was established in 1948 the public controversy came to an end and the community closed ranks.

From 1950 onwards the steady and strong stream of Jewish migration into this country, from Europe, the United States (during the race riots of the 1960s) South Africa and the USSR was to have a transforming effect on the local Jewish communities. That effect was itself overtaken in the late 1970s by multiculturalism that caused the transformation of all Australian society "as a result of which Jews may now feel that they can live more authentically as Jews than did the Anglo-Jews of the past. Jewish culture has been encouraged, appreciation of Yiddish and Hebrew has developed, Jewish day schools have been facilitated to which may be added Tertiary Jewish studies, Jewish ethnic radio, Jewish museums, Holocaust awareness and Jewish welfare societies." It has been suggested that under multiculturalism Australia has replaced the U.S. as the *Goldeneh medina*.[25] The current size of the Jewish population of Australia is uncertain but is estimated at being between 89,000–115,000, substantially more than disclosed in the official census figures. It is probable that a large group of Holocaust survivors does not declare its religion and that the official number of twenty-thousand Jewish immigrants from the USSR is too small. Eighty percent of the community identifies as Orthodox, and the rest as Liberal, but it is certain that stated identity is nominal only.[26]

At least 35% of all Australian migrants were born overseas. It has been estimated that within a generation 75% of Australians will have an intermarriage in their extended family. On other hand intermarriage rates of Australian Jewry have come down possibly to about 15% compared with much higher rates in preceding times. It seems likely that the Jewish population has increased by 85% compared with general population increase of 38%. In fact official figures of the 2001 census show 83,993 Jews, an increase of 5.2% in the five years since the preceding census. In the ten years since 1991 the Jewish population growth was 11.3%, probably an unmatched growth rate in any part of the diaspora.[27] The slowing down in the rate of increase in the population may be a reflex of the fewer Russian migrants arriving on Australian shores. Of these, 20,818 have non-Jewish partners (= 30%). Unofficial figures put this at a 20% intermarriage rate with a 20% increase in recent years. Forty

per cent of the children with Jewish mothers identify as Jewish, whereas 16% of children of Jewish fathers and non-Jewish mothers identified as Jewish in that census.

Of the total Jewish population there are about six thousand Sephardim scattered over states and territories. About 3,500 of these live in Sydney, and about two thousand in Melbourne. In both major cities they have their own synagogues. Sephardim arrived with the first fleet as Spanish and Portuguese Jews from England. The early Sephardim, especially members of the Montefiore family, were substantial supporters of the Jewish community, By the end of the nineteenth century the Sephardim had lost their Sephardic identity and had merged into the Ashkenazi community but their numbers were replenished at the end of World War II when Jews began to arrive from Hong Kong, Shanghai, Iraq, Persia, France, Egypt, Singapore, Burma, and India. They were uncertain whether to assimilate into the mass of Australian Jewry or to retain their separate identity and customs. They opted for the latter course and have developed representation on relevant community boards.

The Rabbinate and the Synagogues

In the beginnings of the colony the authority of British chief rabbi was axiomatic.[28] The colonies were offshoots and outposts of the United Kingdom. The chief rabbinate took little interest in Australia though it did perform divorces for husbands about to be transported on convict ships. The first official connection with Australia came with the grant of credentials to Philip Joseph Cohen, who arrived in Sydney in May, 1828, with permission to conduct Jewish marriages. He was followed in 1830 by Rabbi Aaron Levy, who regularized Jewish worship and organized the first *get* for the colony. A Beth Din was founded in Melbourne in 1864, and the *get* for any divorce was issued there for some decades. There were many conversions to Judaism, and local synagogue boards tended to deal with these, instead of a Beth Din

Between 1862–1903 Rabbi Davis served in Sydney, though his Rabbinic credentials were not uniformly accepted. In 1870 he asked the British chief rabbi to set up a Beth Din in Sydney because of the inconvenience of the six hundred mile journey to Melbourne for Beth Din appearances. The Chief Rabbi opposed the establishment of a Sydney Beth Din on the grounds that he was afraid of a flood of proselytes. The board of the York Street Synagogue took an initiative and appointed a three-man Beth Din but disbanded it when the Chief Rabbi protested, Eventually the Chief Rabbi (Marcus Adler) gave way, and a Beth Din with limited powers was appointed in 1885. Proselytes only were dealt with and even then their cases were first referred to the UK to the chief rabbi. The board of the synagogue had power to refer matters to the Beth Din and it was not until after 1940 that the Beth Din was freed from Board interference.

In June, 1905, Rabbi Davis was replaced by Francis Lyon Cohen, and a new Beth Din was set up by Great Synagogue. This was basis for an independent Beth Din, which was established by Rabbi Israel Porush and Dayan Abrahamson to serve the growing Sydney community with its new postwar synagogues.

There are currently about thirty five synagogues in Sydney and an equal or greater number in Melbourne representing, in both cities, a variety of strands in religious Jewish life Sephardi and Ashkenazi Orthodoxy (middle-of-the-road, Chassidic, etc.) and Progressive (Liberal/Reform) Judaism. However the Reconstructionist and Conservative movements have never really found their place in Australian Jewish life as they have in the U.S.A. Nevertheless, there have been fledgling attempts in Melbourne, Sydney, and Brisbane to establish Conservative congregations in recent times. Australian Jewry is still strongly attached to its European roots, and most Australian Jews who are affiliated to synagogues would define themselves as traditional. Most synagogues are located in the major areas of Jewish settlement, but in both Sydney and Melbourne there are architecturally distinguished and historically important synagogues near the centre of each city and away from these areas, viz. the Great Synagogue in Elizabeth

Street, Sydney, the East Melbourne Hebrew Congregation in Albert Street, East Melbourne, and the Melbourne Hebrew Congregation in Toorak Road, South Yarra.[29]

In Perth, Adelaide, Canberra, Brisbane, and the Gold Coast (Queensland) there are synagogues in each city, representing the Orthodox and Progressive communities. Hobart, Launceston, Newcastle, and Ballarat each has a single Orthodox synagogue, although the Hobart synagogue is today shared by the Orthodox and Reform communities of that city. All synagogues maintain the normal religious requirements of Judaism.

Kosher products, comprehensive lists of which are published in booklet form by Melbourne's Mizrachi Organization and by the Sydney Beth Din, are widely available either from local manufacturers or from Israeli importers.

Education

Perhaps the most notable and distinctive feature of Australian Jewish life is the system of Jewish private day schools that now educate most Australian Jewish children of school age. The perceived advantages of the Jewish school system—smaller classes modern facilities and equipment and a minimum of cultural and social conflict for their pupils—have encouraged a rapid expansion. In fact for most students the schools do not encourage belief or practice. The most that they achieve in Jewish terms is a sense of belonging to the Jewish community and a desire to send their own children to a Jewish day school. In that they have achieved their basic community purpose which is to stem hemorrhaging from the Jewish community.

Melbourne's Mount Scopus Memorial College, the first such school to make a real impact on the Jewish community, was founded in 1947. Nowadays, to meet the serious shortage of Jewish studies teachers, it trains its own through the Hebrew University Melton Centre. In the years since, nineteen other Jewish day schools have been established, ten of which are in Melbourne. These include the Adass Israel School, Yeshiva College, and Beth Rivkah, Ladies College, representing Chassidic or strictly Orthodox Judaism. The Leibler-Yavneh College is connected with the Mizrachi movement (modern Orthodox/Zionist), the King David School was established by the Progressive (Liberral) stream, Bialik College is a Zionist school, and Sholem Aleichem College emphasizes Yiddish language and culture.

In Sydney there are six Jewish day schools. Moriah War Memorial College, the largest, has over two-thousand students and is a traditional community school, located in Sydney's eastern suburbs. Masada College (enrolment of approximately eight hundred pupils) located on the North Shore, and Mount Sinai College are also traditional schools. Yeshiva Girls High School and Yeshiva College (for boys) are strictly Orthodox, while the Emmanuel School represents Progressive Jewry. There are also Jewish day schools in Perth (approximately 850 pupils), Adelaide (for elementary grades only), Brisbane, and the Gold Coast.

Additionally, there are numerous Jewish Sunday Schools run by the Jewish educational boards: there are teachers of Jewish subjects in at least thirty four state schools. There are many Jewish youth movements, representing a wide range of religious and secular affiliations in the community. There are numerous Jewish courses available at many Australian universities. In Sydney there are two Jewish residential colleges, Shalom College, at the University of New South Wales, and Mandelbaum House at the University of Sydney. Both provide kosher facilities and support scholar in residence programs in association with appropriate University departments. Some of the University programs, particularly at the University of Sydney, are directed at redressing the serious shortage of Jewish teachers for the Jewish schools. The Chassidic movement maintains a rabbinical training institution in Melbourne, and there are kollelim in both Melbourne and Sydney. Chabad House in Launceston Tasmania serves an educational purpose.

Welfare, Social, and Cultural Clubs

The Jewish community has a long-established and highly regarded welfare and relief system providing, especially, assistance for newly-arrived immigrants in need, for children and teenagers in financial or emotional difficulty and for the handicapped and the aged.

The Montefiore Homes in Melbourne and Sydney are impressive residences for the aged. A wide variety of other Jewish welfare organizations exist in all Jewish communities. There is, especially in Melbourne and Sydney, a rich variety of Jewish organizations, clubs and societies of every description relating to women's, sporting, political, cultural, and veterans activities. Additionally, there are numerous societies of Holocaust survivors and former anti-Nazi resistance fighters and important Yiddish cultural activities.

Most synagogues and Jewish societies publish regular journals and a Jewish weekly newspaper publishes editions in Melbourne and Sydney. There are several hours of weekly Jewish broadcasting on the ethnic radio stations in Sydney and Melbourne that carry Jewish-interest broadcasts in English, Hebrew, and Yiddish. Local Jewish internet sites also abound There are also several other Jewish publications, including *AIJAC*, which carries news of the Middle East and surveys extreme right and left-wing anti-Semitism, and the *Melbourne Chronicle*, a Yiddish-interest literary magazine which is published several times a year.

A number of excellent Jewish museums exist in Australia, together with Holocaust Museums and resource centers such as the Archive of Australian Judaica at the University of Sydney. The materially well-endowed Australian Jewish Historical Society has branches in Sydney and Melbourne and publishes its scholarly Journal and a newsletter.

Alan D. Crown

Notes

[1] For this assessment, see Eliyahu Honig, *Zionism in Australia, the Formative Years 1920–1939* (Sydney, 1996), chapter 1.

[2] See this author's "The Jewish Press, Community and Jewish Publishing in Australia" in idem., *Noblesse Oblige, Essays in Honour of David Kessler, OBE* (London, 1998), pp. 37–59.

[3] For a brief analysis see W.D. Rubinstein, *The Jews of Australia* (Melbourne, 1987). For a more detailed study see Suzanne D. Rutland, *Edge of the Diaspora: Two Centuries of Jewish Settlement in Australia* (First ed.; Sydney, 1988; second ed.; Sydney, 1997).

[4] For this number, see Raymond Apple, *The Jewish Way: Jews and Judaism in Australia* (Sydney, 2002), p. 11.

[5] See J.S. Levi and George F.J. Bergman, *Australian Genesis: Jewish Convicts and Settlers 1788–1850* (Sydney, Adelaide, and Melbourne, 1984), chapter 1.

[6] Apple, loc. cit.

[7] Ibid.

[8] See Rubinstein, *Jews of Australia*, p. 2.

[9] See Lionel E. Fredman, "The Rise and Decline of Provincial Jewry," in W.D. Rubinstein, *Jews in the Sixth Continent* (Sydney, London, and Boston), p. 56.

[10] The statistic is quoted from Fredman, "Rise and Decline," p. 51.

[11] Group of ten men for meeting together for prayer. See the *Report of the Committee of the Sydney Synagogue* (Sydney, 1845), p.1.

[12] See Suzanne Rutland's comprehensive study of Jews in Australia, *Edge of the Diaspora, Two Centuries of Jewish Settlement in Australia* (Sydney, 1988), p. 22.

[13] See Israel Porush, *The House of Israel* (Melbourne, 1970), p. 334, table 1. The table shows that there were 856 Jews in New South Wales and fifty-seven in Victoria out of a total Jewish population of 1,183.

[14] Apple, op. cit., p. 17.

[15] Apple, op. cit., p. 18; Morris S. Ochert, "Darling Downs Jewry and the Toowoomba Hebrew Congregation," in *Australian Jewish Historical Society Journal* 13:4 (1997), pp. 592–596. See also Levi and Bergman, op. cit., p. 310.

[16] See Hilary L. Rubinstein, *The Jews in Victoria* (1986), chapter 3, for a discussion of the establishment of the various congregations in Victoria.

[17] Honig, loc. cit.

[18] See Israel Getzler, *Neither Toleration nor Favour* (Melbourne, 1970), for a full discussion of Jewish emancipation in Australia during the colonial period.

[19] This tradition has continued until the present in the main cities in Australia, yet is to be found in very few congregations in England and other former colonies.

[20] See Charles A. Price, *Jewish Settlers in Australia* (Canberra, 1964), p. 15.

[21] See E. Honig, "Some Notes on the 'Palestinian' Immigrants in Melbourne, 1900–1930," in *AJHS* 12:1, 1993, pp. 63–68.

[22] Cf. A.D. Crown, "Demography, Politics and the Love of Zion," in W.D. Rubinstein, ed., *Jews in the Sixth Continent* (Sydney and London, 198), p. 237.

[23] For the full description of the transformation of communal government, see W.D. Rubinstein, "The Revolution of 1942–44: The Transformation of the Australian Jewish Community," in *AJHS* 11:1 (1990), pp. 142–154.

[24] The debate has been described frequently. For a full account, see Rutland, *Edge of the Diaspora.*

[25] See Morris Forbes "Patterns of Jewish Identity in Australia," in *AJHS* 16:4 (2003), pp. 502–535.

[26] Ibid.

[27] See W.D. Rubinstein, "Jews in the 2001 Australian Census," in *AJHS* 17:1 (2003), pp. 74–83.

[28] For this and subsequent data on the rabbinate I am indebted to Raymond Apple, "Origins of the Beth Din in Sydney," in *AJHS* 12.2 (1994), pp. 346–353.

[29] For this and other detail of the community organizations see Michael Cohen, *The Asia-Pacific Survival Guide for the Jewish Traveller*, published by the Asia-Pacific Jewish Association (Melbourne, 1988).

B

Bestiary, Rabbinic

There is no single bestiary-code in Rabbinic Judaism, but we find two distinct ways of thinking and speaking about animals, as about much else. One is Halakhic and deals with norms of action, law; the other is Aggadic and addresses norms of attitude, theological narrative. These two distinct realms of thought and speech on the same subject yield lessons of two separate classifications of the order of nature and society. Three examples suffice, two Aggadic and one Halakhic: animals illustrative of virtue, animals in the context of natural history, animals in the setting of the social order. The first one is concerned with morality, the second, with the qualities of nature, and the third with the governing rule that applies to all classes of causes of torts in an essay on responsibility and causation:

> Leviticus Rabbah XXVII:V.1
> Israel was pursued by the nations, "and God seeks what has been driven away" (Ecc. 3:15): "And you has the Lord chosen to be a people to him" (Deut. 14:2). . . .
>
> And the rule applies also to the matter of offerings. A bull is pursued by a lion, a sheep is pursued by a wolf, a goat is pursued by a leopard.
>
> Therefore the Holy One, blessed be he, has said, "Do not make offerings before me from those animals that pursue, but from those that are pursued: When a bull, a sheep, or a goat is born" (Lev. 22:27).

> B. Hullin 9:6 II.3.B
> When R. Aqiba reached this verse he used to say, "'O Lord, how manifold are thy works! In wisdom hast thou made them all; the earth is full of thy creatures' (Ps. 104:24). You have creatures that grow in the sea and you have creatures that grow on the dry land. Those that are in the sea, if they ever come up on dry land they immediately die. And those that are on dry land, if they ever go down into the sea they immediately die. You have creatures that grow in the fire and creatures that grow in the air. Those that are in the fire, if they ever go out to the air they immediately die. Those that are in the air, if they ever go down to the fire they immediately die. 'O Lord, how manifold are thy works!'"

> M. Baba Qamma 1:1
> [There are] four generative classifications of causes of damages: (1) ox (Exod. 21:35–36), (2) pit (Exod. 21:33), (3) crop-destroying beast (Exod. 22:4), and (4) conflagration (Exod. 22:5).
>
> [The indicative characteristic] of the ox is not equivalent to that of the crop-destroying beast;
>
> nor is that of the crop-destroying beast equivalent to that of the ox;
>
> nor are this one and that one, which are animate, equivalent to fire, which is not animate;
>
> nor are this one and that one, which usually [get up and] go and do damage, equivalent to a pit, which does not usually [get up and] go and do damage.
>
> What they have in common is that they customarily do damage and taking care of them is your responsibility.
>
> And when one [of them] has caused damage, the [owner] of that which causes the damage is liable to pay compensation for damage out of the best of his land (Ex. 22:4).

The snippet of Leviticus Rabbah represents a component of the natural history of animals, treated to convey wholesome lessons of virtue, matching the counterpart history of men and nations, the whole then being

presented to convey theological truths of moral conduct. The animal kingdom then serves as source of eternal verities concerning the virtuous person. The counterpart in the Bavli focuses on the classification of beasts and the governing rules of each taxon. At issue is not moral or theological truth but the immutable lessons of natural history on the perfection—balance, proportion, order and permanence—of nature. The one concerns itself with moral lessons yielded by nature, the other with the perfection of creation illustrated by nature: the *ought* as against the *is*. The one derives proof from Scripture, the other asks nature's facts to validate the proposed rule. And the third animadversion to animals, now differentiated not only from animate but also from inanimate counterparts, represents a concrete statement of an abstract theory of types of causation and consequent responsibility that encompasses oxen and fire in a single coherent composition: theory encased in exemplary fact. That yields a statement of animals in general encompassed in a system that does not treat animals as distinct from other sources of damages.

The distinct and distinctive qualities and moral character of beasts occupy theology, Aggadah. The taxonomic characteristics common to causes of damages, e.g., fire and pits in the public domain, whether these causes are animate or inanimate, sensate or dumb, concern law, Halakhah. The one may speak of the wolf, lion, bear, panther, leopard, and snake, the other of the goring ox and the crop-destroying beast, the pit and the conflagration. Animals are common to both modes of discourse, but the language and modes of thought of each scarcely intersect with those of the other. When animals are specified, they also differ from one context to the other: double-speech, double-thought. What is at stake in the one is not at issue in the other, and the distinctive traits of each extend to the choice of animals subject to discussion, the questions brought to bear, the analytical problem at issue, and the outcome.

How are we to understand the formation of two modes of analysis, each with its own language and logic, applied to one and the same topic, animals? Rabbinic Judaism in its formative canon invented two languages of thought and expression because it took up as its critical task the challenge of demonstrating the correspondence of nature and history, traits of beasts and traits of nations, in its construction of its cogent conception of the social order contemplated by the Creator. Nature and history harmonize. God makes peace on the heights and brings peace to the human condition, which matches, as well. To demonstrate in detail the truth of that generative conviction, how better than to show the complementarity of nature and the Israelite social order. Accordingly, that same system absorbed into its legal composition and adapted to the abstract, analytical program of that system the same thing, the traits of beasts, but now in order to present in a single cogent construction—the canon viewed whole—the entire corpus of data, deriving whether from nature or from the social order.

A bestiary code clearly governs in Scripture's specification of beasts for the atonement rites of the Temple altar: sheep, goats, or oxen, male or female, at specified stages in maturing, for diverse cultic occasions, sin-offering, guilt-offering, and the like. I find not a hint to tell us how the Rabbinic sages deciphered the animal code of the altar. Why an offering for a particular lapse involved an animal of a particular species, age, and sex, demands attention, but Scripture's specifications suffice without further comment, as in the following:

> M. Horayot 1:4H–L
> [If] the court gave an incorrect decision inadvertently, and the entire community followed their instruction [and did the thing in error] inadvertently,
> they bring a bullock,
> [If the court gave an incorrect decision] deliberately, but the community, following their instruction, did the thing in error] inadvertently,
> they bring a lamb or a goat (Lev. 4:32, 27).
> [If the court gave incorrect instruction] inadvertently, and [the community followed their instruction and did the thing in error] deliberately, lo, these are exempt [under the provisions of Lev. 4:4].

Where the Mishnah simply refers to Scripture's bestiary program, e.g., in Mishnah-tractate Horayot, where an elaborate corpus of Scriptural requirements designates beast A as the atonement offering for group X, beast B for group Y, I do not encompass those data in my survey. They follow Scripture's code, in the present case as set forth in Leviticus Chapter Four, which requires deciphering in its own terms. The Rabbinic mode of discourse does not dispose of the received data, merely organizes it. Here is an example of a composition that does not come under consideration:

> M. Horayot 2:7
> In the case of all the commandments in the Torah, on account of which they are liable for deliberate violation to extirpation, and on account of inadvertent violation to a sin offering,
> an individual brings a female lamb or a female goat [Lev. 4:28, 32]
> a ruler brings a male goat [Lev. 4:23],
> and an anointed [high priest] and a court bring a bullock [M. 1:5, 2:1].
> But in the case of idolatry, the individual, ruler, and anointed [high priest] bring a female goat [Num. 15:27].
> And the court brings a bullock and a goat [M. 1:5],
> a bullock for a whole offering and a goat for a sin offering.

The indicated verses, Lev. 4:28, 31, 32, Num. 15:27, form part of the factual substructure of the law as set forth in Scripture. The Rabbinic sages acknowledge those facts and subject them to systematic analysis. They do not invoke them within their distinctive bestiary system. Not a single passage in all of the formative canon of Rabbinic Judaism explains why an individual brings a female lamb or goat, a ruler a male goat, an anointed priest and court a bullock, in the specified circumstance, or why, for idolatry, the ruler and anointed priest bring a female goat, the court a bullock and a goat. The indicative traits of the several species are not specified. I do not doubt that the Rabbinic sages understood them, but they leave no evidence of their judgment.

Scripture specifies the species of animal that serves for an offering for a particular occasion, and occasionally a Rabbinic composition will explain why a given species is appropriate for a particular lapse or inadvertent sin—the traits of the beast matching the moral context, as in the explanation of the sheep, goat, and ox as singularly appropriate to God's preferences for the social order and the altar alike. But while the Rabbinic sages throughout the canon take for granted that the qualities of a sacrificial beast correlate with the character of the sin that particular beast expiates, I have identified no systematic treatment of the matter. Scripture set forth the system and forms the foundation for deciphering it. Rabbinic literature takes for granted data it does not undertake to decipher. Here the issue is other, not deciphering the received system but identifying the traits of thought and language as these are governed by distinct bestiary contexts and occasions. So I show how the same topic yields different outcomes and to identify the rules of analysis and expression that apply to each context, with a predictable result.

But, to begin with, a trait characteristic of both Halakhic and Aggadic discourse requires specification. The rules that differentiate legal from theological-narrative discourse derive from deep layers of cultural construction: differentiation, classification, hierarchization. Much is taken as self-evident, without the clarification of the bases of self-evidence. In a cultural system such as is set forth by Rabbinic Judaism the bestiary code is not comprised only by metaphors that embody obvious things, as in the following:

> M. Abot 5:20A
> Judah b Tema says, "Be strong as a leopard, fast as an eagle, fleet as a gazelle, and brave as a lion, to carry out the will of your father who is in heaven."

The similes here bear self-evident meanings that nonetheless are articulate (strong, fleet, brave), dictated by the secular, observed characteristics of the beasts on the list. So the list adds up to little more than an inert catalogue, a series of commonplace metaphors hardly particular to the system at hand. The metaphor here requires no further inquiry, e.g., into traits of the leopard, eagle, gazelle, or lion. They bear no traits

in common. They do not form a list with a probative quality inherent in the components of the list: a genus and its general rule comprised by species. By contrast, the classification *bull, sheep* and *goat* in Leviticus Rabbah as the document expounds the sacrificial code of Leviticus forms not a routine metaphor but a corpus of data awaiting analysis: species of a common genus, with the rule yielded by the genus at issue: not-carnivores. The data that permit us to characterize the two modes of discourse concerning a topic common to both Halakhic and Aggadic compositions bear in common the capacity to sustain active and original analysis.

That requirement is readily explained. Deciphering the Rabbinic bestiary-code in its implicit meanings accordingly requires us to reconstruct the analytical process that will yield the lesson that is at stake: what do the bull, sheep, and goat have in common *and why does it matter to God?* Only Scripture supplies the key, here at Ecc. 3:15 joined to Deut. 14:2): Israel was pursued by the nations, "and God seeks what has been driven away" (Ecc. 3:15): "And you has the Lord chosen to be a people to him" (Deut. 14:2). Then what is deciphered is the mystery of Israel's existence: pursued by the nations. The animal code is deciphered so that Israel's situation among the nations is illuminated and explained. The bestiary is contained within the answer to this question: what are the traits of beasts that are endowed with indicative power, with the capacity to answer fundamental questions? In other words, when we can define the taxonomic principles invoked in the traits by which beasts (or birds or fish or locusts, but we concentrate on mammals) are classified and made to yield theological truths or legal principles, then we define the way in which theology or law is conveyed by appeal to the world of nature and of Scripture: the Judaic version of nature's theology and law.

The bestiary is viewed in accord with the documentary reading of the formative canon of Rabbinic Judaism. That approach requires the characterization of data in the context of the particular document in which it occurs and the program of rhetoric, logic of coherent discourse, and topic and proposition characteristic of that document. Thus we survey the data not by species, e.g., lion or ass or cow, but by compilation, e.g., the Mishnah, Tosefta, Leviticus Rabbah. At the same time, in line with the hypothesis about the autonomous discourse of the Halakhah and of the Aggadah, with a given topic treated in law and in theology accorded its own language and logic of law, distinct from the language and logic of theology, the documents are differentiated.

How Halakhic Documents Treat the Bestiary

The Mishnah

What, in the Mishnah, is important about animals, and how, consequently, are they classified? The Halakhic category-formations govern in the classification of beasts, and rarely do the traits of the beasts themselves figure in the taxonomic exercises of hierarchical classification that comprise the Halakhic enterprise. The goal of Halakhic discourse is to generalize diverse species into a common genus, and that requires homogenization. Hence what is important is not the distinctive traits of the dog, lion, or snake but what links them together in a given legal context, e.g., types of causation.

The method of the Mishnah entails the classification of data by a governing taxonomy, yielding a rule covering a variety of cases and a general principle to be extended to new cases and the solution of new problems. That method governs in the amplification of the Halakhah and extends to beasts, which rarely form distinct species and still less commonly a single genus. The category-formations are defined principally but not invariably on Scripture's terms. The Mishnah classifies Scripture's data, it does not interpret them. That is shown in a simple fact. Scripture assigns particular beasts to the expiation of particular sins, e.g., why the goat for the expiation of inadvertent acts of idolatry. But no one in the Mishnah suggests what traits of the goat match those

idolatrous deeds. If Scripture invokes the heifer for specific purposes in line with the narrative of the golden calf, the Mishnah has not made its own and utilized that correlation for drawing lessons and composing a bestiary. Scripture's classifications of beasts in the cult thus has yielded for the Mishnah a variety of facts, but no propositions, no effort whatsoever at deciphering Scripture's meanings. The Mishnah also does not advance its own distinctive perspective on matters, if indeed it possessed one.

As the Mishnah goes, so go the further documents of the Halakhah in their category-formations from the Mishnah through the Bavli. We cannot say that the Mishnah yields a bestiary at all, so far as a bestiary imputes traits to beasts that differentiate one species of beast from another by reason of said traits, e.g., virtues or particular traits of mind or body. The indicative qualities that in the Mishnah's legal system distinguish beast from beast derive not from the animal itself but from extrinsic circumstance, the happenstance of deeds committed upon the beast for example. In that case the cow, lion, sheep, panther, goat or bear fall into a single category, e.g., having been worshipped or not having been worshipped, having been subjected to sexual relations with a human being or not having been so subjected. True, the differentiation between the animals that are attested dangers from those deemed harmless extends to traits of beasts: man and snake as against sheep and goat. But no conclusions are drawn from that fact.

The bull, sheep, and goat yield to the authors of Leviticus Rabbah the lesson: Do not make offerings before me from those animals that pursue, but from those that are pursued. The list in Baba Qamma comprised by man and dog, lion and snake, does not produce a counterpart lesson based on the distinctive traits of dog, lion, snake, or man but on those shared in common. The pig is rarely in play. The law set forth by the Mishnah in its systematization of Scripture utilized facts pertaining to animals. The *koy* is the best example of the Mishnah's method in this context of the bestiary, but the general rules of hybridization compete. In that context, so far as a bestiary produces edifying lessons, the Mishnah contains no bestiary at all.

Sifra

Sifra contains one important innovation, but it is not followed up. What has happened at Sifra XCIX:I is that someone has asked a question not asked earlier in the Mishnah, Tosefta, or nearly all of Sifra: *what do these particular beasts used for offerings signify?* The question was asked because an answer—they signify thus and so—presented itself: the provisions for the sacrificial service.

> How come the Israelites have to present an offering more than Aaron?
>
> He said to them, "As to you, you bear responsibility both at the outset [with the incident of Joseph, which brought Israel down to Egypt], and also at the end [with the incident with the golden calf].
>
> At the outset: "They slaughtered a kid" (Gen. 37:31) [in connection with the affair with Joseph, dipping the ornamented tunic in the blood].
>
> At the end: "They made for themselves a molten calf" (Exod. 32:8).
>
> *Let a kid come and effect atonement for the matter of the kid, and let a calf come and effect atonement for the matter of the molten calf.*

Here is material for a true bestiary. Types of beasts for particular classes of offerings bear meaning. That meaning awaits discovery in the details of the Torah's narrative. Why in Sifra in particular? Because much of the book of Leviticus concerns itself with the types and procedures of sacrifice, and all of it devotes itself to the sanctification of Israel. Why not in the Mishnah or, therefore, in its companion, the Tosefta? Because neither document took as its task an exegetical inquiry into questions of meaning and significance. Such questions imposed particularity on data deemed to conform to a single rule. A type is a philosophical category, the result of classification of data uniformly. It yields no singular meanings—by definition. Matching meaning and significance to events and meaningful moments differentiated what was uniform and specified the singular and the significant in a piece of data broken out of its taxon altogether. Let me explain.

With the Tosefta following the example of the Mishnah, the authors and compilers of both documents took as their task the organization, by topic and speciation by indicative traits, of masses of data, not the quest for the context in society of nature's facts, not for the situating in history of the imperatives of the cultic celebration of the natural world of the land of Israel. Once Leviticus comes into view, with its persistent contextualization of the imperatives of Israel's sanctification within the setting of Israel's salvation, as Leviticus 26 states explicitly, the issue of the suitable match and meaning made its appearance. Then the inquiry into the correspondence of a particular species of beast with a particular event—of nature to history—produced the question at hand: what do these particular beasts signify? And the rest followed.

The Mishnah and Tosefta embodied that pure rationality that deemed all things subject to governing rules, which we can discern with adequate knowledge of the facts of classification, inclusive of hierarchization. To that rationality of abstract thinking about the traits of things particularization and contextualization proved monumentally irrelevant. After all, how is a calf differentiated by historical context, what traits intrinsic in the heifer respond to a particular event? *Hierarchical classification depends upon the uniformity of data*, not upon its heterogeneity, established by one-time happenings. We face, then, a conflict at the deepest foundations of reason: classification versus ad hoc interpretation, the uniform condition of nature versus the vagaries of society and history, with their differentiation of all things by appeal to action specific to an occasion. The critique, which I illustrated only once, by Sifra's authors of the Mishnah's system of classification by logic—the logical hierarchy of indicative traits of classes of things, in favor of their advocacy of the specificity of scripture's own system of classification by divine decree—now takes on further consequence. Once generative thought opposes the Mishnah's and the Tosefta's mode of analysis, of the classification of things by appeal to intrinsic traits and their uniformity and hierarchy, everything changes. Then the particularization of the general indicative traits by appeal to special characteristics of components of a species defined by general traits raises questions unthinkable in natural history: the majesty of the lion, the duplicity of the pig, the nobility of the sheep, goat, and cow. Then not all lions, pigs, sheep, goats or cows are like all others. Incidents intervene.

These theoretical remarks bring us back, by a circuitous route, to the advent of a bestiary full of lessons of virtue and morality. The premise of the question is that beasts bear signification, because a rationality, consisting of the self-evidence of a given indicative quality, governs. But that signification transcends the data of nature. It appeals to the data of the Israelite narrative: the facts of the human condition and how particular events have embodied those facts. The particular bestiary exercise before us—majestic but lonely in canonical context—consists of the following premises that the situation of Leviticus conveys: 1. a rationality infuses the laws of the cult; 2. that rationality consists in the justice that comes to expression in the match between the particular beast employed for a determinate purpose in the cult and the decisive deeds of Israel in relationship with God.

3. That brings us to the humble entry before us: "Let a kid come and effect atonement for the matter of the kid, and let a calf come and effect atonement for the matter of the molten calf." The cult responds to the particular incident, the golden calf at Sinai, and its details then match the details of that incident. The key is why an atonement offering is invariably demanded, and the lock that is opened is the mystery of the cult, in all its complex details, instituted in the aftermath of Sinai. That leads to the final lesson implicit in the indicated bestiary proposition.

The calf serves, among others beasts, as a sign that 4. God is just and the principle of measure for measure governs divine justice. But God is merciful and provides a medium of atonement: the particular beast of the atonement offering (and not that offering only) signifies the right action toward that very same species by which Israel had sinned and so corrupted its relationship with God at the very moment of initiation.

The conflict between the Mishnah's insistence on the rationality of all things, conforming as they do to a uniform rule and ignoring the particularities of time and circumstance, and Sifra's critique of the Mishnah's purity of logic in the classification and hierarchization of all things, produces this document. But the singular item does not fit into that argument or the Halakhic-exegetical program of the document.

Rather, an incident has intervened to differentiate beast from beast, to explain why this beast for this category of offering, and to do so by appeal to a singular event. So Israel's social world, its history and its narrative, break into the integrity of the natural world and its coherence. No longer do all beasts form a common genus, e.g., clean or unclean. Now the particularities of the lion and the snake, the calf and the goat, come to the fore. Once the lion differs from the goat by its leonine qualities, the same modes of thought would come to bear upon the flock and the herd. And ultimately particular species of beasts would embody the traits of nations, and the Israelite bestiary would supply a mode of thinking about history—the ultimate outcome of Judaism's theological bestiary and the reversion of Rabbinic thought to the apocalyptic mysteries captured in Daniel's charging ram in the setting of Rabbinic debate. But we have gotten well ahead of our story. It will be some time before we have completed our survey of Halakhic discourse on animals and compared them with the Aggadic counterpart and so shown beyond any doubt that the two modes of Rabbinic thought and expression, the Halakhah and the Aggadah, are to be differentiated as to their indicative traits by how they speak, also, of animals.

The Yerushalmi's Halakhah

The Halakhic sector of the Yerushalmi, which predominates in the document, carries forward the traits of discourse concerning beasts that characterize the Mishnah, Tosefta, and Tannaite Midrash-compilations. Particular species rarely figure, beasts form categories indicated by traits extrinsic to their animal-ness, e.g., unclean/clean, large/ small—matters that differentiate pots and pans as much as pigs and goats, sheep and lions. The Halakhic treatment of beasts differs from the Aggadic, not only in the Halakhic interest in classification and hierarchization. It differs also in the Aggadic interest in the particularities of the species, their moral traits, and in the concomitant Aggadic interest in how animals may stand for, or embody transactions analogous to those of human beings.

The Bavli's Halakhah

What in the Bavli is important about animals corresponds to the concerns of the Halakhic system in general: the classification of animals and the hierarchization of the classes. The Bavli's Halakhic compositions that introduce the topic of animals prove routine, never treating animals as metaphors, asking them to stand for more than themselves. Thus lions and snakes occur where the narrative requires them: real lions, camels, snakes behave in accord with their nature and are subject to routine speciation. General rules govern all of them, e.g., the principle that pertains to what they may bear on the Sabbath. What is not a burden but an ornament is differentiated by species only by a principle common to them all and illustrated by each one respectively. So the classification does not derive from bestiary considerations.

The taxic process, rather, homogenizes species, e.g., at B. Shab. 1:9. IV.3C: As to a goat kept for milk, a ewe for shearing, a fowl for eggs, oxen for plowing, and dates for trading, Rab forbids handling them on the Sabbath, Samuel permits doing so. Goat/ewe/fowl/oxen/dates—animate and inanimate categories—are subject to a single differentiating principle. We see the same at B. Shab. 16:7 II.1C: fly/hornet/scorpion/snake/mad dog, differentiated by location but not by species.

The character of the Halakhic category-formations involving beasts is revealed at B. Hagigah 2:1 IV.15B: lion/ox/eagle/man form a single taxon. That once more shows the interest of the Halakhah: generalization, not differentiation, homogenization, not particularization. The bestiary scarcely registers,

except in routine contexts. Where species are distinguished from one another, the genus is homogeneous: "dangerous beasts vs. benign ones," "large beasts vs. small ones." Scorpions and snakes form a common genus, then speciated, while types of snakes or scorpions do not give way to detailed speciation.

Where we find speciation, e.g., among types of snakes, the indicative traits of one species distinct from another derive from the Rabbinic system, thus snakes that serve the rabbis as against those that do not (B. Shab. 14:3 III.2B). Another common genus is sin-offering, which serves to form an encompassing category-formation for lambs and goats, turtledoves and pigeons. That forms another category-formation that treats as null the traits of particular species of beasts and that takes shape around Halakhic considerations only. So too, small cattle comprise chickens and goats. Attested dangers as distinct from beasts deemed harmless until proven otherwise encompass wolf/lion/bear/leopard/panther/serpent—and man! The upshot is, the Halakhic taxonomy of beasts is constructed out of traits important to the Rabbinic Halakhic system, its points of differentiation, classification, and hierarchization, and not the taxic traits defined by nature.

What I have shown on the basis of the Bavli's taxonomy applies to all the Halakhic documents: the Rabbinic system does not appeal to a bestiary in the formation its classification-system and the hierarchization of its category-formations. The traits of beasts that register make their mark by reason of their conformity to the concerns of the Rabbinic system overall, e.g., snakes that carry out the tasks of the Rabbis versus those that do not, big beasts versus small ones, attested dangers versus those deemed harmless. The speciation of the genus, lions, by contrast, seldom registers. And conversely, where animate creatures are formed into category-formations, e.g., lambs/goats, turtledoves/pigeons, it is their common function on the altar that dictates the definitive characteristics of the category-formation. A fine example of the operative considerations is at B. B.M. 2:5 I.1:

> Said Raba, How come Scripture specified 'ox,' 'ass,' 'sheep, and 'garment' [at Deut. 22:1–3]?
>
> All these had specifically to be named. For if Scripture had referred only to garment, I might have concluded that the rule pertains to a case in which there is the possibility of attestation of the garment or if the garment bears distinguishing traits on its own. But as to an ass, if there is attestation of the character of its saddle, or if the saddle bears distinguishing traits, [but not the ass itself], we are not obligated to return it the ass. So Scripture specified the ass, indicating that even if the ass is recognized only by the distinguishing traits, [one still has to return the beast].

The distinguishing characteristics do not derive from nature but from the Halakhic system's own taxic indicators, the Rabbinic-systemic criteria that have nothing to do with beasts' own traits: possibility of attestation in the present instance. Rare indeed is the taxic power of natural traits invoked, e.g., at B. Bekhorot 1:2I-K I.4, where hybridization is instantiated by the domestic goose and the wild goose, traits of nature thus forming taxic indicators. There a theological principle registers: nature differentiates between animate and inanimate categories, fauna and flora, only to match fauna and flora as corresponding classes. And that theological judgment dismisses as taxic indicators natural differences of a fundamental order.

How Aggadic Documents Treat the Bestiary

Genesis Rabbah

Where taxic indicators establish categories, Gen. Rabbah encompasses Halakhic issues, as at Gen. R. VII:II.1, fish are subject to ritual slaughter like mammals; VII:IV.2, fish are subject to the prohibition of hybridization; we differentiate domesticated animals from wild beasts from fowl (Gen. R. XXXII:V.3). The analogical-contrastive method is articulated at Gen. R. LXV:III.1, the status of the starling. Here facts of nature are invoked to resolve the matter. The Aggadic theological proposition, all things carry out

God's purposes, encompassing fleas, gnats, flies, not to mention snakes, scorpions, and frogs. A series of probative cases suffices to make that point stick. But much of the speciation of animals yields lessons neither for Halakhic nor for Aggadic propositions. Overall, Genesis Rabbah contains a high proportion of compositions that systematize data without propositional consequence, whether Aggadic or Halakhic, as at the elaborate exposition of Gen. R. XLIV:XIV.2.

Where Aggadic discourse exhibits its own distinctive traits is in parabolic thinking about beasts. There traits of animals are imputed to human beings or vice versa, and where a range of questions of the meaning of history and the theological implications of events registers. In standing for world empires, species of animals—pig/bear for example—make possible systematic and organized thought about matters that vastly transcend Halakhic systematization of the social order. When the Rabbinic sages thought about world-history, the succession of pagan empires, they resorted to parabolic and allegorical thought because they had no other available medium for the organization and interpretation of the data: the rise and fall of Israel, Babylonia, Media, Greece, Rome—yielding the final ascent of Israel.

No category-formation of the social order could accommodate propositions making sense of, deriving from, world-historical events. Daniel's visions showed the way, first tentatively, as at Tosefta Miqvaot, then fully recapitulated, as in Genesis Rabbah and Leviticus Rabbah. So the allegorization and parabolization of the bestiary carried forward Daniel's apocalyptic vision, but the Rabbinic sages, true to their Halakhic training, identified the marks of system and order in the chaos of natural history. That yields an answer to the question, why here, not there? Halakhic category-formations present no opportunity for thinking about world-historical events, centered as they are upon the interiorities of the Israelite social order. A different mode of thought was required. When the Rabbinic sages took up the challenge of theology of history, they adopted the model of Daniel (and not Daniel alone), which they adapted to their larger system by systematic processing of data through classification and hierarchization. The classification was world-empires, the species, the hierarchization was Babylonia/Media/Greece/Rome—all the time aiming at Israel the holy people. For the purpose of speciation and hierarchization of world-empires, the precedent of Daniel presented itself, poorly executed where incongruous (as with the sages of Yavneh at Tosefta Miqvaot), brilliantly realized where commensurate (as here). And once the metaphorization of beasts as world-empires took over, other metaphors claimed attention.

Allegorical representation of animals registers at Gen. R. LXIV:X.3, where the lion represents cynical wisdom to yield the point, it is enough for us that we dealt with this nation whole and came forth whole. The snake embodies the proposition that what he wanted was not given to him and what he had was taken away from him. The destruction of the snake yields a lesson concerning the fall of Babylonia, Gen. R. XX:V.1. The pig is a metaphor for Cain/Rome Gen. R. XXII:XIII. So too Gen. R. LXXVIII:VII.1 has a comparable parable about how the beasts tried to conciliate the lion but forgot their wisdom as they drew near. Then it was *sauve qui peut.*

> Gen. R. XLII:III.2 registers the elaborate metaphorization in the name of Ahaz:
>
> If there are no kids, there will be no he-goats. If there are no he-goats, there will be no flock. If there is no flock, there will be no Shepherd, if there is no Shepherd, there will be no world.
>
> If there are no children, there will be no adults. If there are no adults, there will be no disciples. If there are no disciples, there will be no sages. If there are no sages, there will be no elders. If there are no elders, there will be no prophets. If there are no prophets, the Holy One, blessed be he, will not allow his presence to come to rest in the world . . .

Gen. 15:9, "bring me a heifer . . .," treats animals as representatives of Babylonia, Media, Greece, and Rome (Edom), so XLIV:XV.1. Rome, Gen. R. LXV:I.1, is compared to the swine of the wood, bearing the qualities of hypocrisy: pretending to be a clean

beast but lacking the indicators of cleanness. So too, Israel is compared to the ram caught in a thicket by his horns, Gen. R. LVI:IV.1, but in the end will be redeemed by the horns of a ram. Gen. R. LIV:IV.1 uses the ewe lambs in a different way, now they stand for seven generations by which the joy of Israel will be postponed. To animals are imputed human piety and virtue in the story of the ass of Phineas b. Yair.

But animals are not the unique media for metaphorization and the generation of parables, Gen. R. LXX:VIII.2 treats a well in the field, three flocks of sheep, a stone on the well's mouth, and the like; animals form merely a component of the vocabulary of metaphorization. Even our random sample of other sources of metaphors shows that fact. Nor do animal-metaphors bear a distinctive task of exposition or instantiation. They form a small part of a large and diverse vocabulary of metaphors, though their task seems fixed, e.g., serving as a standard metaphor for Babylonia, Media, Greece, Rome. Gen. R. LXXVI:VI.1 forms a variation on that same theme. Gen. R. XVIX:II.1 compares the tribes to animals to kingdoms, Benjamin/Media/wolf, a more elaborate approach to the same topic.

To conclude: where does the Aggadah recapitulate Halakhic modes of analysis—analogical-contrastive reasoning in a process of classification and hence hierarchization—and where does it pursue its own modes of thought? Where exposition of the Aggadic topic involves a variety of probative cases, the Aggadic composition offers a generalization sustained by a variety of illustrations, factual proofs drawn from Scripture, in the manner of the Halakhic writings. The two best examples are the propositions that strong emotions disrupt the status quo and that Israel compares with Adam.

Where Aggadic discourse shifts into its own modes of thought and analysis a particular topic predominates: the meaning of history, the interpretation of the rule of world-empires, the patterning of events. There animals are made to serve as metaphors for world-empires, and parabolic thinking takes over. Babylonia/Media/Greece/Rome—these persistently are embodied by animals, and their traits as empires are deemed comparable to those of beasts. The pattern shifts, the one at hand involving Babylonia/Judah, a lion; Medea/Benjamin, a wolf; Greece/Levi, Rome/Joseph, a bullock, other instances comparing Rome to the lion or to the pig, depending on context. For the purpose of conceptualizing the world empires and their sequence, Daniel's apocalyptic thinking, resorting to beasts to represent empires, provides a model for the Rabbinic exegetes of Genesis Rabbah, who classify in the manner of the Mishnah but who explain in the medium of a mode of thought—parabolic, metaphorical—particular to their Aggadic context.

Leviticus Rabbah

Rather than commenting on sequences of verses of a base-text, as at, e.g., Genesis or Numbers or Deuteronomy as expounded by Genesis Rabbah and the two Sifrés, Leviticus Rabbah sets forth propositions demonstrated and amplified through probative cases. The compilers made no pretense at a systematic exegesis of sequences of verses of Scripture, abandoning the verse by verse mode of organizing discourse They struck out on their own to compose a means of expressing their propositions in a more systematic and cogent way.

That documentary program permits us to assess the remarkable component of the document contributed by the bestiary, with its profound reflections on Israel as comparable to the sheep (Lev. R. IV:VI.1), the massive exercise in bestiary thinking at Lev. R. XIII:V.1, "the prophets foresaw what the pagan kingdoms would do to Israel," with the river-system of Eden and the animals that represent the kingdoms providing analogies in the theology of history, and its account of the meaning of the selection of animals for Israelite virtue ("God favors the victim, not the pursuer"). So too, the bull, sheep, and goat match the merits of the patriarchs (Lev. R. XXI:XI.1). The ram embodies Israel trapped among the nations and entangled among the kingdoms (Lev. R. XXIX:XI.1). We found in the Halakhic documents and in Genesis Rabbah among the Aggadic ones little comparable in depth and comprehensiveness to these compositions

and their companions. Clearly, the shift from verse-by-verse exegesis of details to large constructions of syllogistic compositions changed the fundamental approach to the reading of Scripture on the part of the Rabbinic sages. In that shift the possibilities of the metaphorization of animals, the formation of analogies to yield from the traits of beasts examples of virtues for Israel, vastly expanded. Above all, animals provided the medium for reflection on the theology of history in a time of crisis—the advent of the Christian empire, for Leviticus Rabbah came to closure about a century after the legalization of Christianity and its subsequent adoption as state religion.

These historical events precipitated thought on the meaning of history and its direction. The Rabbinic sages possessed models of the conduct of such thought in Scripture, both in the Authorized History from Genesis through Kings, and, more to the point of this study, in the representation of historical actors as beasts in the apocalyptic book of Daniel. Clearly, the model of Daniel Chapter Seven has stimulated thought on how beasts embody the traits of world-empires. But the apocalyptic vision of Daniel gives way to the Rabbinic mode of analytical thought. Daniel's vision involved beasts of fable, not fact. It set forth fantasies of beasts out of all relationship with the bestiary of nature—the lion with eagles' wings, the bear with three ribs in its mouth, the leopard with four wings of a bird, and the fourth beast with iron teeth, different from all before it, with ten horns . . . (Dan. 7:4–7). And while Daniel's intent is to speak through mystery and obscurity, the Rabbinic exegetes aimed at a clear and readily accessible statement of their meaning.

While the Rabbinic theologians of history may have found inspiration in Daniel's model, beasts representing historical empires, they thus followed their own mode of thought and articulate expression in making beasts into the media of theological expression. The Rabbinic counterpart drew upon the traits of beasts in the order of nature, the lion without wings, the bear lacking ribs in its mouth, and so on. Rather, the natural traits of lion/bear, so too bull, sheep, goat—these govern and embody the lessons that are to be learned. The beasts' traits represent the kingdoms' traits, not arbitrary fantasies of their qualities and conduct.

Accordingly, there is a correspondence between the natural conduct of the pig and the qualities of Rome, and so throughout. Evoking the figure of this beast or that in deciphering the meaning of events involved an entirely rational sifting of facts of this-worldly conduct, parallel patterns of behavior between pig and Rome, to take a commonplace analogy. Indeed, the parallel of beast and empire corresponded to the analogical-contrastive reasoning that classified the starling (Gen. R. LXV:III.1) or settled the question of whether or not fish require an act of slaughter. The mode of thought of Leviticus Rabbah in connection with beasts (and much else, self-evidently) accounts for the way in which beasts embody the message that the document's framers wish to impart. With its sifting of the facts of nature and the social order and its bias in favor of the comparability of nature and nurture in the Torah, Rabbinic bestiary thought originates in the Rabbinic system, not in Daniel's model.

To place the use of the bestiary into its larger documentary context, we have to stand back and look at the document whole. The message of Leviticus Rabbah—congruent with that of Genesis Rabbah—is that the laws of history may be known out of Scripture's narratives, as these yield regularities and order, and that these laws, so far as Israel is concerned, focus upon the holy life of the community. If, as Moses made articulate in Leviticus and Deuteronomy, Israel obeys the laws of society aimed at Israel's sanctification, then the foreordained history, resting on the merit of the ancestors, will unfold as Israel hopes. So there is no secret to the meaning of the events of the day, and Israel, for its part, can affect its destiny and effect salvation. The authorship of Leviticus Rabbah has thus joined the two great motifs, sanctification and salvation, by reading Leviticus, the biblical book that is devoted to the former in the light of the requirements of the latter. In this way they made their fundamental point, which is that salvation at the end of history depends upon sanctification in the here and now. Nature and the Israelite social

order guarantee that outcome. Then the bestiary is essential to the proposition of the document, and the truly remarkable compositions of the bestiary originate in response to the larger documentary program of Leviticus Rabbah.

To prove these points about the match society and nature, the authors of the compositions made lists of facts that bear the same traits and show the working of rules of history. Among those lists is the bestiary that asks geography and the bestiary to account for the future history of Israel as the prophets contemplated that history. It follows that the mode of thought brought to bear upon the theme of history remains exactly the same as in the Mishnah: list-making, with data exhibiting similar taxonomic traits drawn together into lists based on common monothetic traits or definitions. These lists then through the power of repetition make a single enormous point or prove a social law of history.

This brings us back to the bestiary and the metaphorical, parabolic thought processes that yield the remarkable expositions of the present document. Comparing empires to animals juxtaposes history and nature. As we find the rules of nature by identifying and classifying facts of natural life, in the traits of beasts, so we find rules of history by identifying and classifying the facts of the nations. So too as we find God's preference as to virtue in his choice of animals for the altar—pursued, not pursuers—so we compare Israel to the lamb or the ram and identify passivity as its virtue. Once discovered in the revealed bestiary of the altar, the social rules of Israel's national life yield explicit statements, such as that God hates the arrogant and loves the humble. That explains why Leviticus Rabbah attains the success we have encountered: why here, why now in particular. It is not because of the promise of the bestiary—the geology of rivers works equally well. Rather, it is because of the power of Leviticus Rabbah to precipitate for the Rabbinic exegetes parabolic and metaphorical thought in the encounter with the book of Leviticus. That mode of thought worked well with the bestiary and produced the results I have found so admirable. That outcome is particular to Leviticus Rabbah, not in response to traits of the book of Leviticus, as Sifra, devoted to the same book of Scripture, amply demonstrates.

Pesiqta deRab Kahana

The systematic exposition of nearly an entire composite marks the one significant difference between Leviticus Rabbah and Pesiqta deRab Kahana. The bestiary writing of Leviticus Rabbah takes the form of compositions, not an entire composite. By contrast, Pesiqta deRab Kahana contains more than episodic references to animals. A systematic reading of the cultic data produces a coherent account of their meaning, a composite, not merely episodic compositions. That is accomplished in Pisqa Four, devoted to the theme of the red cow (Numbers 19), where a single approach to the reading of the bestiary produces a coherent result covering an entire composite.

We may say simply that absent the contribution of the bestiary to the exposition of Numbers 19, we should have no Pisqa Four to speak of. The opening item provides the model. Facts of Scripture are compared and contrasted to yield a generalization. Scripture indicts corporate Israel for the golden calf, and Scripture accords to corporate Israel the opportunity to atone for that sin. The red cow effects atonement for the sin of making the golden calf, a female responsible for her offspring, the rare offering that is not a male beast. What triggers the reading of matters is the choice of a female rather than a male, and the explanation follows—a fine case of deciphering the animal code of the altar. Pesiqta deRab Kahana IV:IX.1 then invokes the metaphors for the world empires, with Egypt tacked on to Babylonia/Media/Greece/Edom-Rome. The red cow embodies all of them. Thus a fixed repertoire of candidates is attached to the details of the red cow: heifer/red/without defect/free of the yoke. Pesiqta deRab Kahana IV:IX.2 develops the metaphor for Edom/Rome. Pesiqta deRab Kahana IV: X.1 proceeds to metaphorize Israel in the red cow.

The rest is episodic. Pesiqta deRab Kahana VI:IV.1 continued by Pesiqta deRab Kahana

VI:IV.2, 3, goes its own way, explaining the meaning of the lambs used for the regular daily whole offering: to remove the sins of corporate Israel. Pesiqta deRab Kahana XIII:I.3, XIII:XV.1, utilize the lion in contradictory ways, as a metaphor for Jerusalem and for Nebuchadnezzar. These represent compositions but do not effect the formation of a fully-executed composite.

The Yerushalmi's Aggadah

The Aggadic writing ignores the general taxonomic traits of beasts, while the Halakhic one pays close attention to that same matter. That hardly surprises, since the Halakhic interest in the classification of data defines Halakhic discourse. By contrast, the Yerushalmi's Halakhic compositions ignore the unique traits of beasts, and the Aggadic ones find important lessons in the distinctive qualities of beasts, e.g., snakes carry out God's purpose (Y. Shab. 6:9 III:1, Y. Peah 1:1 XXVIII, 3:6 III) and the exemplary piety of the ass of Phineas b. Yair. All these items recapitulate themes and propositions that surface elsewhere in Aggadic documents. That rather general observation raises the question of whether the bestiary serves particular propositional purposes or makes itself available promiscuously for whatever tasks arise randomly.

The Bavli's Aggadah

The contrast between the Bavli's Halakhic and Aggadic components recapitulates our result for the Yerushalmi. While the Bavli's Halakhic compositions aim at generalizations, the Aggadic ones stress the particular traits of beasts and their singular probative value. The one homogenizes and the other differentiates, the one presenting rules, the other singular cases of a theological or ethical proposition.

The Bavli's Aggadic materials fall into three categories. A portion takes up the theme of animals without demonstrating a proposition or proving a point or establishing a classification of beasts subject to a common theological proposition or Halakhic rule. When the theological proposition is that all species serve God's particular purpose, animals are bound to surface, but not alone, B. Shab. 8:1 III:3, 4. B. Ber. 5:1 I:28 makes a point not particular to animals, which is that prosperity leads to sin. More simply still, B. Shab. 6:4 II:13–114, dogs bite. Animals are incidental to the narrative, B. Ber. 9:1–5 XVII:2, that shows that whatever the All-Merciful does he does for good. These examples of an indeterminate intention in dealing with animals represent the following in addition: B. Ber. 9:1–5 XIX:16; B. Shab. 24:3 III:10 ("Israel is not subject to the stars"); B. Pes. 10:1 V:7; B. Hag. 2:1 IV:15; B. Git. 5:6 I:18; B. B.M. 8:1 I:20. In addition, singletons involve the delivery of wild goats (B. B.B. 1:6 IV:45 and the unique characteristics of Job's goats (B. B.B. 1:3 IV:27).

I here call attention to the enormous topical composite involving improbable beasts reported by Rabbah bar bar Hannah (B. B.B. 5:1A–D IV:7ff.). The topical composite stands outside the program of the Bavli in context; it is parachuted down, but has been collected for an other-than-theological (or Halakhic) purpose. I do not know what that purpose can have been, and I know of no comparable bestiary topical composite in the Bavli.

The second group, small in proportion to the whole, encompasses classifications of beasts that produce generalizations but that do not invoke distinctive qualities of specified beasts in the production of these generalizations. B. Hag. 2:1 IV:15, for instance, treats man and beast within a single, hierarchized classification: wild beasts/ox; fowl/eagle; and man/God. Snakes guard the burial places of sages and respond to the instructions of sages (B. B.M. 7:4 I:25). Large cattle and small cattle form subsets of cattle; it is forbidden to raise the former in the Land of Israel (B. Tem. 2:2 I:3). God is like a lion, but not like just any lion. God resembles a lion in his own unique way (B. Hul. 3:6–7 I:4). In general beasts here accord with the rules of nature; carry out God's will; have a particular purpose. Their distinctive traits rarely register.

The particular qualities of beasts in the third group dictate the classification in which they belong and produce something very like a conventional bestiary: lessons imparted

by animals acting like human beings or analogous to them. These entries form by far the largest component of our log of references to animals. The significance of dreaming about various beasts, B. Ber. 9:1–5 I:32ff., imputes deeper meaning to the specified beasts, e.g., dreaming about an ox involves goring, biting, kicking, with diverse consequences. But animals are not the only occasions for dream-interpretation, and the category-formation is defined by a broader interest in symbolism.

Comparative zoology with close attention to particular traits of specific species figures at B. Shab. 8:1 III.5, 6. The former catalogues anomalies, where the weak frighten the strong beast, the latter, the comparison of goats, camels, and sheep. The issues derive from the natural traits of the species, yielding a genus that encompasses all of them. Adaptive evolution is implicit in the composition. B. Hor. 3:8 VII:3 compares a dog and a cat. The same interest in comparison figures at B. Shab. 19:1 II.7, the comparison now of Israel and a dove, a familiar theme. The category-formations, nations, animals, birds, small animals and trees yield comparisons as well, B. Bes. 3:3 I.4. So too B. Ta. 1:32E–H I.39 contains an implicit comparison among animals, lion, wolf, snake. Animals embody virtues, modesty, honesty, chastity, good manners, B. Er. 10:8A–E II:13. The apocalyptic representation of the nations by beasts at Dan. 8:21 and so forth recurs, now with Edom/Rome, Persia, Greece, B. Yoma 1:1 III:21, B. Meg. 1:13 IX.1, B. A.Z. 1:1 I:2. The traits of animals are matched with those of nations at B. Sot. 1:8–9 I:12, and with those of the Israelite tribal progenitors at B. Sot. 1:8–9 II:19.

The species are differentiated by their conduct in Noah's ark, B. San. 11:2A–CC I:20, 21. That again implies that sexual conduct of diverse species is to be classified. Beasts—dogs—yield a parable about alliances in the face of common enemies.

The world of nature exhibits the marks of God's perfection at creation, B. Hul. 9:6 II:3, II:4 (with its amplification at B. Bekh. 1:21K I:6):

> You have creatures that grow in the sea and you have creatures that grow on the dry land. Those that are in the sea, if they ever come up on dry land they immediately die. And those that are on dry land, if they ever go down into the sea they immediately die. You have creatures that grow in the fire and creatures that grow in the air. Those that are in the fire, if they ever go out to the air they immediately die. Those that are in the air, if they ever go down to the fire they immediately die. "O Lord, how manifold are thy works!"
>
> Every [kind of creature] that there is on dry land, there is a counterpart in the sea except for the weasel.

Here we conclude the Bavli's corpus with a clear statement that can have been made only in the Aggadic genre, not in the Halakhic one. The Aggadah finds in its particular cases the medium for its theological message, and we shall now ask about the particular forms of service, Halakhically and Aggadically, performed by the beasts of the Rabbinic corpus.

The Rabbinic Bestiary

The Halakhah imposes a determinate program upon diverse topics, including animals. Specifically, it places animals into a single structure along with inanimate objects. What is important about animals is their capacity to inflict damage, and for that purpose, animals bear generic traits in common. They are not singular species, but a common genus. The Halakhic documents viewed whole introduce animals when they require classification in the context of the Halakhic program, e.g., M. B.Q. 1:1 and the like. When animals enter into the exposition, they are subjected to the analogical-contrastive process that overrides all else. They rarely serve as distinct analogies and do not generate parables to illustrate the law. Rather, they persistently represent themselves. For how many times did we find ample a simple comment: snakes bite, dogs bark! Not only so, but animals, we noted, commonly are formed into categories that find definition not in the differentiating traits of given species but in homogenizing traits that cover all species, e.g., the animal paid over as the fee for a dog or for a whore. The Halakhah does not differentiate among beasts because it seeks to identify what is

common to diverse species, to find the genus that encompasses many species. In its work of hierarchical classification, animals figure only as themselves. That is why the Halakhah can have done its business without access to a bestiary bearing messages and meanings related to the indicative traits of its components.

The Aggadah speaks of other things altogether, and its interest in differentiation and speciation by appeal to indicative traits of distinction serves its larger task. We need not recapitulate the details, for a simple generalization serves.

The Aggadah asks animals to stand for something other than themselves, and it finds in their traits guidance in the identification of that something other: nations as beasts, nations as rivers, for example.

The Aggadah thus conducts a thought-process involving metaphorization, animals are like nations, nations are like animals. That fact emerges most effectively in the paramount metaphor that compares the world-empires to appropriate species of beasts. Rivers serve equally well, but without the particular effect attained by the explanation of what Persia has in common with a bear, or Rome with a pig, and so throughout.

Why then does Rabbinic Judaism resort to two modes of discourse? The answer appears to be, because there are propositions involving beasts—but not particular ones—that the system can express only in the context of Halakhic analysis, and that, in that context, only beasts serve to bear the message. The sacrificial cult represents one such context, the animate sources of damages, another. And there are issues that sages can investigate only through the medium of Aggadic narrative (whether in exegetical or expository form), about which they can think only within the bestiary and its facts and images, whether Scriptural or natural. The distinctive use of the bestiary in the Aggadic compilations, different from the approach of Daniel to the same beasts, for example, points to that fact. A single case, the dove, suffices to show how the Aggadah finds itself constrained to select a single species of animate being to express what it wishes to say about Israel. The traits of the dove in nature correspond with those of Israel in the social order of humanity.

If I had to identify the single most telling difference between Halakhic and Aggadic discourse on animals, it is that the Halakhic discourse seeks generalization and homogenization of species of beasts into category-formations that transcend beasts altogether, e.g., M. B.Q. 1:1, on which we have dwelt at length. Aggadic discourse, by contrast, asks animals to stand for things beyond themselves, most notably, world-empires, but also virtuous conduct (for one example), and treats animals in a metaphorical manner, through parables for example. Metaphorical thinking does not enter into the Halakhic area. There the limits of this world are reached. Dogs serve not as metaphors for loyalty but merely bite. Aggadic discourse crosses the boundaries into other modes of thought entirely, as illustrated by the shifts in the bestiary, where animals are subject to particularization, on the one side, and a massive process of extenuation through analogy and metaphor and parable, on the other. Stated simply: in Aggadah animals compare with other beings, embody virtue, represent world-empires, realize Israel.

JACOB NEUSNER

Bible Interpretation: How Judaism Reads the Bible

JUDAISM in its normative sources of the first six centuries C.E. reads the Bible by transforming the narrative of Scripture into a pattern that applies to times past as much as to the acutely contemporary world. It is as if the sages of Rabbinic Judaism interpret this morning's newspaper in the light of an established paradigm of how things are and what they mean. For Judaism, the past is present, and the present is part of the past, so past, present, and future form a single plane of being. Here is a very simple

example of this approach to the record of Scripture as a model, much as, in mathematics, we construct models of reality. The character of paradigmatic time is captured in the following, which encompasses the entirety of Israel's being (its "history" in conventional language) within the conversation that is portrayed between Boaz and Ruth; we abbreviate the passage to highlight only the critical components:

Ruth Rabbah Parashah Five

XL:i.1.A. "And at mealtime Boaz said to her, 'Come here and eat some bread, and dip your morsel in the wine.' So she sat beside the reapers, and he passed to her parched grain; and she ate until she was satisfied, and she had some left over:"
B. R. Yohanan interpreted the phrase "come here" in six ways:
C. "The first speaks of David.
D. "'Come here:' means, to the throne: 'That you have brought me here' (2 Sam. 7:18).
E. "'. . . and eat some bread;' the bread of the throne.
F. "'. . . and dip your morsel in vinegar;' this speaks of his sufferings: 'O Lord, do not rebuke me in your anger' (Ps. 6:2).
G. "'So she sat beside the reapers;' for the throne was taken from him for a time."
I. [Resuming from G:] "'and he passed to her parched grain;' he was restored to the throne: 'Now I know that the Lord saves his anointed' (Ps. 20:7).
J. "'. . . and she ate and was satisfied and left some over;' this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
2.A. "The second interpretation refers to Solomon: 'Come here;' means, to the throne.
B. "'. . . and eat some bread;' this is the bread of the throne: "And Solomon's provision for one day was thirty measures of fine flour and three score measures of meal' (1 Kgs. 5:2).
C. "'. . . and dip your morsel in vinegar;' this refers to the dirty of the deeds [that he did].
D. "'So she sat beside the reapers;' for the throne was taken from him for a time."
G. [Reverting to D:] "'and he passed to her parched grain;' for he was restored to the throne.
H. "'. . . and she ate and was satisfied and left some over;' this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
3.A. "The third interpretation speaks of Hezekiah: 'Come here;' means, to the throne.
B. "'. . . and eat some bread;' this is the bread of the throne.
C. "'. . . and dip your morsel in vinegar;' this refers to sufferings [Is. 5:1]: 'And Isaiah said, Let them take a cake of figs' (Is. 38:21).
D. "'So she sat beside the reapers;' for the throne was taken from him for a time: 'Thus says Hezekiah, This day is a day of trouble and rebuke' (Is. 37:3).
E. "'. . . and he passed to her parched grain;' for he was restored to the throne: 'So that he was exalted in the sight of all nations from then on' (2 Chr. 32:23).
F. "'. . . and she ate and was satisfied and left some over;' this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
4.A. "The fourth interpretation refers to Manasseh: 'Come here;' means, to the throne.
B. "'. . . and eat some bread;' this is the bread of the throne.
C. "'. . . and dip your morsel in vinegar;' for his dirty deeds were like vinegar, on account of wicked actions.
D. "'So she sat beside the reapers;' for the throne was taken from him for a time: 'And the Lord spoke to Manasseh and to his people, but they did not listen. So the Lord brought them the captains of the host of the king of Assyria, who took Manasseh with hooks' (2 Chr. 33:10–11)."
K. [Reverting to D:] "'and he passed to her parched grain;' for he was restored to the throne: 'And brought him back to Jerusalem to his kingdom' (2 Chr. 33:13).
N. "'. . . and she ate and was satisfied and left some over;' this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
5.A. "The fifth interpretation refers to the Messiah: 'Come here;' means, to the throne.
B. "'. . . and eat some bread;' this is the bread of the throne.
C. "'. . . and dip your morsel in vinegar;'

this refers to suffering: 'But he was wounded because of our transgressions' (Is. 53:5).

D. "'So she sat beside the reapers;' for the throne is destined to be taken from him for a time: For I will gather all nations against Jerusalem to battle and the city shall be taken' (Zech. 14:2).

E. "'. . . and he passed to her parched grain;' for he will be restored to the throne: 'And he shall smite the land with the rod of his mouth' (Is. 11:4)."

I. [reverting to G:] "so the last redeemer will be revealed to them and then hidden from them."

The paradigm here may be formed of six units: [1] David's monarchy; [2] Solomon's reign; [3] Hezekiah's reign; [4] Manasseh's reign; [5] the Messiah's reign. So paradigmatic time compresses events to the dimensions of its model. All things happen on a single plane of time. Past, present, future are undifferentiated, and that is why a single action contains within itself an entire account of Israel's social order under the aspect of eternity.

The foundations of the paradigm, of course, rest on the fact that David, Solomon, Hezekiah, Manasseh, and therefore also the messiah, all descend from Ruth's and Boaz's union. Then, within the framework of the paradigm, the event that is described here—"And at mealtime Boaz said to her, 'Come here and eat some bread, and dip your morsel in the wine.' So she sat beside the reapers, and he passed to her parched grain; and she ate until she was satisfied, and she had some left over"—forms not an event but a pattern. The pattern transcends time; or more accurately, aggregates of time, the passage of time, the course of events—these are all simply irrelevant to what is in play in Scripture. Rather we have a tableau,[1] joining persons who lived at widely separated moments, linking them all as presences at this simple exchange between Boaz and Ruth; imputing to them all, whenever they came into existence, the shape and structure of that simple moment: the presence of the past, for David, Solomon, Hezekiah, and so on, but the pastness of the present in which David or Solomon—or the Messiah for that matter—lived or would live (it hardly matters, verb tenses prove hopelessly irrelevant to paradigmatic thinking).

Transforming Historical Narratives into Exemplary Patterns

The Hebrew Scriptures of ancient Israel ("the written Torah" to Judaism, and "the Old Testament" to Christianity), all scholarship concurs, set forth Israel's life as history, with a beginning, middle, and end; a purpose and a coherence; a teleological system. All accounts agree that Scriptures distinguished past from present, present from future and composed a sustained narrative, made up of one-time, irreversible events. All maintain that, in Scripture's historical portrait, Israel's present condition appealed for explanation to Israel's past, perceived as a coherent sequence of weighty events, each unique, all formed into a great chain of meaning.

But that is not how for most of the history of Western civilization the Hebrew Scriptures were read by Judaism and Christianity. The idea of history, with its rigid distinction between past and present and its careful sifting of connections from the one to the other, came quite late onto the scene of intellectual life. Both Judaism and Christianity for most of their histories have read the Hebrew Scriptures in an other-than-historical framework. They found in Scripture's words paradigms of an enduring present, by which all things must take their measure; they possessed no conception whatsoever of the pastness of the past. So let us consider the full and detailed character of the paradigmatic approach to the explanation of Israel's condition, viewed (to state the negative side of matters) atemporally, ahistorically, episodically, and not through sustained narrative or its personal counterpart, biography, composed of connected, one-time and unique, irreversible events, in the manner of history.

The art of the West embodies this other reading of matters. Visually, we grasp the ahistorical perception in the union of past and present that takes place through representation of the past in the forms of the present: the clothing, the colors, the landscapes of the familiar world. But that is mere anachronism, which history can tolerate. Conceptually, we understand their mode of receiving Scripture when we understand

that, for our sages of Judaism, as for the saints and sages of Christianity, the past took place in the acutely present tense of today, but the present found its locus in the presence of the ages as well. And that is something historical thinking cannot abide. Not only so, but it contradicts the most fundamental patterns of explanation that we ordinarily take for granted in contemporary cultural life.

Historicism for two hundred years has governed Reform, Conservative, and academic Judaism. It defines how "Bible" is taught at Hebrew Union College and the Jewish Theological Seminary and the Reconstructionist Rabbinical College, and it dictates the presentation of Scripture in college and university courses as well. That is why our conception of history forms a barrier between us and the understanding of Scripture and of time that defined the Judaic and the Christian encounter with ancient Israel. The givenness of the barrier between time now and time then yields for us banalities about anachronism, on the one side, and imposes upon us the requirement of mediating between historical fact and religious truth, on the other—hence the approach to scriptural commentary taken by Hertz and a whole century of imitators.

The Presence of the Past, the Pastness of the Present: The Paradigmatic Approach to Scripture

So much for the historical approach, what of the paradigmatic one? In the Judaism set forth by principal documents that record the oral part of the dual Torah, particularly those that reached closure from ca. 200 to ca. 600 C.E., both documents of law such as the Mishnah and Tosefta, and documents of Scriptural exegesis, such as Sifré to Deuteronomy, Genesis Rabbah, Leviticus Rabbah, and Song of Songs Rabbah, concepts of history, coming to expression in the categories of time and change, along with distinctions between past, present, and future utterly give way to a conception of recording and explaining the social order altogether different from that of history. It is one that sets aside time and change in favor of enduring paradigms recapitulated in age succeeding age.

The concept of history as we know it, and as Scripture knows it, surrenders to an altogether different way of conceiving time and change as well as the course of noteworthy, even memorable social events. The past takes place in the present. The present embodies the past. And there is no indeterminate future over the horizon, only a clear and present path to be chosen if people will it. With distinctions between past, present and future time found to make no difference, and in their stead, different categories of meaning and social order deemed self-evident, the Judaism of the dual Torah transforms ancient Israel's history into the categorical structure of eternal Israel's society, so that past, present, and future meet in the here and now.

In that construction of thought, history finds no place, time, change, the movement of events toward a purposive goal have no purchase, and a different exegesis of happenings supplants the conception of history. No place in Rabbinic thought, portrayed in successive documents examined severally and jointly, accommodates the notions of change and time, unique events and history, particular lives and biography. All things are transformed by this other way of thinking, besides the historical one that Scripture uses to organize the facts of social existence of Israel.

Here we deal with a realm in which the past is ever present, the present a recapitulation and reformulation of the past. When people recapitulate the past in the present, and when they deem the present to be no different from a remote long ago, they organize and interpret experience in an other-than-historical framework, one that substitutes paradigms of enduring permanence for patterns of historical change. Instead of history, thought proceeds through the explanation of paradigms, the likenesses or unlikenesses of things to an original pattern. The familiar modes of classifying noteworthy events, the long ago and the here and now, lose currency. Memory as the medium of interpretation of the social order falls away, and historical thinking ceases to serve. Universal paradigms govern, against which

all things, now, then, anytime, are compared; events lose all specificity and particularity. The characterization of this Judaism as a historical religion and of the medium of that religion as memory in no way conforms to the facts of the Judaism that is studied here.

In this reading of the Torah, with the past very present, the present becomes an exercise in recapitulation of an enduring paradigm, therefore, time and change signify nothing. In its normative statements Judaism is ahistorical because it forms meaning in other than historical ways; it is ahistorical because it is paradigmatic in its structure and sensibility. So, with the loss of the experience of memory in favor of a different kind of encounter with time past, present, and future, time as a conception in the measurement of things ceases to serve. Time is neither linear nor cyclical; it simply is not a consideration in thinking about what happens and what counts. Instead, paradigms for the formation of the social order of transcendence and permanence govern, so that what was now is, and what will be is what was and is. Paradigmatic thinking treats the case not as a one-time event but as an example; it seeks the rules that cases adumbrate; it asks about the patterns that narratives realize in concrete instances. It is what mathematics does when it translates the real world into abstract principles, what social science does when it seeks to generalize about particularities.

Memory Is to Historical Thinking as Dream Is to Paradigmatic Thinking

How does paradigmatic thinking come to realization? As the dance is the physicalization of music, and as memory is the immediate realization of history, so is the lived dream the here-and-now embodiment of Scripture read as paradigm. We are all like Joseph in Egypt, reading the dream to refer to reality. The task of dance is to give physical form to music; the assignment of memory is the contemporary formulation of the past, *and the calling of dream is to realize the immediacy and concreteness of the model.* The marriage of music and motion yields dance; the monument and rite of commemoration produce history; the serene sense of familiarity with the new put forth in response the lived paradigm—that is what produces Torah and makes possible Purim in Patagonia, Exodus in America: ". . . as if we were slaves to Pharaoh."

These abstract remarks in fact correspond to experience that all of us have had. The Passover Haggadah asks us not so much to remember as to experience, ourselves, the moment of Exodus from Egypt: the present takes place in the past, but the past forms the present as well.

> *We* were the slave of Pharaoh in Egypt; and the Lord our God brought us forth from there with a mightily hand and an outstretched arm. And if the Holy One, blessed be He, had not brought our fathers forth from Egypt, then surely we, and our children, and our children's children, would be enslaved to Pharaoh in Egypt. And so, even if all of us were full of wisdom and understanding, well along in years and deeply versed in the tradition, we should still be bidden to repeat once more the story of the exodus from Egypt; and he who delights to dwell on the liberation is a man to be praised.[2]

To be a Jew means to be a slave who has been liberated by God. To be Israel means to give eternal thanks for God's deliverance. And that deliverance is not at a single moment in historical time. It comes in every generation and is always celebrated. Here again, events of natural, ordinary life are transformed through myth into paradigmatic, eternal, and ever-recurrent sacred moments. Jews think of themselves as having gone forth from Egypt, and Scripture so instructs them. God did not redeem the dead generation of the Exodus alone, but the living too—especially the living. Thus the family states:

> Again and again, in double and redoubled measure, are we beholden to God the All-Present: that He freed us from the Egyptians and wrought His judgment on them; that He sentenced all their idols and slaughtered all their first-born; that He gave their treasure to us and split the Red Sea for us; that He led us through it dry-shod and drowned the tyrants in it; that He helped us through the desert and fed us with the manna; that He gave the Sabbath to us and brought us

> to Mount Sinai; that He gave the Torah to us and brought us to our homeland—there to build the Temple for us, for atonement of our sins.[3]
>
> This is the promise which has stood by our forefathers and stands by us. For neither once, nor twice, nor three times was our destruction planned; in every generation they rise against us, and in every generation God delivers us from their hands into freedom, out of anguish into joy, out of mourning into festivity, out of darkness into light, out of bondage into redemption.[4]
>
> For ever after, in every generation, *every Israelite must think of himself or herself as having gone forth from Egypt* [italics added]. For we read in the Torah: "In that day thou shalt teach thy son, saying: All this is because of what God did for me when I went forth from Egypt." It was not only our forefathers that the Holy One, blessed be He, redeemed; us too, the living, He redeemed together with them, as we learn from the verse in the Torah: "And He brought us out from thence, so that He might bring us home, and give us the land which he pledged to our forefathers."[5]

These modes of thought are entirely familiar to holy Israel: we undertake to enter into them every Passover, but every day in our prayers as well, when we enter into God's kingdom, stand at Sinai, receive the Torah in the here and now. We do not venture upon the Passover Seder in order to inform ourselves about domestic politics and foreign policy in ancient Egypt—nor has Judaism ever portrayed a single one of its rites to be limited to one-time, past-tense historical facts.[6]

As essential to historical modes of thought as is memory, so critical to the paradigm that identifies event out of happenings, consequence out of the detritus of everyday affairs is the dream (in sleep) or the intuition (when awake). Then everything is changed. When the model takes shape and takes place in the acutely-, radically-present moment, past and future meet in neither past nor future but paradigm. And then the mode of thought through paradigm accomplishes its enchantment. Paradigm or pattern or model then forms an alternative to historical knowledge, a different way of thinking about the same things and responding to the same questions: O Lord, why? O Lord, how long?

People who see time in the framework of history, past, present, future forming distinct spells, experience the passage of time through the medium of memory. They look backward, into an age now over and done with. Affirming that that was then, and this is now, they evoke memory as the medium for renewing access to events or persons deemed or set forth as formative in the present moment. A religion that frames its statement out of the conception of historical time—one-time events, bound to context and defined by circumstance, but bearing long-term effects and meaning—then will evoke memory as a principal medium for the recovery of sense and order out of the chaos of the everyday and here and now. By remembering how things were, or how they have been, moving beyond the barrier of the present moment, people institute a certain order. They form a certain sense for the self-evident and sensible quality of matters.

The Scriptures themselves, seen in isolation from the tradition of interpretation that mediates Scriptures to holy Israel in the synagogue, do cohere as a one-time historical narrative. Israelite Scripture certainly qualifies as a religion of history and memory.[7] It recognizes both the pastness of the past and also invokes the past's power to explain the present. But then, what are we to make of a religion that insists upon the presence of the past and the pastness of the present, instructing the faithful to view themselves, out of the here and now, as living in another time, another place: "Therefore every person must see himself or herself as slave to Pharaoh in Egypt," as the Passover Haggadah-narrative phrases matters? The same invocation of the present into the past also serves to convey the past into the here and now. Once a religious obligation imposes past upon present, shifting the present into a fully realized, contemporary-past, rites of commemoration give way to the reformulation of the ages into a governing paradigm that obliterates barriers of time as much as those of space.[8] Rules of structure and order apply without differentiation by criteria or time or space. These rules comprise a paradigm. The paradigm not only imparts sense and order to what happens but also—and first of all—selects out of

what happens what counts—and is to be counted. The paradigm is a distinctive way of marking time, telling time.

Rites of reenactment with clear focus upon times long gone will form a principal expression of a religion of memory: we do this now in commemoration of that singular ("unique") event long ago, so that we may remember, so that we may draw the right conclusions for today. What makes such rites those of memory and not of a return to an eternal present, of course, finds definition in what distinguishes history from other modes of formulating social organization. It is that defining barrier between present and past, that insistence on the uniqueness of events, but also on their linear and teleological character. We recall in this context the statement of LeGoff, "The opposition between past and present is fundamental, since the activity of memory and history is founded on this distinction."[9] The work of historical imagination, then, is, through the processes of narrative shaping thought, sentimentality and emotion, to move people from here to there, from now to then. The governing proposition of imagination is easily framed: we are here as if we were there; then is as if it were now. The "as if" then embodies in language the working of imagination transcending the barrier of time. Historical imagination forms a powerful tool for the reconstruction of the every day by appeal to the model of another, long-gone but still living age. Memory then is the chosen medium for imagining.

If for our purposes Scripture has supplied the definitions of historical thinking, then the traits of paradigmatic thinking will take shape in their opposites and counterparts, and these we find in a few, clear and unmistakable ways in the Rabbinic documents. We simply take the opposites of the indicators of the presence of historical thinking:—[1] linear history, [2] sustained narrative, [3] differentiation of present from past, contrasted against [1] episodic storytelling but [2] no linear, sustained narrative, and [3] the fusion of times into one time.[10] The traits of paradigmatic thinking characteristic of our sages emerge in both what we do not find in those documents and also in what we do find by way of counterpart: how do Rabbinic writers deal with those same themes out of Israel's (alleged) past as are laid out in historical terms in Scripture? Having denied the distinction between present and past, paradigmatic thinking for its part finds the past to be ever-present, and deems the present to form a chapter in the past. The very dilemma of history—bridging the imagined gap between present and past—finds no comprehension at all in thought that finds the principle of order in the model or the pattern that pertains any time and any place; in that setting a distance between here and there, a spell between now and then—both allude to a separation none perceives. That atemporality, we now understand, with its corresponding notion of space, utopianism, derives from a different conception of marking time (or space) from the historical one. Time defined by nature imposes its morphology on time marked by the community and its conventions.

A religion such as Judaism that organizes experience by appeal to enduring paradigms, transcending time by discovering the present in the past, the past in the present, in a process that is reciprocal, will find no more use for memory than it assigns to the concept of "history." Memory matters only to those who organize affairs historically; the barrier between present and past removed, memory is assigned no task at all. Once people mark time nature's way, that is, in enduring, recurring patterns, history's insistence on difference between now and then makes no sense. Other questions take priority: identifying the pattern, whether in large things or in small, without reference to scale, but with acute interest in the model or the pattern replicated in no special context. Once we are obligated to see ourselves as if we were not now but then, not here but somewhere else, paradigmatic thinking takes over; and as soon as the subjunctive that expresses a state contrary to fact or condition falls away, so that the "as if" loses its taxonomic power, the paradigm takes over and excludes all considerations of historical specificity: now, not then, but like then. Rabbinic Judaism celebrated Purim not once but many times, not there in particular but everywhere Israel outlived its

enemies. This it did not through a process of spiritualization, nor, yet, through rites of reenactment. Rather, the here and now took over the then and there, and also was taken over by the other place, the other time. Without regard to considerations of scale, the same model applied, to give meaning and depth to incident.

From Unique Event to Exemplary Pattern. Turning One-Time Happenings into All-Time Paradigms

Then how does this take place, and then what medium in ordinary life corresponds in the experience of paradigm to the medium of memory for history? The question phrased in this way produces an obvious answer, shown in the contrast between dreaming with remembering. If we wonder when or where we compare ordinary affairs with an enduring paradigm, it is in dreaming or free-ranging imagination or instinct, what is known through self-evidence and the ineluctable sense for what fits: before thought, besides thought, as much as through ratiocination. Nostalgia is to historical thinking what realized dream is to the paradigmatic kind. How in concrete terms do we see the difference? Yohanan's reading of the passage in Ruth suffices. It is utterly laconic and unemotional, not a narrative meant to elicit feeling, but an exposition aimed at establishing a pattern for us to perceive. Our sages never look back with longing, because they do not have to; nor do they look forward with either dread nor anticipation either; that is what it means to say, the past is present, so there is no looking back, the present is past, so there is no looking forward. Indeed, theirs is a different model for perceived experience from the one that distinguishes past from present, present from future, invoking the one to "make sense" of the next phase in differentiated time. Paradigms or models take over and replace the sense of history with a different sort of common sense.

There we put together, in our own mind's eye, in the undifferentiated realm of night—for the sages' system, for Judaism, the age of sin and exile, to be specific—those patterns and models of experience that coalesce and endure, taking the paradigm of one set of generative experiences and imposing themselves on chosen moments later on. Dream and fantasy select, as much as history selects, out of a range of happenings a few incidents of consequence, history's events, paradigm's models. But in dreaming there is no earlier or later, no now or then, no here or there. Things coalesce and disintegrate, form and reform, in the setting of a few, highly restricted images. In the realm of dreams, paradigms (of experience, real or imagined) come together, float apart, reassemble in a different pattern, unrestricted by considerations of now or then, here or there.[11] Whatever is chosen, out of the chaos of the everyday, to be designated a pattern imposes its order and structure on whatever, in the chaos of the here and now, fits.

History strings together event after event, like cultured pearls matched with precision in a necklace. Paradigm's rough, sea-nurtured pearls impose no order or natural sequence in ordered size; being made by nature, they do not match exactly. That is why, in one combination, they make one statement, in another, a different statement—as Ruth Rabbah showed us in a most dramatic manner. And these more precisely correspond to human media for the organization of experience than the historical one: it is how we live out our lives. Our sages formed their conception of time out of the materials of the everyday perceptions of people, for whom past, present, and future give way to the recapitulation of patterns of meaning formed we know not how.[12] Dreams, fantasies, moments of enchantment, occasions or circumstances or places that invoke the model or fit it—these form the medium for the organization of experience. To it time bears no meaning, memory no message. But sages saw matters the way they did because they took the measure of history, not because they ignored it. They formulated another and different reading of history from the historical one; aware of the one, sentient of the other, they transcended history and cast off the bounds of time.

Our sages identified in the written part of the Torah the governing models of Israel's

enduring existence, whether past, whether future. And that is precisely why they formed the conception of paradigm, and whence they drew the specificities of theirs. They knew precisely what paradigms imparted order and meaning to everyday events, and their models, equivalent in mathematics to the "philosophy," then selected and explained data and also allowed prognosis to take place. In place of a past that explained the present and predicted the future, sages invoked a paradigm that imposed structure on past and future alike—a very different thing. And what, precisely, was the paradigm?

Images, in dreaming, form the counterpart to the paradigm's formulations: dream of Eden, dream of Land, nightmare of Adam, nightmare of Israel—and the waking at Sinai and the reawakening in Eden, the paradigm having reached fulfillment. In that dream world formed of the paradigms of Scripture matched against our own immediate and contemporary experience, time stands still, its place taken by form. And in the world of paradigms set forth by Scripture and defined in simple, powerful images by the documents of Rabbinic Judaism, imagination asks of itself a different task from the one performed in a religion of history through the act of memory. Imagination now forms an instrument of selection out of the here and now of those particular facts that count, selection and construction out of the data of the every day a realm of being that conforms to the model that is always present, waiting to be discerned and, not recapitulated once again but, realized—as always, whenever. Seeing the dream in the setting of the everyday defines the task of imagination: not "let's pretend," but rather, "look here. . . ." In that particular vision lies the power of this Judaism to make of the world something that, to the untrained eye, is scarcely there to be seen, but, to the eye of faith, evokes the sense of not *déja-vu* or *temps perdu* but—self-evidence.

God in Time or in Paradigm

A document such as Scripture that formulates its statement in historical categories will negotiate data through the medium of memory, on the one hand, and through the doctrine of tradition, on the other. Remembering what was done, handing down the memory—these will formulate the rules for composing the social order in the unfolding present. Memory forms an act of prayer, an effort to overcome the separation from God. For at stake in the historical as against the paradigmatic reading of the everyday in the context of Judaism is the encounter with God: where do we identify the "divine reality . . . imprinted"? Brevard Childs, formulates what is at stake in memory and in its theological companion, the concept of tradition. What he says carries us to the heart of the matter, which is, Scripture's understanding of memory, concomitant with its selection of the medium of history:

> To remember was to call to mind a past event or situation, with the purpose of evoking some action. . . . To remember was to actualize the past, to bridge the gap of time and to form a solidarity with the fathers. Israel's remembrance became a technical term to express the process by which later Israel made relevant the great redemptive acts which she recited in her tradition. The question of how to overcome the separation in time and space from the great events of the past become the paramount issue.[13]

The premise of Scripture's historical framing of Israel's situation—the pastness of the past—then generates the question that that same framing of matters satisfactorily answers.

Once we recognize that great events belong to the past, we undertake to remember them so as to realize them once more, in Childs's language, "to overcome the separation in time and space. . . ." If to begin with we did not conceive of time in a historical manner, we also should not have to overcome that barrier, to close that separation.[14] First comes the here-and-now conception of "exile" and "return," then comes the utilization of the category, history, to frame matters by explaining them. The insistence on the pastness of the past that defines the concept of history in the Scriptural setting then forms a way of stating that sense of distance or separation—whether from Land, whether from God—that is to be recognized and overcome. "History" then makes a statement that from the perspective of "here," a separation has taken place, and

from the viewpoint of "now," there is a then. And "tradition" forms the medium by which that statement's tension is resolved: how to overcome the gap. That is not accomplished by a return to that moment of the past, as Childs says, ". . . Old Testament actualization cannot be correctly identified with a return to a former historical event."[15] Such a return would violate the first law of historical thinking, as we have noted many times; we can never go back.

Then what kind of history does that thinking yield in Scripture? Childs answers in these terms:

> The Old Testament witnesses to a series of historical events by which God brought the people of Israel into existence. These events were placed in a chronological order within the tradition and never recurred in Israel's history. There was one Exodus from Egypt, one period of wilderness wanderings, one conquest of the land. These events were determinative because they constituted Israel's redemption. in other words, they became the vehicle for a quality of existence, redemptive time and space.[16]

Then, we ask ourselves, what task is assigned to memory, that is, the medium for the actualization of the statement of history? Childs' reply serves us well:

> Our study of memory has indicated that each successive generation encountered anew these same determinative events . . . It means more than that the influence of a past event continued to be felt in successive generations . . . there was an immediate encounter, an actual participation in the great acts of redemption. . . .[17]

Memory then serves as the medium for overcoming the barrier between present and past, opening the way for the present to participate in what happened long ago. By remembering, people were able to relive, regain access to, that time and that event that they knew was once upon a time. How, precisely, does that working of memory craft the world? Childs' final contribution completes this exposition of history, memory, and tradition in ancient Israel's Scriptures:

> Actualization is the process by which a past event is contemporized for a generation removed in time and space from the original event. When later Israel responded to the continuing imperative of her tradition through her memory, that moment in historical time likewise became an Exodus experience. Not in the sense that later Israel again crossed the Red Sea. This was an irreversible, once-for-all event. Rather, Israel entered the same redemptive reality of the Exodus generation. later Israel, removed in time and space from the original event, yet still in time and space, found in her tradition a means of transforming her history into redemptive history. Because the quality of time was the same, the barrier of chronological separation was overcome.[18]

It would be difficult to imagine a more concise statement of the religious experience of the historical mode of organizing matters than Childs's, since he touches on every element critical to the description of history—the pastness of the past, the singularity and irreversibility of events, but also the power of events in times past to affect the present moment and to effect change therein.

The touchstone, then, is simple: that sense of separation that precipitates the quest for reconciliation, restoration, renewal of relationship. Childs defines the final question to be taken up here: if historical thinking begins with a sense of separation of present from past, then what accounts for the datum of paradigmatic thinking, which forms the union of present and past and abandons any notion that the one is distinct from the other? Where present and past meet, there paradigmatic thinking commences. Now let me spell out the counterpart to Childs's reading of Scripture's disposition of matters: the disposition of Judaism as the oral part of the Torah takes over and recasts the written part.

Thinking in Paradigms: Mathematics as the Metaphor

Since we have used the word "model" as interchangeable with "paradigm" or "pattern," we turn to a brief reference to the use of model in mathematics, since that is the source for my resort to the same word—model—and that mode of description, analysis, and interpretation of data for which it stands. My purpose is to render reasonable a mode of thought that, until now, has been dismissed as "fundamentally ahistorical . . .

insubstantial." But it would be difficult to find a more substantial, a more concrete and immediate mode of addressing events and explaining the concrete here and now than the paradigmatic: ahistorical, yes, and from one angle of vision atemporal too, but far from insubstantial, and, in the context of natural time, profoundly time-oriented.

The paradigm forms a medium for the description, analysis, and interpretation of selected data: existence, rightly construed. In this, paradigmatic thinking forms a counterpart to that of the mathematics that produces models. Specifically, mathematicians compose models that, in the language and symbols of mathematics, set forth a structure of knowledge that forms a "surrogate for reality."[19] These models state in quantitative terms the results of controlled observations of data, and among them, the one that generates plausible analytical generalizations will serve. Seeking not so much the regularities of the data as a medium for taking account of a variety of variables among a vast corpus of data, the framer of a model needs more than observations of fact, e.g., regularities or patterns. What is essential is a structure of thought, which mathematicians call "a philosophy:"

> As a philosophy it has a center from which everything flows, and the center is a definition, . . .[20]

What is needed for a model is not data alone, however voluminous, but some idea of what you are trying to compose: a model of the model:

> Unless you have some good idea of what you are looking for and how to find it, you can approach infinity with nothing more than a mishmash of little things you know about a lot of little things.[21]

So, in order to frame a model of explanation, we start with a model in the computer, and then test data to assess the facility of the model; we may test several models, with the same outcome: the formation of a philosophy in the mathematical sense. To understand the relevance of this brief glimpse at model-making in mathematics, let me cite the context in which the matter comes to me, the use of mathematics to give guidance on how to fight forest fires:

> If mathematics can be used to predict the intensity and rate of spread of wildfires of the future (either hypothetical fires or fires actually burning but whose outcome is not yet known), why can't the direction of the analysis be reversed in order to reconstruct the characteristics of important fires of the past? Or why can't the direction be reversed from prophecy to history?[22]

Here the reversibility of events, their paradigmatic character, their capacity to yield a model unlimited by context or considerations of scale,—the principal traits of paradigmatic thinking turn out to enjoy a compelling rationality of their own. Reading those words, we can immediately grasp what service models or patterns or paradigms served for our sages, even though the framing of mathematical models began long after the birth of this writer, and even though our sages lived many centuries before the creation of the mathematics that would yield models in that sense in which, sages' paradigms correspond in kind and function to model-explanation in contemporary mathematics. Before us is a mode of thought that is entirely rational and the very opposite of "insubstantial."

What is at stake in the appeal to "paradigm" or "model" to explain how sages answered the same questions that, elsewhere, historical thinking admirably addresses is now clear. To use the term in the precise sense just now stated, philosophy now took the place of history in the examination of the meaning of human events and experience. Forming a philosophical model to hold together such data as made a difference, sages found ready at hand the pattern of the destruction of the Temple, alongside explanations of the event and formulations of how the consequences were to be worked out. And, since the Temple represented the focus and realization of the abstractions of nature—from the movement of sun and moon to the concrete rhythm of the offerings celebrating these events, from the abundance of nature, the natural selection, by chance, and presentation of God's share on the altar—nature's time took over, history's time fell away.

In these two facts—the transformation of event once into pattern by recurrence, the identification of nature's time as the way of

keeping and marking time for the social order as well—paradigmatic thinking was born. Precisely why did our sages recast the received historical mode of thinking in such a way as to reread Scripture as a source for not narrative but paradigm? And on what basis did they presume to treat as models what the revealed history of Scripture set forth as a sequence of linear, one-time events? It is time to explain the facts that characterize the documents as ahistorical, atemporal, and non-linear, but rather as paradigmatic: history in quest of philosophy.

The Origins of Paradigmatic Thinking in Real, Historical Time

Since, we have seen, our sages subverted the historical thinking they inherited and substituted for it an altogether different kind, recasting the essential of history, the definition of time, in anti-historical terms, we have to wonder how and why sages whose minds were shaped in Scripture and whose souls were cast in its models utterly rejected what Scripture clearly said—and said to other Jews—and substituted modes of thought and patterns of reading of a kind quite alien to the written part of revelation. Here in the Rabbinic documents we have surveyed, we have sustained and systematic thought that shows an alternative to history as a mode of accounting for how things are; that treats as null the most fundamental datum of the historical thinking to which we are accustomed; and that served Judaism (and Christianity) for nearly the whole of its history. To explain why paradigmatic rather than historical thinking predominated, we revert to that very mode of explanation, the historical and contextual, that Scripture set forth but our sages abandoned. Precisely where and when, in the context of Israel's life, did historical thinking emerge? With the answer to that question in hand, we proceed to take up the issue that confronts us.

First, whence the source of the sense of separation of present from past? To answer that question (which is a historical one), we turn to the setting in which, in Israel, history first was set down in a sustained narrative about times past. The Official History of ancient Israel set forth by Genesis through Kings recognizes the pastness of the past and explains how the past has led to the present. That Official, Authorized, or Primary History, came to literary formulation (whatever the state of the facts contained therein) in the aftermath of the destruction of the first Temple of Jerusalem, in 586. Faced with decisive closure, looking backward from the perspective of a radically different present, the thinkers who put together the Primary History took up two complementary premises, the definitive pastness of the past, its utter closure and separation from the present, and, alongside, the power of the past to explain the present and of its lessons, properly learned, to shape the future.

The historical thinking that produced the Authorized History took place at a very specific time and responded to an acute and urgent question by taking account of the facts of the moment. An age had come to a conclusion; the present drastically differed from the now-closed past. History might begin, the sense of closure having taken hold. Since, all scholarship concurs, the Official or Primary History represented by Genesis through Kings came to closure at just this time, the allegation that historical thinking in Israel in particular[23] reaches literary expression in the aftermath of the catastrophe of 586 rests upon solid foundations. Here is when people wrote history-books; here is why they wrote them; here, therefore, is the circumstance in which, for Israel, historical thinking took place.

In this context, we recall Childs's formulation, "The question of how to overcome the separation in time and space from the great events of the past became the paramount issue." The advent of historical thinking and writing became possible precisely when great events from the past receded over the last horizon, and those responsible for the books at hand recognized a separation from those events and so produced a history of how things had reached their present pass. Our sages, however, evinced no sense of separation that precipitates the quest for reconciliation, restoration, renewal of relationship between now and then; therefore they thought in a

different manner about the same events. That is the starting point of matters, and it also brings us to a conclusion: why did they think in a different way, what, in particular, led them to this other mode of thought?

Our sages recognized no barrier between present and past. To them, the present and past formed a single unit of time, encompassing a single span of experience. Why was that so? It is because, to them, times past took place in the present too, on which account, the present not only encompassed the past (which historical thinking concedes) but took place in the same plane of time as the past (which, to repeat, historical thinking rejects). How come? It is because our sages experienced the past in the present. What happened that mattered had already happened; an event then was transformed into a series; events themselves defined paradigms, yielded rules. A simple formulation of this mode of thought is as follows:

Mishnah Taanit 4:6
A. Five events took place for our fathers on the seventeenth of Tammuz, and five on the ninth of Ab.
B. On the seventeenth of Tammuz
   (1) the tablets [of the Torah] were broken,
   (2) the daily whole offering was cancelled,
   (3) the city wall was breached,
   (4) Apostemos burned the Torah, and
   (5) he set up an idol in the Temple.
C. On the ninth of Ab
   (1) the decree was made against our forefathers that they should not enter the land,
   (2) the first Temple and
   (3) the second [Temple] were destroyed,
   (4) Betar was taken, and
   (5) the city was ploughed up [after the war of Hadrian].
D. When Ab comes, rejoicing diminishes.

We mark time by appeal to the phases of the moon; these then may be characterized by traits shared in common—and so the paradigm, from marking time, moves outward to the formation of rules concerning the regularity and order of events.

In the formulation just now given, we see the movement from event to rule. What is important about events is not their singularity but their capacity to generate a pattern, a concrete rule for the here and now. That is the conclusion drawn from the very passage at hand:

Mishnah Taanit 4:7
A. In the week in which the ninth of Ab occurs it is prohibited to get a haircut and to wash one's clothes.
B. But on Thursday of that week these are permitted,
C. because of the honor owing to the Sabbath.
D. On the eve of the ninth of Ab a person should not eat two prepared dishes, nor should one eat meat or drink wine.
E. Rabban Simeon b. Gamaliel says, "He should make some change from ordinary procedures."
F. R. Judah declares people liable to turn over beds.
G. But sages did not concur with him.

Events serve to define paradigms and therefore, also, to yield rules governing the here and now: what we do to recapitulate.

This brings us back to our question: how an event turned into a series, what happened once into something that happens. The answer, of course, lies in the correspondence (real or imagined) of the two generative events sages found definitive: the destruction of the Temple, the destruction of the Temple. The singular event that framed their consciousness recapitulated what had already occurred. For they confronted a Temple in ruins, and, in the defining event of the age just preceding the composition of most of the documents surveyed here, they found quite plausible the notion that the past was a formidable presence in the contemporary world. And having lived through events that they could plausibly discover in Scripture—Lamentations for one example, Jeremiah another—they also found entirely natural the notion that the past took place in the present as well.

When we speak of the presence of the past, therefore, we raise not generalities or possibilities but the concrete experience that generations actively mourning the Temple endured. When we speak of the pastness of the present, we describe the consciousness

of people who could open Scripture and find themselves right there, in its record—but not only Lamentations, but also prophecy, and, especially, in the books of the Torah. Here we deal with not the spiritualization of Scripture, but with the acutely contemporary and immediate realization of Scripture: once again, as then; Scripture in the present day, the present day in Scripture. That is why it was possible for sages to formulate out of Scripture a paradigm that imposed structure and order upon the world that they themselves encountered.

Since, then, sages did not see themselves as removed in time and space from the generative events to which they referred the experience of the here and now, they also had no need to make the past contemporary. If as Childs insists, the Exodus was irreversible, once for all time event, then, as we see, our sages saw matters in a different way altogether. They neither relived nor transformed one-time historical events, for they found another way to overcome the barrier of chronological separation. Specifically, if history began when the gap between present and past shaped consciousness, then we naturally ask ourselves whether the point at which historical modes of thought concluded and a different mode of thought took over produced an opposite consciousness from the historical one: not cycle but paradigm. For, it seems to me clear, the premise that time and space separated our sages of the Rabbinic writings from the great events of the past simply did not win attention. The opposite premise defined matters: barriers of space and time in no way separated sages from great events, the great events of the past enduring for all time. How then are we to account for this remarkably different way of encounter, experience, and, consequently, explanation? The answer has already been adumbrated.

Sages assembled in the documents of Rabbinic Judaism, from the Mishnah forward, all recognized the destruction of the Second Temple and all took for granted that that event was to be understood by reference to the model of the destruction of the first. A variety of sources reviewed here maintain precisely that position and express it in so many words, e.g., the colloquy between Aqiba and sages about the comfort to be derived from the ephemeral glory of Rome and the temporary ruin of Jerusalem. It follows that for our sages, the destruction of the Temple in 70 did not mark a break with the past, such as it had for their predecessors some five hundred years earlier, but rather a recapitulation of the past. Paradigmatic thinking then began in that very event that precipitated thought about history to begin with, the end of the old order. But paradigm replaced history because what had taken place the first time as unique and unprecedented took place the second time in precisely the same pattern and therefore formed of an episode a series. Paradigmatic thinking replaced historical when history as an account of one-time, irreversible, unique events, arranged in linear sequence and pointing toward a teleological conclusion, lost all plausibility. If the first time around, history—with the past marked off from the present, events arranged in linear sequence, narrative of a sustained character serving as the medium of thought—provided the medium for making sense of matters, then the second time around, history lost all currency.

The real choice facing our sages was not linear history as against paradigmatic thinking, but rather, paradigm as against cycle. For the conclusion to be drawn from the destruction of the Temple once again, once history, its premises disallowed, yielded no explanation, can have taken the form of a theory of the cyclicality of events. As nature yielded its spring, summer, fall and winter, so the events of humanity or of Israel in particular can have been asked to conform to a cyclical pattern, in line, for example, with Qohelet's view that what has been is what will be. But our sages obviously did not take that position at all.

They rejected cyclicality in favor of a different ordering of events altogether. They did not believe the Temple would be rebuilt and destroyed again, rebuilt and destroyed, and so on into endless time. They stated the very opposite: the Temple would be rebuilt but never against destroyed. And that represented a view of the second destruction that rejected cyclicality altogether. Sages instead opted for patterns of history

and against cycles because they retained that notion for the specific and concrete meaning of events that characterized Scripture's history, even while rejecting the historicism of Scripture. What they maintained, as we have seen, is that a pattern governed, and the pattern was not a cyclical one. Here, Scripture itself imposed its structures, its order, its system—its paradigm. And the Official History left no room for the conception of cyclicality. If matters do not repeat themselves but do conform to a pattern, then the pattern itself must be identified.

Paradigmatic thinking formed the alternative to cyclical thinking because Scripture, its history subverted, nonetheless defined how matters were to be understood. Viewed whole, the Official History indeed defined the paradigm of Israel's existence, formed out of the components of Eden and the Land, Adam and Israel, Sinai, then given movement through Israel's responsibility to the covenant and Israel's adherence to, or violation, of God's will, fully exposed in the Torah that marked the covenant of Sinai. Scripture laid matters out, and our sages then drew conclusions from that lay-out that conformed to their experience. So the second destruction precipitated thinking about paradigms of Israel's life, such as came to full exposure in the thinking behind the Midrash-compilations we have surveyed. The episode made into a series, sages' paradigmatic thinking asked of Scripture different questions from the historical ones of 586 because our sages brought to Scripture different premises; drew from Scripture different conclusions. But in point of fact, not a single paradigm set forth by sages can be distinguished in any important component from the counterpart in Scripture, not Eden and Adam in comparison to the land of Israel and Israel, and not the tale of Israel's experience in the spinning out of the tension between the word of God and the will of Israel.

The contrast between history's time and nature's time shows that history recognizes natural time and imposes its points of differentiation, upon it. History knows days, months, years, but proposes to differentiate among them, treating this day as different from that because on this day, such and such happened, but on that day, it did not. History's time takes over nature's time and imposes upon it a second set of indicators or points of differentiation. History therefore defines and measures time through two intersecting indicators, the meeting of [1] the natural and [2] the human. As is clear in the foregoing remarks, the context in which "time" is now defined is [1] the passage of days, weeks, months, and years, as marked by the movement of the sun and the stars in the heavens and [2] the recognition of noteworthy events that have taken place in specific occasions during the passage of those days and months and years. By contrast, paradigmatic time in the context of Judaism tells time through the events of nature, to which are correlated the events of Israel's life: its social structure, its reckoning of time, its disposition of its natural resources, and its history too. That is, through the point at which nature is celebrated, the Temple, there Israel tells time.

Predictably, therefore, the only history our sages deem worth narrating—and not in sustained narrative even then—is the story of the Temple cult through days and months and years, and the history of the Temple and its priesthood and administration through time and into eternity. We now fully understand that fact. It is because, to begin with, the very conception of paradigmatic thinking as against the historical kind took shape in deep reflection on the meaning of events: what happened before has happened again—to the Temple. Ways of telling time before give way, history's premises having lost plausibility here as much as elsewhere. Now Israel will tell time in nature's way, shaping history solely in response to what happens in the cult and to the Temple. There is no other history, because, to begin with, there is no history.

Nature's time is the sole way of marking time, and Israel's paradigm conforms to nature's time and proves enduringly congruent with it. Israel conforming to nature yields not cyclical history but a reality formed by appeal to the paradigm of cult and Temple, just as God had defined that pattern and paradigm to Moses in the Torah. Genesis begins with nature's time and systematically explains how the resources of

nature came to Israel's service to God. History's time yielded an Israel against and despite history, nature's time, as the Torah tells it, an Israel fully harmonious with nature. At stake in the paradigm then is creation: how come? So long as the Judaism set forth by our sages in the Mishnah, Tosefta, Talmuds, and Midrash-compilations governed, Israel formed itself in response to the eternities of nature's time, bringing into conformity the ephemera of the here and now. That answers the questions, why here? why now? so what? When and where this Judaism lost its power of self-evidence, there history intervened, philosophy and theology, including normative law, gave way to narrative, and the lines of structure and order took a new turning. But that was only recently, and, it now appears, for only a brief spell.

What Is at Stake in How Judaism Reads the Bible

A Jewish scholar of Scripture well within the historicist camp states what is at stake in the following language:

> The confessional use of the Bible is fundamentally ahistorical. It makes of Scripture a sort of map, a single, synchronic system in which the part illuminates the whole, in which it does not matter that different parts of the map come from divergent perspectives and different periods. The devotee uses it to search for treasure: under the X lies a trove of secret knowledge; a pot of truths sits across the exegetical rainbow, and with them one can conjure knowledge, power, eternity. Worshipers do not read the Bible with an intrinsic interest in human events. like the prophet or psalmists or, in Acts, the saint, they seek behind the events a single, unifying cause that lends them meaning and makes the historical differences among them irrelevant. in history, the *faithful* seek the permanent, the ahistorical; in time, they quest for timelessness; in reality, in the concrete, they seek Spirit, the insubstantial. Confessional reading levels historical differences—among the authors in the Bible and between those authors and church tradition—because its interests are life present (in the identity of a community of believers) and eternal.

Baruch Halpern[24] here characterizes—with a measure of jejune and immature caricature, to be sure—that alternative to the historical reading of Scripture that both Judaism and Christianity selected and faithfully followed eighteen hundred years, until the advent of historical learning in the nineteenth century and its transformation of a powerful instrument of exegesis of Scripture in the twentieth. Until that time another way of reading and responding to events, besides the historical one, governed the way in which the historical writings of ancient Israel were received. What is at issue?

At issue is something different from indifference to whether or not things really happened as they are portrayed, and "timelessness" obscures that vastly different conception of time that comes into play in the Judaic and Christian reception of ancient Israel's Scripture, especially its history. For nearly the whole of the history of Judaism and Christianity, a mode of reading Scripture predominated that today is scarcely understood and only rarely respected. In Halpern's picture, it is characterized as "confessional," and dismissed as ahistorical. But "confessional" tells us only that faithful practitioners of Judaism and Christianity come to Scripture with reverence and seek there to find what God has told to humanity. The faith of Judaism and Christianity need not insist upon the reading of Scripture as a single, synchronic system—but it does, so the pejorative, "confessional," is both beside the point and accurate. For this "ahistorical" reading means to overcome the barriers of time and space and address Scripture in an unmediated present.

The key to the uncomprehending caricature lies in the contrasts, with the climax, "insubstantial." Militant, ideological historicism in that word makes its complete and final statement.[25] Faith admittedly is in things unseen, but not in what is "insubstantial," not at all. Still, Halpern speaks for a century and a half of scholarship that has appealed to secular rules for reading documents of religions, Judaism and Christianity, that read the Hebrew Scriptures as the written Torah and the Old Testament, respectively. During the now-protracted spell since the advent of historicism, the holy books of Judaism and Christianity, have been asked to tell us everything but that to which they

are devoted: about human events, not about God's perspective on and dealings with humanity. And, in that same long period of time, the reason people have taken up these books and read and studied them—the quest for the written record of God's intervention into human history (for the Torah of Judaism) or of God's footsteps on earth (for the Bible of Christianity)—has been dismissed. After such a long span of time, people have forgotten the religious rules for reading those same holy books and, as Halpern's statement makes clear. They even have lost the capacity even to understand those same rules. But for nearly eighteen centuries those norms governed, and whether or not we accept their discipline, we owe it to ourselves to try to make sense of them.

For there is more at stake than merely understanding a long-ago way of receiving Scripture. The historical way, so long dominant in the West's reception of its own holy books, proves no longer a secure path to knowledge. For history's premise—the self-evidence of the linearity of events, so that, first came this, then came that, and this "stands behind" or explains or causes that—contradicts the now-articulated experience of humanity. Chaos governs, while from history's perspective, order should reign. Sometimes "this" yields "that," as it should, but sometimes it does not. To the contrary, what happens in ordinary life yields not events that relate to one another like pearls on a necklace, first this, then that, then the other thing, in proper procession. Not at all. Life is unpredictable; if this happens, we cannot securely assume that that must occur in sequence, in order—at least, not in the experience of humanity. That is proven by the irregularity of events, the unpredictability, by all and any rules, of what, if this happens, will follow next. Knowing "this," we never can securely claim to predict "that" as well. The world we seek to understand hardly matches in order and synchronicity the neatly regulated world that history and memory mean to construct for us. Rather, that world corresponds in its deepest being to the disorderly, irregular reality for which paradigmatic thinking—the quest for pattern and order within chaos—serves. If we wish to think about matters of religious fact in full recognition of the uncertainties of knowledge, we are better served by the paradigmatic than the historical reading of the everyday and the here and now.

Jacob Neusner

Notes

[1] For the notion of the representation of Israel's existence as an ahistorical tableau, see J. Neusner, *Judaism. The Evidence of the Mishnah* (Chicago, 1981; paperback edition: 1984. Second printing, 1985. Third printing, 1986. Second edition, augmented: Atlanta, 1987).

[2] Maurice Samuel, trans., *Haggadah of Passover* (New York, 1942), p. 9.

[3] Ibid., p. 26.

[4] Ibid., p. 13.

[5] Ibid., p. 27.

[6] That is not to suggest people did not accept the historical facticity of matters, only that questions of historicity were treated as alien and irrelevant. We return to this matter at the end.

[7] That is not to suggest the Authorized History of Genesis to Kings tells us what really happened; at stake here are modes of thought, issues of the social construction of reality, conventions and protocols of interpretation, that are ordinarily classified as historical. That point suffices, and accords with the established facts of scholarship.

[8] Considerations of space and its divisions are at least as important as those of time. It seems to me necessary that our sages treat as null boundaries of space as much as those of time.

[9] Jacques LeGoff, *History and Memory* (New York, 1992). Translated by Steven Randall and Elizabeth Claman, p. xii.

[10] Which is not to be called "eternity." That would represent a profound misunderstanding of the conception of time in Rabbinic Judaism. It is only in the context of history that are dealt here with the conception of time; the much more interesting problem of time viewed in its own terms in the Rabbinic document remains to be addressed.

[11] That explains the aesthetics of the theology of symbolic expression worked out in my *Symbol and Theology in Early Judaism* (Minneapolis, 1991; reprint: Atlanta, 1999).

[12] But that is of course disingenuous. For psychology knows how, and so does theology.

[13] Brevard S. Childs, *Myth and Reality in the Old Testament* (London, 1960), pp. 74–75.

[14] In this context we need hardly attempt to explain that powerful sense of the pastness of the past that animates the Hebrew Scriptures. But it seems to derive from the perspective of the return to Zion, which conceives of an "Israel" once separated from the land but now restored

to it, thus conception ("myth") of a return after an interval of time begins with the notion of the separation of space, and that then provokes the sense of the separation in time. A rich account of what is at stake here is set forth in Philip R. Davies, *In Search of Ancient Israel* (Sheffield, 1993), especially pp. 113–133.

[15] Childs, p. 83.

[16] Ibid.

[17] Ibid., pp. 83–84.

[18] Ibid., p. 85.

[19] Norman Maclean, *Young Men and Fire* (Chicago, 1992), p. 257.

[20] Ibid., p. 261.

[21] Ibid., p. 262.

[22] Ibid., p. 267.

[23] We are not concerned with the advent of historical thinking in other contexts or in defining historical thinking in Israel by comparison with, or contrast to, historical thinking in either the Near Eastern or Hellenic worlds. Historical thinking in Israel has defined itself in its own writings, and those who received those writings and so radically recast them have responded to the historical thinking they learned in Scripture with this other kind of thinking of their own.

[24] Baruch Halpern, *The First Historians. The Hebrew Bible and History* (San Francisco, 1988), pp. 3–4.

[25] We may ignore the institutional foundations for the historicistic reading of sacred Scripture, the conduct of that reading under mostly secular (or better, secularizing) auspices, whether in seminaries or in universities. In fact, in such places, though read for historical information, rather than religious knowledge, the Bible is a privileged document, enjoying a central position in the academic study of religion that secular considerations alone will not have accorded it. The upshot is that academic scholarship on Scripture enjoys the sponsorship of the faithful and takes as its task the imposition of secular norms upon the documents of the faith—in the name of the rational labor of the academy.

The Biblical Foundations of Judaism

The Pentateuch, the five books of Moses, as a single narrative, constitute the primary canon of every ancient Judaism known to us. They contain an account of the creation of a polity, Israel. Having set out the adventures of humans from a single creature (Adam) in a restricted environment (a garden) to a set of nations distributed throughout the world, the narrative depicts the creation of one particular family (Abraham's). First it depicts the ancestor on his way from the core (Mesopotamia) to the periphery (Canaan) of the inhabited world in accordance with the divine program of settlement (see Gen. 1:28: "fill the earth") and subsequent to the scattering of humans from the city of Babel. The racial[1] basis of Israel is firmly established.

In the book of Exodus the nation exists as a "family of Jacob" but without any further identity except in relation to another culture and society: it is a nation of slaves. But it then receives what is viewed as constitutive of a fully-fledged nation: a leader, a law, and a land. Such a definition of nationhood belongs perhaps less to the world of the ancient Near East than to the Hellenized Levant. The notion that a nation needs an ancestor, lawgiver, constitution, and its own territory is arguably the product of a fusion of Oriental and Greek ideas and is reflected not only in the Judean literature but in the great national histories written (in Greek!) by Manetho, Berossus, and Philo of Byblos.

The problem of dating this narrative does not matter so much as its function. Central to the notion of national identity is a constitution. In a monarchy, that role may be taken by the king—indeed, the very idea of "nation" tends to be replaced by "subjects of the king." But in an imperial context, national identity required other symbols, such as a distinctive cult or law. For from the Persian empire onwards, the Jewish "nation" had, in fact, been encouraged to live according to its own laws and to focus upon its own Temple. It was very probably at that time rather than earlier that the literature of the Mosaic canon originated. The bringer of that defining constitution is the ancient figure of Moses, who, if not acknowledged as the founder of the Temple itself (if Hecataeus is incorrect), was the founder of the cult, in the form of the institution of ark, tent, and priesthood as well as of the laws by which Israel was to be distinguished from other nations.

The Mosaic Torah, then, is an account of the foundations of a *nation*, Israel, living

in a land (which is narratively only anticipated) and organized in a certain way. It is, however, neither an historically accurate account nor created from a single conception. As a composite narrative, it reflects a number of discrete programs, each defining the newly-established Mosaic polity in a different way and, indeed, each set at different points in the narrative. It is a reasonable (if unprovable) conclusion that once the framework of Israel's origins were outlined, then, during the literary evolution of the Mosaic canon, into that narrative were inserted at slightly different points several different "Mosaic constitutions." From the combination of these (idealized) constitutions the Judaic systems of the late Second Temple period onwards have been created.

In this canonical narrative, the nation is born in the transition from slavery to conquest, from leaderless to led, from landless to landed, and from formless to rigidly structured. There are three places in this transition at which the nation is formed, and these provide the narrative points at which three different approaches to the constitution of Israel are found: Sinai, the wilderness trek, and the plains of Moab. These places, and these moments, correspond approximately to the scrolls of Leviticus, Numbers, and Deuteronomy. The Sinai narrative of Exodus itself, centering on the so-called "Book of the Covenant" (or *Mishpatim*), does not afford a systematic description: no "constitution of Israel" can really be derived from it. But each of the last three books of the Mosaic canon projects a distinct, and different, definition of the nature of Israel, its society, and its world, and, together and separately, they have defined what "Israel" means.

The following analysis leaves aside the question of the composition of these books but does not assume they are unitary. In the ancient world scrolls did not as a rule survive copying unedited, and, in these particular instances, there are many signs of a literary history. But the evolution of these scrolls has not, I suggest, obscured the underlying program.

The three constitutions will be treated not in *narrative* order, but with Deuteronomy first and Leviticus last. The reason is partly that this plausibly reflects the order in which each program came to maturity (though the priority is both unprovable and irrelevant); and partly rhetorical: Leviticus, with its holiness agenda, has provided Rabbinic Judaism with its dominant classification, despite, or perhaps because of, the disappearance of the functions of priesthood. By contrast, the programs of Deuteronomy and Numbers apply more readily to a political entity possessed of land and tight social organization, though the Deuteronomic invention of the category "covenant" has been highly influential.

The Constitution of Israel in Deuteronomy

Thanks to the influence of Deuteronomy on the books of Joshua-Kings, the dominant biblical narrative of the founding of Israel as a polity[2] comprises the following elements: a law book, a lawlaw-reading, and a covenant ceremony, including blessings and curses. The relationship between the people and the deity is construed as a formally legal one, in which rescue from slavery is a "down payment" and land is promised in return for obedience to the terms of the covenant (i.e., the laws).

For the last two millennia, the equation of Judaism with obedience to divine laws is so prominent that it may escape attention that this construct is a Deuteronomic invention. The framers of this Deuteronomic theory built, in all probability, upon an existing narrative in which Moses received laws at Sinai, and they may have expanded upon (as well as glossing: the term "covenant" appears here and there in Exodus) an already existing collection of laws. But in Deuteronomy, the laws have been put into a new context: a *legal religion* according to which obligations on either side cease if the conditions are broken. The entire concept is then framed literarily in the form of a testamentary address by Moses immediately before the Israelites cross to possess the land in fulfillment of the deity's part of the contract.

The patron-client relationship that underlies nearly all ancient Near Eastern (one

might even say, Mediterranean) social exchange is here applied to a nation and its god, and the (usually) implied conditions of such relationships are constituted by the divinely-originating law code (a stereotype of ancient Near Eastern monarchies). The conditions of the Deuteronomic covenant boil down to a rigid maintenance of both cultic and racial identity, implying a community surrounded by peoples who are cultically and racially very similar (especially problematic when, as the Deuteronomistic History explains, Israelites behaved just like Canaanites in matters of religion). Had this not been the case, such differentiation would not have been so violently endorsed, even to the point of genocide (which, it goes without saying, is a rhetorical feature and not a program for action).

The covenant-making scene recurs elsewhere. It is repeated in Josh. 24, Neh. 8–10, and, outside the Scriptures, at Qumran in the Damascus Document and 1QS, where Israel is being reconstituted in a sect. Israel is a nation constituted by allegiance to a particular deity who has already chosen it. The term "covenant" has also become so fundamental that it find its way into other parts of the Mosaic canon, where covenants abound: with Abraham, with Noah, with Phineas. These covenants, however, are with individuals rather than nations, and they have more the character of a one-sided (divine) *appointment*, without any freedom on the part of the human to accept or reject, but without any obligations on the part of humans either; in other words, the term has become embedded so firmly that it is even used of relationships that are not properly covenantal at all! The fact that the word *berit* is used so widely and loosely illustrates the influence of Deuteronomy's central concept.

From the point of view of a historian of Judaism, it is important to recognize that Deuteronomy does not offer a *description* of "Israelite" religion at any stage of history and certainly not even a realistic fiction for the monarchic period. A direct legal bond between a whole people and a god is a *theory*, and one that more probably reflects early Second Temple society, which, as far as we can tell, was hierocratic and in which a small immigrant society was establishing itself around a temple and in the midst of an indigenous population of similar racial stock and, indeed, with some similar religious practices. The account of Neh. 8–10 pretends that an existing "book of the law" was brought from the Temple by Ezra and read out; that the history of the people was rehearsed, and a solemn covenant signed. But again, we are dealing with idealized narratives, not history. Ezra and Nehemiah are quite distinct characters who meet only in the few central chapters of Nehemiah, where the first-person narrative is interrupted; it is impossible to reconcile their functions or their historical relationship, and Ezra is unknown to Ben Sira, while the book of Nehemiah presupposes a schism with the Samaritans. The interesting aspect of Ezra and Nehemiah is the effort to fuse them and establish, out of two independent and partly conflicting narratives, a common legend about the (re)foundation of Judaism by means of a covenant renewal, in which the Deuteronomic pattern is replicated. The revived Israel, rescued this time not from Egypt but from Babylonia, is reconstituted as a covenant people, to whom (as Deuteronomy itself prescribed) the law was read out.

In the Damascus Document (CD), whose date of composition may not be too far removed from that of the Ezra story,[3] a very similar narrative about the (re)foundation of Judaism is implied. The exilic punishment on Israel led to the restoration of a remnant, to whom the true divine will about Sabbaths, feasts, and laws was given. While the rest of Israel went astray, this chosen remnant remained to await the divine judgment on Israel and on the gentiles, anticipating salvation and vindication for themselves.[4] The revelation of the law and the foundation of this "true Israel" is credited to a figure known as the "Interpreter of the Law" (*doresh ha-Torah*). The differences in scope, in literary form, and in some details from both Ezra and Nehemiah are mostly attributable to the literary genre in which the story is embedded and to the fact that CD's "Judaism" is yet again different from that implicitly advanced in either Ezra or Nehemiah.

The similarities among the three accounts are even more striking and significant; they presuppose the same story of Israel's "pre-exilic" past (though the historical narrations of that period have quite different emphases)[5] and the exile as punishment for that past. All three accounts, significantly, speak of a covenant with the members of the elect group that is based on a lawgiving, and all three allude to a process of interpretation of that law and deal with issues of holiness and separation from "outsiders" (and indeed from other potential Judeans, such as Samaritans, "people of the land," or "builders of the wall").

In these respects the accounts all reflect a certain common perspective on Judaism, namely a Deuteronomic one. Israel is founded by a lawgiver who has the people make a covenant in which their exclusivity is legally enjoined. The Deuteronomic Israel is a *people*, defined by race and law. Their land, accordingly, is not theirs by birth or by nature but by *gift*. The land in the Deuteronomic constitution is the deity's part of the covenant, and its possession is therefore conditional (see Neh. 9:36–37 for a most eloquent expression of this).

The Constitution of Israel in Numbers

If, as we may imagine, Deuteronomy was written by a lawyer, Numbers was authored by a soldier. More precisely, there is a distinctive concept around which the disparate materials that now make up the book have been structured. The book opens directly with a census of those "able to go to war" (1:3), and from that point onwards a military portrait of the nation is offered. Such a portrait suits well the narrative context chosen for it, in which the nation is, like a campaigning army, on the march towards a destination to be conquered, living off the terrain and constantly on the alert for attack. Thus, ch. 2 describes the disposition of the camp and the order of marching. The following chapters deal with priestly and cultic matters, but the section ends (in ch. 10) with instructions for the priests to blow the trumpets in time of war as well as on cultic occasions—linking the two kinds of activity. There follows a description of the Israelite army marching from Sinai, following their divine leader's cloud. The closing words of this opening section also link the central cultic object, the ark, *and its deity*, to warfare: whenever it was moved, Moses was to say, "Arise, Yahweh, let your enemies be scattered and your foes flee before you," and on its stopping, "Return, Yahweh of the massed armies of Israel" (Num. 10:35–36).

The organization of Israel, then, according to Numbers, is military. The nation is divided into families and tribes, but these are all reconfigured as military units, and they provide specified numbers of young men to fight. The spatial arrangement of Israel is also important, for it assumes the form of a military camp; on each of the four sides is a group of three tribes. The camp as a whole apparently represents the land, since as far as geography allows, the tribes occupy positions corresponding to their regions of settlement, with Reuben, Gad, and Simeon on the south; Dan, Asher, and Naphtali on the north; Benjamin, Ephraim, and Manasseh on the west; and Judah, Issachar, and Zebulon (somewhat unsatisfactorily grouped) on the east. At the center of the camp/land is the Temple/tent of meeting, with the three levitical families camped on the north, south, and west and the priests guarding the entrance on the east. Towards the close of Numbers (ch. 34), attention moves to the imminent occupation of the land and its divisions, and the disposition for the tribal allotments is given, followed by allotments for the Levites, as the geography of the camp is converted in anticipation into the geography of the land.

The attitude of Numbers towards discipline also reflects a military disposition. The "rebellion" (*mrd, mrh*) of the people, who wish to go no further, is a constant theme (see chaps. 14, 17, and 20), and the issue of Moses' leadership stands very obviously as a motif of the entire book, climaxing in a challenge by Miriam (ch. 12) and by Korah, Dathan, and Abiram (ch. 16). Such disobedience to the appointed leader is, naturally, harshly punished. The military discipline recalls the book of Joshua, in which Achan's breach of the ban (Josh. 7)

is punished with even more severity. Both Numbers and Joshua in fact describe the events of a successful military campaign ending with the distribution of land, reminding one of the Greek institution of cleruchies, whereby troops were awarded allotments of land to sustain them, or, possibly, the more generally followed custom of allotting agricultural and residential land to military colonies. Both Numbers and Joshua clearly wish above all to demonstrate the necessity of firm leadership and the rewards of obedience, and both go out of their way to demonstrate the perils of insubordination. The theme of both books is obedience not so much to the covenant as to the military leader.

It is worth recalling at this point the previously mentioned observation by Hecataeus that Moses had instituted a military education and led the people to many conquests against neighboring tribes, after which he apportioned the land equally, but reserving larger portions for the priests. These data look like a precis of Numbers. But whence the idea of this military constitution? Was it devised merely for the narrative of the wilderness itinerary, or does it have a historical basis? The military aspects of scriptural Israel and the historical Judah of the Second Temple period have not been as greatly emphasized in scholarly research as has the theological notion of Yahweh as the "divine warrior," which is, nevertheless, one part of the phenomenon. For the name *Yhwh Tzeba'ot* probably means "Yahweh of armies," and this title should be given due weight, for whether the armies in question are heavenly or human, it seems probable that this deity is a warrior god or has a very strong military component to his cult.

Indeed, there is a good deal of evidence, if not conclusive, of the military reputation of Israelites and Judeans.[6] The military colony at Elephantine, probably set up by the Assyrians, was composed of Judeans, who continued to serve under the Persians. If we are to believe the claims of Josephus (*Apion* 1.192ff.), Alexander, Ptolemy I, and Ptolemy Philadelphus likewise recruited Jewish mercenaries. There were Jewish garrisons in Egypt, Libya, and Cyrenaica. The city of Leontopolis, founded by Onias IV, included a military colony, while in Asia Minor, Antiochus III settled two thousands Judean soldiers from Babylonia. As is well known, Caesar's concessions to the Judeans also stemmed from military assistance rendered him by forces led by Antipater.

Thus, even if not a major occupation of Judeans, military service as mercenaries seems to have been something of a tradition, and, accordingly, it can be concluded that the success of the Judeans in the Maccabean wars and the subsequent expansion of the Judean kingdom was built on considerable native military experience. Hengel's suggestion that such military colonies may have been a major factor in the spreading of the Jewish diaspora should be seriously considered, though whether such an explanation throws into doubt the strength of Sabbath observance among certain Jews is at least an interesting question. Perhaps, as Hengel also suggests, Hecataeus' comment about Jewish military education stems not from any data derived from Numbers or Joshua but from the many Judean military colonies in Egypt and, perhaps, elsewhere.

In all events, there is certainly adequate evidence to suggest that among the Judeans of the Persian period (perhaps earlier as well), a strong military ethos was present, and such an ethos is a plausible context for the insertion into the Mosaic "constitution" of an Israel organized like a mobile military colony; indeed, it may have been directly inspired by such a Judean colony: if not, its likely author was in any case someone who had enjoyed a military career.

Be this as it may, Number's definition of Israel was revived in the Qumran *War Scroll*, in which the powerful and direct influence of Numbers 1–10 is evident (especially in cols. 2–19) and in which a surprising degree of knowledge of military hardware, maneuvers, and regulations seems to be evident behind the ridiculously choreographed performance of the army itself. No less than the legal definition of Deuteronomy, the military ideal elaborated in the book of Numbers, then, exerted an enduring influence on the character of Judaism towards the end of the Second Temple period. This may go some way to explaining the motivation, and the considerable initial success, with which, in

the first century C.E., the Jewish war with Rome was conducted.

The Constitution of Israel in Leviticus

Like Numbers, Leviticus describes the dwelling place of its ideal Israel as a "camp," but here, not a military camp. The camp is the site of an ideological cosmos on which the contours of purity and pollution are drawn. The emphasis is primarily on the social relations pertaining between the members of Israel and their god, but not, unlike in the case of Deuteronomy, in terms of the administration of justice. The vision is not that of the legal but the priestly scribe.

As Mary Douglas has argued, Leviticus' underlying organizing principle is "order," achieved through a series of taxonomies. Animals are divided into clean and unclean and also into their proper spheres: land, sea, air. In Douglas' view, taboo ("unclean") animals are those seen not to fit any normative classification. While this explanation does not fit all of Leviticus' details, as we shall see, the underlying perception is sound.[7]

Even if no anthropological explanation can entirely fit the data of Leviticus, the notion that its authors demand an ordered world, in which things clean, holy, and proper are kept separate from those that are not, seems the best analysis of the system. Such a reading is supported to some extent by the account of creation in Gen. 1, where order is made out of chaos through the creation of contrasting categories (light vs. darkness, dry vs. wet), by the placing of the appropriate creatures in their proper domain, and by the marking of divisions of time. Such a classification in Leviticus extends beyond animals to types of sacrifices, bodily emissions, and human sexual relations. It continues, indeed, beyond Israel ("the camp") to the unclean word beyond, and it constitutes Israel, like the sanctuary itself, as a center of holiness relative to the unclean environment in which the people live.

The function of the land in this scheme is different from either Deuteronomy or Numbers. The land is not to be enjoyed, Canaanite-free, as a covenant gift; nor is it to be captured by a disciplined army. It is to be maintained as an ordered cosmos, kept holy through the separation of clean and unclean, of distinct classifications of living things, of Sabbath from non-Sabbath, and of tithed produce from untithed. The camp of Leviticus embraces the ark, the tent, the area of the priests, of Israelites, then of the world beyond: concentric spheres of holiness to be mapped onto the land. This is not the "camp" of Numbers, nor its Israel.

Central to the well-being of Leviticus' Israel is the sacrificial system and the priesthood, because Israel's holiness is directed to, and sustained by, the holiness of its god; and the sacrificial system regulates Israel's contact with its deity, while the priesthood ensures that this contact is maintained in an orderly way, for the contours of holiness must not be ruptured. Hence, the first five chapters of Leviticus deal with the various kinds of sacrifices, and the next two with the ordination of the priests (with chap. 10 as a warning against illegitimate priestly behavior). Then various other issues are covered: animals, childbirth, skin diseases, and bodily discharges, culminating in the ceremony by which all Israel can achieve atonement (chap. 16). The so-called "Holiness Code" (chaps. 17–26), in which it is possible to detect slight differences in ideology, rehearses the uncleanness of blood, sexual relations, sacrificial laws, and, finally, the holiness of times and seasons.

The system represented by Leviticus is concerned above all with regulating the transition of humans between various states. The sanctuary and its trappings and the priesthood must be holy; but the remainder of Israel may, and will, contract uncleanness from time to time: sexual emissions, blood, and corpses, for example, will impart uncleanness (for all of these, significantly, have to do with life: its creation, preservation, and withdrawal). But such uncleanness must be removed with reasonable promptness, because it has the capacity to affect the holiness of the sanctuary and thus to threaten the continuation of the divine presence within it. The second part of Leviticus, however, appears to extend the realm of holiness over the entirety of Israel, thus

reducing the distinction between priesthood and laity and raising the responsibility of each Israelite to maintain a holiness that is not limited to the cult.

But the literary history of Leviticus is not our concern here,[8] nor the dating of its composition or completion. The origin of its classifications system and its relations to an actual cult are matters much discussed, with both pre-exilic and post-exilic dates being defended. Whatever its origin, its definition of Israel as a society dedicated to holiness came to be extremely influential in a community in which the presence of the Temple and a large priestly population probably dominated the life of the city of Jerusalem, from which, in Persian times, no part of the province of Judah was more than a day's walk.

Indeed, the issue of priestly holiness played an important role in the development of the Jewish "schools," that is, the religious parties such as the Pharisees and the communities of the Dead Sea Scrolls. Perhaps following the trend observable in Lev. 17–26, both groups seem to have been concerned to extend more widely the regulations regarding priestly holiness. The associations known as *haburot*—fellowships—devoted themselves in particular to strict observance of tithing and dietary rules and extended Levitical purity beyond the priestly sphere.

As for the Qumran scrolls, difference of interpretation of the rules of purity between the writers of 4QMMT and their addressees (those then in power in the Temple) may have led to the separation of the former from "the way of the people," perhaps represented in their founding of the kinds of "camp" communities encountered in the *Damascus Document*, in which accusations are made that the Temple is being defiled by breaches in the laws of sexual relations (uncle-niece marriage, intercourse during the period of "uncleanness;" see CD 4–5). This clearly reflects Leviticus' principle that impurity defiles the Temple whether or not such defilement takes place in or near it. For the "city of the sanctuary," according to the Damascus Document, obliges its inhabitants to a special degree of purity, and sexual intercourse is entirely forbidden within its walls.

It is also clear from Jacob Neusner and his students' analyses of the development of the Mishnah that the issue of purity (including tithing) formed the earliest stage of that document's growth. The Mishnah as a whole legislates for a holy people in a pure land, and, while by the middle of the second century C.E. the land itself was not accessible to most members of Israel and the priesthood had disappeared, the ideal of such an Israel remains at the heart of Rabbinic Judaism.

The Heritage of the Mosaic Constitution(s)

The biblical foundations of Judaism may be said to reside in the three definitions contained in the Mosaic canon. Even though their differing perspectives could not be entirely harmonized, their fusion into a single narrative, contained in a single canonical *Torah*, yielded a single vision. From the Deuteronomic constitution, the word *Torah* was perhaps the most important bequest, for it is Deuteronomy that describes itself as a book of *Torah*. This word then spread to cover the Mosaic canon and other sacred writings as well. But the notion of covenant remained fundamental to the characterization of the religion of Israel, though it extended beyond the episode at Sinai to embrace a wider (and perhaps largely diaspora) Judaism that traced the origins of its identity to Abraham and *his* covenant (and even to the Noahide covenant with non-Jews). The *legal* basis of the bond between humanity and Israel and its god remained, and thus Rabbinic Judaism is a religion of law, because that is the mode of human response to the divine will. Yet because of the vision of Leviticus, the law is transformed into a mechanism of holiness: this gives Torah its purpose and extends the goal beyond obedience towards the ideal of human perfection and beyond doing the will of God to becoming holy like God.

The influence of the unique vision of Numbers on the encompassing system of Mosaic Judaism has been less evident than that of either Deuteronomy or Leviticus. But it remains the one ancient constitution for an Israel without land, an Israel surrounded

by enemies and caught between a past that seems temptingly luxurious (as the "rebels" claim) and a future that is precarious, for the destined land is full of giants. The specter of destruction in an alien environment that implicitly justifies the militarism of Numbers is raised both by Esther and Daniel, where the Jews rely respectively on the benignity of a foreign king to allow them to kill their enemies and on the hope of a final heavenly vindication of the righteous.

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NOTES

[1] The term is strictly correct, because "ethnic" is not a synonym and refers to a system of social identification that is at least partly elective. Used without any pejorative overtones, "racial" here means simply an identity predicated purely upon biological descent.

[2] For the initial suggestion, see S. Dean McBride, "Polity of the Covenant People," in *Interpretation* 41 (1987), pp. 229–244.

[3] CD and "Damascus Document" strictly speaking refer to the medieval manuscripts of a text known to have originated in the same way as many of the Qumran texts. Unfortunately, from the Qumran fragments, it is impossible to reconstruct with certainty any supposedly original form, despite assertions to the contrary. Much of the Qumran material simply does not overlap. For a survey of the Qumran material and its readings, see M. Broshi, ed., *The Damascus Document Reconsidered* (Jerusalem, 1992).

[4] For fuller discussion, see Philip R. Davies, *The Damascus Covenant* (Sheffield, 1982), pp. 56–104.

[5] Neh. 9; CD 2.14–3.12.

[6] For details, see Hengel, op. cit., vol. 1, pp. 15ff., and vol. 2, pp. 11–12.

[7] *Purity and Danger. An Analysis of the Concepts of Pollution and Taboo* (London, 1966). An alternative characterization of Leviticus' system suggests that at stake is not normative classifications but what animals eat, with herbivores deemed clean and carnivorous animals unclean. This explanation coheres well with Gen. 1, in which God designates vegetation alone as food for humans and beasts.

[8] See Jacob Milgrom, *Leviticus 1–16* (New York, 1991), pp. 42–51.

Biblical Interpretation in Rabbinic Literature: Historical and Philological Aspects

RASHI (1040–1105), the single most influential Jewish biblical commentator of all time, bequeathed to modern scholarship on Judaism two contradictory definitions of what he called midrash. In his Commentary on Gen. 3:8 and his Introduction to his Commentary on the Song of Songs, Rashi explains that he chose from among the many *midrashim* written about a given biblical text those *midrashim* that are congruent with biblical grammar, syntax, and lexicography. On the other hand, throughout his biblical commentaries, Rashi distinguishes between *peshuto* meaning "literal meaning" and *midrasho* referring to eisegesis. Consequently, in the scholarly, semi-popular, and popular literature concerning both midrash and the history of biblical interpretation one finds side by side two contradictory claims, both traceable to the aforementioned usages of the term midrash in Rashi's biblical commentaries. The first claim based upon the use of the term midrash in Rashi's Commentary at Gen. 3:8 and Cant. 1:1 is that midrash is "a body of statements pertaining to Scripture and juxtaposed to the Scriptural text that were made by a small group of Jews of late antiquity who we have called rabbis."[1] The second claim, which employs the term midrash in the sense in which Rashi uses the term when he contrasts *midrasho* with *peshuto*, is that only some of what the Rabbis wrote about Scripture is "midrashic (i.e., fanciful) in nature."[2]

Neusner, on the other hand declares:

> I distinguish between "midrash" and "exegesis" only by assigning the former word to activity within the Israelite community. It should be clear, however, that there may be extensive parallels between midrash which occurs within an Israelite context and exegesis which occurs in other religious and cultural systems.[3]

Neusner's identification of "midrash" as the equivalent of "exegesis" within the Israelite community seems to reflect the first of Rashi's two uses of the term. That first usage embraces virtually anything that the ancient rabbis said about any biblical text. The present survey of Rabbinic interpretation, however, deals with only those aspects of Rabbinic interpretation of Hebrew Scripture that Rashi, in his second usage of the term midrash, followed by virtually all Hebrew biblical exegetes into the twenty-first century C.E., would *not* marginalize by the term *midrasho* and would not therefore exclude from the category of *peshuto*, reading out of the text, or in modern universal parlance, exegesis or interpretation.

At the close of the twentieth century and beginning of the twenty-first, the eisegetical reading of Hebrew Scripture contained in Rabbinic literature and especially in the branches of it commonly called midrash, such as Genesis Rabbah and Pesiqta deRab Kahana, became a matter of great fascination both to students of the history of religions and to specialists in literature. In fact, the many texts contained in the midrash books, which appear to make Scripture say what it does not plainly say to products of modern thinking, have been invoked by postmodern thinkers as precedents for their contention that texts can mean pretty much whatever one wants them to mean.[4]

On the other hand, there have been sporadic attempts since the nineteenth century to comb Rabbinic literature for its abiding contributions to biblical lexicography, grammar, syntax, textual criticism of the Bible,[5] and even historical criticism.[6] Most of these efforts have concentrated on the Mishnah, possibly because prior to the nineteenth century the Mishnah was the only Rabbinic text that had been translated in its entirety into Latin[7] and German.[8] Consequently, this document was unique in being accessible to large numbers of scholars, clergy, and educated laypersons outside of the Jewish community. Supersessionist Christian scholars took it for granted that the rabbis composed their writings in a corrupt form of Hebrew [see LANGUAGE(S) IN JUDAISM on earlier scholarly denigration of Mishnaic Hebrew] sprinkled with Aramaic because they did not really know correct (i.e., biblical) Hebrew. Consequently, it was deduced, Rabbinic literature had nothing to contribute to our knowledge of Hebrew Scripture.

The dissertations concerning the Mishnah's contribution to biblical lexicography produced by Jewish scholars at the end of the nineteenth and in the early twentieth century set out first of all to disprove the assumption that the ancient rabbis were ignorant of biblical lexicography, grammar and syntax. In fact, these nineteenth and twentieth century scholars succeeded in demonstrating that here and there the rabbis still had something to contribute to modern students and scholars who had memorized all of Gesenius's biblical lexicon and biblical grammar.

Nevertheless, until we come to the monumental work of Ben-Yashar, Gottlieb, and Penkower at the beginning of the twenty-first century (see below) we do not find any systematic investigation of what the rabbis had to contribute to the variety of issues of interest to modern biblical studies concerning either a given biblical book or a given topic. What still needs to be done is to create super-commentaries on the many corpora within the Tosefta and the two Talmuds, which Neusner has aptly labeled "Sustained Reading of Sequential Verses of Scriptures." Three factors have until now discouraged this kind of research: First, until Neusner so labeled these corpora, they and their readers simply drowned in the great sea of the Talmud. Second, there is a residual bias in Western civilization as a whole including contemporary Jewish biblical scholarship against Rabbinic literature as a source of anything worthwhile. Third, there is still a widespread fear among academic scholars of Judaism that any analysis of an ancient or medieval sacred text that goes beyond lexicography, cataloguing variant readings, noting parallels with other literatures and the cataloging of stylistic devices—all of which may be summed up in the single word philology—belongs in the synagogue or the parochial school and has no place in the academy. However, younger scholars of Judaism, especially Jewish biblical scholars who participate in the work of the international societies of biblical literature,

can no longer ignore the fact that exegesis, no less than eisegesis, goes beyond philology. After all, none of the sacred texts that concern biblical scholars is simply a patchwork of parallelisms and metaphors. Moreover, the larger world of modern biblical studies has become fascinated with the untapped resources for every aspect of modern biblical studies available in the writings of both the Rabbinic sages and the Fathers of the Church. In addition, recent generations of Jewish, Christian, and purely secular biblical scholars have expanded the purvey of biblical research to include such new areas of interest as reader response criticism and ethical criticism, for which, it turns out not surprisingly, the ancient rabbis and the Fathers of the Church had quite as much to contribute as they did to the identification of places and items of material culture in the lands of the Bible.

The present study, therefore, is divided into the following divisions: 1) Rabbinic Biblical Interpretation that is distinct from midrash; 2) History of Research; 3) The Bavli's Sustained Reading of Sequential Verses of Scriptures; 4) On the Prefixed Form of the Verb in Biblical Hebrew; 5) Lexicography; 6) Dating of Biblical Texts on the Basis of Language; 7) Biblical Historicity; 8) Close Reading and Ethical Criticism; 9) Gender Issues in Rabbinic Biblical Interpretation; and 10) The Outlook for Future Research.

Rabbinic Biblical Interpretation Distinct from Midrash

Biblical research as it is carried out in academic settings in recent generations has been delineated as follows:

> research carried on in order to establish the meaning of biblical texts and the world views and significant ideas contained in them by clarifying the nuances of words in context and by identifying idioms, metaphors, and formulaic expressions, images and myths, personalities, and historical events and realia to which biblical texts may refer directly or indirectly.[9]

Moreover, it has been demonstrated that many rabbinic *midrashim* understood as "independent literary creations based upon one or more biblical texts" can be used to uncover ancient exegesis "which is distinct from but which underlies the independent literary compositions called *midrashim*."[10] However, not all that the rabbis had to contribute to biblical research as it is carried out in modern academic settings needs to be recovered or reconstructed from what the rabbis said about other matters.

Concerning Rabbinic literature as a source of biblical interpretation in the modern sense of establishing the correct meaning of words and phrases and the correct sequence of events alluded to in biblical narratives, Max Kadushin wrote:

> Not only did the rabbis differentiate between the midrashic interpretation of a verse and its simple meaning,[11] but they also taught the niceties of the Hebrew Language and a workable approach of their own to its grammar and syntax, and so produced much that is sound biblical exegesis.[12]

In addition to echoing Solomon Schechter in pointing out that "a considerable portion of midrash literature is simple commentary,"[13] Kadushin notes that the Aramaic version of the Pentateuch, which the Babylonian Talmud treats as canonical, Targum Onkelos, is for the most part a literal rendition of the Hebrew text.[14]

Nevertheless, Rabbinic literature is rarely taken into consideration as a treasury of biblical interpretation worthy of consideration in modern exegesis. The purpose of the present essay is to call attention to several corpora of biblical exegesis embedded in major documents of Rabbinic literature, to analyze the methodologies of biblical exegesis employed therein, and to bring their abiding contributions to the attention of both educated laypersons and specialists in both Rabbinic literature and biblical exegesis. Hopefully, other scholars will follow suit in examining and utilizing additional corpora of biblical exegesis which are embedded in or buried in Rabbinic literature.

History of Research

A veritable mini-library within the modern study of ancient Judaism is devoted to detecting sound and unsound exegesis embedded

in Tannaitic Literature in general and in the Mishnah in particular. Representatives of this branch of research include Lieber Dobschütz, *Die Einfache Bibelexegese der Tannaim* (Ph.D. dissertation, Friedrich-Universität Halle-Wittenberg, 1893); Georg Aicher, *Das Alte Testament in der Mischna* (Freiburg im Breisgau, 1906); Samuel Rosenblatt, *The Interpretation of the Bible in the Mishnah* (New York, 1935); Jacob Weingreen, *From Bible to Mishnah* (Manchester, 1976); and, most recently, Alexander Samely, *Rabbinic Interpretation of Scripture in the Mishnah* (Oxford, 2002).

Samely makes it clear that he is not attempting to catalogue the interpretations of biblical texts within the Mishnah that correspond to what modern biblical scholars would call sound exegesis. On the contrary, he asserts, "according to our [modern] standard of historically contextualized meaning, *most* interpretations preserved in rabbinic literature are not cogent."[15] On the contrary, Abraham Berliner "set out to prove the thesis that the rabbinic expositors of the Bible were by no means, as was commonly believed, 'lacking in a sense for grammar,' and that, even if they were not strictly scientific in their approach to the subject, valuable contributions to the history of Hebrew lexicography and grammar and even of grammatical terminology are to be found in their comments."[16] Rosenblatt, following the lead of Berliner and, attempting to go beyond both Berliner and Aicher, sought to catalogue the Mishnah's contributions to various aspects of biblical interpretation in the modern historical-philological sense. Rosenblatt's brief but useful work distinguishes between Mishnaic exegeses of Scripture that modern historical-philological methodology would find useful and those it would find unacceptable. In addition, he catalogues "materials for biblical lexicography in the Bible exegesis of the Mishnah;" a fascinating compilation of "materials towards a biblical grammar in the Bible exegesis of the Mishnah;"[17] "critical methods employed in Mishnaic Bible Interpretation;" "exegetical methods employed in Mishnaic Bible Interpretation;" a critique of "Mishnaic Bible Exegesis in the Light of Modern Criticism;" and a fascinating appendix listing 357 translations into modern English of biblical passages in the light of Mishnaic exegesis.

Also reflecting the apologetic tone of Berliner and Rosenblatt is the seminal essay by Saul Lieberman, "Rabbinic Interpretation of Scripture."[18] An especially important contribution to the study of philological and historical biblical exegesis contained in Rabbinic literature is the following observation contained in Lieberman's essay:

> The elementary task of the interpreter of the Bible was to explain the *realia* and to render the rare and difficult terms in a simpler Hebrew, or sometimes, in Aramaic. The *Tannaitic Midrashim* swarm with such translations. The rabbis like to introduce such simple renderings with the term: ein . . . ella.[19]

The Hebrew expression *ein . . . ella*, which medieval Jewish biblical exegetes heartily took over from the Tannaitic Midrashim, corresponds to French *ne X que Y*, and means, in the context of ancient and medieval Hebrew biblical exegesis, "X" (the obscure word in the biblical text being exegeted) means "Y" (a common word in the target language, usually Rabbinic Hebrew). Lieberman argues that "The Rabbis . . . followed sound philological method,"[20] and he suggests:

> the comments formulated *ein . . . ella* which are incorporated in the *Halakhic Midrashim* have their origin in a very ancient commentary of the Law. Most of these comments undoubtedly provide the plain meaning of the text.[21]

Dobschuetz (pp. 44–48) provides an extensive list of Tannaitic terms designating various aspects of biblical exegesis while Aicher (pp. 108–109) offers a fascinating list of twenty-seven obscure expressions in the Hebrew Bible that are elucidated in the Mishnah.

The Bavli's Sustained Reading of Sequential Verses of Scriptures

For the obvious reason that the Mishnah rarely cites Scripture[22] and because of the equally obvious reason that a considerable portion of the Babylonian Talmud is devoted to solutions to lexicographical, syntactical, historical, and theological questions arising from reading biblical texts, it is surprising

that one cannot point to as many treatises dealing with the interpretation of the Bible in the Babylonian Talmud. Simply to illustrate the point that the Babylonian Talmud is an unplowed field with respect to its mine of biblical interpretation, it should be noted that B. B.B. 14b–15a discusses the authorship and dating of the various books of the Hebrew Bible and leaves open the question of whether the final eight verses of the Pentateuch describing the death and burial of Moses could have been written by Moses in prophetic anticipation of his forthcoming death or rather by Joshua after the fact. The question of who may have written the Book of Job and when it was written (B. B.B. 15a) leads to a series of remarks concerning the following important subjects in biblical exegesis: a) linguistic criteria in the dating of biblical books (B. B.B. 15a; and see below); b) the exegesis of numerous verses in the Book of Job (B. B.B. 15b–16b; c) the exegesis of various passages in Genesis and elsewhere (B. B.B. 16b-17a).

Likewise, B. Hag. 12a-13b exegetes various biblical texts that deal with Creation and the heavens (Gen. 1–2; Ps. 104; Job. 26; 38; etc.) while B. Hag. 13a-b sheds important light on Ezek. 1. Similarly, B. Hul. 60b compiles a series of exegeses of Gen. 1 and other biblical texts, while B. Shab. 30b provides a series of profound remarks on various verses in Proverbs and Ecclesiastes. B. Pes. 87a–b presents a profound discussion of Hos. 1–3, which, by way of David Qimhi (1160–1235), has become part of the standard interpretation of the Book of Hosea to this day. According to this idea, found originally in the Babylonian Talmud, it was Hosea's personal experience with an unfaithful wife that enabled the prophet to empathize with God's obsessive love of his people Israel. According to the Talmudic explanation, Hosea himself was married to an unfaithful wife, whom he could not stop loving. In fact, he could not stop loving even her children, one or more of whom might have been fathered by one or more of the wife's paramours. However, standard commentaries on Hosea fail to mention the Talmudic source of this standard explanation of why God, as it were, asks Hosea to marry a prostitute.

In connection with the Babylonian Talmud's insights into the interpretation of the Book of Hosea one should mention a quantum leap in the use of the Rabbinic corpora as a wellspring of sound biblical exegesis, which contemporary biblical scholars should want to utilize. Three scholars associated with the Institute for the History of the Jewish Interpretation of the Bible at Bar-Ilan University in Israel, Menahem Ben-Yashar, Isaac B. Gottlieb, and Jordan S. Penkower published *The Bible in Rabbinic Interpretation: Rabbinic Derashot on Prophets and Writings in Talmudic and Midrashic Literature* (Ramat-Gan, 2003) [in Hebrew], which lists, in the order of the verses in the Book of Hosea, 652 discrete compositions found in eighty different Rabbinic and medieval works, beginning with the Mishnah (c. 220 C.E.) and ending with the Yalkut Makhiri (twelfth or fourteenth century).[23]

In addition to citing the various texts and providing cross references for Rabbinic and medieval texts found in more than one work, the authors analyze each text for its possible contribution to modern biblical studies, and they attempt to reconstruct the exegetical questions that motivated the author to compose his comment on the biblical text. In addition, the three Bar-Ilan scholars provide a lengthy and learned introduction in which they outline the kinds of exegetical difficulties that might have motivated a given composition. For example, they subdivide linguistic difficulties into 1) lexical, 2) morphological, 3) syntactic, 4) stylistic and rhetorical, and 3) graphic (i.e., peculiar spellings employed in the Hebrew text of the Bible). For each of these kinds of difficulties they provide specific examples from the Rabbinic and medieval comments on Hosea. In the same vein, they subdivide the category of substantive difficulties into 1) contradictions; 2) lack of inner logic in a given biblical text; 3) lacunae in the biblical text; 4) identification of persons; and 5) chronological displacement. In addition to linguistic and substantive difficulties, they list theological difficulties and contradictions between the biblical text and halakhah that disturbed ancient and medieval Hebrew exegetes. In addition to spelling out the kinds of difficulties that motivated the Rabbinic sages to comment

on various biblical texts, the authors spell out eight distinct categories of exegetical solutions and their respective subcategories.

An important but less ambitious attempt to present systematically the insights of the Rabbinic sages into issues of modern biblical exegesis is Hananel Mack, *Job and the Book of Job in Rabbinic Literature* (Ramat-Gan, 2004) [in Hebrew]. In fact, the idea of making available the contributions of ancient Rabbinic exegesis to a wider audience of biblical scholars and students and to educated readers who are not necessarily Talmudists was attempted some forty years before by Shimon Kasher, *Peshuto Shel Mikra* (2 vols.; Jerusalem, 1963–1967). Apparently inspired by Menahem Kasher, *Torah Shelemah: The Encyclopedia of Biblical Interpretation* (Jerusalem, 1950), which attempted to present and compare all the known *midrashim* on each and every verse of the Pentateuch, the work by Shimon Kasher attempted to present all the contributions of ancient and medieval authorities that shed light on what Schechter and Kadushin called "the simple meaning of Scripture," i.e., biblical exegesis in the modern philological-historical sense. Unfortunately, Shimon Kasher's work goes only up to Gen. 17:27. Moreover, none of the works surveyed so far attempted in any way to discuss the purpose of the Rabbinic insights into biblical texts in the specific context of the Rabbinic documents in which they are found. Ultimately, this kind of work must be undertaken by teams of scholars who are thoroughly grounded both in modern biblical studies and in the contemporary study of Rabbinic literature. It requires thorough acquaintance with and utilization of the lower and higher criticism of both the biblical texts and the Rabbinic texts that are analyzed within their rabbinic contexts for their abiding contributions to both a) the history of biblical interpretation; and b) lasting contributions to biblical exegesis in the modern sense. Examples of the kind of work that can and should be done are explicated below.

The Case of B. Sot. 8b–14a—Its Basis and Impact

In M. Sot. 1:7 the series of humiliations a woman suspected of adultery is meant to suffer is justified on the basis of the principle (usually called "measure for measure") that whatever a person dishes out he or she personally experiences in turn. This principle in turn is illustrated by reference to the biblical narratives of Samson and Absalom, which demonstrate that people get what is coming to them so that ultimately justice is served. Similarly, M. Sot. 1:9 asserts that good behavior is rewarded. This point is illustrated by three biblical narratives. T. Sot. 3:1–4:19 follows suit with additional illustrations of the propositions that people who sin are punished while people who dish out kindness are rewarded with kindness.

Y. Sot. 1:7–10 and B. Sot. 8b–14a supply further exegeses for the verses cited in the Mishnah and Tosefta and also provide exegeses for additional biblical verses, very much in the way in which modern biblical philologists, ostensibly expounding a given biblical text such as Gen. 49, Is. 1, or Job 4, may jump from one brilliant philological insight to another from their particular repertoire.

Ironically, when Rashi (1040–1105) in his monumental commentary on the Pentateuch sets out to expound the narrative of the oppression of the Hebrews in Egypt in Exod. 1–2 he continually distinguishes between what he labels midrashic interpretation and what he labels literal interpretation. He seems to suggest that the midrashic interpretation are what the Rabbinic corpora bequeathed, while the unassigned literal interpretations are his own innovations. Certainly, it is this impression that lies behind the common conception that Rashi brought about a veritable revolution, carried forward by his disciples, of liberating biblical interpretation from the shackles of Rabbinic/midrashic eisegesis. In fact, an examination of Rashi's source for his brilliant literal interpretations of verse after verse in Exod. 1–2 reveals that the two modes of treating Hebrew Scripture—springboard for moral exhortation and theological speculation (midrash), on the one hand and simple exegesis—lexicography, grammar, syntax, chronology and realia, on the other—are both fully rooted in the Rabbinic corpora. To do justice to these Rabbinic corpora requires that one simply notice there what we have been taught

not to expect—simple exegesis,[24] which, we have all been taught, occurred to Jewish exegetes just before it occurred to other people in Europe at the time of the renaissance of the twelfth century.[25]

I present here a key passage from B. Sot. 11a, that touches on some ambiguities in biblical Hebrew grammar and syntax. This passage demonstrates that Rabbinic literature in general and the Babylonian Talmud in particular are the source not only of Rashi's midrashic interpretations (eisegesis) but also of his literal interpretations (exegesis).[26]

> LET US DEAL WISELY WITH HIM (Exod. 1:10).[27] The biblical text should have stated *them* [referring to the Israelites, rather than *him*]. R. Hama beR. Hanina said [that Scripture employed the expression *him* rather than *them* because, in fact, Pharaoh said], "Come let us deal wisely with the savior of Israel [which is singular]. . . .
>
> LEST HE ENGAGE IN WAR AGAINST US AND LEAVE THE COUNTRY. The biblical text should have stated "and we will leave the country." R. Adda bar Kahana said, "[The enigmatic biblical text which says *he* rather than *we*] is reminiscent of a person who curses himself and attributes the curse to others."
>
> AND THEY APPOINTED TASKMASTERS OVER HIM. The biblical text should have stated "over them." It has been taught in the School of R. Eliezer b. Simeon: [The enigmatic biblical text] teaches that they brought a brick-mold and hung it around Pharaoh's neck and each and every Israelite told them, "I am too weak [to work in the construction industry]." They told them, "You are not weaker than Pharaoh."
>
> . . . IN ORDER TO AFFLICT HIM WITH THEIR BURDENS (Exod. 1:11). The biblical text should have stated, "to afflict *them*," because the literal meaning of this biblical text is IN ORDER TO AFFLICT Pharaoh WITH THEIR [i.e.] the Israelites' BURDENS.
>
> BUT THE MORE THEY [the Egyptians] OPPRESSED HIM [Israel] THE MORE DID HE INCREASE [*yirbeh*], AND THE MORE DID HE MULTIPLY [*yiphrots*]. [The anonymous Talmud suggests that this text should have stated not *ken yirbeh weken yiphrots* but] *ken rabu weken partsu.*

Here again, consistent with the series of anonymous comments cited above, the Talmud notes that Exod. 1:10–12 consistently employs the singular in referring to the Israelites collectively where the exegete would want to employ the plural as does Targum Onkelos. In addition, the anonymous Talmud notes that the reader familiar with Rabbinic Hebrew would have expected *rabu* and *partsu*, which is to say the so-called perfect (or suffixed or *qatal*) forms of the verb to express the past rather than the prefixed (or *yiqtol*) or so-called imperfect to express the past (as commonly in Ugaritic poetry and also in Biblical Hebrew).[28] Here again the Babylonian Talmud interrupts the flow of anonymous exegetical comments introduced by *mibbe'ey leh* "the biblical text should have stated," with an attributed comment, this time of Resh Lakish:[29] Divine inspiration [Heb. *ruah haqqodesh*, i.e., Scripture personified] announced to them, "Indeed he should increase, and indeed he should multiply."

If the anonymous Talmud simply notes that one who is unfamiliar with the subtleties of Biblical Hebrew might prefer to have seen the perfect forms *rabu* and *partsu* rather than the rare (in Biblical Hebrew prose, but plentiful in Ugaritic poetry) prefix verb employed to convey the past tense, Resh Lakish engages in creative writing, i.e., midrash, when he suggests taking *ken yirbeh* and *ken yiphrots* as jussives calling upon Israel to defy pharaoh's malicious designs and to continue to multiply.

Now what does Rashi do, on the one hand, with our Rabbinic text in which the exegetical remarks are presented as the words of the authoritative anonymous Talmud,[30] and, on the other hand, with the midrashic glosses encoded in the Babylonian Talmud as the idiosyncratic remarks of named individuals? Rashi in his commentary on Exod. 1:10–12 preserves the anonymity of the Talmud's exegetical comments and encodes the attributed *midrashim* either as "our rabbis interpreted" or *midrasho*, i.e., "a midrash (piece of creative writing) based upon it (the exegetical crux)." Here are the relevant materials as they reappear in Rashi's commentary:

> LET US DEAL WISELY WITH HIM, [i.e.] with the people [of Israel]. LET US DEAL WISELY as to what to do with him. But our rabbis interpreted, "Let us deal wisely with the savior of Israe. . . ."
>
> LEST HE LEAVE THE COUNTRY against our will. But our rabbis interpreted,

> "Like a person who curses himself and attributes his own curse to others."
>
> OVER HIM, [i.e.] over the people.
>
> IN ORDER TO AFFLICT HIM WITH THEIR BURDENS, i.e., Egypt's [burdens].
>
> BUT THE MORE THEY OPPRESSED HIM THE MORE DID HE INCREASE [*weken yiphrots*]. *ken yirbeh* [means] *ken rabah weken parats*.

Here Rashi echoes the Babylonian Talmud, and he indicates that the forms *yirbeh* and *yiphrots* are (as the latest grammars of Biblical Hebrew indicate) not, as they appear to readers/speakers of Rabbinic Hebrew and Modern Hebrew, future tense verbs. They are, he indicates, relatively rare (at least in Biblical Hebrew prose) alternate means of expressing the past tense. The midrash attributed in the Babylonian Talmud to Resh Lakish is here in Rashi encoded as *midrasho*, "a midrash (piece of creative writing) based upon it (the exegetical crux)." The unfortunate result of Rashi's following the Babylonian Talmud in presenting the syntactic and grammatical insights anonymously while encoding the homiletic remarks as "our rabbis" or "midrash" is to foster the impressions that 1) "our rabbis," understood to mean the totality of Rabbinic literature, have nothing to tell future generations about biblical grammar and syntax; 2) whatever "our rabbis" have to say about Hebrew Scripture has little if any relevance to what moderns call biblical exegesis. In other words, by replicating in his own Bible Commentary the Babylonian Talmud's use of anonymity to designate canonical authority, Rashi created the impression that what the Babylonian Talmud had earlier presented as anonymous canonical exegesis was Rashi's own daring attempt to break away from the eisegeses he labels "our rabbis" and "*midrasho*," or, in modern parlance, probably derived from Rashi's usage, "just a midrash."

Benjamin Gelles suggested that what inspired Rashi to devote his energies to determining the contextual meaning of the Bible (Gelles employs the term *peshat*, which is anachronistic with reference to Rashi's Bible Commentaries, as noted already by Kamin),[31] especially in his commentaries on the Prophets and Hagiographa, was his exacting work on his Talmudic commentary.[32] At least as plausible an explanation is the effect on Rashi of his encounter with what Neusner called the Bavli's "sustained reading of sequential verses of Scripture."[33]

On the Prefixed Form of the Verb in Biblical Hebrew

The Mekhilta deRabbi Ishmael's treatise on the ambiguity of the prefixed form of the verb in Biblical Hebrew is as useful a discussion of this topic as one will find anywhere. At the opening of Mekhilta's Tractate Shirata we find the following assertion: "There is *'az* ('then') referring to the past, and there is *'az* referring to the future." Underlying this observation is the assumption by many intermediate students of Biblical Hebrew that a key to determining that in a given instance the prefixed (*yiqtol*), i.e., the so-called imperfect, form of the verb denotes past time is the appearance before it of the word *'az* ("then") or the word *terem* ("not yet"). The latter assumption would seem to be supported by Exod. 15:1 which says, *'az yashir Moshe* ("then Moses sang") and Gen. 2:5, where the term *terem* twice precedes imperfect forms of the verb that denote past time. Along comes Tractate Shirata's anonymous work of biblical lexicography/grammar and tells us that we must take each case of the adverbial expression *'az* followed by a verb in either prefixed or suffixed form and decide on the basis of context whether the intent is past or future. The continuation of this work of biblical grammar reads:

> Then it was begun [*huhal*] (Gen. 4:26). Then she said ['*amerah*] (Exod. 4:26); Then Moses sang [*yashir*] (Exod. 15:1); then Israel sang [*yashir*] (Num. 21:17); then Joshua spoke [*yedabber*] (Josh. 10:12); then David said ['*amar*] (1 Chr. 15:2); then Solomon said ['*amar*] (1 Kgs. 8:12). All of these [aforementioned texts] refer to the past. There are also instances of *'az* referring to the future: "Then you will see[34] and you will glow"[35] (Is. 60:5); "then the dawn will break through" (Is. 58:8); "then the lame will skip like a deer" (Is. 35:6); "then the eyes of the blind will be opened" (Is. 35:5); "then the virgin shall rejoice" (Jer. 31:12); "then our mouths will be filled with laughter" (Ps.

126:2); "then the nations will say" (Ps. 126:2).[36] These latter texts refer to the future.

The message is very clear. Contrary to the impression conveyed by Exod. 15:1 and Num. 21:17, the prefixing of the particle *'az* does not indicate that the imperfect form of the verb denotes past time. On the contrary, this particle appears before both the imperfect and the perfect forms of the verb in instances in which either of these forms can convey past time. At the same time, there are numerous instances in which *'az* appears before the imperfect form of the verb, and the latter form refers to events yet to take place, as one might expect on the basis of Late Hebrew, in which the imperfect denotes future time while the perfect denotes past time.

It is not surprising that modern students of both midrash and the history of biblical exegesis, who were introduced to Rabbinic exegesis primarily through the study of Rashi's Commentary on the Torah, assumed that Rashi's great leap forward was to supplement the far-fetched interpretations he labels variously as "our rabbis interpreted" or *midrasho* with his own unassigned, totally reasonable observations about grammar, vocabulary, and syntax. Consequently, it is taken for granted to this day, even by scholars, that Rashi's disciples, such as Samuel b. Meir, had to engage in an uphill struggle to carry out the liberation of biblical exegesis from the shackles of Rabbinic midrash. It seems rarely if ever to have been noted that Rashi's rational philology, which treats of the precise antecedents of pronominal suffixes, the nuances of the prefixed (*yiqtol*) form of the verb in Biblical Hebrew, and the use of the singular to refer to collective Israel, no less than the midrashic comments, are culled from Rabbinic literature. Indeed, far from being the innovation of Rashi in the eleventh century, these grammatical and syntactical comments reflect the unnamed authority of the Babylonian Talmud. Precisely the midrashic comments, which Rashi encodes as "our rabbis interpreted," are the ones that are marginalized in the Babylonian Talmud as the idiosyncratic utterances of specific named authorities.

Once this is realized, the door is opened for the reexamination and proper evaluation of hundreds of lines of biblical exegesis scattered all over the Babylonian Talmud and other Rabbinic works.

Lexicography

Further on (B. Sot. 13a) in that same collection of insights and anecdotes associated with biblical texts collected in B. Sot. 8b-14a we find the following example of comparative Semitic philology with respect to Gen. 50:5: "in my grave which I purchased" (Heb. *kariti*). Commenting on this clause, Yohanan quotes R. Simeon b. Jehozadak; "[The verb] *kirah* is a synonym of [the verb] *mekirah* 'selling,' for in the coast towns they call *mekirah kirah*." Indeed, the latest dictionaries of Biblical Hebrew recognize a lexeme *krh*, meaning "to sell/purchase."[37]

Here in B. Sot. 13a as in the long passage in B. R.H. 26a–b, the Talmud reflects the most sophisticated of modern methods of comparative Semitic lexicography. In the methodology reflected in the Talmud and described altogether independently of it by Chaim (Harold) Cohen in his *Biblical Hapax Legomena in the Light of Akkadian and Ugaritic* (Chico, 1978), it is not sufficient that an ambiguous lexeme in Biblical Hebrew resemble a given lexeme in another Semitic language. What is important is that the two lexemes, one in a biblical context, and the other in an unambiguous context in another Semitic language, are employed in virtually identical contexts. The main difference between much of modern biblical lexicography and the biblical lexicography reflected in B. R.H. 26a–b is that while the modern discipline relies largely on written documents in ancient languages such as Akkadian, Aramaic, Phoenician and Ugaritic, recovered from the ancient Near East, the rabbis were able to bring to bear upon biblical Hebrew the evidence of oral communication in cognate languages. By relying upon oral communication in Semitic languages of late antiquity to clarify biblical texts from the Iron Age and earlier the rabbis anticipated what Robert Gordis called the vertical method of biblical philology.[38]

Here are sample entries from what may best be described as "the biblical lexicographer's fieldwork notebook" found in B. R.H. 26a–b:[39]

1. How do we know that the term *yobel* [found at Josh. 6:5 and rendered in M. R.H. 3:2D as ram] actually means "ram"? [We know this] for it is taught on Tannaite authority: Said R. Aqiba: "When I went to Arabia [I noticed that] they called a ram *yobel*."
2. And said R. Aqiba, "When I went to Africa [I noticed that] they called a small coin *qesitah*." [The anonymous Talmud asks], "What is the practical significance of this observation?" [and it answers its own question]: "For explaining": 'The parcel of land where he pitched his tent he [Jacob] purchased from the children of Hamor, Shechem's father for a hundred *qesitah*.' (Gen. 33:19). In the Bible [the term a hundred qesitah] means a hundred *danqe*."[40]
3. Said R. Simeon b. Lakish, "When I went to the district of Kennesrin,[41] [I heard that] they called a bride *ninfe*[42] and a rooster *sekwi*. . . . [Commenting on Simeon b. Lakish's observation, the Talmud continues]: Rab Judah quoted Rab, or, as some say, R. Joshua b. Levi: "Where do we find this [term] in the Bible?" [The answer is, Job 38:36], "Who put wisdom in the *tuhoth*[43] and who has given understanding to the *sekwi*."[44]
4. The rabbis did not know the meaning of *salsalah* [in Prov. 4:8]: "*salsalah* and it will exalt you." One day they heard a handmaid of the house of Rabbi [Judah the Patriarch], who said to a man who was curling his hair, "For how long will you *salsel* your hair?"
5. The rabbis did not know the meaning of *wete'te'tiah bemat'ateh*)[45] of destruction (Is. 14:23). One day they heard a handmaid of the house of Rabbi say to her fellow handmaid, "Take this broom [Aram. *tatitha'*] and sweep [Aram. *weta'ati*] the house.[46]

A most important example of sound biblical lexicography based on the judicious use of Middle Hebrew cognates of rare words in Biblical Hebrew is the explication of the participle *neherepet*, "designated for a husband," (Lev. 19:20) on the basis of the observation (B. Qid. 6a) that in the spoken Judean dialect of Middle Hebrew, *harupah* is the semantic equivalent of *mequddeshet* in literary Mishnaic Hebrew. Failing to take note of the brilliant observation in B. Qid. 6a, which connects Biblical Hebrew *neherepet* with Late Judean Heb. *harupah*, twentieth century C.E. biblical lexicographers adopted far-fetched, alternative explanations invoking Biblical Heb. *horep*, "winter, i.e., before summer," and Akk. *harapu*, "be early," suggesting "espoused, given early to a man" and suggesting further that *herep napsho lamut* in Judg. 5:8 should mean "precipitously exposed himself to death."[47] Fortunately, Baruch J. Schwartz saved the day for philology and sanity by arguing (with Sifra at Lev. 19:20) that the expression *shiphah neherepet le'ish* in Lev. 19:20 refers to a chattel slave-woman who was married to an Israelite citizen and who is therefore subject to the provisions of Exod. 21:4–6.[48] According to the latter text, the marital bond established between the slave-woman and her Israelite husband is tenuous and is normally terminated upon the husband's completion of a fixed period of service in payment of a debt. On the basis of the etymology proposed in B. Qid. 6a for *neherepet*, it should also follow that the clause quoted from Judg. 5:18 should mean "handed himself over to death."

Dating of Biblical Texts on the Basis of Language

Just as the Babylonian Talmud attests to the utilization of cognate languages to clarify the meaning of obscure words in Biblical Hebrew so also does Rabbinic literature attest to the use of datable vocabulary to determine the *terminus ab quo* and the *terminus ad quem* for the composition of biblical texts. In recent times S. David Sperling argued that the Book of Numbers had to have been composed in the Achaemenid Era (539–333 B.C.E.) because Num. 34:25 attests to the proper name Parnach, which, Sperling insists, is none other than the Persian proper name Farnaka, so far first attested in the sixth century B.C.E.[49] Similarly, Baruch Levine dated

> the final redaction of the Book of Numbers to the Achaemenid Era because of the occurrence in Num. 1, 2, and 10 of the term *degel* to refer to a military unit. The reason for this dating is that outside of Hebrew Scripture that term is first attested in Aramaic documents of the sixth and fifth centuries from Elephantine and Saqqara in Egypt and from Arad, Israel.[50]

Interestingly, B. B.B. 15a takes for granted the practice of dating biblical texts on the basis of the appearance of a particular phrase attested in some other datable biblical text, and it lampoons that practice in the following manner:

> [The above quoted Tannaitic text stated]: Moses wrote his book [presumably the Pentateuch, which is called the Torah of Moses in Ezra 3:2; 6:18; Neh. 8:1; Dan. 9:11, 13] and the Balaam Pericope and the Book of Job. This tradition would seem to support the contention of R. Levi b. Lahma, for R. Levi b. Lahma said, Job lived in the time of Moses. It is written here (in Job 19:23), "O that my words were *now* [employing the peculiar Hebrew expletive *'pw*], and there [in the Pentateuch, Exod. 33:16, it is written, "For wherein *now* [also employing *'pw*] shall it be known."
>
> But [says the anonymous Talmud in its characteristic Aramaic][51] I could say [on the basis of that same argument that Job lived] in the time of Isaac, for it is written [in Gen. 27:33] [that Isaac said], "Who *now* [also employing *'pw*] is he who hunted game?" And [adds the anonymous Talmud again in Aramaic] I could say [on the basis of that same linguistic argument that Job lived] in the time of Jacob, for it is written [in Gen. 43:11], "If so, *now* [also employing *'pw*] do this." However, I could say [on the basis of that same linguistic argument that Job lived] in the time of Joseph, for it is written [in Gen. 37:16], "Where *now* [also employing *'pw*] are they pasturing?"

Biblical Historicity

If the above brief selection from a larger composition included in B. B.B. 15a takes for granted and lampoons the dating of biblical texts on the basis of tell-tale vocabulary, another anonymous dictum also quoted in B. B.B. 15a anticipates the modern skeptics who question a previous generation's assumption that biblical narratives properly understood reveal the history of the ancient Middle East.[52] Indeed, it is reported in B. B.B. 15a: One of the rabbis was in session before R. Samuel bar Nahmani, and in session, he stated, "Job never lived, but was only a paradigm."

Moreover, another dictum quoted in B. B.B. 15b fully adumbrates the modern discipline of biblical history in which the narratives of Joshua-Judges-Samuel-Kings are treated on the one hand as historical sources and modified, on the other hand, on the basis of what seems more or less reasonable to a particular exegete/historian. Indeed, in B. B.B. 15b, Samuel b. Nahmani asserts, "Whoever says that the *malkat* Sheba was a woman is in error; the word *malkat* here (1 Kgs. 10:1) means the kingdom of Sheba." Of course, the ancient rabbi's turning the queen of Sheba into the kingdom of Sheba, like Moshe Weinfeld's turning Dinah the daughter of Jacob into a tribe,[53] probably fulfills the need of some male scholars to reduce the number of named female characters attested in documents referring to the public life of the ancient Near East. On the other hand, it suggests that rewriting biblical narrative in light of what scholars imagine was the history of Israel in the Iron Age is not an innovation of the nineteenth, twentieth, and twenty-first centuries but an ancient discipline with a Rabbinic pedigree.

Interestingly, B. B.B. 15a leaves open both the question whether or not the book of Job refers to an historical personage by presenting the following debate between the unnamed rabbi, who said that Job was only a paradigm of undeserved, but ultimately vindicated, suffering and Samuel bar Nahmani:

> He [Samuel bar Nahmani] said to him [the unnamed rabbi]: "Concerning your position, the Bible said: "There really was a man in the land of Uz, Job was his name" (Job 1:1). Well [replied the unnamed rabbi], what about this: "'The poor man [in the Prophet Nathan's parable related to David with respect to David's having appropriated Bathsheba, the wife of Uriah the Hittite] had nothing but one poor ewe lamb, which he had bought and brought up' (2 Sam. 12:3). Is that anything but a paradigm?" "[If] so, well, then, why say what his name was and where he lived?," [responded Samuel bar Nahmani].[54]

The answer to the question whether a narrative that provides intricate details of names and places may be fiction rather than historical writing is obviously affirmative for moderns, who read historical and non-historical fiction everyday. In should be noted that the rabbis were also aware of what they clearly regarded as fiction for they mention the writings of Homer in M. Yad.

4:7. Were we to assume that the rabbis did not regard the Iliad and the Odyssey as fiction, we would have to conclude that they regarded the intrigues of the Olympian deities portrayed therein as history.

Close Reading and Ethical Criticism

We saw that in his commentary on Exod. 1:10–12 Rashi leans heavily upon B. Sot. 11a, and we saw that Rashi's contrasting a literal interpretation with what "the rabbis interpret" subverts the clear intent of the Babylonian Talmud, which is to present the literal interpretation as normative (already at the closure of the Bavli, c. 700 C.E.) and the midrashic interpretations as, to use Neusner's term, schismatic.[55] In the same vein, Rashi's comment on Gen. 1:16 summarizes a long tale found in B. Hul. 60b:

> R. Simeon b. Pazzi noted a contradiction between two statements in Scripture.[56] It is written, "And God made the two great lights" (Gen. 1:16a). And it is written, "The great light [to rule the day], and the little light (Gen. 1:16b). The moon asked the Holy One, Blessed be He, "Master of the world, can two kings make use of the same crown?" He [God] replied to her, "Go and make yourself smaller [so that we will no longer have the problem of two great lights competing with each other but only one great light and one little light]." She responded to him, "[Is it fair that] because I said something correct that I have to make myself smaller?" He said to her, "Go and rule over both the day and the night." She replied to Him, "What is the advantage of that [suggestion]? What is the use of a lamp in the daytime?" He said to her: "Go and let Israel calculate by you the days and the years." She replied to him, "It is not possible to calculate the seasons without also the sun, for it is written in Scripture: 'Let them be for signs and for festive seasons and for days and for years'" (Gen. 1:14). [Then he replied to her again]: "Go and let virtuous people be called by your name 'Little [Light].' [The virtuous people are] Jacob the Little [see Am. 7:2]; Samuel the Little;[57] David the Little [see 1 Sam. 16:11; 17:14]. When he [God] saw that she [the moon] was not yet placated, said the Holy One, Blessed be He, "Bring atonement on my behalf because I made the moon smaller." It is with reference to this that R. Simeon b. Lakish said: "What is different about the sacrifice for the New Moon that it is stated with respect to it (Num. 28:15), '[a sin offering] for the Lord.'"? Said the Holy One Blessed, be He, "This goat is my atonement because I made the moon smaller."

The starting point for this discussion is Simeon b. Pazzi's close reading of Gen. 1:16, which leads him to conclude that this verse contains a contradiction. The discovery of this contradiction leads to an elaborate exposition concerning "bigger is not necessarily better," the dire consequences of anger and domestic violence, and the need for even God to atone for acts of domestic violence committed in anger.

As is often the case in both ancient and modern exegesis, the profundity of the discussion far outweighs the importance of the exegetical crux. A generation ago such a passage from Rabbinic literature would never have been treated under the rubric "Biblical Interpretation in the Modern Sense." The acceptance of "ethical criticism," "close reading," and "reader response criticism" in mainstream biblical exegesis qualifies Simeon b. Pazzi's reading as an ethical message and as one of the many Rabbinic interpretations of Scripture that do not fall under Samely's categorical judgment that "*most* interpretations preserved in Rabbinic literature are not cogent."

Gender Issues in Rabbinic Biblical Interpretation

I pointed out elsewhere that the exegesis of Lev. 1:1–5, which is presupposed in M. Zeb. 3:1 and M. Hul. 1:1, according to which women, as well as men, should take upon themselves the task of slaughtering sacrificial animals, takes for granted both that the Hebrew noun *'adam* means "person" and not necessarily "man" and that the impersonal third person verb can refer to activities performed by either men or women. Consequently, I was able to show both that the use of neutral, non-gendered, language was a characteristic of the Pentateuchal materials, which critical biblical scholarship assigns to the priestly and holiness schools, and that Tannaitic exegesis both understood this non-gendered language and adopted it.[58]

Likewise, I pointed out that M. Qid. 1:7 twice employs the Hebrew noun *ben*, commonly translated "son," to mean "a progeny of any sex"[59] and twice employs the noun *'ab*, commonly translated "father," to mean simply "parent."[60] The text reads: "As for every precept of the progeny upon the parent, men are obligated and women are exempt. As for every precept of the parent upon the progeny, men and women are obligated equally."

This text is opaque because we do not know whether it is the expression "of," expressed by a construct genitive construction, or the preposition *al*, "upon," which refers to obligation. Likewise, we do not know which of those two expressions refers to the persons upon whom obligations are performed. B. Qid. 29a–33b is devoted to solving this puzzle by examining the two clauses in their larger cultural context. In the light of T. Qid. 1:11, which, incidentally, turns around the use of the two synonymous constructions—construct genitive and the preposition *al*, it is determined to the satisfaction of the Babylonian Talmud that children of both sexes are required to take care of elderly parents who cannot take care of themselves and that these are the things a child (*ben*) is required to do for a parent (*'ab*); and that only male children must be circumcised, redeemed from the priesthood (if he is a firstborn of non-Levitical descent) after thirty days of age, taught Torah, taught a marketable skill, and married to a woman. . . .

Ironically, in the very middle of this exegesis of M. Qid. 1:7 in B. Qid. 30a it is asserted that when Deut. 11:19 states, "and you shall teach them [the precepts of the Torah] to *benekem*, 'your children,' it means, "your sons and not your daughters." The kind of reasoning here invoked is called in Babylonian Jewish Aramaic *diyyuqa'*, which means, "deduction, implication."[61] Rabbinical students are fond of comparing this kind of deduction or implication to the logic of the person who sees a sign, "Private No Parking," and concludes "Private No. Parking [Yes]," and ends up having the car towed away. What is more, this exegesis flies in the face of the message sent loud and clear by M. Qid. 1:7 and T. Qid. 1:11, that *ben* means progeny of any gender and *'ab* means parent and not necessarily "father" to the exclusion of "mother." Yet most people who have been exposed to Rabbinic literature are probably much more familiar with the male exclusive rhetoric expressed in the exegesis of Deut. 11:19 at B. Qid. 30a than with the Mishnah's deliberate but subtle use of neutral language, which, as we have noted, derives from the model of Leviticus and Numbers.

Probably, the irony of the male exclusive exegesis in the middle of an exposition of a text that employs gender neutral language is best accounted for by reference to the assertion by James Kugel, "there is often something a bit joking about midrash [i.e., the treatment of Scripture in Rabbinic literature]."[62] Kugel goes on to note:

> The ultimate subject of that joke is the dissonance between the religion of the Rabbis and the Book from which it is supposed to be derived—and (at least a good part of the time) more precisely the dissonance between that book's supposedly unitary and harmonious message and its actually fragmentary and inconsistent components.[63]

I find in these words of Kugel a way to reconcile the sound insight into Hebrew philology enshrined in the use in the Mishnah and the Tosefta of the gender neutral terms *ben*, "offspring," and *'ab*, "parent," with the sexist reading of Deut. 11:19, whose consequences are to deprive 52% of the Jewish people of access to their spiritual heritage. Indeed, to use Kugel's very painful description of *some* of what we find in Rabbinic literature, the offensive text sounds, indeed, like a joke. But it is not a very funny joke, and it has caused great suffering. The way around it, however, is to follow the lead of the scholars who explored the references to philological minutiae in the Mishnah and to distinguish within the totality of Rabbinic literature between the sound exegesis of Scripture and the jokes, including sexist jokes, that thanks to the feminist movement and more recently feminist biblical scholarship and feminist Judaic scholarship, are no longer considered even cute. J. Cheryl Exum pointed out in the oral version of her discussion of prophetic pornography (Budapest, July 1995) that she does

not take issue with the prophets in their context but rather with modern teachers and professors, who will teach texts that are offensive without dealing with the problematics of such texts in the modern context. In the same way, it seems, proper assessment of the abiding value of Rabbinic Biblical Interpretation is to deal squarely with not only the philological and historical soundness of a given interpretation but also with the ethical dimensions.

The Outlook for Future Research

It is also important to point out that the literature I surveyed above concerning biblical exegesis in the Mishnah confined itself almost exclusive to linguistic minutiae, forgetting, as it were, that mainstream modern biblical exegesis is not confined to such matters. Obviously, that earlier scholarly literature reflects a sense, which still dominates much of Jewish scholarship and even some Jewish biblical scholarship outside of North America, that any discussion of a text that goes beyond philological minutiae and historical criticism is unscientific and has no place in the academy.

However, as we have seen, Rabbinic texts, which focus upon linguistic and historical problems in Hebrew Scripture, also attempt to understand the theological messages of theological texts and the human relations dimensions of texts that touch upon human relations. Consequently, in the brief selection of texts, which I chose to illustrate Biblical Interpretation in the Modern Sense embedded in Rabbinic Literature I chose both texts dealing with philological minutiae, following the tradition established by Berliner, Dobschuetz, Aicher and Rosenblatt as well as texts that deal with major issues in contemporary biblical studies including historicity, gender studies, and ethical biblical criticism (the story of God and the Moon, in which, in the end, God, as it were, asks for forgiveness, and in which, as in the modern world, the primary victims of domestic violence usually speak in female voices).

That Rabbinic literature in general and the Babylonian Talmud should contain a wealth of untapped resources for biblical lexicography, grammar and syntax, biblical history and even, as in the final quotation from B. Hul. 60b, a combination of what moderns call "close reading" and what moderns call "reader response criticism" is more than worthy of note. After all, until now such comments were treated at best as simply psychology or theology and at worst as "just midrash," the ramblings of the Rabbinic sages, who were, again to quote Berliner's assessment of the general perception, "lacking in a sense of grammar."

Indeed, the discovery within the pages of the Babylonian Talmud of extracts from a fieldwork handbook of biblical lexicography and compositions that qualify as close reading and reader response criticism should not be surprising at all in the light of the history of biblical exegesis in the larger world outside of the Jewish community. Indeed, if, as Yohanan Muffs argued, "Modern scholarship has begun to realize that talmudic scriptural interpretation is not completely midrashic (i.e. fanciful) in nature" (see above), the Church Fathers routinely referred to historical and philological exegesis as *sensus Judaicus* "the Jewish mode of interpretation," indicating their awareness that a lasting contribution of the literature of Formative Judaism was philological and historical exegesis of Hebrew Scripture, something that, as we have seen, Rashi (and probably his disciples) learned first and foremost from what Jacob Neusner has called the Babylonian Talmud's "sustained reading of sequential verses of Scripture."

Hopefully, a new generation of students and scholars—teams of experts in the higher and lower criticism of both Hebrew Scripture and Rabbinic literature—will create scientific editions of these corpora of biblical exegesis within Rabbinic literature together with detailed commentaries like those produced by Lockshin on Rashbam on the Pentateuch and Gruber on Rashi on Psalms. An example of the kind of work that can and should be done is the fully annotated version of Michael Fishbane's "Rabbinic Mythmaking and Tradition," in which he examines what he calls "The Great Dragon Drama" in B. B.B. 74b–75a.[64] There he examines the Talmudic version of the Great Dragon drama in the wider context of its roots and parallels

in both Hebrew Scripture and the literatures of the ancient Near East. In addition, he provides a full scale apparatus, which brings to bear upon the subject both the higher and lower criticism of Hebrew Scripture and the higher and lower criticism of the Rabbinic text under discussion.

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NOTES

[1] Gary G. Porton, *Understanding Rabbinic Midrash: Text & Commentary* (Hoboken, 1985), p. 8.

[2] Yohanan Muffs, "Joy and Love as Metaphorical Expressions of Willingness and Spontaneity in Cuneiform, Ancient Hebrew and Related Literatures," in Jacob Neusner, ed., *Christianity, Judaism, and Other Greco-Roman Cults: For Morton Smith at Sixty* (Leiden, 1975), vol. 3, p. 20, n. 5.

[3] Jacob Neusner, *What Is Midrash? and a Midrash Reader* (2d printing; Atlanta, 1994), p. 10, n. 2.

[4] For a survey of the literature and a critique of it, see Alexander Samely, *Rabbinic Interpretation of Scripture in the Mishnah* (Oxford, 2002), pp. 27–28.

[5] Concerning Rabbinic Literature as a source for textual criticism see, e.g., Z. Zinger, "The Bible Quotations in the Pesikta de Rav Kahana," in *Textus* 5 (1966), pp. 114–124.

[6] See, e.g., David Glatt-Gilad, "*Peshat* and *Derash* in Rabbinic Interpretations of the Book of Chronicles," in Moshe Garsiel, Shmuel Vargon, Amos Frisch, and Jacob [= James] Kugel, eds., *Studies in Bible and Exegesis Vol. 5 Presented to Uriel Simon* (Ramat-Gan, 2000), pp. 197–203 (in Hebrew).

[7] The Latin translation of the Mishnah including a Latin translation of the commentaries of Moses Maimonides and Obadiah of Bertinora prepared by Guilielmus Surenhusius was published at Amsterdam between 1698 and 1703.

[8] A complete German translation of the Mishnah was produced by Johan Jacob Rabe at Onolzbach between 1760 and 1763.

[9] Mayer I. Gruber, "The Midrash in Biblical Research," in *The Solomon Goldman Lectures, vol. 2* (Chicago, 1979), p. 69; reprinted in Mayer I. Gruber, *The Motherhood of God and Other Studies* (Atlanta, 1992), p. 211.

[10] Gruber, "The Midrash in Biblical Research," p. 72; *The Motherhood of God*, p. 217.

[11] Here Kadushin takes for granted that the term *peshat* used in Hebrew biblical exegesis since the time of the disciples of Rashi, Joseph Qara and Samuel b. Meir, is, in fact, a nuance of the term *pashut*, which means "simple" in modern Hebrew. It would, of course, follow that interpretations which deviate from *peshat*, which, in fact, means "exegesis" as against "eisegesis" are the opposite of "simple" and hence "complicated." Fortunately, Menahem Banitt, *Rashi: Interpreter of the Biblical Letter* (Tel Aviv, 1985), pp. 1–2, points out that neither *peshat* nor *pashut*, which in Rashi's biblical commentaries means "text, wording" and "corresponds to what the Latin exegetes called *littera*," has anything whatsoever to do with "simple." See also Sarah Kamin, *Rashi's Exegetical Categorization* (Jerusalem, 1986), pp. 115–157 (in Hebrew), concerning the usage of the term *peshuto* to mean "literal meaning" in the biblical commentaries of Rashi; concerning the meaning of *peshuto* and its cognates in Rabbinic sources, see there, pp. 23–56.

[12] Max Kadushin, *The Rabbinic Mind* (3d ed.; New York, 1972), p. 101.

[13] Ibid.; and see Solomon Schechter, "The Talmud," in Solomon Schechter, *Studies in Judaism: Third Series* (Philadelphia, 1924), p. 214; see now also Jacob Neusner, *Dual Discourse. Single Judaism* (Lanham, 2001), p. 111, concerning Genesis Rabbah: ". . . a fair number of the compositions that comprise the document do concern the systematic exegesis of statements of the book of Genesis: clarification, amplification, and narrow-gauge application to the everyday and the here and now. In organizing their ideas around a verse-by-verse exposition of the base-document, the Rabbinic sages who produced Genesis Rabbah did, indeed, accept the task of exegesis, to which they added those of philosophy and theology."

[14] Kadushin, p. 101; and see T. Meg. 3:41: R. Judah [b. Ilai] says, "Whoever translates a

biblical verse literally [Heb., *ketsurato*] is a charlatan while whoever adds [words or phrases] is a blasphemer." It is in the context of explicating this warning that B. Qid. 49b declares Targum Onkelos to be the official Aramaic translation of the Pentateuch because of the fact that his translations (like *Tanakh* [Philadelphia, 1985]) walk the tightrope between hyper-literal translation (like KJV) and paraphrase (such as *The Living Bible* or *The Good News Bible*). See, in addition to the standard commentaries on B., the discussion in Saul Lieberman, *Toseft Kî-Fshutah: Moed*, vol. 2 (New York, 1962), p. 1223.

[15] Samely, *Rabbinic Interpretation of Scripture in the Mishnah*, p. 61.

[16] Rosenblatt, *The Interpretation of the Bible in the Mishnah*, p. 1, referring to Abraham Berliner, *Beitraege zur hebraeischen Grammatik im Talmud und Midrasch* (Berlin, 1879).

[17] *Inter alia*, Rosenblatt, p. 10, calls attention to the distinction between the meanings of a given root in *qal* and *hiphil* as noted in M. B.K. 4:4 and to the recognition of the denominative *piel* in M. A.Z. 3:6; on p. 13 he notes that the technical terms for singular and plural in the Mishnah are *meyuhad* and *harbeh*, respectively (see M. Tem. 1:2; M. Par. 8:8; M. Miq. 5:4). Consequently, it seems that the assertion of Moshe Goshen-Gottstein, "The Bible [*Tanakh*]—Interpretation—the Rabbinic Sages," in *Encyclopedia Miqrait*, vol. 9 (1982), p. 644 (in Hebrew), that the only grammatical rule reflected in Rabbinic literature is the delineation of the locative *he* as the functional equivalent of a locative adverbial prepositional phrase in B. Yeb. 13b (and parallels) fosters the impression that the Rabbinic sages were totally oblivious of the special grammatical features of Biblical Hebrew and had nothing to say about them. On the other hand, Goshen-Gottstein (there, pp. 643–644) makes the very important point that Rabbinic literature provided the following rules, which were fully utilized in the philological and historical interpretation of the Bible only in the post-Talmudic period and especially in the high middle ages: 1) "the words of Torah are scant in their location and rich elsewhere" (Nahman b. Jacob quoted in Y. R.H. 3:5, which means that the very best commentary on Scripture is Scripture itself; 2) recognition of historical displacement (e.g., Sifre Numbers at Num. 9:1); 3) Scripture spoke with respect to a normal situation [Heb. *behoweh*] (e.g., Mekhilta deRabbi Ishmael at Exod. 22:30); 4) "Torah spoke in the manner of human language" (the opposite of the assumption that every redundancy such as the seemingly superfluous particle *'et* before a definite direct object and the use of the infinitive before a finite verb for emphasis—so Ishmael contra Aqiba); 5) "A verse never loses its primary contextual meaning" (B. Yeb. 11b; 24a; B. Shab. 63a). In addition, he suggests, it is not unlikely that the Aramaic expression *mai peshateh diqra*, "about what does this verse speak?," which is employed in B. San. 110b to explain the literal meaning of a verse from Sirach, inspired the adoption of the term *peshat* in the writings of Rashi's disciples to convey "contextual (philological-historical) meaning of Scripture;" see Goshen-Gottstein, there, pp. 645–646; and see also the extensive discussion in Kamin, *Rashi's Exegetical Categorization* (Jerusalem, 1986), pp. 23–56.

[18] This essay is contained in Saul Lieberman, *Hellenism in Jewish Palestine* (New York, 1950), pp. 47–82.

[19] Lieberman, pp. 48–49.

[20] Ibid., p. 49.

[21] Ibid., p. 51; in fact, contra Lieberman, p. 52, it is equally cogent to suggest that the original *Sitz im Leben* of the *ein . . . ella* formula was a dictionary of Biblical Hebrew. The *ein . . . ella* formula is cited as a prime example of contextual biblical interpretation in Rabbinic Literature also by Dobschuetz, pp. 34–35; Goshen-Gottstein, p. 642.

[22] Fundamental to the understanding of both Rabbinic Literature and its treatment of Hebrew Scripture is an empathetic reading of the claim of Rabbinic Literature that Hebrew Scripture contains only part of divinely revealed Instruction (Torah) while a second part, the Oral Law, reached the rabbis through a chain of tradition beginning with Moses and Joshua. Jacob Neusner, *Scripture and the Generative Premises of the Halakhah: A Systematic Inquiry* (Binghamton, 1999), demonstrates how the aforementioned Rabbinic claim accounts for the presentation in the Mishnah of, *inter alia*, three kinds of divine laws: a) laws which are totally derived from Hebrew Scripture; b) laws which are derived from Hebrew Scripture but considerably amplified in the Mishnah; and b) laws which have no basis whatsoever in Hebrew Scripture. In vol. 1, p. xiv, of that work he challenges persons who are at home in both biblical scholarship and the study of Rabbinic literature to uncover the exegetical process by which legal statements in Hebrew Scripture came to be embodied in Rabbinic formulations, which appear not to be directly dependent upon Hebrew Scripture. However, this can only be undertaken by persons who read Rabbinic literature and its claims and Hebrew Scripture and its claims both empathetically and critically.

[23] For the problems connected with dating and place of origin of the *Yalkut Mekhiri*, authored by an otherwise unknown Makhir b. Abba Mari, see Jacob Elbaum, "Yalkut Makhiri," in *Encyclopedia Judaica*, vol. 16, cols. 706–707.

[24] In his survey of four tractates of the Babylonian Talmud—Makkot Keritot, Moed Qatan, and Shebuot—Jacob Neusner, *Sources and Traditions: Types of Compositions in the Talmud of Babylonia* (Atlanta, 1992), pp. 165–169, identifies four other examples of what he aptly calls "A Sustained Reading of Sequential Verses of Scriptures."

[25] See, for example, Elazar Touito, "The Twelfth-Century Renaissance," in Elazar Touito, *Exegesis in Perpetual Motion: Studies in the Pentateuchal Commentary of Rabbi Samuel Ben Meir* (Ramat Gan, 2003), pp. 11–33.

[26] For an earlier attempt to understand Rashi's

commentary on Exod. 1 in light of his Rabbinic sources, see Jonathan Magonet, "Rashi on Exodus 1–14," in *Bibel und Midrasch*, ed. Gerhard Bodendorfer and Matthias Millard with Bernhard Kagerer (Tnbingen, 1998), pp. 207–227, which the author himself labels (there, p. 208) "a 'naive' reading."

[27] I employ capitals throughout to indicate the biblical lemmas and references to them in both Rashi and the Babylonian Talmud.

[28] Precisely because in Biblical Hebrew and Ugaritic the so-called imperfect can be employed to express not only present and future, like the imperfect in Akkadian and Arabic, but also past tense, the prefixed (so-called imperfect) and the suffixed (so-called perfect) forms can be employed in synonymous parallelism in both Biblical Hebrew and Ugaritic; see Moshe Held, "The YQTL-QTl (QTL-YQTL) Sequence of Identical Verbs in Biblical Hebrew and in Ugaritic," in M. Ben-Horin, B.D. Weinryb, and S. Zeitlin, eds., *Studies and Essays in Honor of Abraham A. Neuman* (Leiden, 1962), pp. 281–290; for the same phenomena in Amarna Letters (fourteenth century B.C.E.) originating in Syria-Palestine, see Mayer I. Gruber, *Aspects of Nonverbal Communication in the Ancient Near East* (2 vols.; Rome, 1980), pp. 215–218. Concerning the problem of the Hebrew tenses see, *inter alia*, "Symposium: The *yiqtol* in Biblical Hebrew," in *Hebrew Studies* 29 (1988), pp. 7–48.

[29] Similarly, in B. Mak. 23b–24a an anonymous statement to the effect that a series of biblical heroes beginning with David and ending with Habakkuk had successively reduced the number of commandments from 613 to 1, is annotated with a series of veritable sidebars attributed to named Rabbinic authorities. Aptly, Gerhard Bodendorfer, "Hermeneutik und rabbinische Literatur:Einfnhrung zum ersten Teil," in *Bibel und Midrash* (Tübingen, 1998), pp. 12–41, refers to the anonymous statement as "canonical exegeses" and to what I have called the sidebars as "Erleuterung, Rezeption und Aktualisierung."

[30] Concerning the identity of anonymity and authority in the Rabbinic corpora from the Mishnah onward, see Jacob Neusner, *The Halakhah and the Aggadah: Theological Perspectives* (Lanham, 2001), p. 28.

[31] Kamin, *Exegetical Categorization*, p. 57.

[32] Benjamin J. Gelles, *Peshat and Derash in the Exegesis of Rashi* (Leiden, 1982), pp. 117–122, 137.

[33] See above, n. 14.

[34] Here the biblical text employs the imperfect form of the verb to convey the future.

[35] Here the biblical text employs the so-called perfect consecutive form, which is to say, the so-called imperfect form of the verb preceded by the so-called waw-conversive, which, like the particles *'az* and *terem*, it was long believed, changed the meaning of the tense form to the opposite tense; for this idea see, *inter alia*, *Gesenius' Hebrew Grammar*, edited and enlarged by E. Kautzsch, translated by A.E. Cowley (2d ed.; Oxford, 1910), #49 h-l.

[36] All of these texts employ the prefixed form of the Hebrew verb, which is commonly called the imperfect.

[37] See, for example, Koehler-Baumgartner, 3d ed., pp. 472–473, where they cite, *inter alia*, the authority of B. R.H. 26a. Obvious instances of this lexeme include Deut. 2:6, "Even the water you drink you will acquire from them in exchange for silver;" Hos. 3:2, "Then I acquired her. . . ." Indeed, since the biblical text the rabbis sought to understand deals with burial in a cave as was customary in ancient Israel (see Victor Avigdor Hurowitz, "Burial Practices in Ancient Israel," in *Bet Mikra* 45 (2000), pp. 121–145) rather than burial in the ground, which is common in modern times, the rabbis were quite correct in understanding a reference to what modern lexicographers call *karah* II, "to acquire, buy," rather than *karah* I, "to dig a hole."

[38] Robert Gordis, *The Book of Job* (New York, 1978), p. xvii, attributes the launching of vertical comparative Semitic philology to Saadiah Gaon. Clearly, Saadiah Gaon was anticipated in this enterprise by the Rabbinic sages.

[39] In rendering these texts I have benefited from Jacob Neusner, *The Talmud of Babylonia: An Academic Commentary, VIII: Bavli Tractate Rosh ha-Shanah Based on the Translation and Explanation by Alan J. Avery-Peck* (Atlanta, 1999); Maurice Simon, *Rosh Hashanah Translated into English* (London, 1938); and *Tanakh: A New Translation of the Holy Scriptures* (Philadelphia, 1985).

[40] Concerning this text, see Mayer I. Gruber, "The Meaning of the Term *orayeta* in the Babylonian Talmud," in Mayer I. Gruber, *The Motherhood of God and Other Studies* (Atlanta, 1992), pp. 240–241. There I pointed out that while the plural form *danqe* is otherwise unattested in B., the singular form *danqa* denotes either "a coin of the value of one sixth of a *denar*" or, by extension, "one sixth (of anything)."

[41] So both Simon and Neusner; cf., however, the extensive discussion in Gordis, *Job*, p. 452.

[42] In Exodus Rabbah 36:2 it is rightly stated, "in Greek they call a bride *nymphe*;" see the discussion in Samuel Krauss, *Greichische und Lateinische Lehnoerte im Talmud, Midrasch und Targum* (Berlin, 1898–1899), vol. 2, pp. 361–361; and see also Mayer I. Gruber, *Rashi's Commentary on Psalms* (Leiden, 2004), p. 367, n. 7.

[43] In B. R.H. it is suggested that this word means "kidneys." Gordis, *Job*, p. 452, argues most convincingly, however, that the term is related to the name of the Egyptian deity Thoth, the patron of the scribal art. As Gordis argues, the biblical verse appears to refer to two species of birds that possess superior wisdom, the ibis (technically, *ibis ethiopica*), symbol of the deity Thoth, and the rooster, who seems to know before the rest of creation when we should get up in the morning.

[44] It is this correct Rabbinic interpretation of *sekwi* in Job 38:36, that, as B. R.H. 26a indicates, derives from an ancient exercise in comparative Semitic lexicography, that is embodied

in the morning benediction with which the Daily Service begins in most synagogues to this day: "Praised are You, O Lord, our God, who has given the *sewki*, 'rooster,' the understanding to distinguish between day and night." The source of this benediction is B. Ber. 60b, which prescribes that it be recited upon hearing the sound of the rooster at dawn.

[45] I.e., I will sweep with the broom.

[46] The Rabbinic text assumes that the reader understands that the rabbis understood that the handmaid's spoken Aramaic employs obvious cognates of the obscure Biblical Hebrew verb meaning "sweep" and the adverbial prepositional phrase employing the Hebrew noun meaning "broom."

[47] See the extensive discussion in Jacob Milgrom, *Leviticus, vol. 2* (Anchor Bible, vol. 3A; New York, 2000), pp. 1666–1667.

[48] See Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* (Jerusalem, 1999), pp. 330–331 (in Hebrew); idem., "Leviticus," in Adele Berlin and Marc Z. Brettler, eds., *The Jewish Study Bible* (Oxford, 2003), pp. 254–255.

[49] S. David Sperling, *The Original Torah* (New York and London, 1997), p. 6.

[50] See Baruch Levine, *Numbers 1–20*, Anchor Bible, vol. 4 (New York, 1993), pp. 107–108.

[51] For the use of Babylonian Jewish Aramaic to represent the anonymous voice of the author/redactor of the Babylonian Talmud as against the authoritative and unauthoritative statements of individual sages, formulated in Middle Hebrew, see Jacob Neusner, *Language as Taxonomy: The Rules for Using Hebrew and Aramaic in the Bavli* (Atlanta, 1990).

[52] For a summary of the recent literature see, *inter alia*, Mayer I. Gruber, "The Ancient Israel Debate," in *Ancient Near Eastern Studies* 38 (2001), pp. 3–27.

[53] M. Weinfeld, *The Book of Genesis* (Tel Aviv, 1966), p. 202 (in Hebrew).

[54] I have added numerous annotations in brackets to the translation found in Jacob Neusner, *The Talmud of Babylonia: An Academic Commentary XXII*, p. 57, and I have translated the term *mashal* as paradigm rather than metaphor.

[55] See Neusner, *The Halakhah and the Aggadah*, p. 28.

[56] The technical expression here employed for the juxtaposition of two contradictory statements in Scripture is the Aramaic verb *remi*, literally "he threw." See also, e.g., B. Ber. 25a. Contradictions between statements in Scripture can also be introduced without the verb *remi* by simply saying *ketib . . . uktib*, "it is written . . . but it is also written." A few of the many examples of this exegetical formula can be found in B. Ber. 7b; 10a; 32a.

[57] There is no biblical verse in which Samuel is called *qatan or ha-qatan*; however, 1 Sam. 2:19 states that his mother, Hannah, made him a small coat; presumably he needed a small coat because he, himself, was still small, having been sent away to Shiloh to serve as an acolyte when he had just been weaned (according to David Qimhi [1160–1235] he was weaned at twenty-four months; see the discussion in Mayer I. Gruber, "Breast-Feeding Practices in Biblical Israel and in Old Babylonian Mesopotamia," in Mayer I. Gruber, *The Motherhood of God and Other Studies*, p. 75, n. 23. Alternatively, Samuel the Little here may refer to a Rabbinic sage who bore that epithet. In fact, an exegetical tradition to that effect is found in the commentary of Samuel Edels (1555–1631), ad loc.; and so also, without mentioning Edels, Lazarus Goldschmidt, *Der Babylonische Talmud* (Berlin, 1936), vol. 11, p. 184; Goldschmidt notes, however, that in many mss. the name Samuel the Little is missing from this story in B. Hul.

[58] Mayer I. Gruber, "Women in the Cult According to the Priestly Code," in Mayer I. Gruber, *The Motherhood of God and Other Studies*, pp. 64–65.

[59] In fact, Rabbinic literature recognizes at least four sexes: male, female, hermaphrodite, and person of undetermined sex (see, e.g., M. Bik. 1:5).

[60] Gruber, "Women in the Cult," p. 64, n. 36.

[61] See Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Gaonic Periods* (Ramat Gan, Baltimore, and London, 2002), p. 328b.

[62] James Kugel, "Two Introductions to Midrash," in *Prooftexts* 3 (1983), p. 133.

[63] Ibid., pp. 133–134.

[64] Michael Fishbane, "Rabbinic Mythmaking and Tradition," in M. Cogan; B.L. Eichler; and J.H. Tigay, eds., *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* (Winona Lake, 1997), pp. 273–283.

Biblical Interpretation, Medieval French

Between the middle of the eleventh century and the end of the twelfth century, a veritable revolution took place in biblical exegesis among the Rabbinic masters of northern France. During that time, a group of Rabbinic scholars began to formulate a new and innovative approach to reading and interpreting biblical texts according to a methodology that came to be called *peshat*, or "contextual exegesis." This revolution paralleled, contributed to, and was influenced by a similar advance made in *ad literam*, or literal, reading methodology by contemporary Christian scholars, most of whom were

associated with the cathedral school of St. Victor. Moreover, Jewish and Christian masters were themselves influenced by earlier and contemporary Moslem, Jewish, and Christian scholarship carried out in the Islamic world.[1] The French Rabbinic group included such illustrious figures as Rabbi Solomon ben Isaac, or Rashi (1040–1105); his younger contemporary, Rabbi Joseph Qara (1050–1130); Rashi's grandson, Rabbi Samuel ben Meir, or Rashbam (1080–1160); Rashbam's student, Rabbi Eliezer of Beaugency (mid-twelfth century); and Rabbi Joseph ben Isaac Bekhor Shor (mid- to late-twelfth century), a disciple of Rashbam and Rashbam's younger brother, Rabbi Jacob Tam. Among the Christian scholars who flourished in the twelfth century were Hugh of St. Victor; his disciple, Andrew; and Herbert of Bosham.[2] While this article is concerned with Rabbinic exegesis, a brief detour to one of the fruits of Christian scholarship during the "Renaissance of the Twelfth Century" will serve well to highlight the achievements of Jewish scholarship in that same period.

One of the most significant publications in Christian European scholarship of the twelfth century was the *Didascalicon* of Hugh of St. Victor.[3] In this work, Hugh sought to provide an integrated presentation of all human knowledge; included in it was a guided curriculum of biblical studies. A recent examination of the *Didascalicon* highlights the significance of that book with regard to the history of reading in Western Civilization. Calling the *Didascalicon* "the first book written on the art of reading," the study claims that, due to its impact, "after centuries of Christian reading, the page was suddenly transformed from a score for pious mumblers into an optically organized text for logical thinkers."[4] While Hugh's work may not have been the most innovative piece of Christian scholarship, its pervasive influence makes it a useful fulcrum around which to view the advances in the culture of learning.

Writing in approximately the same generation and living in virtually the same vicinity as Hugh and the other Victorine scholars, the Rabbinic exegetes of northern France reached similar plateaus in transforming the reading process in the Jewish community. While they apparently did not compose works such as Hugh', nor did they write treatises on rhetoric and poetics as did their Sephardic Jewish brethren, their surviving works of biblical exegesis have much to say on the subject of how to read a text. Though many of the biblical commentaries they composed were subsequently lost, either to the vicissitudes of time or, more specifically, to the Christian purges of Rabbinic texts that occurred throughout the thirteenth century, enough of their exegetical *oeuvre* has survived to enable its evaluation and analysis.

While what we may call "the Bible project" of the northern French school was not encyclopaedic, the Talmud commentary of Rashi (and Rashbam), together with their literary (and often genealogical) descendants, the Tosafists, represent a rather comprehensive study and critical reading of the Babylonian Talmud. Through their presentation and exegesis of the Talmud, the northern French exegetes in a sense established it as the foundational text of medieval French Jewry; their unique methodology ultimately influenced Spanish Jewry as well. Rashi's commentary is to this day essential, and the Tosafists' comments are often semi-encyclopaedic, as they cover Bible as well as Rabbinic literature. In addition, many of these exegetes, particularly Joseph Qara, also glossed the allusive, virtually impenetrable *piyyutim*, or Rabbinic liturgical poetry and made its language accessible to its readership. These poetic texts are themselves rich in biblical exegesis. While these other commentaries are not the focus of this article, it is important to keep in mind that the northern French exegetes applied their contextual reading methodology to the entire range of Jewish literature at their disposal. This article will consider the contribution of the northern French Rabbinic masters to the advances in biblical studies made during the "Renaissance of the Twelfth Century."

From Derash to Peshat: Learning to Read a New Way

In the development of contextual reading, perhaps no single aspect of late eleventh

and early twelfth century exegesis factors more prominently than the abandonment of the authoritative midrashic readings of the ancient rabbis in favor of one that is rooted in what the commentator senses to be the "actual" meaning of a text. The pioneer in this effort was the great Rashi (an abbreviation comprised of the initial Hebrew letters of his name, Rabbi Shelomo Yitzhaki). He lived in Troyes, in Champagne country of northern France, and as a young man spent some years of study in the Jewish academies of the Rhineland. It is clear that there were important precedents to Rashi's quest to develop contextual reading. These are mainly to be found in the work of the anonymous *poterim*, who glossed difficult words in the Hebrew Bible and translated them into the vernacular Old French; and in the exegesis of Menahem bar Helbo, an eleventh century Provencal Rabbinic master whose commentaries were brought north by his nephew, Joseph Qara, later one of Rashi's disciples.[5] However, it is Rashi's work that became the most influential in orienting Jewish Bible study away from ancient Rabbinic midrash and towards truly contextual reading.

Rashi began developing a methodology for reading on the basis of one's own intuitive sense of a given passage. In his celebrated comment on Gen. 3:8, he describes his approach to interpreting Scripture:

> There are many homiletical midrashim (on these verses), and the rabbis have long ago arranged them in their proper place in Genesis Rabbah and the other midrashim. Whereas I have only come to explain Scripture according to its contextual [*peshuto*] understanding, and according to the *aggadah* that reconciles the words of Scripture, each word understood according to its character.

Rashi's ability to discern between contextual and midrashic exegesis is likewise clear in his comment on Gen. 12:5, a gloss that is typical of his Pentateuchal commentary as a whole. The verse relates that, in setting out for Canaan, Abram and his family took "the persons that they had made in Haran." The question animating Rashi is: in what way are persons "made"? In glossing the verse, Rashi first relates the midrashic tradition (Gen. Rabbah 39:14) that Abram and Sarai "made," that is, converted, gentiles in Haran to the faith in one God (Theodor-Albeck, 1965):

> *That they made in Haran*: In other words, whom they caused to enter under the wings of God's Presence. Abraham converted the men, and Sarah converted the women. Moreover, the verse considers them as though they actually had made them.

However, Rashi immediately supplements this reading with one that he considers to reflect the contextual, historical meaning of the words:

> However, the sense of the passage refers to male and female slaves whom they had acquired, as in the case of Jacob, of whom Scripture reports that *he has made all this wealth* (Gen. 31:1); and as in the case of the Israelites in the desert, of whom Scripture reports that *Israel has gained wealth* (Num. 24:18). These examples contain the language of "acquiring" and "gathering in."

Here Rashi is not correcting or rejecting the midrash. Rather, he provides both a midrashic and a contextual reading, in attempting to offer as best he can the fullest possible accounting of biblical language.[6] In this case, Rashi would consider that adapting the midrashic tradition did not reflect the conventional meaning of the verb "to make" in Biblical Hebrew. So he added the contextual reading to provide the circumstances through which Abram and Sarai had an opportunity to convert gentiles to the worship of God. Alternatively, he might have thought that the "purely contextual" reading—that is, that Abram and Sarai had acquired a retinue of servants—did not fully represent the religious dimensions of their characters. He therefore included the midrashic tradition as well. In either case, Rashi drew upon his tremendous sensitivity to the nuance of language, as well as upon his mastery of the talmudic-midrashic tradition, in order to make sense of the text for his readers. While the problems associated with Rashi's "dual readings" should not be oversimplified, it is best to understand his exegetical efforts as an early stage in the developing *peshat* methodology.[7]

Midrash is, however, explicitly rejected as a reading methodology by Rashi's disciple, Joseph Qara. His commentaries are

replete with diatribes against the excesses of *derash*: "It is not the way of a prophet in any of the twenty-four books of Scripture to make his language so obscure that one needs to learn what he had to say through resorting to aggadic literature" (at Judges 5:4); "In aggadic literature, Scripture is expounded with different intent, but it cannot be reconciled with the heart; therefore I will hold back my hand and refrain (from even reacting to it) so that ink will not be spilled nor quills be broken" (at 2 Sam. 12:30). In what is, perhaps, the fullest extant description of the methodology of *peshat*, Qara advocates contextual reading not only on the basis of its efficacy as a coherent approach to understanding a text, but also as fulfilling a divine command (comment on 1 Sam. 1:17–18):

> . . . but know this, that when Scripture (lit. "the prophecy") was written, it was written as a complete document, together with its explanation and every need, so that generations subsequent (to its composition) would not stumble in it, and from its context it lacks nothing. Moreover, one does not need to bring proofs from outside of its context, and certainly not midrash, for as for Torah—perfectly was it given (see Ps. 19:8), perfectly was it written, and there is nothing lacking in it. Whereas the midrash of our sages—(it was written) for the purpose of magnifying Torah and exalting it. But anyone who does not know the contextual understanding of Scripture (*peshuto shel miqra*), and prefers the midrash on some matter, is like one whom the current of a river has washed away and whom the depths of water have inundated, and who grasps at anything he can to save himself. Whereas if he had set his heart on the word of the Lord, he would have searched after the meaning of the matter and its contextual explanation—and in doing so would have fulfilled that which is taught by Scripture: *If you seek it as you do silver, and as for treasures search for it, then you will understand the reverence of the Lord, And the knowledge of God will you find* (Prov. 2:4–5).

The significance of the last part of Qara's comment should not be overlooked: the search for contextual exegesis did not represent a turning-away from religious values for these commentators. They fully appreciated "the religious significance of the *peshat*," even if they did not always articulate it.[8] While elsewhere in his commentaries, Qara expresses an appreciation for the value of midrash as a source of religious wisdom, in general he steers clear of it as a reading strategy, and relies almost exclusively on the methodology of *peshat*.

Among the northern French Rabbinic exegetes, it is in the writings of Rashbam (Samuel ben Meir, Rashi's grandson), that we find the clearest articulation of the need to distinguish between the worlds of *peshat* and *derash*. Indeed, in his strict adherence to the *peshat* methodology, Rashbam contrasts his approach to Scripture with that of everyone (!) who has come before him (see, e.g., his commentary on Exod. 3:11–12). His commentary on Gen. 37:2 contains the most extensive presentation of his understanding of the relative places of *peshat* and *derash* in Rabbinic Judaism:

> May lovers of reason understand it well that, as our rabbis tell us, no Scriptural verse ever loses its contextual meaning. Although it is also true that the main aim of the Torah is to teach us laws, doctrines and rules of conduct which are derived by hint or by the use in Scriptural verses of superfluous words or by means of the thirty-two rules of R. Eliezer b. R. Yosi the Galilean or the thirteen rules of R. Ishmael. In their piety the early scholars devoted all their time to the midrashic explanations, which contain, indeed, the main teachings of the Torah. But, as a result, they became unfamiliar with the deeper aspects of the text's contextual meaning. Furthermore, the sages say (B. Ber. 28b): "Do not allow your children to meditate too much on the Bible." And the sages also say (B. B.M. 33a): "It is of value when one studies the Bible, but there is no greater value than when one studies Talmud." As a result of all this they were not so familiar with the contextual meaning of Scripture. As it is said in the Talmud (B. Shab. 63a): "I had reached the age of eighteen and by that time I was intimately acquainted with the whole of the Talmud, yet I had not realized that no Scriptural verse ever loses its contextual meaning." Our Master, Rabbi Solomon, my mother's father (i.e., Rashi), who illumined the eyes of all those in exile, and who wrote commentaries on the Torah, Prophets, and the Writings, also set himself the task of elucidating the contextual meaning of Scripture. And I, Samuel, son of his son-in-law Meir, may the memory of the righteous be for a blessing, argued it out with him (Rashi) and in his presence. He admitted to me that if he had the time he

> would have written new commentaries in accordance with the contextual interpretations being innovated every day. . . .

It is highly likely that Rashbam is not spouting pious platitudes in designating the *derash* as the most essential element in Torah study. He was a famous rabbi who wrote an important Talmud commentary, and he was known for his great piety and meticulous observance of Rabbinic norms. However, he is, as it were, making a distinction between searching (*derash*) Scripture as a source of religious edification and halakhic observance, on the one hand, and reading Scripture as an exercise of pure textual study, on the other. In his elevation of the Talmudic dictum, "no Scriptural verse ever loses its contextual meaning" (lit. "no verse ever escapes the clutches of its context;" B. Shab. 63a), Rashbam turns what is a most infrequent and unused observation in the ancient sources into the linchpin of the kind of reading he advocates.

Moreover, Rashbam goes out of his way to announce his absolute adherence to *peshat* as a reading strategy even when dealing with legal matters. In pausing before beginning to comment on the Torah's first extended section of law (Exod. 21–23), he offers a recapitulation of his purpose:

> Let knowers of wisdom know and understand that I have not come to explain halakhot, even though these are the essence of Torah, as I have explained in my Genesis commentary (e.g., at Gen. 1:1; 37:2). For it is from the apparent superfluousness of Scriptural language that aggadot and halakhot are derived. Some of these can be found in the commentary of our Rabbi Solomon, my mother's father, may the memory of the righteous be for a blessing. But I have come to explain the contextual meaning of Scripture. And I will explain the laws and halakhot according to realia (lit. "the way of the world"). And (I will do this) even though (the Rabbinic understanding of) the halakhot is the essence, as the rabbis taught: "halakhah uproots Scripture" (B. Sot. 16a, with emendation).

Rashbam's willingness to expound Torah against the ancient Rabbinic interpretation, even when touching on matters of law and Jewish observance, may be seen throughout his commentary. For example, he interprets what the ancient rabbis had understood as the Torah's first reference to tefillin ("It shall be for you as a sign on your hand and as a reminder between your eyes;" Exod. 13:9) as simply metaphoric language. Additionally, he comments on Gen. 1:5 ("There was setting, there was dawning: one day") that the language of Scripture clearly states that a day begins at sunrise, in contradiction to Rabbinic teaching that, for Jewish ritual purposes, a day begins the preceding evening. Indeed, this willingness to read against Rabbinic tradition occasionally served as cause for religious attacks on him by Jewish scholars who claimed that his interpretations would undermine religious observance (cf., e.g., Abraham Ibn Ezra's *Iggeret Hashabbat*; Joseph Bekhor Shor's comment on Num. 12:6).[9]

It is true that the origins of *peshat* should be sought in the heritage of Sephardic Judaism and the Islamic world, and in the complex historical processes that led to the twelfth century Renaissance in Christian Europe.[10] Other factors are bound up in the often polemical relationships among Judaism and Christianity. Faced with an ever more compelling Christian environment, both in the sense of its being culturally enriching as well as theologically challenging, the northern Rabbinic exegetes developed interpretative strategies that would meet the needs of the Jewish community. At least in part, the adoption of *peshat* by the rabbis (and of *ad litteram* by the churchmen) afforded both Jew and Christian a kind of common ground in which to engage their interfaith polemics.

However, in addition to these factors, the *peshat* methodology espoused by the northern French Rabbinic exegetes was born at least in part out of dissatisfaction with the type of reading engaged in by the ancient sages of Talmud and Midrash. In the movement away from *derash* and towards *peshat*, these medieval masters essentially expressed their independence in determining the meaning of Scripture and their unwillingness to accept the authority of the ancients when it came to the reading process.

Context as the Primary Determinant in Exegesis

In the course of commenting on a biblical text, the northern French Rabbinic exegetes occasionally find opportunities to directly address their audience and point out rhetorical features found in biblical composition. Below, we will examine several of these types of comments. In general, however, literary and rhetorical observations were for these rabbis secondary to their primary purpose, which was to explicate the *meaning* of the biblical text. Our question is: what was the principle that enabled them to determine the meaning? While there were, of course, many factors in this—knowledge of biblical Hebrew and an uncanny ability to apply other biblical texts that shed meaning on the one under review are but two of the prominent elements—the factor that towers above the rest is their developing sense of what the immediate *context* indicates the meaning to be.

In attempting to arrive at the meaning of a biblical word, verse, or longer text, the northern French Rabbinic exegetes relied on a wide variety of exegetical strategies. However, their overall approach to the explanation of a passage is determined by their sense of its contextual meaning, which they often indicate through the term *ʿinyan*. There is a long and widespread history of its use in ancient and medieval Rabbinic literature. It is often found with a meaning of "subject" or "matter" in Talmudic and Midrashic texts.[11] However, it is its appearance in sources such as the introduction to Sifra, in the "Thirteen Rules of Rabbi Ishmael," that the word becomes more directly related to our topic. There, the twelfth principle of Rabbinic exegesis formulated is: "a matter learned from its context." Sifra itself gives several examples of legal rulings derived from Scriptural context, and the ancient sages also relied on the rule in homiletical or exegetical midrashim. However, it was never systematically applied in the way that it was during the medieval period.

In his dictionary of biblical Hebrew, the *Mahberet*, the tenth century Sephardic-Jewish grammarian Menahem ibn Saruq expanded the use of *ʿinyan* into terminology more closely approximating what we would call "context" and employed a variety of formulations using the term. Since Menahem composed the *Mahberet* in Hebrew, unlike all of the other Sephardic-Jewish grammarians who wrote in Arabic, the Rabbinic exegetes of northern France had access to and made great use of this work: all of Menahem's terms and formulaic expressions for context were later used by the northern French commentators. For example, like Menahem, they all use the expression *pitrono lefi ʿinyano*, "its explanation is according to its context," and other, virtually identical formulas. As with his other exegetical and grammatical technical terminology, Menahem either developed his terminology directly from Saadia and/or from Rabbinic, Qaraite, Masoretic, and other sources that preceded him, or innovated and invented them himself.[12] While it is not our purpose to analyze the function of these and of all the other technical terminology in the *Mahberet*, it is important to see the critical nature of this source for the developing hermeneutic of the northern French exegetes. Whether as innovator or synthesizer, Menahem seems to have been a major catalyst for northern French exegesis, both in terms of the contents of the *Mahberet* and the technical language he employed.

It is in the commentaries of Rashi that we first find evidence of consistent use of the *ʿinyan* terminology. Rashi regularly turns to the twelfth rule of the *Baraita de Rabbi Ishmael* (discussed above) as an exegetical tool: in claiming that the commandment "you shall not steal" in the Decalogue (Exod. 20:13) refers to kidnapping and not material theft, he invokes the rule to demonstrate that this is so: "you must say that it is a matter learned from its context: just as *you shall not murder* (and) *you shall not commit adultery* speak of matter(s) that require a judicially imposed death penalty, so does *you shall not steal* (speak of) a matter that requires a judicially imposed death penalty." Lest there be some question of whether Rashi in fact understands the term *ʿinyan* specifically to mean "context," we may refer to the definition of the rule that he offers in his

commentary to the Talmud (B. Hul. 115b): "*a matter learned from its context*: an obscure matter, in which it is not made explicit what the subject is (lit. 'what is being spoken about')—learn it from the context, the passage where what the context is referring to is written" (see also at B. Hul. 140a). The term for Rashi, therefore, clearly denotes "a frame of reference, a context."

Rashi, however, not only borrows exegetical phrases directly from Talmudic literature; he employs the formulas developed by Menahem. For example, in his comment on Dan. 6:15, when explaining an Aramaic word of whose meaning he is uncertain, he comments: "I don't know any cognate for it, but its context indicates its meaning" (see also at 2 Sam. 17:20; 2 Kgs. 17:9; Ezek. 21:20; Micah 1:10). Thus we find Rashi, like Menahem ibn Saruk before him, using the terminology of *'inyan* to explain difficult words.

Presumably under Rashi's impact, use of the *'inyan* formulas spread to, and was further applied by, the rest of the northern French school. Joseph Qara employs this terminology throughout his commentaries. One example will suffice to demonstrate a typical usage. In his commentary on Is. 13:2, Qara makes the precise meaning of an elusive phrase (which NJPS translates as "upon a bare hill"), the focus of his concern:

> Many explanations have I seen for this word: There are those who interpret this as "on a hill which is situated high up, in (the sense of) in security"—which is the kingdom of Babylonia. And we have reviewed all of Scripture and we have not found that the kingdom of Babylonia is (ever depicted as) dwelling on a mountain, but rather in a valley. My uncle Rabbi Menahem (bar Helbo) interpreted (the phrase) as "on a dark hill—these are the hills of Babylonia, which are dark on account of their great height." Even according to (the principle of) a matter learned from its context I say (the phrase means) on a high mountain; anything high is called steep, as in "the steepness of a hat" (see B. Hul. 19a), whose meaning is: the height of a hat. . . .

Thus, Qara is essentially giving the same interpretation as his Uncle Menahem; both say the sense is "high."

Rashbam also relies on the formulaic expressions to articulate interpretations based on context. A typical example would be his commentary on Num. 18:19. This verse includes one of the promises of God to the hereditary Aaronide priesthood: "(All of the sacred offerings) . . . shall be an everlasting covenant of salt before the Lord. . . ." Rashbam feels intuitively that this verse is not actually referring to "real" salt:

> *A covenant of salt*: it seems to me to be the language of endurance (i.e., salt preserves). And so is: *(the Lord God of Israel has given the kingship) to David . . . to him and to his sons a covenant of salt* (see 2 Chron. 13:5)—because their explanation is according to their context. But *you shall not omit (from your meal offering) the salt of your covenant with God . . .* (Leviticus 2:13) speaks about real salt. A *covenant of salt* (is) an enduring covenant, lasting for generations.

Similarly, in attempting to precisely explain the term for "breastpiece" in Exod. 28:4, he virtually identifies "context" with "*peshat*:" "*breastpiece*: according to the context and the *peshat*, (this is) a type of pouch or pocket." While Rashbam does not extensively employ this technical language, he is, of course, firmly rooted in the contextual exegetical approach and does on occasion rely on the "inherited" terminology (see, e.g., his commentary at Gen. 30:20; 41:23; 50:2; Lev. 19:26; Num. 7:3; 18:19; Deut. 32:24).

Eliezer of Beaugency was a mid-twelfth century exegete. Next to nothing is known of his life, although it is likely that he was a student of Rashbam. In his commentary on Ezek. 42:3, he urges his readers not to turn to any outside source for an explanation of an elusive term, in cases in which the context permits one to make a deduction about the word's meaning. With regard to a difficult phrase (NJPS: *ledge by ledge in three tiers*), he thus offers the following contextual interpretation:

> . . . with regard to the "edges"—their construction and function—their context will explain them below (see his commentary to Ezek. 42:5) as much as the mind can discern. For with regard to a word that has no cognate and which you can understand from its function in context, why cast your eyes to the ends of the earth!? Its context indicates its meaning. Behold, the verse has informed you. . . .

The formulation of his comment is reminiscent in its approach to the definition of

peshat methodology by Joseph Qara (cited above); Eliezer uses almost the exact wording in his explanation of the Psalms passage he uses to illuminate Ezek. 20:23.

In his commentary to a famous *crux interpretum* in Amos 3:12, Eliezer makes the claim that "the most important principle in biblical exegesis is 'a matter learned from its context'" (see also his comment at Zech. 4:14). In this instance the meaning of the difficult phrase generally translated along the lines of "with the leg of a bed or the head of a couch" has eluded the commentator's precise grasp. Thus, he has to rely on his sense of the entire couplet in order to offer his interpretation:

> And similarly with regard to *or the head of a couch*, since both *a bed* and *a couch* are types of beds, and in view of the fact that they (i.e., the bed and couch) are constructed of component parts, what is called the "crown" (or "edge") of the bed is called the ("head," or "foot") of the couch.

Relying on his understanding of the entire passage (and on his sense of the parallelism in the verse), Eliezer produces a contextual interpretation of this elusive term.

He makes a similar claim in his commentary to Ezek. 1:4. While lamenting the fact that because of our (relative) lack of knowledge of biblical Hebrew, the precise force of the term *hashmal* eludes us, he does feel that the context allows him to make at least some general assumption about the word's meaning:

> We are compelled (to understand) that to a thing that is visible to us does the prophet make an analogy: *(The wheels . . . gleamed) like beryl* (Ezek. 1:16); *like the appearance of torches* (v. 13); *like a terrible frost* (v. 22); *like the appearance of lightning* (v. 14); *like burnished bronze* (v. 7); *like the appearance of the rainbow* (v. 28): all of these are visible to the world. So, too: *like the appearance of hashmal* (v. 4), this is a thing in the world, but we are not expert in the language of Scripture in so many areas, and we only have the context; but its context indicates its meaning. . . .

What is important is Eliezer's reliance on literary context to determine the meaning of a difficult word. He applies this approach to explain difficult terms in many other biblical texts (see, e.g., his commentary on Is. 9:4, 18; 65:11; Hos. 13:7; Joel 1:17).

In conclusion, all of the various formulas featuring the term *'inyan* used by the medieval grammarians and exegetes seem to have a similar function. There does not appear to be a specific type of exegetical comment in which a commentator would use any one of the variations in particular: all of the formulas seem interchangeable. However, it is important to remember that the contextual approach practiced by the school of Rashi is not only expressed when the technical terminology is employed. It should be apparent that the attempt in the overwhelming majority of comments is to offer an explanation of the passage under consideration that is contextual in nature. However, it is mainly when coming to a difficult word or phrase that the formulaic expressions are applied.

The Redaction of the Biblical Book

In engaging in contextual reading, the twelfth century northern French Rabbinic exegetes also turned their attention to more global compositional issues: the literary arrangement and redaction of the Biblical books. Accordingly, they deduced that the books of the Bible underwent a process of redaction before achieving their final status in the canon of Jewish Scriptures. While they differ slightly in the terminology they employ to describe the figure of the redactor, these exegetes each share the view of the human, non-prophetic redactor who did more than simply serve as the receptacle of divine writ. Rather, the redactor of each biblical book gathered up the words and speeches of the various prophets, edited, and, indeed, composed the books that constitute the Hebrew Bible. These redactors approached the text they had received as holy writ, but that did not prevent them from arranging the material according to the various literary principles and/or criteria for editing that they had adopted. Moreover, the northern French exegetes understood that the biblical redactors operated in what modern scholarship generally construes as two central but distinct areas. The first of these is biblical poetics, in which the commentators included such concerns as the order and arrangement of verses and chapters, certain aesthetic

and/or rhetorical devices concerned with the composition of the text, and other literary issues. The second of these central concerns is connected with issues more commonly associated under the rubric "redaction," such as editing an already finished work and adding supplementary material to a completed text at a later date. While contemporary Christian exegetes occasionally employ two separate terms to indicate these editorial and compositional concerns, namely *scriptor* and *auctor*, we will see that the Rabbinic exegetes do not readily distinguish between these activities. On the contrary, they specifically attributed to the biblical redactors both rhetorical and compositional roles, as well as those more strictly associated with editing.

Apparently Rashi was the first of the northern French Rabbinic exegetes to point to an explicit occasion of the redaction of a biblical text. In his commentary to Judges 5:31, Rashi felt that the final four Hebrew words of the chapter, which are presented in the Masoretic text as integral to the Song of Deborah, are not really part of the Song. He glosses:

> *And the land was quiet*: these are not the words of Deborah; rather they are from the redactor [lit. "writer"] of the book [*kotev hassefer*].

Rashi thus makes a distinction for his readers between the author of a composition (in this case, Deborah) and the redactor responsible for the placement of the song into its literary surroundings. And who is the redactor? Let us observe that Rashi does not explicitly adopt here the position of the Babylonian Talmud that the prophet Samuel was the author of Judges (B. B.B. 14b–15a). Instead, he relates the composition of the book to an anonymous "writer" or "redactor."

While Rashi distinguishes between the author of at least part of a book (the Song of Deborah) and that book's redactor, it appears that his grandson, Rashbam was the first among the northern French Rabbinic exegetes who explicitly articulated the process of redaction of an entire book of the Bible: Ecclesiastes. This is clear from his commentary on the *incipit* of the book, "the words of Koheleth: Vanity of vanities . . ." Rashbam comments: "(the verses), *the words of Koheleth* (i.e., 1:1) and *vanity of vanities* (1:2), were not said by Koheleth, but by the one who redacted [lit.: 'arranged;' Heb.: *sidder*] the words as they are (presently found in the book)." Similarly, at Ecc. 12:8, Rashbam writes: "now the book is completed. And those who redacted it [Heb.: *sidderuhu*] speak from here on." Thus Rashbam presents Ecclesiastes as a composition presented within a framework of two introductory verses and six concluding verses.[13]

For Eliezer of Beaugency, as for his teacher Rashbam, the redactor is not identical with the prophet whose speeches are included in the book that bears his name. Rather, Eliezer envisions a two-tiered compositional process: the prophet speaks the word of God and may even participate in the process of composing his speeches into written form. Following this, a redactor gathers the speeches of the prophet together, and arranges them in book form.

In his commentary on Ezekiel 1:1, Eliezer specifically refers to the responsibility of a redactor for the present composition of the Biblical text:

> *And I saw visions of God . . . I looked, and lo, a stormy wind . . .* (Ezek. 1:1,4): Ezekiel's words did not continue from the beginning, and even his name he did not make explicit, since the context of the book will make it clear below, as in *and Ezekiel shall become a portent for you* (Ezek. 24:24). And, relying on this, he allowed himself to abbreviate, as I have told you with regard to *(in the) thirtieth year*, that (there) the content of the book provides the proof for its (meaning, i.e., of the "thirtieth year"). But the redactor [Heb.: *hassofer*] who wrote all of his words together added to what (Ezekiel) had left unclear and abbreviated, in these two verses.

This comment is important on several grounds. First, whereas Rashi had assigned the third-person narration in vv. 2–3 to the Holy Spirit, Eliezer attributes them to a redactor. Thus, the comment demonstrates Eliezer's exegetical boldness in contradicting Rashi's authority.[14] But more significantly, the comment makes clear how Eliezer has related to the role of the redactor in the process of composition of the Biblical text. Eliezer has depicted a redactor taking

prophetic material in some sort of prior stage, adding to it and compiling a finished literary product. This prior stage was not necessarily "raw" material. Rather, the redactor had at his disposal oracular material and background information, arranged in some way that is no longer possible for us to retrieve. It may have been "finished" as discrete, short pieces, but it was not in *book* form. But the excerpt is important for another reason. According to Eliezer, the one who does this work is separate from the prophet, or, to put it another way, the prophet is not the author of the text. To be sure, the Talmudic rabbis had explicitly stated that "Ezekiel didn't write the book called by his name" (B. B.B. 14b–15a). However, Eliezer does not deem it sufficient to attribute the book to "the men of the Great Assembly," or some other "traditional" type of designation. Instead, perhaps with the example of Baruch, Jeremiah's secretary, in mind (Jer. 36:26), he explicitly employs the term "redactor" to denote the human writer responsible for the production of the biblical book.

In at least one case, one of the northern French exegetes explicitly contradicts the Talmudic tradition on the authorship of a biblical book. In his comment on 1 Sam. 9:9, Joseph Qara sees the anachronism in the biblical narrator's disclosure that "formerly in Israel, when a man went to inquire of God, he would say, 'come, let us go to the seer,' for the prophet of today was formerly called a seer." He comments:

> When Scripture says "for the prophet of today was formerly called a seer" . . . you can deduce that when this book was written, they had already reverted to calling a "seer" a prophet. It follows that this book was not written in the days of Samuel. For when you review the entire Bible you will not find that a prophet is called a "seer," except here . . . you can deduce that it is the generation of Samuel that is called "formerly in Israel," or the generation following Samuel, and it is about that generation that Scripture says "for the prophet of today was formerly called a seer." Our rabbis, may their memory be a blessing, said that Samuel wrote his book (B. B.B. 14b–15a)—may God who gives light to the earth turn darkness into light and rough places into level ground (see Is. 42:16)!

Thus Joseph Qara implies that some person other than the biblical prophet authored the book of Samuel.

We saw that in his commentary on Ecclesiastes, Rashbam cast the work of the author ("Koheleth") within the framework established by the redactor(s). In his Torah commentary, he often casts Moses in the role of the redactor of God's Torah. In his comment on Gen. 19:37, Rashbam explains the phrase "until this day" as referring to the time of the one who set the text in writing—i.e., to the time of Moses: "Until this day: (i.e.), in the days of Moses. And so (should we understand) every (occurrence of) *until this day*—(it means) until the days of the redactor [Heb.: *hassofer*] who wrote down the passage." Thus we may say that for Rashbam, while God is undoubtedly the divine "source" of the Torah, Moses functions as God's redactor, as it were; Moses composes God's divine, "oral Torah," into the human, "written Torah."

This is particularly evident in Rashbam's commentary on the opening passage of Genesis. In discussing his view of the arrangement of the biblical text, Rashbam often explains that it is composed by Moses according to the principle of narrative prolepsis, that is, "any narrative maneuver that consists of narrating or evoking in advance an event that will take place later."[15] Rashbam explicitly states that Moses placed the entire Creation narrative at the beginning of the Torah for the sake of the Israelites at Mount Sinai, who when hearing the fourth pronouncement of the Decalogue, would have been otherwise astonished that God had created the world in such an ordered fashion:[16]

> The following is the true contextual meaning of the passage, which follows the Scriptural pattern of regularly anticipating and explaining some matter which, though unnecessary to the immediate context, serves the purpose of elucidating some matter to be mentioned further on, in another passage. For example, when the text writes (Gen. 9:18), "Shem, Ham and Japheth," why does it then proceed to write, "Ham being the father of Canaan"? It is because it is written later (Gen. 9:25), "Cursed be Canaan." Had we not known beforehand who Canaan was, we would not have understood why

> Noah cursed him. . . . Similarly, this type of anticipatory style can be found in many places. Moreover, this entire section, concerning the six days of creation, was also written by Moses for anticipatory purposes, so as to explain to the reader what God said when he gave the Torah (Exod. 20:8–11), "Remember the Sabbath day and keep it holy . . . for in six days did YHWH make heaven and earth and sea, and all that is in them, and he rested on the seventh day." For this reason it is written (Gen. 1:31), "there was evening and there was morning, *the* sixth day," a reference to that same sixth day, the end of the creation process, of which God spoke when he gave the Torah. That is why Moses related this entire chapter about creation—in order to inform them that what God said was true. In other words, Moses said, "Do you think that this world has forever existed in the way that you now see it, filled with all good things? That is not the case. Rather, *bereshit bara elohim*—i.e., at the beginning of the creation of the heaven and the earth, when the uppermost heavens and the earth had already been created for some undetermined length of time—then, "the earth" which already existed, "was unformed and void"—i.e., there was nothing in it.

This is by no means the only text on which Rashbam assigns to Moses the status of redactor (see also, e.g., his commentary on Gen. 31:33; 37:2).[17] In other words, it is Rashbam's view that Moses, in his capacity as redactor, has determined the order of presentation of material in the Torah of which the author—ultimately—is God.

There are even cases when the Rabbinic exegetes of northern France are willing to consider certain, specifically anachronistic verses as having been written after the time of Moses. A prime example of this is seen in Rashbam's commentary on Num. 22:1: "The Israelites then marched on and encamped in the steppes of Moab, across the Jordan from Jericho." The phrase "across the Jordan from Jericho" only makes sense to a writer who is already living in the land of Israel, whereas Moses, of course, never makes it that far. Rashbam, apparently detecting the anachronistic nature of the verse, comments: "It makes sense to understand the phrase 'across the Jordan' to have been written only after they had crossed the Jordan, for only to them are the steppes of Moab called 'across the Jordan'" (ignoring the emendation in Rosin's edition).[18] This audacious comment shows how far Rashbam was willing to go in search of a truly contextual reading.

This type of audacity is shared by Joseph of Orleans, known by the nickname of Bekhor Shor (after Deut. 33:17). He was a younger contemporary of Eliezer of Beaugency (see Bekhor Shor's commentary on Lev. 22:25). Reportedly a student of Rabbenu Tam, the younger brother of Rashbam, he was also likely to have been a disciple of Rashbam himself. He employs terminology similar to that of Rashbam and Eliezer to indicate the redactor. An instance in which we can see this is found in Bekhor Shor's commentary on Gen. 32:21. In that passage, Jacob is sending tribute to Esau his brother, upon his return home from twenty years of labor for his father-in-law, Laban, in Aram. Jacob has instructed messengers to inform Esau that the gifts are from his brother Jacob: "thus shall you say: 'indeed, your servant Jacob is right behind us,' for he said if I propitiate him with presents in advance, and then face him, perhaps he will show me favor." The question, of course, concerns the latter phrase, following the words "for he said:" who said them? Are these words a continuation of Jacob's instructions to the messengers (Ramban), or are they perhaps better understood as Jacob's own internal dialogue (Rashbam, Ibn Ezra)? Bekhor Shor has another idea:

> *For he said*: The redactor [Heb.: *ba'al hassefer*] has made this explicit. For this is the reason that Jacob had done all of this, to cause to pass away from Esau's face a countenance of anger, if he had intended evil towards Jacob. But the shepherds didn't say this to Esau, for if they had it would have reminded him of his prior enmity and hatred.

From other comments of Bekhor Shor, it seems clear that he, like Rashbam, considers Moses to be the redactor (see also Bekhor Shor's comment on Gen. 35:20, and the gloss in his commentary at Gen. 19:37). This is seen clearly in his comment on Deut. 1:1, where Bekhor Shor indicates just such a role for Moses:

> *These are the words that Moses spoke to all Israel*: Around the time of his death, he redacted [*sidder*] the Torah for them, so that the commandments would not be forgotten. . . .

> Therefore he enumerated the places wherein Torah that he wanted to redact [*lesadder*] had been given, for the Torah was given in many places.

Likewise, in his commentary on Num. 20:8, Bekhor Shor claims that the narrative about the Waters of Meribah in Num. 20:1–13 is an alternative version of the *Massa* and *Meribah* narrative in Exod. 17:1–7.

> As I understand it, this is the same incident as in *Beshallah*, in which it is written: *strike the rock, that water may come out.* However, there it relates how the Holy One, Blessed be God, sustains Israel with the manna, the quail, and water in the desert; afterwards he wrote [*katav*] each one in its place. But know that it is one, this incident and that one . . . And thus it is in many portions, that he obscures his words in one place and makes them explicit in another place.

In drawing the conclusion that the two incidents are one, Bekhor Shor reveals his understanding of biblical discourse as being determined by a compositional technique: the Numbers text presents the incident in its sequential position in the wilderness narrative, whereas Exodus joins that episode to thematically related ones.[19] Although he does not employ in this comment one of the technical designations for redaction, in light of what we have already seen in the writings of the northern French exegetes it seems reasonable to conclude that Bekhor Shor considers Moses as the party responsible for that arrangement.

Thus, the northern French Rabbinic exegetes all held that the biblical text underwent a process of redaction. Their comments are expressive of their understanding that, with regard to the Prophets and Writings at least, a human redactor, with whom God did not "speak," was responsible for the creation of the books of the Bible and for the inclusion in the Biblical texts of additional verses of his own volition. With regard to the Torah, it seems that they uniformly held to the position that Moses functioned as the redactor of God's own Divine instruction.

Compositional Techniques

We have already seen that the Rabbinic exegetes of twelfth century northern France attributed the arrangement of the biblical text to a human redactor who composed his work according to a variety of principles. Moreover, these exegetes were quite innovative in describing many compositional techniques employed by the redactors, and they employed consistent technical terminology to describe them.

In addition to Rashbam's observation of the technique of including anticipatory information in biblical narrative (cited above), the exegetes were aware of different types of narrative and chronological disorder.[20] Occasionally, a medieval commentator is faced with blatant temporal disorder. This is often produced by the redactor of the Biblical text, who will sometimes provide detailed chronological information relative to when a narrative event or a prophetic speech actually "happened." That narratives do not always relate their events in chronological order is of course not an insight that originates in medieval times. But the old Rabbinic rule "there is no early or late in the Torah," which had been infrequently invoked in the ancient sources, had already been expanded by Rashi, who used it over fifteen times in his biblical commentaries to explain apparent disruption in the narrative order (see, e.g., at Exod. 19:11; 31:18; Num. 9:1). Rashbam, too, used the phrase at least once (see at Lev. 10:1–3). With these two influential predecessors having already paved the way, it is not surprising that the technique of presenting events out of chronological sequence was also noticed by later commentators such as Eliezer of Beaugency.

Let us first consider Eliezer's comment on Ezek. 29:1, which he immediately identifies as being out of chronological order. Eliezer notes that the heading of 26:1 (i.e., an earlier chapter) states that the prophecy against Tyre took place "in the eleventh year," whereas this one against Egypt took place "in the tenth year." He writes:

> *In the tenth year*: (i.e.,) before the prophecy against Tyre (Ezek. 26:1-28:19). But on account of the punishment (inflicted against) the rest of the nations that reviled and opened wide their mouths against Jerusalem (after Psalms 44:17 and 35:26), the redactor placed the prophecy against Tyre with them as well; since she (Tyre), too, reviled

> (Jerusalem) and rejoiced in her downfall, she was punished like them.

Ezek. 25 contains oracles against many of the nations surrounding Israel, which likewise rejoiced in Jerusalem's destruction; these oracles are similar in style and tone to the one against Tyre beginning in Ezek. 26. According to Eliezer, this similarity warrants a disruption in the chronological order. Thus, he establishes that for reasons of thematic congruity, the redactor has placed this prophecy against Egypt out of chronological order, after the oracle against Tyre. In other words, according to Eliezer's understanding of Biblical poetics, historical verisimilitude (in this case, chronological sequence) takes a back seat to rhetorical concerns.

Like his teacher Rashbam, Eliezer is aware of the compositional technique of prolepsis. Eliezer will apply this principle not only to *events*, but also to elements of a prophetic *speech* which seem out of sequence. Moreover, Eliezer uses the technical language developed by Rashbam in making observations about narrative prolepsis. An example of this is found in his comment on Is. 37:38:

> . . . *and his son Esarhaddon reigned after him*: and nevertheless, powerful Assyrians ceased coming into the Land, because the fear of the God of Israel had fallen upon them. And that is what it says below: *and from the hand of the King of Assyria I will save you* (Isaiah 38:6). And if (Scripture) had not anticipated to say *and his son Esarhaddon reigned after him*, you would have wondered from whom Hezekiah was in fear, that God would need to strengthen his heart.

In other words, Eliezer understands the phrase *and in those days . . .* (38:1ff.) *sequentially*; the prophecy in 38:6 only refers to Sennacherib's *son*. Thus, the reassurance of 38:6 makes no sense after Sennacherib has left the scene; therefore, the text anticipates by relating that Esarhaddon continued the dynasty and policies of Sennacherib. The implication is that if it weren't for God's providential care over Judah, Esarhaddon, who was his father's son, would have done the same as Sennacherib. Thus, Eliezer reads the reference of Esarhaddon's succession of his father in Isaiah 37:38 as *proleptic* in regard to the prophecy in 38:6 about protecting Hezekiah from the king of Assyria. This, according to Eliezer, enables the reader to know in advance about which king the prophet is speaking.

Another compositional technique of which the exegetes were aware was the "summary-elaboration" pattern. Gen. 28:10 may be considered an example of this literary feature. The verse, which begins the narrative about Jacob's travels to Aram, states that "Jacob left Beer Sheba and went towards Haran." Following this verse, the narrative proceeds to give the details of Jacob's journey (Gen. 28:11–29:1). Bekhor Shor's comment on Gen. 28:10 reflects a sensitivity to the pattern: "*Jacob left Beer Sheba and went towards Haran*: and afterwards (the text) goes on to render in detail how he went and what happened to him on the journey." Virtually the identical literary observation and the language for expressing it are found in Rashbam's commentary on Job 3:3. There, in considering the relationship of the poem's first verse to the entire passage, Rashbam explains that the verse there gives a summary of Job's curse of the day on which he was born and the night during which he was conceived, and that the verses that follow elaborate on this curse and make it more explicit both with regard to the day and to the night: "*And the night which said*: in abbreviated fashion he curses here the day of his birth and the night of his conception, and afterwards he recapitulates and elaborates his curse with regard to each one separately."

This type of reading seems to show the influence of the ancient Rabbinic rule of interpretation, which states that Scripture may be interpreted by means of "a general statement, and a specific statement" (see the Tannaitic "Thirteen Rules of Rabbi Ishmael" in the introduction to Sifra; and the Gaonic "Thirty-Two Rules for Aggadic Exegesis"). This rule states: "(the narrative portions of Scripture may be interpreted according to) an overview that is followed by a story, and which (story) is itself only a detailed accounting of the first (verse, i.e., the overview) . . . the listener might think that (the second) is a new story, but it is none other than a detailed account of the first." According to

this particular rule, then, Eliezer of Beaugency's comment on Is. 7:2 is a parade example. The previous verse (7:1) relates that the forces of the Aram-Israelite alliance "marched upon Jerusalem to attack it, but they were not able to attack it." This is formulated in standard Biblical Hebrew prose, intended to narrate a completed action sequence. However, in the subsequent verse (7:2), it is related that "when it had been related to the House of David that Aram had allied itself with Ephraim (Israel)," the people and the royal house became terrified. Thus, the second verse relates events which occurred prior to the narration of 7:1. According to Eliezer, the redactor gives a summary of the events in the first verse. Then, beginning in the second verse, he relates the events that precede the focus of the summary:

> *Aram had allied*: "The kingdom of Aram has allied and joined with Ephraim, and they have made an alliance against you." Now they had not yet attacked him, but the narrator's way is to relate at the beginning of his words the main topic of the matter in abbreviated form . . . and then later make the matter explicit. First he said that Rezin and Pekah had attacked, and only later does he elaborate the matter: for when they joined forces to attack the House of David in war, it was told to (the House of) David, causing his (Ahaz's) heart to tremble; then he (Isaiah) told him not to fear. . . .

This, then, is an example in which Eliezer seems to adapt one of the "Thirty-Two Rules" as an aid in determining the meaning and structure of Biblical literature.

Eliezer is often of the opinion that the *presentation* of material is a matter of *discursive style*, performed by the redactor. The "theoretical statement," for expressing what we may regard as Eliezer's position on the redactional process leading to the formation of biblical composition, is found in his comment on Is. 20:2. The specific feature he addresses, narrative analepsis (or "flashback"), is actually the opposite of the anticipatory principle, discussed above. In this chapter, it is related that "in the year that the Tartan came to Ashdod" (v. 1), God had told Isaiah to "untie the sackcloth from your loins." The question for the commentator arises from the lack of any previous command of God to the prophet to put on sackcloth, or of any narrative statement that he had in fact done so. This gap gives Eliezer the opportunity to generalize about Biblical discourse:

> And if you should say: where did the text relate to us that he had put on sackcloth? There are many statements in Scripture which the text doesn't relate at first, and only informs you about them in its (own) way. And the reason for this, is that it did not want to interrupt its narrative sequence on this account, and no other place for it presented itself. And the sackcloth of Jehoram will prove (the point): Where did the text inform you that he was wearing sackcloth? When it said: *(as he walked on the wall), the people could see he was wearing sackcloth underneath* (2 Kings 6:30).

In this comment, Eliezer is able to extract from the passage an important deduction about biblical narrative poetics. With regard to Jehoram, explains Eliezer, the text doesn't inform the reader towards the *beginning* of that section of the narrative (2 Kings 6:26) that the king was wearing sackcloth; the reader only learns this fact when the people do, in verse 30, as they watch the king from beneath the city wall. Likewise in the case of Isaiah: the reader only learns that Isaiah had been wearing sackcloth through God's command to him to remove it. Literary "facts" such as these enable Eliezer to make the observation that for some reason (he doesn't articulate one), Scripture doesn't choose to "interrupt" its own narration in order to provide all of the necessary details, but will choose to do so at a moment which it deems opportune. In fact, Eliezer understands that Scripture occasionally orders its narrative in such a way that the reader only becomes aware of information as that information becomes available to characters in the narrative (see also his comment on Jonah 1:10).

Additionally, the northern French exegetes exhibit awareness of the principle of resumptive repetition, a device often employed by the redactor to express synchroneity and simultaneity in biblical narrative.[21] An example of this may be found in Rashi's commentary on Exod. 6:29–30 (although it is likely that at least part of this comment has been interpolated into Rashi's commentary

by a later hand, perhaps from Rashbam's commentary). The two verses seem like an inverse recapitulation of Exod. 6:11–12; an archival genealogical list intervenes. Rashi notes the connection between the two sections, and understands them to be in fact the same Divine speech:

> *And YHWH spoke* (v. 29): This is the very same statement made above: *come speak to Pharaoh, King of Egypt* . . . (v. 11). But since it had interrupted the matter, so as to present the lineage of Moses and Aaron, it repeated the same matter so as to begin with it (again). *And Moses said to YHWH* (v. 30): This is the same statement that he said above: *Now, the Israelites have not listened to me* . . . (v. 12). But Scripture repeated it here, since it had interrupted the matter. This is the *modus* of Scripture. It is like a person who says, "let us go back over the initial points" (i.e., "let's recapitulate").

Thus, Rashi understands a resumptive repetition has taken place, on account of the genealogy that interrupted the narrative sequence. Scripture "repeats" the two speeches to indicate their simultaneity, that had been interrupted by the archival list.

Eliezer of Beaugency likewise understands the principal of resumptive repetition. For example, in the opening chapter of Ezekiel, Eliezer notices that elements of Ezekiel's inaugural vision which are narrated at the beginning of the prophecy are mentioned again at its end. Thus, in v. 4, Ezekiel mentions the *hashmal* that he places at the center of his vision: "and from its midst, like the color of amber, from the midst of the fire." In v. 27, at the end of the opening narration, the prophet returns to this element: "And I saw (something) like amber, like the appearance of fire surrounding it . . ." In his comment on 1:27, Eliezer writes: "he returns to the beginning of the vision to complete it, and to make explicit things which he had heard from it." Likewise, in his comment on 1:4, he makes a similar comment about the "radiance" in v. 4 being mentioned again and explained in 1:27–28: "and the appearance of radiance is made explicit at the end of the narration (as being) like the appearance of the rainbow." Again in his comment on v. 4, when he discusses the fire that Ezekiel sees towards the center of his vision, Eliezer notes that this, too, is made more explicit at the end of the chapter: "and this is what he says below *like the appearance of fire encased around it* (1:27)." Thus, what Eliezer is in fact concluding is that Ezekiel, having observed the divine vision and the flashing fire at its core (1:4), begins to describe the phenomenal sight; when he is ready to relate the message which God has transmitted to him (beginning in chapter two), he resumes describing that part of the vision with which he began (1:27), i.e., the center, for it was from that center that he heard the divine voice (1:28 end). In other words, Eliezer is saying that the narration of 1:4 is resumed in 1:27; it is the *repetition of the language* that is used to signal the fact of that resumption. Thus, the bulk of the description of the divine "chariot" and of the animal figures associated with it (vv. 5–26) is in Eliezer's estimation an "interruption" (not to say interpolation) of the main narrative, which is to describe the divine *locus* from which he receives his prophetic charge.

Eliezer also finds resumptive repetition in Ezek. 10:4. However, to understand the force of his comment, we have to consider first Ezekiel's vision of Jerusalem's destruction at God's hands in the preceding chapter. In 9:1–2, God had begun the command to the six "men" to destroy the city and its inhabitants, which command is continued and completed in 9:3b-7. In the midst of this portion of the narrative (9:3a), the prophet had paused, as it were, to observe the movement of the "physical presence" of God from its prior position: "now the presence of the God of Israel had alighted from the cherub on which it had rested, to the platform of the Temple." However, no further description of the consequences of God's motion is offered at this stage of the narration. In chapter 10, when Ezekiel more directly concerns himself with the physical manifestation of God's presence in his vision, he returns to this (previous) moment in time, in order to "fill in" that which was left undescribed earlier:

> And when the presence of YHWH rose from the cherub to the platform of the Temple, the Temple was filled with the

> cloud and the court filled up with the radiant presence of YHWH. And the sound of the cherubs' wings was heard as far as the outer court, like the voice of El Shaddai when He speaks.

Eliezer is aware of the potential to misunderstand the narrative as chronologically disordered, but prefers to understand the passage as a resumed narrative from the same moment in time:

> And it's impossible to say that *at this point* the presence of the Lord rose from off the cherub to the platform of the Temple, since (Scripture) had already said (9:3): *now the presence of the God of Israel had alighted from the cherub on which it had rested, to the platform of the Temple*. Moreover, we have not seen that (the presence) had returned to the cherub subsequently, that (Scripture) should now say "and it rose from off the cherub." Additionally: why should it (now) alight (on) to the platform of the Temple? It's getting ready to leave! The entire sequence is confused with this (kind of reading). But this is the solution: *when (the presence of the Lord) rose* (10:4)—(should be understood) as I have explained. And since (Scripture) has said that when (God's presence) was getting ready to leave, the courtyard filled up with the cloud, it tells you what had happened in the beginning (9:3), when it lifted off from the platform.

To summarize the preceding, then, this is how Eliezer presents the resumptive repetition: the events of 10:6ff. resume or express simultaneity with those of 9:4ff., with 9:3 and 10:4 providing the "fulcrum" around which the resumed or simultaneous narrative is centered. In other words, the event described in 9:3 *is identical to* that which is described in 10:4. Through a deft juxtaposition of words, earlier in his commentary, Eliezer had explained that the occurrence of the verb "to go up" in 10:4 should be understood as identical to the verb "to arise" in 9:3: "then the presence of the Lord *rose and alighted*—beforehand—from off the cherub, to the platform of the Temple. . . ." It is this identification in Eliezer's mind between the two semantically-linked Hebrew words that enable him to consider this a resumed narration. Although we do not find him using the technical language here that we have seen him occasionally use elsewhere to describe resumptive repetition, that does not rule out his reading of this as a resumed narration. More significantly, the expression he employs makes it clear that he reads this as one single narrative, which includes within it two simultaneous "sub-narratives."

Another compositional device of which Eliezer is aware is the inclusio pattern. Simply put, inclusio occurs when a word or words found in the beginning of a literary unit, are repeated at the end of the unit. To understand how Eliezer relates to and describes inclusio, let us look at an example found in Ezek. 32. The chapter opens (v. 2) with God's command to the prophet to "intone a dirge over Pharaoh king of Egypt." At the conclusion of the lament, the word "dirge" returns: "this is a dirge, and they shall intone it" (32:16). Alone among the northern French commentators, Eliezer remarks on the closure created by this repetition: "*this is a dirge*: that with which he begins (the composition), he (also) concludes." While one might have hoped for a lengthier discursive analysis of the functions of the device, his observation is an undeniable acknowledgment that a literary device is at play. The fact that the following verse (32:17) features a (presumably new) dated prophecy only strengthens the force of Eliezer's observation.

Another example of inclusio of which Eliezer is aware is contained in Ezek. 36:22–32. Here, the prophet both begins and ends a speech with an announcement that God acts not on Israel's but on God's own behalf: "not for your sake will I act, O House of Israel." Eliezer's comment on Ezek. 36:32 at once explains the function of the repeated phrase and demonstrates that he considers vv. 22–32 to be a discrete unit of discourse: "that with which it began, it concludes, and in this way has the prophet expressed himself in many places." The second half of Eliezer's comment indicates that he is aware that this is a recurrent technique in Ezekiel. Thus we have seen that while Eliezer seems to have no difficulty recognizing inclusio as a compositional technique in both poetic and prose contexts, and repeatedly calls the reader's attention to this device, he does not seem to be inclined to derive any semantic

conclusions from his observations. In other words, on the question of the explicit relationship between structure and meaning (at least in reference to this particular device), Eliezer is silent. However, we may consider there to be an *implied* exegetical conclusion. Through use of what we may regard as his technical vocabulary for relating to the phenomenon of inclusio, Eliezer indicates to the reader that the repetition is a way of closing a unit. Thus, while his comments may not have *semantic* import, they do have *rhetorical, discursive* import.

Conclusions

The components of *peshat* exegesis examined here do not by any means exhaust the subject. For example, the understanding of the northern French exegetes of the principle of parallelism in poetic compositions and their awareness of rhetorical dimensions in biblical discourse themselves merit further consideration. However, enough has been demonstrated here to illustrate the exegetes' sensitivity to rhetorical factors. In their identification of context as the most important determinant in meaning; in their understanding that the biblical canon had undergone a process of redaction; and in their attention to compositional technique in biblical literature, the northern French Rabbinic exegetes transformed the concept of what reading a text meant. Given this achievement, it is surprising that the *peshat* school declined almost as quickly as it arose. Moreover, the reasons for this are not altogether clear. Some attribute it to the shift in Christian society from twelfth century humanism to scholasticism, mysticism and allegory in the thirteenth century. Others have theorized that while *peshat* held sway with the intellectual elite, the masses found it dry, and so ultimately the course was abandoned.[22] A major factor undoubtedly was the Christian destruction of European Jewry, with attendant communal dislocation and book burnings on a large scale (not even to speak of pogroms); these all took their toll on *peshat* scholarship, as countless unique manuscripts were likely destroyed. But whatever the causes, the results are clear: other than the occasional *peshat* reading found in compilatory exegetical works such as Hizkuni, or in multivalent and "four fold" commentaries such as Nahmanides and Bahya ben Asher, the thirteenth century saw Jewish biblical learning turn to tosafistic exegesis, gematriot and other types of numerology, and mysticism.

And what of the "common ground" achieved between Jews and Christians in their attention to contextual reading? Through their participation in Jewish-Christian dialogue, the northern French Rabbinic exegetes reviewed here indirectly contributed to the immense changes in European intellectual life that occurred in succeeding centuries. While the tragic fact that Christians destroyed Jewish society—and, quite possibly, Jewish *peshat* scholarship—in Western Europe from the thirteenth to the fifteenth centuries should not be overlooked, the fact remains that for about one-hundred years, there was much productive intellectual contact between the two communities. During this period, when the leading intellectual voices in the Jewish community of northern France engaged the Bible and other sources of Jewish tradition, they eschewed the traditional, midrashic approach, and instead practiced *peshat*, contextual reading.

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NOTES

[1] See Avraham Grossman, "The School of Literal Exegesis in Northern France," in Magne Saebo, ed., *Hebrew Bible/Old Testament: The History of Its Interpretation. Volume I: From the Beginnings to the Middle Ages (until 1300). Part 2: The Middle Ages* (Gottingen, 2000), pp. 321–71; Hava Lazarus-Yafeh, *Intertwined Worlds: Medieval Islam and Bible Criticism* (Princeton, 1992); Theodore Pulcini, *Exegesis as Polemical Discourse: Ibn Hazm on Jewish and Christian Scriptures* (Atlanta, 1998).

[2] See Beryl Smalley, *The Study of the Bible in the Middle Ages* (Oxford, 1952).

[3] Jerome Taylor, ed. and trans., *The Didascalicon of Hugh of St. Victor* (New York and London, 1961).

[4] Ivan Illich, *In the Vineyard of the Text: A Commentary to Hugh's Didascalicon* (Chicago and London, 1993).

[5] See Grossman, op. cit.

[6] Edward L. Greenstein, "Sensitivity to Language in Rashi's Commentary on the Torah," in Mayer I. Gruber, ed., *The Solomon Goldman Lectures VI* (Chicago, 1993), pp. 51–71.

[7] See Sarah Kamin, "Rashi's Exegetical Categorization with Respect to the Distinction between Peshat and Derash," in *Immanuel* 11 (1980), pp. 16–32; Benjamin Gelles, *Peshat and Derash in the Exegesis of Rashi* (Leiden, 1981).

[8] See Uriel Simon, "The Religious Significance of the Peshat," in *Tradition* 23, no. 2 (1988), pp. 41–63.

[9] Uriel Simon, "The Exegetical Method of Abraham Ibn Ezra, as Revealed in Three Interpretations of a Biblical Passage," in *Bar Ilan* 3 (1965), pp. 92–138 [Hebrew]; Sarah Kamin, "The Polemic against Allegory in the Commentary of Rabbi Joseph Bekhor Shor," in Yair Zakovitch, ed., *Jews and Christians Interpret the Bible* (Jerusalem, 1991), pp. 73–98 [Hebrew].

[10] See Grossman, op. cit.

[11] Benjamin Zeev Bacher, *Midrashic Terminology. Volume I: Tannaitic Terms; Volume II: Amoraitic Terms* (Jerusalem, 1970), 2 vols. [Hebrew].

[12] See Angel Saenz-Badillos, ed., *Menahem Ben Saruq: Mahberet* (Granada, 1986).

[13] Sara Japhet and Robert Salters, eds., *The Commentary of R. Samuel Ben Meir (Rashbam) on Qoheleth* (Jerusalem and Leiden, 1985).

[14] Edward L. Greenstein, "Medieval Bible Commentaries," in Barry Holtz, ed., *Back to the Sources* (New York, 1984), pp. 212–59.

[15] Gerard Genette, *Narrative Discourse: An Essay in Method* (Ithaca, 1980); Nahum Sarna, "The Anticipatory Use of Information as a Literary Feature of the Genesis Narrative," in R.E. Friedman, ed., *The Creation of Sacred Literature* (Los Angeles, 1981), pp. 76–82.

[16] See Kamin, "Rashi's Exegetical Categorization."

[17] Martin I. Lockshin, ed., *Rabbi Samuel Ben Meir's Commentary on Genesis: An Annotated Translation* (Lewiston, Lamperer, and Queenston, 1989), Vol. 5.

[18] Martin I. Lockshin, *Rashbam's Commentary on Leviticus and Numbers: An Annotated Translation* (Providence, 2001), p. 260, n. 60.

[19] See Greenstein, "Medieval Bible Commentaries."

[20] David A. Glatt, *Chronological Displacement in Biblical and Related Literatures* (Atlanta, 1993).

[21] Shemaryahu Talmon, "The Presentation of Synchroneity and Simultaneity in Biblical Narrative," in Joseph Heinemann and Shmuel Werses, eds., *Studies in Hebrew Narrative Art Throughout the Ages* (Jerusalem, 1978), pp. 9–26.

[22] See Grossman, op. cit.

Biography in Rabbinic Judaism

ABOUT not a single Rabbinic sage of late antiquity, the first six centuries C.E., do we have the materials that sustain anything like a serviceable biography.[1] That is not merely because the sources do not serve for critical history in the conventional sense, but because they intend a different kind of treatment of lives of persons. Paradigmatic episodes in place of distinctive and individual biography yield the model of the life

framed by the Torah: a life lived within the rules of nature, but facing outward toward supernature, a life transcending the natural world, measured by moments of transcendence. Hence "lives" are not recounted, but paradigmatic events of Rabbinic Judaism are. These comprise only four topics: [1] advent into the Torah, [2] the active and complex realm of negotiation within the Torah, [3] virtue measured by the Torah and responding to the special vices that the Torah can nurture, and [4] death in the supernatural setting that overcomes nature: not dirt to dirt, but soul to Heaven, along with the Torah.

Linear and sustained narrative of the events of the social entity ("nation," in general, "Israel" in particular) corresponds to biography, in the present context, lives of sages.[2] Just as the historical mode of thought generates the composition of sustained narratives, so practitioners of history also write lives of persons, e.g., Moses, or at least continuous tales of a biographical character, with some sort of connected narrative, real or contrived, to give the impression of personal history. Not only so, but practitioners of the historical sciences—Josephus for instance—give us not only biography but autobiography, just as much as philosophers or theologians of history, Augustine being the best example, supply a biographical counterpart to a history. It obviously follows that where history leads, biography follows close behind.

But among the sages, who engaged in not historical but paradigmatic thinking, what place can we define for the counterpart to biography? The answer is, exemplary anecdotes, the counterpart to singular events, but no "lives" or biographies, the counterpart to sustained historical narrative. That answer is obvious. The real question is the character of those exemplary, one-time anecdotes, for knowing that they are going to exemplify paradigmatic concerns or realize the model through the medium of persons, rather than public events does not guide us to a theory of the particular character of the personal anecdotes that the model generates. Paradigmatic thinking about the social order yields not only anecdotes instead of continuous history. It also attends to the representation of persons, but solely for paradigmatic purposes and in a manner calculated to yield not continuous narrative but that which is here deemed of definitive consequence: a restatement, in individual terms, of the paradigm. And that is to be expected. For once time loses its quality of continuity and sequentiality, marking time calls upon other indicators of order and division than those demanded by the interplay of nature's telling time and humanity's interposing its rhythms. Lives of persons, beginning to end, need not be told; indeed, cannot be told, for the same reason that sequential, continuous narrative also cannot be constructed.

The paradigm, formed out of the congruence of humanity's and nature's time, rather than their incongruity, will identify, out of the moments presented by a human life, those that gain importance by appeal to the paradigm itself; the natural course of a human life, from death to birth, bears no more meaning in the amplification of the paradigm than the passage of empires, viewed as singular, or the story of a reign or a dynasty, viewed in its own terms. These matter, for paradigmatic thinking, when the pattern or model determines; otherwise, they do not register at all. Of the many empires of antiquity, four counted to the paradigm of Rabbinic Judaism, Babylonia, Media, Greece, and Rome. What of Parthians, what of Sasanians, certainly weighty as Greece and Rome and for long centuries quite able to hold their own (with their huge Jewish populations) against Greece and Rome? They did not count, so were not counted.

We know, of course, why they did not matter: they never intersected with the natural life of the holy people, Israel, in the holy land, the Land of Israel; they never threatened Jerusalem, in the way in which Babylonia, Greece (in Seleucid times), and Rome did. That principal part of the paradigm points to one main principle of selection in the range of events. Working back from events to the principle of selection that operates within the model governing Rabbinic Judaism's disposition of time (past, present, future), we are able to define out of what is selected the operative criterion: the congruence of the selected model to nature's time, not its contrast in conjunc-

tion therewith. Then what is to be said about the paradigm's points of interest in human lives? Since, we must anticipate, the paradigm will not elicit interest in a continuous life and so will not produce biography let alone autobiography, at what points will the model encompass episodes in human lives? To state the question more simply: where, when, and why, will individual persons make a difference, so as to warrant the writing down of details of personal lives?

Asked in this way, the question produces a ready answer, in three parts, two of which take but a moment for their exposition. First, does the paradigm before us take an interest in the lives of persons? It does. Second, if it does, then at what point in a human life will anecdotes preserve the model for exemplary conduct, defining, then, the principle of selection, out of a human life as much as out of the happenings of the social world, of what counts? The principle of selection, at each point, somehow relates to the Torah. And, third, how does the paradigm emerge, having received a richer and more nuanced definition, out of the encounter with individual lives?

The answer is that the model that governs the formation of the Rabbinic writings examined here certainly does narrate episodes in personal lives, not only events in the social order. Second, the points of special interest are [1] how an individual studies the Torah; [2] remarkable deeds of virtue in the individual's life; [3] how the individual dies. Learning, virtue, and a dignified death—these form the paradigmatic points of interest. Only after reviewing a few instances of the way in which the writings set forth their paradigms of Torah-study, on the one side, and virtue, on the other, shall we address the third question. This review will yield questions of a still deeper order than has yet been suggested here, questions that concern the interplay of nature, the Torah, and truth. The stakes grow higher.

The Paradigmatic Person

The function of—not biography but—exemplary *episodes* in named individual's lives is to show the union of the nature and the social order through the person of the sage. That union takes place within the medium of the Torah, which corresponds to nature and lays out the governing rules thereof, but also encompasses the social order and defines its laws as well. Anecdotes about the master of the Torah then serve to convey principles of the Torah, with the clear proviso that anecdotes about events may equally set forth precisely those same principles. So the paradigm describes regularities without regard to considerations of scale, whether social or private, any more than matters of earlier or later, past or present or future, make any difference at all.

That fact, by the way, also explains why the paradigm in play really excludes not only biography but personality in any form. Individuals make a difference, so as to warrant the writing down of components of personal lives, at that point at which they lose all individuality and serve in some way or other to embody and exemplify a detail of the paradigm best set forth in the dimensions of private life. We then identify no difference between the social entity and the private person, because the paradigm works out indifferent to matters of scale or context; says what it says wherever it says it. How does the paradigm emerge out of the encounter with individual lives? The answer is now clear. A paradigm that proposes to present a single, coherent, and cogent picture of the life of Israel under the aspect of the timeless Torah has to make its statement about not only the social order viewed whole, but the individuals who comprise that order. The paradigm requires the counterpart to biography, as much as the counterpart to history, for its own reasons; it cares about individuals for the same reason that it cares about the social entity, Israel.

Biography does for history what personal anecdotes do for the paradigm at hand. Just as the one renders the large conclusions of its companion manageable and in human scale, so the other expresses the statements of the paradigm in a form accessible of human imitation and identification. But anecdotes about people also deepen our perception of the paradigm. For the issue of time is recast, now, as the span of a human

life enters consideration. Paradigm in place of history yielded the narrative of the cult and the story of the Temple, not the history of the people and the life of the sage.[3]

If Paradigm, Why not Biography?

Having set forth a positive proposition, let me now turn to the negative. First, why no gospels[4] in Rabbinic Judaism? The answer *cannot* be, because there were no data. On the contrary there were ample data, as the work of Rabbinic biography with which scholarship occupied itself for a century demonstrates. Indeed, the final organizers of the Talmud of Babylonia, who, it is commonly alleged, flourished circa 500–600 C.E., had in hand a tripartite corpus of inherited materials awaiting composition into a final, closed document.[5]

The first type of material, in various states and stages of completion, addressed the Mishnah or took up the principles of laws that the Mishnah had originally brought to articulation. These the framers of the Bavli organized in accord with the order of those Mishnah-tractates that they selected for sustained attention.

Second, they had in hand received materials, again in various conditions, pertinent to Scripture, both as Scripture related to the Mishnah and also as Scripture laid forth its own narratives. These they set forth as Scripture-commentary. In this way, the penultimate and ultimate redactors of the Bavli laid out a systematic presentation of the two Torahs, the oral, represented by the Mishnah, and the written, represented by Scripture.

And, third, the framers of the Bavli also had in hand materials focused on sages. These in the received form, attested in the Bavli's pages, were framed around twin biographical principles, either as strings of stories about great sages of the past or as collections of sayings and comments drawn together solely because the same name stands behind all the collected sayings. These can easily have been composed into biographies. In the context of Christianity and of Judaism, it is appropriate to call the biography of a holy man or woman, meant to convey the divine message, a gospel.

Hence the question raised here: why no gospels in Judaism? The question is an appropriate one, because there could have been. The final step—assembling available stories into a coherent narrative, with a beginning, middle, and end, for example—is what was not taken. No document was devoted to the life of a given sage and his teachings, and none to lives of sages and their teachings individually grouped.

Take the Talmud of Babylonia for example. The Bavli as a whole lays itself out as a commentary to the Mishnah. So the framers wished us to think that whatever they wanted to tell us would take the form of Mishnah commentary. But a second glance indicates that the Bavli is made up of enormous composites, themselves completed prior to inclusion in the Bavli. Some of these composites—around 35% to 40% of them, if my sample is indicative—were selected and arranged along lines dictated by a logic other than that deriving from the requirements of Mishnah-commentary. The components of the canon of the Judaism of the dual Torah prior to the Bavli had encompassed amplifications of the Mishnah, in the Tosefta and in the Yerushalmi, as well as the same for Scripture, in such documents as Sifra to Leviticus, Sifre to Numbers, another Sifre, to Deuteronomy, Genesis Rabbah, Leviticus Rabbah, and the like.

But there was no entire document, now extant, organized around the life and teachings of a particular sage. Even the Fathers according to Rabbi Nathan, which contains a good sample of stories about sages, is not so organized as to yield a life of a sage, or even a systematic biography of any kind. Where events in the lives of sages do occur, they are thematic and not biographical in organization, e.g., stories about the origins, as to Torah-study, of diverse sages; deathscenes of various sages. The sage as such, whether Aqiba or Yohanan ben Zakkai or Eliezer b. Hyrcanus, never in that document defines the appropriate organizing principle for sequences of stories or sayings. And there is no other in which the sage forms an organizing category for any material purpose.

Accordingly, the decision that the framers of the Bavli reached was to adopt the two redactional principles inherited from the antecedent century or so and to reject the one already rejected by their predecessors, even while honoring it. They organized the Bavli around the Mishnah. But they adapted and included vast tracts of antecedent materials organized as scriptural commentary. These they inserted whole and complete, not at all in response to the Mishnah's program.

And, finally, while making provision for small-scale compositions built upon biographical principles, preserving both strings of sayings from a given master (and often a given tradent of a given master) as well as tales about authorities of the preceding half millennium, they never created redactional compositions, of a sizable order, that focused upon given authorities. But sufficient materials certainly lay at hand to allow doing so. In the three decisions, two of what to do and one of what not to do, the final compositors of the Bavli indicated what they proposed to accomplish: to give final form and fixed expression, through their categories of the organization of all knowledge, to the Torah as it had been known, sifted, searched, approved, and handed down, even from the remote past to their own day. So in our literary categories the compositors of the Bavli were encyclopaedists. Their creation turned out to be the encyclopaedia of Judaism, its summa, its point of final reference, its court of last appeal, its definition, it conclusion, its closure—so they thought, and so say those that followed, to this very day.

Shall we then draw so grand a conclusion from so modest a fact as how people sorted out available redactional categories? Indeed so, if we realize that the modes by which thinkers organize knowledge leads us deep into the theses by which useful knowledge rises to the surface while what is irrelevant or unimportant or trivial sinks to the bottom. If we want to know what people thought and how they thought it, we can do worse than begin by asking about how they organized what they knew, on the one side, and about the choices they made in laying out the main lines of the structure of knowledge, on the other.

The Compositions No One Made—Collections of Wise Sayings and Biographies

The Yerushalmi and the collections of scriptural exegeses comprise compositions made up of already-worked-out units of discourse focused upon the Mishnah and Scripture, respectively. Other completed units of thought, such as we might call paragraphs or even short chapters, deal with individual sages. Midrash-compilations and Mishnah-commentaries, both the Yerushalmi and the Bavli, contain a sizable quantity of sage units of discourse. These can surely have coalesced in yet a third type of book. Specifically, sayings and stories about sages could have been organized into collections of wise sayings attributed to various authorities (like Avot), on the one side, or sequences of tales, e.g., brief snippets of biographies or lives of the saints, on the other. Let me spell out what we do find, which will underline the noteworthy character of the fact at hand: materials not used for their obvious purpose, in the way in which materials of a parallel character were used for their purpose.

Let me define more fully the character of the discourse that focuses upon the sage. In this type of composition, e.g., a paragraph of thought, a story, things that a given authority said are strung together or tales about a given authority are told at some length. Whoever composed and preserved units of discourse on the Mishnah and on Scripture ultimately preserved in the two Talmuds did the same for the sage. What that fact means is simple. In the circles responsible for making up and writing down completed units of discourse, three distinct categories of interest defined the task: (1) exegesis of the Mishnah, (2) exegesis of Scripture, and (3) preservation and exegesis, in exactly the same reverential spirit, of the words and deeds of sages. Not only so, but the kind of analysis to which Mishnah- and Scripture-exegesis were subjected also applied to the exegesis of sage-stories.

That fact may be shown in three ways. First, just as Scripture supplied proof texts, so deeds or statements of sages provided proof texts. Second, just as a verse of Scripture or an explicit statement of the Mishnah resolved a disputed point, so what a sage said or did might be introduced into discourse as ample proof for settling a dispute. And third, it follows that just as Scripture or the Mishnah laid down Torah, so what a sage did or said laid down Torah. In the dimensions of the applied and practical reason by which the law unfolded, the sage found a comfortable place in precisely the taxonomic categories defined, to begin with, by both the Mishnah and Scripture. Let us examine a few substantial examples of the sorts of sustained discourse in biographical materials turned out by circles of sages. What we shall see is an important fact. Just as these circles composed units of discourse about the meaning of a Mishnah passage, a larger theoretical problem of law, the sense of scriptural verse, and the sayings and doings of scriptural heroes seen as sages, so they did the same for living sages themselves.

In the simplest example we see that two discrete sayings of a sage are joined together. The principle of conglomeration, therefore, is solely the name of the sage at hand. One saying has to do with overcoming the impulse to do evil, and the other has to do with the classifications of sages' program of learning. What the two subjects have in common is slight. But to the framer of the passage, that fact meant nothing. For he thought that compositions joined by the same tradent and authority—Levi and Simeon—should be made up (B. Ber. 4B.XXIII):

A. Said R. Levi bar Hama said R. Simeon b. Laqish, "A person should always provoke his impulse to do good against his impulse to do evil,
B. "as it is said, 'Provoke and do not sin' (Ps. 4:5).
C. "If [the good impulse] wins, well and good. If not, let him take up Torah study,
D. "as it is said, 'Commune with your own heart' (Ps. 4:5).
E. "If [the good impulse] wins, well and good. If not, let him recite the Shema,
F. "as it is said, 'upon your bed' (Ps. 4:5).
G. "If [the good impulse] wins, well and good. If not, let him remember the day of death,
H. "as it is said, 'And keep silent. Sela' (Ps. 4:5)."
I. And R. Levi bar Hama said R. Simeon b. Laqish said, "What is the meaning of the verse of Scripture, 'And I will give you the tables of stone, the law and the commandment, which I have written, that you may teach them' (Exod. 24:12).
J. "'The tables' [here] refers to the Ten Commandments.
K. "'Torah' refers to Scripture.
L. "'Commandment' refers to Mishnah.
M. "'Which I have written' refers to the Prophets and the Writings.
N. "'That you may teach them' refers to the Gemara.
O. "This teaches that all of them were given to Moses from Sinai."

The frame of the story at hand links A–H and I–O in a way unfamiliar to those accustomed to the principles of conglomeration in legal and biblical-exegetical compositions. In the former, a given problem or principle of law will tell us why one item is joined to some other. In the latter, a single verse of Scripture will account for the joining of two or more otherwise discrete units of thought. Here one passage, A–H, takes up Ps. 4:5; the other, I–O, Exod. 24:12. The point of the one statement hardly goes over the ground of the other. So the sole principle by which one item has joined the other is biographical: a record of what a sage said about topics that are, at best, contiguous, if related at all.

A second way of stringing together materials illustrative of the lives and teachings of sages is to join incidents involving a given authority or (as in the following case) two authorities believed to have stood in close relationship with one another, disciple and master, for instance. Often these stories go over the same ground in the same way. In the following, the two farewell stories make essentially the same point but in quite different language. What joins the stories is not only the shared theme but the fact that Eliezer is supposed to have studied with Yohanan b. Zakkai (B. San. 68A.II):

A. Our rabbis have taught on Tannaite authority:

B. When R. Eliezer fell ill, his disciples came in to pay a call on him. They said to him, "Our master, teach us the ways of life, so that through them we may merit the world to come."
C. He said to them, "Be attentive to the honor owing to your fellows, keep your children from excessive reflection, and set them among the knees of disciples of sages, and when you pray, know before whom you stand, and on that account you will merit the life of the world to come."
D. And when R. Yohanan b. Zakkai fell ill, his disciples came in to pay a call on him. When he saw them, he began to cry. His disciples said to him, "Light of Israel! Pillar at the right hand! Mighty hammer! On what account are you crying?"
E. He said to them, "If I were going to be brought before a mortal king, who is here today and tomorrow gone to the grave, who, should he be angry with me, will not be angry forever, and, if he should imprison me, will not imprison me forever, and if he should put me to death, whose sentence of death is not for eternity, and whom I can appease with the right words or bribe with money, even so, I should weep.
F. "But now that I am being brought before the King of kings of kings, the Holy One, blessed be he, who endures forever and ever, who, should he be angry with me, will be angry forever, and if he should imprison me, will imprison me forever, and if he should put me to death, whose sentence of death is for eternity, and whom I cannot appease with the right words or bribe with money,
G. "and not only so, but before me are two paths, one to the Garden of Eden and the other to Gehenna, and I do not know by which path I shall be brought,
H. "and should I not weep?"
I. They said to him, "Our master, bless us."
J. He said to them, "May it be God's will that the fear of Heaven be upon you as much as the fear of mortal man."
K. His disciples said, "Just so much?"
L. He said to them, "Would that it were that much. You should know that, when a person commits a transgression, he says, 'I hope no man sees me.'"
M. When he was dying, he said to them, "Clear out utensils from the house, because of the uncleanness [of the corpse, which I am about to impart when I die], and prepare a throne for Hezekiah king of Judah, who is coming."

The links between B-C and D-M are clear. First, we have stories about sages' farewells. Second, people took for granted, because of the lists of M. Abot 2:2ff., that Eliezer was disciple of Yohanan b. Zakkai. Otherwise, it is difficult to explain the joining of the stories, since they scarcely make the same point, go over the same matters, or even share a common literary or rhetorical form or preference. But a framer of a composition of lives of saints, who is writing a tractate on how saints die, will have found this passage a powerful one indeed.

Yet another approach to the utilization of tales about sages was to join together stories on a given theme but told about different sages. A tractate or a chapter of a tractate on a given theme, for example, suffering and its reward, can have emerged from the sort of collection that follows. The importance of the next item is that the same kinds of stories about different sages are strung together to make a single point (B. Ber. 5B.XXXI–XXXIII):

XXXI.
A. R. Hiyya bar Abba got sick. R. Yohanan came to him. He said to him, "Are these sufferings precious to you?"
B. He said to him, "I don't want them, I don't want their reward."
C. He said to him, "Give me your hand."
D. He gave him his hand, and [Yohanan] raised him up [out of his sickness].
E. R. Yohanan got sick. R. Hanina came to him. He said to him, "Are these sufferings precious to you?"
F. He said to him, "I don't want them. I don't want their reward."
G. He said to him, "Give me your hand."
H. He gave him his hand and [Hanina] raised him up [out of his sickness].
I. Why so? R. Yohanan should have raised himself up?
J. They say, "A prisoner cannot get himself out of jail."

XXXII.
A. R. Eliezer got sick. R. Yohanan came to see him and found him lying in a dark room. [The dying man] uncovered his arm, and light fell [through the room]. [Yohanan] saw that R. Eliezer was weeping. He said to him, "Why are you crying? Is it because of the Torah that you did not learn sufficiently? We have learned: 'All the same are the ones who do much and do little, so long as each person will do it for the sake of heaven.'

B. "Is it because of insufficient income? Not everyone has the merit of seeing two tables [Torah and riches, as you have. You have been a master of Torah and also have enjoyed wealth].
C. "Is it because of children? Here is the bone of my tenth son [whom I buried, so it was no great loss not to have children, since you might have had to bury them]."
D. He said to him, "I am crying because of this beauty of mine which will be rotting in the ground."
E. He said to him, "For that it certainly is worth crying," and the two of them wept together.
F. He said to him, "Are these sufferings precious to you?"
G. He said to him, "I don't want them, I don't want their reward."
H. He said to him, "Give me your hand."
I. He gave him his hand, and [Yohanan] raised him up [out of his sickness].

XXXIII.

A. Four hundred barrels of wine turned sour on R. Huna. R. Judah, brother of R. Sala the Pious, and rabbis came to see him (and some say it was R. Ada bar Ahba and rabbis). They said to him, "The master should take a good look at his deeds."
B. He said to them, "And am I suspect in your eyes?"
C. They said to him, "And is the Holy One, blessed be he, suspect of inflicting a penalty without justice?"
D. He said to them, "Has anybody heard anything bad about me? Let him say it."
E. They said to him, "This is what we have heard: the master does not give to his hired hand [the latter's share of] vine twigs [which are his right]."
F. He said to them, "Does he leave me any! He steals all of them to begin with."
G. They said to him, "This is in line with what people say: 'Go steal from a thief but taste theft too!'" [Simon: If you steal from a thief, you also have a taste of it.]
H. He said to them, "I pledge that I'll give them to him."
I. Some say that the vinegar turned back into wine, and some say that the price of vinegar went up so he sold it off at the price of wine.

The foregoing composite makes the same point several times: "Not them, not their reward." Sufferings are precious, but sages are prepared to forego the benefits. The formally climactic entry at XXXIII makes the point that, if bad things happen, the victim has deserved punishment. In joining these several stories about sages—two involving Yohanan, the third entirely separate—the compositor of the passage made his point by juxtaposing two like biographical snippets to a distinct one. Collections of stories about saints can have served quite naturally when formed into tractates on pious virtues, expressing these virtues through strong and pictorial language such as is before us.

The foregoing sources have shown two important facts. First, a principle of composition in the sages' circles was derived from interest in the teachings associated with a given sage, as well as in tales and stories told about a sage or groups of sages. The first of the passages shows us the simplest composition of sayings, the latter, an equivalent conglomeration of related stories. Up to this point, therefore, the reader will readily concede that biographical materials on sages, as much as Mishnah-exegesis and Scripture-exegesis, came forth out of circles of sages. But I have yet to show that such materials attained sufficient volume and cogency from large-scale compilations—conglomerates so substantial as to sustain entire books.

Chapters and Tractates on Lives of Sages—What Might Have Been

Had the framers of large-scale Rabbinic compositions wished, they could readily have made up tractates devoted to diverse sayings of a given authority (or, tradent-and-authority, that is, "Rabbi X says Rabbi Y says"). What follows to demonstrate the possibility are two enormous compositions, which together can have made up as much as half of a Talmud chapter in volume. If anyone had wanted to compose a chapter around Rabbinic authorities' names, he is thus shown to have had the opportunity.

The first shows us a string of sayings not only in a single set of names but also on discrete subjects. We also see how such a string of sayings could form the focus of exactly the kind of critical analysis and secondary amplification to which any other Talmudic passage would be subjected. So there can have been not only a Talmud based on the Mishnah and a Midrash com-

position based on the Scripture but also a life of a saint (a gospel?) based on a set of rabbis' sayings. Here is the Talmud that can have served a collection of sayings of Yohanan-in-the-name-of-Simeon b. Yohai (B. Ber. 7B–8A.LIX–LXV):

LIX.
A. [7B] Said R. Yohanan in the name of R. Simeon b. Yohai, "From the day on which the Holy One, blessed be he, created the world, there was no man who called the Holy One, blessed be he, 'Lord,' until Abraham came along and called him Lord.
B. "For it is said, 'And he said, O Lord, God, whereby shall I know that I shall inherit it' (Gen. 15:8)."
C. Said Rab, "Daniel too was answered only on account of Abraham.
D. "For it is said, 'Now therefore, O our God, hearken to the prayer of your servant and to his supplications and cause your face to shine upon your sanctuary that is desolate, for the Lord's sake' (Dan. 9:17).
E. "'For your sake' is what he should have said, but the sense is, 'For the sake of Abraham, who called you Lord.'"

LX.
A. And R. Yohanan said in the name of R. Simeon b. Yohai, "How do we know that people should not seek to appease someone when he is mad?
B. "As it is said, 'My face will go and then I will give you rest' (Exod. 33:14)."

LXI.
A. And R. Yohanan said in the name of R. Simeon b. Yohai, "From the day on which the Holy One, blessed be he, created his world, there was no one who praised the Holy One, blessed be he, until Leah came along and praised him.
B. "For it is said, 'This time I will praise the Lord' (Gen. 29:35)."
C. As to Reuben, said R. Eleazar, "Leah said, 'See what is the difference [the name of Reuben yielding reu (see) and ben (between)] between my son and the son of my father-in-law.
D. "The son of my father-in-law, even knowingly, sold off his birthright, for it is written, 'And he sold his birthright to Jacob' (Gen. 25:33).
E. "See what is written concerning him: 'And Esau hated Jacob' (Gen. 27:41), and it is written, 'And he said, is he not rightly named Jacob? for he has supplanted me these two times' (Gen. 27:36).
F. "My son, by contrast, even though Joseph forcibly took away his birthright, as it is written, 'But for as much as he defiled his father's couch, his birthright was given to the sons of Joseph' (1 Chron. 5:1), did not become jealous of him, for it is written, 'And Reuben heard it and delivered him out of their hand' (Gen. 37:21)."
G. As to the meaning of the name of Ruth, said R. Yohanan, "It was because she had the merit that David would come forth from her, who saturated (RWH) the Holy One, blessed be he, with songs and praises."
H. How do we know that a person's name affects [his life]?
I. Said R. Eleazar, "It is in line with the verse of Scripture: 'Come, behold the works of the Lord, who has made desolations in the earth' (Ps. 46:9).
J. "Do not read 'desolations' but 'names' [which the same root yields]."

LXII.
A. And R. Yohanan said in the name of R. Simeon b. Yohai, "Bringing a child up badly is worse in a person's house than the war of Gog and Magog.
B. "For it is said, 'A Psalm of David, when he fled from Absalom, his son' (Ps. 3:1), after which it is written, 'Lord how many are my adversaries become, many are they that rise up against me' (Ps. 3:2).
C. "By contrast, in regard to the war of Gog and Magog it is written, 'Why are the nations in an uproar? And why do the peoples mutter in vain?' (Ps. 2:1).
D. "But it is not written in that connection, 'How many are my adversaries become.'"
E. "A Psalm of David, when he fled from Absalom, his son (Ps. 3:1):
F. "'A Psalm of David'? It should be, 'A lamentation of David'!
G. Said R. Simeon b. Abishalom, "The matter may be compared to the case of a man against whom an outstanding bond was issued. Before he had paid it, he was sad. After he had paid it, he was glad.
H. "So too with David, when he the Holy One had said to him, 'Behold, I will raise up evil against you out of your own house,' (2 Sam. 2:11), he was sad.
I. "He thought to himself, 'Perhaps it will be a slave or a bastard child, who will not have pity on me.'
J. "When he saw that it was Absalom, he was happy. On that account, he said a psalm."

LXIII.
A. And R. Yohanan said in the name of R. Simeon b. Yohai, "It is permitted to contend with the wicked in this world,
B. "for it is said, 'Those who forsake the Torah praise the wicked, but those who keep the Torah contend with them' (Prov. 28:4)."

C. It has been taught on Tannaite authority along these same lines:
D. R. Dosetai bar Matun says, "It is permitted to contend with the wicked in this world, for it is said, 'Those who forsake the Torah praise the wicked, but those who keep the Torah contend with them' (Prov. 28:4)."
E. And if someone should whisper to you, "But is it not written, 'Do not contend with evildoers, nor be envious against those who work unrighteousness' (Ps. 37:1)," say to him, "Someone whose conscience bothers him thinks so.
F. "In fact, 'Do not contend with evildoers' means, do not be like them, 'nor be envious against those who work unrighteousness,' means, do not be like them.
G. "And so it is said, 'Let your heart not envy sinners, but fear the Lord all day' (Prov. 23:17)."
H. Is this the case? And lo, R. Isaac has said, "If you see a wicked person for whom the hour seems to shine, do not contend with him, for it is said, 'His ways prosper at all times' (Ps. 10:5).
I. "Not only so, but he wins in court, as it is said, 'Your judgments are far above, out of his sight' (Ps. 10:5).
J. "Not only so, but he overcomes his enemies, for it is said, 'As for all his enemies, he farts at them' (Ps. 10:5)."
K. There is no contradiction. The one [Isaac] addresses one's own private matters [in which case one should not contend with the wicked], but the other speaks of matters having to do with Heaven [in which case one should contend with them].
L. And if you wish, I shall propose that both parties speak of matters having to do with Heaven. There is, nonetheless, no contradiction. The one [Isaac] speaks of a wicked person on whom the hour shines, the other of a wicked person on whom the hour does not shine.
M. And if you wish, I shall propose that both parties speak of a wicked person on whom the hour shines, and there still is no contradiction.
N. The one [Yohanan, who says the righteous may contend with the wicked] speaks of a completely righteous person, the other [Isaac] speaks of someone who is not completely righteous.
O. For R. Huna said, "What is the meaning of this verse of Scripture: 'Why do you look, when they deal treacherously, and hold your peace, when the wicked swallows up the man that is more righteous than he' (Hab. 1:13)?
P. "Now can a wicked person swallow up a righteous one?
Q. "And lo, it is written, 'The Lord will not leave him in his hand' (Ps. 37:33). And it is further written, 'No mischief shall befall the righteous' (Prov. 12:21).
R. "The fact therefore is that he may swallow up someone who is more righteous than he, but he cannot swallow up a completely righteous man."
S. And if you wish, I shall propose that, when the hour shines for him, the situation is different.

LXIV.

A. And R. Yohanan said in the name of R. Simeon b. Yohai, "Beneath anyone who establishes a regular place for praying do that person's enemies fall.
B. "For it is said, 'And I will appoint a place for my people Israel, and I will plant them, that they may dwell in their own place and be disquieted no more, neither shall the children of wickedness afflict them any more as at the first' (2 Sam. 7:10)."
C. R. Huna pointed to a contradiction between two verses of Scripture: "It is written, 'To afflict them,' and elsewhere, 'To exterminate them' (1 Chron. 17:9).
D. "To begin with, merely to afflict them, but, at the end, to exterminate them."

LXV.

A. And R. Yohanan said in the name of R. Simeon b. Yohai, "Greater is personal service to Torah than learning in Torah [so doing favors for a sage is of greater value than studying with him].
B. "For it is said, 'Here is Elisha, the son of Shaphat, who poured water on the hands of Elijah' (2 Kings 3:11).
C. "It is not said, 'who learned' but 'who poured water.'
D. "This teaches that greater is service to Torah than learning in Torah."

It is not difficult to pick up the main beams of the foregoing construction, since they are signified by Yohanan-Simeon sayings, LIX.A, LX.A, LXI.A, LXII.A, LXIII.A, LXIV.A, LXV.A—seven entries in line. The common theme is not prayer; no other topic is treated in a cogent way either. The sort of inner coherence to which any student of the Bavli is accustomed does not pass before us. Rather we have a collection of wise thoughts on diverse topics, more in the manner of Proverbs than in the style of the great intellects behind the sustained reasoning in passages of the Bavli and much of the Yerushalmi as well.

What is interesting is that, at a later stage, other pertinent materials have been inserted,

for example, Rab's at LIX.C–E, and so on down. There is no reason to imagine that these sayings were made up in response to Yohanan-Simeon's statement. Quite to the contrary, framed in their own terms, the sayings were presumably tacked on at a point at which the large-scale construction of Yohanan-Simeon was worked over for a purpose beyond the one intended by the original compositor. For what he wanted to do he did, which is, compose a collection of Yohanan-Simeon sayings. If he hoped that his original collection would form part of a larger composition on Yohanan, he surely was disappointed. But even if he imagined that he would make up material for compositions of lives and sayings of saints, he cannot have expected his little collection to end up where and how it did, as part of a quite different corpus of writing from one in which a given authority had his say or in which stories were told in some sort of sensible sequence about a particular sage. The type of large-scale composition, for which our imagined compositor did his work, in the end never came into being in the Rabbinic canon.

In the following, still longer example I begin with the passage to which the entire composition, organized in the name of a tradent and a sage, is attached. At B. Ber. 6B/1:1 XLI, we have a statement that a synagogue should have a regular quorum. Then the next passage, 1:1 XLII, makes the secondary point that a person should pray in a regular place—a reasonable amplification of the foregoing. That is, just as there should be a quorum routinely organized in a given location, so should an individual routinely attach himself to a given quorum. This statement is given by Helbo in Huna's name. What follows is a sizable set of sayings by Helbo in Huna's name, all of them on the general theme of prayer but none of them on the specific point at hand. Still more interesting, just as in the foregoing, the passage as a whole was composed so that the Helbo-Huna materials themselves are expanded and enriched with secondary accretions. For instance, at XLIII the base materials are given glosses of a variety of types. All in all, we see what we may call a little tractate in the making. But, as we shall hardly have to repeat, no one in the end created a genre of Rabbinic literature to accommodate the vast collections of available compositions on sages' sayings and doings (B. Ber. 6B.XLI–XLVIII):

XLI.
A. Said R. Yohanan, "When the Holy One, blessed be he, comes to a synagogue and does not find ten present, he forthwith becomes angry.
B. "For it is said, 'Why when I came was there no one there? When I called, there was no answer' (Is. 50:2)."

XLII.
A. Said R. Helbo said R. Huna, "For whoever arranges a regular place for praying, the God of Abraham is a help, and when he dies, they say for him, 'Woe for the humble man, woe for the pious man, one of the disciples of Abraham, our father.'
B. "And how do we know in the case of Abraham, our father, that he arranged a regular place for praying?
C. "For it is written, 'And Abraham got up early in the morning on the place where he had stood' (Gen. 19:27).
D. "'Standing' refers only to praying, for it is said, 'Then Phinehas stood up and prayed' (Ps. 106:30)."
E. Said R. Helbo to R. Huna, "He who leaves the synagogue should not take large steps."
F. Said Abbayye, "That statement applies only when one leaves, but when he enters, it is a religious duty to run [to the synagogue].
G. "For it is said, 'Let us run to know the Lord' (Hos. 6:3)."
H. Said R. Zira, "When in the beginning I saw rabbis running to the lesson on the Sabbath, I thought that the rabbis were profaning the Sabbath. But now that I have heard what R. Tanhum said R. Joshua b. Levi said,
I. "namely, 'A person should always run to take up a matter of law, and even on the Sabbath, as it is said, "They shall walk after the Lord who shall roar like a lion [for he shall roar, and the children shall come hurrying]" (Hos. 11:10),'
J. "I too run."

XLIII.
A. Said R. Zira, "The reward for attending the lesson is on account of running [to hear the lesson, not necessarily on account of what one has learned.]"
B. Said Abbayye, "The reward for attending the periodic public assembly [of rabbis] is on account of the crowding together."
C. Said Raba [to the contrary], "The reward for repeating what one has heard is in reasoning about it."

D. Said R. Papa, "The reward for attending a house of mourning is on account of one's preserving silence there."
E. Said Mar Zutra, "The reward for observing a fast day lies in the acts of charity one performs on that day."
F. Said R. Sheshet, "The reward for delivering a eulogy lies in raising the voice."
G. Said R. Ashi, "The reward for attending a wedding lies in the words [of compliment paid to the bride and groom]."

XLIV.

A. Said R. Huna, "Whoever prays behind the synagogue is called wicked,
B. "as it is said, 'The wicked walk round about' (Ps. 12:9)."
C. Said Abbayye, "That statement applies only in the case of one who does not turn his face toward the synagogue, but if he turns his face toward the synagogue, we have no objection."
D. There was a certain man who would say his prayers behind the synagogue and did not turn his face toward the synagogue. Elijah came by and saw him. He appeared to him in the guise of a Tai Arab.
E. He said to him, "Are you now standing with your back toward your master?" He drew his sword and killed him.
F. One of the rabbis asked R. Bibi bar Abbayye, and some say, R. Bibi asked R. Nahman bar Isaac, "What is the meaning of the verse, 'When vileness is exalted among the sons of men' (Ps. 12:9)?"
G. He said to him, "This refers to matters that are exalted, which people treat with contempt."
H. R. Yohanan and R. Eleazar both say, "When a person falls into need of the help of other people, his face changes color like the kerum, for it is said, 'As the kerum is to be reviled among the sons of men' (Ps. 12:9)."
I. What is the meaning of kerum?
J. When R. Dimi came, he said, "There is a certain bird among the coast towns, called the kerum. When the sun shines, it turns many colors."
K. R. Ammi and R. Assi both say, "[When a person turns to others for support], it is as if he is judged to suffer the penalties of both fire and water.
L. "For it is said, 'When you caused men to ride over our heads, we went through fire and through water' (Ps. 66:12)."

XLV.

A. And R. Helbo said R. Huna said, "A person should always be attentive at the afternoon prayer.
B. "For lo, Elijah was answered only at the afternoon prayer.
C. "For it is said, 'And it came to pass at the time of the offering of the late afternoon offering, that Elijah the prophet came near and said, "Hear me, O Lord, hear me"' (1 Kings 18:36–37)."
D. "Hear me" so fire will come down from heaven.
E. "Hear me" that people not say it is merely witchcraft.
F. R. Yohanan said, "[A person should also be attentive about] the evening prayer.
G. "For it is said, 'Let my prayer be set forth as incense before you, the lifting up of my hands as the evening sacrifice' (Ps. 141:2)."
H. R. Nahman bar Isaac said, "[A person should also be attentive about] the morning prayer.
I. "For it is said, 'O Lord, in the morning you shall hear my voice, in the morning I shall order my prayer to you, and will look forward' (Ps. 5:4)."

XLVI.

A. And R. Helbo said R. Huna said, "Whoever enjoys a marriage banquet and does not felicitate the bridal couple violates five 'voices.'
B. "For it is said, 'The voice of joy and the voice of gladness, the voice of the bridegroom and the voice of the bride, the voice of those who say, "Give thanks to the Lord of hosts"' (Jer. 33:11)."
C. And if he does felicitate the couple, what reward does he get?
D. Said R. Joshua b. Levi, "He acquires the merit of the Torah, which was handed down with five voices.
E. "For it is said, 'And it came to pass on the third day, when it was morning, that there were voices [thus two], and lightnings, and a thick cloud upon the mount, and the voice of a horn, and when the voice of the horn waxed louder, 'Moses spoke and God answered him by a voice' (Exod. 19:16, 19), [thus five voices in all]."
F. Is it so [that there were only five voices]?
G. And lo, it is written, "And all the people saw the voices" (Exod. 20:15). [So this would make seven voices.]
H. These voices came before the giving of the Torah [and do not count].
I. R. Abbahu said, "It is as if the one [who felicitated the bridal couple] offered a thanksgiving offering.
J. "For it is said, 'Even of them that bring thanksgiving offerings into the house of the Lord' (Jer. 33:11)."
K. R. Nahman bar Isaac said, "It is as if he rebuilt one of the ruins of Jerusalem.
L. "For it is said, 'For I will cause the captivity of the land to return as at the first, says the Lord' (Jer. 33:11)."

XLVII.
A. And R. Helbo said R. Huna said, "The words of any person in whom is fear of Heaven are heard.
B. "For it is said, 'The end of the matter, all having been heard: fear God and keep his commandments, for this is the whole man' (Ecc. 12:13)."
C. What is the meaning of the phrase, "For this is the whole man" (Ecc. 12:13)?
D. Said R. Eleazar, "Said the Holy One, blessed be he, 'The entire world has been created only on account of this one.'"
E. R. Abba bar Kahana said, "This one is worth the whole world."
F. Simeon b. Zoma says, "The entire world was created only to accompany this one."

XLVIII.
A. And R. Helbo said R. Huna said, "Whoever knows that his fellow regularly greets him should greet the other first.
B. "For it is said, 'Seek peace and pursue it' (Ps. 34:15).
C. "If he greeted him and the other did not reply, the latter is called a thief.
D. "For it is said, 'It is you who have eaten up the vineyard, the spoil of the poor is in your houses' (Is. 3:14)."

What we noted in connection with the Yohanan-Simeon collection needs no restatement here. The scope and dimensions of the passage prove impressive. Again we must wonder for what sort of composition the framer of the Helbo-Huna collection planned his writing. Whatever it was, it hardly fit the ultimate destination of his work.

Now let us turn to the situation of biographies in the counterpart-foundation writings of Christianity. The comparison with the literary situation of Rabbinic Judaism affords perspective on the facts just now surveyed. For the difference is documentary: the very character of the writing-down of the religious systems and structures contains within itself a theological statement.

Comparison and Contrast—The Gospels and the Mishnah, The Church Fathers and the Talmud

If Christianity were written down in the way in which Judaism is, what should we know about Christianity, and how should we know it? In order for New Testament scholars to find out what they need to know about the Rabbinic literature in order to use it for New Testament studies, they require a clear picture of the character of the Rabbinic literature. What better way to provide such a picture than to translate "Judaic" into "Christian"? As a kind of bilingual interpreter, I mean to give a picture of the kind of evidence scholars of earliest Christianity would face, if the New Testament and Patristic writings were truly comparable to the Mishnah and Rabbinic literature.

What I wish to do is to paint a picture of our problem in studying early Christianity, if the sources of early Christianity had reached us in the way, and in the condition, in which those of early Rabbinic Judaism come down to us. That is to say, what should we know, and how should we know it, if the records of early Christianity were like the Rabbinic literature of late antiquity?

(1) What could we know, if all the literature of early Christianity had reached us in a fully homogenized and intellectually seamless form? Not only the New Testament, but all the works of the church fathers, from Justin to Augustine, now would be represented as expressions of one communal mind, dismembered and built into a single harmonious logical structure on various themes. True, they would be shown constantly to disagree with one another. But the range of permissible disagreement would define a vast area of consensus on all basic matters, so that a superficial contentiousness would convey something quite different: one mind on most things, beginning to end. The names of the fathers would be attached to some of their utterances. But all would have gone through a second medium of tradents and redactors—the editors of the compendium (the Patristic Talmud, so to speak, and these editors picked and chose what they wanted of Justin, and what of Origen, what of Tertullian, and what of Augustine, in line with what the editors themselves found interesting. In the end, the picture of the first six centuries of early Christianity would be the creation of people of the sixth century, out of the shards and remnants of people of the first five. Our work then would be to uncover what happened before the end

through studying a document which portrays a timeless world.

Not only would the document be so framed as implicitly to deny historical development of ideas, but the framers also would gloss over diverse and contradictory sources of thought. I do not mean only that Justin, Irenaeus, and Tertullian would be presented as individual authors in a single, timeless continuum. I mean that all Gnostic and Catholic sources would be broken up into sense-units and their fragments rearranged in a structure presented as representative of a single Christianity, with a single, unitary theology. This synthesized ecumenical body of Christian thought would be constructed so as to set out judgments on the principal theological topics of the day, and these judgments would have been accepted as normative from that day to this. So the first thing we must try to imagine is a Christianity which reaches us fully harmonized and whole—a Christianity of Nicaea and Chalcedon, but not of Arians, Nestorians, monophysites and the rest, so there is no distinctive Justin nor Augustine, no Irenaeus and no Gnostics, and surely no Nag Hammadi, but all are one "in Christ Jesus," so to speak.

(2) Let me emphasize that this would be not merely a matter of early Christian literature's reaching us without the names of the authors of its individual documents. The thing we must try to imagine is that there would be no individual documents at all. Everything would have gone through a process of formation and redaction which obliterated the marks of individuality. Just as the theology would be one, so would the form and style of the documents which preserved it. Indeed, what would be striking about this picture of Christianity would be not that the tractate of Mark lacks the name of Mark, but that all of the tractates of the Gospels would be written in precisely the same style and resort to exactly the same rhetorical and redactional devices. Stylistic unity so pervasive as to eliminate all traces of individual authorship, even of most preserved sayings, would now characterize the writings of the first Christians. The sarcasm of Irenaeus, the majesty of Augustine, and the exegetical ingenuity of Origen, the lucid historicism of Aphrahat—all are homogenized. Everyone talks in the same way about the same things—one uniform rhetoric, a single topical agendum serves nearly everybody.

(3) And now to come to a principal task of the study of early Christianity: what should we know about Jesus, and how should we know it, if sayings assigned to Jesus in one book were given to Paul in a second, to John in a third, and to "They said," or, "He said to them," in a fourth. Can we imagine trying to discover the historical Jesus on this turf? If even the provenance of a saying could not be established on the basis of all those to whom it is attributed, if, often, even a single *Vorlage* and *Urtext* could not be postulated? Then what sort of work on the biography and thought of any of the early figures of Christianity would be credible?

(4) This brings me to the most difficult act of imagination which I must ask readers to perform: a supererogatory work of social imagination. Can we imagine a corner of the modern world in which this state of interpretation—of total confusion, of harmonies, homologies, homogenies, is not found confusing but reassuring? Can we mentally conjure up a social setting for learning in which differentiation is avoided and credulity rewarded? in which analysis is heresy, dismissed as worthless or attacked as "full of mistakes"? Can we conceive of a world in which repetition, in one's own words, of what the sources say is labeled scholarship, and anthologizing is labeled learning? In New Testament scholarship, we must imagine, the principal task now is to write harmonies of the Gospels, and, in Patristic studies, to align the Catholic with the Gnostic, the second century with the fifth, the Arian and the Athanasian, monophysite and Nestorian.[6] In a word, we speak of a world in which the Diatesseron is the last word in scholarship, and in which contentiousness about trivial things masks a firm and iron consensus. In this imagined world, scholars further hold that all the sources are historical, and merely alluding to them suffices to establish facts of history.

If readers can envision such a state of affairs, then we have entered the world of

sources and scholarly orthodoxies confronted by us who study the ancient Judaism emergent from the Rabbinic literature. And, it follows, scholars of New Testament history and exegesis will grasp the fact that Rabbinic literature is simply not homologous to the writings on which they work and cannot be used in anything like the same way. Not only so, but that literature deals with different types of problems and answers altogether different questions, with the result that we cannot present to Rabbinic literature questions deemed appropriate for address to another kind of writing altogether. A life of Jesus or of Augustine is plausible; a life of Aqiba or Hillel is not. An account of the intellectual biography of Paul and his theology is entirely a propos, the sources answering precisely the questions that are asked. A counterpart picture of Judah the Patriarch, who wrote up the Mishnah, or of Rabbah, Abbayye or Raba, the greatest geniuses of the Talmud, is not. Then to use one type of writing to address questions appropriate to another type of writing is surely a dubious operation. Or—it would be, if it were not entirely routine, as the entries on sages in the *Jewish Encyclopaedia* show.

(1) I can spell out matters now very simply and very rapidly. First, as to the axioms of scholarship, all the Rabbinic sources are treated as representatives of a single, seamless world view and as expressions of a single, essentially united group, either the views as a whole, or, among the enlightened, *the* rabbis as a group. While some more critical souls concede there may have been distinctions between the first century rabbis' thought and that of the fourth, the distinctions make no material difference in accounts of "the rabbis" and their thought. Whether anthologies or anthological essays (Moore, Montefiore and Loewe, Bonsirven, Urbach), *the* rabbis are represented in their views on God, world, and redemption, as though all rabbis for seven hundred ears had the same thing to say as all others.

Now this representation of *the* rabbis is subject to an important, commonplace qualification. Everyone knows that the Talmuds abound in the recognition of differences between the teachings of different rabbis in different periods on different points in discussions of which traditions or source was followed by the proponent of this or that opinion. But the recorded differences are about particular, trivial points. The Talmudic discussion, moreover, is directed normally towards reconciling them. What is particularly lacking in available accounts of "the Rabbinic mind" is, first, recognition and delineation of different general positions or basic attitudes, of the characteristic make-up, and backgrounds of different schools; second, what is lacking is anything like adequate reporting of the change of teachings over the course of time and in relation to historical changes. Obviously, there is plenty of speculation on how an individual or group reacted to a particular historical situation or event. But these random speculations are unsystematic and appear to be made up for the occasion. So these apparent exceptions to what I say have to be recognized—because they prove the accuracy of my description of the prevailing consensus that governed until the final quarter of the twentieth century.

(2) Second, as to the sources, the documents of earlier Rabbinic Judaism exhibit an internally uniform quality of style. So the scholars who represent a seamless world accurately replicate the literary traits of the sources of the portrait. It is exceedingly difficult to differentiate on formal or stylistic grounds among the layers of the Mishnah, which is the document of Rabbinic Judaism first brought to redaction. The two Talmuds then so lay matters out as to represent themselves as the logical continuity from the Mishnah. They do so by breaking up the Mishnah into minute units and then commenting on those discrete units of thought. Consequently, the Mishnah as a document, a document which presents its own world view and its own social system, is not preserved and confronted. Nor do the Talmuds present themselves as successive layers, built upon, but essentially distinct from the Mishnah. Rather, the Talmuds aim at completely harmonizing their own materials both with the Mishnah and among themselves, despite the self-evidently contradictory character of the materials. Once more we observe, there are limits to disagreement. The continuing

contentiousness of the documents, their preservation of diverse viewpoints on single issues, underline the rigidly protected limits of permissible disagreement. Intense disagreement about trivialities powerfully reinforces basic unities and harmonies. The fact that, out there, were Jews who decorated synagogues in ways the Talmuds cannot have led us to anticipate, is mentioned only in passing, as if it is of no weight or concern. What matters to this literature is not how the Jews lived, nor even how they worshipped, but only the discussions of the Rabbinic schools and courts. What the documents say is what we are supposed to think, within the range of allowed difference. Consequently, the intellectually unitary character of the sources is powerfully reinforced by the total success of the framers and redactors of the sources in securing stylistic unity within documents and in some measure even among them.

(3) These facts have not prevented scholars from writing about history and biography, upon the basis of the unanalyzed and unchallenged allegations of the Rabbinic sources. Just as people had arguments about what Jesus really said and did before the rise of form-criticism, so the rage and secure contentiousness of scholars in this field mask the uncertainty of their entire structure. It is as if, as in the Talmuds themselves, by arguing on essentially minor points, the colleagues may avoid paying attention to the epistemological abyss beneath them all. Instead of analysis and argument, dogma took over. There were two: [1] "believe unless you have to doubt," and, by way of settling all doubts, [2] "Would our holy rabbis lie?"—there being no substantive difference between the two theological dogmas). The one was promulgated at the Hebrew University of Jerusalem, the other at Bar Ilan University, the one under secular, the other under Orthodox, auspices. There is no difference between them.

So there are agreed-upon solutions to the problems of diverse authorities behind the same saying and amplification and variation of details in a single story. These commonly lead to very felicitous conclusions. If the same saying is in three mouths, it is because they agreed to say it. True, "we cannot be sure that they were not talking simultaneously in different places (thanks to the holy spirit)." Or, if there are three versions of essentially the same story, like the Sermon on the Mount and the Sermon on the Plain, it is because, in the wonderful ways of Providence, it happened two times. Every time the text says, "One time," that was, indeed, one event.

(4) Finally, as I have already hinted, these serendipitous facts, these happy agreements, these assured and unquestioned results of a hundred years of critical scholarship following upon fifteen hundred years of uncritical scholarship that produced the same results, enjoy the powerful support of the three great communities which read the Rabbinic literature at all. I mean, Orthodox Jews in Yeshivas, scholarly Jews in Rabbinic seminaries and Israeli universities, and the generality of Christian scholars of the New Testament. To the Orthodox, the Rabbinic sources are part of the whole Torah of Moses our rabbi, the revealed word of God. For them, "our holy rabbis" cannot deceive. To the scholars in American and European Rabbinic schools and Institutes of Judaic Studies and Israeli universities, the critical program of scholarship on early Christianity is perceived from a distance. In their books and articles they settle complex questions of literary analysis and historical epistemology with an array of two assumptions, three logical arguments, and four "probative" examples. They do not perceive the immense, detailed work which stands, for example, behind debates on Q and the Synoptic problem. Indeed, the work of analysis of sources bores them. Whether work is original or dull, the bulk of it simply dismisses as settled, questions that would be deemed urgent in biblical and patristic literature and in the history of early Christianity. As to the New Testament scholars, their view is that things go better when we read Rabbinic literature as a set of facts that speak for themselves rather than as complex problems requiring solutions. For them, the Rabbinic literature as it stands, unanalyzed and uncriticized, tells us all about Jerusalem and Galilee in the time of Jesus. Or, to put

matters in a more theological way, in Gospels' research, salvation is of the Jews.

JACOB NEUSNER

NOTES

[1] I originally addressed the problem of Rabbinic biography in these works, after which I dismissed the possibility of a critical-historical "life" of any Rabbinic sage of antiquity: *A Life of Yohanan ben Zakkai* (Leiden, 1962; awarded the Abraham Berliner Prize in Jewish History, Jewish Theological Seminary of America. Second edition, completely revised, 1970 (translated into French, Italian, and Japanese); *Development of a Legend. Studies on the Traditions Concerning Yohanan ben Zakkai* (Leiden, 1970); *The Rabbinic Traditions about the Pharisees before 70* (Leiden, 1971, second printing: Atlanta, 1999), 3 vols.; *Eliezer ben Hyrcanus. The Tradition and the Man* (Leiden, 1973), 2 vols. After my *Eliezer ben Hyrcanus*, so far as I know, not a single biography of a rabbi was written in any Western language or—more significantly—accepted for a dissertation in any Western university. The Israeli academic journals—*Tarbiz*, *Zion*, *Sinai*, for example—have continued to publish articles on Rabbinic personalities and characters, their philosophy and legal theory and the like, but, significantly, none of this is now translated into English. I should claim responsibility, therefore, for ending research in Rabbinic biography, which, in the conventional framework, I showed to be uncritical. Monographs that argue in favor of the authenticity of attributions of sayings to particular rabbis have not been succeeded by "lives" of those same rabbis, which confirms the utter collapse of biography as a significant episteme for Rabbinic Judaism.

[2] In this context, see my *Why No Gospels in Talmudic Judaism?* (Atlanta, 1988).

[3] I amplify these matters in *The Presence of the Past, the Pastness of the Present. History, Time, and Paradigm in Rabbinic Judaism* (Bethesda, 1996).

[4] I use the word "gospel" with a small G as equivalent to "didactic life of a holy man, portraying the faith." Obviously, the Christian usage, with a capital G, must maintain that there can be a Gospel only about Jesus Christ. Claims of uniqueness are, of course, not subject to public discourse. In the present context, I could as well have referred to lives of saints, since Judaism of the dual Torah produced neither a gospel about a central figure nor lives of saints. Given the centrality of Moses "our rabbi," for example, we should have anticipated a "Gospel of Moses" parallel to the Gospels of Jesus Christ, and, lacking that, at least a "life of Aqiba," scholar, saint, martyr, parallel to the lives of various saints. We also have no autobiographies of any kind, beyond some "I"-stories, which themselves seem to me uncommon.

[5] I compared Bavli and Yerushalmi tractates Sukkah, Sanhedrin, and Sotah, showing the proportion of what I call Scripture-units of thought to Mishnah-units of thought. See my *Judaism. The Classic Statement. The Evidence of the Bavli* (Chicago, 1986).

[6] I wrote this in 1979 and could not foresee that E.P. Sanders would present precisely such a picture of a single, homogeneous Judaism, joining the Judaic counterpart of monophysites and Nestorians into a single conflation. Sanders exhibits an infirm grasp of the entire critical agenda in the study of the Judaic sources, as an examination of his presentation of them in his *Judaism* and in his *Jewish Law from Jesus to the Mishnah* shows. My reply to him is in *Judaic Law from Jesus to the Mishnah. A Systematic Reply to Professor E.P. Sanders* (Atlanta, 1993). To my knowledge Sanders did not respond in public to my reply.

Biology and the Law of Judaism

CONTRARY to the statements of scholars in the field of history of biology or its special disciplines, Judaism requires deep biological knowledge from its followers. The Israelite Scriptures, however, were not composed as textbooks of biology. They are theological documents, written and edited to convey certain theological messages. Thus, the wisdom of the authors of the Torah concerning biological concepts can be deducted only indirectly from passages in which biological concepts are transmitted and from a comparison of these texts with the mainstream development of the science of biology. The high degree of advanced biological knowledge can be seen in the outlined examples, derived from Scripture and later Judaic sources.

THE SEQUENCE OF THE EGYPTIAN PLAGUES

The background story is well known: Moses desperately wanted to free his people from

Egyptian bondage. To persuade the ruler of Egypt, adhering to God's command, Moses announced a series of plagues that would occur if the request was not granted. The sequence of the plagues was as follows: (1) The turning to blood of the Nile; (2) The plague of frogs; (3) The plague of gnats on man and beasts; (4) The plague of flies; (5) The plague of the cattle diseases; (6) The plague of boils; (7) The plague of hail; (8) The plague of locusts; (9) The plague of darkness; (10) The death of the firstborn children.

Without ignoring the fact that this is primarily a theological text with a specific message concerning God's power and glory, it has certain intriguing features that may give it a deeper dimension: the order of the plagues and the role of the Egyptian magicians in the story. Of the ten plagues, seven, 1–6 and 8, are "biological." From a theological point of view, the order of the plagues would not matter. The message is always clear: Moses and Aaron were able to predict the disasters, but the Pharaoh did not give in until the last and worst of the plagues actually took place. There would be no theological need for a certain order, except that the worst plague, the death of the firstborn, would have to be at the end.

The order in which the plagues are recorded, however, does make biological sense. It describes the exact sequence of events expected when ponds or lakes and even a slow flowing river are disturbed in their nutrient and oxygen balance. Until the building of the Aswan Dam in the 1960s, the ecology of Egypt's main territory of settlement, the Nile delta, was governed by the annual rhythm of the rising and falling of the Nile's water levels. With our present knowledge of limnology, we are able to imagine scenarios in which deviations from this rhythm would inevitably lead to a disturbance of the nutrient and finally of the oxygen balance of the Nile water. Even more important, the balance in the numerous lakes, ponds, and the ground water would be affected as well. The first step would be an enhanced supply of minerals, a situation in which certain reddish algae would grow very fast. These algae grow on the surface of the water, and when the supply of nutrients is depleted they stop growing. At this point their autolysis and degradation by micro-organisms sets in. Since the algae concentrate at the surface of the water, the mineralization of their biomass leads to a quick complete depletion of oxygen in the water. It turns anoxic, becomes foul, and smells due to the formation of reduced organic sulphur compounds. The fish in these waters lack oxygen for breathing and die. An ecologically experienced person would certainly be able to predict such a development, i.e., the algal bloom, by observing the rise of the Nile and the concomitant changes in the ponds and lakes of the Nile delta. It is therefore not surprising that the Egyptian magicians could predict this event too, thus hardening the heart of the Pharaoh.

If such an anoxic episode in a certain body of water becomes severe, even the frogs will leave these waters and migrate to the land, in this case to the villages of the Egyptian peasants. Since the frogs cannot survive in the hot air and low humidity during the day, they will die quite fast, producing millions of dead bodies, adding to the foul smell. Since this is predictable with a certain amount of basic ecological knowledge, it is once again not surprising that the Egyptian magicians were able to foresee this development (Exod. 8:7). When the frogs leave the water and die, the most important natural enemies of insects, which lay their eggs and spend their larval stadium in shallow waters, are gone. Thus, the larvae of flies, mosquitoes, and gnats can develop in large quantities, and after they leave the water the land becomes flooded with them. So, with today's knowledge, it is not surprising that different waves of flying insects plagued the country (plagues 3 and 4). Since all these insects sting cattle or man, or even both, they can transmit skin and other diseases (plagues 5 and 6).

It is surprising, however, that the magicians were not able to follow the sequence further at this point and so predict future events. They were so taken by surprise by the insect plague that they urged the Pharaoh to give in, stating: *"This is the finger of God."* After the magicians' failure to comprehend the situation, they no longer inter-

fered with the actions of Moses and Aaron. Obviously, their ecological background was not as developed as Moses' and therefore did not allow them to cope with the subsequent predictions of Moses and Aaron.

The last plague with an ecological background is the invasion of the locusts. A person with ecological insight could again have predicted this after the first two plagues. If the water of the Nile turns so poisonous that the fish die and the frogs leave the ponds and lakes, the birds will also suffer greatly, especially the bigger species that prey on fish and frogs. They will either leave the region or die from the poisonous diet, which transmits botulism. This means that the area will be deserted by herons, storks, and ibises. Thus, the most powerful biological control agents of locusts, the big wading birds, would be absent when a locust invasion occurred. The ibis species are especially effective in controlling this plague and are idolized for this ability in ancient Egypt. Any locust invasion, which occurred in Egypt on a fairly regular base, would thus be a much bigger disaster in the absence of these birds than in their presence.

The question is why the authors of Scripture chose to arrange the Egyptian plagues in the mentioned order. The chance that this sequence was random is very low. The probability that any order of seven events is not given by chance is $1/7! = 1/5040 = 0.002$. In biometrics, a probability of the alternative lower than 0.05 is considered evidence that the hypothesis is not falsified, that is, that it is valid. On the other hand, there would be no theological reason against a change in the sequence of events. The basic theological message of this pericope—God leads the Israelites out of Egyptian bondage by forcing the Pharaoh to release them by means of the plagues—does not depend on the order of events. In the Apocalypse of St. John 16, the seven plagues of wrath are listed in an order that does not make any ecological sense at all: (1) Boils on humans; (2) The sea turns to blood; (3) Streams and springs of water turn to blood; (4) The overheated sun turns the land to a desert; (5) Darkness; (6) The Euphrates runs dry, followed by an invasion of frogs; (7) Earthquake. Although exegetes agree that these plagues have their counterpart in the Egyptian ones, nothing here indicates an understanding of ecology. God has the power to do anything he wants and is not required to adhere to ecological or other rules. Thus the fact that the sequence of Egyptian plagues would be expected by a person with training in ecology seems important. It is the first precise description of such a sequence of events in world literature. In the ecological literature such events were not dealt with again until some 2,400 years later.

The Earliest Report of a Deliberate Botanical Experiment

One way to facilitate observance of the Sabbath and festivals was creation of an *Eruv hatserot*, which permitted neighbors better social communication by allowing free movement and carrying between the areas of the two adjacent households. A food item that posed a problem for the blessing recited when the *eruv* was created was the fruit of the dodder (*Cuscuta spec.*). Dodder is a parasitic plant that grows on a host with threads that have no contact to the soil. In the spring, it can be found on a variety of host plants, including all kinds of shrubs. The fruit stands of the dodder were considered a food and, in case of need, one handful was sufficient for two meals (B. Erub. 28b). Since any food was likely to be used in the *Eruv*-ceremony, dodder could be also used for this purpose. The question was, which blessing was the correct one for dodder. According to B. Erub. 28b, two possibilities existed, the general blessing ("Everything is created by his word") and or the blessing for fruits of the soil ("He who creates the fruit of the soil"). For determine which blessing was correct, people had to know the origin of this plant, that is, whether it was a fruit of the soil or whether it obtained nourishment elsewhere. Translated into the language of modern biology, the question was whether it was an epiphyte (which uses the host plant as a mechanical support only, without receiving nutrient from it) or a true parasite. The Talmud reports that when the the host plant was cut, the dodder died too.

From this it was possible to conclude that the dodder, although not being directly connected to the soil, is indeed a fruit of the soil and consequently the correct blessing could be chosen. The Talmud thus reports a typical scientific experiment, and, by proceeding in this manner, the sages were more than one millennium ahead of mainstream biology.

The Right Way to Grow Plants in Pots

Due to the high respect that the Dual Torah pays to any type of life, it was forbidden on the Sabbath to remove anything from its base of growth. At B. Shab. 107b and 108a, several examples of this type of offence are given. Among these, one precept is very interesting with regard to the development of biological concepts: A person picking plant in a planting pot with holes is guilty of a Sabbath offence; a person picking a plant in a planting pot without holes is not guilty. The reason is that the latter does not count as natural growth, while the first does (B. Shab. 107b). A more detailed analysis of the pericope reveals two things. First, it shows that in the talmudic times, plants used for food were grown in pots. This displays a high level of gardening techniques, which were unique in the antique world. The passage also shows that the Israelites knew that in order to grow plants in pots, it is necessary for the pots to have at least one hole in the bottom, through which excess water may drain. If the pot has no hole, the contents might get waterlogged, preventing oxygen from passing through the soil and, over a period of time, preventing the plant from growing well. The sages termed this type of growth non-natural, and allowed picking such plants on the Sabbath. This corresponds exactly to the opinion held by every biologist and gardener on this subject today.

Nourishment of Fungi

"Abayye said: 'The one who tears a mushroom from the edge of a bucket is guilty, because he tears a matter away from its base of growth.'" (B. Shab. 108a). The basic facts behind this statement are clear to any biologist: in the rather warm climate of Israel, fungi grow fairly quickly on wood, especially if they are at times in contact with water, supplying the moisture necessary for growth. The obvious thing for the owner of such a bucket to do was quickly to remove the fruiting body of a fungus in order to avoid the messy spores discharged by the fungi and to delay the process of deterioration. Such an action, however, was not allowed on the Sabbath because the fruiting body was torn away from its basis of growth.

How difficult it was for scientists to understand that fungi receive nourishment from wood can be seen from the development of the concept that fungi degrade wood in the history of forest pathology,[1] which started in nineteenth century Germany. At the beginning of the nineteenth century, German science, including plant and forest pathology, was dominated by romantic natural philosophy, which had developed as a reaction to Enlightenment and the French Revolution and tried to exclude rational experiments and understanding from science. The rotting of wood, either living or dead, was at this time considered to be a completely natural event that occurs spontaneously. German forest pathologists adhered quite closely to Justus von Liebig, who saw the cause for decay in the "ability which a chemical substance possesses, when in the process of decomposition or combination, to cause or enable another substance which is touching it to undergo the same change which it itself is undergoing." Rotting of wood caused by fungi was considered to be a special example of this principle, which he considered universal in organic chemistry. Liebig was such a powerful figure in German science that he influenced by his sheer prestige a number of lesser scientists. Because of his authority, the controversy over spontaneous generation was extended for another generation.[2] Liebig's view was challenged only by Pasteur in his papers on fermentation. These very conclusive studies, however, were only very reluctantly accepted in Germany, especially by Liebig.

This is another example that shows how carefully the Jews thought about nature. The question whether or not they are allowed to tear a fungal fruiting body away from the edge of a bucket forced them to spend time thinking about where the fungus received nutrients. They derived the right conclusions some 1,400 years before mainstream Western Science.

Human Reproduction and Embryology

The questions "how do humans reproduce?" and "when does human life start?" are extremely important not only for human curiosity but also for the life of the community. It makes a huge difference to a society whether both parents contribute equally to the newly born child or whether one parent dominates; the point at which human life starts is also extremely important when it comes to questions like abortion or modern biotechnology.

Looking at human embryogenesis with the eyes of a developmental biologist, we see a continuous development from a fertilized egg to a fully developed baby. The question is at what point we consider the developing embryo to be a human being, and the answer to this question cannot be drawn from biological facts. On the one hand, one might argue from the perspective of biology of human reproduction that a fertilized egg cell may not be a good candidate to be considered a human being, since it might be duplicated in its early development so that monozygotic twins, which will definitely be two separate human beings, will develop. In addition, the chance that a fertilized egg will actually develop to an embryo is not really high. About fifty percent of fertilized eggs do not develop to a fetus. On the other hand, the fact that a developing organism is completely dependent on another cannot be seriously taken as an argument to deny it any identity. The situation of an embryo developing in the uterus, completely nourished by its mother, is similar to numerous cases of parasitic and symbiotic relations, in which the different partners are considered autonomous individual entities.

So the answer to the question of when human life starts during the development of a fertilized egg must be given on a basis other than simple biology. It has much more to do with the value human life has in a given society. In the Hebrew Bible, the question at which time after conception life begins is not an important issue. Pregnancy and the premature death of an embryo due to a miscarriage is only dealt with in terms of compensation for damages: (Exod. 21: 22–25). This passage does not make any statements about the time at which the developing embryo is considered a human being. That question was first dealt with in the Talmud. As usual, the matter was not brought up as such but in connection with an apparently very remote problem. In B. Yeb. 69b, different cases are listed with regard to the right of a priest's daughter to eat heave-offering, the priests' share of agricultural produce. This privilege was accorded only to an unmarried daughter of a priest or a widowed daughter who had no children. What about the daughter of a priest widowed shortly after marriage with an Israelite? On the one side, the widow might be pregnant; on the other side, she would be deprived of her right to food if she was not pregnant. Hisda argued that if the widow was not pregnant, there would be no impediment to her partaking of heave-offering. If she was pregnant, the embryo was considered to be "mere water" until after the fortieth day of pregnancy. So she was allowed to continue to eat heave-offering for at least forty full days after her wedding. Hisda's ruling implies that the fetal development within the initial forty days of gestation was insufficient to warrant independent status of the embryo. This view is also taken at B. Nid. 30a, which declares that a fetus aborted less than forty days following cohabitation does not engender the impurity connected with the birth of a child as stated by Lev. 12:2–5. Furthermore, in the opinion of many authorities, a fetus cannot be considered a human with its own rights prior to the fortieth day of gestation.[3]

At M. Nid. 3:7, there is a very surprising discussion (translation: Jacob Neusner):

> A. She who miscarries on the fortieth day does not take account of the possibility that it is a human fetus.

B. [If this takes place] on the forty-first day [after intercourse], let her sit [out the days of uncleanness] for a male, for a female, and for menstruation.
C. R. Ishmael says, "[If it takes place] on the forty-first day, let her sit [out the days of uncleanness] for the male and for menstruation.
D. "If it takes place on the eighty-first day, let her sit [out the days of uncleanness] for male, for female, and for menstruation.
E. "for the male is completed on the fortieth day, and the female on the eighty first."
F. And sages say, "All the same is the process of the formation of the male and female—both are completed on the forty-first day."

The concept that a male embryo is completed after forty days of gestation and a female embryo is completed only forty days later is clearly Aristotelian (His. Anim. VII, 3). Although Aristotle's view was brought up by a prominent sage, the majority of the rabbis obviously did not agree with him. The high degree of biological knowledge from which the sages refuted Aristotle's view becomes more clear from the pertinent discussion of this issue at B. Nid. 30b. First the sages discuss an "experiment" supposedly conducted at Queen Cleopatra's court to prove the point Aristotle had made. Female slaves who were sentenced to death were first treated with an abortive concoction, so that any fetus from a current pregnancy would be lost. They were then forced to mate with male slaves and killed a certain number of days after this forced conception. From the outcome of this experiment, it was concluded that male fetuses indeed were visible forty days after conception and female fetuses not before eighty days. For Ishmael, this "proof " was so convincing that he tried to introduce the Aristotelian concept of human development into the Oral Law. In the discussion recorded in the Babylonian Talmud, however, Ishmael and, with him, Aristotle were ridiculed. The sages blatantly declared that the proof he brought up for his view was simply a "proof of fools." To underline their point, they carefully analyzed the "experiment" quoted above and came up with all the arguments a modern scientist would have against the design of this experiment: first, the abortive concoction might not have worked, and, second, the female slave who carried a girl might have been fertilized forty days after the first forced mating (which might not have been successfull) by a watchman (i.e., against the protocol of this "experiment" and in a way that the people who carried out the "study" could not notice). So, rightly, the sages came to the conclusion that even such an experiment cannot be taken as evidence against the view that male and female embryos develop with the same speed.

From these statements of the Talmud, it can be concluded that a certain knowledge of human embryogenesis was available to the sages of the Talmud. Only an embryo that was more than 10 mm. long, tits size after forty days, was recognized as a human being in its own right; smaller embryos were probably not detected. It is not very clear from the talmudic texts how the sages actually attained that knowledge. However, this is also not clear from the writings of Aristotle. In his *Historia animalium* he simply states the facts without giving any information concerning the way he obtained this knowledge (His. Anim. VII, 3).

The fact that the issue of human ontogeny was discussed sincerely and eruditely in the Talmud once again shows the high standard of independence and scientific concepts of the sages. They did not simply adopt a view brought up by no one less than Aristotle, but even challenged a supposed experiment. To really appreciate the boldness of this talmudic passage, we should imagine a group of contemporary theologians discussing important results of a scientific hero of our time and rightly concluding that the controls in his or her experiments were not valid and, thus, that the whole experiment was meaningless.

Who Contributes to the Child: Father, Mother, or Both?

The Talmud makes a very clear statement concerning the contribution of the two parents to the developing child (B. Nid. 31a):

> Three parties participate in the (creation of a) human: The holy one, blessed be he, his

> father, and his mother. His father sows the white in him, from which the bones, the sinews, the nails, the brain in his head and the white of his eyes develop. His mother sows the red in him, from which the skin, the flesh, the hair and the black in the eyes develop. And the holy one, blessed be he, donates him spirit and soul, the form of the face, the vision of the eyes, the hearing of the ears, the speaking of the mouth, the walking of the feet, knowledge, judgement, and understanding. When the time comes to for man to part from this world, the holy one, blessed be he, takes his part and leaves him the parts man got from his father and his mother.

This pericope indicates that the sages had a concept of human reproduction very much different from any of the concepts put forward by the pre-Aristotelian Greek philosophers and Aristotle himself. In principle, the pre-Aristotelian philosophers had three different theories: the preformistic view—the body is preformed in the seed (mainly male semen) and nourished by the womb of the female; the theory that there is a competition between the seeds of the two parents; and the idea that both parents contribute in an unspecified way. Aristotle approached the problem philosophically and on the basis of his concept of form and matter. According to him, the male seed initiates the development of the embryo by transferring form and movement to the female matter. Under the influence of the male developmental program, the material of the female womb starts to produce the embryo in such a way that the male seed still determines the form developing from the female material. Aristotle compares this process to the production of a chair by a carpenter. The idea of a chair, which exists in an immaterial form in the carpenter's brain, is transferred, via the hands of the craftsman, to the wood, which is then transformed into the final product. In Aristotle's view, the only female contribution to embryogenesis is the crude undifferentiated material from which the master program of the male semen forms the new human being. The new human was perfect if the program of the male seed was transferred to the fetus completely, i.e., if the baby was a male. An imperfect transfer of the developmental program of the male seed resulted in a female baby.

Aristotle's view was taken up by Thomas Aquinas, who, in the thirteenth century, declared women to be imperfect beings with deficiencies, accidentally made and thus deformed men (I, qu. 92, a.3.). He stated that a man has a more perfect intellect and is stronger in his virtues (*ratione perfectior et virtute fortior*, C. Gent. III. 123). Thus, the view on human embryogenesis and the contribution of the different parents to the fetus held by the most influential Hellenistic natural philosopher, Aristotle, became the ideological basis for discrimination against women in our civilization.

The women of ancient Israel were held in much higher esteem than in the surrounding countries,[4] and during the first centuries C.E., for instance, had more civil rights than women in Germany until 1918. This certainly has its roots in the better biological knowledge of the ancient Israelites.

The Concept of Biological Species in the Dual Torah

The degree of the Mishnaic rabbis' knowledge of species is evident in an analysis of Tractate Kilayim, a commentary on Lev. 19:19 (= Deut. 22:9–11): "You shall not let your cattle breed with a different kind; you shall not sow your field with two kinds of seed." The sages saw several problems connected with this precept. When was a field to be considered sown with diverse kinds of seed? Which crop plants could be sown together without violating the precept? Which variants of animals were allowed to be crossbred?

The first problem was not as easy to solve as it would appear today with our system of intense agriculture, in which seeds are genetically designed to yield ripe produce exactly on the same day, and fields the size of several acres are tilled with highly sophisticated machinery. In ancient Israel, plots were small, and plants did not produce their crops so synchronously. Thus, at the time of the harvest of a given field there were always plants that had produced fully mature

seeds, some which were already shed, while others were not fully ripe. When a different crop was sown the next year, some plants of the previous year's crop also appeared unavoidably on the field. Therefore, the sages had to make compromises. They came up with a reasonable definition of "different seeds:" only when more than 4% of the additional crop was present in a field was it considered a violation of the law and had to be forfeited (Y. Kil. 2:1). This shows that the sages were setting up rules that were pragmatic and practicable.

To solve the next two problems, the sages had to formulate precise definitions of the species of all agricultural crop plants and animals used for husbandry. Thus, from a biological viewpoint, it is of interest to look at the pertinent mishnaic tractate. Since the sages listed what were to be considered similar species of diverse kinds, they revealed their precise concept of a biological species (M. Kil. 1:1; translation: Irving Mandelbaum):

Different Annual Plants

A. (1) Wheat and tares
B. are not [considered] diverse kinds with one another.
C. (2) Barley and two-rowed barley,
(3) rice wheat and spelt,
(4) a broad bean and a French vetch,
(5) a red grasspea and a grasspea,
(6) and a hyacinth bean and a Nile cowpea,
D. are not [considered] diverse kinds with one another.

The logic of this and the following lists of species is that they make a clear statement concerning the diversity of the species pair within one line and whether they are compatible, i.e., of the same species, or not. Species listed in different lines are always considered to belong to diverse kinds.

The first part deals with cereals, beans, and peas. With regard to cereals, the first pair of species is very surprising, since it deals with two species that were definitely easy to tell apart: wheat and tares (i.e., rye grass, *Lolium temulentum*). Every farmer knew that these were different species; the pertinent discussion at Y. Kil. 1ff. leaves no doubt about this. Wheat was a crop and rye grass was a weed that was never sown intentionally. On the other hand, the seeds of rye grass, although being poisonous for humans, could be used as fodder for pigeons and therefore were a potential crop. So the problem was to decide the status of a field contaminated with more than the allowed portion of rye grass. By deciding against the known biological facts, the sages came up with a reasonable solution. Regardless of how much of this weed was growing in the field, permission was given to harvest and use the crops. In addition, the ruling left the option that, in the case of a high proportion of rye grass in the field, its seeds could be harvested for feeding pigeons. It was a wise move not to increase the burden on a farmer whose fields were already overgrown with weeds, allowing him to use the seeds of the weed at least as a crop for feeding pigeons.

The translation of the second pair of cereals, barley and two-rowed barley, is somewhat controversial and should be translated as (wild) oats.[5] As in the case of rye grass, wild oats could be harvested—this gave the farmers at least a little bit of crop. Thus, the same rationale the sages put forward in the case of wheat and rye grass may have also been applied to tolerating oat in barley fields, where we can expect it to grow in abundance as a weed. Very surprising is that Kilayim differentiates between wheat and spelt, which are of the same genus and thus rather similar. The same is true for several species of beans and peas, where only very few were not considered to be different species.

In M. Kil. 1:2, wild species are paired with their cultivated offspring, which might look different. The sages thus knew about the domestication process of plants to crops and grouped them together in a very logical and biological way. With regard to trees (M. Kil. 1:4), the issue was not whether to plant them in the same field but about grafting, as was stated at Y. Kil. 1. Here the rules are rather strict. Pears can only be grafted with crustaminum pears, which are a variety of pears developed in Crustaminum, in the country of the Sabines (Italy). The school of Shammai even rejected this possibility but was overruled by the sages from the school in Yavneh (cf., Y. Kil. 1:4). And even wild apples (Syrian pear) cannot be grafted with cultivated apples. In M. Kil.

1:5, the sages come to the same conclusions as in modern taxonomy. The pairs of plants (mustard with wild mustard and Greek gourd with Egyptian gourd) are from the same genus but not closely related species and therefore the decision to consider them diverse kinds is logical.

The species concept the Mishnah follows with animals (M. Kil. 1:6) is again very strict. Even a wolf and a dog (which in fact is a domesticated wolf) are not allowed to interbreed.

Is the Rule of Diverse Kind Targeted Against Genetic Engineering?

One might conclude that Lev. 19:19 is clearly directed against interbreeding of different species as such. If one took the precept verbatim, one could indeed conclude that the authors of the Torah could foresee methods of genetic engineering, which were unthinkable until thirty years ago. Genetic engineering allows genes to be transferred from one plant to another, thus breeding plants with novel properties much faster than was possible before. But Maimonides' commentary on this precept (Book of Agriculture, chapter IX; see further Guide for the Perplexed, chapter XLIX) suggests, rather, that its target is to prevent people from needing to carry out humiliating work. The point is that the interbreeding of animal species like horses and donkeys may require that a person actually inserts the male member into the vagina of the female. Therefore this precept is not mainly a ban on crossbreeding, which Maimonides regards as unnecessary anyway, but as a means to protect the lower class from work that is in any way humiliating.

From the principles of this commandment and the basic philosophy of the Torah as a whole, however, "it is clear that the Torah requires us to approach genetic engineering with great caution."[6] This technique should be applied with great care and only in a case of certainty that its implementation would eventually result in the saving of life.

Jewish Theology and Advanced Scientific Knowledge

Biological wisdom in ancient Israel is unparalleled in the contemporary literature of the neighboring countries and the Graeco-Roman Mediterranian. The question is how the ancient Israelites became so much more advanced than the world around them. The answer is that their unique theology gave them the intellectual freedom to study nature in a much more advanced way than their contemporaries.

This unique concept of creation can be observed best by an analysis of the first verses of the Torah. Gen. 1 continues the breathtaking statement "In the beginning God created . . ." with a list of the items God created. Thus the first crucial point of this text is that it describes the *creatio ex nihilo*, the creation from nothing.[7] All cultures in antiquity were in no intellectual position to accept the fact that there might have been a real beginning before which there was nothing. The fear of a void was so great that Christian scholars tried to fix the Bible to match Aristotle rather than vice versa.[8] The creation from nothing is unique to religious texts, especially when compared to its counterparts in this geographic region, the Hellenistic, Egyptian, or Mesopotamian texts or the mythology of the Vedes, the holy Hinduistic scriptures from India, the creation myths from China, or the origin myths of the various tribes of the American Indians. Unlike Genesis, all these texts lack a precise and definite statement about the origin of creation. The Germanic mythology lacks a creation myth entirely: the world was already created when the first gods came into the picture.

Gen. 1 also shows the paramount importance that the Hebrew Bible gives to nature. The listing of the many things God created leaves absolutely no doubt about one fact: all items to be found in the universe are made by God and cannot be gods themselves. This is strongly emphasized in the Book of Wisdom (13:1–5) and is of extreme importance to the development of Western science, establishing the conditions for a rational study of nature. Max Weber calls this process the "disenchantment of nature,"

the beginning of a rationalization with regard to the conception of the world and the philosophical structures of life.

The feeling that there was a difference between the Jewish view of the world and the neighboring countries was present among the Jews in ancient times (The Book of Wisdom 7:21–23).

> And all such things as are hid and not foreseen, I have learned: for wisdom, which is the worker of all things, taught me. For in her is the spirit of understanding: holy, one, manifold, subtle, eloquent, active, undefiled, sure, sweet, loving that which is good, quick, which nothing hindereth, beneficent, Gentle, kind, steadfast, assured, secure, having all power, overseeing all things, and containing all spirits, intelligible, pure, subtle.

This is the *Magna Charta* of the intellectual approach, which scientists take regardless of their faith and whether or not they believe in God. Scientists need to be curious and open, to have the intellectual capacity to understand facts and the power to put these facts together into cogent theories. For scientists at the beginning of modern times, the exploration of nature was a legitimate way to demonstrate the greatness of the creator ("To show the greatness of the creator in the anatomy of a louse").[9] The complicated intellectual situation of Medieval Jewish scientists, which—apart from the special Jewish situation—more or less also applied to the Christian scientists of that time, can be described in the following way:

> Most of all, certain rabbis, interpreting and embellishing key biblical passages, assigned religious meaning to the quest to understand nature, both celestial and earthly, as a direct means of understanding God and of fulfilling his revealed commandments. The Jewish encounter with the dynamic intellectual life of medieval Islam in such centers as Baghdad, Cairo, and Cordova, and later in stimulating Christian territories such as Spain, Sicily, Italy, and Provence, provided an impetus for perpetuating the rabbinic approaches to nature while deepening their religious and intellectual significance. With the translation of the philosophical and scientific corpus of classical antiquity into Arabic, several influential Jewish figures in the Muslim world recast the Jewish Tradition into a philosophic key, elevating the quest for an understanding of God and his natural creation to the ultimate ideal of Jewish religiosity. Hand in hand with this newly articulated religious aspiration went an intellectual appreciation of the intrinsic worth of understanding the cosmos, as well as an awareness of the pragmatic value such knowledge could yield in terms of social and economic status. In the relatively open intellectual and social setting of medieval Islamic cities, Jews consumed the classic texts of philosophy and science, studied the contemporary Islamic modifications and elaboration's, and produced a philosophical and scientific literature of their own in Arabic and Hebrew.[10]

Not only did many founders of our modern science, such as Kepler and Newton take their motivation to do scientific research from their religion,[11] the same spirit can be found with leading scientists of our time also.[12]

The second important feature of the Jewish religion with regard to scientific research is its utterly holistic view of creation: Since all things have been created by God, there were only small hierarchical differences between the different strata of nature. The best example for this is given by Jacob Neusner,[13] who quotes tractate Berakhot in the Mishnah and Talmud. M. Ber. 8:6 states simply:

> A. They may not recite a blessing [at the conclusion of the Sabbath] over a lamp or spices of gentiles.

B. Ber. 52b–53a gives a breathtaking explanation of this precept:

> *Our rabbis have taught*:
> One may bless a light which has rested on the Sabbath, but one may not bless a light which has not rested on the Sabbath.

The commandment to keep the Sabbath applied not only to all members of the household, guests, cattle, and all other farm animals. It also included things or processes that we would today classify as inorganic or lifeless. For us, the lighting of a candle is a chemical process in which wax reacts with oxygen to yield carbon dioxide and water. The sages viewed this process differently. The candles on the Sabbath table were not regarded as simple wax-ester compounds. The decorated Sabbath table replaced the altar of the Temple, and the candles and bread were substitutes for the

candles and the showbread of the Temple. So the candle also had to be in the correct cultic state—it had to have had a Sabbath rest. The molecules that undergo the reaction, the wax-esters that react with the oxygen, also had a right to rest. Thus the Israelite religion's holistic view of creation included not only all living creatures but also the chemical reactions of non-living things. The pronounced barrier between the living and the non-living parts of creation, which is prevalent in our way of thinking, did not exist for the Israelites. For them the burning of a candle was simply regarded as work, and work was forbidden on the Sabbath.

This holistic view of creation, together with the fact that no part of creation was of a godly nature, gave the Israelites the intellectual and spiritual freedom carefully to observe nature's functioning around. This observation was even a way to show God their appreciation of creation. The Israelites thus were bound by their religious tradition to watch nature carefully and eruditely. This feature of their religion enabled them to achieve scientific insights that our Western civilization obtained only some two thousand and more years later.

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[3] For more details see J.D. Bleich, "Abortion in Halachic Literature," in F. Rosner and J.D. Bleich, eds., *Jewish Bioethics* (New York, 1979), pp. 134–177.

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Biomedical Ethics, Halakhic Approaches to

IN the twenty-first century, it is hard to fully appreciate the almost complete absence of medicine from the Bible in general and the Torah in particular. While health and healing played central roles in ancient religions, the first time medical doctors are mentioned in the Torah is when Joseph orders his doctors to embalm the body of Jacob (Gen. 50:2). The Bible's acknowledgment of the then world-famous Egyptian medicine[1] is tinted with irony. The doctors are *slaves* and their expertise is sought *only after* Jacob has died.

The Talmud does not take medicine for granted. It seeks textual authority for healing and finds it in Exod. 21:19: ". . . and shall cause him to be thoroughly healed" (B. Ber. 60a).[2] Some Talmudic rabbis do not accept this proof-text. Others limit healing to man-made external trauma, explicitly discussed in Scripture.[3] The code of Hamurabbi on the same case mentions "payment

to a doctor;" medical agency is less explicit in the biblical text. It is evident from the later sources that attempts at healing need special permission, not only because matters of life and death should be up to God but mainly because a doctor might accidentally harm or even kill the patient.[4] According to Rashi, this is why the Talmud writes, "the best of doctors to hell" (B. Qid. 82a). Interestingly, medicine is absent from the list of occupations one is advised not to pursue.

The sick, on the other hand, need no special permission to call on medicine. According to the Talmud, obtaining medical care is paradigmatic of *sevara*, a truism of life beyond questioning: "Whoever has a pain goes to the doctor."[5] It is notable that the Talmud does not mention disease, but *pain*. Rabbi Jakobowitz astutely observes:[6] "Jewish law, in its concern for the human weal, makes little distinction in principle between ill-health proper and mere physical pain." We will elaborate on the Talmudic sensitivity to suffering later on.

The only *medicus* (*rofe*) mentioned in the Torah is God himself: ". . . if thou wilt diligently hearken to the voice of the Lord thy God . . . I will put none of these diseases upon you, which I have brought upon the Egyptians: for I am the Lord that healeth thee" (Exod. 15:26). The Hebrew may be read both as "that cures you" and "who is your *medicus*." The diseases mentioned are "plagues," supra-natural inflictions on the Egyptians, not ordinary maladies such as influenza, toothache, arthritis, or epilepsy. Indeed, throughout the Torah, disease and pestilence are discussed *only* in the context of extraordinary divine interventions. Old age is associated with general decline in the powers of the body (e.g., Gen. 21:1, Deut. 34:7). Infertility, such as befell the matriarchs, is the only bodily condition (or disease) that naturally afflicted the Chosen People. Reading Scripture only, one might think that disease, deformity, and disability are not the lot of humanity.

Judaism thus had to face the same dilemma as all other major religions with regard to medical activity. Reliance on human agency challenges the belief in an omnipotent and just God: either repentance is the only work of healing necessary, or disease should not have occurred in the first place. The other side of the dilemma is even more challenging: reliance on pure religious healing might undermine faith if patients do not recover. Even worse, a successful healing by a rival religion might have a devastating effect on one's own faith. Thus, the Bible suppresses issues of health, disease, and medicine in order to further separate Israel from the nations and their practices.[7] In ancient civilizations, priests ministered to the sick, deformed, and disabled. According to the Torah, priests are involved in only one condition, leprosy, and their role is limited to diagnosis not to active therapy. Leprosy and *zibba* are non-fatal skin condition with no apparent impact on internal physiology or physical fitness. They are construed more as religious conditions of the body, messages on the skin, than as diseases.

In Second Temple times, there was considerable activity of religious healing among the Jews, practices harshly condemned by Mishnaic and Talmudic sages (e.g., M. San. 10:1; B. San. 101a; T. Hul. 2:22). One offshoot of Second Temple Jewry, Christianity, emphasized disease and healing. Mingling with and curing the sick is so central to the Gospel and early Christianity that Jesus became known as "Christus Medicus."[8] Institutions of mutual aid to the sick and the frail flourished among early Christian communities. Some contemporary scholars even suggest this as the key to the success of the fledgling religion.[9] Some scholars attribute the reassimilation of religion into classical medicine to the surge of epidemics and the disruption of social life that characterized the decline of the Roman Empire.[10] This should be the light in which we construe our understanding of the roots of medical ethics in Halakhah and Aggadah.

The Talmudic sages knew it was impractical and even immoral to proscribe medicine. They clearly did not wish to form a medical system of their own. Anyhow, Jewish material culture was too poor to match Hellenic or Babylonian medicine. Moreover, the rabbis knew pretty well the dangers involved in entering into competition with charismatic healers such as Jesus. They were willing to embrace any medical theory and

practice that might work. They only excluded healing practices that openly and directly derived from idolatry or religious sectarianism. Medical practice had to be either secular or secularized. The sages did not endorse particular medical and scientific schools and theories. Indeed, the Talmud, which contains plenty of medical observations and suggestions, is also teeming with magic, demonology, and other assertions that are far from scientific. This point is borne out by the Talmud's allowing one to carry around a nail from a cross on the Sabbath, a popular folk-therapy (B. Shab. 67a, B. Hul. 77b). The sages might have been skeptic, but they would rather not pass judgment on medical issues.[11]

Later authorities did not hesitate to forbid the use of medicines advocated by the Talmud.[12] Maimonides and other medieval rabbis distinguished between Talmudic sayings that bear the authority of revelation and other statements of wisdom, whose validity is not absolute.[13] All medical advice was in the latter category, thus further neutralizing the religious dimensions of medicine. Karo explains that Talmudic medicine was relevant only in the Babylonian milieu;[14] others assert that human nature has changed much since Talmudic times.[15] Until the advent of Reform Judaism, such relativism was not to be found with regard to other areas of Talmudic teaching.

The rise of Qabbalah, and especially Lurianic Qabbalah and early Hasidism, is associated with the development of religious medicine and with the medicalization of Jewish theological language.[16] Some Hasidic rabbis revived the tradition of preferring pure faith healing to consulting doctors. One obvious factor in this process is the implicit competition between the Hasidic *tzadiq* and doctors. Fear of Enlightenment ideas of humanism and secularism might be another factor.[17]

In the Occident, medical ethics developed from within medical circles. The Hippocratic Oath is first and foremost a pledge to respect professionals and their code of practice. The promise to assist colleagues and teachers or to teach their children is not found in Judaism. Limiting medical education to those who take a similar oath might be against Halakhah, which opposes the retention by small groups of technical knowledge that is of great value to the public. One Talmudic sage actually stole the secret of curing a certain disease. Although he broke an oath made in the name of God and although this might have disgraced Judaism (*Hilul hashem*), the Talmud commends his action (M. Yom. 3:11, B. Yom. 84a).

Still, Talmudic *acceptance* of medical practice does not equal deeming it a holy vocation. Even as the Talmud refuses to condemn folk therapies, it also refuses to grant a privileged status to state-of-the-art medicine. It tells of Samuel, a rabbi and physician who tricked Rav into receiving a therapy for gastroenteritis. The treatment first induced painful constipation and then forceful evacuation. The "patient" cursed Samuel for what he did, and Samuel became childless (B. Shab. 108a). Elsewhere, the Talmud praises Samuel as a physician and scientist (B. Nid. 25b, B. B.M. 85b and 113b). However, the Aggadah neither approves of nor condemns Rav's non-compliance or Samuel's paternalism. This fundamental question of medical ethics, balancing beneficence with respect for autonomy, is left unresolved.

Pre-modern "bioethics" in East and West alike concentrated on conflicts between religion and medicine: may a doctor care for a patient who has not repented or confessed? May a doctor or a patient risk eternal life for the sake of healing by exposing and touching the private parts of the body?[18] Are certain decisions to be condemned as "playing God" or as "violation of natural integrity"? Not only did the rabbis not deliberate on such questions,[19] but the Talmud condemns "bioethical" deliberations that aim to balance the duty to save life and other religious values: one may not ask a rabbi whether desecrating the Sabbath to save life is like committing murder, and even the rabbi who is approached with such questions deserves condemnation (Y. Yom. 5:8), since a person might die during the deliberations.[20]

The maxim of *piquah nefesh* (literally, "recovering a soul;" often translated, "saving a life") laid the foundation of Jewish medical ethics and constructed its formative narrative. According to this maxim, for the

sake of saving a life, even a short and hopeless one, one has a *duty* to violate and ignore all the laws of the Torah with the exception of the bans on idolatry, adultery/incest, and physical assault on another person (B. Pes. 25a). It is also forbidden to steal for the sake of saving a life.[21] Rabbi Reiness argues that fear of social disintegration, and not mere respect for spiritual values, is the reason these taboos may not be violated even to save a life.[22] His attitude is borne out by the Talmudic prohibition against allowing a sick patient to cure himself by having a virgin strip naked in front of him (B. San. 75a). The Talmud conspicuously refrains from questioning the validity of such therapy. Its concern, rather, is to protect the woman and the dignity of her family. By contrast, rabbis permit emission of semen in the context of medical care,[23] an act that does not harm another person.

Contrary to Christianity and Islam, rabbis granted medicine complete freedom from religion.[24] Rabbinic respect for free entrepreneurship, private property, and freedom of science is so strong that only "sound evidence of direct harm to persons" may disqualify an enterprise or a business of any kind.[25] The immunity of medical endeavors from community regulation is even stronger.[26] Whereas, in the Occident, medical ethics acts as the watch-dog of medicine, Halakhah usually sees its role as lifting religious and other impediments on medical practice and progress. Only when two or more interpersonal values conflict do rabbis resort to Halakhah in order to find a practical resolution of the problems in hand.

Based on the preceding, let us sketch a paradigmatic Halakhic narrative of medical ethics: Judaism should not directly question scientific issues, hopes, and promises. The rabbis tend to accept medical agendas in general as "saving life" and promoting the public good. There is no conflict between saving life and religious values. The only limits on curative and life-sustaining medicine should be protection of people from *non-consensual* harm to their bodies and property.

This narrative contrasts with Christian and Muslim narratives of medical ethics: Humans have an ethical duty to question the promises of medical men as the latter are biased by many factors, professionalism and utopianism prominent among them. In addition to questioning the promises of medicine, the public has the duty to weigh established medical benefits against possible moral and social corruption that might be a by-product of bureaucracy, technology, and the medical ethos itself. Therefore, medical ethics should remain vigilant, lest apparently innocuous practices erode human values.

According to this narrative, for instance, humans must doubt the enthusiasm associated with stem cell research and must weigh acknowledged benefits against the moral degeneration that might ensue from exploiting human embryos. In pre-modern times, the gain in worldly happiness was balanced against the price paid in terms of salvation of the soul. In contemporary discourse, it is often the degradation of values such as "human dignity" or "human solidarity" that is risked by utility-oriented biomedical research and practice. Making life and death decisions and tampering with nature are tainted by *hubris*—the usurpation of divine roles by mortals. Western countries question the morality of acts as such—cloning, stem cell research, genetic experimentations on humans and the like. Rabbis who deliberate these issues almost never ban them *a priori*. Rather, they do their best to find legal solutions and to delineate specific circumstances in which such enterprises are not only tolerated but also praised as morally valuable.

In the Talmudic discussion on the human right to practice medicine, the deliberation contrasts two kinds of man-made injury: assault and its surgical treatment. Both aggressor and doctor shed blood or even mutilate; however, their actions belong to completely different moral realms.[27] Nahmanides, who had personal reservations with regard to preferring human healing to faith healing, writes that a surgeon fulfills the duty of neighborly love when cutting the patient. He uses the very same biblical word as that designating physical assault, *hovel*.[28]

Due to the constraints of life in the diaspora, Halakhists are more used to case-by-case deliberation, and Western ethics have developed more in the direction of guidelines and legislations for bureaucratic struc-

tures and large nations. The establishment of the state of Israel and its successful rise into the tiny club of rich nations in a globalized world have created an urgent need to develop Halakhic tools that accommodate this revolutionary alteration in the life of most Jews.

In Judaism, folk and esoteric (Qabbalah) doctrines stepped into the lacuna that official religion left open.[29] In matters of the human body, many Orthodox Jews ignore many Halakhic teachings with confidence not found in other domains of life. For example, despite an almost complete consensus among *posqim* in favor of organ donation from deceased persons after the heartbeat stops, few people are prepared to allow this. Refusal is articulated in religious terms, such as fear of bodily integrity at the time of resurrection. Many patients and rabbis advocate paternalistic and vitalistic end-of-life care that is not in line with Halakhic teachings. Popular religious objection to elective abortion is so strong as to have led a rabbi to publish an essay in the popular press reminding his audience that it may be permissible to abort fetuses with mental retardation such as Down Syndrome.[30]

This tensions between the law and the ethos of the law (Halakhah and meta-Halakhah, theology) enables Judaism to stretch the law in the benefit of sufferers without producing a "culture of death," of which contemporary bioethics is often accused.[31] Here, I focus on Talmudic and peri-Talmudic sources and on Halakhic teachings of leading *posqim*, mainly within Orthodox Judaism. This choice is purely practical. Due to the very rich and systematic corpus of written literature, it is much easier to compile and reconstruct Halakhic bioethics than to document Qabbalistic or folk bioethics. Moreover, Halakhah has become quite influential in shaping the ethical and political dimensions of Israeli medicine.

Infertility Treatments and Use of Extracorporeal Embryos

Judaism highly values procreation. Halakhah exempts women from the duty to procreate, but the social structure of traditional Jewish life clearly directs women to beget children. The laws of menstrual purity significantly reduce the number of days on which intercourse is permissible but not likely to bring about conception. From the high Middle Ages on, rabbis restricted women's ability to initiate divorce or to avoid intimate relationship with their husbands.[32] In the era of ineffective contraceptives, these developments cornered women to beget children.

In this setting, failure to beget children creates serious personal, marital, and social crises. It is no wonder that Israel offers one of the highest rates of infertility treatments in the world. Some rabbis object to artificial intervention in the process of human procreation other than as a last resort in overcoming sterility. They believe that the loss of "holy intimacy" associated with extracorporeal conception is spiritually detrimental to the family and the child.[33]

Thus, while current biomedical literature deems a couple "infertile" after one year of non-conception, an arbitrary and not value-free definition, Halakhah permits a husband to divorce his wife only after ten years of unfruitful marriage (B. Yeb. 65a). Rabbi Weiss, the former leader of the ultra-Orthodox community in Jerusalem, accordingly allows the husband to spill semen for analysis only after ten years of fruitless marriage. Other rabbis are more lenient.[34] None deliberates on the personal anguish, social ramifications, and even discomfort and risk associated with the medicalization of fertility. Currently, many couples, and observant couples at that, embark on infertility treatments following only a few months of waiting or following diagnosis such as "polycystic ovary syndrome," which nevertheless permits substantial rates of spontaneous conception. A graver issue still is the aggressiveness of infertility treatments. The higher the doses of hormones, the higher the chances of both achieving pregnancy and encountering medical complications. The more IVF embryos implanted in the uterus, the higher the chances of obtaining a viable pregnancy, but also the higher the incidence of multifetal pregnancies, which carry risks of prematurity, need for fetal reduction, and increased maternal morbidity.

Some countries, such as Belgium and the UK, regulate those issues.[35] Rabbinic silence on the matter should be attributed to Halakhah's traditional reluctance to interfere with "professional" and "scientific" questions. *Posqim* find women's consent to treatments sufficient. In contrast to terminal care, treatment of neonates, organ transplantation, and many other areas of bioethics, infertility medicine, along with the rabbis and bioethicists involved in it, operate under considerable pressures of an aggressive and loosely regulated private sector. In traditional Jewish society, the contract of marriage stipulates active sexual life and readiness to undergo the travails of ordinary pregnancy, labor, and childbearing. Twenty years ago, leading rabbis ruled that women have no duty to consent to infertility treatments, since they are "extraordinary efforts."[36] Rabbi Dichowski, however, has just published a responsum contending that since "Acceptance of IVF is growing from day to day," a spouse is bound by the duties of matrimony to undergo it.[37] This shift marks both the growing acceptance of infertility treatment as well as the absence of rabbinic criticism of the practice.

Rabbis have ruled that extracorporeal embryos, particularly those that are not meant for future implantation, have no special standing and may even be destroyed. In this light it is no surprise that all of the *posqim* endorse scientific use of IVF embryos and stem cells.[38] Rabbi Bleich proposes that pre-embryos lack moral status in Halakhah, because they are too tiny to be detected by the naked eye.[39]

Care for Premature Neonates

No other area of medicine has seen such a radical change in mortality as care for the newborn. Historians estimate that premodern rates of infant mortality were often as high as 40%, and, as infant mortality is strongly correlated with the material and economic well-being of a community,[40] it is quite certain that mortality rates among pre-modern Jewry were higher than those of other communities.[41]

The Talmud employs the term *nefel* to designate a newborn doomed to die (M. Hul. 4:4, B. Shab. 136a). Although every human person deserves respect and love, in Halakhah, in order to claim *full* rights for the protection of life, one must have *hezqat hayut*, that is, an established claim to the capacity to maintain independent and lasting life. A healthy term infant is treated *as if* he or she is fully viable, since there in no reason to suspect otherwise, whereas the life of a premature infant has not yet fully materialized (absence of *hezqat hayut*). It follows that the duty to protect the life of terminal patients is higher than that of protecting the life of premature infants. The life of the former is about to end, but it has also been firmly established in the world.

For determining the chances of survival, the Talmud refers to straightforward physical signs: complete formation of hair and nails. One Midrashic source adds a third sign: complete formation of the lips.[42] Medieval sources—including the physician Rabbi Shimon Duran—insist that only the hair and nail signs, and no others, are relevant from the Halakhic standpoint.[43] Modern rabbis affirm this approach.[44] Although the hair and nail signs are similar to the Dubowitz/Ballard Exam for Gestational Age known from modern pediatrics, the rabbis do not incorporate them in the Halakhic criteria. In line with halakhists' avoidance of direct naturalism, the Talmudic signs of survivability remain close to scientific theory but independent of it.[45] It seems to me that the rabbis do not stress biological viability alone but viability in the sense of the baby's acquiring viable attributes of *imago dei*. It is most striking that although birth defects account for a significant part of infant mortality, signs of "monstrosities" (e.g. accessory fingers) are consistently excluded from the criteria precluding viability. Plato and other philosophers called for the abandonment of "monstrous children," a common practice in antiquity and the middle ages.[46] The Talmud recounts a story about a child whose penis was accidentally cut off during circumcision. His father prayed that the boy die (Y. Shab. 19:2; Deut. 23:2). This particular condition prevented the boy from

acquiring *imago dei* in full, as a human body capable of procreation within the community of God.

According to the Talmud, half of all foundlings were bastards; the other half were neglected because of "hunger" (B. Qid. 73a and gloss Tosafot). Stories about the killing of bastards are known from medieval Jewry as well. Rabbi Sofer claims that many women "starve their [out-of wedlock] children to death." Rabbi Emdin (Hamburg, eighteenth century) wrote that aborting a bastard is possibly a mitzvah. Medieval and pre-modern rabbis repeatedly ruled, following Rabbi Isserlin (Germany, late fourteenth century), that fathers are exempt from paying alimony for the upkeep of their bastard (but not non-bastard out-of wedlock) children. This was certainly devastating for numerous infants.

In order to formulate a theory of Halakhic ethics with regard to newborns, we have to explain why Halakhah ignores signs of monstrosity, in spite of their relatively high prognostic accuracy, but why it upholds a belief in the possibility of completing fetal life in seven months (Y. Yeb. 4:2). From a practical point of view, and in stark opposition to contemporary medicine, decisions about the care or neglect of infants in the past were most often social rather than medical affairs. Most abandoned infants were physically healthy but socially handicapped due to illegitimacy (bastardy).[47] Historians estimate that, during the nineteenth century, over 100,000 babies were abandoned in Europe each year.[48] It seems impossible to tell how many of them were Jewish. Jewish sources indicate that bastards (*mamzerim*)[49] are better off dead and that Jewish mothers often neglected such infants.

Maharil (Germany, fourteenth century) forbids praying for the health of a bastard. When a bastard boy died at the age of ten, the people notifying Maharil wrote: "It is good news that he has passed on and been gathered up from among us."[50] Not a single Rabbinic source, however, permitted the deliberate killing of any kind of infant. Nonetheless, it is not necessary to directly kill a child where mere neglect will do. The fundamental Halakhic distinction between "action" and "inaction" is of little relevance to the care of infants for whom inaction is fateful. Moreover, it was very difficult to feel guilty for the death of an infant, or to put the blame for it on another person, when so many infants died even in the best of caring hands.

The fate of bastard children was usually too sensitive a topic for an open discussion. In one Mishnaic source describing their gradual marginalization a rabbi dodges a question whether one should save a bastard whose life is in danger (B. Yeb. 3). According to one midrash, even King David prayed to God that his bastard son would die.[51] It is no wonder that the Talmud states blankly, "A Mamzer does not survive more than thirty days."[52] Indeed, David's bastard son with Bat Sheba as well as most other out-of-wedlock children mentioned in the Bible died in early childhood.

In this light we should appreciate Maimonides' ruling that a pregnancy might reach full maturity in seven months. Maimonides thus preempted many accusations of bastardy. The Talmudic sages also discussed the maximum possible length of human pregnancy with the explicit goal of legitimizing children.[53] The rabbis were not careless about the laws of bastardy. I hypothesize that, since labeling an infant "bastard" was too often a death sentence, the rabbis acted upon the Talmudic maxim that truth is *not* an absolute value and should be distorted for the sake of peace and for the sake of saving life.[54]

According to Maimonides, it is never permissible to discriminate against or to undertreat a child merely on the grounds of gestational age or "monstrosity." Only physical findings of prematurity may be taken as signs of hopeless prognosis. Indeed, how can one honestly decide whose word to trust more, that of the mother or that of a man denying paternity? Investigation and prosecution related to allegations of concealed pregnancy, unreported labor, and dubious legitimacy were difficult and rife with prejudice against malformed babies and with abuse of women.[55] Maimonides' ruling might have spared many women from shame and many babies from both shame and death.

According to Rabbi Berlin (*Hanatziv*, Lithu-

ania, nineteenth century), it is permissible to desecrate the Sabbath for the sake of embryos and infants with more than 50% chances of survival.[56] Later *posqim* stretched this line even lower. Rabbi Auerbach (Israel, d. 1995) rules that there is no *duty* to care for premature neonates with chances of survival that are less than 10%. This is because "mortality is so high, the burden [of care] so heavy, and they have no claim to independent life."[57] Auerbach does not give explicit permission to desecrate the Sabbath for such babies. It is evident, however, that it is impossible to suspend neonatal intensive care every seventh day. In another place, Rabbi Auerbach acknowledges the weakness of the duty to care for premature neonates in Halakhah. However, he rules that, for fear of degrading medical practice, all neonates should receive full medical care.[58] This ruling also aligns the Halakhic law with current practice in Israeli and American neonatal units.

This revolutionary ruling is worth further consideration. Auerbach does not gainsay the Halakhic principle that a newborn's claim to life is weaker than that of all other humans. However, he uses his power as a ruling rabbi to enact a *taqanah*, a sort of temporary secondary legislation, to transform the care of newborns completely. With regard to some premature babies, Auerbach points out that "we all see with our own eyes" that they survive in incubators.[59] But the *taqanah* is formulated with regard to *all* premature babies and on *utilitarian* grounds—fear of a slippery slope and the degradation of the medical profession. Ironically, it was the medical profession in the West, about whose degradation Auerbach is concerned, that raised and strongly addressed the problem of neglected infants.[60]

Auerbach does not discuss future quality of life, which is a very serious concern in modern neonatology. As the rate of salvageable extremely-low-birth weight infants rises, lifelong morbidity, such as mental retardation and blindness, is still very high.[61] Arguably, since the duty to preserve the life of infants who have not yet established a claim to life is much weaker than that pertaining to the life of terminal patients, we may terminate curative (but not palliative) care and life-support of premature infants whenever we assume that their future life is not desirable for the average person to live. Rabbi Auerbach, it bears noting, might not allow healthcare professionals to withdraw life-support once it has been initiated.[62]

The Human Body, Unusual Anatomies and Disability

A key feature of Rabbinic anthropology is a pluralistic conceptualization of the human body, human person, and human dignity. Judaism is remote from eugenic thinking.[63] Anatomical diversity does not detract from the *imago dei* inherent in a person. This will help us see one more dimension in the Talmudic maxim, "Killing one person is like destroying the whole world, and saving a single person is like saving the whole world" (B. San. 37a). Every human embodies the *imago dei* of all other people and peoples. The primordial body, from which all souls are derived, is the one and only complete human body, possibly the *imago dei* itself (Zohar, *Bereshit* 98b).

The Talmud writes that whereas humans use a mold in order to produce multiple copies of a single pattern, God creates diverse people and peoples from one mold, his image (B. San. 37a–38a). The Talmud infers from this that each human should regard him or herself as if the whole world were created for his or her own personal sake. Morphological differences among people—not common rationality (as Naturalist ethics argues)—account for human dignity at the individual level. Maimonides expands this ethos to the psychological dimension. He opens his treatise on ethics by declaring that every human being has a unique personality and constitution.[64] On this point Maimonides deviates from Aristotle's Nicomachean ethics. Aristotle opens with the definition of the *common and ultimate good*; Maimonides talks of *individual persons*.

The Talmud distinguishes morphological diversity from disease:

> When one sees a black person or an albino or a midget . . . one says, "Blessed are you who makes people different [from each other]." When one sees the blind and the

> afflicted . . . one says, "Blessed are you who rules justly."

Another version of this passage explicates things further. Every congenital "deformity" carries with it the blessing "who makes people different." Only some *acquired* conditions call for the blessing of resignation, "Blessed art you who rules justly"—which is also said on occasions of bereavement.[65]

The former blessing indicates admiration and affirmation, not a lamentation over deformity. This attitude is in stark opposition to Occidental and other cultures that saw unusual anatomies as subhuman and monstrous omens. Classical sources from Plato to the renaissance dwelt at length on theories of teratology and racial deformity.[66] As we have seen, Halakhah implicitly rejects these disciplines as irrelevant to an infant's claim to life. The Talmud, however, discourages pursuing the extreme in the human body, advising a tall man not to marry a tall woman in order to avoid siring a giant. Similarly, a black man is discouraged from marrying a black woman and an albino from marrying an albino (B. Bek. 45b). The implication is that "normal" people are encouraged to marry people with unusual anatomies. According to the Mishnah, the ideal skin tone is neither black nor white, but a mixture (M. Neg. 2:1). Hybrid bodily form is the Mishnaic ideal of human morphology. The first man was already "very good" in the eyes of God. Since creation is progressing continuously towards messianic times, the concept of degeneration is also alien to Judaism. The Talmudic advice cited above is not meant to better humankind, to prevent its decline, or to achieve perfection, but to help people live in moderation.

The Rabbinic attitude is well documented in a medieval story about a Jewish boy who was born with "teeth and a tail." The people feared he might eat them and wanted to kill him. But a "wise man" advised that the teeth and tail be removed, so that the boy would become like any other.[67] The wise man recoiled neither from the "monster" nor the corrective, but potentially fatal, surgeries. It is taken from granted that this boy is expected to grow up, marry, and have children. Similarly, in many cultures, conjoined twins have been regarded with particular dread. In the conjoined state, not only is the physical body often seriously deformed, but self and identity are challenged.[68] The Talmud takes it for granted that conjoined twins are one human body bound by all religious rights and duties.[69]

Hermaphroditism is another highly stigmatized abnormality that challenges both body and personal identity.[70] The Talmudic sources describe Adam as having perfect physical features.[71] But they also say Adam and Eve were hermaphrodite conjoined twins.[72] Another Midrash clearly suggests the conjoined state is not ugly or disgraceful. The breasts of the Shunammite in the Song of Songs are praised by invoking the metaphor of conjoined twins.[73] Some of the priestly laws marginalized persons with unusual anatomies and excluded them from work in the Temple, but the enforcement of those laws was not carried over into post-Talmudic Judaism.[74] According to the Talmud it is the human face rather than a human body that confers personhood (Y. Nid. 3:2).

Health

Whereas some traditions stress mere life, acts of care, or the duty to the frail as key values in healthcare ethics, Rabbinic teachings grant health a special and formative status. In Judaism, medicine is primarily cast as *restorative*—its goal is the restoration of health. Other paradigms of health and disease are much less prominent.[75] Sinclair argues that a physician fulfills his or her duty (*mitzvah*) *only* if the patient recovers.[76] Although this is a radical a conclusion, there is more than a grain of truth to it. A few examples illustrating a phenomenon I refer to as "the bias of health" in Rabbinic teachings follow.

When Maimonides discusses the duty to preserve life, he mentions only *preventive* measures, not action taken in order to restore lost health.[77] Nahmanides, who advocates healing through faith and religion only,[78] also rules that there is a duty to follow the

physicians' advice on how to preserve one's health.[79] Nahman of Bretslav (Ukraine, eighteenth century), who probably held the most extreme anti-medical position in the history of Rabbinic Judaism and who harshly condemned the doctors of his time, also advocated vaccination against smallpox, labeling those who do not vaccinate their children, "spillers of blood."[80] One irony of contemporary Judaism is that many leading Orthodox rabbis refuse to prohibit smoking. However, to protect the public from passive smoking, they effectively banished smoking from public Yeshiva halls. Conservative and Reform rabbis appear to adhere more uniformly to the spirit of avoidance of harmful substances.[81]

Rabbi Weiss and other rabbis cited above rule it forbidden to prolong the life of a suffering patient other than for the sake of healing. In the same vein, Rabbi Auerbach permits declining life-saving surgery for an incurably disabled girl. He explains that efforts that bring about suffering but do not promise healing should not be directed at an incurable condition.[82] It is evident that Auerbach places much more value on obtaining a healthy life than on preserving life as such.

In spite of the strong Jewish emphasis on preventive measures, Rabbi Elyashiv holds that a person "need not worry" about the risk of occult cancer if doctors estimate that it might not kill him or her *within one year* unless procedures such as colonoscopy or prostate biopsy are done.[83] Paradoxically, although Halakhah sees in the restoration of health a prime value, only those who are already sick have a duty to take *medical* measures (as opposed to mere healthy life style) to restore health, and only the sick who need a cure or palliation may, in these contexts, violate religious taboos or expose themselves to experimental, risky, or "alternative" and treatments.

The "bias of health" is more apparent in questions of allocating scarce medical resources. Rabbis have ruled that patients who may be expected to return to full health or to pre-morbid life expectancy take precedence over patients with a worse prognosis.[84] The rabbis do not discuss the implications of such rulings for public healthcare policies. As far as I know, rabbis, and politicians who represent them, have never supported discrimination against the frail to the benefit of the stronger patients in society. Alas, considerable discrimination of this kind exists as a matter of fact, even if not as an official policy of rationing.[85]

Health was highly valued in the Hellenic world, in India and in other cultures, usually in the form of *regimens of health*—special dietetics, gymnastics, and body-manipulations aimed at the perfection of the body through enhancement. The perfect human body was praised as an aesthetic, moral and healthy ideal.[86] Health was defined as harmonious physical perfection of the human body and, by extension, of human society and of the world as a whole.[87] Jakobowitz points out that the Rabbinic sources ignore such regimens of health and other health practices and teachings. He attributes this to the Babylonian environment of the Babylonian Talmud.[88] As early as Mishnaic sources, it is possible to trace a few key differences between Rabbinic teachings and the health practices of Roman Palestine. The rabbis endorsed medicine as a means to cultivate and preserve the body. The emphasis is on *care* and *maintenance* rather than on and other notions of bodily excellence and perfection.[89] In response to a sectarian Jew who opposed medicine as rebellious against God whose judgment is responsible for disease, the rabbis retorted, "Man is like a tree, if it is not trimmed, manured, watered and weeded, it does not survive. The body is like a tree; the physician is like the farmer and the medicine is like the fertilizer."[90] The metaphor of the tree stands in stark contrast to the Hellenic conceptualization of the human body as a muscular entity in constant and graceful motion.[91]

Halakhah does not set the needs of the soul against those of the body. An unhealthy body cannot fulfill the higher spiritual goals of humankind.[92] The Talmud writes that unjustified self-deprivation of pleasures, such as avoidance of good wine, is an offense against one's soul (B. Ta. 11a). A Hassidic rebbe said, "When a small damage occurs in the body, a large damage occurs in the soul."[93]

The Status of the Doctor and Alternative Medicine

In the traditions of the west, doctors belong to the privileged elite of professionals, and the doctor-patient relationship is a somewhat privileged realm isolated to a degree from the pressures and injustices of daily life. The doctor has an ethical duty to his or her patient, to whom the doctor is committed more than to other people, interests, and values.[94] In Halakhah, the doctor, exactly like any other person, is committed first and foremost to a potential victim. This duty of protection applies to matters of health as well as to any other non-trivial interest of a person.[95] Doctors are forbidden to be complicit with patients who put other people at risk. A doctor who suspects a man will not tell his future bride that he is afflicted by a medical condition has a duty himself to tell the woman.[96] According to Halakhah, every person is strictly forbidden to disclose the affairs of others. Doctors are not bound by an additional duty of secrecy. Professional confidentiality as such does not exist in Halakhah.[97]

The Halakhic absence of a privileged doctor-patient circle implies a greater involvement of the community in regulating medical practice. The Shulhan Arukh rules that if a non-expert doctor practicing with the permission of the community accidentally harms a patient, he is exempt from paying damages, whereas if the same accident occurs to an expert operating without the permission of the local authorities he is liable.[98] According to most recent *posqim* the licensure in question is not mere recognition of personal competence or a status internally obtained within a guild of doctors; otherwise the doctor cannot be called as an "expert."[99] Rabbi Zilberstein writes that from a Rabbinic point of view a medical doctor with a license and a naturopath with a license (of the kind granted to this kind of practitioners) bear similar professional authority.[100]

Refusing Medical Care

Many hold that since Judaism is a heteronomous religion (with the exception of Reform Judaism) and since life is a supreme value, a trust from God, there is a right and a duty to force medical treatment on patients who refuse it. When a house is on fire, we do our best to rescue trapped people, deliberation on personal autonomy and soliciting consent being ridiculously perilous. But medical decisions are more complicated. Many non-professionals are not aware that almost all medical treatments are effective only in the minority of cases (that is to say, Number Needed to Treat is higher than 2) and almost all of them involve risks and side effects.

Judaism expects each and every person to preserve and protect his or her life and spirited well-being. We have already pointed out that almost all religious taboos and duties are suspended for the sake of saving life. We have also seen that Judaism shuns direct evaluations of medical or scientific propositions, so the key Halakhic question in situations of refusal is *why the patient refuses*. Rabbi Emdin, for example, writes that a patient may refuse care he or she does not believe in.[101] In this case refusal does not reflect a negligent or suicidal attitude but sincere concern for one's life and spiritual well-being. Some rabbis permit conscientious reliance on faith healing.[102] Rabbi Wallner (Israel, twentieth century) even wrote that a patient who prefers to die in order to atone for his sins may be left alone.[103]

Halakhah is deontologic, not directly committed to promoting the good, not even fundamental goods. Besides, Halakhists do not readily embrace whatever doctors deem to be for the good of the patient. The sick may decline care, even life-saving curative care, merely in order to escape a significant level of suffering. Halakhah does not oppose rational thinking and science, but *personal* decisions of life and death are not purely scientific matters. Rabbi Schwadron (Galicia, nineteenth century) explains that expert doctors should be trusted regarding general statements, such as the laws of physiology or pathology. Doctors are less reliable with regard to individual judgments, such as the prognosis or therapy a *particular person* needs in a *particular time*.[104] Rabbi Ibn Zimra even rules that the patient may follow her own heart when she has a strong feeling and belief that she must eat something lest she

die,[105] even if the doctors are confident the food will kill her. The patient's judgment might be fatally wrong, but she cannot be accused of failing in her duty to protect her own good.[106] In Judaism, this autonomy each person has to promote his or her own well-being is not a freedom from responsibility but a *duty* of self care, a task nobody, not even professionals, can fulfill better than the person. It is a kind of existential freedom from which there is no escape.

Consequently, rabbis consider coercion when treatment is rejected for reasons other than a judgment of what is best for one's own health: a concern about becoming a burden on others,[107] shame about being in need, a wish to spare expense,[108] an objection to receiving care on Sabbath,[109] or similar considerations. Rabbis call for coercion, that is, when the patient trusts the doctors and accepts the medical judgment, but "folly or childish attitude" bring about a crisis of compliance.

Rabbi Feinstein stipulates the imposition of medical care only when "all doctors in the hospital agree that the procedure is both necessary *and* free of risk."[110] Rabbi Aeurbach's conditions for imposition of care is that it is "habitual"—widely accepted as "good clinical practice," safe and not painful."[111] It is quite evident that although the rabbis do not use the bioethical jargon of autonomy, in actuality they object to coercive care in the vast majority of cases.

Even when the efficacy of care is evident to all parties and refusal appears idiosyncratic, some rabbis resort to semi-naturalistic reasoning to undermine the urge to impose medical care. For example, Rabbi Feinstein writes that medical treatment must never be physically forced on gravely ill patients for fear of producing psychological trauma (or fright; the Hebrew is *bi'ut*) that might further endanger their lives.[112] Rabbi Feinstein, one of the most important *posqim* of the twentieth century, summarizes the Halakhic concept of patient autonomy and if the doctrine of life as a trust from God:[113]

> Every person is the owner of his body and life in the sense that he can choose what is the best for his life. [For example] he may accept the risk of immediate death in the hope of cure, and he may forgo treatment and cherish his certain, although short, life.

Rabbinic respect for personal autonomy and Rabbinic reluctance to impose medical care notwithstanding, *posqim* rule that there is a duty to force patients to comply with public health regulations.[114] Rabbis would not approve of people at risk who refuse HIV testing.[115]

Terminal Care[116]

In the West, the process of dying was a ritual of passage to the other world. Emphasis was placed on spiritual preparations, even at the expense of palliation. These concerns were linked to anxieties about the putrefaction of the flesh and the damnation of the soul, issues that were alien to Jewish society and culture.[117] Romanticism transformed the *ars moriendi* of the middle ages into an ethos of "beautiful death."[118] This was later transmuted into a cult of memorizing and glorifying the dead of the World Wars. The Halakhic literature knows nothing of such ideas. Many Aggadot discuss the spiritual value of suffering, but the sources are silent about the agonies of the end of life. Possibly in reaction to a religion that places a death scene at the heart of its theology, Rabbinic Judaism diverted attention from the process of dying.[119] The Talmudic decree to help one's neighbor have a "beautiful death" was interpreted as "death without suffering and disfigurement."[120] Helping a person die "beautifully" is paradigmatic of the duty of neighborly love (B. San. 45). The Halakhah clearly rejects the fatalism that justifies Islamic objection to any form of euthanasia, regardless of the measure of suffering.[121] Rather, in Halakhic ethics, the sight of suffering is the very situation that calls for unabashed and prompt human action.

The Halakhic discourse on terminal illness revolves around three main issues:

1. The special legal status of the life of terminal patients.
2. A prevalent attitude that, as death approaches, the duty to fight for life diminishes.[122] However, active, direct and deliberate killing is always prohibited. [123]
3. The meaning of modern life-support, e.g., whether disconnecting a respirator or discontinuing dialysis are acts of homicide.

A *terefa* is a person whose life expectancy is less than one year. Although killing a *terefa* is an act of murder, the punishment involved is less severe than that meted for killing a non-*terefa*. Therefore, Rabbi Sternbuch rules that, where a shortage of life support equipment exists, it is permitted (or even required) to indirectly disconnect a *terefa* and to connect a curable patient to a ventilator.[124] According to Rabbi Feinstein, conditions other than the fatal disease (e.g., a heart attack in a cancer patient) should be treated until the last three days of life. Auerbach set the line at one week.[125] Sinclair promotes the idea that the concept of *terefa* may help terminal patients *who wish to die* to receive indirect or passive forms of euthanasia even at earlier stages of their illness.[126]

Following the medieval *Sefer hassidim*, the Shulhan Arukh permits and even requires *active action* that *removes* hindrances to death. The examples explicated are derived from medieval folk medicine. For example, since it was held that a grain of salt under the tongue prolongs life, removing it does not amount to active killing but to removing artificial hindrances. According to Rabbi Iger (Poland, nineteenth century) medicines are also considered to be a "hindrance to death."[127]

Rabbis Waldenberg and Halevi rule that turning off a respirator connected to a terminally ill patient is allowed—or even required—since it is like removing a hindrance to death. Waldenberg explains that an irreversible loss of the ability to maintain independent respiration and circulation is in itself a *sign* that the soul wishes to depart from the body and that delaying death makes it suffer. He stresses spiritual suffering that takes place even in the absence of physiological suffering and therefore opposes maintaining persons in persistent vegetative state (PVS) on life support. [128] Rabbi Elyashiv insists on full life support and even opposes DNR orders for patients who do not suffer physically, even "brain dead" patients.[129]

Rabbi Israeli (Israel, d. 1995) tackles the problem of discontinuing life support differently. He explains that when a terminal patient is suffering, there is a duty of neighborly love to shorten his or her life as much as legally possible. Undeniably, this duty to the good of the patient is in conflict with the divine decree against bloodshed. He advocates legal and technical tricks that allow patients to die without transgressing the injunction against murder.[131] There seems to be a consensus that discontinuing very basic care that is not futile constitutes killing by omission. The leading *posqim*, the Steinberg Report (see below), and leading Catholic theologians[130] set the line between the provision of oxygen, insulin, hydration, and nutrition (the latter even by artificial means) and other forms of therapy. Only the latter might be "hindrances to death."

A multidisciplinary national committee proposing a bill of rights for terminally ill patients in Israel (the Steinberg Committee)[132] combines both strategies. The committee proposes a device that allows discontinuing life-support indirectly. According to their proposal, supported by Rabbi Waldenberg in 1978, life support would be connected to a timer requiring routine resetting. When a patient wants to die, caregivers simply allow the timer to run down. For those who view artificial life support as a hindrance to death, this device is superfluous. Those who openly call for legal tricks, such as Israeli, might even sanction such timers for the induction of death.

Masekhet Semahot 1:4, cited extensively in the Halakhic literature on terminal care, compares a dying person to a guttering candle. If touched, both might expire. Some *posqim* use this metaphor to justify a policy of non-treatment even against medical advice, noting that trying to benefit a dying person is likely to kill him or her.[133] Once again we see that Halakhic naturalism is more phenomenological than rationalist. For a *suffering* patient, Halakhah advocates inaction with regard to shortening or prolonging life. No limit is set on palliation. Whereas naturalist ethics relies on the "principle of double effect" to justify aggressive pain relief likely to shorten life, Feinstein approves the same policy by combining *vitalism* with a quasi-naturalist assumption that suffering always shortens life, and non-suffering prolongs it.[134] Feinstein's concern for traumatizing patients in fragile conditions is also

formulated in naturalist terms even though it is apparently in conflict with the doctors who would not try to impose treatment they believe to be either futile or too dangerous. In all of these examples, the "value of life"—Halakhically construed—may also lead to actions that, from a naturalist point of view, actually expedite death. All such actions articulate either respect for personal autonomy, extreme sensitivity to suffering, or both.

Rabbi Goldberg, who is Rabbi Auerbach's son-in-law, presents three Rabbinic schools of thought.[135] The first requires full treatment as long as the patient is mentally lucid, even in the face of agony. Goldberg explains that "as long as the person can find value in his life [even if the overall utilitarian balance tends towards death], there is a duty to prolong his or her life. Only for [irreversibly] delirious or comatose patients is death better than life." This attitude is supported by one Talmudic saying[136] and not by later Halakhic literature.

The second school endorses "basic care" such as food and oxygen, whereas it regards "artificial interventions" as hindrances to death. However, as indicated above, Rabbinic discourse shies away from direct natural reasoning. The rabbis would rather rely on expert opinion in deciding which interventions constitute a "hindrance to death." But as long as non-Rabbinic bioethics is so much divided on this question, it is not likely that the rabbis would adopt this school as a mature and unified source for rulings.

The third school focuses on the patient rather than on the modality of therapy. Routine care should continue until the very end (or the last week) of life, but new interventions might be considered "hindrances to death." Cessation of chronic dialysis in order to escape a newly diagnosed cancer is forbidden. But regarding another patient with identical biomedical parameters and identical need for dialysis, there is no duty to initiate it when an existing cancer has caused the kidneys to fail. Rabbi Herschler even writes that, for some patients, "artificial ventilation" has become "as natural as clothing."[137]

Rabbi Goldberg concludes that it is permissible to stop care only when such a choice falls under the teaching of at least the third school, and preferably all three. Is there a way to reconcile his severe conclusion with the responsa cited, such as those by Israeli? I would suggest the following way of thinking: Any moment of lucidity is beyond value and measure. Patients should be encouraged to hold onto such life and to cherish it in spite of suffering. There is nothing disrespectful or unjust (in the sense of diverting health resources) in clinging to a tenuous and short life. Therefore, if a patient consults a rabbi on whether to go on or to give in, the rabbi should encourage the patient to fight for his or her life and to find meaning and empowerment in his agony. However, when a patient finds his or her suffering intolerable, there is no duty to prolong it. The Midrashic sources recognize physical suffering as well as the "mental anguish" of depression, loneliness, and senility as sound reasons for preferring death to life.[138]

At the theoretical level, rabbis should promote their own view of the truth. At the practical level (*Halakhah le-ma'aseh*), I would argue, rabbis should respect the most lenient ruling on such dilemmas. Although we generally follow the majority, in a case of "great necessity" it is also customary to rely on a minority opinion. One may argue that, in the case of terminal care, suffering is not an exception that calls for mitigation of the law. But Rabbi Feinstein does seem to endorse reliance on minority opinion on the grounds of medical suffering.[139] Even when no "great necessity" obtains, Rabbi Falaji rules that Rabbinic courts should never coerce a person whose conduct is based on a minority ruling.[140]

Sinclair describes such situations as a conflict between ethics and Halakhah.[141] I disagree, maintaining that the conflict is ethical, as the value of human life and the value of good life collide with each other. When natural values conflict with each other, Halakhah offers a positive system of law to balance them. The various distinctions, such as between action and inaction or between ordinary and extraordinary care, are a legal means to balance conflicting values. The Halakhah recognizes the validity of natural

ethical values and concepts (such as the distinction between action and inaction). However, it does not search for a natural, purportedly objective solution or for an Archimedean point that balances the values in conflict. Halakhah does not search for the middle way; it pronounces it positively somewhere between the extremes. The values in question are natural, but Halakhic law is the limit set for the Jewish community by the covenant with God.[142]

In sum, it is possible to group the contemporary Halakhic literature on the end of life into two:

The suffering-oriented approach: Life should be prolonged as long as the patient accepts his or her suffering.

The metaphysical approach: Objective clinical criteria (e.g., loss of independent respiration) determine whether it is "time to die." If it is not "time to die," patients should be treated in spite of extreme agony.[143] State-of-the-art palliative care should be provided as well.

The Value of Life

Rabbi Jakobowitz has already noted that the words "the sanctity of life" are virtually not to be found in the Halakhic literature. He therefore refers to life as having "supreme" and "infinite" value.[144] According to the geonim, life seems to be a fundamental value; without it, religious life is impossible.[145] Rashi writes that "God loves the soul of Jews more than the commandments,"[146] thus making love of God the basis for the value of life. According to Maimonides, it seems that the maxim of *piquah nefesh* is a positive legislation at the level of the rest of the Torah. In spite of its overriding power, it is not a fundamental value.[147] In philosophical words, Maimonides (along with all other Halakhic authorities) rejects the notion of "ontic evil" even with regard to shedding blood. An act can be "evil" only if carrying it out in specific circumstances is against the Halakhah.

Halakhic discourse distinguishes a nonspecific duty to protect life and preserve health from cases in which "the person in need is in front of us." Only the latter situation carries with it the duty to save life. Obviously, at any given time, there are people in the world who need emergency assistance. Thus Christianity urges its followers to suspend or even forsake their worldly concerns and responsibilities and to reach out to the needy. A similar ethos of missionary work is virtually nonexistent in Judaism. In Judaism, and especially according to Qabbalah, a person contributes to the welfare of the world at large by means of personal piety and spiritual work.

Philosophically speaking, according to Halakhah, the mere existence of suffering does not create any personal religious duties. Only *binding circumstances* attach one person to the fate of another. Post-mortem cesarean section is a paradigmatic example of allowing the desecration of the body of the mother for the sake of a *tenuous chance* to save life.[148] The life in question is not mere human life, but the life of her child who is trapped in her dead body.[149] The *posqim*, therefore, do not infer from this law that it is permissible to harvest organs from the dead for transplantation, even though the latter procedure is much more likely to save life than the former. No binding circumstances exist between the cadaver and the person in need.

The Talmud permits forensic autopsy for the sake of preventing financial damages (the precise timing of death might affect the division of the estate). Only the immediate relatives are prohibited from asking for an autopsy (B. B.B. 154a). Their *binding circumstances* to the dignity of the deceased are much stronger than those of a third party. Moreover, regarding two cities along a river, the Talmud rules that the city upstream may consume water even at the expense of the lower one. According to Yose, the dwellers in the upper city may use water in order to avoid inconvenience, even though their downstream neighbors need this water in order to survive.[150] The very existence of human need down the river does not constitute "binding circumstances" that oblige one community to forego an important interest for the sake of the vital needs of another. Rabbi Halbershtam, who was the only Rabbi to establish and to supervise a modern hospital and a chain of nursing homes, writes

that this law obtains only when setting priorities between two groups of people, where the "inconvenience" for many is often fateful to the few, and not between individuals.[151]

In pre-modern times, emergencies that require prompt relief were virtually never medical but situations such as fire, falling into a pit, being attacked by wild animals or by highwaymen, and similar incidents in which one's life depended on prompt action by people who happened to be present. Nobody else, no matter how well intentioned, could rescue the victim. But medical care is an ongoing process of acquiring knowledge and using it within a bureaucratic framework. Novel means of communication and transportation, along with the growth of large cities and the consolidation of medical knowledge and the means for its rapid and efficient dissemination, make us reconsider the possibility that people in remote places are, to a degree, "persons in front of us." The problem is that reformulating that notion according to principles of medical utility might lead to an erosion of the personal axis of duty-bound ethics, such as Halakhah, and entails a risk of falling into the impersonal tyranny of healthcare administrators. Moreover, we might create a bias towards life-and-death crises at the expense of less acute situations of care that are of no less impact on the well-being of people and their survival.

Distribution of Scarce Resources in Healthcare

The Talmud rules that "your life comes first" (B. B.M. 62a). Therefore, the Halakhah offers not an objective and impersonal point of view but defines a prime commitment to the vital needs of oneself and one's kin.[152] All Jews are considered part of a larger family. Duties to non-Jews are based on the principle of the golden rule. Discrimination against any person or disregard for his or her needs is unjust and unwise, an "act of hostility" (B. A.Z. 26a).

Everybody who promotes the value of human life and the duty to save it is challenged to set limits on the staggering costs of contemporary healthcare. Since, in pre-modern societies, medical care was not expensive, the most relevant discussions on the distribution of limited resources to save life concern the liberation of captives. The Talmud states: One does not ransom captives at more than their value (B. Git. 45a). It offers two explanations. The first is "good order" (*tiqqun ha-'olam*), that is, avoiding inflation in ransom tariffs. The second reason is to avoid "overburdening the public." Both explanations have been accepted as relevant to Halakhah.[153]

Taz writes that one should not sell a synagogue in order to ransom captives, but it is permissible to sell a Torah scroll for that purpose.[154] A Torah scroll is much holier than a synagogue, but, Taz explains, "the world" does not sell houses for the sake of ransom. Taz does not stress the value of saving captives, whose life, dignity, and bodily integrity were in immediate danger. Nor does he prioritize potential sacrifices. As a halakhist, he shuns direct interventions in such matters. His duty as a rabbi is to uphold "the way of the world" as long as it is fair and reasonable. Rabbi Feinstein, who does not cite Taz, expresses a very similar attitude in the context of medical decision-making.[155]

It follows that the rabbis need not necessarily deal directly with healthcare policy—for example, whether to divert funds for hospice care or for breast cancer screening. Public monies should be distributed according to decent professional and/or political secular standards. It should be noted that ample research shows that life expectancy, infant mortality, and other indices of health are correlated with parameters such as economical growth, literacy of women, freedom of speech, creed, and trade, and *not* with direct investment in healthcare.[156] Average life expectancy in affluent neighborhoods in the UK is seventeen years longer than in the poorest districts.[157]

The maxim limiting the ransom on captives should encourage the public to negotiate with pharmaceutical companies more aggressively and to refuse the purchase of care at exorbitant prices, even at the price of patients' lives. So far, public committees deliberating the allocation of health resources have tended to set priorities rather than to examine the

acceptability of price tags set by the industry, as if prices were hard facts rather than equilibrium between supply and demand.[158]

Rabbinic discussions on setting priorities in healthcare put utility as the leading value. The patient who is expected to benefit most should be treated first. Similarly, saving the many is preferred to saving the few. When chances of success are similar some rabbis suggest casting lots[159] or relying on other fair systems of order (e.g., first-come, first-served).[160] Immediate needs of one person take precedence over future needs of another.[161] Fairness thus is a key value in Rabbinic ethics. Equality, however, is not. *All other things being equal*, the Talmud sets clear priorities: a man should be saved before a woman, a Cohen before an Israelite, etc. (M. Hor. 13:1). But all rabbis agree that the *medical* scale of expected benefits overrides the social stratification set by the Mishnah. A simpleton (*'am ha-aretz*) has priority over a saintly rabbi if the simpleton has a somewhat better chances of benefiting from care.

Allocating scarce vital resources is always a tragic choice. One way out is to refuse choosing.[162] In Western philosophy, opinions are divided between choices made on the basis of personal attachments and commitments and pure utilitarian considerations. Williams argues that if a person sees both his wife and a stranger drowning, the person must save his wife.[163] Frankfurt finds in this behavior a genuine and moral manifestation of love.[164] Parfit, on the other hand, argues that avoidance of deliberation when human life is at stake is in itself disrespectful of human life. One should save as many lives as possible.[165]

In opposition to Buddhism and neo-Wittgensteinean streams in contemporary philosophy, Halakhah *answers* questions; it neither transcends nor rejects them. Halakhah openly acknowledges what critical theory so vividly articulates: When two patients are absolutely equal from a biomedical point of view, any decision-oriented method of deliberation must begin with a prejudice about the persons. The Mishnah exposes the bed-rock of its own socio-cultural prejudices, probably only to construct upon it as prejudice-free layers of deliberation as possible.

I hypothesize the existence of an implicit trade-off between the values of pluralism and equality. In Rabbinic teachings, each and every human being, body and person, is different. Consequently, the rabbis would not cast all humans as equal to each other. In Halakhah each human being has a unique standing, and for each person there is a particular situation in which his or her vital interests might take precedence over those of all others. For example, ransoming a woman takes precedence over liberating a man, because she is more susceptible to sexual abuse.[166] In the end, one will always make a decision following criteria other than those taken from Mishnah Horayot.

The Mishnah exposes the most serious moral weakness of Rabbinic teachings, that of social class. The rabbis grant the highest priority (when all competing persons have the same medical need) to sages (rabbis, *talmid hacham*) over all others. Indeed, the rabbis took the Halakhic ethos of self-preservation to an extreme, shaping the law to suit the interests of their own social milieu. Rabbi Isserles writes that "in our times" we do not have "genuine" sages that deserve prerogatives.[167] This was a formative gesture of humility, irony, and moral reform.

A Halakhic Framework for Modern Healthcare Delivery

Although I have argued that the rabbis would endorse any fair system of healthcare administration, it is also possible to unearth a centrifugal model of Halakhic based modern healthcare.

1. *Emergency life-saving services.* Based on the maxim, "neither shalt thou stand against the blood of thy neighbor," this duty binds every competent member of the community; care is given to any person whose life is at immediate peril.
2. *Most other medical treatments do not save life directly.* They contribute to the restoration of health and fall under the duty of charity and restoring lost goods.[168] Similar to the practice in many countries that do not provide healthcare for the uninsured, this duty does not necessarily

encompass non-citizens.[169] Nor does it bind the needy, the elderly, and frail.

3. *Enhancement medicine* that serves an important purpose. There is no duty to provide this kind of care, and doctors must not risk patients who seek it.
4. The main burden of healthcare falls under the category of *nursing*. Whereas medicine is about changing a bodily condition, nursing aims at helping a person cope with the daily needs of his body and psyche. Nurses and nursing are conspicuously absent from Steinberg's encyclopedia. Here I argue that the duty of visiting the sick constitutes the Jewish ethos and practice of nursing.
5. *Social work* aims at helping people fulfill or rehabilitate their social roles. According to Maimonides, the highest degree of charity is helping a person find gainful employment.[170]

Nursing and Care Ethics in Judaism

The Talmud counts visiting the sick as a paradigmatic act of charity (medical care is not among them; B. Shab. 127a). Visiting the sick is emulating the ways of God (B. Sot. 14) and contributes to healing. Visiting the sick was not a mere social event. Visitors performed chores such as cleaning (B. Ned. 40a, B. B.M. 30b). Community-organized groups visiting the sick were an integral part of medieval and pre-modern Jewish society.[171] Lay attendance at the bedside was of prime value in a society without dedicated agents of mutual aid, such as nuns and monks. Rabbi Pappo (Bulgaria, eighteenth century) explains that the goals of visiting the sick are prayer for their recovery and providing nursing and other essential services.[172] Visiting the sick is also paradigmatic of *holistic* care as it even encompasses spiritual care. This duty is fulfilled by means of one's body, property, and soul.[173] Every person is bound by this duty, even an old person who considers it beyond his dignity.[174]

We have seen that contemporary rabbis discussing priorities in health care stress utility as a leading consideration. This approach might seriously discriminate against those depending on non-curative care. However, I believe that construing healthcare following the scheme suggested hereby helps see various Halakhic concepts that protect the very frail among us, particularly those who need assistance in carrying out their basic daily activities. The most important step in this direction should be the separation of public funds dedicated to each cause. This has been customary in Jewish communities throughout the ages.[175] For example, moneys kept for the sick have been managed separately from money dedicated to the ransom of captives and those collected in the benefit of orphan brides. Centralizing charity resources in one single fund might pit one kind of human need against another.

It follows that utility is the right value in dividing money dedicated to life-saving purposes. Although, we cannot avoid choices such between directing allocated moneys to organ transplantation or radiation therapy for cancer, we must not try to balance heart transplantation and care for demented patients with pressure ulcers. Trying to set priorities between saving life and respect for human dignity is not amenable to resolution. It would be like imposing a choice between educating children and public hygiene, or between the value of friendship and the value of health. Basic human goods are simply incommensurable with each other. This is borne out by close examination of Halakhic attempts to balance human dignity with saving life.

According to the Talmud, serious personal disgrace or shame to the family is a price too high to pay for the sake of one's life (B. San. 75a; B. B.M. 59a). The rabbis also point out that a person is likely to forsake all of his or her property to protect a dead kin from disgrace.[176] These rulings, in the eyes of the rabbis, justify a ban on nonconsensual harvesting of organs from cadavers for the sake of saving life. It seems to me that the disgrace and shame associated with neglecting the frail and the needy are of such magnitude as to elevate the priority of their care to the status of saving life and restoring health. Besides, every person has a duty to honor the elderly, and even to respect old people who are far from wise or pious.[177] The elderly have priority in

accessing some forms of charity (B. Ta. 6b). The sick and the elderly are exempt from the *mitzvah* of returning lost goods (B. B.M. 30a). Since, according to the Talmud, the duty to contribute financially to saving life is based on the duty to restore lost goods (B. San. 73a), it may be argued that the elderly are exempt from sharing the burden of others' healthcare, and that, indeed, diverting money from terminal care to curative medicine might be, from a Halakhic point of view, a kind of theft from the elderly and the chronically ill.

Experiments on Human Beings

Since bioethics has developed in the genre of professional ethics and due to scandals such as the Tuskegee syphilis study, contemporary bioethics focuses on the rights of participants and the duties of the experimenting physicians. This topic is one of the most developed branches of bioethics. The Rabbinic discourse on medical experiments on humans is astonishingly scanty, and it does not at all address issues of adequate disclosure, the imbalances of power between doctor-scientist and patients, the implementation of good clinical practice, and the like.[178] Rabbi Auerbach suggests that clinical research is a kind of *milhemet mitzvah*, loosely translated, a war one is obligated to wage.[179] The thrust of contemporary bioethics on experiments on humans is regulation and restraint. The ethics of war does not seem to constitute the best conceptual tool in this regard.

Posqim throughout the ages have ruled that a person has no duty to endanger his or her life or to sustain injury for the sake of saving another. Some regard self-sacrifice of this kind as an act of piety, whereas others label it "foolish piety."[180] Following Rabbi Epstein (Lithuania, nineteenth century)[181] and Rabbi Wazner, I propose that the right to risk and to suffer and the duty to do so for the sake of saving a life are dependent on two criteria, 1) whether the person in need is "in front of us," and 2) whether others might participate in shouldering the burden of help. In this light we can reconstruct the Rabbinic attitude regarding medical experiments on humans. Clinical studies and experiments on volunteers are typically situations in which "the person is not in front of us" and other persons can participate as well. Rabbi Auerbach writes that a patient who is not suffering has no right to submit his or her body to extraordinary and experimental therapies.[182] Rabbi Kook permits a healthy person to risk a limb for the sake of making his or her livelihood as a human subject to experimentation. Putting life at risk is like committing suicide. However, one may risk life for the sake of seeking a cure for a "patient that is in front of us."[183]

Rabbis also permit desecration of the Sabbath in the context of clinical experiments.[184] The intra-Halakhic justification of this leniency notwithstanding, we can see once again, similar to the authorization to carry a nail from a cross, that the rabbis would not allow Halakhah to be blamed for interference with medical science and care.

The Body

Rabbi Dorff points out that in Judaism body and soul are taken "as an integrated whole" that is "morally neutral and potentially good."[185] However, both observations are usually irrelevant to Halakhic bioethics. This is because the Halakhah is a positive system of legislation that is relatively isolated from theology and because, in matters of medical ethics, it is the person who wishes to do things with the body or to the body. The very situation implies some separation between body and soul. Moreover, in Judaism, unity of body and soul in one *imago dei* is a target to be achieved only when a person fully embodies a pious life-style.[186]

Western traditions endow the human body with a unique and non-fiscal value. The human body, especially when alive, must never be treated as if it was an object, a "thing," a "mere means" in the service of an ulterior goal. Such attitudes violate the value of human dignity. Consequently, many schools of ethics object to prostitution, "freak shows," selling organs for transplantation, and surrogate motherhood. The Halakhah strictly prohibits prostitution, slavery, and

similar practices. However, each unlawful act falls under a separate injunction (*issur*); human dignity does not serve as a common denominator.

Rabbi Israeli holds that each person is master of his or her own body and may use it, within the limits of the Halakhah, as he or she sees fit. Only self-abuse that serves no ulterior purpose is forbidden. Israeli approves of donating organs for transplantation and receiving pecuniary compensation for the loss.[187] Rabbi Steinberg even promotes an Israeli proposition to legalize organ donation from the living in exchange for compensation and not for a market-determined price. In the ethos of the West, sacrificing body parts should only be done altruistically. Rabbis regard taking organs from people without compensation as exploitative

While civil authorities may enact temporary laws to benefit the general public, injunctions against enterprises that save human life are not often promulgated. Rabbis are consistently reluctant to ban autonomous action the goal of which is saving life or promoting cardinal values such as health and fertility. Only utilitarian considerations might justify restrictions on selling organs, for instance, fear of an overall decline in transplantation, which might result from loss of cooperation with countries that disapprove of marketing organs.[188]

Rabbis are divided on whether death is determined by loss of brain function or termination of cardio-respiratory function (B. Yom. 85a). According to Israeli law, brain death is legal death, and a special committee of three physicians has the authority to diagnose it. The Rabbinate requires that its representative be present in the deliberations of such committees, but the Israel Medical Association objects to what it perceives as an infringement on professional autonomy.[189]

Following the assertion that "one cares for one's dead more than for all of one's property" (B. Shab. 44a and Tosaphoth gloss). Rabbis rule against non-consensual use of human cadavers, even for the sake of immediate life-saving needs. Since there is a Halakhic taboo on deriving benefit from the dead and from disfiguring cadavers, rabbis have to create special exemptions in order to permit consensual anatomical dissections and other scientific and medical uses of the dead; a few even object to consensual organ donation from non heart-beating cadavers.[190]

Technology, Exploiting Animals, and Commercializing the Body

Many people believe that humans must not interfere with "God's plan" for the universe or with the natural *telos* of non-human phenomena. According to Judaism, any technological or scientific manipulation or invention is good, provided that it is not harmful to humans and does not transgress a specific law of the Halakhah. Rabbis have consistently rejected attempts to use religion to interfere with freedom of commerce, entrepreneurship, science, and technology.[191]

The scientific exploitation of animals is a good stepping stone in examining cultural criticism of science and technology. Indeed, the reluctance of contemporary *posqim* to criticize technology is most evident from the almost universal Rabbinic refusal to interfere with anything done to animals under the pretense of science.[192] Although Rabbinic literature in the genres of Qabbalah and biblical exegesis contains ample support for moderation in the use of animals,[193] and although the Shulhan Arukh itself distinguishes between legally permitted exploitation of animals and things "not done" due to cruelty,[194] restraining voices have not been heard in contemporary Halakhic literature and are hardly to be found even in non-Halakhic Orthodox literature.

According to the Talmud, the vital needs of animals are sometimes as important to God as the dignity even of King David (B. Shab. 30b). There is some evidence that Maimonides permits killing animals only for the sake of sustaining human life.[195] Rabbi Breisch (Zurich, twentieth century) permits use of animals for "healing" but not for medical experimentation.[196] His contemporary, Rabbi Weinberg, insists that use of animals for public (as opposed to personal) benefit is not only permitted but mandatory. One must not show mercy to animals

at the expense of sick people.[197] Rabbi Feinstein demands that exploitation of animals not exceed the "ways of [civilized] people."[198]

Indeed, the *posqim* see a clear separation between facts and values, professional judgments and Halakhic questions. Halakhah has not developed conceptual and social tools for carrying out critical examination of the biases and values hidden within the cultural construction of facts, particularly on issues as sensitive as medicine. A responsum by Rabbi Schick (Lithuania, nineteenth century) is a case in point. The problem at stake is whether doctors are allowed to kill a baby during a particular crisis in labor in order to save the mother.[199] Unusually for the Rabbinic literature, Schick mentions arguments from naturalistic ethics, saying that humans must not "play God" and that it is better to suffer death than to commit homicide. He dismisses these arguments as irrelevant to the Halakhah. Schick concludes his deliberation stating that although, *from a Rabbinic point of view*, expert opinion of medical doctors must always be given the status of doubt and not of certainty, the doctor may take his own judgment as certainty. Indeed, the doctor's conscience has the same power as the personal judgment of the patient.[200] Rabbi Schick, therefore, leaves the decision to the discretion of the caring doctor in the private sphere of the doctor-patient relationship. In Western bioethics this is the very kind of decision-making that is supposed to be guided by open deliberation and public guidelines and legislation.

All this said and done, we have already encountered examples in which leading *posqim* mistrust the medical establishment. Feinstein refers to the first heart transplanters as "double murderers," for removing a beating heart from a dying person and for subjecting the recipients to an invasive surgery with high mortality rates. Waldenberg writes of "the medical scientists and their false pretensions."[201] The Chief Rabbinate of Israel stipulates its support of the brain death criteria by including its representative on the committee. However, these examples show a mistrust, not a tradition of constructive dialogues, between Rabbinic culture and the biomedical world.[202]

The rabbis do not express a similar mistrust with regard to people and institutions that wield the power of money in society. This is not a modern phenomenon. Criticism of rabbis who do not stand up against the power of the rich was often heard in premodern times.[203]

Shortly after the Holocaust, Rabbi Zewin examined Jewish law with regard to the famous anti-Semitic motif, Shylock's deal.[204] He concluded that a person is not the owner of his or her body and that it is impossible to make a body part collateral to debt. Rabbi Israeli, following Rabbi Babd, disagrees, claiming that a person has the right to use his or her body in any manner that might be beneficial. Selling an organ is not much different from back-breaking physical labor.[205] Zewin also fails to distinguish between ownership and trusteeship. A person may not be master of his or her body, but his or her trusteeship from God may allow, or even require, use of the body in ways that are most beneficially to one's overall good.[206] Israeli does not endorse wantonness when he writes that "one's body is always his;"[207] he argues that nobody is more authorized to choose the best for one's own body, not even a *bet din* (court). From this perspective, people are at full liberty to submit themselves to medical experiments, to become surrogate mothers, to sell organs for transplantation, to undergo risky infertility treatments and even cosmetic surgeries.[208]

Rabbi Aviner recently published a pamphlet praising a woman who donated a kidney for "anyone in need."[209] Many indigent and well intentioned people cannot give much to charity, and I am concerned that Aviner's attitude might create two classes of Jews: those who help the needy by giving money or property and those whose only way of doing charity on a significant scale is by having parts of their bodies removed. Aviner especially praises the woman for offering a kidney "to the nation," a motif unheard of in the Halakhic medical literature, the only concern of which is whether there is a specific needy person "in front of us." I am worried about the importing of nationalistic values into the sphere of health care.[210]

In my view, the root of the problem does not lie in the triad God-person-body but in

the tension between free entrepreneurship and the consequences of an unrestrained market in credit. Not a single moral issue receives so much attention in the Torah as the protection of the poor from usury and insolvency. In Biblical Hebrew, the word for usury is "biting" (*neshekh*), indicating the cannibalistic potential of some monetary transactions made out of free choice.

Sellers of organs almost universally come from very poor strata of society, which Beck aptly called "the risk society."[211] Almost all who sell their organs do so to pay a debt or to avoid being indebted, and most of them are back in debt a few years after the deal. Furthermore, since the vast majority of donors (and almost none of the buyers-recipients) are unskilled laborers who depend on physical endurance for their livelihood, the loss of a kidney reduces the chances of the donor's finding work at the same salary as before the donation.[212]

The human reservoir of potential sellers is quite different from those of potential recipients. I worry that we will find body parts being drained from the poor to the rich. The money paid to the poor finds its way back to the pockets of the rich, but health, dignity, and body parts are lost for ever. Even worse, toleration of pecuniary compensation for organ donation will further increase the price of credit for those who are unwilling or unable to pledge an organ. I cannot see how all of this is compatible with Biblical and Talmudic Judaism. Judaism was the first culture to denounce *consensual* slavery and to place extreme restrictions on it in the very beginning of its code of law (Exodus 21). Judaism also protects the poor from falling prey to their own autonomously chosen debts and interest on debts.

It is a commonplace of contemporary bioethics that to make an autonomous choice people must be mentally competent, well informed, and free of all forms of coercion, even subtle ones. The Rabbinic discourse accepts virtually every Halakhically legal choice a competent person makes. But are people who consent to selling organs or to participating in scientific experiments free in the full sense of the word? Halakhah has conceptual tools to monitor apparent consent, which does not root as deeply and as firmly as needed in one's psychological makeup and social circumstances.[213] Bodily harm and suffering are the hallmark of undue pressure on a person who is expected to make an autonomous decision.

Y.M. Barilan[214]

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Notes

[1] See Odyssey 4:257–259.

[2] For a survey of healing and medicine in the theological context of the ancient Near East, see M.L. Brown, *Israel's Divine Healer* (Grand Rapids, 1995).

[3] Eben Ezra on Exod. 21:19. The medieval distinction between "internal" and "external conditions" has survived in modern Halakhic treatises on medical ethics. A.I. Kook, *Responsa Da'at Cohen* (Jerusalem, 1966), #120. M.D. Wallner, "Rights and Duties of the Doctor," in *Ha-tora ve-ha-medina* 6–7 (1957), pp. 297–321. E. Waldenberg, *Responsa Tzitz Eliezer* (Jerusalem, 1988), vol. 17, #66. See also Kook, *Responsa Da'at Cohen*, #120.

[4] Nahmanides, *Torat ha-adam* (Jerusalem, 1964), p. 43. Gloss *Shakh* on *Yoreh De'ah* 336.

[5] B. B.Q. 46b. Possibly because medieval rabbis were rather guarded with regard to medical care, Rashi omits the analogy to medicine from his gloss on B. Git. 48a. The Talmud writes that it is not allowed to live in a town without a physician (Y. Qid. 4:12), but this is probably because there would not be an expert who could circumcise safely. See B. A.Z. 26b, B. Men. 42a.

[6] I. Jakobowitz, *Jewish Medical Ethics* (revised ed.; New York, 1975), p. 99.

[7] Y.M. Barilan, "Jewish Aspects of Health and Quality of Life," in A. Gimmler, C. Lenk, and G. Aumüller, eds., *Health and Quality of Life: Philosophical, Medical and Cultural Aspects* (Münster, 2002), pp. 157–171.

[8] R. Arbesmann, "The Concept of 'Christus Medicus' in St. Augustine," in *Traditio* 10 (1954), pp. 1–28. J.D. Crossan, *The Birth of Christianity:*

Discovering What Happened in the Years Immediately after the Execution of Jesus (Edinburgh, 1999), pp. 293–304.

[9] R. Stark, *The Rise of Christianity: A Sociologist Reconsiders History* (Princeton, 1996).

[10] A. Castiglioni, *A History of Medicine* (2nd ed.; New York, 1958), pp. 244–247.

[11] See E.E. Urbarch, *Hazal, emunot ve-deot* (Jerusalem, 1969), p. 85.

[12] E.g., Tosafot's gloss on B. M.Q. 11a.

[13] H.J. Zimmels, *Magicians, Theologians and Doctors* (London, 1952), pp. 8–9.

[14] J. Karo, *Kessef Mishne* gloss on *Hilkhot deoth* 4, 18.

[15] H.J. Zimmels, *Die Marranen in der rabbinischen Literatur: Forschungen und Quellen zur Geschichte und Kulturgeschichte* (Frankfurt, 1932). A. Steinberg, *Encyclopedia of Medicine and Halakhah* (Jerusalem, 1991), vol. 2, pp. 244–303.

[16] M. Idel, *Hasidism: Between Ecstasy and Magic* (Albany, 1995), pp. 77–78. L. Fine, *Physician of the Soul, Healer of the Cosmos: Isaac Luria and His Kabbalistic Fellowship* (Stanford, 2003).

[17] Both elements are evident form an epistle by Rabbi Isaac of Ziditchew. A. Steinemann, *Be'er haHasidut: edmorei Galicia and Hungary* (Tel Aviv, n.d.), p. 198.

[18] W. Schleiner, *Medical Ethics in the Renaissance* (Washington, 1995). Jakobowitz, op. cit., chap. 10.

[19] Talmudic rabbis cared much for the conduct of physicians ministering to women; B. Ta. 21b.

[20] I.M. HaCohen, *Mishnah Brura* gloss on *Orah Haim* #328, 6.

[21] B. B.Q. 60b. Nahmanides in his comments to B. Ket. 19a. See also the story in B. B.Q. 80a. J. Ettlinger, *Responsa Binyan Zion* (Altona, 1868), #170.

[22] H.Z. Reiness, "*Mesirut nefesh* in Halakhah," in *Sinai* 33 (1953), pp. 23–42. Technically speaking, the argument is not cogent, because this is not a situation of *er'va* but of a free woman.

[23] A.I. Ha-Cohen Kook, Responsa *Ezrat Cohen*, #35; S. Schwadron, Responsa *Maharsham*, Part III, #268. Catholic theologians still debate the issue. A.L. Mackler, *Introduction to Jewish and Catholic Bioethics: A Comparative Analysis* (Washington, 2003), p. 31.

[24] Jakobowitz, op. cit., pp. 1–10.

[25] A. Steinberg, "Stem Cell: Ethical, Halakhic and Medical Aspects," in *Tehumin* 23 (2003), pp. 241–55.

[26] M. Feinstein, *Responsa igrot Moshe, Orah Haim*, Part I (New York, 1959), #127.

[27] See in particular the version in B. B.Q. 85b.

[28] *Torat ha-adam*, supra, p. 43.

[29] Y. Bilu, *The Saints' Impresarios: Dreamers, Healers and Holy Men in Israel's Urban Periphery* (Haifa, 2003).

[30] E. Melamed in *BeSheva*, October 10, 2002.

[31] W.J. Smith, *Culture of Death: The Assault on Medical Ethics in America* (San Francisco, 2000).

[32] A. Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Boston, 2004), pp. 438–456.

[33] Rabbi Zilberstein, "Medicine & Halakhah," printout #138.

[34] *Nishmat Avraham*, supra, part 5, Even Ha'ezer, #23, 2.

[35] S. Mayos, "UK Authority Sets Limits on Number of Embryos Transferred," in *British Medical Journal* 328 (2004), p. 65.

[36] A.S. Avraham, *Nishmat Avraham*, Part 5 (Jerusalem, 1997), p. 37. Y.Y. Perlman, *Responsa Or gadol* (Vilnius, 1924), #31, at p. 208.

[37] S. Dichowski in *Assia* 19 (2005) 75–76(3–4), p. 122.

[38] Barilan and Siegal, op. cit.

[39] D. Bleich, "Stem Cell Research," in *Tradition* 36 (2002), pp. 56–83.

[40] J.C. Riley, *Rising Life Expectancy: A Global History* (Cambridge, 2001), pp. 156ff. The level of education of women (but not that of men) is one of the strongest factors predicting the chances of survival of infants and babies. The education and literacy of women was a very painful issue in pre-modern Jewish society. Grossman, chap. 7. Some contemporary leading ultra-orthodox rabbis openly object to higher (even high-school) education for women. See A. Ben Haim, "Knisat ha-shabbat," in *Ma'ariv*, December 3, 2004.

[41] In one small sample from nineteenth century Livorno, 40% of Jewish children who were circumcised died in early childhood; A. Toaf, in *Mizrah u'Ma'arv* (1986), pp. 112–115. The reader is reminded that those who died within a week from their birth and those who were too frail to be circumcised are not included in this figure.

[42] Tanhuma, *Numbers* 18. Perhaps, this is because according to some Midrashic sources, the human "soul" is the ability to articulate speech.

[43] S. Duran, *Responsa Tashbetz*, Part 3 (Lemberg, 1891), #342 and #101.

[44] N. Gutl, "Prematurity according to Halakhah," in *Assia* 11 (1988), 44 (4), pp. 5–29.

[45] For a similar situation, see A.I. Ha-Cohen Kook, *Etz Hadar* (Jerusalem, 1986), p. 24. Y.J. Halbershtam, *Responsa Divrei Yatziv. Yoreh De'ah* (Bene Beraq, 1998), #14.

[46] S. Shahar, *Childhood in the Middle Ages* (New York, 1990), chap. 6.

[47] Y. Brissaud, "L'infanticide á la fin du Moyen Age: ses motivations psychologiques et sa répression," in *Revue historique de droit français et étranger* 50 (1972), pp. 229–256. C. Damme, "Infanticide: The Worth of an Infant under Law," in *Medical History* 22 (1978), pp. 1–24. A. Jones, *Women Who Kill* (Boston, 1996), pp. 42–62. Heywood, pp. 56–58.

[48] Kertzer, op. cit., pp. 72–73.

[49] According to Halakhah, not every "illegitimate" child is a bastard.

[50] S. Mulin, *Sefer ha-minhagim* (Jerusalem, 1989), pp. 130–131, following I. Meiri, *Sefer Ha'itur* (Varsaw, 1874), third gate, p. 53a.

[51] S. Lieberman, *Studies in Palestinian Talmudic Literature* (Jerusalem, 1991), p. 161. Bar-Ilan argues that rabbis took bastardy as a kind of biological defect; "The Attitude towards *Mamzerim* in Jewish Society in Antiquity," in *Jewish History* 14 (2000), pp. 125–170. I think that the concept of socio-biological disability affecting *imago dei* is the more precise conceptualization.

[52] Y. Yeb. 8:3. I. Ta Shma, "Mamzer Does Not Live?" in *Bet Miqra* 34 (1968), pp. 33–36.

[53] Preuss, p. 384.

[54] B. Yeb. 65b, Derekh Eretz Zutta. The Talmud permits perjury to save life; B. Ket. 19a. See also *Midrash Tehillim* 41 #3 on deliberate lying in order to lift the spirit of a poor person. J.S. Cohen, "Halakhic Parameters of Truth," in *Tradition* 16 (1977), pp. 83–125.

[55] M. Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester, 1996), pp. 28ff., 90ff.

[56] N.Z.J. Berlin, *Ha'ameq she'ela* gloss on *She'iltot d'rav Ahai Ga'on* (Warsaw, 1861), #167, 17.

[57] *Nishmat Avraham*, *Orah Haim*, #330, 3.

[58] *Nishmath Avraham*, vol. 1, p. 54.

[59] S. Neuvirt, *Shmirat Shabbat ke-hilkhata* (rev. ed.; Jerusalem, 1989), #36, 24.

[60] M.L. Arnot, "Infant Death, Child Care and the State: The Baby-Farming Scandal and the First Infant Protection Legislation of 1872," in *Continuity and Change* 2 (1994), pp. 271–311.

[61] N. Marlow, et al., "Neuralgic and Developmental Disability at Six Years of Age after Extremely Preterm Birth," in *New England Journal of Medicine* 352 (2005), pp. 9–19.

[62] N. Bar Ilan, R. Koffman and Y.M. Barilan, "Care for Premature Infants Who Are Not Viable or Who Are Likely to Have a Miserable Life," in *Assia* 19 (2004) 63–4 (1–2), pp. 94–103.

[63] On this point I disagree with Jakobowitz (op. cit., chap. 13) who seems to confuse the value of procreation with the ideas of eugenics (selective procreation) and the duty of not causing direct harm (by marrying a homozygotic carrier), or bringing forth children one cannot properly educate, with procreation based on genetic optimization. The Halakhic injunction against sterilization holds for persons with genetic defects as well as for anybody else.

[64] *Mishne Torah*, *Hilkhot De'oh* 1, 1.

[65] Tanhuma (Buber ed.) *Numbers*, *Pinhas* 1.

[66] R. Garland, *The Eye of the Beholder: Deformity and Disability in the Graeco-Roman Voice* (Cornell, 1995). D. Williams, *Deformed Discourse: The Foundation of the Monster in Medieval Thought and Literature* (Montreal, 1966).

[67] *Sefer Hassidim*, #171. We are not told if people followed the advice.

[68] Y.M. Barilan, "Head-Counting Vs. Heart-Counting: An Examination of the Recent Case of the Conjoined Twins from Malta," in *Perspectives in Biology and Medicine* 45 (2002), pp. 593–606.

[69] B. Men. 38a. J.D. Eisentstein, ed., *Otzar Ha-midrashim* (New York, 1928), p. 534.

[70] A. Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, 1998).

[71] Tanhuma (Warsaw ed.) Leviticus, *Aharei mot*, #2.

[72] Midrash Psalms 139. The theme is much developed in Zohar, vol. 3, p. 44b, and was also well known in pre-modern alchemy. Socrates tells a similar myth of origin. See N. Rothenberg, *Beloved Doe: The Wisdom of Love* (Tel Aviv, 2004), pp. 13–68.

[73] Yalkut Shim'oni, *Shir ha-shirim*, #988.

[74] Maimonides' laws of exclusion in *Hilkhot Sanhedrin* 2, 6 are not in practice in any Jewish community nowadays.

[75] For other paradigms of health, disease and medicine see A.W. Frank, *The Wounded Storyteller: Body Illness and Ethics* (Chicago, 1995) and B. Brody, *Stories of Sickness* (New Haven, 1987). See also E.D. Pellegrino and D.C. Thomasma, *A Philosophical Basis for Medical Practice: Towards a Philosophy and Ethics of the Healing Profession* (New York, 1981), chap. 3.

[76] D.B. Sinclair, *Jewish Biomedical Law: Legal and Extralegal Dimensions* (Oxford, 2003), pp. 157–158.

[77] *Hilkhot Rotzeah* 11, 4, *Hilkhot De'ot* 4, 1.

[78] Nahmanides' gloss on Lev. 26:11.

[79] Nahmanides, *supra*, probably following B. Shab. 82a. The "bias of health" is not the only explanation.

[80] S. HaLevi-Horowitz, *Kokhve or, avane'ha barzel* (Jerusalem, 1998), #34.

[81] M. Feinstein, *Responsa Igrot Moshe, Yoreh De'ah*, part 2 (New York, 1973), #49. J. Bleich, "Smoking," in *Tradition* 16 (1977), 4, pp. 130–133. Waldenberg, *Responsa Tzitz Eliezer*, part 15 (Jerusalem, 1983), #39. *Proceeding of the Rabbinical Assembly* 44 (1983), p. 182. S. Freehof, *Reform Response of Our Times* (Cincinnati, 1977), chap. 11. The first prominent rabbi to campaign against smoking was the early twentieth century Orthodox Lithuanian *poseq, Hafetz Ha'im*.

[82] S.Z. Auerbach, *Responsa Minhat Shlomo*, part 1 (Jerusalem, 1986), #91, 24.

[83] Zilberstein, *Shoshanat ha-amaqim* (Bene Beraq, 1989), p. 60. Elyashiv does not encourage such attitude; he merely finds it not against Halakhah.

[84] Steinberg, *supra*.

[85] R. Reznick in *Ha'aretz* March 3, 2005.

[86] See, e.g., A. Stewart, *Art, Desire and the Body in Ancient Greece* (Cambridge, 1997), chap. 4.

[87] W. Jaeger, *Paideia: The Ideals of Greek Culture* (New York, 1943), vol. 3, p. 45.

[88] Jakobowitz, p. 25.

[89] J.S. Alter, "Heaps of Health, Metaphysical Fitness: Ayurveda and the Ontology of Good Health in Medical Anthropology," in *Current Anthropology* 40 (1999), pp. S43–S66.

[90] S. Buber, ed., *Midrash Shmuel* (Krakow, 1893), p. 54. Cf. Book of Ben Sira 18.

[91] S. Kuriyama, *The Expressiveness of the Body and the Divergence of Greek and Chinese Medicine* (New York, 1999).

[92] *Hilkhot De'ot* 4, 1. Not surprisingly, Maimonides incorporated advice on the preservation of health into his chapter on ethics.

[93] Schachter-Shalumi, p. 243.

[94] D. Gracia, "La ética de las Profesiones Sanitarias," in D. Gracia, *Como Arqueros al Blanco. Estudios de Bioética* (Madrid, 2004), pp. 265–278.

[95] Waldenberg, *Responsa Tzitz Eliezer*, part 13 (Jerusalem, 1978), #81, b.

[96] A. Cohen, *Medical Dilemmas and Their Solution* (Jerusalem, 1990), p. 101. M. Sternbuch, *Responsa Teshwot ve-hanhagot*, vol. 1 (Jerusalem, 1992), part 1, #879, disagrees. I. Zilberstein, *Refu'a ve'Halakhah* #191. See *Talmudic Encyclopedia*, s.v., "*Hatzalat nefashot.*" Rabbi Neventzel requires non-consensual disclosure in case of "serious problems"—unprinted communication.

[97] Steinberg's *Encyclopedia*, vol. 4, p. 613. D. Mendelson, "The Medical Duty of Confidentiality in the Hippocratic Tradition and Jewish Medical Ethics," in *Journal of Law and Medicine* 5 (1998), pp. 227–238. A minority opinion is that doctors who took the Hippocratic Oath should abide with professional code of confidentiality as a duty to fulfill an oath. B. Rakkover, "May a Doctor Testify Concerning a Patient against His Will?" in *Noam* 2 (1958), pp. 188–191.

[98] Shulhan Arukh, *Yoreh De'ah* #336, 1.

[99] Waldenberg, *Responsa Tzitz Eliezer*, part 5, *Ramat Rachel* (Jerusalem, 1985), #22.

[100] I. Zilberstein, *Shabat shabaton* (Bene Brak, 1997), #15. More on "alternative" medicine is to be found in the sources on *refu'a segulit* and S. Aviner, "Alternative Medicine," in *Assia* 12 (1989), pp. 69-82. See the collection of opinions in *Assia* 19 (2005), 75–76 (3–4), pp. 7ff.

[101] J. Emdin, *Mor uqetzi'a* (New York, 1954) on *Orah Haim* #32. Y. Shafran in *Pisqe din refua u-mishpat* (Jerusalem, 1989), pp. 79–89.

[102] S. Goren, *Torat ha-refuah* (Jerusalem, 2002), pp. 21–26, following the medieval rabbis Nahmanides and Eben Ezra (gloss on Exod. 21:19). For a review of this school in Halakhah, see Sinclair, chap. 4.

[103] M.D. Wallner, "Rights and Duties of a Doctor."

[104] S.M. HaCohen-Schwadron, *Responsa Ma'harsham*. part 1 (Warsaw, 1902), #13. See also Zilbertein's reading of Prov. 18:14 in *Medicine and Halakhah* print out #149. See the discussion on Rabbi Ibn Zimra's ruling below.

[105] Ibid., part 4, #66. See *Magen Avraham* gloss on *Orah Haim* #326, 6.

[106] S. Aviner, "Alternative Medicine."

[107] Y. Shafran, "Medical Care of Parents against Their Will," in *Tehumin* 14 (1994), pp. 333–351.

[108] Shulhan Aruch, *Yoreh De'ah* #255, 2.

[109] D. Ibn Zimra, *Responsa Radvaz* (Warsaw, 1882), part 3 #444.

[110] M. Feinstein, *Responsa Iggrot Moshe*, Hoshen Mishpat, part 2, #75, 3, 1.

[111] Z.N. Goldberg, "Near Death," in *Assia* 16 (1989) 63–4 (3–4), pp. 6–8. M. Herschler, *Halakhah u-refuah*, Vol. 2 (Jerusalem, 1981), pp. 33–34.

[112] M. Feinstein, *Responsa Igrot Moshe*, Vol. 7 (*Hoshen Mishpat B*) (Bene Beraq, 1985), #s 73, 74, 75. I have found only one authority who endorses physical coercion: M. Sternbuch, #859. It is apparently allowed to traumatize a patient who is not critically ill for the sake of his or her own healing. B. Nid. 66a.

[113] Feinstein, *Responsa Igrot Moshe*, vol. 5 (Jerusalem, 1973), *Yoreh De'ah* #37.

[114] M.D. Wallner, A. Steinberg, ed., *Sefer Assia*, vol. 3 (Jerusalem, 1983), p. 323.

[115] S. Dichowski, "Coerced Testing and Treatment," in *Assia* 12 (1989), 45–6 (1–2), pp. 28–33.

[116] I have recently discussed this topic in length: Y.M. Barilan, "Revisiting the Problem of Jewish Bioethics: The Case of Terminal Care," in *Kennedy Institute of Ethics Journal* 13 (2003), pp. 141–168. Y.M. Barilan, "Is the Clock Ticking for the Terminally Ill Patients in Israel: Preliminary Comment on a Proposal for a Bill of Rights for the Terminally Ill," in *Journal of Medical Ethics* 30 (2004), pp. 533–537.

[117] P. Binski, *Medieval Death: Ritual and Representation* (Ithaca, 1996).

[118] P. Aries, *The Hour of Our Death* (Oxford, 1981), chap. 10.

[119] The rise of the cult of the *tzaddiq* in Sabtianism and Hassidism is associated with hagiographic description of death scenes of holy men such as the medical miracle worker and founder of Hasidism, the Baal Shem Tov, and his great grandson. S.A. Horodotzki, *Sefer shivhei ha-besht* (Tel Aviv, 1947), pp. 166–171. A. Green, *Tormented Master: A Life of Rabbi Nahman of Bratslav* (New York, 1981), pp. 275–282.

[120] Lorberbaum, chap. 2.

[121] V. Rispler-Chaim, *Islamic Medical Ethics in the Twentieth Century* (Leiden, 1993), pp. 95–96.

[122] Feinstein, #75.

[123] Waldenberg, *Tzitz Eliezer*, part 5 *Ramat Rachel*, #5. Remma, *Yoreh De'ah*, 339, 2.

[124] Sternbuch, #858. Probably following *Meiri* on B. San. 74a and gloss *Tife'ret Israel*, *Bo'az* #3 on M. Yom. chap. 3.

[125] *Nishmat Avraham*, part 4, p. 152, probably following H. Attar, *Or ha-hayyim* on Exod. 11:16.

[126] Sinclair, pp. 224–227.

[127] S. Iger, *Gilyon Maharsha* gloss on *Yoreh De'ah* #339, 1. It is commonplace that Reischer holds the opposite opinion. J. Riescher, *Responsa She'vut Ya'akov* (Lemberg, 1861), part 1, #13. I am not convinced. Riescher speaks of giving drugs that "delay the dying process," not about giving drugs to the dying in order to postpone death. He calls for giving drugs that cure or remove a complication that might kill a terminal patient.

[128] Waldenberg, *Tzitz Eliezer*, part 13, #89. H.D. Halevi, "Disconnecting a Patient with No Prospects of Survival from a Respirator," in *Tehumin* 2 (1981), pp. 297–305.

[129] A.S. Avraham, *Nishmat Avraham* (Jerusalem, 1991), vol. 4, p. 153.

[130] See the debate between Barry and MacFadden in R. Barry, "Feeding the Comatose and the Common Good in Catholic Traditions," in *The Thomist* 53 (1989), pp. 1–30.

[131] S. Israeli, *Responsa 'amud ha-yemini* (Tel Aviv, 1966), #32, 2.

[132] A. Steinberg, "The Halakhic Basis to the Proposed Law on the Terminal Patient," in *Assia* 18 (2002) 71–72 (3–4), pp. 25–39.

[133] S. Namir, "Prolonging the Life of the Terminal Patient—A Duty or an Elective Policy," in *Assia* 16 (1989) 63–64 (3–4), pp. 9–17, at 12.

[134] Feinstein, #75.

[135] Z.N. Goldberg, "The Terminal Patient—Summary of the Responsa," in *Assia* 16 (1998), 63–64 (3–4), pp. 6–8.

[136] B. Git. 70a and B. A.Z. 12b. See Meiri, *Bet ha-behira* on B. A.Z. 85b.

[137] M. Herschler, *Halakhah u-refuah* (Jerusalem, 1981), vol. 2, pp. 33–34.

[138] M.D. Tendler and F. Rosner, "Quality and Sanctity of Life in the Talmud and Midrash," in *Tradition* 28 (1993), pp. 18–27 at 24.

[139] M. Feinstein, *Responsa Igrot Moshe, Yoreh De'ah*, Part B (New York, 1973), #174, 4.

[140] H. Falaji, *Responsa Hiqqeqei Lev* (Thessaloniki, 1884), #45.

[141] Op. cit., chap. 5.

[142] Barilan and Siegal, Y.M. Barilan, "The Vision of Vegetarianism and Peace: Rabbi Kook on the Ethical Treatment of Animals," in *History of the Human Sciences* (2004) 17 (4), pp. 79–80.

[143] Waldenberg, *Ramat* Rachel, #28.

[144] Jakobowitz, p. 45. See also Y.M. Tikutsinsky, *Gesher ha-hayyim* (2nd ed.; Jerusalem, 1960), p. 44. M.A. Weingarten, "Sanctity of Life: A Critical Reassessment of Jewish Medical Ethics," in P. Twohig and V. Kalitzkus, eds., *Interdisciplinary Perspectives on Health, Illness and Disease* (New York, 2004), pp. 1–12.

[145] *Otzar ha-geonim* gloss on B. Yom. 85a.

[146] Rashi on B. Yom. 85a. See M. San. 6:1.

[147] *Hilkhot yesodei ha-torah* 5, 4.

[148] B. Ar. 7a. Medieval rabbis already wrote that the chances of rescuing such babies were nil. S. Duran (Rashbatz), *Tashbetz, hut Ha'Meshulash* (Lemberg, 1891), part I, #110.

[149] M. Sofer, *Responsa Hatam Sofer*, part 2 (Preschburg, 1841), #336. B.M.H. Uziel, *Responsa Mishpatei Uzi'el*, Part 1 (Jerusalem, 1935), #28. M.J. Breisch, *Responsa Helqat Yaakov* (Tel Aviv, 1992), *Yoreh De'ah* #207.

[150] B. Ned. 80b. S. Dichowski, "Priority Setting in Saving Lives," in *Torah She'ba'al Peh* 31 (1990), pp. 41–51.

[151] Y.J. Halbershtam, *Responsa Divrei Yatziv. Hoshen Mispat* (Bene Beraq, 2001), #69.

[152] A. Steinberg, "Priorities in Saving Lives," in *Sefer Assia* 3, pp. 343–344.

[153] *Ran* gloss on the Talmud and *Shach* gloss on Shulhan Arukh, *Yoreh De'ah* #252, 4.

[154] Taz gloss on *Shulhan Arukh, Yoreh De'ah* 252:1.

[155] M. Feinstein, *Responsa Igrot Moshe*, part 5 (New York, 1973), #174, 4.

[156] A. Sen, *Development as Freedom* (New York, 1999).

[157] *The Guradian* (London), February 25, 2005.

[158] See E. Pappo, *Pele yo'etz* (Jerusalem, 1987), p. 637.

[159] For a detailed discussion see *Encyclopedia of Medicine and Halakhah*, vol. 5, pp. 518–525.

[160] *Nishmat Avraham*, part 4, Yoreh De'a #251, 1.

[161] I.J. Unterman, *Shevet me'Yehuda* (Jerusalem, 1983), gate 1, chap. 8.

[162] B. Bhddhaghosa, *The Path of Purification* (Colombo, 1956), p. 333.

[163] B. Williams, *Moral Luck* (Cambridge, 1981), p. 18

[164] H. Frankfurt, *The Reasons of Love* (Princeton, 2004), p. 36.

[165] D. Parfit, "Innumerate Ethics," in *Philosophy and Public Affairs* 7 (1978), pp. 285–301.

[166] Shulhan Aruch, *Yoreh De'ah* #251, 7–8.

[167] Shulhan Aruch, *Yoreh De'ah* #243, 2. He nevertheless insists on some prerogatives traditionally given to—or taken by—the Halakhists. See also gloss *Shakh* on Yoreh De'a, #251 at 16.

[168] B. San. 73a. D. Feldman, *Responsa Lev David* (London, 2000), #5, 20. Sinclair, pp. 154–159.

[169] Maimonides, *Hilkhot Matnot Ani'im*, 9, 12.

[170] Maimonides, *Hilkhot Matnot Ani'im*, 10, 7.

[171] S.W. Baron, *Jewish Community: Its History and Structure* (Philadelphia, 1948), vol. 2, pp. 328–333.

[172] *Pele yo'etz*, p. 232.

[173] I. Horowitz, *Shnei luhot habrit* (Frankfurt am Oder, 1717), part 1, p. 144.

[174] Maimonides, *Hilchot Avel*, 14, 4. M. Feinstein, Responsa *Igrot Moshe, Yoreh De'ah*, part 1 (New York, 1960), #222.

[175] Baron. Maimonides, *Hilkhot Matnot Ani'im* 9, 12.

[176] B. B.Q. 86b, 93a, B. San. 75a. But cf. *Sefer hassidim* #315.

[177] Maimonides' book of commandments, positive commandment 209. *Sefer ha-Hinnukh* #257.

[178] Steinberg dedicates only three (!) pages to Halakhic discussion on the subject.

[179] *Responsa Minhat Shlomo*, #82, 12.

[180] D. Ibn Zimra, *Responsa Radvaz* (Warsaw, 1882), part 3, #627.

[181] Y.M. Halevi-Epstein, *Arukh Ha-shulhan*, Hoshen Mishpat (Jerusalem, 1962), #426, 4.

[182] Op. cit., #328.

[183] S. Kook, *Sefer Assia*, vol. 3, pp. 288ff. *Nishmat Avraham Yoreh De'ah*, p. 266.

[184] *Nishmat Avraham.*

[185] E.N. Dorff, *Matters of Life and Death: A Jewish Approach to Medical Ethics* (Philadelphia, 1998), p. 20.

[186] J. Faur, *Homo Mysticus: A Guide to Maimonides's Guide for the Perplexed* (Syracuse, 1999), p. 127. M. Kordoveiro, *Tomer Devora* (Venice, 1589), chap. 1.

[187] S. Israeli, "Donating Organs from the Living—Risk to the Donor and Reception of Payment," in *Assia* 15 (1996) 57–8 (1–2), pp. 5–8.

[188] *Nishmat Avraham*, vol. 4, p. 212. A. Steinberg, "Payment for Donating Organs: Ethical and

Halakhic Aspects" in S. Raz, ed., *Qovetz ha-tziyonut ha-datit* (Jerusalem, 2001), pp. 417–441. M. Vigoda, "Donation of Live Organs and Their Commercialization," in *Assia* 18 (2003), 71–2 (3–4), pp. 6–24. I. Low, "Selling Organs for Transplantation," in *Tehumin* 18 (1998), pp. 125–136. R.V. Grazi and J.B. Wolowelsky, "Non-Altruistic Kidney Donations in Contemporary Jewish Law and Ethics," in *Transplantation* 27 (2003), pp. 250–252. N.J. Zohar, "Towards Justice in the Organ Trade," in *Israeli Law Review* 27 (1993), pp. 541–565.

[189] S. Ilan, "The Process of the Brain, the Process of the Heart," in *Ha'aretz* March 13, 2005. M. Hazani, "The Rabbis Support Organ Donation," in *Yediot Aharonot*, Feb. 2, 2005. The chief rabbinate also stipulates the inclusion of BERA test.

[190] Waldenberg, *Responsa Tzitz Eliezer*, part 13, #91. M. Feinstein, *Responsa Igrot Moshe, Yoreh De'ah*, part B, #174. I.J. Weiss, *Responsa Minhat Yitzhaq*, part 5 (Jerusalem, 1972), #8.

[191] See Barilan and Siegal for a detailed discussion.

[192] J.D. Bleich, "Judaism and Animal Experimentation," in *Tradition* 22 (1986), pp. 1–36.

[193] Abarbanel gloss on Lev. 1:1, I. Arrama, *Aqedat Yitzhaq* (Presburg, 1849), p. 76. Barilan, "The Vision of Vegetarianism and Peace."

[194] *Remma* on Eben Ha-Ezer, #5, 14.

[195] F.J. Leavitt, "The Idea of Nature on Maimonides' Philosophy of Medicine: Jewish or Greek?" in *Korot* 13 (1998–1999), pp. 102–121, at 120.

[196] M.J. Breisch, *Responsa Helkat mehoqeq*, part 1 (Jerusalem, 1951), #30.

[197] Y. Weinberg, *Responsa Seridei esh*, part 3 (Jerusalem, 1966), #7.

[198] M. Feinstein, *Responsa Igrot Moshe. Even Haezer*, part 4, #92.

[199] M. Schick, *Responsa Maharam Schick, Yoreh De'ah* (New York, 1961), #158,

[200] H. Berlin, *Responsa Nishmat Haim* (Bene Beraq, 2002), #16.

[201] Waldenberg, *Responsa Tzitz Eliezer*, part 10, #24, 4, and part 17, #66.

[202] The activities of *Tzomet* Institute for Halakhah and Technology and the Steinberg Committee might signify some change.

[203] B. Dinur, *Be-mifne ha-dorot* (Jerusalem, 1972), pp. 92ff.

[204] S.J. Zewin, *Le-or ha-halakhah* (Jerusalem, 1946), pp. 183–196.

[205] Op. cit., #16, 16ff. Consider the "colonoscopy artist," in M. Nussbaum, *Sex and Social Justice* (New York, 1999), chap. 11.

[206] Maimonides writes that the soul of a person is a property (*qinyan*) of God in the context of a *dead* soul, and in order to disqualify the family from accepting compensation from a murderer. *Hilkhot Rotze'ah* 1, 4.

[207] Supra, #16, 19.

[208] M. Feinstein, "Surgery to Beautify a Damsel," in M. Herschler, *Sefer Halakhah u-refuah*, vol. 5 (Jerusalem, 1980), pp. 323–327. But see Waldenberg, *Responsa Tzitz Eliezer*, part 11, #41, 8–9.

[209] S. Aviner in *Be-ahava u-ve-emuna*, January 16, 2004.

[210] Aviner is one of the leaders of the ultranationalist Orthodox in Israel (*Gush Emunim*).

[211] U. Beck, *Risk Society: Towards a New Modernity* (London, 1992).

[212] D. Rothman and S. Rothman, "The Organ Market," in *New York Review of Books* 50 (2003) 16, pp. 49–51.

[213] B. Yeb. 106a, concerning an apparent consent to a bill of divorcement (*get*). Joseph of Trani, *Responsa Mabit* (Lomberg, 1961), part 2, # 138.

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Britain, Practice of Judaism in

Historically British Jews tried to represent themselves as a purely religious minority. While they differed from other British citizens in regard to their private religious beliefs, they wished to be seen as resembling others in their public conduct, social attitudes and, above all, national allegiance and loyalty. Thus, British Jewish leaders, at least until World War II, promoted the image of Jews as "Englishmen of the Mosaic persuasion."[1] They sought to avoid differentiation on the grounds of culture, language, or ethnicity, and they discouraged the development of separate Jewish schooling, the use of Yiddish and, in particular, communal support for Zionism.

The aim of this policy was to protect the achievements and social position of the established Jewish community by emphasizing its Anglicized character and limiting its distinctiveness to the private religious domain. But while the British government appeared

to accept the notion of the Jews as a purely religious minority, it is not clear that Jews themselves were persuaded by the argument. Certainly by the second half of the twentieth century, the unidimensional image of the Jew had begun to crumble. Historical events—the Holocaust, the establishment of the state of Israel, and the development of a multiculturalism in Britain—opened the way not only to greater religious differentiation between Jew and Jew but also to the evolution of Jewish identities based on feelings, beliefs, and social ties that were not intrinsically religious. Support for Zionism, the desire to fight antisemitism, attachment to Jewish culture, feelings of ethnic consciousness—these and other themes became alternative currencies for the expression of Jewish identity and for the development of new Jewish subcultures. By the turn of the century, survey data show that very few British Jews see their Jewishness *solely* in religious terms, while many see it as essentially secular and ethnic.

Sources of Data on British Jewry

The many different and overlapping manifestations of Jewish identity make it difficult to provide a simple overview of Jewish practice and belief in the U.K. The problem is exacerbated by the paucity of data sources: there is no communal database providing information on the synagogal affiliation of British Jews, and even the enumeration of Jewish population is complicated by the absence of a question on religion in the decennial census.

Social scientific descriptions of British Jewry therefore rely on sample surveys and other ad hoc studies carried out by academic or community-based research groups. Four principle sources of data on the practice of Judaism and the demography of British Jews exist. The first and most comprehensive is the "JPR survey," a sample survey of more than two thousand British Jews conducted by the Institute for Jewish Policy Research in 1995. This survey maps the religious behavior, beliefs, and attitudes of a broad sample of self-identifying Jews selected mainly, but not entirely, by probability sampling from the British electoral register. Two smaller sample surveys, one of Jewish women and another of members of the largest synagogal body in Britain, the United Synagogue, also provide useful information on the beliefs and practices of the more affiliated sections of the community.[2] Finally, the Community Research Unit (CRU) of the Board of Deputies of British Jews produces regular, high quality, demographic and statistical reports, covering trends in synagogue membership, births, deaths and marriages. These sources will be referred to respectively as the JPR survey, the Women's survey, the US survey, and CRU reports.[3]

Jewish Population—Size and Location

In the absence of census data on British Jews, two other approaches to the estimation of population size have been considered: projection from synagogue membership statistics and estimation from national random sample surveys. The former method is subject to unacceptable distortions,[4] and the latter is impractical given the small size and patchy geographical distribution of British Jews.

Instead, an indirect method of estimation has been developed based on quinquennial mortality statistics, i.e., the number of burials and cremations performed under Jewish religious auspices in a given five year period. Using age- and sex-specific mortality rates, it is possible to calculate the size of the living population, which yields an estimate of approximately 300,000 Jews.[5] This figure *excludes* people who are Jewish according to Halakhah but whose links with the community are so weak that neither they nor their surviving family requests a Jewish burial; equally, it *includes* some individuals who would not be classified as Jewish by Orthodox authorities, but who meet the criteria for burial or cremation under the auspices of a Progressive synagogue. The figure of 300,000 may therefore be regarded as a rough estimate of the size of the "effective Jewish community," based on the minimal criteria of desire for and eligibility for a Jewish burial or cremation. Jews thus constitute approximately 0.5% of the British population.

The geographical distribution of British Jews is monitored by the CRU and has been described in a number of reports, which show that British Jewry is highly urbanized. About two-thirds of the population (200,000) is found in greater London and its immediate surroundings, with particular concentrations in three areas: North-West London and Hertfordshire, Stamford Hill in North London, and Redbridge and S.W. Essex. A further 10% of British Jews (30,000) lives in greater Manchester, and there are major concentrations in Leeds (10,000 = 3%) and Glasgow (6000 = 2%). The remaining 20% of the affiliated Jewish community is spread over seventy or more locations, including retirement towns on the south coast and larger towns throughout the U.K. These communities generally number less than two thousand Jews each and are subject to significant demographic erosion. Thus, for practical purposes, the ethos and development of the British Jewish community is driven by organizations based in London and Manchester.

The Religious/Secular Divide

It is easier to map the Jewish population geographically than to disentangle the secular and religious sub-populations. While the JPR survey provides a great deal of data on the beliefs and practices of British Jews, these data do not support the notion of a clear cut distinction between secular and religious lifestyles. The problem hinges on providing a clear operational definition of a secular Jew:

One approach is to ask respondents to classify themselves as secular or not, without providing formal criteria. All three communal surveys adopted this technique, asking respondents to characterize their pattern of religious observance by choosing a description from the following list:

> Non-practicing, i.e., secular Jew
> Just Jewish
> Progressive (e.g., Liberal or Reform)
> Traditional (not strictly Orthodox)
> Strictly Orthodox (e.g., would not turn on a light on the Sabbath)

Using this self-classification scale, about a quarter of British Jews (26% in the JPR sample) describe themselves as "non-practicing, i.e., secular." However, it turns out that some of these "secular" respondents do in fact observe a number of common Jewish rituals (fasting on Yom Kippur, lighting Sabbath candles, refraining from work on Rosh Hashanah), and about 16% of them belong to a synagogue; indeed about 8% belong to an *Orthodox* synagogue. If criteria are introduced to exclude synagogue members or those who engage in ritual practice, then the proportion of British Jews who qualify as secular is correspondingly reduced:

Criteria for being "secular"	*Percentage who qualify*
Self-classification (as "non-practicing i.e., secular")	26%
Self-classification *and* avoidance of key mitzvot	19%
Self-classification *and* avoidance *and* no synagogue membership	16%

Now, if the criteria are made even less stringent—to include, for example, someone who regards "participation in Jewish religious life" as "not at all important" to his or her personal sense of Jewishness—then the proportion rises to 45%. If the definition is extended to include those who reject the divine origin or inspiration of the Torah, then 56% qualify as secular. And if rejection of, or uncertainty about, God's role in the creation is used as a criterion, then almost 70% must be classified as secular.

Prominent secular Jews in Great Britain have adopted the more extensive definition. Thus, Felix Posen[6] comments on the "glaring facts" that "well over 50% of the Jews . . . are secular—people for whom the concept of God and the keeping of *mitzvot* are no longer an option." But the evidence shows that the boundary between the secular and the religious is not that clear cut. And it is the disjunction between the very aspects of Judaism that Posen puts together, belief and practice, that makes the boundary fuzzy. If a secular Jew is to be defined behaviorally as someone who avoids all religious rituals, then the vast majority of British Jews would qualify as religious; but if the criterion is to be based on lack of belief or rejection

of the key elements of Jewish religious dogma, then the majority would be classified as secular.

For practical purposes, in the description that follows, the self-report criterion has been used to delineate the secular respondents. In doing this, it is recognized that some of "secular Jews" participate in a few basic religious practices; and equally, that some who are classified as "religious" are in fact non-believing Jews whose involvement in Jewish practice leads them to avoid the label "secular."

Typology of Secular Jews

Secular Jews fall into two broad categories, those who are relatively detached from anything Jewish but recognize their Jewish origins ("remote" secular Jews) and those who have a personally meaningful Jewish identity expressed in one or more non-religious ways ("active" secular Jews).

The JPR survey shows that the majority of secular Jews (57%) falls in the remote category, defined as those who accept their Jewish origin but "do not think of (themselves) as being Jewish any longer" or "do not think about it very often." Predictably, remote Jews have low levels of involvement in Jewish life; more than 90% are not affiliated to any kind of Jewish organization, and 92% have no desire to increase their involvement in Jewish activities. If asked to characterize the basis of their Jewish identity, remote Jews are most likely to cite psychological factors ("feeling Jewish inside," "loyalty to my Jewish heritage"), but only a small minority (10%) regards these as important factors. The majority of Jews in this category see themselves as "more British than Jewish" (70%); of those who are married, 76% are married to non-Jews.

In contrast, active secular Jews (43% of the total) are more keenly aware of their Jewishness. They are defined as those who feel "quite strongly Jewish" or are "extremely conscious" of it. This is expressed through feelings of attachment to the Jewish heritage, to fellow Jews, and to aspects of their own personality perceived to be intrinsically Jewish (56% regard these factors as being "very important"); a further 35% cite Israel, Jewish culture, or Jewish home life as being important. Predictably, active secular Jews feel either more Jewish than British or at least equally so (74%), and a somewhat smaller proportion is married to non-Jews (63% of those who are married). Active secular Jews are more likely to be involved in events of Jewish interest; 34% would like to increase their involvement. If an index of "communal involvement" is constructed and applied to *all* secular Jews, the distribution is clearly bimodal, indicating that the remote and active sub-groups are quite distinct from one another.

There are a number of Jewish organizations in Britain whose membership is predominantly secular (e.g., The Jewish Socialist Group), but attempts to establish cultural or educational bodies whose mission is to develop Jewishly knowledgeable, culturally or ethnically committed *secular* Jews have failed. Hence, there is no obvious organizational base in Britain for people who see "secular Judaism" not as a contradiction in terms but as a critical element in the battle for Jewish survival.

How to Measure a Religious Lifestyle?

Any attempt to classify and describe religious practice is at once confounded by the tendency of British Jews, unlike their American counterparts, to retain membership in their parents' (and by extension their grandparents') synagogal body. Whether for reasons of family loyalty, nostalgia, convenience, or distaste for Reform and Liberal services, the great majority of affiliated British Jews belong to an Orthodox synagogue.[7] Since only a small proportion of the members of these synagogues are themselves fully observant, it follows that synagogue affiliation *per se* is a very poor indicator of Jewish lifestyle. Based on the profile of synagogue membership in the U.K.,[8] the distribution of religious practice should resemble that shown

in column A below. However, the distribution of *self-reported* religious practice among synagogue members (JPR data) tells a very different story (column B):

A Profile of synagogue affiliation		B Self-reported religiosity of synagogue members	
Orthodox	71%	Orthodox (Sabbath observant)	14%
Masorti (Conservative)	2%	Traditional (not strictly Orthodox)	44%
Progressive (Liberal/Reform)	27%	Progressive (Liberal/Reform)	21%
Just Jewish	15%	Non-practicing secular	6%

It is apparent that synagogue membership patterns vastly exaggerate the proportion of practicing Orthodox Jews and correspondingly underestimate the substantial number of traditionally oriented, non-Orthodox Jews (sometimes referred to as the "nominal" Orthodox). However, it is not simply the case that Orthodox synagogues contain both Orthodox and Traditional members, while Progressive synagogues contain both Progressive and secular members. The relationship is more complex than that (see Table 1), involving a significant spread of religious practice in each of the categories of synagogue membership. This underlines the weak relationship between synagogue affiliation and self-reported religious observance and justifies the separate analysis of each.

Table 1: The religious lifestyle of members of the main types of synagogue (JPR data; N = 1376; row percentages shown)

Synagogue type	Religious Lifestyle Secular	Just Jewish	Progressive	Traditional Orthodox	Strictly	Total
Orthodox	4	16	2	58	20	100
Masorti	5	18	14	63	0	100
Reform	9	11	75	5	0	100
Liberal	13	18	60	9	0	100

Note: Percentages for Masorti are unreliable due to the very small sample size (N = 22)

Ritual Observance Among Non-Secular British Jews

In this section we focus on the ritual observance of members of the four self-defined religious sub-groups and disregard divisions based on synagogue affiliation. The four groups (Strictly Orthodox, Traditional, Progressive, Just Jewish) comprise approximately 74% of British Jewry, the remaining 26% being those who describe themselves as secular.

Each of the sample surveys (the JPR, US, and Women's surveys) provides data on the observance of a range of common Jewish rituals and practices. The surveys are consistent in showing very marked differentiation among the four sub-groups in regard to the particular rituals observed and the proportion of adherents who observe them. Table 2 shows the typical pattern.

Table 2: Percentage observance of key rituals in the four self-rated religious groups[9] (JPR data, N = 1607)

	Strictly Orthodox	Traditional	Progressive	Just Jewish
% of total sample are "religious" Jews	(13%)	(42%)	(20%)	(25%)
Attends a Seder every/most years	**100**	**96**	**87**	**62**
Refrains from work on Jewish New Year	**100**	**96**	**85**	**57**
Fasts on Yom Kippur	**100**	**94**	**81**	**56**
Prefers to stay home on Fridaynight	**100**	**88**	**65**	39
Lights candles every Friday evening	**100**	**69**	36	17
Buys Kosher meat (excludes vegetarians)	**100**	**79**	17	19
Does not mix milk and meat	**100**	68		8
Attends synagogue each Shabbat (men)	**100**	35	19	1
Refrain from traveling on Sabbath	**100**	17	1	2

These findings illustrate the general decline in ritual observance as one moves across the religious spectrum. They also show the relative persistence of three core practices—attending a Seder, fasting on Yom Kippur, and refraining from work on Roah Hashanah—kept by the majority of respondents in all groups. Following American trends, it is clear that the more convenient annual rituals tend to survive, while the more demanding, daily or weekly obligations are prone to disappear. For most respondents, practical convenience seems to override Halakhah, suggesting that the practices that do survive are more likely to be expressions of ethnic belonging than religious conviction.

The Strictly Orthodox

The one group in which the Halakhah remains supreme is the Strictly Orthodox, comprising some 13% of religiously active Jews, who are consistent and meticulous in their observance of a wide range of religious practices. These include the more intensive practices associated with the Sabbath and kashrut, which clearly impede social integration with the non-Jewish world and which have been shown to reflect devotional rather than ethnic dimensions of Jewish identity.[10]

The qualification "strictly" is used here to avoid any confusion with "nominal" Orthodoxy (i.e., the practices of non-observant members of Orthodox synagogues), but it is not meant to exclude the observant members of central Orthodox movements who, together with the genuinely stricter right-wing Orthodox groups, make up the "Strictly Orthodox" classification. Naturally, variations in religious practice occur within and between these various groups, but the measurement scales used in the British research are not sensitive enough to pick these up. While the survey data describe the Orthodox group as a whole, some information about the central and right-wing sub-groups is included below in the discussion of synagogue membership statistics.

Research on Strictly Orthodox communities has been confined mainly to the assessment of their individual religious behavior,

but observation of Jewish life in the U.K. reveals a significant increase in the vibrancy and public expression of Orthodox lifestyles over the past two decades. This is evidenced, for example, by the custom among modern Orthodox Jews of wearing a kippah in public, the expansion of full-time Orthodox Jewish schooling, the growth in the number of non-Orthodox Jews who turn to Orthodox practice, the wide range of opportunities for and styles of Torah learning, and, more prosaically, the dramatic growth in the numbers of kosher restaurants and snack bars in areas of Orthodox concentration.

Traditional Jews

The profile of observance among the strictly Orthodox is loosely mimicked by the 42% who classify themselves as Traditional, but with the crucial difference that Traditional Jews neglect the strict requirements of Sabbath observance, are less likely to observe the more demanding aspects of kashrut, and tend to neglect the requirements of ritual purity.[11] Traditional Jews are not, however, entirely consistent; while the majority eat kosher meat at home, they are more-or-less equally divided on the practice of eating only kosher meat outside of the home (48% do, 52% do not; US survey), and they exhibit wide variation in the frequency of synagogue attendance and in the level of observance of the pilgrimage and minor festivals. In effect, Traditional Jews fall on a continuum of ritual observance from a basic minimum at one pole (fasting on Yom Kippur, eating kosher meat at home, marking Rosh Hashanah, Passover, and the Sabbath in some way) through quite extensive ritual observance at the other, covering most but not all of the practices relating to the holidays, prayer, kashrut, and Shabbat.

What unites Traditional Jews across this continuum is an emotional attachment to Orthodoxy, a feeling that it represents authentic Judaism, a Judaism to which they aspire in theory, though not entirely in practice. This attachment should not, however, be confused with deep spiritual or religious commitment.

Progressive Jews

The attachment to some kind of normative model of Judaism distinguishes Traditional Jews from the remaining 20%, who classify themselves as Progressive. Progressive Jews also observe a set of core practices, but they do not see these practices, even in theory, as halakhic imperatives or requirements of authentic Judaism, so much as voluntary expressions of religious or ethnic identity. In effect, this means that Progressive Jews observe a smaller set of key rituals related mainly to social and family aspects of Jewish life, with very low levels of observance of kashrut and rejection of the precise ritual requirements of Sabbath observance. Further, the pattern of ritual observance of individual Progressive Jews is less consistent than for members of other groups. Thus a Progressive Jew who, for example, lights Sabbath candles, may neglect a more common practice such as refraining from work on Rosh Hashanah or fasting on Yom Kippur. Such reversals occur in all religious groups, but are more frequent among Progressive Jews, reflecting their more flexible approach to the concept of Mitzvah.[12]

Anecdotal evidence suggests that Progressive Jews are becoming more traditional and religiously observant, and there are observable changes, such as the establishment of a Reform ritual bath (*mikveh*) in North West London and the creation of Reform *havurot* (prayer groups). However, as noted by Marmur, such changes do not reflect a reversal of attitude to the Halakhah, so much as an increased desire for more traditional, but essentially voluntary, expressions of Jewish identity.

Just Jewish

The final 25% of the "religiously active" subgroup of British Jews comprise those who classify themselves as Just Jewish. These people are effectively on the boundary between religious and secular; they engage in very few ritual practices (Yom Kippur, Seder, and Rosh Hashanah), with about 60% observing each particular ritual and 81%

observing at least one of the set (JPR survey). The distinction between this group and Progressive Jews seems to relate to the place of religious observance in their global sense of Jewish identity; Progressive Jews (and Traditional Jews even more so) view participation in Jewish religious life as relatively important to their sense of Jewishness (73% say it is "very" or "quite important"), whereas Just Jewish respondents generally regard it as "not at all important" (71%). In this respect, Just Jewish respondents resemble Secular Jews.

There seems to be no qualitative distinction between the Just Jewish and Secular groups, although the former are somewhat more observant than the latter; 81% of Just Jewish respondents against 32% of the Secular keep at least one of the key practices (JPR data). It would seem then that the somewhat higher levels of observance have an effect on the choice of descriptor, even though both groups express non-religious attitudes. Thus, as far as religious practice is concerned, Just Jewish and Secular respondents may be regarded as falling on a single continuum, reflecting the non-religious expression of Jewish identity, and extending from weak (= Just Jewish) to zero (= Secular) levels of ritual observance.

Belief Systems and Ritual Observance

The previous sections provide a behavioral description of the practices of each British religious subgroup but say relatively little about the belief systems that serve those practices. Religious beliefs are of interest not only as a means of understanding the psychological reality of religious practice but also as a tool for interpreting the prevailing trends in religious practice. The core data for examining the religious beliefs of British Jews also come from the JPR survey. Table 3 lists four statements reflecting fundamental aspects of Jewish religious faith and records the proportion of respondents in each group who agree (or strongly agree) with each proposition.

Table 3: Percentage agreement with belief statements in four religious sub-groups (N = 2147)

	Strictly Orthodox	Traditional	Progressive	Just Jewish
Praying to God can help overcome personal problems	90	49	44	36
Rejects: Universe came about by chance	94	36	27	21
Belief in God is central to being a good Jew	82	35	28	22
Jews have a special relationship with God	96	58	43	32

Two features of these data are of interest: first, the overall levels of belief are low in absolute terms; apart from the Strictly Orthodox, only about a third of the religiously active are found to accept each of these basic articles of faith, and separate analysis shows that only about 10% accept all four of them. Second, levels of belief do not decline steadily across the four religious groups (as was the case with ritual observance), but, rather, there is a big step between the Strictly Orthodox and Traditional groups, with a relatively shallow decline thereafter. Very similar profiles of religious belief were obtained in the samples collected for the US and Women's survey.[13]

These findings suggest that, outside of the Strictly Orthodox grouping, the small variations in religious faith are insufficient to explain the large variations in ritual observance. In that case, another hypothesis suggests itself, that among the non-Orthodox, variations in observance have more to do with individual differences in ethnic affiliation (defined as a feeling of closeness to other Jews and association with the Jewish heritage) than with the strength of a person's religious conviction. Certainly, if the strength of ethnic identity is measured for each of the religious groups, the profile that emerges matches the trend in religious observance far better than the profile for religious belief. For example, the question "How important to your sense of Jewish identity is a feeling of closeness to other Jews?" elicits the response "very important" from 80% of the Strictly Orthodox, 57% of Traditional Jews, 37% of Progressive Jews, and 25% of the Just Jewish category. This steady decline across the four groups mimics the trend in ritual observance illustrated in Table 2.

A more rigorous test of this hypothesis can be achieved by constructing an index to measure each respondent's level of practice (P), level of belief (B), and strength of ethnic identity (E). If this is done, the correlation (strength of relationship) between practice and belief on the one hand can be compared with the correlation between practice and strength of ethnic identity on the other. For the JPR sample the results are:

Correlation between P and B (with E held constant) $r = +0.1$

Correlation between P and E (with B held constant) $r = +0.8$

These findings provide strong support for the idea that when non-Orthodox Jews perform a religious ceremony—when they celebrate the Seder or light Sabbath candles—they are primarily expressing their ethnic identity and only rarely are driven by a feeling that these practices derive from the transcendent authority of God.

It should not be concluded from this that Strictly Orthodox Jews are an exception and that they are wholly motivated by religious faith. As Table 3 indicates, a small proportion reject key articles of faith, including (not shown above) some 17% who subscribe to the notion of the Torah as "the inspired word of God, but not everything should be taken literally" rather than to the view that "the Torah is the actual word of God." It seems likely, therefore, that, in some cases, strict observance of the Halakhah may be driven mainly by non-religious influences, such as habit or emotional attachment.

The Religious Characteristics of British Jews

The research reported in the previous sections yields a four dimensional structure for classifying religious life in the U.K. The dimensions are religious faith or belief, religious practice, ethnic identity, and religious attachment. The first three dimensions already have been defined operationally; the fourth refers to a person's emotional attachment or positive attitude to Jewish religious life, independent of his or her level of religious faith or belief. The four religious subgroups can then be represented in terms of their positions on each of these dimensions.

The Strictly Orthodox, whether modern or right-wing Orthodox, are unique in British Jewry in having high levels of religious faith that in most cases can be assumed to underpin their strict observance of the Halakhah. In this respect, they resemble adherents of non-Jewish religious groups who demonstrate a strong association between belief and practice. The Orthodox are also strongly identified on ethnic measures and have an emotional attachment to religious life, but in most cases these factors reinforce the role of religious conviction rather than substituting for it.

The remaining three groups (Traditional, Progressive, and Just Jewish) have roughly equivalent, rather weak levels of religious belief, so that they cannot be differentiated on this basis. Further, they differ only by degree on the scale of religious practice, although there is wide variation extending from the highest levels of observance of

Traditional Jews (elements of Sabbath, kashrut, prayer, and observance of the holidays) through the intermediate level of Progressive Jews (mainly annual family practices, some recognition of the Sabbath) to the minimal practices of the Just Jewish category (one or two annual practices such as Seder, Rosh Hashanah). In the same way, the three groups differ only as a matter of degree on the scale of ethnic identity; and again the variation is very marked. The strong association between variations in ethnic identity and variations in level of ritual observance leads to the suggestion that ethnic identity is the main determinant of religious practice in these groups.

This analysis leaves Traditional, Progressive, and Just Jewish respondents occupying adjacent regions of a hybrid "practice/identity" continuum but not clearly differentiated in qualitative terms. However, the three groups can be distinguished by reference to the fourth dimension, religious attachment. On this dimension, Traditional Jews are characterized by their emotional attachment to Orthodox "style" Judaism, which they see as authentic and to which they aspire (in a theoretical rather than practical sense). Progressive Jews do not attribute halakhic authenticity to Orthodox practices, and they have of course sought to "modernize" many synagogue practices, but they do tend to view religious life as an important part of their Jewish identity. In contrast, Just Jewish respondents do not see themselves as being psychologically engaged in Jewish religious life at all; they observe one or two annual practices solely as a matter of habit or ethnic affiliation. They are therefore very similar to Secular Jews, except that they are marginally more observant.

In summary, non-Orthodox Jews differ only marginally from one another with regard to their religious faith but differ significantly in terms of religious practice and in terms of the ethnic affiliation that fuels their practice. However, the qualitative distinctions between the three groups emerge only in the attitudinal and affective domains, having to do with the preferred style of religious practice and the psychological significance of religious life to their sense of Jewish identity.

Synagogue Movements and their Membership

Although it has been argued that synagogue membership statistics do not accurately represent the religious topography of British Jewry, some basic details are necessary to an understanding of communal trends and to an appreciation of the religious context of Jewish life. Particularly so, since there are only a handful of general Jewish "community centers" in Britain, and synagogues are therefore the prime focus of religious, educational, and cultural Jewish life.

There are approximately 370 synagogues, shtiebls (prayer rooms), and *minyanim* (small prayer groups) in the U.K., extending from the Liberal end of the religious spectrum (ideologically equivalent to American Reform) to the ultra-Orthodox *Haredi* groups. They provide a home—spiritual, social, ethnic, or sometimes just formal—to approximately two-thirds of Britain's self-identifying Jews (JPR survey); for some they provide little more than a route to a Jewish burial.

The breakdown of synagogue membership (Table 4) replicates the information given but provides greater detail. The 7.1% membership of right-wing Orthodox synagogues includes Hassidic and other congregations, all of whose members can be assumed to observe Jewish law strictly. They make up part of the 13% who classify themselves as "strictly Orthodox" in the various sample surveys. The remaining 6% is drawn from the membership of central Orthodox synagogues, emphasizing again that the vast majority of that membership is not strictly Orthodox. This generates the bizarre situation that central Orthodox synagogues can claim through their membership statistics to represent the majority (64%) of synagogue-affiliated British Jews, while, religiously speaking, they represent only a very small minority (i.e., 6%). Meanwhile, the Masorti movement, which dates back only to 1964 and which represents only a minute proportion of British synagogue members, is probably closer ideologically to the traditional majority than any other movement. The membership statistics of the Reform and Liberal synagogues are relatively well matched to the real numbers of Progressive

Jews, although Table 1 shows that these synagogues also contain some members whose natural religious stance falls to the right or left of the institutional position.

Table 4: Congregations and Household Membership by Synagogal Grouping in 1996 (CRU Report: Schmool and Cohen, 1997)

	Congregations	% Households
Right-wing Orthodox (Union of Orthodox Hebrew Congregations)	84	7.1%
Central Orthodox (United Synagogue, Federation of Synagogues, Sephardi, etc.)	206	64.1%
Masorti (Conservative)	6	1.5%
Reform	41	18.8%
Liberal	28	8.5%

Trends in Religious Practice and Synagogue Affiliation

The picture so far has been static. But British Jewry is probably undergoing more rapid change in its religious and institutional composition than at any stage in its history. Here we describe and contextualize these trends, integrating where possible data on synagogues with information about the religious lifestyle of their members. The starting point for this analysis is the most religiously ambivalent and potentially unstable group, the traditional Jews.

As noted, traditional Jews (the "nominal" or "non-observant" Orthodox) constitute the majority religious grouping in the U.K. Virtually all traditional Jews (94% of them) are members of Orthodox synagogues: they make up about 67%[14] of the membership of central Orthodox synagogues such as the United Synagogue (US survey), 44%[15] of the membership of all synagogues (JPR survey), and 31% of the entire Jewish population (JPR survey). Until comparatively recently, Traditional Jews were regarded as the Jewish establishment, and even if that is no longer quite the case, they are by no means the spent force that some judge their counterparts in America to be.[16]

Traditional Jews are interesting because of the significant mismatch between their non-Orthodox lifestyle and the ideology of their synagogues. In America, a similar disparity led to almost wholesale migration from the Orthodox synagogues of the first generation to the more fitting, Conservative synagogues of the second.[17] This has not yet happened on any scale in the U.K., but it is fair to say there is significant maneuvering and communal debate around the issue. It is clear where the interests of the competing religious institutions lie. The central Orthodox rabbinate views the continued allegiance of the non-observant majority as a financial necessity and spiritual challenge. Commenting on the latter, the British Chief Rabbi, Dr. Jonathan Sacks says:[18]

> Sadly, there are those who see it as a *weakness* of the United Synagogue that it includes among its members those who do not yet keep every one of the 613 commandments, and that . . . ninety per cent of its membership are only "traditional" or non-observant. I use the word "sadly" advisedly, because those who take this view have no understanding of what Torah and the sages meant by "the congregation of Israel." . . . The time has come for the United Synagogue to stop being apologetic for what is in fact its greatest strength and its most authentic Torah value: that it embraces all Jews from the most to the least observant and that it forges from this range of commitments a deep sense of community.

The exhortation of the Chief Rabbi to create a more welcoming, inclusive, creative, and spiritually dynamic Orthodox community has struck a chord with both lay and

religious leaders. The need to retain the allegiance of traditional Jews, and the threat of their defection to the religious left, has somehow enhanced their status. It has encouraged the development of more diverse educational and cultural programs within Orthodox synagogues, including the now ubiquitous "explanatory service," educational Sabbaths, and institutionalized "welcoming" duties. There is also evidence of religious concessions being made to less observant members, for example, the adoption of a more relaxed attitude to carrying and the bringing of pushchairs to synagogues on the Sabbath, outside of an Eruv. Some of this resembles the historical tolerance of the United Synagogue of the early 1900s, which seemed to welcome not only the nominal Orthodox but also nominal Orthodoxy. Commenting on this period in its history, Geoffrey Alderman talks of the United Synagogue as "nothing less than an organized hypocrisy . . . the bulk of whose members professed an orthodoxy they delighted in not practicing," but he goes on to say that it "undoubtedly played a major part in helping to retain within the formal framework of orthodoxy many who might otherwise have drifted away."[19] The question to which we now turn is whether the United Synagogue in particular, and mainstream Orthodoxy in general, is likely to manage a repeat performance.

Part of the answer to this question will be determined by the attitudes of traditional Jews themselves. Their continuing allegiance is explained in part by their emotional and nostalgic attachment to Orthodox practice, a strong desire to perpetuate what they see as authentic Judaism, and a feeling that they can do so vicariously by remaining formally within the Orthodox fold. In this context, it is not surprising that even among those who have considered leaving, the tension between personal practice and the religious ethos of the synagogue is not a prime factor. Indeed, where religious style is concerned, traditional Jews give as one of their reasons for remaining in an Orthodox synagogue a distaste for what is perceived to be the "church-like" atmosphere of a Reform or Liberal service.[20]

However, in a changing religious marketplace, that unflattering image of Progressive synagogues must be set against the evidence that Reform synagogues are becoming more traditional. In addition, there is the possible appeal of the Masorti (Conservative) movement, which is now promoting itself more actively and which offers a logical home for traditional Jews who have difficulty with the notion of a Torah dictated by God, who want an Orthodox-style service, and who favor a more effectual role for women. Further, the intrinsic appeal of Masorti and other left-leaning movements may have been enhanced by a series of disputes between the Chief Rabbi and other Orthodox and non-Orthodox rabbis that created the impression, whether justified or not, of an intolerant Orthodoxy unable to put inclusivism into practice.[21] Further, there is the impact of the Lubavitch rabbis who now occupy the pulpits of a number of central Orthodox synagogues, filling the void left by the inadequate supply of "mainstream" rabbis historically trained by Jews' College, and creating both a more exotic and more right-wing religious ethos.

It is not yet clear what the operational effects of these conflicting pressures will be. The statistical evidence on synagogue membership shows an unambiguous contraction in the central Orthodox share of the market—down from 70% in 1990 to 64% in 1996—while right-wing Orthodoxy has grown from 5.7% to 7.1%, and the left-of-center from 24% to 29%.[22] This religious polarization, which in statistical terms is quite reliable, might be thought to represent the migration of traditional Jews to the left and strictly Orthodox Jews to the right, in effect, the beginnings of the demise of middle-of-the-road Judaism. But this would be a misreading of the data, since the trends are caused largely by demographic factors: the right-wing community has a high birth rate and is growing larger; the Central Orthodox group is aging and contracting. It is possible that, over and above these natural demographic trends, there has been some voluntary switching of synagogues—some traditional Jews may have moved to the left—but there is certainly no evidence of a significant disengagement from central Orthodoxy at this stage.

Of course, that is not to say that traditional Judaism (or indeed any other form of Judaism) may not decline to the point of extinction in the longer term, due to the combined effects of demography and assimilation. That will depend on the capacity of traditional Judaism to transmit itself to future generations and to resist the pressures of assimilation. But that is not a question about the synagogue preferences of the currently affiliated community.

On the question of transmission, however, the data are clear: rates of outmarriage increase systematically as one moves across the religious spectrum from children raised in Strictly Orthodox homes through Traditional and Progressive to the Just Jewish. Only the Strictly Orthodox have achieved a balance between fertility and assimilation that exceeds the replacement level. Similarly, on the question of retention within a given synagogue movement, the offspring of members of right-wing synagogues are the most likely to remain within their parent's grouping, followed by the offspring of Orthodox synagogue members, then Reform, and finally the Liberal (JPR data). Those who move from their parent's synagogal grouping move predominantly to the left. A proportion do not join a synagogue at all, this also following a linear trend across the religious groupings.

The implications of this for the religious community, if the trends remain unchecked, are that all but the strictly Orthodox community will disappear. Between now and then, there will be further polarization of the religious community, arising not from the greater assimilation rate of the traditional group (it is currently lower), but from the inter-generational shift to the left; i.e., the offspring of traditional Jews will replace, temporarily, the Progressive Jews who are assimilating at a greater rate. These are temporary dynamics that might be changed by the development-strategies of individual movements, but the overall trend is clearly towards the erosion of all but the strictly Orthodox.

The recognition of this stark fact has galvanized the minds of communal leaders and thinkers and created a Jewish continuity industry of considerable energy but disputed potential. The question for the coming millennium is whether modes of transmission can be developed that can transform ethnic identity into religious passion as surely as history has operated in the reverse direction.

STEPHEN MILLER

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NOTES

[1] Chaim Bermant, *The Jews* (London, 1977), p. 4. See too Geoffrey Alderman, "British Jewry: Religious Community or Ethnic Minority," in Jonathan Webber, ed., *Jewish Identities in the New Europe* (Oxford, 1994), pp. 189–192.

[2] Marlena Schmool and Stephen Miller, *Women in the Jewish Community* (London, 1994); Stanley Kalms, ed., *A Time for Change: The United Synagogue Review* (London, 1992).

[3] Where no other source is given, statistics are from the JPR survey. Some statistics are derived from the original data set and appear for the first time in this article.

[4] Schmool and Cohen, op. cit.

[5] Steven Haberman and Marlena Schmool, "Estimate of British Jewish Population, 1984–88," in *Journal of Royal Statistical Society, Series A*, 1995, 158, part 3, pp. 547–562.

[6] Felix Posen, "Judaism is Jewish Civilisation: Routes of Secular Return," in *Judaism Today*, no. 5 (Autumn, 1996).

[7] See Judy Citron in Kalms, op. cit.

[8] Schmool and Cohen, op. cit.

[9] Note that the base for the percentages given here is religious (i.e., non-secular) Jews, whether synagogue members or not.

[10] Stephen Miller, "The Structure and Determinants of Jewish Identity in the UK," in *Proceedings of the International Workshop on Jewish Identity* (Bar Ilan University, March 1997).

[11] Schmool and Miller, op. cit., p. 18.

[12] Stephen Miller, "Religious Practice and Jewish Identity in a Sample of London Jews," in Webber, op. cit., pp. 196–197.

[13] See, e.g., Miller, ibid., p. 198.

[14] The remaining 33% are not all strictly Orthodox. In fact only 10% of central Orthodox members are strictly Orthodox, 67% Traditional, and 23% Progressive, Just Jewish, or Secular. Note that the breakdown shown in Table 1 applies to all Orthodox synagogues.

[15] The 42% figure shown in Table 2 gives the percentage of all non-secular Jews who are Traditional, whether synagogue members or not. The 44% figure is based on synagogue members only.

[16] Norman Lamm, "The Jewish Jew and Western Culture," in Webber, op. cit., pp. 101–106.

[17] Calvin Goldscheider, *Jewish Continuity and Change: Emerging Patterns in America* (Bloomington, 1986), pp. 151–169.

[18] Jonathan Sacks, *A Time for Renewal: A Rabbinic Response to the Kalms Report* (London, 1992), pp. 6–7.

[19] Geoffrey Alderman, "The Disunited Synagogue," in *Judaism Today* 4 (1996), p. 36.

[20] Miller and Schmool, op. cit., p. 254; Citron, op. cit., p. 202.

[21] Alderman, op. cit.

[22] Figures are from Schmool and Cohen, op. cit.

C

Calendar of Judaism

Unlike the solar calendar that guides Christian worship and the lunar calendar that governs Muslim religious observances, the Jewish year (from which both Christian and Muslim religious calendars stem) harmonizes solar and lunar rhythms. In this system, the lunar calendar has a certain primacy. In ancient times, special watch was kept in Jerusalem for the first appearance of the new moon, for this marked *Rosh Hodesh*, the beginning of a new month. This was honored everywhere as an important day of rest and special liturgical assembly. During the Second Temple period, complex relays of messengers and signals brought to diaspora communities rapid notification of the new moons and festival commencements in the land of Israel (for all festivals continued to be regulated by the relation of the heavens and the seasons in the Land of Israel). The practice of adding an extra day to each festival developed in the diaspora to ensure that observances would in any case be correctly timed. In the post-Biblical period, Rosh Hodesh was gradually demoted to minor liturgical status, and the prohibition on work was removed.[1]

Despite the lunar foundation, the annual solar cycle was acknowledged. While Jewish months generally alternate between twenty-nine and thirty days, to keep harmony with the moon's phases, if only these lunar cycles governed the calendar, the months would move out of their congruence with the solar cycle, the actual seasons, and agricultural life. So the Great Sanhedrin in antiquity had the task of determining which years would have an added month, Adar II, following the month of Adar that usually ends the year. Through the addition of Adar II seven times over a period of nineteen years, the lunar and solar cycles were ingeniously synchronized. Finally, repression by the newly Christian Roman Empire led the fourth century C.E. patriarchate in Palestine to disseminate a fixed calendar incorporating the nineteen year adjustments, so that local communities no longer depended on the Great Sanhedrin for establishing their religious calendar.

The names of the months have varied. In the Biblical period, they were known by their numbered sequence: the first month (of the year), the seventh month, etc. Canaanite names were also applied (e.g., Passover falls in "Aviv," Exod. 13:4, 23:15, Deut. 16:1, etc.). Following the Babylonian Exile, Babylonian names were adopted, and they still govern usage. From the first month on, they are Nisan, Iyyar, Sivan, Tamuz, Av, Elul, Tishre, Marheshvan, Kislev, Tevet, Shevat, Adar (and Adar Sheni, "Second Adar" or "Adar II," in leap years).

Passover, in Nisan, which generally falls in April-May, begins the cycle of the Jewish festivals, so, in Scripture, Nisan is "the first month" (Exod. 12:2). Nevertheless, presently the Jewish year is reckoned from Rosh Hashanah, "the Head of the Year," the first day of what Scripture calls the seventh month, Tishre, which falls in September-October. Tellingly, "Head" here can have the meaning of "goal/purpose" or of "beginning." As the seventh month, Tishre is the sabbath of the months of the year, the time especially dedicated to God and creation. Jubilee years began in Tishre. Rosh Hashanah and the holy period it inaugurates are indeed the goal and purpose of the yearly festival cycle. The Talmudic sages thus

debated whether to date the creation of the universe from Nisan or from Tishre. For reasons that have a great deal to do with the deeper meanings of the Tishre holy days, it was agreed that Rosh Hashanah celebrates the beginning of time and, as we shall see, also prefigures the end of days. So the Jewish year incorporates two beginnings, a heavenly year and an earthly one, placed six months apart. The former marks the beginning of God's cosmic rule with Rosh Hashanah in Tishre; the other the beginning of humanity's response with Passover in Nisan. Nisan is also the new year for human kings and is the reference point for measuring the length of their reigns.[2]

In antiquity, Jewish writers generally dated events from epochal historical changes, as did the general non-Jewish population. Thus Second Commonwealth datings, for instance, were usually from the start of the Seleucid empire. The present practice of dating the Jewish religious year from creation arose in the Middle Ages. The Tosafists of the twelfth century indicate that this practice was already customary then in France and Germany. Applying this dating to our own time, the secular year 2,000 will bridge 5760 and 5761 in the Jewish calendar.

A Phenomenological-Structural Approach—Comparing the Autumn and Spring Festivals

Although there are many accounts of the Jewish festivals, few have attempted to explain the festival cycle as a single patterned and logical whole. Instead, discussions of the festivals generally treat each in isolation from the others, viewing them in a "just-so" fashion, as survivals from pre-Mosaic nature-festivals and the happenstance accumulation of later customs. The High Holidays of Rosh Hashanah and Yom Kippur are usually analyzed by themselves; Sukkot (Tabernacles), though it immediately follows Yom Kippur, is separately grouped with Passover and Shavuot (Pentecost) as "pilgrimage festivals;" and the "lesser feasts and fasts" are dealt with in no particular order and often almost as after-thoughts. But studies of ritual calendars in almost all religions disclose that the annual festival calendar as a whole, and the details of each festival, normally are coordinated in a systematic and coherent way. Each festival, its timing and meaning determined by the specific religion and world view, plays a particular role in the annual experience of worshippers, even if they cannot articulate this explicitly. Customs are rarely mere "survivals," but, rather, exemplify tacit meanings still actively structuring the observances. Most significant, the "survival" theory cannot explain why some customs survive and others do not.

Considering the Jewish festivals as a coherent totality reveals a great deal. We begin at the most general and obvious level, with the holidays that remain important even for non-observant and secularized Jews in the modern period: the High Holidays (more traditionally called the "Days of Awe," the ten days bracketed by Rosh Hashanah and Yom Kippur) and Passover. These holidays divide the year, falling about six months apart. Each is known as a "New Year," and they complement each other with peculiar exactitude, as is clear when we compare their specific traits (see Table 1).[3]

The contrasts are systematic and far-reaching. They extend from small details of ritual practice to overall mood and meaning. In regard to meaning, the High Holidays have a universal and timeless significance as "the birthday of the world," and they pertain to all living things: at this season God reviews the deeds of all creatures and determines their fate in the coming year. In a lesser enactment of the ultimate Day of Judgment at the end of time, every soul stands before God. Passover, by contrast, is a historical and particularistic festival celebrating "the birthday of the Jewish people" as such, the Exodus from Egypt. Here, the Jewish people alone stand before God. During the High Holidays, everyone wears the simplest clothes to stress their humility before God: one wears no leather on Yom Kippur, and no jewelry. But on Passover every Jew is freed from slavery and is the equal of aristocrats, able to recline on pillows at home in elegant clothes like the Graeco-Roman nobility used to do. The details of observance further underline this

TABLE 1: THE HIGH HOLY DAYS AND PASSOVER COMPARED

THE HIGH HOLY DAYS	PASSOVER
Formal mode of observance	Informal mode of observance
Synagogue-centered and Biblical (Hebrew language; Torah text)	Home-centered and Rabbinic (Aramaic & vernacular Haggadah)
Services held throughout day	Night-time celebration most central
High Priest and Temple imagery (Rabbi/cantor conducts service)	Clan, family and rabbis imaged (Family elder conducts service)
Solemn atmosphere	Playful and joyous atmosphere
Ascetic renunciation, repentance	Feasting and wine-drinking
Adult-oriented	Child-oriented
Self-examination, personal renewal (Introvert penitent emphasis)	Communal and family solidarity (Extrovert emphasis)
Humility in clothes, e.g., no jewels, no leather (all Israel equally humble, poor)	Nobility in clothes and usages, e.g., reclining at table, best clothes (all Israel equally aristocratic)
Focus on eternity (the Last Judgment, beyond death) ("the birthday of the world") (Israel, each Jew a sacrificial offering)	Historical focus (the first formation of Israel) (the birthday of the Jewish people) (Israel as people to rejoice in life)
All humanity and all living things (universal vision unifying world) (service is on behalf of all beings)	The people Israel the subject (group struggle produces Israel) (service is on behalf of Israel)
Transcendental call from God	The human community's response

complementarity. High Holiday worshippers spend most of the *daylight* hours in the *synagogue*, in *public* and *formal* prayer. Its climactic day, Yom Kippur, *concludes* the ten-day period and is devoted to *fasting* and intense prayer, which ends precisely when night falls. Passover, on the other hand, although an eight-day festival, has its climactic observance at the *beginning*, which *starts* when *night* falls, at a bounteous *feast* at *home*. The night-time emphasis is so strong that the Torah directs that the feast may last throughout the night, for the sacrificial lamb must be completely eaten before dawn, and certain Talmudic rabbis are praised in the Haggadah that is read during the home service for so extending their discussion of deeper meanings of the Exodus that they talked right through until the time for morning prayers. The tradition emphasizes that the longer it takes to get through the service, and the more insights, laughter and enjoyment, the more praiseworthy the act. Such variety, spontaneity, and intimate informality certainly contrast strongly with the formal public High Holiday rituals.

Both festivals elaborate a symbolism of substitutionary sacrifices—offered in place of Jewish children—that establishes the Jewish community and vocation. But the Passover symbolisms invert the High Holidays' pattern. In Rosh Hashanah morning services, the Torah portions deal with the birth of Isaac and his almost-sacrifice by Abraham (the *Akedah*); these events provided the model and rationale for the later Temple sacrificial services and for Israel's covenantal destiny. Here the father initiates a sacrifice that his son trustingly and lovingly participates in, even allowing himself to be bound on the altar. Although Isaac queries his father about what is happening, he rests content in the assurance that God will provide the answer. And in the end a ram was provided and

accepted as a substitute for Isaac/Israel. Later generations understood this to promote the ideal of Israel as a Suffering Servant who exhibits heroic faithfulness to the covenant of the ancestors, accepting even to the point of martyrdom the trials history inflicts, relying on the merciful promise of God that Israel will ultimately survive and be vindicated. But in Passover, where triumphant liberation, rather than acceptance of defeat, is expressed, the children, the builders of the future, must take the initiative, even to the point of asking their father about the meaning of the ritual. The father then responds lovingly and at length, with song and chant, retelling the story of the Exodus, including the account of the sacrifice of the Egyptians' first-born sons and the substitution of first-born lambs for the Hebrews' sons. That the children initiate the symbolic sacrifice with love and with rejoicing in their lot ensures the perpetuation of the Jewish people. The two festivals together thereby anticipate the prophetic promise that in the End of Days, "the hearts of fathers will turn to their children, and the hearts of children unto their fathers" (Mal. 4:6). A foretaste of that millennial communion of past and future is given in the High Holidays and Passover festivals, for on this communion has always depended the persistence of the Jewish people through the generations of exile.

One more link between the two festival periods of autumn and spring must be mentioned. Passover does not exist as an isolated festival, but, from its second day, announces the coming of Shavuot. The "Counting of the Omer" day by day, for forty-nine days, heightens the sense that the Exodus of Passover is merely a prologue and preparation for Shavuot (also called *Atzeret*, day of special "Assembly") on the fiftieth day, the day of the Israelites' arrival at Mt. Sinai and the receiving of Torah. The spring festival of Passover thus starts a fifty-one-day countdown (fifty-two days in the diaspora, where a second day of Shavuot is added), which ends in a joyful celebration of Torah, with the synagogue decked with green branches, for the Torah is "the Tree of Life."[4]

We find a very similar structure in the autumn, too, in which there is a long countdown within a framework of 51/52 days, ending with an *Atzeret*-day of Torah celebration and rejoicing with the synagogue filled with greenery. This period begins with the month of Elul and comes to a climax in the High Holidays that begin the month of Tishre; it continues through Sukkot, Shemini Atzeret, and Simhat Torah. The first of Elul, one month before Rosh Hashanah, marks the beginning of the season of repentance with the blowing of the shofar in the synagogue (anticipating the central role of the shofar in the High Holidays). A full month of introspection and self-purification follows, leading up to Rosh Hashanah, which in turn begins a yet more intense ten day period of preparation, culminating in the yearning prayers of Yom Kippur and the triumphal conclusion at its end, as night falls. But even Yom Kippur does not conclude the cycle. In a sense the eight days of Sukkot are the extension of Yom Kippur and its positive resolution: on Sukkot, God provides the blessings of life and plenty and Jews dwell trustingly in booths open to the sky. The Sukkot liturgy stresses this continuity with High Holidays by echoing some of the key phrases of the Days of Awe. In the Middle Ages, the seventh day of Sukkot even came to be called *Yom Kippur Hakatan*, "the lesser Yom Kippur," for it was considered a final opportunity to seek true repentance and divine forgiveness. The entire holiday is pervaded by an exuberant sense of God's mercy and an assurance that God has responded to the penitent with gifts of life. These gifts are above all symbolized for farmers in the rains. The final climax of the autumn cycle, the last day of Sukkot or added to it, comes fifty-one days after the first of Elul. It is called *Atzeret*, or rather *Shemini Atzeret*, "Eighth day of Assembly" (that is, the eighth day concluding Tabernacles), or *Simhat Torah*, "Rejoicing in the Torah" (which in the diaspora is celebrated on the next day, fifty-two days after the first of Elul), a time of dancing in the synagogue, which is filled with rustling tree branches. So we find again in the autumn the 51/52-day pattern that we noted in the spring, involving a countdown period of spiritual preparation and a conclusion in a special *Atzeret*-day of celebration of the Torah,

when the synagogue is filled with greenery.

But Sukkot and Shavuot also contrast in the same way that the High Holidays and Passover do. Just as Passover in early spring stresses historical and particularistic meanings, the Exodus from Egypt of a "mixed multitude," so does Shavuot in late spring point to the historical arrival of that multitude at Mt. Sinai, where they finally understood their vocation, accepted the Torah and became the Jewish people. By contrast, the autumn High Holidays stress universalistic and cosmic meanings, as is confirmed by the Sukkot prayers for mercy and rain for all the earth. Simhat Torah, which concludes Tabernacles, celebrates the Torah as the underlying source and pattern for the entire universe, and the Torah portion read on Simhat Torah tells of the Creation of the universe and Adam and Eve's story in Eden. Commentators who emphasize the historical associations of Passover and Shavuot generally ignore any historical symbolisms in the High Holidays and Sukkot. So the complementary contrasts between universal and particular themes, timelessness and history, humanity and Israel, are repeated in the contrasts between Sukkot and Shavuot.

The Meaning of the Summer Fast Days

If there is any wider pattern of meaning in the Jewish year, however, it must include the summer and winter holy days. So we must turn to the observances that occur between Shavuot and the first of Elul and see if there is any coherent structure of meaning linking the spring and autumn cycles of 51/52 days. The major observances during the summer are the fasts of the Seventeenth of Tamuz and the Ninth of Av. The former falls exactly forty days after Shavuot. It traditionally is explained as commemorating and atoning for the sin of the Golden Calf (and all similar sins of the Jewish people down through history). The Torah does indeed tell us that the sin of the Golden Calf occurred precisely forty days after the arrival at Mt. Sinai and Moses' ascent of the mountain. On the fortieth day, the seventeenth of Tamuz, Moses descended the mountain with the tablets of the Torah and found the people worshipping God through the image of the calf. He broke the tablets, purged the people of their false leaders, and disposed of the calf. Two days later, he re-ascended Mt. Sinai for a further forty days. Some Torah passages suggest that this second period of prayer and communion of Moses with God was necessary to renew the bond of blessings between God and Israel, while other passages suggest that Moses only needed a new set of tablets. In any case, forty-two days after the seventeenth of Tamuz brings us precisely to the thirtieth of Av. This was the day on which Moses descended for a second time from Mt. Sinai; on the morning of the next day, the first of Elul, shofar blasts called the people together and marked the beginning of their full reconciliation with God. Shofar blasts forever after are associated with the first of Elul and sound on that day in the synagogues: rally and return to God! We now understand why the season of exemplary penitence begins at this time. So it is clear that the spring cycle is tightly linked with the autumn cycle after all. The events of the Mosaic generation, beginning with the Exodus and including the revelation at Mt. Sinai, overarch both cycles. This explains why Shavuot, which celebrates the revelation at Mt. Sinai, is so brief and underemphasized: in fact it only commemorates the first days of this revelation. The later festivals, including the High Holidays and Sukkot, elaborate deeper and later events at Sinai, all precisely as related in the Torah.

For example, the Ninth of Av, a fast day not specifically commanded in the Torah, is nevertheless implied by the Torah's account: it falls exactly at the mid-point between the events of the Golden Calf and Moses' second descent, twenty-one days after the seventeenth of Tamuz and twenty-one days before the first of Elul. It represents therefore the absolute nadir of Israel's estrangement from God. According to tradition, the three weeks following the Golden Calf incident is the time *Bein Hamatzarim*, "Between the Fences" (Lam. 1:3: "All her pursuers caught her between the fences"—

or "in the midst of [her] distress"). This remains in Jewish lore the time when over the past 3,000 years the worst persecutions and pogroms have befallen the Jews. Ascetic and mourning practices are adopted, for Jews are most vulnerable then. Not only has Israel's idolatrous misconception of the way to God broken the bridge to him, but her own true guides, the greatest sages and saints, are absent from her midst and are interceding with God in obscurity.[5] So it is the hardest time to reach God or to know how to proceed: Israel is then most friendless, ill led, divided, and vulnerable to attack.

The High Holidays as a Sealing of the Torah's Covenant

But the next three weeks after the ninth of Av are a period of increasing mercy, climaxing in Moses' second return from the mountain-top with the news of God's merciful renewal of the covenant. Possibly, according to some Torah passages, and certainly according to the standard Rabbinic interpretation of the Torah narrative, this second period of forty days was spent by Moses interceding with God on behalf of the sinful People of Israel. When Moses came down on the first of Elul, he announced that God would accept their repentance, so from that time they could begin to purify their hearts, removing the roots of their sinful ways and preparing themselves for a whole and integral communion with God. This explains why Israel's preparation for the High Holidays begins on the first of Elul. The Torah is interpreted to teach that, on the first of Elul, after informing Israel of God's covenantal love, Moses again ascended the mountain and stayed away a further (and final) forty days, returning at last with a second set of tablets of the Torah. If we add forty days to the first of Elul, we come to Yom Kippur, the holiest day in the Jewish calendar. That day is now revealed as commemorating the perfected acceptance of the (second) tablets of the Torah, when God's presence was truly in the people's midst. A great sense of rejoicing and awed reconciliation filled the Israelites, and they set eagerly to work building the tabernacle in accordance with God's own instructions (Exod. 35ff.). The beginnings of this are commemorated in the festival of Sukkot.

Despite some doubt about when Moses descended with the second tablets, it appears that, from pre-exilic times, the number of days between the fasts and festivals has exactly followed the Torah's account. The neat repetition of sets of forty days, and the 51/52-day cycles of spring and autumn, and especially the symbolic contents, the rituals, moods, and meanings of the festivals themselves, have too closely followed the events of Moses' own generation to be coincidental. Contrary to what an entire generation of Biblical scholars has insisted, it is difficult if not impossible to explain these complex, deeply interwoven, and, above all, interdependent patterns as merely a Judaic afterthought to randomly appropriated earlier pagan rites (with Shavuot, for example, being a pure nature and harvest festival and only gaining a Sinaitic connection late in the Second Temple period!). It appears instead that a Judaic pattern determined the overall festival cycle and its details from the earliest period: particular elements might be borrowed, and certainly many customs were added from time to time, but these endured only if they spoke to later generations in other lands and enhanced the original meaning. The festival cycle did not have its roots in pagan Canaanite cult.

In any case, we must conclude that the spring and autumn cycles are presently directly linked together through the summer fasts as a single drama centering on the revelation at Mt. Sinai, with the specific timing and themes of these festivals determined by the Torah's account of the first year following the Exodus from Egypt. In this account the revelation at Mt. Sinai is understood as the culmination of universal history, the pivot of time. It is above all commemorated by the autumn festivals. The seemingly merely universalistic and non-historical cycle of holy days in the autumn, and the clearly historical spring cycle, actually express one historical sequence. This story starts from particularity, in the Exodus

of Passover, but it expands to universality at Mt. Sinai, to include the world and all humanity in the High Holidays and Sukkot. In this, Israel's vocation is fulfilled. The entire yearly cycle is part of a single drama that merges particularity and universality, history and eternity.

The centrality of the Torah in this understanding of the High Holidays illuminates the many references in the autumn festivals to the "Book of Life." Throughout the period of Elul and the Days of Awe, people greet each other with the saying, "May you be inscribed for a good life." The imagery of a Book of Life (sometimes imaged as several books of different fates) into which God writes the destiny of every person is a major theme tying together the weeks from Elul to Yom Kippur (see, e.g., B. R.H. 16b). God is still composing this book during this period. The inscription determined for each person is inchoate and can still be modified, but it gets clearer and is fixed by the end. "All are judged on Rosh Hashanah, and the verdict is sealed on Yom Kippur" (T. R.H. 1:12). This Book of Life into which the lives of all worthy creatures are inscribed and sealed, and which is finished by God and presented on Yom Kippur, is typologically similar to the Torah and the tablets themselves, which were finally brought down and presented to Israel on the first Yom Kippur (in fact, being inscribed in—or blotted out—of the Torah, depending on one's sins, is explicitly mentioned in Exod. 32:32–33). In effect, through penitence, those living today become worthy to be included in the covenant of life sealed at Sinai. The Days of Awe are the time for the reconversion of the people of Israel to God, as they break through the barriers of time and stand again at Mt. Sinai. And Sukkot celebrates the universal vision of the harmonies of the universe that flow from this breakthrough, in which Israel is a kingdom of priests serving all humanity. In the Temple period, during Sukkot, seventy bullocks were offered up on behalf of the seventy peoples of the earth, and Zech. 14:16–19 tells us that in the messianic era all the nations will come up to Jerusalem to observe Sukkot: it will be their one obligatory festival!

The Meaning of the Winter Feasts

The vision of the Garden of Eden, which is reviewed in the Torah reading on Simhat Torah, also includes the account of Adam and Eve's expulsion from Eden into a difficult world of striving and imperfections. The long cold, wet period of winter that begins after the joyous Sukkot celebrations is a time of suffering and struggle. The only biblically mandated fast day during this season, the Tenth of Tevet, sets its theme: it commemorates the commencement of the final siege of Jerusalem in 589 B.C.E. by the Babylonian army, the event leading to diasporic exile. (But coming before that, and mourning the deeper cause of the Tenth of Tevet, is the Fast of Gedaliah, immediately after Rosh Hashanah, which acknowledges that Israel's wintry exile was brought on by her own fanatics, her schisms and sins.) Henceforth Israel must wander in a dark wilderness. Quite simply, the three major observances that mark winter's middle and end are meditations on how to sustain Israel and the light of Torah in a world that fights against them. Hanukkah, Purim, and Passover itself all concern intensifying degrees of challenge.

Hanukkah centers on an attempt by hostile Hellenistic despots to outlaw Judaism; Purim goes further with an account of a plot by government ministers to murder all Jews; but Passover in this context presents the most chilling and insidious spiritual possibility of all (one being faced anew in our own post-Holocaust era), that the Jewish people will be so seduced by, or enslaved to non-Jewish cultures that they will simply cease to exist as a people at all, half-voluntarily, half-involuntarily. But each of the winter festivals insists that no matter how dark the forces oppressing the Jewish people and their religion, they do now have the Torah-Tabernacle in their midst, and a light will continue to endure within them from the Sinai revelation (the ritual symbolism of light within and darkness without marks all these winter festivals and is especially evident in Hanukkah and the nighttime feast of Passover). This translates into the promise that God will always succor his

people, inspiring them to resist as a whole people and bestowing miraculous signs (Hanukkah), by invisibly shaping the natural "secular" forces of history, and even acting through assimilated Jews (Purim), or by direct intervention when all else fails (Passover). The ultimately triumphant God-is-with-us meanings of winter are the complement to the pained and confused search for God by sinning Israel during the summer fasts. Just as the summer fasts of the Seventeenth of Tamuz and the Ninth of Av contrast the dark confusion within the hearts even of the pious to the burning arid summer without, so do the feasts of the cold wet winter months contrast the light within with the surrounding threatening dark forces.

There are other complementarities and contrasts of ritual themes and practices between the winter and summer festivals too systematic to be merely coincidental. They complete each other's meaning, and both focus above all on the chief threats to the maintenance of the Torahcovenant established in the spring and autumn festivals. One category of threat arises from within, the unfaithful or erring heart; the other category arises from without, in the hatred of humanity at large for God and for those who follow God's way. Both treat of Israel's relationship to humanity and with itself during the long period of history before the end of days. God may eternally summon (the autumn festivals) and Israel may joyfully respond (the spring festivals), but the two must be tied together through painful historical events testifying again and again to flawed responses by Israel (summer fasts) and by humanity at large (winter feasts). Both summer and winter tell us of the purgations of history.

The Festivals as Time Past, Present, and Future

All this reminds us that the festivals do not merely commemorate the primal Mosaic history of the Exodus and Sinai. In their traditional interpretation they also contain constant references to the later history of Israel, for the events of the first year of Judaism were so paradigmatic, so archetypal, that they echo still down through time, and their meaning continues to unfold. The tendency of each generation to depict and anchor yet more passing events in the relevant parts of the calendar came in fact to overwhelm the underlying Sinaitic history and to displace it from the awareness of the faithful. Eternity triumphed over time, creating a baroque superstructure of custom and exegesis. So, despite the consistent reference to the Mosaic events in Rabbinic interpretations of particular festivals, from the Talmudic era through the Middle Ages to the present day this structure has generally been lost to view or is seen as secondary and accidental when it is the basic key to all else.

But we do not exhaust the meaning of the festivals to their practitioners when we add post-Mosaic, even post-Biblical, historical and present references to the Mosaic significations of the rituals (this seems to have begun around the time of the Babylonian Exile, when the fall of the First Temple was linked to the Seventeenth of Tamuz and the Ninth of Av). It is true that in this way the festivals are made to embrace in their intentions and spiritual exegesis the full range of later and contemporary Jewish history and to give that history shape and meaning within a sanctified universe. There are in addition, however, a multitude of future-oriented messianic and millennial symbolisms. We need only think of Passover's references to the cup of Elijah, the proclamation at the end of that feast, "Next Year in Jerusalem!" and the "Had Gadya" song that foretells the overcoming of death itself. Similarly, we recall the High Holidays' references to the great Shofar blast that will herald the End of Days, the motif of the Day of Judgment's uniting the living and the dead, and the subsequent Sukkot references to millennial joy and harmony (e.g., as symbolized in the Lulav and Etrog, especially in the myrtle branches; cf., Isa. 55:12–13).

It thus is possible to see the annual festivals as moving in a three-fold spiral of temporal reference. The first spiral recalls the Mosaic generation's experience of the first year after the Exodus, centering on the

revelation at Mt. Sinai, which lays the foundation for all the rest. The second spiral sweeps through later Jewish history, with references to the glories of the two Temples (evoked in the course, for example, of the High Holidays and of Passover), but also to the disasters that arose from Israel's own sins (bringing about, for example, the destruction of those Temples, remembered on the summer-time fasts) and the miracles of salvation worked by God, which saved exilic Israel from annihilation at the hands of enemies (recalled in the winter festivals). The third spiral pictures the events of the future and of final things, with the meanings of each festival contributing in logical sequence to the ultimate events: the coming of Elijah (suggested in Passover's cup of Elijah), which spurs a period of unification culminating in a renewal of Jewish faith (Shavuot), a time of apocalyptic woes and confusion (Seventeenth of Tamuz and the Ninth of Av; although Zech. 8:19 assures us that in those days the fast will be transformed into "gladness and cheerful feasts"), the final day of judgment (High Holidays), and the millennial blessings that follow (when all the nations shall come up to Jerusalem to celebrate Tabernacles, Zech. 14:16–19). Hanukkah and Purim have no end of days references at all and so do not relate to this third and ultimate spiral.

As we can see, there is a normative Judaism. Based on their acceptance of revelation, a hundred generations of Jews have enacted the same basic structure of festivals (e.g., the Ethiopian Jewish calendar also includes the Torah-mandated festivals). These observances have articulated a clear vision of Israel's identity and purpose. The festival calendar is too coherent and too interwoven with complementary features to have developed its holy days in happenstance fashion; each festival in its timing and meaning is determined by the Torah's account and actually implies the others. Once they appeared, they appeared as a whole. In his outstanding study, *The Jewish Way: Living the Holidays* (New York, 1988), Irving Greenberg argues that the Exodus is the fundamental motif of the festivals. Our study suggests rather that the revelation at Mt. Sinai is at their heart.

The Practices of the Festivals—Passover

At Passover, the descendants of Jacob together with all others seeking liberation from slavery (a "mixed multitude:" Exod. 12:38, Num. 11:4) went forth out of Egypt, accompanied by mighty signs and wonders and protected by God. So began the redeemed family or people of Israel. Hence the month in which this happened became the first month in the Jewish year (Exod. 12:2: starting the new year in the spring and grounding it in a historical event of liberation was a radical innovation in the ancient world). Family observances are the core of the festival. Just as the slaves had too little time to prepare properly cooked food for their flight, so for the entire seven or eight days of the festival everyone must eat bread baked too briefly for the yeast to rise, flat *matzah*. No leavened bread may be eaten or other grains associated by custom with leaven (wheat, spelt, rye, barley, oats, and, for Ashkenazi Jews, rice, millet, corn, and legumes). Leaven must be cast out of the home, to make the home participate in the Exodus and its symbolic purgation of slave-like tendencies, the "leaven" in the heart (as midrashic commentaries stress).

Every year at this time there is a thorough spring-cleaning, and the night just before Passover, traditionalist Jews make a special search of the home and property to remove all leavened things; it is collected together and burnt or otherwise disposed of ("sold," for example, to a cooperative non-Jew). Special dishes and utensils are gotten out for Passover, or the usual ones are "kashered," cleansed in a specially intensive way. The dinner itself on the first night of Passover (the first two nights in the diaspora) is filled with symbolic references to the events of the Exodus, in part to arouse the children's curiosity. A special plate on the dinner table contains objects representing the paschal sacrifice, the bitterness of slavery, etc. These are pointed out and explained in the course of the traditional Passover *Seder* or "Order," which includes a narration of the Exodus followed by the meal, the Grace after Meals, and various

songs. The Exodus account is read out from the *Haggadah* or "Narration," an originally Aramaic text almost completely fixed by the end of the Second Temple period; a copy of this *Haggadah*, usually with a vernacular translation, may be put next to each plate. Cushions are provided so that guests may recline like free persons or nobility of antiquity, at least symbolically. There is an extra cup of wine "for Elijah" (the messianic messenger) in addition to those set out for every guest (fig. 29).

The youngest child (in traditional circles, the youngest male) starts the formal narration by chanting the "Four Questions:" why is this night so different from all other nights, with its matzah, reclining on cushions, etc.? The father or other person leading the *seder* then responds with the narration of the Haggadah itself. The longer this narration takes and the more interpolations, questions, and comments on the Exodus narrative, the more meritorious the service, according to the liturgy itself. The symbolic and transhistorical nature of the narrative is explicitly emphasized, for as the Haggadah puts it, "Every person in every generation must regard himself as having been personally freed from Egypt" (cf., Deut. 6:20–25).

Spontaneity, informality, and a happy atmosphere are encouraged. Adult celebrants drink four cups of wine (children drink grape juice). There are diversions for the children: the door is opened and Elijah, the forerunner of the messiah, invisibly visits the home to see if all are ready for redemption. Among Ashkenazic Jews the children either spirit away and hide the *Afikomen*, the matzah portion that must be eaten for dessert before the service can conclude, or an adult hides it and they must find it. In any case, for its return the children get a gift of sweets. Among Sephardic Jews, at the start of the service a child knocks on the door with the Afikomen tied to his shoulder, and a dialogue ensues in which the child says he is on his way to Jerusalem, but he agrees to linger for the feast and asks the Four Questions. At the end of the evening there are also boisterous children's songs teaching the main categories of religious faith (*"Ehad mi yodea?"*) or with the deeper religious message that ultimately even death shall be overthrown (*"Had Gadya"*).

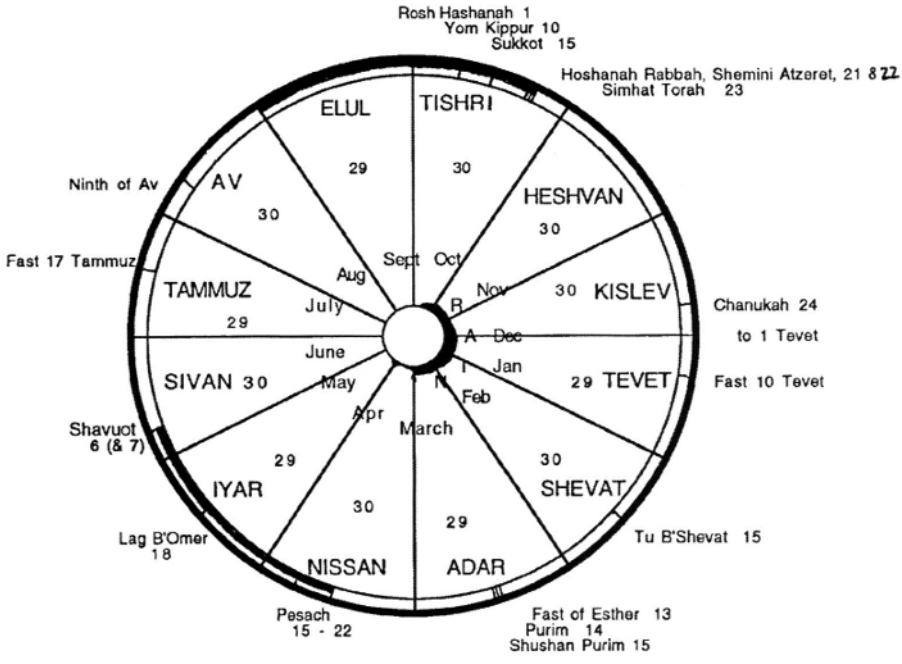

Figure 30. The Annual Cycle of Festivals.

The communal historical focus of the festival is very clear: it is the story of the creation and protection of the Jewish people. The salvific miracles that aided the Exodus (the Ten Plagues, the parting of the Red Sea) are emphasized to underline God's direct intervention and grace. Amazingly, but not accidentally, in the Ashkenazi rite there is only one minor reference to Moses. In the Sephardic, there is none. All praise is to God.

The synagogue service the following morning contains the standard festival liturgy and Torah readings from Exod. 12:21–51 and Num. 28:16–25, which command observance of the Passover. After nightfall, during the evening prayer, the first "Counting of the Omer" is recited, a short declaration of how many days remain until Shavuot. In the diaspora the meal this evening repeats the seder of the first night, and the Torah reading on the second morning is Lev. 22:26–23:44, which describes the festivals, including the laws of the Omer. As is usual with festival periods, one may work on the intermediate days of the festival, but they retain a holy character. The Torah is read every day (the passages mostly relate to the commanding of the festival). The seventh day (and the diaspora eighth day) has a greater holiness; work is not allowed, and the synagogue service mirrors those of the first days of Passover. On this day, it is said, the People of Israel crossed the Red Sea, and the Torah portion describing this (Exod. 13:17–15:26) is read (on the eighth day, Deut. 15:19–16.17). *Yizkor*, a memorial service for the dead, is also recited.

The Counting of the Omer and Lag B'Omer

In the late spring, less than two months after Passover, falls *Atzeret*, "special assembly," more commonly termed *Shavuot*, the festival of "Weeks" or "Pentecost" (Deut. 16:10–12). The very term underlines its connection with Passover, for it falls "a week of weeks," i.e., seven weeks, plus one day, after Passover. "The counting of the Omer" is in effect a countdown to Shavuot. In ancient times, a measure of newly harvested wheat, referred to as an "omer," was brought to the Temple every day for forty-nine days (Lev. 23:9–16), and the counting is still a part of the evening prayers. It is a period of progressive purgation. Despite the ban on leaven, people eat meat on Passover; but Shavuot is a dairy and vegetarian festival. Through Omer-period abstinences (no new clothes or haircuts, no marriages or setting off on journeys, etc.; the renunciatory emphasis was quite strong in antiquity) Israel rises from one to the other. In fact the first daily gathering of the Omer was of the manna from heaven that sustained the Israelites as they journeyed to Mt. Sinai (Exod. 16:16); as the Torah says (Exod. 16:3–4), it was hard to wean the former slaves from the "flesh-pots of Egypt" and to teach them to prefer the "bread from heaven."

Within these weeks, *Lag B'Omer*, the thirty-third day of the Omer period, is a day of sanctioned release from the prohibitions and so is especially favored for marriages. Hair may be cut, and there is dancing and exuberance (following the geonic custom, the modern Conservative movement allows marriage celebrations any time from Lag B'Omer onwards). Medieval mystics from Sefat in northern Israel began the custom of making joyful pilgrimage to the graves of saints on Lag B'Omer. Because this period is the time of the betrothal of Israel to God, with the Torah itself the wedding covenant, it was already in ancient times the practice to read the Song of Songs during the Sabbath of the Passover festival, and under medieval Kabbalistic influence Sephardic Jews recite the Song of Songs on all the Sabbaths between Passover and Pentecost.

Shavuot

Shavuot ("Weeks," "Pentecost") comes on the fiftieth day after the start of the Omer count (Lev. 23:16–21). It marks transcendent completion: just as the week itself is made up of six full work-days, a complete sum in hexagesimal systems, plus one day for transcendence, so fifty is seven times seven, plus one. Moses ascended Mt. Sinai then and returned with the first revelation of the Ten

Commandments and some other commandments; Israel accepted the covenantal bond even before learning of all the commandments, saying "We will do them and will listen" (Exod. 24:7). So Shavuot, in addition to being a *Yom Habikkurim* (first-fruits offering, Num. 28:26) or *Hag Hakatzir* (wheat harvest festival: Exod. 23:16, cf., 34:22) represents the moment when essential aspects of the Torah were first revealed at Mt. Sinai. The "first-fruits harvest" is of Torah and of the bounty (crops, etc.) springing from Torah observance.

After the evening service beginning Shavuot, the especially pious stay up all night studying key passages of Torah, so as to be worthy of receiving Torah the next day. The actual liturgy of Shavuot, however, is not much different from other festival days. The Torah readings are from Exod. 19–20, telling of the giving of the Torah, and Num. 28:26–31, commanding the festival. Ezek. 1:1–28 and 3:12, relating the ecstatic vision of God, is the Haftorah. The Book of Ruth, which tells of Ruth's conversion, is also read (on the second day in the diaspora), appropriate on a day commemorating the conversion-like experience of Israel and the "mixed multitude" at Mt. Sinai. King David, from whose line will come the messiah, was a descendant of Ruth, so there may also be a messianic significance in the choice of this work, i.e., that all the world will turn to Judaism eventually. Milk and vegetarian dishes are traditional for Shavuot. The tree branches and plants that bedeck the synagogue at this time are also said to acknowledge that Shavuot is the day the world is judged regarding the fruits of the trees (M. R.H. 1:2). This theme of repentance recalls Sukkot, as does the joyful emphasis on fruits and trees. Interestingly, the Torah does not state explicitly that Shavuot is the "Time of the Gift of our Torah," the Talmudic phrase; as with most other festivals it merely stipulates the working details needed by the priests, namely the precise kinds and numbers of sacrifices that were required.

The Summer Observances—The Seventeenth of Tamuz

On the seventeenth of Tamuz, the fortieth day after he ascended Sinai, Moses came down with the two tablets of the Torah. Reaching the assembled People of Israel, he saw the Golden Calf and threw down the tablets, splitting them, and spent two days purging the evil from Israel (Exod. 32–33). Then he went up Mt. Sinai again, where he stayed another forty days.

The fast of the Seventeenth of Tamuz recalls the sin of the Golden Calf (cf., M. Ta. 4:6). Following the Babylonian Exile, however, it came to be seen as a fundamental modality of Jewish history, for on or around this day the fortifications around Jerusalem were breached in 586 B.C.E. and again in 70 C.E., preceding the falls of the First and Second Temples (cf., Jer. 39:2 and M. Ta. 4:6). Other catastrophes of the late Second Temple period were associated with this date, and the fast from dawn to dusk recalls and mourns all of them. Pregnant women, nursing mothers, and the sick are exempt from this and all fasts. Working and bathing are permitted, as they are on the other lesser fasts. There are a few relatively minor changes to the regular prayers to underline the penitential significance of the day. Consoling passages from the Torah are read twice, in the morning and in the afternoon services: Exod. 32:11–14, 34:1–10 tells of God's mercy following the incident of the Golden Calf; the Haftorah is Isa. 55:6–56:8, which speaks generally of God's forgiveness to the penitent and of Israel's ultimate redemption.

The Seventeenth of Tamuz is followed by "the Three Weeks," also called the time "between the fences," *Bein Hamatzarim*. This is a period of mourning for the three weeks that elapsed between the breaching of Jerusalem's walls and the fall and burning of both the first and the second Temples, traditionally dated to the Ninth of Av. Weddings are not held then, there is no listening to music, nor dancing, nor pleasure trips; new garments are not worn, new fruits eaten, nor any enterprise started. Restrictions intensify with the coming of the month of Av: the pious neither eat meat nor drink wine

(except on Sabbaths) and do not cut their hair. Throughout this period and on the Ninth of Av, no ornaments are worn (in obedience to Exod. 33.4–6, which dictate the proper demeanor of contrition for the sin of the Golden Calf). The three Sabbaths of this period have special Haftarot (Jer. 1:1–2.3; Jer. 2:4–28, 3:4, 4:1–2; Is. 1:1–27), telling of Israel's sins, her punishment, and her restoration to blessings.

The Ninth of Av

The Ninth of Av climaxes this period of mourning. It is the second most important fast in the Jewish year, after only Yom Kippur. As on Yom Kippur, its fast lasts 24-hours, from evening to evening, and work, conjugal relations, and bathing are prohibited. It mourns events that fell around this day, such as the fall of both Temples and of Betar (the last hold-out at the time of the Bar Kokhba messianic uprising), the plowing up of Jerusalem (M. Ta. 4:6), the edict expelling the Jews from England (in 1290), the expulsion of the Jews from Spain in 1492, and even the breaking out of World War I (some say World War II and the Holocaust as well). In the morning service, as a sign of desolation, traditionalists do not wear leather in the synagogue and do not put on a prayer shawl (*Tallit*) or phylacteries (*Tephillin*). In the evening service beginning the fast, following the Amidah and the Kaddish, congregants sit on the ground or on overturned or low stools for the reading of the Book of Lamentations. This is followed by laments, *Kinnot*, describing the sorrows of the centuries. The Kinnot are also recited in mourning postures (e.g., head in hands) after the Torah reading the next morning. The Torah reading is from Deut. 4:25–40, warning of the exile and torment awaiting Israel if it takes up idolatrous ways, and Jer. 8:13–9:23, reinforcing these warnings, is the Haftorah. There is also a repetition of the Torah reading in the afternoon service.

The seven Sabbaths that follow the Ninth of Av are designated Sabbaths of consolation, in which the Haftarot, mostly from Deutero-Isaiah (chapters 40ff.), are progressively more comforting ones; the first lines of each of the Haftarot when read in sequence construct a dialogue between Israel and God in which God responds finally with great love to Israel's desolation and yearning. These seven weeks conclude with the High Holidays. They thus echo on a higher level the seven weeks between Passover and Shavuot and suggest that the whole month of Tishre constitutes a deeper form of the Shavuot experience.

On the Thirtieth of Av, Moses finally returned from seclusion (Exod. 34). The next day is the first of Elul, the beginning of the autumn's 51/52-day cycle.

The Month of Elul

During the month of Elul the ram's horn is blown in the synagogue each morning, to urge the pious to deepen their prayers, to examine their deeds, to seek forgiveness from all those they have wronged in the course of the year, and to affirm their affection for those they hold dear. This is a time nowadays to send greeting cards, cakes, etc., to friends and relatives, expressing the hope that they be "inscribed [in the Book of Life] for a good year." It is customary during morning services in Elul to recite *selichot*, penitential prayers, and sometimes also in special midnight services on Saturday nights; Torah-study sessions often accompany the special night-time services. The morning *selichot* on the day before Rosh Hashanah are especially extensive. People may visit the graves of dear ones, and contributions to charities on this day are especially encouraged.

Rosh Hashanah

The High Holidays, Awesome Days, or Days of Awe, *Yamim Noraim*, the ten days begun by Rosh Hashanah and ending with Yom Kippur, are the most important Jewish holy days. Even many laxly observant Jews attend synagogue for the Rosh Hashanah and Yom Kippur services, crowding synagogues to bursting. People wish each other "a good and sweet year," and at Rosh Hashanah

meals it is customary to dip bread in honey (rather than salt) and to invoke the hope for a good and sweet year (figs. 31–34). It is believed that "On Rosh Hashanah all the inhabitants of the world pass before God [in judgment] like a flock of sheep" (M. R.H. 1:2). All are judged on Rosh Hashanah, and the verdict is sealed on Yom Kippur. The worthy are written into the Book of Life, the unworthy blotted out (cf., Exod. 32:32–33) or entered into a Book of Death (sometimes a third book for undecided cases is mentioned). Severe decrees can be averted through repentance, prayer, and deeds of charitable loving-kindness, as the prayers during the Days of Awe repeat like a refrain. During these days worshippers face God in eternity, for he rules past, present, and future. Rosh Hashanah, the first day of the seventh month, was the first Sabbath day of creation, the rabbis taught (B. R.H. 11a). The blowing of the shofar recalls the horn-blasts at Sinai when the Torah was revealed.

The service is dense with historical references. And, as a Day of Judgment, *Yom Hadin*, and Day of Blowing the Shofar, *Yom Hateruyah*, Rosh Hashanah also prefigures the end of days, the Last Judgment, when all souls shall appear before God. The prayers are particularly awesome. The Amidah liturgies on Rosh Hashanah have added to them lofty prayers given entirely over to the praise of God (these prayers center on *Malchuyot*, celebrating God as creator and king of the universe, *Zichronot*, recalling God's mighty judgments in history, and *Shofarot*, Shofar verses, which celebrate God as future messianic redeemer). The shofar is blown at regular intervals throughout these lengthy prayers, as if awakening the soul to and symbolizing in its sounds all of the implications of Malchuyot, Zichronot, and Shofarot. In the afternoon of Rosh Hashanah, or on the second day if the first day falls on a Sabbath, it is a custom, called *Tashlikh*, "Casting," from the Middle Ages to go to the banks of a river, lake, or ocean, and recite appropriate verses while emptying pockets and symbolically "casting all their sins into the depths of the sea" (Mic. 7:19). The experience of nature at this time adds greater depth to the services and relates them to the cosmos.

Even in the land of Israel, Rosh Hashanah is celebrated for two days, with the second day spent mostly in the synagogue in a repetition of the first day. Work is then permitted during the days that follow up to Yom Kippur. But on these days, regular synagogue services are longer than usual, with penitential prayers recited every morning before regular morning prayers.

It was once customary to fast on each of the ten days until the evening, but in any case the day following Rosh Hashanah is the Fast of Gedaliah, mourning the death of the Governor of Judah whose assassination by a fanatical Jew set in motion the final destruction of the First Commonwealth (2 Kgs. 25:25). This fast therefore presages the coming winter fasts and feasts. However, during the hours just before the evening start of Yom Kippur, the Talmud rules (B. Yom. 81b), one should eat well, in preparation for the twenty-four hour fast and the strenuous praying.

The Sabbath that falls during the intermediate days between Rosh Hashanah and Yom Kippur is called *Shabbat Shuvah*, the Sabbath of Repentance, and the Haftorah (Hos. 14:2–10) begins with the exhortation, *Shuvah Yisrael*, "Return, O Israel." The day before Yom Kippur a medieval custom (*Kapparot*, still followed by ultra-Orthodox) had each person wave about a chicken that was subsequently slaughtered and donated to the poor.

Yom Kippur

Yom Kippur, "Day of Atonement-sacrifice," is a total fast (although ill persons and children are exempt) (fig. 35). Leather shoes and belts, signs of luxury, are not worn by traditionalists, at least in the synagogue itself, recalling the Temple practice that people left their shoes at the gates (cf., Moses at the Burning Bush, Exod. 3:5) and even more pointedly recalling the prohibitions on ornaments when atoning for the sin of the Golden Calf (Exod. 33:4–6). The prohibitions on work are as strict as those for the weekly Sabbath, and somber abstention and self-examination are emphasized. The first service of Yom Kippur, in the evening, is

called *Kol Nidrei*, "All vows," after its opening declaration, which mournfully allows the absolution of vows made to God that one cannot fulfill; by Talmudic law vows made to other people are not annulled. It focuses on the mercifulness of God in contrast to the mere humanity of the congregation. The liturgy that follows is basically that of the evening service for festivals and is fairly brief, but it includes the confession of sins at the end of the Amidah, at which one should beat one's breast (in obedience to a midrashic interpretation of "And the living will lay it to his heart;" Eccles. 7:2). This is the only evening service in the year on which men wear their prayer shawls, otherwise worn only for morning and afternoon prayers.

On Yom Kippur itself the prayers go on throughout the day, adding to the standard daily services numerous prayers, confessional passages, and entire commemorative segments, many dating from the Middle Ages. The Torah readings are of Lev. 16 and Num. 29:7–11, both of which describe the sacrificial offerings of Yom Kippur; the Haftorah is Isa. 57:14–58:14, which emphasizes that fasting and repentance are of no value if they do not produce justice and mercy in actual society. After the Torah reading the Additional service (Musaf) includes a lengthy description (drawn from the Mishnah) of the ceremonies and prayers in the Temple on Yom Kippur, focusing on the confession recited by the High Priest in the Holy of Holies. The person who leads the service at this point imitates the prostrations of the High Priest before the ark; in some synagogues, the entire congregation does the same. Another special addition to the Musaf is a recitation of the martyrdom of Ten Sages of the Talmudic era, for whose sake God will assuredly redeem later generations. *Yizkor*, a memorial service for the dead, is recited. The late afternoon supplications lead up to an intense climax and end at the coming of darkness (*Neilah*). These prayers suggest that with the waning of the light the gates of heaven are slowly closing; these are the last moments when penitential prayers will be heard. As darkness comes, and just as the gates shut, the service concludes with affirmations of God's all-encompassing mercy, unity (the Shema), and glory.

The formality, ascetic exaltation, mournful but also somehow joyful character of the High Holiday observances stand out; all Israel contemplates the heavy burden of their sins and wrong-turnings and repents of them, relying on God's lovingkindness and covenantal pledge. From the perspective of eternity one can see the preciousness, frailty, and transitoriness of our lives. Although the prayers are in the plural and thus relate to the common human condition, they speak to the individual soul. Outside of time, one stands before God sustained by God alone.

Sukkot

"Booths" or "Tabernacles", which falls four days after Yom Kippur, is very much a part of the Days of Awe. Building of the sukkah-tabernacle, it is taught, should begin right after Yom Kippur, and some indeed make the first preparations in the night hours following the end of Yom Kippur. Also called the Festival of Ingathering or even simply "The Festival," Sukkot is a seven day festival beginning on the fifteenth of Tishre. *Shemini Atzeret*, formally a separate holy day, comes at the end and constitutes a biblically ordained additional eighth day. The first two days are full holidays, on which work of most kinds is prohibited, and the five days that follow retain some aspects of the festival. Sukkot is traditionally so strongly associated with joyful celebration (cf., Deut. 16:14–16) that it is often simply called *Zeman simhatenu*, "the season of our rejoicing." The most characteristic trait of the festival is the erecting of temporary booths, open to the sky and usually hung with greenery and fruits. As the Torah states explicitly, this is to remind every generation of the booths in which the Israelites lived after the Exodus (Lev. 23:43). Green boughs are laid across the open rafters, and fruits are often hung from them. The walls too may covered with representations of prosperity and abundance of life.

For the Biblical farmers, this festival was a time for rejoicing in the harvest as a gift

from God and anticipating God's mercies in the coming year. As elaborated in the Second Temple period and by the Talmudic rabbis (developing Lev. 23:40), blessings are pronounced in the course of festival prayers in the synagogue over a bundle of three plant branches (the *lulav*) and a large lemon-like fragrant fruit (the *etrog*, citron): the two are held together, waved and shaken in the air, with prayers to assure that their benign influence spreads life and vigor to all the four quarters of the compass (B. Suk. 37b). The four species (citron, palm branch, myrtle, and willow) are associated with flowing waters and the coming of life-giving rains. They symbolize all vegetable life (some Talmudic era sages also saw in the lulav bundle a representation of the organic unity of all sectors of the Jewish people or of the human body: Pesikta Rabbati 51.2; Lev. Rab. 30:14, etc.). The synagogue is decked in green branches, and there are prayers for rain to come as a blessing to the earth and its inhabitants everywhere. Indeed, in the land of Israel Sukkot comes just before the season of the rains. These prayers are said to benefit the entire world, and the universal thrust of this festival is shown in the fact that on it, when the Temple still stood, sacrifices for the seventy nations of humanity were offered up. Rain is associated in the liturgy and in the Torah with the blessings of life bestowed by God. Torah itself is likened to rain.

The Book of Ecclesiastes, with its emphasis on the universal rhythms of nature, is read on the Sabbath of the intermediate days, or on Shemini Atzeret if it falls on a Sabbath. The Sabbath Torah reading is Exod. 33:12–34:36, ordaining the festival, and the Haftorah is Ezek. 31:18–39:16, because of a tradition that the victory at Armageddon, marking the beginning of the messianic age, will take place on Sukkot. The lulav and etrog are waved and chants praising God are sung when the Torah is taken out. Those holding lulav and etrog follow the reader who carries the Torah around the Bimah, in a procession. The rustlings of the branches, the chants, and the procession create a joyful atmosphere (fig. 36).

On Hoshana Rabba, the seventh day of Sukkot, there are seven processions around the synagogue, with people waving bunches of willow branches mingling with those carrying all the synagogue's Torah scrolls. The name *Hoshana Rabba* developed in the Middle Ages and refers both to the willow branches themselves and to the long drawn-out chants made during these processions, pleading for God's mercies. By the later Middle Ages, Hoshana Rabba was regarded as a lesser Yom Kippur.

Shemini Atzeret-Simhat Torah

On *Shemini Atzeret* ("Eighth Day of Special Assembly") in the diaspora there is no procession, since this day is considered in a formal sense to be its own festival, separate from Tabernacles, but on *Simhat Torah* ("Rejoicing in the Torah;" in the diaspora, Simhat Torah is a separate day following Shemini Atzeret), the Torah scrolls are again taken out and people dance around the synagogue with them. Sometimes the processions spill into the streets (fig. 37). In Israel the celebrations of Shemini Atzeret and Simhat Torah are combined. On Shemini Atzeret the Torah reading is the same as on the eighth day of Passover, Deut. 14:22–16:17, describing the sabbatical year of liberation and renewal, and the festivals; the Maftir is Num. 29:35–30:1. The Haftorah (1 Kgs. 8:54–66) relates King Solomon's blessing upon the people at the conclusion of his consecration of the Temple, at the time of Sukkot-Tabernacles. The prayer for rain is inserted in the Musaf, corresponding to the prayer for dew that is said on the first day of Passover; the prayer is recited in a plaintive melody, since this day is still a kind of day of judgment. Shemini Atzeret is said to mark the beginning of the rainy season in Israel. The sense of new beginnings is enhanced still further by the practice on Simhat Torah of calling up honored members of the congregation to read the last sections of the Pentateuch (concluding the annual cycle of readings) and the first section of the Pentateuch (to start the annual cycle anew). These people are hailed as the "bridegrooms" of the Torah. They are often honored at parties afterward. The reading

of the first chapter of Genesis makes the sense of cosmic renewal and regeneration all the stronger: this is the time of Eden and the fusion of heaven and earth.

In the Bible, the Jubilee, or fiftieth, year, a period of cosmic restoration and renewal in which the entire land returns to God, began on Yom Kippur and had its immediate actualization in Tabernacles.

The Winter Period—the Fast of the Tenth of Tevet

As if in immediate response to the autumn period's supplications and celebrations, sometimes during Sukkot itself the rains commence and in Israel the temperature rapidly drops. The winter is a surprisingly chilly, dark period of frequent heavy rains. But the fields soon turn green, and flowers appear. The festival calendar reflects this contrast of outer darkness but inner light and life by focusing its special winter observances on post-Exilic history, during which Israel bears the Torah through the dark wilderness of the world. The only biblically ordained fast-day of this season, the fast-day of the tenth of Tevet, recalls the day in 589 B.C.E. on which the army of Nebuchadnezzar, emperor of Babylonia, surrounded Jerusalem, commencing the siege that ended three years later with Jerusalem's fall and the Babylonian Exile (cf., 2 Kgs. 25:1). The fast thus mourns the beginning of diasporic existence, the "wanderings in the wilderness." The chief festivals of this period are the "minor feasts" of Hanukkah and Purim, instituted in the Second Temple era. These celebrate miraculous redemptions in the face of persecution and give a sustaining confidence in God's presence despite Exile and other torments of history.

Hanukkah

Hanukkah ("Dedication") is an eight day festival starting on the twenty-fifth of Kislev (usually around mid-December). It is a "minor" festival (i.e., it is not biblically instituted, although some Rabbinic authorities link it to the building of the Tabernacle; Yalkut Melachim 184), but because it is the first joyous celebration to occur during the long winter months and is oriented towards children, it has always been fondly regarded (fig. 38). It commemorates the restoration of Temple worship by the Hasmoneans, who rebelled against the Seleucid empire that had prohibited practice of Judaism. The rededication of the Temple was the most triumphant, seemingly miraculous, moment in the Hasmonean creation of a Jewish commonwealth in Judea, around 166 B.C.E. The cleansing and partial reconstruction of the Temple took eight days, which gave rise to the Talmudic story that a day's supply of pure oil miraculously burned for eight days, supplying the Temple's eternal light until additional proper oil could be made. Hanukkah is not much noted in the prayer service; there is an insertion into the Amidah during Hanukkah of a brief grateful reference to the "miracles and wonders" God bestowed upon his people. This is also included in the Grace after Meals during those days. The Torah portion, parts of which are read each day of Hanukkah, is Num. 7, which tells of the gifts the princes of Israel brought at the dedication of the Tabernacle in the wilderness. Hallel is also recited in the daily service, and each night special blessings accompany the candle or lamp lighting. An additional light is lit each night, until by the last night eight lights are burning (plus the central *shamas* light, used to ignite the others) (fig. 39).

The real celebration of Hanukkah is in the home. The candle-lighting ritual, for example, seems to have spread from the home into the synagogue. The Hanukkah lights are placed near to windows, so that their illumination shines in the darkness (figs. 31, 32). Although not obligatory, special festive meals are customary among the pious, with discourse on Torah themes and miraculous deliverances. Songs generally follow the lamp-lighting at home, especially the song *Maoz tzur*, "Rock of Ages," emphasizing trust in God's salvations, and other songs equating light and Torah. Sweets and coins (often including chocolates in the form of coins but bearing on their face Torah symbols) and in recent generations gifts of toys are distributed to children. Distinctive

games are played by the children, most notably those centering on the *dreidel*, a spinning top each face of which contains a Hebrew letter or word relating to the miraculous salvations of God.

Ten days after Hanukkah occurs the Fast of the Tenth of Tevet, already mentioned. And mid-way through the next month of Shevat there is *Tu B'shevat* ("Fifteenth of Shevat"), the "New Year for trees" (a reference to fruit-tithing practices when the Temple still stood), which has no special synagogue observance. It is customary at this time to eat a fruit not yet enjoyed that year, hopefully a fruit from the land of Israel, so that one can recite the blessing *Shehecheyanu*, thanking God for allowing one to reach this season. Many people like to walk in the forest at this time.

Purim

Purim ("Lots," as in "casting lots") is the other significant celebration of the winter months. It really involves two days: the Fast of Esther on the thirteenth of Adar and Purim itself on the fourteenth; in a few communities in Israel a third day, *Shushan Purim*, is celebrated on the fifteenth, in which the Purim reading of the *Megillah* (the Book of Esther in handwritten parchment scroll form) is repeated. It is interesting that on the Sabbath before Purim (*Shabbat Zachor*, "Sabbath of Remembrance") two Torah scrolls are taken from the Ark; from one the congregation reads the regular weekly portion, and from the other is read the passage including the line, "Remember what Amalek did to you" (Deut. 25:17–19). The Haftorah is from 1 Sam. 15:1–34, explaining that kingship was grudgingly allowed to the Jewish people, as a defensive measure against Amalekites. So the point is made clearly that Purim involves the relationship between Israel and the Amalekites of history, the rabid antisemites.

Purim specifically commemorates a great deliverance of the Jewish people in the Persian empire during the Second Commonwealth, but beyond the account in the Book of Esther, we know nothing about the actual precipitating events, not even their century (probably the fourth B.C.E.). Nevertheless, Purim and the synagogue reading of the Megillah had attained general inclusion in the festival calendar by late in the Second Commonwealth, and the Fast of Esther remains the only non-biblical fast to be universally observed among pious Jews. The Fast of Esther, like all other fasts except for the Ninth of Av and Yom Kippur, is a relatively short daylight hours fast. It is customary to give generously to charity on this day, and indeed throughout the Purim period, for uniting the community in love and winning God's favor is a chief way to counter one's enemies ("the Amalekites"). Gifts, including gifts of food (*mishloach manot*, "sending portions"), are also sent to friends and relatives on Purim, and they are especially given to children, who are Israel's future. On Purim itself, the Megillah is read twice in the synagogue, in the evening service just before the Alenu, and in the following morning service after the Torah reading, usually to raucous noise-making each time the name of Haman, the imperial advisor who wished to have all Jews killed, is mentioned. Often special noisemakers called *graggers* or *clackers* are used, a custom from the Middle Ages.

Children are given sweets, and there are festive meals, which include meat and wine. Some however stress vegetarian meals, claiming that Esther kept such a diet to avoid eating non-kosher food. The main meal is supposed to be on Purim starting very early, right after the afternoon (Minchah) service, and it should extend well into the night. This is the only festival of the year in which one is actually encouraged by Talmudic rulings to get drunk, or at least tipsy enough so that one cannot distinguish between Haman and Mordecai (the Jewish advisor to the emperor who together with Esther thwarted Haman). In many respects Purim is about release, informality, and the ambiguous blurring of boundaries. Authority and priggishness are lampooned. Late medieval celebrations, influenced by carnival celebrations among non-Jews, even included Purim comedies in which men dressed as women and women dressed as men, something otherwise strictly forbidden. One still sometimes sees this, and even in the mod-

ern period children often dress up as adults on this day, act out comic and mocking plays (usually based on the Purim story), and parade about in the streets (figs. 40–42).

Modern Additions to the Festival Calendar

The soul-shattering and -exalting events of the twentieth century, the Holocaust and the establishment of the State of Israel, have added two new days to the festival calendar, although there is still some controversy about their observance. In particular the time and contents of Holocaust Remembrance Day, *Yom Hashoah*, have been debated. Some ultra-Orthodox, maintaining that the Holocaust was merely another of the terrible tribulations of history Jews have suffered in some part for their own sins, wish to merge its observance with the Ninth of Av. Others want to assign it to the winter months, and perhaps stress the Suffering Servant theme: not for Israel's sins but because of the world's hostility to the People of God did Israel suffer. But the official Israeli observance is on the twenty-seventh of Nisan, following Passover. In the diaspora, April 19 is often chosen. The datings refer to the April 19, 1943, start or 27 Nisan "ending" of the Warsaw Ghetto Uprising, whose spirit of undaunting resistance to unjust persecution underlies the State of Israel today. Memorial speeches and the closing of entertainment centers are the chief observances. Liturgical forms are still fluid.

Yom Haatzmaut, Israel's "Independence Day," falls on the fifth of Iyyar, the month after Nisan, on the day in 1948 that Israel declared its formal establishment. The previous day in Israel is *Yom Hazikaron*, the Day of Remembrance of all those who fell in the fight to create and then to defend the state. Candles are lit in the synagogue, and yizkor is recited along with other mourning prayers. In the afternoon, sirens sound throughout the state, and all movement halts for a few minutes of mourning. Yom Haatzma'ut follows, and the mood changes to one of celebration. Hallel may be recited in the synagogue, and there are festive meals.

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Notes

[1] Since the Talmudic period, aside from the recitation of Hallel and special Musaf prayers, there remains little that is different about the service, but from the 1970s Rosh Hodesh observances have again been developed by some women's groups to provide celebration of women's spirituality.

[2] Of lesser note is Tu B'shevat which marks the new year for trees and the first of Elul when cattle are tithed (M. R.H. 1:1).

[3] For a detailed account of the practices of each of the festivals, see below.

[4] Strangely enough, the actual festival is very brief and simple considering that the revelation of Torah is central to Judaism; why this is we shall discuss below.

[5] The legend that there are thirty-six intercessors with God evidently has Mosaic roots, for during this period, according to the Torah, Moses was up on the mountain interceding with God for Israel; cf., Exod. 32–34; also note Num. 14:11–20.

Charity in Judaism

The charitable donation of money, goods, or services to the needy is understood in both secular and religious cultures to be a free tribute, given out of the liberality of one person to help in the support of another. People accordingly associate charity with generosity and comprehend it primarily to be an act of free will, in which one individual makes a personal decision to help another who is in need. Judaism, especially in modern times, comparably, recognizes the personal choices involved in

decisions regarding when to give, how much to give, and to whom to give. Referring to charity by the Hebrew word *Tzedakah* ("righteousness") as well as by the term *Gemilut Hasadim* ("the bestowing of kindness"), Judaism acknowledges the free will aspect of charity and the extent to which it represents a special act of human kindness. At the same time, at its foundation, Judaism views supporting the needy to be a duty imposed upon each person under the terms of the covenant with God. Unlike secular notions that see in charity only an act of individual free will, under Jewish law, individuals are obligated to provide for the needy. By legislating a system of social welfare run by the community, Jewish law dictates standards of support and assures that individuals and communities will provide for the basic needs of all members of society (see figs. 43–48).

Charity in the Hebrew Bible

Judaism's view of charity as an obligation emerges from the idea first expressed in the Hebrew Bible that God created the world and therefore has a claim upon all that it produces. This claim is expressed, for instance, in the understanding that the first produce of each season's crop (Exod. 23:19) as well as specific portions of all that is harvested belong to God.[1] God's claim upon the produce is satisfied, in part, when specific portions are given in support of the poor, widows, orphans, strangers, and others who have a special dependence upon God for sustenance. Scripture thus assigns to the poor that which grows in the corner of a field ("*peah*;" Lev. 19:9, 23:22), gleanings ("*leqet*;" Lev. 19:9, 23:22), forgotten sheaves ("*shikhah*;" Deut. 24:19), a tithe in each third year ("*maaser ani*;" Deut. 14:28–29), separated grapes ("*peret*;" Lev. 19:10), defective clusters ("*olelot*;" Lev. 19:10, Deut. 24:21), and all of the produce of the Sabbatical year (Exod. 23:11). Through these tithes and other agricultural offerings, the poor are maintained directly out of that which, in the first place, is understood to belong to God.

The earliest forms of support for the poor in Israelite religion thus do not comprise what we commonly would refer to as "charity" at all. In Scripture, rather, support for the needy takes the form of obligatory transfers of food to the poor. Through these payments the farmer satisfies his debt to God for God's participation in the production of the crop, through the provision, for instance, of the land, sun, and rain. Alongside this aspect of support for the poor, Scripture further details the obligation that people of means provide those who are in need with loans, which normally are to be repaid. The extent to which such loans are understood to be charitable, however, is reflected in the rule for how people are expected to behave when the Sabbatical year, in which all loans of money are canceled, is approaching (Deut. 15:7–11):

> If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother, but you shall open your hand to him, and lend him sufficient for his need, whatever it may be. Take heed lest there be a base thought in your heart, and you say, "The seventh year, the year of release is near," and your eye be hostile to your poor brother, and you give him nothing, and he cry to the Lord against you, and it be sin in you. You shall give to him freely, and your heart shall not be grudging when you give to him; because for this the Lord your God will bless you in all your work and in all that you undertake. For the poor will never cease out of the land; therefore I command you, you shall open wide your hand to your brother, to the needy and to the poor, in the land.

The passage makes a number of important points. The first is to make explicit the Israelite understanding that the existence of needy people is not a deviation from the order of the world as God created it but is, rather, part of the created order. People cannot therefore blame the poor themselves for their predicament or propose that society has no responsibility for them. Rather, God ordered the world in such a way that there always will be people in need, and God also mandated that, to meet that need, people of means must provide support.

The second point is that this support is not defined as what we usually think of as

charity, that is, as a free gift for which repayment is not anticipated. Rather, the passage suggests that support for the poor normally is in the form of a loan that in due course will be repaid. The passage, however, adds the important point that such loans must be made even though the coming Sabbatical Year will cancel them. Thus, while monetary support for the poor normally is repaid, even when it will not be, such support must be given. Even though, in the Israelite conception, supporting the needy may look like a business transaction—a loan to be repaid—it is not. Supporting the poor is, rather, an act of compliance with the covenant that has little to do with free will and everything to do with the fulfillment of one's obligations to God.

Third, the passage introduces a conception that becomes extremely important in the development of the Jewish theory of charity, that free and ungrudging support of the poor brings in return special blessings from God. Even though aiding the poor is a religious requirement and, especially in Talmudic times, is formalized in a system of communal welfare supported by taxation, those who are profligate and wholehearted in their giving earn special merit in the eyes of God.

Charity in the Rabbinic Literature

The rabbis develop the several aspects of support of the poor introduced in Scripture: they spend considerable time developing a sophisticated system of procedures through which Scripture's agricultural offerings are to be distributed to and used by the poor, and they supplement this system of tithes and loans by developing rules for a community chest and other charitable organizations. The rabbis additionally explore the reasons for the existence of poverty and discuss the nature of the obligation to alleviate the problems presented by the existence of needy people. Finally, they detail the way in which giving charity affects God's relationship with the Israelite people, and they describe the rewards that God grants to individuals who are particularly generous.

The fundamental question of whether or not people should in fact care for the poor receives attention. If, as Deut. 15:10–11 states, God intentionally created a class of needy people, one might question whether or not it is in any event the prerogative of others to support, and so change the circumstance of, these individuals. Perhaps doing so is comparable to lessening a punishment imposed by God. This issue is explored in a Talmudic story about a dispute between Aqiba and a gentile philosopher (B. B.B. 10a):

A. The wicked Turnus Rufus asked R. Aqiba, "If your God loves the poor, how come he does not provide for them?"
B. He said to him, "It is so that through them we ourselves may be saved from the judgment of Gehenna."
C. [Turnus Rufus] said to him, "To the contrary! That is precisely what makes you liable to the sentence of Gehenna. I shall provide you with a parable. To what is the matter to be likened? To the case of a mortal king who was angry with his servant and put him in prison and gave orders not to feed him or give him drink. But somebody came along and gave him food and drink. When the king heard, would he not be angry with him? And you people are called servants: 'For to me the children of Israel are servants' (Lev. 25:55)."
D. Said to him R. Aqiba, "I shall provide you with a parable [proving the contrary]. To what is the matter to be compared? To the case of a mortal king who grew angry with his son and threw him into prison and gave orders not to feed him or give him drink. But somebody came along and gave him food and drink. When the king heard, will he not send a gift to him? And we are called sons: 'Sons are you to the Lord your God' (Deut. 14:1)."
E. [Turnus Rufus] said to him, "Well, you are called sons, and you are called servants. When you do the will of the Omnipresent, you are called sons, but when you do not do the will of the Omnipresent, you are called servants. And now [in giving charity] you are not doing the will of the Omnipresent!"
F. [Aqiba] said to him, "Lo, Scripture says [Is. 58:7, referring to the 'fast' that God desires], 'Is it not to deal your bread to the hungry and to bring the poor who are cast out to your house?' When should you 'bring the poor who are cast out to your house'? Now! And it says, 'Is [what I want] not to deal your bread to the hungry?'"

Aqiba makes a number of important points regarding the nature and purpose of charity and the status of the Israelites before God. The central point is that the people of Israel are like "sons" of God, not servants. This means that whatever God does to the people is done out of love and that God, accordingly, would prefer that all his people were well cared for. Thus, even though God has created a world in which there is poverty, he actually desires that no one be in need. From this emerges the passage's second point, that giving charity is both a social and religious obligation, a means of maintaining the community while fulfilling God's desires. The final issue introduces the conception we already encountered at Deut. 15:7–11, concerning why, if God indeed means for the poor to be supported, he does not himself provide that support. The answer to this appears at B: The opportunity to care for the poor provides a chance to improve one's merit before God. In providing for the poor, Israelites act on behalf of God, distributing God's share of the earth's produce to those God designated for its benefit. Foregoing one's own wealth to act as God's agent brings a reward, the merit that saves one from Gehenna.

Support for the Poor in the Mishnah and Tosefta

The idea that one who gives charity acts on behalf of God is expressed clearly in the Mishnah, which elaborates the law for the payment to the poor of the agricultural tithes listed in Scripture. At the heart of the Mishnah's conception is that, in leaving gifts for the poor, one does not act primarily out of generosity of spirit. Rather the Mishnah's authorities comprehend the payment of gifts to the poor as a transfer of produce directly from God to the needy. These gifts are foods over which the individual farmer has no claim of ownership in the first place, so that their designation for the poor is not a matter of a free will gift at all. It is, rather, a procedure through which the farmer allows the needy to take that which is understood to be theirs in the first place.

Mishnah Peah makes this clear when it details the rules for distribution to the poor of produce that grows in the corner of the field and is left unharvested, gleanings, and forgotten sheaves. The rabbis' central principle is that the farmer may play no active role in setting aside the specific portions of produce for the poor. Rather, the produce for the poor is identified as that which gets left behind accidentally, when the farmer leaves some grain unharvested, drops a few stalks in the field, or forgets to collect some of the sheaves. Since, in Rabbinic Judaism, that which happens unintentionally is associated with the will of God, the Mishnah's view of the payment of poor offerings suggests a recognition of the poors' direct claim upon God for support. God owns the land and hence has a right to all that grows on it. Those portions of food that the farmer "accidentally" leaves behind are understood to have been designated directly by God for the needy.

Alongside agricultural gifts, in the increasingly urban society of the period of the Mishnah, other methods of providing for the community's poor were developed, such that, by the third century C.E., the poor were supported through a number of community institutions. Among these was a community chest that provided indigent townspeople and travelers with provisions and clothing appropriate to their particular circumstance and in relation to the amount of time they had been or would be in the community (T. Pe. 4:8–15). All needy people were entitled to sufficient food for a week. Local residents and those who had been in the area for a month additionally received clothing as required, and, after six months in the community, a homeless person was entitled to shelter as well. Alongside the community chest, a soup kitchen provided food on a day-to-day basis.

As in the case of the agricultural gifts, the community chest and soup kitchen were not funded as charities through free will offerings. Rather, in line with the ideology that holds charity to be a religious responsibility, funds to maintain the institutions of public welfare derived from a tax levied on all residents who had been in the community for a year. Indeed, in light of this com-

munal approach to supporting the poor, the Mishnah holds that householders are not obligated to offer provisions or money to beggars who go door-to-door. Judaism in this way views the support of the poor not primarily as an individual decision, in which one acts out of generosity when confronted with a particular case of need. Rather, support of the poor is a corporate responsibility of the community, which is charged under the law with looking after the welfare of all permanent and temporary residents.

Charity in the Talmud

In Talmudic times, the development of a cash economy, the inaccessibility of farm lands to most poor people, and the fact that most Jews lived outside of the land of Israel, in areas in which the biblical system of agricultural offerings did not apply, led to the growth of community chests and others methods of support for the poor. As a result, Talmudic Judaism developed new and intricate procedures for maintaining the needy, and the rabbis expected all members of the community actively to assure that the poor were fed and clothed. Alongside this development of specific procedures for collecting and distributing welfare, the theological significance of individual support of the poor was elaborated. What emerged was a focus on the merit earned through supporting the poor, a sense of value encapsulated in the Rabbinic notion that the giving of charity, along with repentance for sins, is a person's greatest advocate before God (B. Shab. 32a).

This concept of the merit earned through the giving of charity is expressed in a series of passages at B. B.B. 10a. Many of these examples depend upon the rabbis' association of the Hebrew term translated "righteousness" with giving charity in particular:

> 36.A. It has been taught on Tannaite authority:
> B. Said R. Eleazar b. R. Yose, "Every act of charity and mercy that Israelites do in this world brings about peace and great reconciliation between Israel and their father in heaven: 'Thus says the Lord, do not enter into the house of mourning, nor go to lament, nor bemoan them, for I have taken away my peace from this people . . . even loving kindness and tender mercies' (Jer. 16:4)—loving kindness refers to acts of mercy, and 'tender mercies' to charity."
> 37.A. It has been taught on Tannaite authority:
> B. R. Judah says, "Great is charity, for it draws redemption nearer: 'Thus says the Lord, keep judgment and do righteousness [charity], for my salvation is near to come and my righteousness to be revealed' (Is. 56:1)."
> C. He would say, "Ten strong things have been created in the world. Rock is strong, iron shatters it. Iron is strong, fire melts it. Fire is strong, water quenches it. Water is strong, clouds carry it. Clouds are strong, wind scatters them. Wind is strong, the body can withstand it. The body is strong, fear crushes it. Fear is strong, wine overcomes it. Wine is strong, sleep removes it. Death is strongest of all, but charity saves from death: 'Righteousness delivers from death' (Prov. 10:2)."
> 38.A. Expounded R. Dosetai b. R. Yannai, "Come and note that the trait of the Holy One, blessed be he, is not like the trait of a mortal. If someone brings a splendid gift to the king, it may or may not be accepted from him, and should it be accepted from him, he may or may not see the king. But the Holy One, blessed be he, is not that way. Someone gives a penny to a poor person, and he has the merit of receiving the face of the Presence of God: 'And I shall behold your face in righteousness, I shall be satisfied when I awake with your likeness' (Ps. 17:15)."
> 39.A. R. Eleazar would give a penny to a poor man and then go and recite the [statutory] prayer, in line with the verse, "And I shall behold your face in righteousness" (Ps. 17:15).

Charity reconciles Israel with God, bringing redemption. In this regard it can be said that charity actually saves from death. It is an act of "righteousness" that allows one to "see God's face," that is, to have such contact with God that one's prayers are particularly efficacious and that one receives from God special rewards.

The saving power of charity was understood not simply in a metaphorical or eschatological sense, as one of the human acts that advance the coming of the messianic

age. Rather, as the following passage makes clear, the merit of giving to those in need was understood to accrue to the individual's own personal store of blessings from God (B. B.B. 11a):

47.A. It has been taught on Tannaite authority:
B. They said concerning Benjamin the righteous that he was in charge of the charity fund. One time a woman came before him during years of famine. She said to him, "My lord, take care of me."
C. He said to her, "By the Temple service! There is nothing in the charity fund."
D. She said to him, "My lord, if you don't take care of me, lo, there is a woman [that is, me] and her seven sons who are going to die."
E. He went and took care of her out of his own property.
F. After some days he fell ill and was tending toward death. The ministering angels said before the Holy One, blessed be he, "Lord of the world, you have said, 'Whoever preserves a single Israelite life is as though he had preserved a whole world,' and Benjamin the righteous kept alive a woman and her seven sons, so should he die after so few years?"
G. Forth with they tore up the decree concerning him.
H. A Tannaite statement: they added twenty-two years to his life.

Along with defining the power of the merit that derives from giving charity, the passage reflects the broader communal attitude towards support for the poor in the Talmudic period. The expectation was that the poor would be supported out of the community chest, with funds collected through the system of taxation. Only the inability of this fund to support a particular needy person leads Benjamin to give charity out of his own resources. This was a supererogatory act of righteousness, for which he was found to be particularly meritorious and deserving of reward.

Many passages concern the appropriate manner of giving. The point, expressed many times at B. B.B. 11a, is that one must not give charity for self-aggrandizing purposes. It should, rather, be an act of giving of one's own substance solely for the benefit of others. This leads to the conclusion that the most meritorious act of charity is anonymous, as B. Ket. 67b illustrates:

10.A. There was a poor man in Mar Uqba's neighborhood, into whose door-socket he anonymously would toss four *zuz* a day. Once the man thought, "I'll go and see who is doing me this goodness."
B. On that day Mar Uqba was late at the school house, and his wife was coming home with him; when the man saw them moving the door, he went out after them.
C. They ran away from him and jumped into a furnace from which the fire had just been swept out.
D. Mar Uqba's feet started to burn.
E. His wife said to him, "Raise your feet and put them on mine."
F. He was upset [that she merited divine protection from the hot oven while he did not]. [To explain] she said to him, "I'm usually home, so what I give is direct" [that is, a gift in kind; Mar Uqba by contrast gave money, which brings only indirect help].
G. So why did they go to so much trouble anyhow?
H. It is in line with what Mar Zutra bar Tubiah said Rab said, and some say, said R. Huna bar Bizna said R. Simeon the Pious, and some say, said R. Yohanan in the name of R. Simeon b. Yohai, "It would be better for someone to throw himself into a heated furnace than embarrass someone else in public.
I. "How do we know this? From the case of Tamar: 'when she was brought forth, she sent to her father-in-law' (Gen. 38:24)."

The passage makes two separate points. First, Mar Uqba felt it better to risk his own life by jumping into a hot oven than to compromise the humility with which he had been daily giving charity. The thanks he would receive when recognized as the donor would have lessened the degree of selflessness that the giving of charity was meant to entail. Second, the highest level of merit is earned by giving food or other goods that directly meet the poors' needs. Mar Uqba's wife earned greater merit than did he, since she gave food she had prepared, while he gave only money. As a result, her feet, but not his, were protected from the oven's hot floor.

Despite the tremendous rewards earned by giving charity, the benefits of giving were to be balanced by the need to maintain one's own estate and not to become dependent upon others (B. Ket. 67b; see also B. Ket. 50a):

12.A. When Mar Uqba was dying, he said, "Bring me my account books for charity." He found written, "Seven thousand gold *dinars* of Sianaq." He said, "The provisions are scanty and the way is long." He went and donated half of his entire estate to the poor.
B. But how could he act in such a way? And did not R. Ilai say, "In Usha they ordained: he who distributes his wealth to the poor should not give away more than a fifth of his estate"?
C. That is the case when one is alive, lest he lose his money [and himself become dependent on charity], but after death, there is no objection to one's doing so with his estate.

Rabbinic Judaism thus differs from the attitude of certain Essene writings found at Qumran and from that expressed by the early Christian community, which advocated divestment of all of one's earthly possessions as a way of entering the spiritual realm. Compare, for instance, the statement at Mat. 19:21: "Jesus said to him, 'If you would be perfect, go, sell what you possess and give to the poor, and you will have treasure in heaven; and come, follow me.'" The rabbis, by contrast, balanced the need to support the poor—viewed, as we have seen, largely as a communal and not an individual obligation—with responsibility to one's self and family—viewed as one's primary duty, the proper fulfillment of which itself was deemed worthy in the eyes of God.

Despite the concern that people not give away that which they needed themselves, the seriousness of the obligation to give charity was such that, while Rabbinic authorities were careful not to give to those who were not in need, they preferred that this would happen on occasion than that they would fail to give to someone who was truly needy (B. Ket. 67b):

13.A. R. Abba would bind up money in his scarf, sling it over his back, and make himself available to the poor [who would take the money quietly]. But he kept a sharp eye out for frauds.
14.A. There was a poor man near R. Hanina, to whom he would regularly send four *zuz* every Friday. One day he sent the money through his wife, who came home and said to him, "He doesn't need you."
B. He said to her, "What did you see?"
C. She said, "I heard that people said to him, 'On what do you want to eat, on silver cloth or gold cloth?'"
D. He said, "That's in line with what R. Eleazar said, 'We have to be grateful to frauds, for if it weren't for them, we would sin every day: "And he cry unto the Lord against you and it be sin unto you" (Deut. 15:9).'"
15.A. R. Hiyya bar Rab of Difti set forth as a Tannaite statement: "R. Joshua b. Qorhah says, 'Whoever hides his eyes from the needs of philanthropy is as though he worships idols. Here it is written, "Beware that there not be a base thought in your heart and your eye will be evil against your poor brother" (Deut. 14:9), and with regard to idolatry, "Certain base fellows are gone out" (Deut. 13:14). Just as there the ultimate sin is idolatry, so here, idolatry is involved.'"

The three units together make the central point. One should be careful not to give to those who are not needy. But making such a gift is preferable to possibly failing to support someone who really is in need. For one is obligated to fulfill what is required by Deut. 15:9, that one give to *whoever* cries out for support. The reason is made clear in the final unit. The appearance of the word "base" in the context of support for the poor and in a description of those who worship idols proves that failure to give charity is itself comparable to idol worship.[2]

Charity in the Medieval Period

The theology of charity as it develops in Judaism in the medieval period is summarized clearly by the thirteenth century Sefer Hasidim:[3]

> As God gives riches to the wealthy and does not give to the poor, he gives to the one sufficient to sustain a hundred—The poor come and cry to God: you gave to this one sufficient to sustain a thousand and yet he is unwilling to give me charity. [Accordingly]

> God punishes the rich man as though he had robbed many poor; he is told, "I gave you riches so that you could give according to the ability of your riches to the poor, ant you did not give. [Thus] I shall punish you as though you had robbed them, and you had repudiated My pledge, for I gave you riches that you might divide them among the poor and you appropriated them for yourself."

The rich are charged with distributing their wealth as demanded by the (divine) rules of social justice and equality. While the medieval Jewish community developed sophisticated systems of social welfare, in this theory, the ultimate responsibility of caring for the poor and needy devolved first and foremost upon the individual: people of means were commanded to use their resources to support those in need. Failure to do so not only disgraced one in the social and communal sphere. It further comprised a failure to adhere to God's demands and therefore was a serious sin, a violation of the covenant punishable exactly like other violations of God's law.

Similar in perspective to the statement of the Sefer Hasidim, Maimonides' *Mishneh Torah* (Book 7, Chapter 10) presents one of the most complete and well known medieval formulations of the specific rules for giving and receiving charity. Maimonides' larger point regarding the nature of charity is in line with the Rabbinic perspective with which we already are familiar. Charity is not simply a tax imposed upon the wealthy. It is, rather, a religious obligation, the fulfillment of which depends not primarily upon the physical distribution of the alms but, more importantly, upon the mental attitude of the individual who offers the donation. To give charity in the proper way is an aspect of righteousness before God, bringing to the donor manifold rewards. The complete text of Maimonides' statement is as follows:[4]

> 1. We are obligated to be more scrupulous in fulfilling the commandment of charity than any other positive commandment, because charity is the sign of the righteous man, the seed of Abraham our Father, as it is said, "For I know him, that he will command his children . . . to do righteousness" (Gen. 18:19). The throne of Israel is established and the religion of truth is upheld only through charity, as it is said, "In righteousness shall you be established" (Is. 54:14). Israel is redeemed only through charity, as it is written, "Zion shall be redeemed with judgment and they that return of her with righteousness" (ibid. 1:27).
> 2. No man has ever become impoverished by giving charity and no evil or damage has ever resulted from charity, as it is said, "and the work of righteousness is peace" (Is. 32:17).
>
> Whosoever displays mercy to others will be granted mercy himself, as it is said, "And He will grant you mercy, and have compassion upon you, and multiply you" (Deut. 13:18).
>
> If someone is cruel and does not show mercy, there are sufficient grounds to suspect his lineage, since cruelty is found only among the other nations, as it is said, "They are cruel and will not show mercy" (Jer. 50:42).
>
> All Jews and those attached to them are like brothers, as it is said, "You are sons to the Lord your God" (Deut. 14:1), and if a brother will not show mercy to his brother, then who will have mercy on him? And to whom can the poor of Israel look for help—to those other nations who hate and persecute them? They can look for help only to their brethren.
> 3. Whosoever refuses to give charity is called Belial, the same term which is applied to idol-worshipers. With regard to idol-worshipers it is said, "Certain base fellows [literally, children of Belial] have gone out" (Deut. 13:14), and with regard to those who refuse to give charity it is said, "Beware that there be not a base [Belial] thought in your heart" (ibid. 15:9); and he is called a wicked man, as it is said, "The tender mercies of the wicked are cruel" (Prov. 12:10); and he is called a sinner, as it is said, "And he cries to the Lord against you, and it be sin in you" (Deut. 15:9).
>
> The Holy One, blessed be He, is close to the cries of the poor, as it is said, "You hear the cries of the poor" (paraphrase of Job 34:28). Therefore, one should heed their cries, for a covenant has been made with them, as it is said, "And when he will cry to Me I shall listen because I am merciful" (Exod. 22:26).
> 4. Whosoever gives charity to a poor man ill-manneredly and with downcast looks has lost all the merit of his action even though he should give him a thousand gold pieces. He should give with good grace and with joy and should sympathize with him in his plight, as it is said, "Did I not weep for him that was in

trouble? Was not my soul grieved for the poor?" (Job 30:25). He should speak to him words of consolation and sympathy, as it is said, "And I gladdened the heart of the widow" (ibid. 29:13).

5. If a poor man requests money from you and you have nothing to give him, speak to him consolingly. It is forbidden to upbraid a poor person or to shout at him because his heart is broken and contrite, as it is said, "A broken and contrite heart, O God, You will not despise" (Ps. 51:19), and it is written, "To revive the spirit of the humble, and to revive the heart of the contrite" (Is. 57:10). Woe to him who shames a poor man. Rather one should be as a father to the poor man, in both compassion and speech, as it is said, "I am a father to the poor" (Job 29:15).
6. He who persuades and constrains others to give shall have a reward greater than that of the giver himself, as it is said, "And the work of righteousness shall be peace" (Is. 32:17). Concerning such that solicit charity (for others) and their like, it is said, "And they that turn the many to righteousness [shall shine] as the stars" (Dan. 12:3).
7. There are eight degrees of charity, one higher than the other. The highest degree, exceeded by none, is that of the person who assists a poor Jew by providing him with a gift or a loan or by accepting him into a business partnership or by helping him find employment—in a word, by putting him where he can dispense with other people's aid. With reference to such aid, it is said, "You shall strengthen him, be he a stranger or a settler, he shall live with you" (Lev. 25:35), which means strengthen him in such manner that his falling into want is prevented.
8. A step below this stands the one who gives alms to the needy in such manner that the giver knows not to whom he gives and the recipient knows not from whom it is that he takes. Such exemplifies performing the meritorious act for its own sake. An illustration would be the Hall of Secrecy in the ancient sanctuary where the righteous would place their gift clandestinely and where poor people of high lineage would come and secretly help themselves to succor. The rank next to this is of him who drops money in the charity box. One should not drop money in the charity box unless one is sure that the person in charge is trustworthy, wise, and competent to handle the funds properly, as was Rabbi Hananya ben Teradyon.
9. One step lower is that in which the giver knows to whom he gives but the poor person knows not from whom he receives. Examples of this were the great sages who would go forth and throw coins covertly into poor people's doorways. This method becomes fitting and exalted, should it happen that those in charge of the charity fund do not conduct its affairs properly.
10. A step lower is that in which the poor person knows from whom he is taking but the giver knows not to whom he is giving. Examples of this were the great sages who would tie their coins in their scarves which they would fling over their shoulders so that the poor might help themselves without suffering shame.
11. The next degree lower is that of him who, with his own hand bestows a gift before the poor person asks.
12. The next degree lower is that of him who gives only after the poor person asks.
13. The next degree lower is that of him who gives less than is fitting but gives with a gracious mien.
14. The next degree lower is that of him who gives morosely.
15. There have been great sages who, before praying, would give a coin to the needy, because it is said, "I will behold your face in righteousness" (Ps. 17:15).
16. A species of charity is the maintenance of one's minor sons and daughters who have passed the age at which the father is obligated to support them, provided the purpose of such maintenance be that of educating the sons in sacred lore and of keeping the daughter in the right path, removed from shame. Similarly to be classed as charity is the maintenance of one's father and mother.
    In giving charity, precedence should be accorded to one's own relatives.
    He who lets poor people and orphans partake of food and drink at his table shall call upon the Lord and find, to his delight, that the Lord will answer, as it is said, "Then shall you call and the Lord will answer" (Is. 58:9).
17. The sages have enjoined that one's domestics should consist not of bondmen but of poor folk and orphans. Better to employ the latter and let the descendants of Abraham, Isaac, and Jacob benefit from one's possessions than to have that advantage go to the seed of Ham. Day by day, one who adds to the number of his bondmen augments the world's sin and iniquity. But hour by hour, one who takes the poor as members of his household increases virtue and merit.
18. A man should always exert himself and

should sooner endure hardship than throw himself, as a dependent, upon the community. The sages admonished, "Make your Sabbath a weekday sooner than become dependent." Even one who is learned and honored should, if impoverished, work at various trades, yes, despicable trades, in order to avoid dependency. Better to strip the hides of beasts that have sickened and died than to tell people, "I am a great sage, my class is that of a priest, support me." Thus spoke the sages.

Outstanding scholars worked as hewers of wood, as carriers of beams, as drawers of garden water, as iron workers, as blacksmiths, rather than ask anything of the community and rather than accept any proffered gratuity.

19. He who, having no need of alms, obtains alms by deception will, ere he die of old age, fall into a dependency that is real. Such a person comes under the characterization: "Cursed is the man that trusts in man" (Jer. 17:5).

One, however, who does stand in need, and who, like an aged or sick or afflicted person, cannot live without help but who, in his pride, declines to accept help is a shedder of blood, guilty of attempts on his own life. Out of his misery, he gets naught but trespasses and sins.

But one, impoverished otherwise, who endures privation and exerts himself and lives a life of hardships rather than burden the community will, ere he die of old age, possess the means out of which he will succor others. Concerning such a person, it is written "Blessed is the man that trusts in the Lord" (Jer. 17:7).

At the heart of Maimonides' depiction of charity is the understanding, taken directly from Scripture, that the poor are especially beloved by God, upon whom they have a claim for support. In sustaining such individuals, people of means thus carry out the will of God, in whose place they stand. The result is that they themselves become deserving of divine reward.

Equally important is that, as a religious obligation, charity must be given with an openness of spirit and clear desire to carry out God's work. Maimonides' eight degrees of the giving of charity depend upon this notion, familiar already from B. Ket. 67b, cited above. At the highest level of giving is the offering to the poor of the means to support themselves, so that they might no longer depend upon others at all. Below this, however, the greatest acts of giving are those in which neither the donor nor the recipient has any knowledge of the other. This mode of giving is laudable because it is totally selfless, since no thanks or feeling of indebtedness of the poor person to the rich are possible. In this circumstance, the giving of charity—like the fulfillment of other religious commandments—is truly an act done for its own sake alone. Isadore Twersky (p. 134) describes this point as follows:

> Maimonides' original classification of the "eight degrees of benevolence" is one of the gems of rabbinic literature, illustrating the need for sensitivity, tact, and graciousness in the act of charity. The formal, objective act of giving charity is deficient and defective if it is not characterized by kindness and sympathy. A benevolent act is easily vitiated by rudeness or impatience—hence the need, for example, to supplement hospitality with escorting one's guests. This is the meaning of the dictum that "the reward of charity depends entirely upon the measure of the kindness in it" (Sukkah 49b).

Developing this theme of the importance of kindness in the giving of charity, Jacob Neusner describes the underlying motivation behind Maimonides schema as follows:[5]

> What the law requires, therefore, is consideration for the humanity of the poor person, who remains no different from us who give. The poor are not less than us or different from us. They have not only needs, but also feelings. They want not only bread, but also respect.
>
> When we give to the poor, we must do so in such a way that the equality of the giver and receiver is acknowledged. This is not an act of grace or an expression of affection. It is an act of respect, an expression of duty. The use of the word tzedakah in the sense of doing what is right and required is deliberate and definitive. We give not because we feel like it, but because it is our obligation. We do so in a way that will not make us feel superior, and in a way that will not make the poor person feel inferior.
>
> For this reason we begin with the notion that the best way to do tzedakah is to find work for the poor, to relieve the poor of the necessity of begging. Failing that, the next best thing is to ensure that we do not discover who is receiving our charity, in order that we not develop a sense of self-importance, thinking ourselves "Lady Boun-

> tifuls." It is less suitable if the donor knows but the recipient does not know the source of the funds. Still, the recipient enjoys dignity. Finally, the poor person may know the source of the money; the wealthy one not know the recipient.

The overall purpose of these laws, in Maimonides' own words, is "instilling pity for the weak and the wretched, giving strength in various ways to the poor, and inciting us . . . not to afflict the hearts of the individuals who are in a weak position" (cited by Twersky, ibid.).

The Institutions of Charity in Medieval Judaism

The specific societal structure for supporting the poor may be briefly outlined. Medieval Jewish communities generally supported a community chest (*kuppah*), which became the major means of collecting and distributing funds, as well as a system for giving gifts in kind, e.g., through a soup kitchen (*tambui*). Supported by a tax, the community chest was the universal norm in Jewish communities, but it was joined as well by the benevolent activity of privately organized charitable societies. Such societies were found all over Europe and contributed to the feeding, clothing, and sheltering of the poor, to the educating of orphans and the children of the poor, to providing dowries so that poor women could be married, to visiting and caring for the sick and aged, for ransoming captives, and for providing for burials. Communities would often support a number of different benevolent societies, each dedicated to a distinct area of charity (for recent examples, see figs. 37–42).

Alongside this structure of community institutions, care of one's own needy relatives continued to be seen as a weighty individual obligation, the fulfillment of which was particularly meritorious:[6]

> Anyone who was known to be related came within the terms of the injunction, "Hide not thyself from shine own flesh" (Is. 58:7). This text, as interpreted by the Talmud, constituted a proverbial expression denoting a person's obligation to come to the assistance of his less fortunate relatives.

Aid to one's relatives implied, first of all, supporting them in the event of economic setbacks and actual poverty. Ancient religious law obliged the benefactor to give his relatives preference over the poor in general. According to the view prevalent in the period we are studying [the late middle ages], a person was expected to help his needy relatives more substantially than he would an ordinary charity case. Particular emphasis was placed on the duty of helping to marry off the daughters of one's poor relatives, particularly if the girl's father was dead. To bring up and eventually marry off the orphan of a poor relative was regarded as an especially meritorious deed, and one which charitable persons took pride in performing.

The obligation to support one's relatives was regarded as an accepted norm in society, although the degree of such support naturally varied from person to person. In this readiness to aid one's relatives, the object of preserving the family honor constituted, at the most, a secondary motive. For even the richest families were not in a position to maintain a uniform socio-economic standard among all their members. The fundamental condition necessary for the purpose was lacking: namely, property of permanent value, such as land. Business methods and conditions led to fluctuations in the social hierarchy. Well-to-do families kept their poor relations in mind; they could perhaps save them from destitution, but they could not sustain their socio-economic position.

The obligation of inter-family assistance constituted a norm which evolved out of the actual functions discharged by ties of kinship under the prevailing social conditions. The chief economic activity of this society was intimately bound up, as we have seen, with its continued unity despite the geographical dispersion of its members. The possibility of constant communication with people living in other countries, with whom there existed a kinship of language and culture, gave an economic advantage to the Jews, who were scattered over many lands.

But even in the competition of the members of this society between one another, the connections of secondary groups, whose members were related and loyal to each other, constituted an advantage over individuals without any outside ties. This advantage was not confined to the economic sphere alone. To the extent that common political interests existed, whether these involved intercession with outside authorities or with the internal organizations, primary ties were regarded as an asset. Connections with persons outside the immediate locality were helpful in every field of activity which was not completely parochial in character.

> The roving talmudic student, the rabbi who was called to serve another *kehilla*, and even a person who had made a match with someone in a distant city, needed assistance or, at least, information. The family was the only institution or agency to which the individual could turn for assistance in making contact with persons outside his locality.

The obligation to support the poor arose in part out of strong feelings of family honor but, more importantly, out of the unique social and economic circumstance of the Jews. Scattered across many lands and lacking the economic resources or civil protections to assure consistent personal safety and financial security, Jews were particularly susceptible to problems of dislocation and poverty. Mutual acceptance of the obligation to support the community's needy and, in particular, the poor of one's own family brought to all Jews an otherwise unattainable level of security and safety—political, economic, and social. The family, through its attention to the needs of its kin, attempted as best it could to assure the success of all relatives. On this same model, Jews as individuals and as a society provided assistance to all Jews in need, working to assure that all members of the community could achieve at least a minimum level of subsistence.

While in the medieval period charity took many forms, in general, people were understood to be required to support the needy with a minimum of a tenth of their income, comparable to the biblically mandated tithe of produce. Following the Talmudic mandate, people were discouraged from giving more than a fifth, so as not to risk impoverishing themselves.

Conclusion

Judaism obligates people of means to sustain the needy. Accordingly, communities of Jews from biblical to contemporary times have developed sophisticated systems of collecting and dispersing funds. In this way they assure, on the one hand, that the burden of supporting the poor is fairly assessed upon all members of the community. On the other, they guarantee that those in need will be sustained in an appropriate and dignified manner.

Even as it sees charity as an aspect of the communal system of taxation, however, Judaism is clear on the importance of personal giving of charity, and thus it defines charitable giving as an act of righteousness that brings manifold heavenly rewards. The point is explicit at B. Shab. 151b:

> A. It has been taught on Tannaite authority:
> B. Rabban Gamaliel beRibbi said, "'And he shall give you mercy and have compassion on you and multiply you' (Deut. 13:17)—whoever has mercy on other people will be shown mercy from Heaven, and whoever does not show mercy to other people will not be shown mercy from Heaven."

The relationship between individual Jews and the poor of their community is parallel to the relationship between the Jews and God. The greater the extent to which a person shows mercy to others, the greater the mercy that God will show that person.

Understood in this way, acts of charity are in the same category as acts of righteousness, and it is for this reason, of course, that "charity" is referred to by the Hebrew term "*tzedakah*." Charity and other acts of selfless giving for the benefit of others are deemed more desirous to God than even the sacrifices of the Jerusalem Temple (B. Suk. 49b):

> A. A Tannaite authority of the house of R. Anan taught, "What is the sense of Scripture's statement, 'The roundings of your thighs' (Song 7:2)?
> B. "Why are the teachings of Torah compared to the thigh?
> C. "It is to teach you that, just as the thigh is kept hidden, so teachings of Torah are to be kept hidden."
> D. That is in line with what R. Eleazar said, "What is the sense of the verse of Scripture, 'It has been told you, O man, what is good, and what the Lord requires of you: only to do justly, to love mercy, and to walk humbly with your God' (Mic. 6:8)?
> E. "'To do justly' refers to justice.
> F. "'To love mercy' refers to doing deeds of loving kindness.
> G. "'And to walk humbly with your God' refers to taking out a corpse for burial and bringing the bride in to the marriage-canopy.
> H. "And is it not a matter of argument a fortiori:
> I. "Now if, as to matters that are ordinarily done in public, the Torah has

said, 'To walk humbly,' matters that are normally done in private, all the more so [must they be done humbly and in secret, that is, the giving of charity is done secretly]."

J. Said R. Eleazar, "Greater is the one who carries out an act of charity more than one who offers all the sacrifices.

K. "For it is said, 'To do charity and justice is more desired by the Lord than sacrifice' (Prov. 21:3)."

L. And R. Eleazar said, "An act of loving kindness is greater than an act of charity.

M. "For it is said, 'Sow to yourselves according to your charity, but reap according to your loving kindness' (Hos. 10:12).

N. "If a man sows seed, it is a matter of doubt whether he will eat a crop or not. But if a man harvests the crop, he most certainly will eat it."

O. And R. Eleazar said, "An act of charity is rewarded only in accord with the loving kindness that is connected with it.

P. "For it is said, 'Sow to yourselves according to your charity, but reap according to your loving kindness' (Hos. 10:12)."

Acts of charity are to be done humbly and in private, not for personal aggrandizement but selflessly, for the betterment of the world in which the individual lives. It is perhaps this fact of charity, that it has an economic purpose and will be especially appreciated by the recipient, that leads certain rabbis to deem it secondary to other acts of righteousness. Such other acts involve the person's self and not just his wealth. They can benefit those who are unable to offer thanks (e.g., the dead) and may be done for those who do not in a concrete way "require" the act (e.g., the rich). This point is made in the continuation of the passage at B. Suk. 49b:

A. Our rabbis have taught on Tannaite authority:

B. In three aspects are acts of loving kindness greater than an act of charity.

C. An act of charity is done only with money, but an act of loving kindness someone carries out either with his own person or with his money.

D. An act of charity is done only for the poor, while an act of loving kindness may be done either for the poor or for the rich.

E. An act of charity is done only for the living. An act of loving kindness may be done either for the living or for the dead.

Given the rabbis' overall focus upon the importance—and religious necessity—of supporting the poor, the point here is hardly that people should not take extremely seriously their obligation to give charity. Rather, we see here the extent to which the giving of charity is not viewed as an act in which a person should take particular pride, as though he or she has behaved in a totally selfless way or done that which is not, in all events, expected. The giving of charity, rather, is only one type of act of loving kindness. Insofar as it uses the wealth given to the individual by God in the first place, and insofar as the one who gives charity experiences the recipient's gratitude, that person should not feel overly smug about his or her deed. The giving of charity, rather, can be valued only in accordance with the level of human kindness and true concern for the poor with which that act is performed.[7]

ALAN J. AVERY-PECK

NOTES

[1] God's additional claim upon the firstborn both of people and animals (Exod. 13:15, Num. 18:5, etc.) is explained contextually as flowing from the fact that, when God killed the first born of Egypt, he saved—and thereby took possession of—the first born of Israel. The larger point is the same however: God has a claim upon all that exists through God's generosity. These things God directs for use in purposes he chooses, whether the support of the cult, as in the case of the first born of people and animals, or in the support of the needy, as explained in the following.

[2] The Mishnah, for its part, holds that those who, to collect charity, pretend to be lame, dumb, or handicapped will not die of old age before they actually develop such an infirmity (M. Pe. 8:9).

[3] Ed. Wistinezki, par. 1345, p. 331; cited in Haim Ben-Sasson, "Charity," in *Encyclopedia Judaica*, vol. 5, col. 345.

[4] Cited from Isadore Twersky, *A Maimonides Reader* (New York, 1972), pp. 135–139. As in the Rabbinic texts, note throughout the association of the terms "charity" and "righteousness," which represent the same word in Hebrew.

[5] Jacob Neusner, *Tzedakah: Can Jewish Philanthropy Buy Jewish Survival* (Atlanta, 1990), p. 13.

[6] Jacob Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages* (New York, 1958), pp. 150–151.

[7] On charity in Judaism in North America in modern times, see NORTH AMERICA, PRACTICE OF JUDAISM IN.

China, Practice of Judaism in

Judaism in China is unique, as China is the only country in the Oriental world in which Jews have continually lived for over one thousand years. Within this long history, a significant distinction must be made between Jews in pre-modern China, before 1840, and those in modern China, since 1840. Those who came before modern times became part of Chinese society without distinct features; those who have come since modern times have remained aliens. The beginnings of Judaism in China are buried in the dim past and are as obscure as the beginnings of the Jewish people. With few reliable documents, various theories and much speculation have arisen. The beginning of the Judaism in China has been dated to different periods, ranging from biblical times to the Tang Dynasty in the seventh to tenth centuries.

The Biblical Period

Theories that place Jewish migrations to China in the biblical period derive from myths or wild guesses, based on vague or misunderstood scriptural references. For instance, some scholars accept a host of speculations related to the whereabouts of the Ten Lost Tribes or focus on Isa. 49:12: "Behold, these shall come from far; And, lo, these from the north and from the west, And these from the land of Sinim."

Hieromonach Alexei Vinogradoff, a nineteenth-century Russian churchman, was convinced that commercial ties existed between the Middle East and Orient in the reigns of David and Solomon. Once this thesis is allowed, it becomes reasonable to assume that the Phoenicians, then the outstanding maritime people of the Mediterranean littoral, transported cargo to and from China, and that their Hebrew friends and neighbors, who in the time of Solomon already possessed a substantial navy and merchant marine, participated in the same activity. Moreover, even if the merchandise was carried overland between the Levant and the Far East, by caravan rather than by sea, the trading nations of the Mediterranean, the Jews among them, would scarcely have failed to carve out a niche in the presumably lucrative enterprise. Of course, Vinogradoff's view is highly subjective. Nowadays, most scholars ignore it because his assumptions are scarcely convincing and lack any supporting evidence. The word "Sinim," in fact, does not mean "China," but refers to Syene in Upper Egypt.

The Talmudic Era

Hypotheses suggesting that Jews arrived in China during the talmudic period are logical but unsupported. This was when the Silk Road was opened as a trade route between East and West. There is evidence that numerous merchants and traders from places where there was a heavy Jewish presence used the Silk Road to travel to China, including Western Asian countries. While mainly Arabs and Persians conducted this trade, there is every reason to believe that Jewish merchants or traders also involved themselves in such a profitable business, since they lived among these peoples. Indeed, many scholars believe that Jewish merchants played a leading part in trade after the fall of the Roman Empire, and there were Jewish traders known as "Radanites," a name probably from a Persian phrase meaning "knowing the way." Jews were undoubtedly involved in the comings and goings between East and West. Still, assumptions or hypotheses without evidence remain only assumptions or hypotheses.

The Tang Dynasty

In 618–907, we begin to have documentary evidence proving the presence of Jews in China. The earliest evidence is from the beginning of the eighth century: a business letter written in the Judeo-Persian language, discovered by Sir Marc Aurel Stein, the Hungarian-born British Jewish Orientalist and archaeologist. This letter (now housed

in the British Museum) was found in Dandan Uiliq in Northwest China in 1901, an important post along the Silk Road. The thirty-seven line text was written on paper, a product then manufactured only in China. It was dated by David Samuel Margoliouth to 718 C.E. From this fragment, we learn that a Persian-speaking Jew was trading commodities. He wrote to a fellow Jew who was obviously also a trader, asking his help in disposing of some sheep of inferior stock he had the misfortune to own.

Another bit of evidence proving the presence of Jews in China around this time is a page of Hebrew penitential prayers extracted by Paul Pelliot in 1908 from a massive trove of documents in the Cave of the Thousand Buddhas of Dunhuang, which was also collected by Stein. It consists of passages from the Psalms and the Prophets and also dates to the eighth century.

The earliest historical references to Jews in China are by Arab geographers and travelers of the ninth and tenth centuries. Abu-Zaid, a well-known Arab geographer and traveler in medieval times, described the massacre in 877 (or 878) of the foreign residents of the city of Khanfu conducted by the Chinese rebel Banshu. Among those killed he specifically mentions Jews.

All this evidence and more tells us that there were Jews in China no later than the Tang dynasty. From 1280 on, a few Chinese sources also mention the Jewish presence in China. *The Statutes of the Yuan and Official History of the Yuan* mention Jews several times. Westerners who were in China in this period also repeatedly mention Jews. For example, Marco Polo says there were Jews in Beijing in 1286. Olschki writes of an organized Jewish community, which was granted official recognition. The Franciscan John of Monte Corvino notes that there were Jews in China around 1300. Andrew of Perugia mentioned Jews in China in 1326. Jean de Marignolli asserts that he had disputes with Jews in Khanbaliq, China, in 1342. The Arab Ibn-Battuta mentions a "Jews' Gate" in Hangzhou in 1346.

Many Jews came to China for commercial and business purposes. They came from a variety of places, by whatever routes seemed most expedient. They traveled to China by land and by sea. Some went back and forth. Others stayed and eventually settled down. Inevitably, some fair-sized Jewish communities appeared in the cities in which Jews had businesses and resided. Other Jews were brought to China as captives taken by the Mongols during their march of conquest through Central Asia and Eastern Europe in the thirteenth and fourteenth centuries. The presence of Jews in China obviously brought the practice of Judaism in China. To trace specific practices, we need to further address the history of Jewish communities in China.

Kaifeng

The most documented Jewish community in China is Kaifeng. According to their own document, an inscription the Jews here erected in their synagogue compound in 1489, they came to China in the Song dynasty (960–1279). It is almost unanimously agreed that Jews came to Kaifeng, the capital city of the Song, between 960 to 1126. In 1163, after they felt very comfortable with the city and were better off economically, they constructed a building specifically to be used as a synagogue. Since the focus of our study of the practice of Judaism is on this community, we will come back to it after addressing Jewish communities in other Chinese cities.

Hangzhou

Hangzhou is located in East China and became prominent when the Sui dynasty (581–618) made it the southern terminus of the Grand Canal, which runs from north to south, joining several major rivers to provide China with an extensive inland waterway system. After 1126, Hangzhou served as the capital for the Southern Song dynasty (1127–1279). It has always been known as an important trade and handicrafts center. Its direct access to major sea routes made it convenient for merchants and traders.

Hangzhou is one of the few Chinese cities we are certain had a Jewish community. Although the arrival of the first settlers cannot

be precisely dated, it would not be unreasonable to assume the presence of a Jewish community as early as the twelfth century, when the Northern Song was defeated by the Tartars and forced to move its capital from Kaifeng to Hangzhou. Chinese documents show that a large part of Kaifeng's populace moved with the royal court. Quite likely some of Kaifeng's Jews were among them.

Ai Tien, a Jew from Kaifeng who met Matteo Ricci in Beijing in 1605, told him that many Jews had once lived in Hangzhou, forming a large Jewish community with a synagogue of its own. He did not say how he knew this (or perhaps Ricci did not mention it in his reports to Rome). Scholars assume that at least some of the Hangzhou Jews had their roots in Kaifeng and were descended from people who came to the city around 1127 when the Song court moved there from Kaifeng. Obviously the Hangzhou and Kaifeng Jews had some kind of connection that made Ai Tien's knowledge possible.

An Arab traveler, Ibn Battuta, incidentally attests the existence of the Hangzhou Jewish community in the fourteenth century. Ibn Battuta visited Hangzhou in 1346. When he and his companions entered the city, they immediately became aware of a Jewish presence because of the name of the gate, the "Jews Gate," through which they passed. For some reason, the Jewish community of Hangzhou ceased to exist sometime before the seventeenth century.

Ningpo

Ningpo has been a seaport in East China for many centuries. Before modern times, it was the most important port connecting that part of China to Southeast Asia and beyond. It was one of the five treaty ports opened to foreign trade in 1842. The Jewish presence in the city began early. The Ningpo Jews established ties with Kaifeng Jewry by the fifteenth century if not before. In 1461 the Jews in Kaifeng obtained two Torah scrolls from Ningpo. The 1489 inscription tells the story: when the synagogue was rebuilt, Shi Bin, Li Rong, and Gao Jian, and Zhang Xuan went to Ningpo and brought back a scroll of the Scriptures. Zhao Ying of Ningpo brought another scroll to Kaifeng and presented it to the synagogue. Based on the availability of Torah scrolls, we may assume that there was a vibrant Jewish community in Ningpo. The fact that two scrolls were obtained there may also indicate the presence of a fairly large Jewish community in the city at that time. They must have had many more Torah scrolls if they could spare two for the Jews of Kaifeng.

Pan Guangdan, a Chinese historian, believes that the Jews in Ningpo probably arrived very early because it is a river port quite near the sea. The fact that they had many Torah scrolls indicates that the Jews and Judaism of Ningpo probably had a history no shorter than their Kaifeng counterparts, plus a considerable prestige. The existence of the Ningpo Jewish community gave much support, at least spiritually, to the Kaifeng Jewish community.

Yangzhou

Yangzhou was originally a seaport, but in the seventh to ninth centuries, as the course of the Yangtze River changed and its delta extended further into the ocean, it became a river port. Because of its location on the Grand Canal, a major inland transportation route, Yangzhou was an important hub from which one could travel south to Fujian and Canton and north to Kaifeng. There was a very large Muslim community in the city. According to the Fujian Chronicles, Western Region Notes, Islam was transmitted to Yangzhou thirteen centuries ago. Today, the Muslim population of the city numbers about four thousand.

It is reasonable to assume that there was also a Jewish community in Yangzhou. The 1512 inscription describes the connection between Kaifeng Jewry and the Yangzhou Jews, for it states that An, Li, and Gao of Kaifeng and Jin Pu of Yangzhou "contributed a scroll of the Torah and constructed a second gateway of the synagogue." In fact, the 1512 inscription was written by Zhu Tang, who was a resident of Yangzhou.

Leslie believes that it was also feasible that the 1512 inscription of the Kaifeng synagogue was first written in Yangzhou and that it is definitely possible to say that there was a Jewish community in Yangzhou.

Ningxia

Ningxia, an important post city in Northwest China, also had Jewish residents and a historical connection with the Kaifeng Jewish community. Both the 1489 and 1512 inscriptions testify to their presence and their connection with Kaifeng Jewry. The 1489 inscription tells how Jin Xuan, a native of Ningxia, contributed an altar, a bronze censer, vases, and candlesticks to the Kaifeng synagogue when it was rebuilt after a flood. His younger brother, Jin Ying, contributed to the funds used to purchase land for the synagogue and pay for inscribing and erecting the 1489 stele. The 1512 inscription states that Jin Run built the kiosk in which it was housed. All three Jins were from Ningxia. The 1489 inscription also mentions that one of the ancestors of Jin Xuan and Jin Ying had been court president of state banquets and that their great-uncle had been a high military officer. Ningxia is located on the Silk Road and had served as a way-station. Merchants or traders who wanted to enter China from Central Asia via the Silk Road had to pass it. This makes the existence of Jews in the city even more probable.

Practice of Judaism of Kaifeng Jewry

Except for the Kaifeng Jewish community, we have almost no idea how Judaism was practiced in Chinese Jewish communities. Therefore, we have to concentrate on Kaifeng Jewry and their religious practices, which, no doubt, were the most important part of their inner life and which make us aware of their very existence as a community. The great devotion of the Kaifeng Jews to their religion can be seen from the enthusiasm they showed in building, rebuilding, and renovating their house of worship.

Synagogue History and Structure

Jewish records state that the congregation began to build the synagogue in 1163. Prior to this, it may have rented a place as a house of worship. Presumably special permission to build the synagogue was requested and granted. The synagogue was rebuilt during the reign of the Yuan emperor Kublai Khan in 1279. The name of the synagogue is given as "Ancient Temple of Purity and Truth." Fang Chao-ying points out the coincidence of these dates with the peaks of foreign influence in China.

The next major reconstruction was in 1421, under the sponsorship of the Prince of Zhou, posthumously called Ding, who was the younger brother of Ming emperor Chen Zu. During the Hong Wu period (1368–1399), he was appointed Governor of Kaifeng prefecture and had contacted the Kaifeng Jewish community. The third rebuilding was in 1445. The fourth was in 1461, after a flood. The fifth was in the Cheng Hua period (1465–1488), when a Hall of Scriptures was added. The sixth was in 1489, which was the time of the first inscription. The seventh was in 1512, and the eighth in 1663, for both of which there were inscriptions. The synagogue was rebuilt for the ninth time in 1679. The tenth and final rebuilding was in 1688, a fact attested to by many new plaques. Thus the synagogue was repaired or rebuilt at least nine times since 1163, based on Chen Yuan's account. The funds and efforts devoted to this were enormous. For instance, more than 100,000 gold pieces were spent for the construction of the synagogue in 1512.

No doubt, the synagogue became the symbol of the Jews' identity and served as the focal point of their spiritual and communal life. That is why each construction and dedication of the synagogue became so important an event, with several large stone columns made to mark the occasions. Much of what we know of the community comes from three of these columns: the 1489 stele, the 1512 stele, and the 1663 stele.

The synagogue was enormous, although we have very little idea of the exact layout or structure of the earlier buildings. However, the stele of 1489 mentions that the

synagogue compound reconstructed in 1279 was about thirty-five to forty *chang* (350 feet) long on each of its four sides. Thanks to the stele of 1663 and the written descriptions and drawings of Jesuits who visited in this period, we are fortunate to know the exact size of the synagogue that stood on the same site in the seventeenth and eighteenth centuries. The 1663 inscription states:

> There were the Hall for the Holy Patriarch, three sections; the Hall for the Patriarch of the Religion, 3 sections; North Lecture Hall, three sections; south Lecture Hall, 3 sections; Great Gateway, three sections; Second Gateway, three sections; kitchen, 3 sections; one Memorial Archway; Corridor, nine sections; the Imperial Tablet of the Ch'ing, in its dragon pavilion, set up in the Hall; two pavilions for the inscribed stones; two shrines for incense and devotion; and finally the painting in vermilion and the lacquering in black . . . the pattern of the synagogue was finally completed, and compared with the former one it was more completed.

The magnificence of the synagogue of Kaifeng Jewry can be appreciated if it is compared with synagogues in India around the same period. For instance, the largest synagogue in Cochin in the 1600s was thirty-five or forty feet in length and about one-third less in breadth.

While important, synagogue buildings are only external evidence of religion. The internal evidence—what goes on in people's lives and practices—is far more significant an indicator of their religion. Therefore, we turn now to examine the ritual life of Kaifeng Jewry.

The Annual Liturgical Cycle

Use of the Jewish calendar in a community's daily life reveals much about its piety. Although we do not have an actual calendar used by the Kaifeng Jewish community, observations by visitors tell us not only that they maintained a Jewish calendar but that they used it accurately, for instance, observing festivals on the correct dates. Thus, during his visit to Kaifeng in the early eighteenth century, Domenge, a missionary, was invited to participate in the service for Tabernacles on the twenty-third day of the eighth Chinese month, which was Saturday, October 3, 1722, or 22 Tishri 5483 on the Jewish calendar. This coincided with Shemini Azeret, the final day of the eight-day Tabernacles festival.

Not only did the community keep the Jewish calendar, they also publicly spelled out the rules for observing the Jewish holidays. For instance, the 1489 inscription clearly states that to observe Yom Kippur, the solemn Day of Atonement, Jews should

> close their doors for a whole day, and give them up to the cultivation of purity, and cut themselves off entirely from food and drink, in order to nourish the higher nature. On that day the scholar interrupts his reading and study; the farmer suspends his work of plowing or reaping; the tradesman ceases to do business in the market; and the traveler stops on his way. Desires are forgotten, attainments are put aside, and all apply themselves to preserving the heart and nourishment of the mind, so that through direction there may be a restoration of goodness. In this wise it is hoped that while man remains at rest, his heavenly nature will reach perfection, and, his desire abating, his reasoning faculty will develop.

Similarly, the 1663 inscription states: "The seventh day is specially for the cultivation of the virtues of purity and enlightenment. On the day of purification, food should not be cooked."

Strict observance of the laws and commandments that comprise the halakhah was considered vital to the preservation of the nation and the faith. Kaifeng Jewry adopted a yearly circle for the reading of the Torah. It is clear that these readings of the Law were very close to those known elsewhere. Here is a description of the ceremonial reading of the Torah reading compiled from the inscriptions:

> First they washed their bodies, and changed their garments.
>
> Before performing acts of worship, he purifies himself and bathes, he dulls the ardor of sensual desire, he quiets his spirit, and he adjusts his robes and his headdress, and adopts a dignified deportment.
>
> During the acts of worship, the Law which is recited is sometimes chanted aloud, and in this the honoring of the Way is manifested. Sometimes there is silent prayer, and

> thus the Way is honored in secret . . . Advancing, the worshipper sees It in front of him; receding, It is suddenly behind him. Turning to the left, It seems to be to the left; turning to the right, It seems to be to the right.

The congregation's religious devotion can also be seen from the respect given the rabbis. Their names and merits are inscribed on the stele. The 1489 inscription, for instance, says: ". . . thanks to their [rabbis] efforts, today all of our people observe the law, worship God, venerate their ancestors, and are loyal to their sovereign and filial to their parents."

Kaifeng Jews' worship included daily and Sabbath worship, the Day of Atonement, New Year, Tabernacles, Passover, and Pentecost, Purim, Hanukkah, and the Ninth of Av. They also included the recitation of Grace after Meals, Kiddush, the Haggadah, and the Hazkarat Neshamot. There were special prayers and ceremonies for circumcisions, marriages, interments, and other events.

The Kaifeng community was unquestionably Rabbinic in its outlook. Indeed, in 1713, Gozani compiled a list that includes the titles of most of the talmudic tractates, perhaps testifying that the community even possessed a printing of the Talmud. In any case, the prayer books that survive are full of the theosophical values of the Talmud, indicating that the congregation's practice was in line with the traditions of Rabbinic Judaism. In particular, they followed Sephardic custom, reflected in their form of Grace after Meals (so A. Neubauer) and in their following of several variations associated with the Sephardic prayer book.

Jewish Education

The Kaifeng community, like communities in the western world, emphasized learning, which made a difference in continuity and development. Perhaps the traditional emphasis on learning was strengthened by Kaifeng Jews' isolation from Jewish communities outside of China. Without education, they would have been unable to practice their religion and maintain their heritage. Training "men learned in Torah" was crucial, for they depended on these sages to guide them in prayer and religious practice, instruct their children, and administer justice. In addition, and equally important, education enhanced their social status in Chinese society, which also greatly valued learning.

We lack materials that could tell us about the activities of talmudic academies in Kaifeng. Very little is known about how teachers for the children were selected. However, the community must have had a yeshivah, or perhaps just a class, for the few elite students needed to be rabbis when they grew up, since it was unlikely that the community would have been able to hire rabbis from elsewhere. Of course, a place to study Torah was also provided for lay people.

The basic Jewish education of Kaifeng Jews was most likely knowledge of enough Hebrew to recite the prayers and the weekly Torah portion, as has been true worldwide. Hebrew seems to have been taught orally from the older to the younger generation. The Hebrew knowledge of the Kaifeng Jews apparently varied at different times, and as a result the sources are contradictory. Some say that their Hebrew was poor in the seventeenth century; others say it was still good in the eighteenth century. It appears there was a fairly good knowledge of Hebrew in the seventeenth century, at least good enough to conduct services, copy the Torah scroll, and write prayer books. However, by the nineteenth century, after the community's last rabbi died, Jews knew very little Hebrew. This may explain why they sold their Hebrew texts. In the twentieth century, none of them could read or write Hebrew.

A more extensive education was provided as part of the training for the rabbinate. We see from the number of rabbis listed in the Memorial Book that rabbinical education was very active. From 1600 to 1670, the community trained eight rabbis: Rabbi Jacob, of the Li clan; the Master, representative (of the community), and teacher, Rabbi Shadai, of the Li clan; the representative, Rabbi Jeremiah, of the Li clan; the scribe, teacher, and representative, Rabbi Akibah, of the Ai clan; a scribe, Rabbi Mordecai, of the Kao clan; a scribe, Rabbi Judah, of

the Shi clan; and a scribe, Rabbi Jacob, of the Kao clan.

Rabbis Jacob and Shadai were father and son. Jacob was the son of Rabbi Abishai, who was the son of Rabbi Eldad. Their family tree can be traced three more generations back in the Memorial Book (Nos. 343–350) to Rabbi Moses, the physician. All of them were members of the Li clan. Rabbi Jacob of the Li clan was the teacher as well as the representative of the community. If we take into consideration the fact that the early rabbis of the Kaifeng Jewish community were mostly from the Li clan, we may well assume that it was a tradition of this clan to serve in the synagogue. The Li clan in Kaifeng were believed to be Levites, so that it may not be a coincidence that they carried on the religious traditions of the Jewish people.

According to the 1663 inscription, Zhao Yingcheng wrote a book called *The Vicissitudes of the Holy Scriptures*. His brother Zhou Yingdou also wrote a work, *Preface to Clarifying the Law*, in ten chapters. Most likely those were works of biblical commentary. Had there existed no rabbinical education in Kaifeng, these men would not have been able to write such books.

Kashrut

Kaifeng Jews had special foods for the Sabbath and holidays, including fish on the Sabbath and matzot and lamb for Passover. Gozani, in 1704, mentions the unleavened bread and paschal lamb. Additionally, kashrut was important. The 1512 stele makes clear that "in their meat and drink they are careful to observe the distinction between what is permitted and what is not." Indeed, keeping kosher is the community's longest-observed tradition, and, even today, their descendants do not eat pork, the main meat for the Chinese. Documentary evidence indicates that the dietary laws were carefully observed and that communal authorities maintained strict discipline in this sphere. Ai Tien, the Kaifeng Jew who met Matteo Ricci in 1605, said that the chief rabbi had prohibited the members of the community from eating the meat of any animal not killed by his own hand. Strikingly, in the early 1600s, when the Kaifeng community offered the position of chief rabbi to Father Ricci (!), the condition they set was that he abstain from pork. In contrast, his Christian belief in Jesus as messiah was regarded as a personal idiosyncrasy of little consequence.

The community trained skilled slaughterers familiar with the approved method of slaughter and inspecting the carcass. The Memorial Book lists five ritual butchers around the seventeenth century. The skill was handed down from generation to generation. Slaughter took place in a courtyard on the south side of the synagogue compound.

While, generally speaking, the dietary laws were followed, not everyone in the community observed them since this was, at times, particularly difficult, especially for those who became Chinese officials, assigned to posts far away from Kaifeng. Those who were invited to attend imperial banquets had to eat Chinese food. What is amazing is not that some broke the dietary laws but that so many obeyed them. This adherence is illustrated by one of the names the Chinese applied to Kaifeng Jewry, Tiao Jin Jiao, "The Sect That Plucks out the Sinews," referring to the prohibition against eating the sciatic nerve. Rather than resenting this designation, Kaifeng Jews appreciated it, because it differentiated them from their Muslim neighbors, who also abstained from pork and claimed Abraham and other biblical figures as patriarchs.

Burial

According to the 1489 inscription, the Jews' burial ritual was Chinese. However, Gozani reported in the early eighteenth century that they still followed traditional Jewish burial laws. The *Memorial Book*, which closed in the late seventeenth century and which chiefly records the names of deceased members of the community in both Hebrew and Chinese includes a form of the Kaddish prayer for the dead. Part of the text follows:

> a) May his great name be magnified and sanctified in the world (which he hath created according to his will); and in

the world that he will create anew, where he will quicken the dead, and save the living; will rebuild the city of Jerusalem, and establish his holy temple; and will uproot all alien worship from the earth and restore the worship of Heaven to its place;

b) For his name's sake, for his word's sake, and for the sake of the survivors of the exile, our brethren, may he remember us for our good, as in the days of old, may he bring near our end time, may he give (us) our messiah, may he save us, and may he be gracious to our dead ones, in his comparison, during the lives of the sons of his temple, and during the life of all the exile of Israel,

c) (even speedily?) and at a near time, and say ye, Amen.

d) Let his great name be blessed for ever and to all eternity. Blessed, praised, and glorified, exalted, magnified and extolled, honored and lauded be the name of the Holy One, blessed he; though he be high, high above all the blessings and hymns, praises and consolations, which are uttered in the world; and say ye, Amen.

It seems quite likely that this prayer would have been recited at burial services.

The worship rituals of Kaifeng Jewry remained close to those of Jews in other places. The 1489 inscription outlines the procedure followed in the ceremonial worship of venerating God:

> At first, the worshipper bends his body to honor the God, and the God is present in the act of bending the body. Then he stands erect, without leaning, to honor the God, and the God is present in the act of standing erect. In response, he preserves his quietude of mind, and by silent praise he honors the God, for that which should not be forgotten is heaven. In movement, he examines his conduct, and by vocal praise he honors the Way, for that which should not be substituted for is Heaven. . . . The worshipper recedes three paces, and immediately the God is behind him, and in consequence he honors the God, which is behind him. He advances five steps, and perceives [the God] before him, and in consequence he honors the God before him. Turning to the left he bends his body to honor the God, which is good, for the God is then on his left. Turning to the right he bends his body to honor the God, which is not so good, for the God is then on his right. He lifts his head to honor the God, the God is above him; he lowers his head to honor the God, and the God is near him. Finally he worships the God, and it is honored in this act of worship.

For those who are familiar with Jewish rituals, this practice of Kaifeng Jewry brings to mind the genuflections in the Amidah, a central element in every Jewish service. The essence and spirit of the practices are the same, even if there is some difference in the external expression.

The writings of Kaifeng Jewry share many ideas and concepts with other Jewish works. For instance, Ai Shi-de presented an inscription to the synagogue that says, "Its presence is not impeded by visible form, its absence does not imply an empty void; for the Way is outside the limits of existence or non-existence." Compare what the great medieval philosopher Maimonides said in his Thirteen Principles of the Faith: "I believe with perfect faith that the Creator, blessed be his name, is not a body, and that he is free from all the accidents of matter, and that he has not any form whatsoever." In another example, we look at a prayer in the *Memorial Book*:

> May God remember the soul of my respected father, ____ son of ____, who has gone to his eternal home; on whose behalf I vow as alms ____; may his soul be bound up in Abraham, Isaac, and Jacob, Sarah, Rebekah, Rachel, and Leah, and all other righteous men and women who are in the Garden of Eden, and let us say, Amen.[27]

The similarity of this to the Yizkor prayer is striking. Another example is the Kaddish DeRabbanan found at the front of the *Memorial Book*, close to the version of Maimonides and the Yemen.

By the mid-nineteenth century, however, the last rabbi of the community had died without a successor. The synagogue was unattended and it virtually ceased to exist. Although individual Jewish descendants still lived in Kaifeng, Judaism was no longer practiced in the city.

Judaism in Modern China

Judaism in modern China has a much clearer beginning, starting in the second half of the nineteenth century when China was forced

to open its doors to western powers. From 1725, when the Chinese emperor decided to order all foreign missionaries to leave, to 1840, China was more or less a closed society in which foreign people were not allowed to live. The major cause of a change was the First Opium War between China and Great Britain in 1839–1842. China was defeated by Britain and forced to sign the Treaty of Nanjing. According to the Treaty and its supplementary protocols (1843), China agreed to surrender Hong Kong to the British and open five major port cities to British trade and settlements, which soon led to the establishment of territorial enclaves under the British flag. Other imperial powers followed suit, so that many foreign adventurers subsequently came to China, among them, Jews. In the following hundred years, Hong Kong, Shanghai, and later Harbin, Tientsin (now spelled Tianjin), and many other cities became centers of Jewish communal life in China.

Jews came in several waves. In the second half of the nineteenth century, Sephardic Jews, originally from Baghdad and Bombay, came, looking for business opportunities in the newly-opened cities. By the beginning of the twentieth century, they had built up solid Jewish communities in Shanghai and Hong Kong. The second wave was the arrival of Ashkenazic Jews from Russia and other East European countries. Most of them arrived in Harbin and the contiguous zone in Northeast China. Later many moved to the southern regions. Although a few came in search of better economic opportunities, the majority were fleeing pogroms or revolutions. The third wave was European Jewish refugees. During 1937–1940, about twenty thousand Jewish refugees fleeing the Nazis swarmed into Shanghai. The last wave was the arrival of some thousand Jews from Poland and other Eastern European countries in the early 1940s. Overall, in 1845–1945, more than forty thousand Jews came to China for business opportunities or safe haven. The arrival of Jews in modern China greatly strengthened the practice of Judaism there, as more than a dozen synagogues were constructed in the cities in which Jews resided.

The Jewish Communities in Shanghai

In the second half of the nineteenth and first half of the twentieth century, four separate Jewish communities were established in Shanghai, based on the different origins, customs, and traditions of the Jews who arrived.

The Sephardic Jewish Community of Shanghai

Sephardic Jews were the forerunners of the Jewish community in modern China. They came to the International Settlement of Shanghai via India shortly after the Opium War. In the wake of the Treaty of Nanjing, economic potential was the main attraction. The Shanghai Sephardim had British passports, which ensured that they could travel freely and enjoy extraterritorial rights. They were shopkeepers, importers and exporters, retailers, property and estate agents, and stockbrokers. With economic development of the city, the size of the community grew steadily. By 1895, there were about one hundred seventy-five Baghdadi Jews in the foreign enclave in Shanghai.

The Shanghai community is closely bound with the Sassoon family, which had built a dynasty in India in the first half of the nineteenth century, though their origin was Baghdad. David Sassoon together with his eight sons built an extensive business in Shanghai. The family was orthodox and conducted its life according to strict Jewish laws, ensuring the preservation of the traditions of the Baghdadi Jews. Until the mid-1870s, the Sassoons provided their staff with living accommodation and facilities for the observance of Judaism. No work or business was conducted on the Sabbath and festivals, and religious services were organized according to Baghdadi tradition. A legend holds that all family members and employees were required to learn how to slaughter poultry so that they would have kosher meat when they traveled in China.

The Sephardic community had a historic encounter with the Kaifeng Jews in the

beginning of the twentieth century solely because of their common faith. The Shanghai Sephardim were saddened to learn of the miserable life and sad situation of the Kaifeng Jews. They invited the Kaifeng Jews to send a delegation to Shanghai and promised that they were willing to collect money to rebuild the synagogue and send a teacher to instruct them.

Sephardic Jews were permanent residents of Shanghai and built their homes as well as their business there. Thy made fortunes and became the most wealthy and influential Jewish community in Shanghai, though their members probably never exceeding eight hundred. Their contribution to the development of modern Shanghai is felt even today.

The Ashkenazic Community in Shanghai

The Ashkenazic Jewish community Jewish communities took shape at the beginning of the twentieth century, when Russian Jews started to arrive in relatively large numbers. Fleeing pogroms and revolutions, they first traveled via Siberia to cities in Northeast China, such as Harbin, Dalian, or Tianjin. In the early 1930s, their number in Shanghai already surpassed five thousand, making this a larger community than the Sephardic one. The Shanghai Ashkenazic Jewish Communal Association was established in June, 1931. It was an essentially secular Jewish community with strong Zionist and nationalist leanings.

The Ashkenazic community Jewish communities was the best organized and most active of all the Shanghai, represented by many and diverse communal institutions. Charitable societies, such as a relief society and shelter house, provided aid to the needy and indigent. The educational aid society assisted young people in the Jewish school with tuition. The burial society maintained a cemetery and provided free burial for the indigent. The clinic and hospital society provided a free dispensary to the poor. The Jewish Club, which was founded in the French concession in 1931, was the center of cultural, political, and social activities. It provided various activities such as concerts, lectures, and theatrical performances.

Zionism played an important role in the community's life. Alongside all kinds of Zionist groups, it was Ze'ev Jabotinsky's movement that captured the imagination of the young people. The Betar branch became very active. Among some two hundred soldiers in the Jewish Company, most were Betar members.

Central European Jews

Beginning in 1938, some twenty thousand Jewish refugees from Central Europe, chiefly from Germany and Austria, escaped to Shanghai, the only place in the world that did not demand documents (e.g., visa, health certificate, financial statement). Among them were Michael Blumenthal, who later became U.S. Secretary of the Treasury in the Carter Administration, and Shaul Eisenberg, who founded and ran the Eisenberg Group of Companies in Israel. Refugees received assistance from two existing Jewish communities upon their arrival. The International Committee for Granting Relief to European Refugees was established in Shanghai on August 7, 1938, to manage the flood of refugees. The Joint Distribution Committee provided help so that a large number of the refugees achieved economic independence.

The refugees assumed that the Shanghai experience would be temporary, and none expected that most refugees would stay in Shanghai for a decade or longer. Coming from Central Europe, they were ill-prepared for the radically different economic, cultural, and even environmental conditions in Shanghai. However, most finally settled in the heavily Chinese- and Japanese-populated Hongkou area of the Shanghai International Settlement, north of Suzhou Creek. Later on, this area became known as the "Hongkou Ghetto." Through initiative and creativity, the Jews made the most of an extremely difficult situation.

The refugees reflected German Jewish society in general, containing Orthodox, Reform, and secular Jews. Despite this wide range of religious practice, a single organization, the Community of Central European

Jews, united them and provided comprehensive services, including religious education, a women's league, a cemetery and burial society, kosher slaughtering, and an arbitration board to resolve disputes.

Polish Jewish Community

In 1941, about a thousand Jews chiefly from Poland arrived in Shanghai from Japan. They obtained permission to move to the city through the excellent work of Zerah Wahrhafting, who had come to Shanghai in 1941 and who later became an influential leader of the Mizrahi Movement and member of the Israeli Cabinet (1962–1974). Among the Jews who came in 1941 were all the teachers and students of the *Mirre Yeshivah*, some four hundred people. They escaped Lesovelia, Poland, through Vilna, and obtained transit visas to Japan from Sugihara Chiune, the Japanese consul in Kovno. After a short stay in Kobe, Japan, they made their way to Shanghai.

The *Mirre Yeshivah* was the only talmudic academy of Eastern Europe to survive the Holocaust intact. In Shanghai, they printed their own books in Yiddish and Hebrew. Together with remnants of several other yeshivot, throughout the war, they continued their studies in the Beth Aharon Synagogue. Some students were also invited to teach at Jewish schools in Shanghai.

Communal Life and Practice of Judaism

Jewish communal life in Shanghai started with the Sephardic Jews in 1862, when the Sassoons endowed land for use as a cemetery, Shanghai's first Jewish communal project. As Orthodox Jews, the Sephardim were serious in their religious practice. Their observances and use of Judeo-Arabic, written in a cursive Hebrew script, reflected their radically separate ethnicity. To meet their religious needs, the community set up its first synagogue, Beth El, in 1887. In 1900, a second synagogue, Shearith Israel, was established.

By the 1910s, as the growing size of the congregation warranted a larger place for worship, Sir Jacob Sassoon and his brother Sir Edward endowed the Ohel Rachel Synagogue, named after Jacob's late wife. Consecrated on January 23, 1921, with a sanctuary capacity of seven hundred people, it was the first edifice built specifically for divine worship in Shanghai. Marble pillars flanked a walk-in ark, and wide balconies overlooked the sanctuary. As many as thirty Torah scrolls were held in the ark. The synagogue was considered "second to none in the East." The site hosted the Shanghai Jewish School, library, and mikveh. With the completion of the Ohel Rachel, the Sephardic community appointed Rabbi Hirsch its first rabbi.

Beth Aaron Synagogue was built in 1927 on Museum Road (today's Hu Qiu Road), as a gift to the community from Silas Aaron Hardoon, a wealthy Jewish entrepreneur in Shanghai, to replace Shearith Israel synagogue. In the 1940s, it became the house of worship and study for the students and rabbis of the *Mirre Yeshivah*. The synagogue was demolished in 1985.

In 1932, the Sephardic community appointed an Ashkenazic rabbi, implying a reduced commitment to the preservation of Sephardic tradition. Innovations such as a choir, a few Ashkenazic melodies, a sermon, and prayer books with the English translation alongside the Hebrew were introduced. Otherwise, there was no intrinsic change in the form of worship.

The Ashkenazic community Jewish communities followed its own traditions and rituals in its own house of worship. In 1902, a synagogue committee was formed by Russian Jews and inaugurated in 1907 in a rented premise, named Ohel Moshe after Moshe Greenberg, a leading Russian Jewish personality.

In 1925, Meir Ashkenazi, a Lubavicher rabbi, was invited to become the Shanghai Russian Jews' spiritual leader. He served as Chief Rabbi of Shanghai from 1926–1949 and was the spokesman for the Ashkenazic community Jewish communities, directing its many relief, educational, and religious affairs. He found the small rented syna-

gogue inadequate for the growing community's requirements. With his efforts, in 1927, a building was remodeled into a synagogue. The second floor was removed and pillars were erected to support its roof. A mezzanine was constructed for women. This Ohel Moshe Synagogue served as the religious center for the Russian Jewish community for many years. In April, 1941, a modern Ashkenazic synagogue was built, which seats a thousand people. Russian Jews called it the New Synagogue. Worship in this synagogue continued until 1956.

In Shanghai, Jews initially used the traditional method of a father's personally teaching his son or hiring a private tutor. As their numbers grew, the Shearith Israel Synagogue incorporated in 1902 a *Talmud Torah*, in which six boys were taught Hebrew and Jewish studies in Judeo-Arabic. Later, when European refugees came, the school was attended by many refugees' children. In 1944, the school had as many as three hundred students and sub-campuses in different districts. The Shanghai Jewish Youth Association, better known as the Kadoorie School, was founded especially for the refugees. The Ismar Freysinger School was a smaller but more religiously-oriented school for refugees. Those schools and other educational groups played a very important role in providing a basic education in Judaism during the War. Hebrew classes and traditional orientation to Jewish education stressed that Jews are a distinct national group, bound together by Judaism.

Zion was an integral part of Shanghai Jews' conception of Jewish identity. The Shanghai Zionist Association, the SZA, was founded in 1903 with Sir Elly Kadoorie as its first president. The SZA was one of the three earliest Zionist organizations in Asia and sent representatives to the Sixth Zionist Congress. The SZA also won the support and endorsement of the Chinese government to the Balfore Declaration. New streams of Zionism were introduced into Shanghai with the arrival of Russian Jews. In 1920s and 30s, Shanghai saw the emergence of all kinds of Zionist organizations, such as the Revisionist, the Mizrachi, the Poalei Zion, the Betar, and the Irgun. While the organizations were very active, conflicts among them were limited as they found common ground on major issues. In April, 1947, more than eight thousand Jews gathered to protest the hanging by the British authorities in Palestine of four Irgun activists. After the founding of the State of Israel, the Shanghai Betar and Irgun sent two groups of young volunteers to Palestine in fall 1948 to join the War of Independence.

In September, 1932, following hostilities with the Japanese, a Jewish platoon, gathering together all Jewish members of the corps, became a respected unit of the Shanghai Volunteer Corps. It was commanded by Captain Noel S. Jacobs. The Platoon expanded on May 23, 1933, to become the all-Jewish Hebrew Company under Jacobs' scommand. The majority of its members were Russian Jews. The collar of their uniform sported a metal Shield of David with the letters SVC. One of their undeclared aims was to acquire military experience for eventual participation in the fight for Jewish independence in Palestine.

Cultural life was extremely rich in Jewish communities in Shanghai. From 1903 to 1945, more than fifty Jewish newspapers and magazines were published in English, Russian, German, French, Hebrew, Yiddish, and Polish. Among them, *Israel's Messenger, Our Life, The Jewish Call, Shanghai Jewish Chronicle* exerted a great impact on Jewish life in the city. Many books in Hebrew, Yiddish, and English on Judaism were printed. Pray-books and Jewish calendars were local products, as were Talmuds, Bibles, and books by Moses Maimonides.

Jews in Shanghai, especially the Sephardim and the Central European refugees, suffered a great deal during the Japanese occupation of the city. Their businesses were ruined as the economy declined. After the attack on Pearl Harbor, some Sephardic Jews who had British passports were interned as enemies of Japan. Under pressure from Nazi Germany, on February 18, 1943, Japanese authorities proclaimed the establishment of "the Designated Area for Stateless Refugees" in Shanghai, ordering Jewish refugees who had arrived from Europe since 1937 to move into the area

within a month. The area became the well-known "Hongkou Ghetto." Those who continued to work outside of Hongkou needed special passes with the hour of their return clearly specified. Those who failed to return in time were often punished or had their passes confiscated. Confinement, poor diet and sanitation, in addition to restrictive methods of Japanese surveillance, put thousands of Jews in a difficult, unpredictable, and dangerous situation and to real suffering.

The Harbin Jewish Community

The Harbin Jewish community can be considered a large umbrella organization that covered an area of Northeast China and today's Inner Mongolia of China, where thousands of Jews settled from the end of the nineteenth to the mid-twentieth century.

Harbin as a Chinese city was founded in 1898 when Russian engineers chose it as the headquarters for the Chinese Eastern Railway Company. The railway to be built from Manchuria to Vladivostok was part of a 1896 treaty between China and Russia ensuring mutual assistance against any future Japanese aggression. To build the railway, Russia also obtained "extraterritorial rights" two and half miles on each side of the railway. Harbin soon became a thriving Russian town and Russian Jews gravitated to this part of China. Beginning with the construction of the Chinese Eastern Railway from Manchuli to Hailar, Jews from Russia began to settle in Northeast China and Inner Mongolia.

Jews were almost free from persecution because Tsar Nicholas II, at the end of the nineteenth century, was anxious to Russify and encouraged immigration of Russians, including Russian Jews, to this region in order to strengthen Russian influence. He declared that Jews willing to settle along the railway would be allowed freedom of religion, unrestricted business rights, and quota-free education. Besides, Russian authorities in Northeast China did not want to show the Chinese that any white man—even a Jew—could be treated as inferior to an Asian. Many Russian Jews fleeing pogroms in Odessa, Kishinev, and other towns, decided to move to Northeast China for permanent settlement.

The Jewish population in Harbin grew quickly. On February 16, 1903, the Jewish Minority Community was founded, numbering some five hundred people. After the Russian defeat in the 1904–1905 Russo-Japanese War, many demobilized Jewish soldiers in the Tsar's army settled in Harbin and were soon joined by their families. The Bolshevik Revolution of 1917 and subsequent Russian civil war brought a flood of refugees, both White Russians and Jewish, to Harbin. In the 1920s there were as many as fifteen thousand Jews in Harbin and nearby towns, making the Harbin Jewish community the largest (at the time) in the Far East as well as in China.

The Japanese occupation of Northeast China in 1931 and the establishment of the Japanese puppet state of Manchukuo in 1932 had a negative impact on the Harbin Jewish community. The Japanese economic domination and harsh treatment of Jews coupled with the general lawlessness and anti-Semitic attacks caused many Jews to leave for Tianjin and Shanghai. The Jewish population of Harbin was reduced from thirteen thousand in 1929 to less than five thousand in 1939.

Jews in Harbin were homogenous, consisting primarily of Russians and a small number of Poles. The Jewish Religious Community of Harbin as it was named at the time was a well-organized and supreme governing body. It stood for all Jews in the area and served all their needs. Its by-laws define the main functions as: tending to the religious needs of the Jewish immigrants; managing the funds of the synagogue and the rabbi; managing the Jewish traditional method of slaughter of livestock; managing the Jewish cemetery and organizing funeral services; registering births, deaths, marriages and divorces; dealing with the Chinese authorities, and acting according to the laws of China; supervising the Jewish school for the immigrants; organizing cultural and educational activities; handling of all kinds of charities to needy immigrants and etc.

The Harbin Jewish Cemetery was established in 1903 with a small synagogue of its own. The Central Synagogue was built

in 1907. In 1921, the New Synagogue was built. Both were orthodox. The first rabbi of the community was Shevel Levin, who had previously served in Omsk and Chita in Siberia. Rabbi Aaron Kiselev served in Harbin from 1913 until his death in 1949. Dr. Abraham Kaufman, the community leader since 1919, played a leading role. He chaired the Far Eastern Jewish Council and three times from 1937 to 1939 ran the Conference of Jewish Communities in the Far East. He was arrested by the Soviet Red Army in 1945 and taken back to the Soviet Union for ten years of hard labor.

The Harbin community was active and comprehensive. Besides synagogues, it ran a school, library, hospital, two banks, a home for the aged, and numerous charitable organizations. A Talmud Torah was established in 1919, providing a traditional education for children and young people. The community had many publications in Russian and in Yiddish. Among them, *Yevreskaya Zhizn* was published from 1920 to 1940. Cultural and social activities such as theatrical performances and musical offerings, enriched the community's life. Zionism also played an important role in communal life. All kinds of Zionist organizations existed, including Poalei Zion, Bund, Betar, Agudat Israel, and Revisionist Zionism in Harbin. Because of Zionist spirit and influence, quite a few individuals and families made Aliyah in the twenties and thirties.

In 1937, the community created the Far Eastern Jewish Council, which in turn held the Conference of Jewish Communities in the Far East three times from 1937–1939. Each conference was attended by several hundred Jewish representatives from Tianjin, Shanghai, other Chinese cities, and Kobe in Japan. A decision was reached at the 1937 conference that all Jewish communities in China would be combined into a single autonomous association covering all religious problems, educational, cultural, social, and economic activities, support orphanages and care for refugees from Central Europe, and register all Jews and all the Jewish organizations in the Far East.

The Harbin community suffered a heavy blow at the end of WWII, when the Russian Red Army declared war against Japan and entered the city. Dr. Kaufman and other Jewish leaders were arrested, charged with anti-Soviet activities, and forcibly taken to the Soviet Union. While the community survived, many who could started to leave.

Adjacent Jewish Communities

Beside Harbin, there were a number of small Jewish communities established in various cities in the early twentieth century in Northeast China and Inner Mongolia, such as Hailar, Manchuli, Dalian, Mukden, etc. All of them were connected with the Harbin Jewish community either economically or socially.

The Jewish settlements from Russia concentrated in Hailar and Manchuli, two major cities of Inner Mongolia at the beginning of the twentieth century. Most of them were merchants of foreign trade and forestry. Places of worship were set up in Hailar in 1910 and in Manchuli in 1912. Manchuli Jews ran a private school, situated at the railroad station. Operating four days a week, it included four grades and counted eighty students and five teachers.

Jewish settlers from Russia came to Dalian in 1900. They were few in numbers, but Jews began to trickle to the city from Harbin after the Russo-Japanese War of 1904–1905. On December 8, 1929, the Dalian Jewish Society was inaugurated. It had fifty-eight members in 1929 and one hundred-eighty in 1940. Among the first Jews to arrive in Dalian was Joseph Trumpeldor, who had been captured in the Russo-Japanese War and was the first Jewish officer decorated by the Tsar for bravery.

The Tianjin Jewish Community

Jews might have settled in Tianjin as early as the 1860s, when the city became an open port for foreign trade. However, there was no Jewish organization until 1904, when the Tianjin Hebrew Association was founded. The community consisted mostly of Russian Jews. As a result, the Association was registered with the Russian Consulate in Tianjin and considered an organization of Russia.

The population of the community grew rapidly after the October Revolution in Russia in 1917 and again after the Japanese occupation of Northeast China in 1931, when many Jews came from Harbin. In 1935, the Jewish population of Tianjin reached some twenty-five hundred, probably the highest figure in its history.

Most Jews in Tianjin engaged in commercial activities, especially the fur trade. There were more than a hundred fur firms owned by Jews. Furs were obtained in Northeast China but sorted and processed in Tianjin. Fur products were chiefly shipped to American and European markets. Other export business also involved Tianjin Jews. Though most Jews in the city were secular and business oriented, they fasted on Yom Kippur, held family seders, observed the specific diet of Passover, and attended services on the High Holidays. Every household celebrated the major freedom festivals of Hanukkah and Purim. They also marked Lag B'Omer.

The Tianjin community had a committee to take care of the needs of its members. A Jewish cemetery was created in 1904. Leo I. Gershevich, a fur merchant in Tianjin, served as the communal leader for many years. Under his leadership, in October, 1925, a school was established to teach Judaism and secular subjects. There were one hundred thirty-two students in 1934. In 1928, a Jewish club was founded and soon became the center of communal life. It housed a library with a few thousand volumes of books and reading rooms. A benevolent society and interest-free loan fund relieved the poor and helpless or set them on the road to self-support.

For the community's first three decades, worship was conducted in a small rented apartment. The community started fundraising for a synagogue in 1937, building a house of worship in 1939. Rabbi Levi was in charge. Today, the building remains standing and Star of David is clearly seen.

Zionist activities played an important role in the community, involving many young people. A few hundred refugees from Europe were taken in by the community during WWII. A grand gathering was held in front of the synagogue upon the news of the founding of the State of Israel in 1948. The community had strong ties with the Harbin Jewish community and participated in all three Conferences of the Jewish Communities in the Far East.

The Tianjin Jewish community also served Jews in nearby area such as Qingdao and Beijing. Though no Jewish organization was ever established in Beijing, a Jewish association was founded in Qingdao. Most Jews in Qingdao were of Russian origin, though the first Jews were mainly German citizens who came as merchants, bank employees, or diplomats at the end of the nineteenth century. The population increased after the Russian October Revolution. In 1920, Jews formed a congregation for religious activities. They had a synagogue of their own. For many years F.M. Torabinskii, a Russian Jew, served as head of the congregation. In 1940, two hundred twenty-one Jews resided in Qingdao. After WWII, an American Navy warship was stationed in the city. Quite a few Jewish servicemen joined the community. In the 1950s, all Jews left.

Jews in Post-War China

The surrender of Japan brought some hope for Jews in China. For the European refugees, the first positive change was the complete resumption of communication with the outside world and the flow of much-needed money into the community. The arrival of American armed forces provided jobs and opportunities. Moreover, they were able to move including to go to a third country to join family or relatives. The majority started to plan to leave, not unexpected since they had wound up in China in the first place only because they had no other choice. Countries such as the United States, Canada, and Australia became the refugees destinations if visas could be obtained. However, the doors of most countries were still not widely open. The founding of the state of Israel created a different choice. In 1948, Israel opened an office in Shanghai. About ten thousand Jews made Aliyah.

For the Sephardim and Russians, China had been home for a generation or more,

and many of them considered remaining. Some started to invest and others to rebuild their businesses. But their hopes were short-lived. In 1946, civil war broke out between the Nationalists and Communists, and the Sephardim and Russians also began to leave. Well-established Jewish families in the city, such as the Sassoons, the Kadoories, had transferred their business to elsewhere (the Sassoons in the Bahamas; the Kadoories made Hong Kong a residence and center of their enterprises). Thus, by the time the Communists took over in 1949, most Jews had already left China. Only a few thousands remained and lived in Chinese cities for another ten years before their final departure.

The 1950s marked the end of an era of Jewish life in China. Radical changes within Chinese society made it difficult for Jews to lead a meaningful life or to build up their businesses there. Jews who came to China at different times for various purposes believed that it was time for them to leave, and they left by thousands annually. By the mid-1950s the total number was less than one thousand. Because of the declining Jewish population, various organizations were either diminished or merged. When the American Joint Distribution Committee closed its Shanghai office in 1951, the Council of the Jewish Community, created in Shanghai in 1949 after the founding of the People's Republic of China, took over the responsibility of administrative work in connection with the repatriation and resettlement of China's Jews to all parts of the world. By July, 1956, the centralized management of the properties and the internal affairs of both the Ashkenazic and Sephardic Communal Associations, which had been handling their affairs separately for the prior fifty years, finally merged into the Council's office. The Council not only represented the Shanghai Jewish community but also the Jewish communities in Tianjin and Harbin. It was in charge of the general budget and migration affairs of those communities, and its annual reports include all the communities. It took over complete responsibility for the welfare of Jews remaining in Tianjin after the liquidation of the Tianjin Hebrew Association in 1958.

The economic and financial status of the majority of the remaining Jews steadily worsened during the 1950s because most of them were planning to leave. Their priority concern was no longer to establish their life and business in China but how and when to leave the country. The departure rate remained high, over 25% each year. For instance, from 1955 to June 1956, 283 Jews left China. Among them, 113 were from Shanghai, 139 from Harbin, fifteen from Tianjin, seven from Dalian, and ten from Qingdao. Though destinations for them were various (thirteen countries plus Hong Kong), statistics showed that the number one destination was Israel (131 Jews), followed by the USSR (ninety Jews).

By June 30, 1956, the remaining Jewish population in China was 519 according to the Council of the Jewish Community in China. The distribution of those Jews was 171 in Shanghai; 233 in Harbin and Hailer; and 115 in Tianjin and the nearby area. Among them, the majority (409) originally came from Russia and were citizens of the USSR. Three years later, the population had declined by another almost 50%, to 251 (72 in Shanghai, 26 in Tianjin, and 153 in Harbin). Over 90% of them were of Russian origin; they remained because, since both the USSR and China were communist, leaving would make little difference in their circumstance. Additionally, Russian subjects holding Soviet passports needed clearance from the Soviet Citizens Association and the Soviet Consulate General. This clearance was more difficult to obtain in the north of China and particularly in Harbin. It often happened that, after the exit permit was granted, it would be canceled just before the migrant's intended departure. The individual, having liquidated his business and personal affairs, was left in limbo until his fate was decided some months later. Even so, mot of these Jews left after relations between the USSR and China became hostile in the early 1960s. This author does not have any official documents to tell the exact number of their departure.

With the shrinking community, religious and culture life was severely disrupted. Though religious life in general continued, it became difficult to maintain synagogues.

The New Synagogue on Chao Yang Road, which was built in 1941, served as the only living synagogue in Shanghai for years. However, because the expense of maintaining the large premises in the face of dwindling attendance and growing financial need among the local Jewish population could no longer be justified, it was decided to dispose of the synagogue building. The transaction was concluded in July, 1956, and the buyer was the House and Land Control Bureau of the Chinese People's Government. The reason to sell it to the Bureau was the Bureau offered high price. Several Torah Scrolls and a quantify of religious books owned by the local community were shipped to the Ministry for Religion of Israel as a gift.

Still, religious services continued on Sabbaths and holidays in the prayer hall at the Jewish Center. Matzoth were prepared and distributed free of charge to all needy Jews in Shanghai. They even sent Matzoth (by the hundreds of pounds) by train for remaining Jews in Tianjin. Jewish education was not neglected. For instance, a Hebrew class was inaugurated in 1956 to teach the fundamentals and beginnings of Hebrew.

In Harbin, the community continued to perform many charitable works in the 1950s, though it had a close relation with the Council of Jewish community in Shanghai. The Shelter House in Harbin housed inmates. Free meals were distributed to inmates and to dependents of the community. Low-priced meals were served to those in need in the Jewish dining room to people. Medical care was granted to the needy. Doctors were called to attend the sick. Indigent migrants irrespective of their destinations were provided before their departure with clothing and monetary assistance. The community also took care of the Jewish cemetery in Harbin.

The Jewish population in Harbin District was one hundred fifty-three by the end of June, 1959, the largest Jewish community in China then. The Harbin Jewish community was the only one which was able to keep its synagogue building by the end of 1950s. Daily services had continued to be held in the synagogue with large attendance for the Sabbath and holidays prayers by 1959. Children's parties on Purim and Hanukkah were still organized. The Jewish community of Harbin stopped functioning on November 20, 1965.

In Tianjin, there were one hundred and thirty Jews, including children, in 1955. Due to the shrinking population and difficult financial status, the Association decided to sell its synagogue building in 1955. The deal was closed in May, 1955. With the anticipated departure of all Jews from the Tianjin District, the liquidation of the Tianjin Hebrew Association was suggested early in 1957. On September 27, 1957, application to close down the Association was filed with the local authorities and a notice published in the Tianjin newspaper. The liquidation was completed in January, 1958. This brought to an end of the Association, which had existed for over half a century. Before the final closing of the Association, a Torah was sent to Israel, and useful archives were sent to the Council in Shanghai for future reference. The welfare of the remaining Jews was taken over by the Council.

Jewish culture activities, such as publishing newspapers and organizing performances, halted. The Shanghai Jewish Club, which was first established in the 1930s and served as one of the cultural centers for Shanghai Jewry, closed its doors on December 31, 1955. Over 30,000 selected books from the Club's library were shipped to the Ministry for Education and Culture in Israel as a gift. However, a reading and recreation room was created in the Shelter House, making newspapers, magazines and remaining books accessible to every Jew in Shanghai.

Thus the Jewish community in modern China, which had lasted for about a hundred years, faded away by the end of 1950s. By 1966, the start of China's Cultural Revolution, only a few elderly Jews remained and eventually died in China. The practice of Judaism in mainland China ceased completely.

Jews in Contemporary China

Despite these events of the 1950s and 1960s, the history of Jews and Judaism in China did not permanently end. Thanks to China's

reform and "Open Door Policy" since 1979, the goals of which were to attract foreign investments and to establish ties with the rest of the world, especially with western countries, a Jewish presence in China was revived. Nowadays there are not a small number of Jews living in Chinese cities such as Beijing and Shanghai. With more and more Jews come to work, invest, study, and live in China, the practice of Judaism once again has become a part of life in Chinese society.

In 1980, twenty-five Jews who had come to Beijing from North America to pursue careers in business, journalism, diplomacy, or for academic study, held a Passover seder in Beijing. In the 1990s, the Beijing Jewish community took shape as more Jews live, work, or study there. In 1995, Friday night services began to be held weekly at the Capital Club of Beijing. Sabbath prayer books and a Torah were donated to the community, enabling celebration of all major holidays. On both the High Holy Days and Passover, the community can expect to have two hundred present. Other important landmarks for the community include its first *bar mitzah* in 1996 and its first *b'rit millah* in 1997. This community is headed by Roberta Lipson and Elyse Silverberg, two Jewish businesswomen, and affiliated with the Progressive movement of Judaism. In 2001, a new development occurred. Rabbi Shimon Freundlich from the Chabad-Lubavitch movement settled in Beijing and began working to build an Orthodox congregation there.

Jews began to return to Shanghai in the 1980s too. They were attracted by Chinese open-door policy. As Shanghai becomes more and more cosmopolitan, the Jewish presence in the city becomes more obvious. In the mid-1990s, they established the Shanghai Jewish Community. Rabbi Shalom Greenberg from Chabad-Lubavitch in New York arrived to serve this community in August, 1998. His commitment has infused new life into the growing Jewish community. Rabbi Arthur Schneier, President of the Appeal of Conscience Foundation from New York, donated a Torah to the community, which has reached two hundred-fifty members. Regular Sabbath services and kosher meals have been implemented. Jewish education also started in Shanghai, with child and adult education classes, bar and bat mitzvah training, and social brunches. On the first day of Rosh Hashanah, in September, 1999, a Jewish New Year service was held at the Ohel Rachel Synagogue, for the first time since 1952, when the synagogue was closed. It likely that the Ohel Rachel Synagogue will become a permanent house of worship in the near future.

In 2001, the community started to publish a monthly bulletin, *Update*, with information about holidays and other religious and social activities. Though Rabbi Greenberg is from the Chabad movement, he is determined to serve all Jews. In fact, Jews in different denominations have prayed together since 1998 in Shanghai.

The Jewish Community in Hong Kong

The community in Hong Kong is unique and needs to be addressed separately, because Hong Kong had been under the British rule since 1842 and reverted to Chinese sovereignty in 1997. The history of the Hong Kong Jewish community continues from its past to the present days.

The beginning of the Hong Kong Jewish community was more or less similar to that of the Shanghai Jewish community. It was founded by the same group of Jews who came to China after the Opium War to seek business opportunity and development. The leading members of the community, such as the Sassoon Family, the Kadoorie Brothers, lived and invested in both cities though with emphases on Shanghai before 1940s as Shanghai had more business at that time. However, the Jewish Diaspora in Hong Kong, unlike that in Shanghai, has its continuity and unbroken history of over one hundred and fifty years. The practice of Judaism also survives in Hong Kong without a break.

The first Jews arrived in Hong Kong in 1843 and 1844, the years immediately following the ceding of Hong Kong to the British under the Treaty of Nanjing, which brought unprecedented access to China for foreign merchants and the promise of security of business. A small community of Jewish

merchants, by and large from Bombay and Calcutta with Sephardic origin, was taking the shape from as early as the 1860s. The number of Jews in Hong Kong reached seventy-one in 1881. Ashkenazim started to arrive in the 1880s and 1890s, when pogroms broke out in Eastern Europe. By 1900, there were about one hundred and fifty Sephardim living in Hong Kong.

The communal life started shortly after Jews settled in Hong Kong. The Jewish cemetery in Hong Kong was first established in 1857, the year of the first Jewish burial in Hong Kong. In 1870, the first synagogue was set up in a rental house on Hollywood Street. The community started to worship together. In 1881, a new synagogue in memory of Sir Jacob Sassoon's mother, Leah, replaced the older one. On Yom Kippur of 1896, sixty-seven attended the service.

The first ten years of the twentieth century was a period of consolidation of the community. Three things put it on a solid foundation. First, the Ohel Leah Synagogue was constructed in 1901 as a gift for the Hong Kong Jewish community from the Sassoon Family. It was consecrated in 1902. The synagogue is still in use today and is a landmark of the city. Second, the communal cemetery was enlarged in 1904 with assistance of Sir Matthew Nathan, the only Jewish Governor of Hong Kong. Third, a Jewish recreation club was created for all Jews with a donation from the Kadoorie family in 1905 and enlarged in 1909, symbolizing a community-focused spirit.

The community stopped growing as most Jewish merchants were attracted to Shanghai, which developed dramatically and proved to be a better place for business and investments from 1910 to 1936. The Japanese occupation of mainland China in late 1930s caused many Jews from Shanghai, Tianjin, and Harbin to escape to Hong Kong. But the condition for the Jewish community were doomed when Japan occupied Hong Kong in 1941. The following four years were the darkest page in the history of the Hong Kong Jewish community as community leaders were detained, placed in camps, and business suffered. However, the Hong Kong Jewish community recovered after WWII and remained steady in the following thirty years. The 1980s witnessed great development of the community as Hong Kong's economy grew rapidly. Based on a survey conducted in 1989, 64% of Jews in Hong Kong came in 1980s.

An openness to and acceptance of the diverse nature of Jews from many parts of the world characterized early Jewish life in Hong Kong. The community did not employ a rabbi until the 1960s, though it benefited from the services of visiting rabbis over the years. Observant members of the community, including Lady Muriel Kadoorie's father, David Gubbay, often conducted services. The first officially appointed rabbi arrived in 1961. In 1985, Rabbi Mordechai Avtzon from Chabad-Lubavitch was invited to serve the community for one year. However, he remained and created a center for the Chabad-Lubavitch movement in Asia in 1986. The establishment of the Chabad-Lubavitch center in Hong Kong is a noticeable trend. Its slogan is "Bringing Jews in the Far East closer." Two rabbis now in Shanghai and Beijing are sent by the Center.

In 1969, a Hebrew school was set up in Hong Kong to promote Jewish education. At first, classes were conducted on Sundays and weekday afternoon. By 1973, school attendance had grown to eighty children. In 1991, the Carmel Jewish Day School was established to give a full-time education option for the community's children. Now over a hundred pupils attend the school.

In recent years, Hong Kong's growing population has led to a diversification in the religious life of the community. Four congregations now have their own rabbis and places of worship. They are Orthodox Ohel Leah Congregation, the Chabad-Lubavitch Congregation, the Progressive United Jewish Congregation, and the Conservative Shuva Israel Congregation.

Religious links between Hong Kong and China have enjoyed a revival since the mid-1980s, following the revival of Jewish Diaspora in China. The Ohel Leah Synagogue was quick to support these activities by serving as a source for Pesach supplies and various educational materials. Also since the

1980s, the Hong Kong Jewish community has strengthened its ties with Israel. The community center is a home for Israeli representatives in Hong Kong.

In order to maintain its vibrancy in the Far East, express its confidence in the future of Hong Kong, and uphold its commitment to Jewish continuity in Hong Kong, the Jewish community redeveloped the site of the Jewish Recreation Club and turned it into a modern Jewish Community Center in the early 1990s. The project was completed in 1995 and serves the entire Jewish community of Hong Kong.

Hong Kong is recognized as a thriving commercial and financial center of increasing international importance that moves at an extraordinarily fast pace. When Hong Kong reverted to China on July 1, 1997, the Jewish community remained committed to the territory. According to the law, a good many Hong Kong Jews have become Chinese citizens or have long-term residence rights. There were 2,500 Jews living in Hong Kong according to the statistics of the Israeli embassy, as of February, 1998. It is now estimated that five thousand Jews live in Hong Kong. By any standard, the Hong Kong Jewish community is the largest, most prosperous, and best-organized Jewish community within Chinese territory.

The Jewish Community in Taiwan

The Jewish presence in Taiwan is also unique, as Taiwan remains out of control of the Communists and under a separate administration. Jews began to appear in Taiwan after the retreat of Chiang Kai-shek and his forces to Taiwan in 1949. The first Jews were those who served in the U.S. army stationed in Taiwan in the 1950s and Jewish businessmen. Jewish religious services were first organized and held in the military compound for Jewish personnel. High holidays were celebrated. In the 1970s, as the Taiwan economy boomed, more and more Jews came to Taiwan. Since Taipei, the capital of Taiwan, is where most Jews lived or worked, the Jewish community was established there in 1975. Yaacov Liberman, who was born in Harbin and went to Israel in 1948, was elected as the community leader. The Communal Center is in a rented villa in Tienmou, a residential suburb of Taipei where most Jews lived. In 1989, the resident Jewish population was one hundred forty-eight from a dozen countries, such as Australia, Canada, England, France, Germany, Israel, Panama, South Africa, Switzerland, and the United States. Among them, a few families are permanent residents; the majority are businessmen or employees of companies who conduct and supervise business in Taiwan.

Regular Sabbath services are held on Friday evenings at the synagogue at the Community Center, conducted by its members or visiting rabbis. The community runs a Sunday school, offering Jewish traditional education for children of the community.

Besides Sabbath services at the Community Center, the community provides visitors and those who stay downtown regular Sabbath services at the President Hotel in downtown Taipei. Prayer books, prayer shawls, kosher wine, Havdalah candles, and spice boxes are kept in the hotel. A monthly bulletin is published with material on all holidays and other religious activities. The community is a member of the Asia Pacific Jewish Association.

Prospects for the Future

China has been undergoing dramatic changes since 1979. Largely as a result of economic reform and progress, Jews as well as other foreigners have been attracted to its society. Their growing number is noticeable, and the Chinese government has begun to realize that it is necessary to create a cultural environment for foreigners if China wants to keep them and attract more to come. This kind of cultural environment includes the need for religion. That is why permission was given to Chabad-Lubavtich rabbis to practice Judaism in China.

Parallel with the open-door policy and more liberal life style for Chinese, intermarriage between Chinese and foreigners has been occurred. Reports say that quite a few are intermarriages between Jews and Chinese (in most cases between Chinese woman and

Jewish man). This brings new meaning to the practice of Judaism in China, as those Chinese may be converted to Judaism sooner or later. In a long run, it will affect their life and the life of their children.

Issue of the Jewish Cemeteries

The issue of Jewish cemeteries is an integral part of the question of Judaism in China. There was a communal cemetery for Kaifeng Jewry before 1642. However, it was destroyed by the 1642's Yellow River flooding and replaced with family cemeteries. Three of these still exist in Kaifeng. They are the Jin's, Shi's, and the Li's. Only the Jin's family graveyard has a headstone.

The Jewish cemeteries in Shanghai, Tianjin, and Harbin have a different history. Over five thousand Jews who died in China were buried in those cemeteries in about a hundred years. Before the mid-1950s, all Jewish cemeteries in Shanghai, Tianjin, and Harbin were intact, with all graves and memorial stones constantly kept in good condition. However, the development of those cities necessitated the removal of the Jewish cemeteries to new sites.

Tianjin was the first city to make such a request. Agreement for transfer of the Jewish cemetery and re-burial of the remains was reached in June, 1956. The work started on July 25, 1956, and was completed on September 13, 1956. A new chapel was erected at government expanse and consecrated on November 25, 1956, in the presence of thirty-five members of the Tianjin community. The municipal government agency responsible for the realization of the scheme showed remarkable tact and consideration in providing a satisfactory new site, divided from adjacent plots by a strip three meters wide and in undertaking the transfer and re-burial of the remains strictly in accordance with Jewish religious laws (no work to be done on the Sabbath, for instance). The final re-erection of 559 monuments was completed in November, 1957. The address of the new cemetery site is at Chin Lin Chwang.

In Shanghai, the authorities first informed the council that no further burial should be effected in any of the Jewish cemeteries, which were all in the city district. A separate plot in a public cemetery was allotted for future burials. Then, in 1958, the Council was asked to transfer the four Jewish cemeteries in Shanghai to a new site some, 15 km. from the city limit. The Wei-ming Lu (ex Baikal Road) Cemetery, founded in 1917, the biggest Jewish cemetery in Shanghai, consisting of 1,692 graves, was moved first, beginning on September 26, 1958. The work was completed on November 10, 1958 and completed on December 3, 1958. Because of the colossal size of most of the monuments, the removal of the stones to the new cemetery took several months. By the end of June 1959, about five hundred monuments were re-erected.

The second to be removed was the Tinghai-kong Lu (ex Point Road) Cemetery, founded in 1940 for the use of Central European refugees during World War II, consisting of 834 graves. This work was done from November 2, 1958, to November 20, 1958. The transfer of monuments took a little more than a month, from December 7, 1958, to January 11, 1959. Re-erection of monuments of all 834 graves was completed on April 12, 1959.

The removal of the other two cemeteries, the Hwang-pe Lu (ex Mohawh Road) Cemetery, founded in 1862, consisting of 304 graves, and the Fah-yuan Lu (ex Columbia Road) Cemetery, founded in 1941, consisting of 873 graves, had not commenced by June, 1959. Most likely they were removed in 1960s, after the council was liquidated.

The allotted land for the new Jewish cemetery is big enough to hold the graves from all the four Jewish cemeteries. After all the graves are centralized in the new cemetery and re-erection of monuments completed, a hedge will be make around the boundaries of the new cemetery, while trees will be planted along the main roads and cross-paths. This author has no idea if this plan was ever fulfilled. The address of the new site of the cemetery is Gi'an Public Cemetery, Wei-jia-jiao, Western outskirts of Shanghai. It does not now exist any more now. Most likely it was destroyed during the Chinese Culture Revolution from 1966–1976.

The Harbin Jewish community was asked to move its cemetery to a new site some 17 km. from the old one. Eight hundred fifty four graves were transferred and a small house was built in the new cemetery for religious requirements.

According to a report by Teddy Kaufman, President of the Israel-China Friendship Association and a son of the leader of the Harbin Jewish community Dr. Abraham Kaufman, the new cemetery is 46 km. away from the city. Six hundred monuments and gravestones were found in the new cemetery in 1994 when he visited. According to his account, there are 876 graves in the new Jewish cemetery now. Twenty-three of them appeared between 1958, the year of the transfer, and November 20, 1965. Among those who were buried there were Zalman ben Leib Hashkel, the first Harbin rabbi, and Rabbi Gaon Aharon Moshe ben Shmuel Kiselev, the Chief Rabbi of the Jewish communities of the Far East. In fall of 1996, the new fence and gate of the Harbin Jewish Cemetery was completed.

The Hong Kong Jewish cemetery is perhaps the only one that remains intact and in its original place since its founding on Chinese territory.

Chinese Policy Towards Judaism

What, if there was any, has been official policy of China toward the Jews and their religious practice? While no documents related directly to this issue have ever been found, it appears that a liberal policy of "respecting their religion and changing not their customs and traditions" was followed by Chinese governments through history. The policy applies not only toward Jews and Judaism but also toward all foreign aliens and their faith. Accordingly, the dynasties or governments have instituted lenient policies toward the Jews, permitting them to live within the country, to practice religious activities, and to erect synagogues.

That policy was reflected in the case of Kaifeng Jews, whose stele records that the Song dynasty emperor gave permission for Jews to live in the then capital of China and to follow their own traditions.

The respect of the Chinese to Jews and Judaism is further shown by the grants of land by officials of different dynasties for the building or rebuilding of the synagogue. There is a presumption that in 1163 special permission was requested and granted to construct a unique building for the synagogue in Kaifeng. Presumably the same kind of permission was requested and granted each time the synagogue was destroyed, either by fire or by flood. The reconstruction of the synagogue in 1421 was under the direct sponsorship of the prince of Zhou, who was the younger brother of Ming emperor Chen Zu. The Imperial Cash Office subsidized the project. The 1489 inscription records confirm this. In 1461, a flood destroyed the synagogue completely except for its foundation. After the floodwaters subsided, the Jews of Kaifeng, headed by Ai Qin, petitioned the provincial commissioner, requesting a decree confirming the right of the community to rebuild the demolished synagogue on the original site of the ancient one. The permission was soon granted, and Kaifeng Jewry was able to reconstruct the house of worship; it was dedicated in 1489.

The best expression of that policy is perhaps a horizontal inscribed plaque granted by a Qing emperor, as well as vertical plaques and scrolls with couplets given them by local officials for the dedication of the newly completed synagogue that replaced the one destroyed in the Yellow River flood of 1642.

The local government once enacted a regulation that "strangers and carriers of pork cannot pass near the synagogue." This shows that the Jews of Kaifeng had absolutely full freedom of religion and that their customs are respected. There is no period in the entire history of the diaspora where the Jews enjoyed similar respect.

In the Republican period (1911–1949) the fact that a large number of Jewish refugees from Europe escaped to China suggests that Chinese authorities had a very positive policy toward Jews and their religion. They were given permissions to stay, to establish organizations, and to build synagogues. The Chinese government issued a number of statements to endorse Zionist movement. For instance, in 1920, Dr. Sun Yat-sen, the

founding father for the Republic of China, wrote a letter to N.E.B. Ezra, secretary of the Shanghai Zionist Association, expressing support for the Jewish national cause. His letter says: "I have read your letter and copy of *Israel's Messenger* with much interest and wish to assure you of my sympathy for this movement which is one of the greatest movements of the present time. All lovers of democracy cannot help but support the movement to restore your wonderful and historic nation which has contributed so much to the civilization of the world and which rightly deserves an honorable place in the family of nations."

In 1947, Dr. Sun Fo, the son of Dr. Sun Yat-sen, and Chairman of the Chinese legislative body at the time, wrote to endorse once again the Zionist movement. His letter goes: "I wish to state that the Zionist Movement is championing a worthy cause. I am glad that the late Dr. Sun Yat-Sen's sympathy for, and support of, the movement have produced results. As a lover of democracy, I fully endorse my late father's views."

The Chinese government during World War II was very sympathetic to Jewish refugees and acted to assist them by proposing to set up a settlement in Southwest China for those who were suffering in German occupied countries in Europe in 1939. According to the plan, the Chinese government would offer Jewish refugees the same rights of residence, work, and governmental protection as Chinese citizens. The plan was proposed after the annexation of Austria to the Reich in March, 1938, the fruitless Evian Conference on Jewish Refugees in July, 1938, and Kristalnacht, the massive persecution on German Jews after the attempt on the life of Secretary of the Legation vom Rath in Paris, which unleashed furies raged without bounds and restraint all over Germany and Austria with helpless Jews as their victims. The program unfortunately could not be implemented.

After the Communists took over, the Chinese government, especially local governments of cities where Jews lived, instituted a liberal policy toward the Jewish religion, permitting Jews to organize and carry on their regular activities. The Judaism was recognized as an approved religion. The Shanghai New Synagogue remained in operation until it was closed in 1956 because the severely decreased number of Jews. Special consideration and respect have been consistently shown to Jewish religious requirements by the authorities. In 1993, to mark the historic visit of Israeli President Chaim Herzog to China, the Shanghai government turned the original building of the Ohel Moses Synagogue into a museum. In 1998, the Shanghai government spent over $60,000 to restore the Ohel Rachel Synagogue as a historic site and open it to the public. The Harbin Jewish cemetery is now well taken care of by Chinese authorities. Though Judaism is not a religion recognized by the Chinese Government, two rabbis from Chabad-Lubavitch live in China to supervise religious practice and life in Beijing and Shanghai with the permission from Chinese government. All these can well be viewed as its respect for Judaism and Jewish people.

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Christianity on Judaism in Ancient and Medieval Times

At its inception a movement within Judaism,[1] the dramatic process by which Christianity came to be defined systemically as distinct from Judaism may be traced within the principal sources of the New Testament. That process was part and parcel of a redefinition of Israel, a redefinition that lead to a debate with Israel after the flesh during the period between the second and the fourth centuries. From the fourth century, with the emergence of Christianity as the principal religion of the Roman Empire, Judaism came to be treated as apostasy, an unacceptable deviation from the prophetic faith. By the Middle Ages, the sense of alienation from Judaism had grown within Christianity and resulted in the perception of Judaism as a threat that subverted the truth of Christ and human reason itself.

The Redefinition of Israel in Primitive Christianity—"Q"

Recent discussion of the source known as "Q" has brought about a remarkable consensus that at least some of the sayings within it were circulated a few years after the crucifixion, around the year 35 C.E. A recent study assigns to the earliest version of "Q" a charge to Jesus' disciples (Luke 10:3–6, 9–11, 16), a strategy to cope with resistance to their message (Luke 6:27–35), examples of how to speak of the kingdom (Luke 6:20b–21; 11:2–4, 14–20; 13:18–21), curses to lay on those who reject those sent in the name of the kingdom (Luke 11:39–48, 52), and a section relating John the Baptist and Jesus as principal emissaries of the kingdom (Luke 7:24b–26, 28a, 33–34).[2]

Q is best seen as evolving in two distinct stages. In the first, Jesus' teaching was arranged by his disciples in a form which they could readily use. A "mishnah" in this period was an authoritative statement, usually in oral transmission, of a rabbi's rulings and principles. In the form of a mishnah, Jesus' teaching would commend itself to the attention of those who were familiar with the emerging Rabbinic ethos. They thus took up a ministry in Jesus' name that was addressed to Israel at large after the resurrection. The mishnaic form of Q was preserved orally in Aramaic and explained how the twelve were to discharge their mission. It included just the materials that have already been specified, instructions to Jesus' disciples, a strategy of love to overcome resistance, paradigms to illustrate the kingdom, threats directed towards enemies, and a reference to John the Baptist that would serve as a transition to baptism in the name of Jesus. It seems likely, in addition, that Q also preserved at least one saying in reference to eucharist (Luke 22:15).[3] As specified, that is probably the original, mishnaic order of Q. It is the order that accords with Q's purpose within the mission to Israel.

At the final stage, Q's order was changed to become quasi-biographical, in accordance with the order of the teaching in the circle of Peter. At that stage, for example, material concerning John the Baptist was moved to the beginning, and the story of Jesus' temptations (Luke 4:1–13) was added, in order to make the transition to an unequivocal focus upon Jesus rather than John. The final redaction of Q probably took place a decade after the mishnaic stage of Q was composed, probably in Syria, an environment in which both Aramaic and Greek were spoken.[4] Although in Q "Israel" remains the target of the disciples' mission, crisis in the face of a significant rejection of that mission is an evident feature of the source. Such statements as John the Baptist's claim that God could raise up children for Abraham from stones in order to replace those of Israel who refused to repent (Luke 3:8) suggest a palpable—albeit pre-conceptual—distance from Israel as usually defined.

The Circle of Peter

Peter shared with Jesus the hope of a climactic disclosure of divine power, signaled in the willingness of nations to worship on

Mount Zion. That hope is certainly attested within sources extant by the first century. Chief among them, from the point of view of its influence upon the New Testament, is the book of Zechariah. Zechariah provided the point of departure for Jesus' inclusive program of purity and forgiveness as the occasions of the kingdom. Jesus is said to have mentioned the prophet by name (see Mat. 23:34–36; Luke 11:49–51).

Peter perpetuated that vision by means of his fidelity both to breaking bread at home with the disciples and in worship within the Temple (see Acts 2:42–47). The common ownership of possessions in Jerusalem, which is emphasized in the description of Petrine practice (in addition to Acts 2:44–45, see 4:32–5:11), also has its roots in the Zecharian vision. Commonality of goods in the vicinity of the Temple implied that no buying or selling would be at issue (see Zechariah 14:20–21); it was an extension of just the principle that Jesus had died defending. At the same time, Acts portrays Peter's activity much further afield; he is active in Samaria (8:14–25), Lydda (9:32–35), Joppa (9:36–43), and Caesarea (10:1–48; 12:19). Paul refers, as if as a matter of course, to Peter's presence personally in Antioch (see Gal. 2:11–14), and by the time of the pseudepigraphic 1 Peter (written around 90 C.E.), he is pictured as writing from Rome with Silvanus (see 1 Peter 5:12–13) to churches in the north of Asia Minor (1:1, 2). If, then, Jerusalem was a center for Peter in the way it was not for Jesus, it was certainly not a limit of his operations. Rather, the Temple appears to have featured as the hub of a much wider network of contacts that linked Jews from abroad and even gentiles (see Acts 10:1–48; 11:1–18, 15:1–11 with Gal. 2:1–14) in common recognition of a new, eschatological fellowship defined by the teaching of Jesus.

The key to the connection between Peter's residence in Jerusalem and his activity in Syria and beyond is provided by the vision he relates as the warrant for his visit to the house of Cornelius, the Roman centurion (Acts 10:1–48). Peter is praying on a roof top in Joppa around noon. His vision occurs while he is hungry and concerns a linen lowering from heaven, filled with four-footed animals, reptiles, and birds. A voice says, "Arise, Peter, slaughter and eat," and he refuses (in words reminiscent of Ezek. 4:14). But a voice again says, "What God has cleansed, you will not defile" (see Acts 10:9–16).

Peter defends his baptisms in the house of Cornelius on the basis of his vision in the course of a dispute with those who argued that circumcision was a requirement of adherence to the movement (Acts 11:1–18). He also cites his activity among non-Jews at a later point, in the context of what has come to be called the Apostolic Council (Acts 15:7–11). Throughout, the position of Peter appears to have been consistent: God may make, and has made, eschatological exceptions to the usual practice of purity. Those exceptions include the acceptance of uncircumcised men in baptism, and fellowship with them.

Peter's emphasis upon the importance of spirit determined his attitude toward the Scriptures of Israel. In the Transfiguration (see Mark 9:2–8 and parallels), for example, Jesus stands side by side with Moses and Elijah; the son of God and the prophetic covenant together mediate God's own spirit. But social policy is left undefined under Peter's approach. According to Acts 15, Peter concluded on the basis of God's gift of the spirit to gentiles that they could not be required to be circumcised (Acts 15:6–11). On the other hand, Paul shows in Gal. 2 that Peter was not willing to reject Mosaic requirements as a general principle and that he could change his mind when confronted with differing interpretations and practices. But his apparent ambivalence reflects a commitment to the twin loyalties of a single son and a single law, together mediating the same spirit.

Despite the consistency of Peter's position with Jesus', it could not serve as a practical guide in framing a social identity for the followers of Jesus after the resurrection. The policy of taking Israel as you found it was wise in the case of Jesus, owing to the cultural and geographical limitation of his ministry. But as soon as his movement extended beyond the land—and more espe-

cially beyond the culture—of what was commonly agreed to be Israel, that policy could be portrayed as intellectually bankrupt and morally inconsistent. Was a group of non-Jewish believers who accepted baptism an example of Israel or not? The circle of James

Hegesippus—as cited by Eusebius (see *History* II.23.1–18)—characterizes James, Jesus' brother, as the person who exercised immediate control of the church in Jerusalem. Although Peter had initially gathered a group of Jesus' followers in Jerusalem, his interests and activities further afield left the way open for James to become the natural head of the community there. That change, and political changes in Jerusalem itself, made the Temple the effective center of the local community of Jesus' followers. James practiced a careful and idiosyncratic purity in the interests of worship in the Temple. He abstained from wine and animal flesh, did not cut his hair or beard, and forsook oil and bathing. According to Hegesippus, those special practices gave him access even to the sanctuary. Josephus reports he was killed in the Temple, circa 62, at the instigation of the high priest Ananus, during the interregnum of the Roman governors Festus and Albinus (*Antiquities* 20.9.1, 197–203). Hegesippus gives a more circumstantial, less politically informed, account of the martyrdom.

In addition to the sort of close association with the Temple that could and did result in conflict with the authorities there, the circle of James is expressly claimed in Acts to have exerted authority as far away as Antioch, by means of emissaries who spoke Greek (Acts 15:13–35). The particulars of the dispute will be discussed in the next section. What is of immediate import is that James alone determines the outcome of apostolic policy. James in Acts agrees that gentiles who turn to God are not to be encumbered with needless regulations (15:19), and yet he insists they be instructed by letter to abstain "from the pollutions of idols, and from fornication, and from what is strangled, and from blood" (v. 20).

The grounds given for the Jacobean policy are that the law of Moses is commonly acknowledged (Acts 15:21); the implication is that to disregard such elemental considerations of purity as James specifies would be to dishonor Moses. Judas Barsabbas and Silas are then dispatched with Paul and Barnabas to deliver the letter in Antioch along with their personal testimony (vv. 22–29) and are said particularly to continue their instruction as prophets (v. 32, 33). They refer to the regulations of purity as necessities (v. 28), and no amount of Lukan gloss can conceal that what they insist upon is a serious challenge of Paul's position (cf., 1 Cor. 8).

James' devotion to the Temple is also reflected in Acts 21. When Paul arrives in Jerusalem, James and the presbyters with him express concern at the rumor that Paul is telling Jews who live among the gentiles not to circumcise. Their advice is for Paul to demonstrate his piety by purifying himself, paying the expenses of four men under a vow, and entering the Temple with them (Acts 21:17–26). The result is a disastrous misunderstanding. Paul is accused of introducing "Greeks" into the Temple, a riot ensues, and Paul himself is arrested (21:27–36). James is not mentioned again in Acts, but Hegesippus' description shows his devotion to the Temple did not wane.

Typically, the circle of James applied the Scriptures directly to the situation of Jesus' followers, on the understanding of their regulative authority. James cited the reference of Amos to the restoration of the house of David (in Amos 9:11–12). As James develops the meaning of Amos in Acts 15:16–21, the gentiles are to recognize the triumph of David and that implies that they are to remain gentiles. They are not a part of Israel, although they are to keep basic rules of purity in order to honor the law of Israel.

James' focus was on Jesus' role as the ultimate arbiter within the Davidic line, and there was never any question in his mind but that the Temple was the natural place to worship God and acknowledge Jesus. Embracing the Temple as central meant for James, as it meant for everyone associated with worship there, maintaining the purity that it was understood God required in his house and keeping it better than many of

those associated with the priesthood. According to James, Jesus' purity involved excluding from the interior courts of the Temple gentiles, even those who, out of loyalty to the Mosaic law, acknowledged some rudiments of purity. There, only Israel was to be involved in sacrifice, and followers of Jesus were to accept particular responsibility for such sacrifice (so Acts 21:17–36). The line of demarcation between Israel and non-Israel was no invention within the circle of James but a natural result of seeing Jesus as the triumphant scion of the house of David.

Peter's imprisonment by Herod Agrippa can be dated rather precisely to the year 44 C.E.[5] By that time, James had emerged as a prominent authority, the natural leader of the group in Jerusalem. Earlier, in reference to his visit to Jerusalem in 35 C.E., Paul refers to meeting Peter and James, but he alludes to receiving instruction only from Peter (see Gal. 1:18–19). During the intervening period, c. 40 C.E., the circle of James promulgated its own instructional gospel, comparable to Peter's and building upon it. That was the basis of James' authority, which the apostolic council reflected in Acts 15 confirmed. That council is usually dated in the year 49 C.E. When Judas Barsabbas and Silas were sent by the council to deliver its judgment (which was originally James' opinion) in Antioch, it authorized James' version of the gospel to be delivered in Greek. When Acts 15:32–33 refers to Judas and Silas as prolonging their visit in Antioch after they had read the letter from the council, we are given a glimpse into to process by which materials originally framed in Aramaic were rendered into Greek. At the same time, we are shown how James' classic understanding of Israel was considered authoritative, even for the largely non-Jewish congregation in Antioch. Here, in the place where Jesus' followers were first called "Christians" (so Acts 11:26),[6] it is accepted after a considerable controversy that, although gentiles may not be required to circumcise, neither may they be considered one with Israel. James' Israel consisted of those who recognized Jesus, the scion of the Davidic line, as the guardian of true, non-commercial purity in the Temple.

Paul

Sometime around 53 C.E., Paul wrote a letter to a group of churches in the northern part of Asia Minor (present-day Turkey). He communicated to communities he himself had founded, where Christians were embroiled in a deep and destructive controversy. As Paul sees the matter (Gal. 2), in churches he founded, he had established the practice of common fellowship at meals, including eucharistic meals. Such fellowship of course included Jews who became Christians, signaling their acceptance of Jesus' teaching by being baptized. But it also—and increasingly—saw the participation of non-Jews who had been baptized, but not circumcised. Paul won the agreement of Christian leaders in Jerusalem that circumcision should not be required of non-Jewish members.

The remarkable and early agreement that Jews and non-Jews could be included in the movement established a radical principle of inclusion. But it also brought about one of the greatest controversies within the early Church. Paul's version of events in Galatians (seconded by Acts 15) is the best available. At Antioch, Jews and non-Jews who had been baptized joined in meals of fellowship together. According to Paul, Peter fell in with the practice. Peter—whom Paul also calls "Cephas," the Aramaic word for "rock"—was a founding apostle of the church in Jerusalem, whose nickname came from Jesus himself.

Paul's policy of including gentiles with Jews in meals, as well as in baptism, needed the support of authorities such as Peter, in order to prevail against the natural conservatism of those for whom such inclusion seemed a betrayal of the purity of Israel. When representatives of James, the brother of Jesus and the pre-eminent figure in the church in Jerusalem, arrived, that natural conservatism re-asserted itself. Peter "separated himself," along with the rest of the Jews, and even Barnabas (Gal. 2:12, 13). Jews and gentiles again maintained distinct fellowship at meals, and Paul accuses the leadership of his own movement of hypocrisy (Gal. 2:13).

The radical quality of Paul's position

needs to be appreciated before his characteristic interpretation of Scripture may be understood. He was isolated from every other Christian Jew (by his own account in Gal. 2:11–13, James, Peter, Barnabas, and "the rest of the Jews"). His isolation required that he develop an alternative view of authority in order to justify his own practice. Within Galatians, Paul quickly articulates the distinctive approach to Scripture as authoritative that characterizes his writings as a whole.

In Scripture, Paul finds what he needs in the example of Abraham. He says that when believers hear with faith, they are "just as Abraham, who believed in God, and it was reckoned to him as righteousness" (Gal. 3:6). The characterization of Abraham is taken from Gen. 15:5–6, when Abraham is promised that his descendants shall be as the stars of the heavens: his trust in what he is told makes him the father of faith, and in the course of the sacrifice that he subsequently offers, God seals his promise as the solemn covenant to give the land that would be called Israel (Gen. 15:7–21).

Paul understands the role of Abraham as the patriarch of Judaism, but he argues that Abraham's faith, not his obedience to the law, made him righteous in the sight of God (Gal. 3:7): "Know, therefore, that those who are of faith are sons of Abraham." Paul was capable of remarkable elaborations of that theme, in Galatians and elsewhere, but the essential simplicity of the thought must not be overlooked. Abraham, for Paul, embodied a principle of believing that was best fulfilled by means of faith in and through Jesus Christ. Descent from Abraham, therefore, was a matter of belief, not a matter of genealogy.

The Circle of Barnabas

In Galatians, Barnabas is blamed by Paul for being taken up in the "hypocrisy" of Peter and the "rest of the Jews," because Peter had separated from the company of gentiles he had formally eaten with (Gal. 2:11–13). Peter's position, as we have seen, was a function of his conviction that God's spirit in baptism overcame the impurity of non-Jews, without abrogating God's choice of Israel. Barnabas can be expected to have been more rigorous than Peter in regard to questions of purity and impurity. As a Levite from Cyprus (Acts 4:36), he had an awareness of what it meant to live with priestly concerns in a Hellenistic environment. His devotion to the Petrine understanding of pure worship is marked by his willingness to sell off his property in order to join the group in Jerusalem (Acts 4:37).

Barnabas, then, was associated with Peter before he was associated with Paul, so that Paul's attempt (as reflected in Galatians) to claim Barnabas' loyalty in opposition to Peter had little chance of success. After all, it was Barnabas' introduction that brought Paul into contact with the apostles in Jerusalem, despite Paul's well deserved reputation as an enemy of the movement (Acts 9:27–30). Whatever disagreements might have stood between James and Barnabas, Barnabas enjoyed the implicit trust of the church in Jerusalem. When followers of Jesus from Cyprus and Cyrene preached to non-Jews in Antioch and enjoyed success, Barnabas was commissioned to investigate (see Acts 11:19–26). It was during the course of a sojourn that lasted over a year that Barnabas introduced Paul to Antioch.

Adherents of the movement came to be known as "Christians" (meaning partisans of Christ) in Antioch (Acts 11:26), and they embraced that term of intended ridicule. The use of the term by outsiders highlights the marginal status of non-Jews who accepted baptism. Without conversion to Judaism, they were not Jews in the usual understanding; having rejected the gods of Hellenism by being baptized, they were also no longer representative of the Graeco-Roman syncretism which was then fashionable. By calling disciples Christiani, a term analogous to Caesariani and Augustiniani, outsiders compared the movement more to a political faction than to a religion. It would be as if, in English, we called a disciple a "Christite," on the model of Thatcherite, Reaganite, Clintonite, etc.

Acts describes Barnabas in the context of his visit in Antioch as "a good man, full of holy spirit and faith" (Acts 11:24). The reference to the spirit attests his connection

with the Petrine understanding of discipleship that he had fully accepted. Unlike Peter, however, Joseph—called Barnabas—was a Levite (Acts 4:36). Given that fact, and the confidence invested in Barnabas by the church in Jerusalem when an issue of purity arose (Acts 11:22), it is natural to infer that Barnabas was discrete in his social contacts with non-Jewish believers. Even Paul does not say of Barnabas, as he does of Peter, that he ate commonly with non-Jews and then separated when emissaries from James arrived (see Gal. 2:11–13). Barnabas' policy was probably consistent and accepted non-Jews in baptism, although they continued to be treated as non-Jews after baptism.

Barnabas represents a committed attempt to convert Peter's dual loyalty to the spirit in baptism and to circumcision and purity within Israel into a coherent social policy. Paul calls the attempt hypocritical because he did not agree with it; in fact it was a brilliant effort to combine inclusiveness with integrity. Acts attempts to minimize the difference between Barnabas and Paul, turning it into a limited matter of who should accompany them in a visit of churches at which they had previously preached (see Acts 15:36–41). In fact, their dispute after the council devolved upon what had always divided them: Barnabas' commitment to separate fellowship in order to preserve the purity of Israel. The person Barnabas wanted to come with them, John—called Mark—had been associated with the circle of Peter and was well received in Jerusalem (see Acts 12:12–17, 25; 13:5, 15). Paul no doubt feared that John would further extend the influence of James. Barnabas stood by the policy that fellowship among non-Jewish Christians was authorized and endorsed, but that the fellowship of Israel was also to be maintained.

The social policy of the community as envisaged by Barnabas is instanced in the two signs of feeding, of the five thousand and the four thousand. Both stories reflect a eucharistic fellowship with Jesus, one for Israel and one for non-Jews. That crucial meaning is the key to what has long perplexed commentators, the significance of the numerological symbols embedded in each story, which function in contrast to one another.

In the first story (Mat. 14:13–21; Mark 6:32–44; Luke 9:10b–17), the eucharistic associations are plain: Jesus blesses and breaks the bread prior to distribution (Mat. 14:19; Mark 6:41; Luke 9:16). That emphasis so consumes the story, the fish—characteristic among Christian eucharistic symbols—are of subsidiary significance by the end of the passage (compare Mark 6:43 with Mat. 14:20 and Luke 9:17). Whatever the pericope represented originally, it becomes a eucharistic narrative in the Barnaban presentation. Jesus gathers people in orderly way (see Mat. 14:18; Mark 6:39, 40; Luke 9:14, 15), by "symposia" as Mark literally has it (6:39); without that order, they might be described as sheep without a shepherd (Mark 6:34).

The authority of the twelve is a marked concern within the story. In Mat. 14:12b–13, Mark 6:30–31, and Luke 9:10a, their return after their commission occasions the feeding, and their function is definite: Jesus gives them the bread to give it to others (Mat. 14:19; Mark 6:41; Luke 9:16). The divine support for what they do is manifest in the assertion that twelve baskets of fragments were gathered after the five thousand ate. The lesson is evident: the twelve, the counterparts of the twelve tribes of Israel, will always have enough to feed the church, understood to realize the identity of Israel in the wilderness.

The story of the feeding of the four thousand (Mat. 15:32–39; Mark 8:1–10) follows so exactly that of the five thousand that its omission by Luke may seem understandable, simply as a redundant doublet. But there are distinctive elements in the second feeding story, elements that are clearly designed to articulate the significance of the story for those outside of Israel as usually understood. The four thousand are a multiple of the four points of the compass, the story follows that of the Canaanite or Syrophoenician woman (Mat. 15:21–28; Mark 7:24–30) and concerns a throng from a number of different areas and backgrounds (see Mat. 15:21, 29; Mark 7:24, 31). The issue of non-Jewish contact with Jesus is therefore marked here in a way it is not in the case of the feeding of the five thousand. Likewise, the number seven, the number of bushels of fragments here collected, corresponds to the deacons

of the Hellenists in the church of Jerusalem (cf., Acts 6:1–6) and is related to the traditional number of the seventy nations within Judaism. Even the liturgical practice of the non-Jewish constituency of Christianity is reflected here. The reference to Jesus as giving thanks (*eukharistesas*) over the bread in Mat. 15:36 is significant. Mark 8:6 better corresponds to the Hellenistic version of the Petrine eucharist in Luke 22:17, 19 and 1 Corinthians 11:24 than does "he blessed" (*eulogesen*) in Mat. 14:19; Mark 6:39, which better corresponds to the earlier Petrine formula in Mat. 26:26; Mark 14:22.

The Lukan omission of such stories, in fact of the whole of what corresponds to Mark 6:45–8:26 (conventionally designated as "the great omission" of Mark by Luke), seems natural once their meaning is appreciated: they concern the sense of Jesus in an environment characterized by a mixture of Jews and gentiles. Luke takes up that theme in Acts and regards its reversion into the ministry of Jesus as an anachronism.

After the second feeding, Jesus rebukes his disciples for a failure to understand when he warns them about the leaven of the Pharisees and Sadducees and asks whether they truly grasp the relationship between the number twelve and the five thousand and the number seven and the four thousand (Mat. 16:5–12; Mark 8:14–21). In the mind of the Hellenistic catechesis, the meaning is clear, and its implications for eucharistic discipline are evident. Celebration of eucharist in its truest sense is neither to be limited to Jews, as the Jacobean program would have it, nor forced upon communities in a way which would require Jews to accept reduced standards of purify, as the Pauline program would have it. There is for the Hellenistic catechesis of which the Synoptic transformation is a monument an on-going apostolate for Jews and gentiles, prepared to feed as many of the Church that gather.

Hebrews and the Revelation

Where the obvious question in what went before Hebrews (Paul included) was the nature of Israel, the natural question that emerges from Hebrews is the nature(s) of Christ. We can see an indication of that change immediately by placing the "Israel" of Hebrews in the context of the concern to define Israel within the movement of Jesus from its earliest phase.

Jesus had insisted upon a policy of treating all of Israel as Israel, pure enough by means of its customary practice to accept and enter the kingdom of God. For Peter, that made Jesus a new Moses: just as there is an implicit analogy between the followers of Jesus and the Israel that followed Moses out of Egypt, the prophetic covenant of Moses and the divine sonship of Jesus stand side by side, linked by their common source in the spirit of God. James' point of departure was David, rather than Moses. Here, the belief of gentiles achieves, not the redefinition of Israel, but the restoration of the house of David, which is committed to preserve Israel in its purity. But Paul began with Abraham, who in his theology embodied a principle of believing that was best fulfilled by means of faith in and through Jesus Christ. The Synoptic Gospels, in their variety, posit an analogy between Jesus and the figures of the Hebrew Bible. Christ becomes the standard by which Israel's Scripture is experienced, but not superseded; a separation between Jews and non-Jews remains. John's nuance is sophisticated, but plain: Jesus is the true Israel, attested by the angels of God (see John 1:51), by whom all who believe might become children of God (see John 1:12–13).

All such options are brushed aside in Hebrews. The author understands Israel, literally, as a thing of the past, the husk of the first, now antiquated covenant. He says the word "Israel" just three times. Twice in chapter 8, he refers to Israel but simply as part of his quotation of Jer. 31:31–34, where to his mind a completely new covenant is promised (Heb. 8:8, 10). The point of that citation, as elaborated by the author, is that the new covenant makes the former covenant obsolete (8:13). Accordingly, when the author speaks of Israel in his own voice, it is simply to refer to "the sons of Israel" in the past, at the time of the exodus from Egypt (11:22). (The mention is in reference to Joseph's command for the disposal of his

own bones, a fitting context for the attitude toward "Israel" in Hebrews!) Melchizedek is a positive, theological category. Israel is no longer and remains only as a cautionary tale from history.

The ability of the author of Hebrews to relegate Israel to history is related to the insistence, from the outset of the epistle, that the son's authority is greater than that of the Scripture. Once, God spoke in many and various ways through the prophets; now, at the end of days, he speaks to us by a son (Heb. 1:1, 2). The comparative judgment is reinforced when the author observes that, if the word delivered by angels (that is, the Torah) carried with it retribution for transgression, how much more should we attend to what we have heard concerning the son (Heb. 2:1–4). The implication of both statements is clear: Scripture is only authoritative to the extent that it attests the salvation mediated by the son (1:14; 2:3–4). The typology framed later in the epistle between Jesus and the Temple derives directly from the conviction of the prior authority of the son of God in relation to Scripture.

The dual revaluation, of Israel and Israel's Scripture, is what permits Hebrews to trace its theology of Christ's replacement of every major institution, every principal term of reference, within the Judaisms of its time. Before Hebrews, there were Christian Judaisms in which Christ was in various ways conceived of as the key to the promises to Israel. Hebrews' theology proceeds from those earlier theologies, and it remains a Christian Judaism in the sense that all of its vocabulary of salvation is drawn from the same Scriptures that were axiomatic within the earlier circles.

But the Christian Judaism of Hebrews is also and self-consciously the system of an autonomous Christianity, because all that is Judaic is held to have been provisional until the coming of the son, after which point it is no longer meaningful. There is a single center within the theology of Hebrews. It is not Christ with Moses, Christ with Temple, Christ with David, Christ with Abraham, Christ with Scripture, Christ with Israel. In the end, the center is not really even Christ with Melchizedek, because Melchizedek disappears in the glory of his heavenly archetype. Christ is the beginning, middle, and end of theology in Hebrews, just as he is the same yesterday, today, and forever (Heb. 13:8). Everything else is provisional—and expendable—within the consuming fire which is God (12:29).

The Revelation of John

The Revelation was written at the close of the period during which the New Testament as a whole was composed. John of Patmos particularly developed themes that are sounded in the Gospel according to John, although his theological vocabulary is by no means limited to what he learned from that source. The identity of the writer is unknown, except that he wrote around the year 100 C.E. for churches in the vicinity of Ephesus (where John's Gospel was also composed).

The key to an understanding of the Revelation (written some five years after Hebrews) is that it is what it says it is, an apocalypse (from the term *apokalupsis* in Greek), a disclosure of the heavenly court. In aid of the deliberately visionary medium of the work, the tone of intellectual argument (as, for example, in the letters of Paul) is avoided. Everything unfolds as a matter of what is seen and heard rather than as a result of speculation.

The lamb of God, an image sounded in the fourth Gospel, is especially developed in the Revelation of John. When John the Baptist identifies Jesus as "the lamb of God which takes away the sin of the world" (John 1:29, cf. v. 36), an association with Passover is evident. It has been objected that the image of the lamb in itself is not necessarily paschal, and that the removal of sin might more readily be associated with the daily offering (the *tamid*) than with the paschal lamb. When the image is taken in isolation, that observation is apposite. But paschal imagery permeates the fourth Gospel with eucharistic meaning. The moment of Jesus' death in John corresponds to the time at which paschal lambs were normally slain: that Jesus was crucified during the afternoon of the day of preparation, just prior

to Passover, is emphasized (19:14, 31). Moreover, John 19:36 cites a regulation concerning the paschal lamb, that no bone shall be broken (Exod. 12:46), in respect of Jesus' body on the cross. The sponge of vinegar raised on hyssop (specified only in John 19:29) may recollect the hyssop used to apply the paschal blood in Exod. 12:22. The Johannine theology is specific: Jesus here is identified as the paschal lamb in 1:29, 36, just as he is identified as the true manna in 6:30–58.

Jesus' discourse in John 6:30–58, in which he identifies himself as the true bread of life that must be eaten for eternal life, arouses opposition within his Jewish audience (see 6:41, 52) and even among the disciples (see 6:61). The eucharistic theology involved is obviously highly developed. The Revelation takes up the paschal imagery of the Gospel within its own version of the Johannine portrayal of eucharist as that which provokes controversy within Judaism. The document itself is written in a Semitized Greek, with self-consciously bad grammar: some errors of case and tense, for example, are below a rudimentary level, a flaunting of the grammar even an elementary student would be aware of. Such attempts at archaism can scarcely convince, when Jewish congregations are dismissed as instances of a "synagogue of Satan" (2:9; 3:9).

Separation from Judaism is also flagged in the Revelation by a theological development: Jesus as the divine lamb is now explicitly an object of worship. The lamb of John 1:29, 36 has become a surreal "lamb standing as slain" (Rev. 5:6). The attribution to the lamb of divine status is obvious both in its placement, in the midst of the throne and the living creatures, among the elders, and in its possession of seven eyes, "which are the spirits of God sent out into all the earth." The term used for "lamb" (*arnion*) connotes the helplessness of a lamb, so that the fact of its slaughter is emphasized, yet the focus of the Revelation is the power that proceeds from the lamb as a consequence of its slaughter. The lamb is worthy of heavenly and human worship (5:8, 13; 7:9–10) precisely as slain (5:12). That is the source of its authority to open the seals (5:1–5, 7; 6:1f.) and exercise judgment with God (6:15–16; cf., 14:9, 10; 17:12–14).

The essential focus of the Synoptic catechesis regarding eucharist, the solidarity of believers in the witness of a faithful martyr, is assumed in the Revelation. Indeed, that solidarity is combined with the imagery of Jesus as a sacrifice for sin in the portrayal of Christian martyrs as those who have whitened their robes in the blood of the lamb (7:14). They enjoy the presence of the lamb in their midst, now portrayed as shepherding them (7:17). It is telling that the image appears after reference to the sealing of the 144,000 of Israel (7:4–8) and to the worshipping throng "from every country, tribe, people and tongue" (7:9–12). The union of Jewish and non-Jewish followers of Jesus within the heroic sacrifice, implicit within the Synoptics, is unmistakable within the Revelation. The notion of whitening in blood is no paradox once it is understood that the underlying issue is the purification Christ as sacrifice effects.

Rev. 7 represents, in visionary form, the consensus of the New Testament regarding the global identity of the Church. The scope of the vision is marked by the number of the four angels, assigned to the four corners of the earth (7:1). Another angel arises to "seal" the servants of God, to mark them as slaves might be identified. Those marked first are 144,000 from Israel, 12,000 from each of the twelve tribes (7:2–8). Here, the image in the Gospels of twelve baskets gathered at the feeding of the five thousand has reached its apocalyptic climax. Israel in the numerical structure of the biblical promise is guaranteed its place in the judgment to come.

The number seven, the number of the baskets associated with the feeding of the four thousand, is also central within the Revelation, especially at this point in the book. The lamb is about to open the seventh and final seal in the presence of seven angels, to whom seven trumpets are given (8:1–2). As in the case of the feeding of the four thousand and the number of the deacons of the Hellenists in Jerusalem, the number seven derives from the book of Zechariah, where "the seven eyes of the Lord" are said to "range through the whole earth" (4:10).

Seven is the number of the limitless reach of the divine kingdom. So here, in the Revelation (as it happens, chapter 7) the perfected number of Israel is joined by "a great multitude which no one could number, from every nation—all tribes and peoples and tongues—standing before the throne and before the lamb, clothed in white robes with palm branches in their hands" (7:9).

The Debate with Israel After the Flesh

Christianity and Gnosticism challenged the sensibilities of the Greco-Roman religious philosophies of the second century. Both of them had discovered the idiom of philosophy in order to develop and convey their claims, crafting a distinctive view of the divine "Word" (logos) that conveys the truth of God to humanity. For most Christians, that Logos was Jesus Christ, understood as the human teacher who at last fully incarnated what philosophers and prophets had been searching for and had partially seen. Gnostics were inclined to see that "Word" as a fully divine, ahistoric revelation of the truth.

Justin Martyr was the theologian who articulated that doctrine most clearly from the perspective of Christianity, on the basis of the Gospel according to John. In 151 C.E., he addressed his Apology to the Emperor himself, Antonius Pius. Such was his confidence that the "true philosophy" represented by Christ, attested in the Hebrew Scriptures, would triumph over the other options available at the time. Justin himself had been trained within some of those traditions, and by his Samaritan birth he could claim to represent something of the wisdom of the east. Somewhere between 162 and 168, however, Justin was martyred in Rome, a victim of the increasing hostility to Christianity under the reign of Marcus Aurelius.[7]

Justin argued that the light of reason in people is put there by God and is to be equated with the Word of God incarnate in Jesus. His belief in the salvation of people as they actually are is attested by his attachment to millenarianism, the conviction that Christ would return to reign with his saints for a thousand years. That conviction, derived from Revelation 20, was fervently maintained by catholic Christians during the second century, in opposition to the abstract view of salvation that Gnostics preferred.

In strictly religious terms, Christianity did not compete well within the second century. Greco-Roman preferences were for ancient faiths, and the movement centered on Jesus was incontrovertibly recent. Moreover, it could and often did appear to be subversive of the authority of the Emperor. After all, Christians did not accept the Imperial title of *divi filius* ("Son of God"), applying it instead to their criminal rabbi. Moreover, this "Son of God" was a rabbi who was not even a rabbi, for the recognized authorities of Judaism did not accept Christians among their numbers. For such reasons, by the time Justin wrote, the persecution of Christianity had been an established policy of state for nearly a century.

The Christianity Justin defended, however, was as much a philosophy as it was a religion. His claim was that the light of reason in humanity, which had already been indirectly available, actually became fully manifest in the case of Jesus Christ. Jesus, therefore, was the perfect sage, and Socrates as much as Isaiah was his prophet. In that sense, Christianity was as old as humanity; only its open manifestation was recent.

In order to make his case, Justin used arguments previously employed by Philo of Alexandria, but on behalf of Judaism. Philo also identified the logos, the prophetic word articulated in Scripture, as the reason by which God created the world and animates humanity. (Unlike Justin, of course, Philo draws no conclusions about Jesus, his contemporary.) Philo even makes out the historical case that Moses was an influence on Plato, so that the extent to which Greek philosophy illuminates God's wisdom is quite derivative. Justin is even bolder in his Platonism, in that his argument does not rely on such an historical argument, but on the contention that in Jesus the primordial archetype of humanity and of the world itself, the logos, became accessible and knowable in a way it was not before.

One can easily imagine a debate between

Philo and Justin. Had it occurred, it would have been the only encounter between Judaism and Christianity on the philosophical terrain they both claimed and were comfortable on. Philo's case, argued in his brilliant continuous commentary on the Pentateuch in Greek, identified the creative logos behind our world and in our minds as the Torah that God revealed perfectly to Moses. Justin, in a less voluminous way, more the essayist than the scholar, insisted that our knowledge of the logos implies that it is eternally human and that its human instance is Jesus.

The comparison between Philo and Justin shows how Judaism in the first century and Christianity in the second both relied upon the revival of Platonism, which provided each with a means of demonstrating that their respective religions were philosophically the most appropriate. The Platonic picture of perfect intellectual models was their common axiom, invoked in Philo's rounded, elegant Greek, and in Justin's controversial, rhetorical Greek. Had they met and disputed, Judaism and Christianity would have been represented for the only time in their history as approximate equals and on a level playing field.

But that meeting never happened. What divided them was not only one hundred years but watershed events. The Temple in Jerusalem had been burned under Titus in 70 C.E. and taken apart by Hadrian's order in 135. Judaism was still tolerated in a way Christianity was not, but it was a movement now under suspicion, and it needed to reconstitute itself in the wake of the failed revolts against Rome that resulted in the double destruction of the Temple. The rabbis who re-invented Judaism during the second century did so, not on the basis of Platonism, but on grounds of a new intellectual contention. They held that the categories of purity established in their oral teaching as well as in Scripture were the very structures according to which God conducted the world. The Mishnah, the principal work of the rabbis, is less a book of law (which it is commonly mistaken for) than a science of the purity that God's humanity—Israel—is to observe.

So complete was the Rabbinic commitment to systematic purity at the expense of Platonism that Philo's own work was not preserved within Judaism but only became known as a result of the work of Christian copyists. And the same philosophical idiom that the rabbis turned from as a matter of survival, apologetic argument, was what Justin turned to, also as a matter of survival.

Justin sets his *Dialogue with Trypho, A Jew* in the period after the revolt under Simeon called Bar Kokhba (*Dialogue*, chapter 1) of 132–135 C.E. Thematically, Justin disputes Trypho's conception of the permanent obligation of the law (chapters 1–47) and sees the purpose of scriptures in their witness to Christ's divinity (chapters 48–108), which justifies the acceptance of non-Jews within the Church (chapters 109–136). Trypho, that is, is portrayed as arguing that the systemic meaning of the Scriptures is the law, while Justin argues that their systemic meaning is Christ.

Justin describes his own development from Platonism to Christianity as a result of a conversation with an old man. The sage convinced him that the highest good Platonism can attain, the human soul, should not be confused with God himself, since the soul depends upon God for life (chapter 6). Knowledge of God depends rather upon the revelation of God's spirit (chapter 7):

> Long ago, he replied, there lived men more ancient than all the so-called philosophers, men righteous and beloved of God, who spoke by the divine spirit and foretold things to come, that even now are taking place. These men were called prophets. They alone both saw the truth and proclaimed it to men, without awe or fear of anyone, moved by no desire for glory, but speaking only those things which they saw and heard when filled with the holy spirit. Their writings are still with us, and whoever will may read them and, if he believes them, gain much knowledge of the beginning and end of things, and all else a philosopher ought to know. For they did not employ logic to prove their statements, seeing they were witnesses to the truth. . . . They glorified the creator of all things, as God and Father, and proclaimed the Christ sent by him as his Son. . . . But pray that, before all else, the gates of light may be opened to you. For not everyone can see or understand these things, but only he to whom God and his Christ have granted wisdom.

Here is a self-conscious Christianity, which distinguishes itself from Judaism and proclaims itself the true and only adequate philosophy. Justin's account of the truth of the logos depends upon two sources of revelation, resonant with one another: the prophetic Scriptures that attest the Spirit and the wise reader who has been inspired by the Spirit.

Justin is quite clear, then, that his concern is not with the immediate reference of Scripture, what we would call its historical meaning. That has also come to be known (rather confusingly) as its literal meaning. The description "immediate reference" is more accurate: the meaning of Scripture within the conditions in which it was produced. In his *Dialogue*, Justin portrays Trypho as being limited to the immediate reference of Scripture, enslaved by its specification of laws.

Justin is committed to a typological reading of Scripture, the Christian norm during the second century. The prophets were understood to represent "types" of Christ, impressions on their minds of the heavenly reality, God's own son. Isaac, for example, was taken to be a type of Jesus; while Isaac was *nearly* offered on Mt. Moriah in Gen. 22, Jesus was *actually* offered on Golgotha. That typology, which Paul had initiated in the first century (see Rom. 8:32), became a typical motif during the second century. Trypho, by contrast, is portrayed as becoming lost in the immediate minutiae of the prophetic text. So prevalent was this understanding of Judaism, by the end of the century, Christians such as Clement of Alexandria (see his *Pedagogue* 1.6.34) called any limitation to the immediate reference of Scripture (its "literal meaning") the "Jewish sense."

Anyone who is familiar with the development of Judaism from the second century onward will see the irony of this understanding of Judaic interpretation. The second century was just the period when Scripture was being interpreted in terms of its eternal meaning, when any limitation to its immediate reference came to be overridden by an appeal to the significance of the eternal Torah. Gen. 22 is a case in point: from the second century, it came to be asserted that Isaac was slain on Moriah, that he accepted his fate as a fully grown adult, and that God raised him from the dead. In other words, Isaac was a type in Judaism as well, but of a different truth: an emblem of a martyr's obedience to the Torah rather than of a prophet's vision of Christ.[8]

So what is presented by Justin as a meeting of minds is in fact a missing of minds. Both Justin and Trypho in fact make the immediate reference of Scripture ancillary to its systemic significance. But because Christianity is now committed to the logos as its systemic center, and Judaism is now committed to the Torah as its systemic center, the two cannot understand one another. Any objection from one side to the other seems silly: it misses the systemic point.

Judaism as Apostasy

In 388 C.E., a mob of Christians—at the instigation of their bishop—looted and burned the synagogue in Callinicum, a town on the Euphrates. The Emperor Theodosius demanded the punishment of those responsible and also directed that the property of the synagogue be restored and the structure rebuilt at the expense of the bishop. That evidently just sentence was vehemently resisted by Ambrose, bishop of Milan and one of the most important counselors to the Emperor.

Ambrose's intensity, as expressed in a letter (usually numbered 40 in collections), may seem surprising and irrational (40.8):

> This, Master, is my request: that your turn your vengeance upon me, and if you consider this act a crime, that you impute it to me. . . . I proclaim that I set the synagogue on fire, or at least ordered others to do so, that there might not be left a building in which Christ is denied.

When Theodosius simply ignored Ambrose, the latter preached directly to him in the cathedral in Milan (see the letter numbered 41). Theodosius relented and in effect condoned what had happened at Callinicum.

Around this time, Ambrose composed his extensive sermon on the patriarch Joseph. Here his theology of Judaism is plain, and the formative influence of his theology on

his political counsel becomes obvious. On his reading, the story of Joseph concerns Jewish recalcitrance. Jacob's rebuke of his son for the dream in which his family bowed to the ground before him reflects "the hardness of the people of Israel" (*Joseph* 3.8). But such relatively straightforward connections do not suffice for Ambrose. His reading of minor images is even more striking. Referring to the pit into which Joseph was thrown (Gen. 37:23–24), he comments (3.16): "As for the pit's being dry, what wonder if the pit of the Jews does not have water? For they abandoned the fountain of living water and made for themselves broken pits."

Ambrose here alludes to Jer. 2:13, where God complains that "they have forsaken me, the fountain of living water, and dug out for themselves cracked cisterns that can hold no water," but through a particular lens. In John 4:7–15, Jesus promises living water to those who ask him, and the Samaritan woman to whom he speaks compares his gift to the well of Jacob. To some extent, Ambrose argues as he does because his approach to Scripture, influenced by the neo-Platonism already evident in Justin, enables him to see in the biblical text types that are worked out in his own experience.

Within that experience, the issue of the rule of the Empire has been amalgamated with the issue of the identity of the Church. Part of Ambrose's argument, as he puts it to Theodosius, is that the usurper Theodosius had recently defeated (Maximus) had ordered that a synagogue in Rome should be rebuilt (letter 40.23). Whatever the particulars involved, he holds that this is bad policy, and for a simple reason: "The maintenance of civil law is secondary to religious interests" (letter 40.11). The position of the Emperor is like that of the Israelites (letter 41.26):

> You, like the Israelites, have entered the promised land: do not say, "By my own strength and righteousness I have obtained these things," but "The Lord God gave them to me, Christ in his mercy conferred them on me." Cherish, therefore, the body of Christ, which is the Church; pour water on his feet, and kiss them, not merely forgiving those who have been taken in sin, but also by your pardon restoring them to peace and rest; anoint his feet, that the whole house wherein Christ reposes may be filled with the odor of your ointment, and that all those sit at table with him may be delighted with its fragrance. In plain words, honor the least of Christ's disciples and pardon their faults, that the angels may rejoice, that the apostles may exult, that the prophets may be glad.

The claims of typology, in which Israel becomes the Empire, have here overwhelmed any sense that "Israel" in itself may have a positive meaning left over. The people who are more usually called "the Jews" by this stage simply typify the rejection of Christ, and for Ambrose they are just "unbelievers." If Theodosius were to permit their synagogue to be rebuilt, they could inscribe on the front, "Temple of Impiety erected out of the spoils of the Christians" (letter 40.10). By Ambrose's day, Judaism represents that which resists Christ; actual dialogue is not even a theoretical possibility.

Judaism as a Subversive Threat

By the Middle Ages, distinguished Jewish teachers found themselves under inquisition because their interpretation was not sufficiently literal, at least as concerns the coming of the messiah. In 1263, Moses ben Nahman (also called Nahmanides) was convened in Barcelona before King Philip of Aragon and made to answer arguments put to him by a Jewish convert to Christianity. One charge he was made to respond to concerned his not taking his own Talmud seriously:[9]

> That man resumed, and said, In the Talmud it is said that Rabbi Joshua ben Levi asked Elijah, When will the messiah come? To which he replied, Ask the messiah himself. He said, Where is he? Elijah said, At the gate of Rome among the sick people. He went there and found him and asked him some questions. So, he has come, and is in Rome: that is, he is Jesus, who rules in Rome.
>
> I said, Is it not obvious from this that he has not come? For Rabbi Joshua asked Elijah, When will he come? Also, it is stated that Rabbi Joshua asked the messiah himself, When will the master come? If so, he has not come yet, although according to the literal sense of these traditions, he has been born; but personally I do not believe that.

> Then our lord the King spoke, If he was born on the day of the destruction of the Temple, which was over 1,000 years ago, and he still has not come, how can he ever come? For it is not in the nature of a human being to live 1,000 years.
>
> I said to him, The agreement was that I would not dispute directly with you, and that you would not join in the discussion. Still, among the ancients, there were Adam and Methuselah, who lived for nearly 1,000 years; and Elijah and Enoch lived even longer, in that they are still alive with God.
>
> The king asked, So where is the messiah today?
>
> I said, That is not relevant to the debate, and I will not answer you. But if you send one of your runners, maybe you will find him at the gates of Toledo. (I said that ironically.)
>
> Then they adjourned. . . .

King Philip and his associates were therefore saved from making further fools of themselves. Nahmanides' whole point, which his disputants have difficulty grasping, is that a discussion with Elijah (from B. San. 98a) is not to be pressed in its immediate reference. That is why his reference to Elijah as immortal, along with Enoch, is telling: he reminds the listener (to no avail) that conversations with such figures are outside the conditions of time. Then Philip compounds the literalism by raising the issue of the messiah's birth at the time of the destruction of the Temple. That discussion reverts to a much earlier argument about a different text (Lam. Rabbah 2.57). Philip is cast in the role of the dullest student in the seminar, who cannot follow what is going on. Instead of admitting he is lost, he invents questions that only show the thread of the argument escapes him.

Nahmanides' fun at the king's expense did not go unnoticed. The official record of the same disputation, composed in Latin, puts a very different cast on matters (Maccoby, pp. 149–150):

> . . . when he could not explain the textual authorities mentioned, he said publicly that he did not believe in the authorities which were cited against him, though they were in ancient, authoritative books of the Jews, because, he said, they were sermons, in which their teachers, for the sake of exhorting the people, often lied. For this reason, he dismissed both the teachers and the scriptures of the Jews. . . .

The insistence on a single, consistent meaning in theological argument, in other words, was not just an artifact of Philip's difficulty in following the argument. Any inconsistency is taken here to be an indication of bad faith, and the official record concludes that Nahmanides had engaged in an attempt "to escape the disputation by lies." We are very far indeed from any appeal to typology or inspiration.

Between Justin Martyr and King Philip there lies not only a millennium but a different understanding of how Scripture may be understood to have meaning. By the time of the disputation at Barcelona, the powerful influence of Aristotle upon theology had been exerted. The world of Platonic types and ideals had been largely abandoned. Instead, the claim became increasingly fashionable that the immediate reference and the spiritual meaning of Scripture were one and the same. In the case of Nahmanides, he simply should have read his own texts, and he would have known the issue of the messiah was acute. That he failed to do so was proof of either ignorance or bad faith, perhaps some combination of the two.

The role of appeal to immediate reference grew as the Middle Ages progressed. It went hand in hand with the growth of the influence of Thomas Aquinas. He had baptized Aristotle by claiming that empirical knowledge and revealed knowledge complemented one another. The corollary of that picture of knowledge for interpretation was that the immediate reference of a text would lead one on to the spiritual sense. Any argument to the contrary was subversive of reason and knowledge together, which immediately implied that Judaism in itself was to be taken and countered as a threat to rational order.

Conclusion

Even as the movement of Jesus continued to address Israel after the resurrection, it is plain from the source called "Q" that the problem of the rejection of message of Jesus' followers was severe. The circle of Peter responded to that situation, and to the will-

ingness of non-Jews to be baptized, with the association of Jesus with Moses and Elijah as sources of the spirit of God for those who believe. James' focus was the Temple and the maintenance of purity there, with the result that non-Jewish followers of Jesus were placed in a more ancillary position. Where the Pauline approach to the issue of non-Jewish discipleship was radical inclusion within a new definition of Israel, Barnabas (represented by the Synoptic Gospels) represented moderation—a separate apostolate for Jews and gentiles. Although that practice may have been dominant for much of the first century, by the close of the period of the New Testament, "Israel" (as Hebrews and the Revelation show us) had taken a subsidiary place in the definition of the people of God.

Justin Martyr's contention during the second century that Jesus, as the word of God, is the systemic center of all Scripture—whether the Scriptures of Israel or the apostolic memoirs—is therefore a direct, philosophical development of the position reached within the New Testament at the end of the first century. By the fourth century, Ambrose shows how that claim is translated into recommendations of public policy: the rejection of Christ, especially Israel's, is recalcitrance to the point of apostasy. The encounter between Nahmanides and his inquisitors in 1263 makes any such recalcitrance into a threat against rationality itself.

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NOTES

[1] See on this JESUS AND JUDAISM.

[2] See Leif E. Vaage, *Galilean Upstarts. Jesus' First Followers According to Q* (Valley Forge, 1994).

[3] Bruce Chilton, *A Feast of Meanings. Eucharistic Theologies from Jesus through Johannine Circles* (Leiden, 1994), pp. 72–74, 94–96.

[4] See Siegfried Schulz, *Q. Die Spruchquelle der Evangelisten* (Zürich, 1972).

[5] See C.K. Barrett, *The Acts of the Apostles: The International Critical Commentary* (Edinburgh, 1994), p. 592.

[6] Ibid., pp. 556–557.

[7] See Henry Chadwick, *The Early Church* (London, 1993), pp. 29, 74–79.

[8] See Bruce Chilton, *Targumic Approaches to the Gospels. Essays in the Mutual Definition of Judaism and Christianity* (Lanham and London, 1986).

[9] The account is Nahmanides' own. See Hyam Maccoby, *Judaism on Trial. Jewish-Christian Disputations in the Middle Ages* (Washington, 1993), pp. 113–114.

Christianity on Judaism in Modern Times

FROM the late sixteenth through the seventeenth century, Christendom, splintered by the Protestant Reformation, continued to develop its centuries old hate-love conception of Judaism. On the one hand, Judaism was a fossil that inexplicably refused to act like a fossil. Since it had long ago been replaced in God's economy by Christianity and the Church, it had to be eradicated, preferably by the conversion of its adherents to Christianity. On the other hand, the Christian "Old Testament" was Judaism's Bible, and the Bible was the rock upon which the Reformation stood.

Both Catholics and Protestants had been invested with Renaissance curiosity for things ancient, including "dead" languages such as Hebrew. Thus by the end of the sixteenth century, at the same time the printing press made these texts available far and wide, the number of Christian scholars capable of reading Scripture as well as Rabbinic commentaries in the original tongue had grown. Even as texts from the Church Fathers, with their diatribes against the Jews, became widely available, so was a broad spectrum of Jewish thought. A whole new encounter with Judaism was under way, resulting in the flowering of what came to be called Christian Hebraism.

The Protestant Reformation

Though the discontent with abuses, particularly the sale of indulgences, had been simmering for numbers of years earlier, the Protestant Reformation is generally considered to have begun publicly in Wittenberg (Germany) on October 31, 1517, when Martin Luther nailed his "95 Theses" to the door of the Castle Church. The impact of this ecclesiastical dispute on Christian attitudes towards Jews and Judaism differed according to the theological positions of major reformers, particularly Martin Luther (1483–1546) and John Calvin (1509–1564).

Though early in his career Luther had proclaimed that Jesus was a Jew and had been certain that Jews would flock to his Christian reform movement, in his old age his vitriol against Jews knew no bounds, including admonitions to burn synagogues and drive Jews from their homes. This ambiguity in Luther's position was reflected in his monumental translation of the Bible into German, a translation that did for the German language what the King James version did for English. While making the Old Testament available to the masses, Luther's translation intentionally served his theological agenda, ensuring that Christ was found in almost every Old Testament word. For Luther, and the Lutherans who followed him, the Old Testament was misunderstood unless read through the lens of the New Testament. An implication for Lutheran reformers of this theological conviction was that Rabbinic interpretations of the Hebrew Bible were collections of lies. An important task was to ferret out and refute those lies, found in every facet of Rabbinic literature, including most especially the Talmud. Nothing of positive value for Christians was to be found in any Jewish literature later than the Bible. This conviction was to have fateful consequences for Jews and Judaism throughout the centuries to come.

John Calvin's perception of Jews and Judaism was considerably more complex than Luther's, often exhibiting contradictory judgments. For instance, he denied the allegation that the covenant of God with Israel had been taken over by the Church (supersessionism). But at the same time his understanding of the "Old Testament covenant" contained anti-Jewish convictions, including that it had been revealed to Israel in a veiled form and was "fulfilled" only in the coming of Christ.

Calvin also took a less dogmatic stance towards Scripture. Since the training of a learned clergy was an imperative for him, the academy he established in Geneva required the mastery of Hebrew as well as Greek and Latin. But he tended to ignore inconsistencies in the Bible, finding no need for elaborate exegesis or allegory, and he thought that Old Testament authors such as Moses, although they knew the relevant facts about, for example, creation, chose to speak in language common people could understand. In this sense, Calvin was more of a humanist, a fact that, along with his ambivalent approach to the covenant, could partially explain the development in the seventeenth century in the Netherlands of a genuine encounter of Calvinist scholars/clergy with rabbis and Jewish students of Rabbinics and Scripture, something that Calvin himself apparently never did.

Protestant assignment of religious authority solely to Scripture encouraged the application to the Old Testament of humanist scholarly tools even as it endorsed consultation of Jewish critical scholarship. Well into the eighteenth century the Old Testament was assumed to be the property of Christians—with Jews therefore usurpers of it. But Jews nevertheless were recognized as the custodians of centuries of learned commentary and tradition. A few Jewish thinkers even became guides of sorts for Protestants. Conservative reformist groups considered Maimonides (1135–1204) to be a defender of religion; Spinoza (1632–1677), who went so far as to suggest that the Old Testament books were composed in different centuries, was feared by some as a heretic but privately lauded in radical Protestant circles.

The Roman Catholic reaction to the Protestant Reformation—the Counter-Reformation—produced not only the lavish and ornate decoration of baroque churches (a highly visible rejection of the Reformers' iconoclasm) but also brought charges that Protestants were "Judaizers." In Spain and

elsewhere, based on what were purported to be passages from the Talmud and other Rabbinic writings, Catholic theologians continued to write learned treatises charging Judaism with the most amazing perversions.

The Council of Trent, which met intermittently between 1545 and 1563, came close to banning the printing of the Talmud and, had not Jews agreed to a "voluntary" censorship of their own, would have done so under the leadership of Pope Paul IV (1555–1559), who earlier had burned the Talmud in Rome. Later sixteenth-century popes, such as Pius V (1566–1572) and Gregory XIII (1572–1585), issued various bulls against the Jews, forbade Talmud reading, and supported the establishment of ghettoes. Nevertheless, the dawning of the seventeenth century saw an explosion of attention to Judaism as Christians, both Protestants and Catholics, searched Jewish sources in order to further their own theological agendas, including controversies with one another.

Christian Attention to Rabbinics

In the seventeenth century, under the related impulses of humanism and the Reformation, the view that the Bible is a seamless whole inspired by God equally in all its parts began to break down. Distinctions were recognized among the three parts of the Hebrew Bible: the Torah, the Prophets, and the Writings. The Torah (Genesis, Exodus, Leviticus, Numbers, Deuteronomy) was held to be more sacred, because in it God had spoken directly to Moses. But the prophets and psalms were of most value to Christians, for there the direct announcement of the coming of Christ was thought to be found. As the European world turned away from belief in the miraculous, it seemed more reasonable, particularly for Protestants, to countenance prophesy than to trust in miracles.

The stubborn refusal of Jews to acknowledge Jesus as the messiah could be attributed in part to the fact that regular synagogue readings included the entire Torah but not all the prophets. Thus, even as Christians, through ever broader and deeper study of the Bible and of Rabbinic material, were gleaning valuable wisdom to support various Christian doctrines, it was thought that Jews simply refused to know the truth of their own Scriptures.

All Hebrew or Aramaic writings were lumped under the category "Rabbinic," and vast amounts of them were translated, often loosely, into Latin. This was primarily for the use of scholars, who frequently took great liberties in interpretation. But translations were made into the vernacular as well, though not in as great a quantity, as interest in Judaism spread into disciplines other than theology and to audiences that were curious about this "strange" people, the Jews, who lived among them.

Christian Hebraists were indebted particularly to the work of Johann Buxtorf the Elder (1564–1629) and his son, Johann Buxtorf the Younger (1599–1664) of Basel, Switzerland. Between them the Buxtorfs translated and published a vast amount of Judaica, including an extremely influential *Lexicon* and Buxtorf the Elder's monumental explication of the synagogue, *Synagoga Judaica* (1603). Intended as a popular guide, the latter work served, with scholarly apparatus, to perpetuate common Christian stereotypes of Judaism as a confused religion with a completely random collection of rituals that had no sense of God's holiness.

In his later years, Buxtorf the Younger moved away from his father's fixation on Judaism's "empty" rituals towards a growing reliance on the rational in religion. He justified his translations of Maimonides' *Guide for the Perplexed* and Judah Halevi's *Kuzari* by declaring that nothing is so totally evil that some good could not be found in it. In other words, the younger Buxtorf led the way towards an understanding of scholarship for scholarship's sake that was to result in an even wider study of the Hebrew language and the development of huge collections of Judaica in private and university libraries. Thus, by the end of the seventeenth century a considerable amount of information about Judaism was available to literate people, even to those without facility in Latin or Hebrew.

Though without doubt some of the attention to Rabbinics and Hebrew studies was

purely scholarly, the principal use to which it was put served specifically Christian purposes, primarily the mission to convert Jews to Christianity. Since Judaism was considered an internally inconsistent religion that misunderstood its own Scripture, refutation of its untenable beliefs could best be done by citing the rabbis against themselves. That few Christians were inclined, or able, to grasp anything more than caricatures of Rabbinic Judaism did not deter them from their duty to destroy it on its own ground.

The more Christian clergy and academics knew, or thought they knew, about Rabbinic writings, the more they became concerned about the anti-Christianity they discerned there. The search was on for hidden names in the Talmud and later Jewish material that might conceal hostility towards the Church or even blasphemy. Printing was now widespread and not only the Bible but commentaries and theological works, both Christian and Jewish, were available to all who could read. Censorship followed, and the Catholic Index of Published Books canvassed Jewish material, frequently provided by converted Jews, for works worthy of being banned.

Seventeenth-century Christians, like their predecessors, understood the vexing problem of the survival of Judaism in two ways. On the one hand, the prophets of the Hebrew Bible had foretold the coming of the messiah, at which time, Israel would be renewed. Jesus, the messiah, had come, but the Jews had refused to recognize him as such and had, in fact, orchestrated his crucifixion. As a consequence, the suffering of the Jews had been magnified a thousand times, and they were condemned to wander homeless over the earth. Judaism was a dead religion that lived on only as a fossil.

On the other hand, since the holy books of Judaism contained testimony to the coming of Christ, a prophesy that had been fulfilled, the very existence of Jews and Judaism was witness to the truth of the crucifixion: these people had killed Christ, even though he was of their flesh and blood. They and their religion persisted in order to exhibit that testimony to generations to come. Judaism and living Jews thus were a theological necessity for Christians and the Church, Protestant and Catholic alike.

The Enlightenment

The intellectual and social movement known as the Enlightenment, which began in the seventeenth and peaked in the eighteenth century, initiated fundamental changes in Christian attitudes towards Judaism. The spirit of the Enlightenment in general was egalitarian, tolerant, and, above all, rational. But in this "age of reason" frontal attacks on the Church and Christianity were hallmarks of an increasingly secular society, and attacks on Christianity meant, at the same time, attacks on Judaism. Nevertheless, the situation was far from unambiguous. It was consistent in the Enlightenment for "rational" thinkers to sympathize with the plight of Jews, who were the victims *par excellence* of Christian religious and cultural intolerance. But there was a world of difference between and among Jews, Judaism, and Judaism's influence on Christianity and society.

For the first time, Christians began to recognize that the Hebrew Bible was a *Jewish* book, not (solely) an extended introduction to the New Testament. As a consequence, attempts were made entirely to separate Christianity from Judaism and thus to deny the theological dependence upon Judaism that had earlier prevailed. The Old Testament now became *literature*, and its tales of mighty battles and mythical beasts were compared with those of Homer, while the God who would order the destruction of hordes of Israel's enemies was decried as a barbarian.

English Deists and French Philosophes

Deists such as Lord Herbert of Cherbury, Matthew Tindal, and Thomas Chubb taught that "natural religion" was intrinsic to human society, and, although the moral precepts of the Bible were valid, the practices of all religions were deeply flawed with impurities. This was particularly so in the case of

Judaism, which Christianity had believed was the original locus of monotheism. The Deists held, however, that natural religion was monotheistic, while all polytheisms were mere superstitions. This meant that the Egyptians, Chinese, and other early peoples were monotheists before the Jews. Judaism was nothing special, as even the most anti-Judaic of the Christian Hebraists had always assumed. Once Christianity was relieved of its pagan and Jewish ritual, not to mention its convoluted and irrelevant theology, it could be shown to be identical with primordial natural religion.

As the implications of awareness that the books of the prophets were independently Jewish, not Christian, began to sink in, the Deists even called into question the seventeenth-century reliance on the Hebrew prophets for proof of Christianity. If the prophesies actually reflected events that happened, or were to happen, long before the advent of Christ, then—so the argument went—they could hardly be fulfilled in Jesus Christ. The Old Testament, therefore, became irrelevant for Christianity, and a direct corollary was the irrelevancy of Judaism itself.

Becoming irrelevant, however, did not exempt Jews and Judaism from disapprobation by the Deists. Enlightenment thinkers judged institutions and peoples by the degree to which they could be considered civilized, a cardinal characteristic of which was the presence (or lack) of a system of laws. In that regard, Judaism was without question civilized. But the laws of Judaism rested on a barbaric foundation: the bloodthirsty tribal God of the Old Testament and his bandit chieftain, David, plus the human-scarificers, Abraham and Jephthah. Judaism accordingly could not stand as a "civilized" religion, much less as a progenitor of Christianity.

By the middle of the eighteenth century the English Deists had proved to their own satisfaction that Christianity was all but fatally corrupted by Judaism. Everything that was fanatical (a particularly despised characteristic), priestly, or devoted to "mammon" had come from Judaism. In the eyes of the Deists, Judaism retained no valid reason for existence, not even the perverse reason that it was testimony to the unspeakable crime of deicide.

Though some of the English Deists, among them Thomas Morgan—a philosopher who took it upon himself to save Christianity by exposing its pernicious corruption by Judaism—considered themselves to be Christian, the violent attacks on Christianity, using Judaism as the whipping boy, by French philosophes such as Voltaire (1694–1778) and Paul d'Holbach (1723–1789) by any normal criterion denied them the Christian label. Be that as it may, and though the churches as institutions and Christianity as a religion managed to survive the onslaughts of the philosophes, they had a determinative influence on decades of Christian understandings of Jews and Judaism.

Voltaire's agenda was the intellectual destruction of Christianity, which for him was a malign superstition. His assault on Judaism, therefore, was instrumental to his attack on Christianity. Like the English Deists, Voltaire thought of the Hebrews, the predecessors of the Jews, as barbarians without civilization. The Jews and Judaism of his own day were no different. How could they be when their origins were so polluted?

Jean Jacques Rousseau (1712–1788), on the other hand, claimed Moses as one of the great lawgivers of the ancient world, but such a one as he could only come around once and, after him, the Jews had followed an ever descending slope. But what a man was Moses! Rousseau, like few other major Enlightenment figures, understood something of Judaism, but, for him, Jews would nevertheless always be outsiders; they could not become Christians.

Enlightenment Churchmen

Though the Deists and philosophes set the principal intellectual tone of the eighteenth century—a tone that led eventually to the political emancipation of Jews throughout Europe but without changing the centuries-long evaluation of Judaism as a corrupt and corrupting religion—they were not without their challengers within the Catholic and Protestant churches.

In 1722 an older contemporary of Voltaire, Benedictine Abbot Augustin Calmet (1672–1757) published his *Dictionnaire historique, critique, chronologique, géographique, et littéral de la Bible*. A responsible work that reflected the Enlightenment spirit, it concentrated on precision in dating and geography and on concise literalism in description. As such, it treated Judaism fairly and spoke favorably of Jewish intellectual giants such as Maimonides, though it evidenced far less familiarity with Hebraic sources than had the Christian Hebraists of the century preceding. Calmet's Dictionary and his other, more popular, writings were derided by Voltaire but became a foundation upon which other Catholics could build as they became conscious of the danger to Christianity posed by the philosophes.

Abbé Antoine Guénée took it upon himself in 1769 to refute Voltaire's calumnies on the ancient Israelites by the novel device of publishing what were purported to be letters to the reigning philosophe from German and Polish Jews, in which Voltaire's readings of Old Testament passages were set beside the originals. The result was to reveal the manifold mistakes and contradictions Voltaire had made and, through obvious irony, to provide evidence of the superiority of Moses' laws and, indeed, of Moses himself. Guénée's work went into several editions and was occasionally reprinted even in the twentieth century for use by those who continued to refute Voltaire.

Another abbé, Nicholas Bergier, was responsible for a three-volume revision of the theology section of Diderot's *Encyclopédia* in which, among other things, he attempted to rehabilitate Old Testament figures who had been maligned by Voltaire and Holbach. Israelite religion, far from being barbaric as depicted by the philosophes, was pure and holy. And the purported intolerance of Jews toward gentiles was nothing of the kind. Instead, it was intolerance of idolatry and the "abominations" flowing therefrom.

In Germany during the eighteenth century only the pietists showed evidence of the tolerance towards Judaism present in England or France. Lutherans had not forgotten Luther's invective against the Jews, nor had they learned anything different. In Leipzig, even such an Enlightenment figure as Leibniz was not immune to the anti-Judaic virus, and the Grand Complete Universal Lexicon (*Grosses Vollständiges Universal Lexicon*) published there in 1735 contained some of the most extreme vitriol against Judaism seen in over a century.

There were, however, a few exceptions. Johann David Michaelis (1717–1791), a noted advocate of the historical-critical approach to the Old Testament, viewed the Mosaic code as genuinely human. Compared with the true abominations of Canaanite religion, the horrors of which Michaelis painted vividly, the laws of Moses were superb examples of eighteenth-century jurisprudence. He saw the punishments meted out to the Hebrews who violated the laws of God to be wholly just and the destruction of cities condemned by God to be comparable to a holocaust sacrifice.

However, Michaelis would have nothing to do with the rabbis or the literature of Rabbinic Judaism, including not only the Talmud but also the greats of Jewish philosophy such as Maimonides and Rashi. Though he glorified the Mosaic code as valid in its own right, unlike many of his predecessors who had esteemed the Old Testament law as valid until superseded by the "law" of the New Testament, for him it had become totally corrupted by Rabbinism.

Idealization of ancient Judaism was carried even further by Johann Gottfried von Herder (1744–1803). A Lutheran pastor and progenitor of German romanticism whose advocacy of intuition over rationality greatly influenced Goethe, Herder found his philosophical inspiration in Kant. Not surprisingly, therefore, like Michaelis, he found little to admire in the Judaism he saw around him and was suspicious of Jews' efforts to integrate into German society.

The universal moral principal Emmanuel Kant (1724–1804) called the "categorical imperative" applied to all rational beings and was independent of any personal or national motive or desire. It thus retained no place for the Rabbinic rulings that were relevant only to Jews and, as far as Kant was concerned, actually were detrimental to the rational functioning of society. Of course if the laws of Moses were stripped

of their particularistic accretions, the remaining core would come close to his own moral law. But that would mean the destruction of Judaism, the religion, a solution Kant thought would best serve Jews by transforming them into Deists, indistinguishable from Christian Deists like himself.

As the eighteenth century drew to a close with the French Revolution, Count Stanislas de Clermont-Tonnerre summed up the Enlightenment judgment on Jews and Judaism when he announced in the French National Assembly of 1789 that "Everything should be denied to the Jews as a nation; everything should be granted to them as individuals. Every Jew must individually become a citizen; if they do not want this, they must inform us and we shall then be compelled to expel them. The existence of a nation within a nation is unacceptable to our country."

Enlightenment Continues—The Nineteenth Century

The intense attention to Judaism by Christian intellectuals in the seventeenth century—which, in the eighteenth century, gave way either to idealistic romanticizing of ancient Israel or to forcing the religion into a Deistic mold—came almost to a halt in the early nineteenth century. The Enlightenment and the rapidly expanding political emancipation of Jews throughout Europe focused Christian attention on Jews as individuals who, free to practice their own religion, were encouraged to assume their proper place in society as citizens.

The Enlightenment's solidification reversed Judaism's importance for Christianity. Throughout the preceding centuries Judaism had played a necessary role in the Church's theological self-understanding. Not only had the Church taken the Hebrew Scriptures for its own, but the continuing presence of Judaism provided the foil against which Christianity could establish its own validity. Under the Enlightenment's emphasis on the individual, however, an increasingly secularized world began to view religion as a private affair. Judaism, the religion of the Jews, was of no more social significance than was privatized Christianity. Christendom, well on its way to collapse, no longer felt compelled itself to judge either the truth or falsity of Judaism. And conversion of the Jews no longer was necessary for the working out of the Church's—or the world's—eschatological destiny.

Biblical Scholars and Higher Criticism

Instead of the theological interest in Judaism that had characterized the sixteenth and seventeenth centuries, Christian academics in the nineteenth century—like Jewish scholars of the *Wissenschaft des Judentum* school of the same period—asked historical and philosophical questions. For instance, Georg W.F. Hegel (1770–1831), whose dialectical theory shaped virtually all subsequent philosophy throughout the century, delivered a famous series of lectures on the philosophy of history at the University of Berlin in which, though without prejudice to Jews, he relegated Judaism to the byways of history.

Biblical scholars now treated their material as they would secular texts, with the result that the so-called Higher Criticism revealed the complex nature of the Old and New Testaments, including their multiple sources and myriad authors. The work of German scholars such as F.C. Baur, Johann G. Eichhorn and, later, Hermann Gunkel and Julius Wellhausen and their colleagues and students turned biblical criticism on its head. They intended to discover historical truth and in order to do so an even better knowledge of biblical and cognate languages was required, as well as deeper insight into the religions supported by texts originally in those languages. Scripture was no longer treated as sacrosanct, but the knowledge of biblical religion was immeasurably increased and the historical, not simply theological, relation between Christianity and Judaism began to be evident.

The conclusions drawn by these scholars about Judaism as a religion were anything but complimentary, however. The schema developed by Wellhausen was generally accepted: Judaism began with the simple piety of Moses' time, developed into the

sublimity of the prophets' monotheism, degenerated into mere legalism after the return from Babylonian exile ("late Judaism"), and finished with the dead religion of Rabbinism. "Late Judaism" was the result of Rabbinic concentration on rites in the Jerusalem Temple and failure to recognize that the essence of Judaism was to be found in the nomadic conditions of Moses' time. Rather than a nation, Jews were a religious community destined to remain nomadic.

Theologians and Racial Theory

When applied to the New Testament, Higher Criticism lead to the attempt to ferret out the origins of Christianity and specifically to a look at the Judaism of Jesus' time. A favorite distinction was between the religion *of* Jesus and religion *about* Jesus, with a decided preference for the former, which—when coupled with newly-found interest in comparative philology and theories of race—resulted in another variant of the hoary estimation of Judaism as a degenerate religion.

David Strauss (1808–1874), whose *Life of Jesus* caused a theological uproar that lasted well into the twentieth century, was concerned to free Christianity from dependence on Jesus' miracles. He thus called into question the historicity of the Gospels, particularly the Gospel of John, and in the process demonstrated that the religion of the Jesus of history was grounded in Judaism. The Christ of faith, on the other hand, represented the transformation of the historical Jesus into a powerful myth that represented a higher truth than mere history could provide. As for Judaism itself, Strauss saw in myths about Christ the evidence that inadequate Second Temple Judaism, the religion of the Pharisees, Sadducees, and Essenes, had been transcended and lifted to a far higher spiritual plane. Contemporary Rabbinic Judaism was all but totally ignored. The old theory of Christian supersession of Judaism was taken for granted.

By the middle of the century, under the influence of Joseph Arthur de Gobineau (1816–1882) and others, the originally purely linguistic designations "Semitic" and "Aryan" had been converted into racial categories with assigned characteristics; "racial" antisemitism became popular as a political slogan through Europe. Most overt antisemitism was not specifically religious in nature, though Judaism was never far from the surface. Particularly was this so in eastern Europe and Russia, where the "blood libel," the charge that Judaism required the ritual murder of Christians as part of religious festivals, was actively spread by Russian Orthodox Christians, resulting in bloody pogroms.

Like other nineteenth-century Christian academics who dealt with Judaism, Joseph Ernest Renan (1823–1892) was primarily interested in Jesus and Christianity; Judaism merely came with the territory. Nevertheless his extremely popular *Life of Jesus* and his more intellectually significant works, *History of the Origins of Christianity* and *History of the People of Israel*, painted a picture of biblical Israel as a group of pastoral nomads that was to have a lasting effect on Christian perceptions of Jews and Judaism. Whereas Gobineau had seen the Semitic races (principally Jews and Arabs) as inferior to the Aryan races (principally Europeans), Renan viewed them simply as different, with unique qualities, each adding to the creative mix of humanity.

By including ancient Israel (and by extension modern Jews) in the general Semitic linguistic, racial, and religious category, however, Renan diluted the "uniqueness" that Judaism supposedly had for Christianity. In his history of Israel, for instance, he counted the kings of Israel as no better or worse than those of the peoples they conquered, the miracles of Moses as corruptions, and credited only the eighth- and ninth-century prophets with value. The value of these prophets was so great, however, that they represented the moral force that continued in Jesus Christ and, consequently, in Judaized Christianity and from there into the modern scientific world. From Renan's time until the present, the Hebrew prophets have remained the part of Israel's Scripture that Christians, particularly Protestant Christians, have considered to be most legitimate.

But the nineteenth-century work that was

most to influence the understanding of Judaism among Christian theologians and seminarians was *A History of the Jewish People in the Time of Jesus* by Emil Schürer (1844–1910). Published in various editions from 1886 to 1890, Schürer's *History* became a standard source for everything Jewish, including archeology, geography, political and religious institutions, chronology, cults, and sects. His purpose, of course, was to delineate the context of the rise of Christianity, but in doing so he produced a mass of accurate and valuable information about what was still called "late Judaism."

Schürer's stance towards Judaism itself, though, did not deviate from the long-standing Christian perception that Judaism and "legalism" were identical. In the Jewish view, God kept a record book in which adherence to or violation of the law was meticulously recorded. Judaism's function, consequently, was to ensure the keeping of external regulations, to the total neglect of inward motive and conviction.[1]

Missions to Jews

Since discrimination against Jews in education, business, and the professions remained the norm rather than the exception, the temptation for Jews to convert to Christianity, which, after all, was presented as only slightly different from Judaism, was great. And the churches and, particularly, Protestant mission organizations took full advantage of the new opportunities. The concept of a covenant people or nation was submerged in the Enlightenment's progressive individualism: Jews were individuals who should be converted one by one. Earlier curiosity about Jewish beliefs and rituals abated and, though some missionaries to Jews became knowledgeable about Judaism, most Christian theologians paid scant attention to the details of the religion of the Jews who lived among them.

Beginning in the eighteenth century, the reaction by Christian pietists to the rationalism of the Enlightenment had resulted in the religious revivals known in England as the "Evangelical Awaking" and in the United States as the "Great Awakening." The nineteenth century saw the expansion of the vast colonial empires of the British, French, and Dutch and, with it, the pietist Protestant Missionary Movement that, by the end of the century, was characterized by John R. Mott's slogan, "The Evangelisation of the World in this Generation." The oldest missionary movement in the world, that directed towards Jews, was caught up by the fervor for Christian mission but attracted little attention outside the relatively small circle of evangelical Christians who took as their mandate St. Paul's testimony that "I am not ashamed of the gospel: it is the power of God for everyone who has faith, *to the Jew first* and also to the Greek" (Rom. 1:16).

In Germany the first institute for the study of Judaism designed to train missionaries to the Jews was established at Halle in 1728 and produced, *inter alia*, a Yiddish translation of the New Testament. It was disbanded in 1791, but almost a century later (1886) Franz Delitzsch (1813–1890) established the Institutum Judaicum at Leipzig. Upon his death "Delitschianum" was added to the institute's name; it remains in existence in Münster.

Delitzsch combined a genuine knowledge of Judaism, both ancient and modern, with a desire that Jews be brought into the Christian fold. Toward that end he produced a number of biblical commentaries and a Hebrew translation of the New Testament. At the same time he argued publicly against Christians who demonized the Talmud and other Jewish writings. When August Rohling, a professor of Catholic theology at the University of Prague, author of a collection of distorted and forged quotations from the Talmud, went on trial for slander, Delitzsch was instrumental in exposing the fallacy of his work, arguing forcefully for the religious validity of the Talmud.

Academic institutions like the Delitschianum supported, and were supported by, missionary agencies such as the "London Society for Promoting Christianity Amongst the Jews," founded in 1809. Missionaries came to know more about Judaism as it was actually practiced during the nineteenth and early twentieth centuries than any of

their Christian contemporaries and, in the process, developed a genuine appreciation for Judaism as a religion. The missionaries believed that, because Judaism was a "good religion," it was more difficult to change Jews, as opposed to "pagans," into Christians. Utterly opposed to antisemitism, seen as a barrier to evangelization, they were among the most stalwart defenders of Judaism when it was denigrated or attacked by other Christians. They did not hesitate, however, to act on their conviction that Judaism was woefully inadequate when compared to Christianity, for, though it had the "law and the prophets," it did not have Christ.

By adhering to Judaism when they had every opportunity to know better, Jews showed that they needed salvation above all others. The evangelical motive of the missionaries was "pure," which is to say that they offered Christianity as the only viable alternative to Judaism out of genuine concern for the welfare of *Jews*, not in order to enhance Christianity, which by definition was not in need of enhancement. These were Christian individuals addressing individual Jews, and they were unconcerned that *Judaism* would be destroyed if their efforts were successful.

Genocide and Ecumenicism—The Twentieth Century

Christianity's attitude towards Judaism shifted radically after the Shoah, the destruction of European Jewry by the Nazis in 1933–1945. But the events of the preceding three decades—large-scale Jewish migration as the result of pogroms in Eastern Europe and Russia, the upheavals caused by the Great War, the rise of political Zionism—had done little to alter prevailing Christian perceptions of Judaism. If anything, Judaism was perceived to be even more degenerate, a judgment that Jews themselves were believed to accept since, no longer having the ghetto to "protect" them, they were, so it was thought, abandoning the faith in droves. As for Zionism, it was viewed by many Christians as a naturalistic form of Judaism, Christianity's real rival for the Jewish soul.

Theological Ambiguity

Reaction against the optimistic liberal theology of the nineteenth century took the form of "neo-Reformation" or "neo-orthodox" theology, of which Karl Barth (1886–1968) is representative, both of the theological trend itself and of its stance concerning Judaism. Arguably, no twentieth-century theologian, Protestant or Catholic, has influenced the century's theology more than Barth. But Barth's theology vis-à-vis Judaism was not different from that of the missionaries to Jews, in that he resisted antisemitism—hatred and persecution of *Jews*—while characterizing *Judaism* in most ambiguous ways. He could, on the one hand, insist that Judaism embodied the revelation of God while, in almost the same breath, declaring that apart from Christ, Judaism is "nothing." He could say that no one could be chosen without being either "a Jew or heart and soul on the side of the Jews," and yet maintain that Judaism opposed and denied its own election by rejecting God's grace in Jesus Christ. Be this as it may, Barth's thought prefigured some of the themes that would emerge following the Shoah, such as the long-delayed recognition that the covenant between God and Israel remains valid even after the advent of Jesus Christ.

Ambiguity concerning Judaism continued into the Nazi period, when the overriding theological issue in fact became the integrity of the Church itself. Among Lutheran and Reformed Protestants, we find, on one side, the "German Christians," who supported Nazi ideology, and the "Confessing Church," which fought against Nazi take-over of the church (the "Church Struggle"), on the other. Though the underlying issue was the Nazis' intention to eradicate biblical religion, both Jewish and Christian, neither group of Protestants directly addressed earlier assessments of Judaism, the religion. The basic position remained the same. In the words of a paper written by Confessing Church pastors, "The place of the Old Testament people of the covenant was taken not by another nation, but by the Christian Church, called out of and living among all nations." In other words, supersession of Judaism by Christianity.

Catholic perceptions of Judaism remained substantially as they had been since the Middle Ages: Christianity had taken the place of Judaism in the economy of God. But, as with the Protestants, the spirit of Enlightenment tolerance had led to the recognition of the humanity of Jews. Many Catholics therefore resisted Nazi antisemitism and Catholic, as well as Protestant, missionaries to Jews engaged in oft-times heroic efforts to rescue Jews from their Nazi fate. Pope Pius XI, in a famous 1939 speech, declared that "Spiritually we are Semites," but his successor, Pius XII, was widely criticized for failing to condemn Nazi "race" policy for fear of losing the support of German Catholics.

The deadly antisemitism of the Nazis, though not directly perpetrated by Christianity, could scarcely be imagined apart from the age-long Christian theological denigration of Judaism and thus of Jews.

Christianity's Historic Reversal

With the closure of the death camps across Europe in 1945, Protestants and Catholics alike woke up to the horrendous consequences implicit (when not explicit) in their theological denigration of Judaism. A new recognition emerged, not only of the guilt of Christians, or even churches, for involvement in the genocide of Europe's Jews, but of the necessity to reevaluate the relationship between Christianity and Judaism. This process continues as the twentieth century draws to a close.

At its founding assembly in 1948, the World Council of Churches issued a statement designed primarily to encourage the evangelization of Jews, including a phrase that was to be copied by many subsequent Protestant statements: "Antisemitism is sin against God and man." Legislative bodies of Protestant churches in Europe and North America followed in the next years with similar statements that condemned antisemitism, though for the most part they remained within a missionary context, indicating that the fundamental perception of Judaism remained substantially unchanged. Nevertheless, to label antisemitism a sin was a significant theological judgment that spoke of Christian rejection of hatred and prejudice against *Jews* but said nothing necessarily about *Judaism.*

An attempt to enlarge the scope of the Council's perception of Christianity's relation to Judaism (still within the missionary framework) was unsuccessfully made at the second assembly in 1954. Only in 1961, at its third assembly, was the ecumenical body able to say, "In Christian teaching, the historic events which led to the crucifixion should not be so presented as to impose upon the Jewish people of today responsibilities which must fall on all humanity, not on one race or community." For the first time in Christian history, a representative body of the worldwide Church denied the charge of deicide, the charge that "the Jews" killed God and are still today responsible for that act.

The breakthrough that ushered in a surge of Christian reevaluation of Judaism came with the promulgation by the Second Vatican Council in 1965 of a statement entitled "Declaration on the Relationship of the Church to Non-Christian Religions" (better known by its opening Latin words, "Nostra Aetate"). Section 4 acknowledged that "True, the Jewish authorities and those who followed their lead pressed for the death of Christ; still what happened in His passion cannot be charged against all Jews, without distinction, then alive, nor against the Jews of today." A significant advance over the World Council of Churches' 1961 statement in that it exonerated Jews of Jesus' day as well as modern Jews from responsibility for the death of Christ, this rejection of the deicide charge by the Roman Catholic Church legitimated Christian scholars and churches' addressing in refreshingly new ways the questions of Christianity's relation to Judaism.

Beginning in the earliest days of gentile Christianity and Rabbinic Judaism, "dialogue" between Jews and Christians had been a one-sided affair, in which Christians attempted to prove the superiority of their religion over that of their opponents. But in the wake of Vatican II, dialogue more

and more became a discussion between equals. The 1979 "Guidelines on Dialogue" of the World Council of Churches stated the principle upon which Jewish-Christian dialogue now would be conducted: "One of the functions of dialogue is to allow participants to describe and witness to their faith in their own terms. . . . Listening carefully to the neighbors' self-understanding enables Christians better to obey the commandment not to bear false witness against their neighbors. . . ."

For the first time in their history, Christians thus began to acknowledge Judaism as a valid religion in its own right that could provide positive contributions to Christian identity. Once it became unnecessary to castigate Judaism it was possible for Christians to take with theological seriousness the obvious historical fact that Jesus was a Jew who practiced one of the forms of Judaism that were the precursors of both gentile Christianity and Rabbinic Judaism.

Other theological issues that had been buried in supersessionist Christianity also began to surface, among them the role of God's covenant with Israel, the place of Torah (usually understood by Christians as "law"), and even the validity of the Hebrew Scriptures ("Old Testament") apart from the orthodox Christian conviction that their function was to predict the coming of Christ. Each of these issues continued to be debated in the churches, but the debate itself would have been impossible in earlier epochs, when nothing in Judaism was seen as having intrinsic value.

Among the many positive statements of official church theology regarding Judaism that appeared in the second half of the twentieth century, that of the Synod of the Evangelical Church of the Rhineland in 1980 stands out. In addition to confessing the guilt of "German Christendom for the Holocaust," the statement announced belief in "the permanent election of the Jewish people as the people of God and realize(d) that through Jesus Christ the church is taken into the covenant of God with his people." This theme—that Israel's covenant with God remains valid—was repeated by Protestant church assemblies throughout Europe and North America. The theological and ecclesiastical implications cry out for explication, but that remains a task for church theologians of the twenty-first century.

In 1982, the Executive Committee of the World Council of Churches issued a position paper entitled "Ecumenical Considerations on Jewish-Christian Dialogue" that attempted to summarize the thought of the Protestant and Orthodox ecumenical movement to that date. Among its many salient points was a note concerning the Talmud, the appreciative tone of which was in startling contrast with the position of earlier periods: "Judaism, with its rich history of spiritual life, produced the Talmud as the normative guide for Jewish life in thankful response to the grace of God's covenant with the people of Israel. . . . For Judaism the Talmud is central and authoritative. Judaism is more than the Scriptures of Israel."

The Vatican issued two papers as guidance for the implementation of Nostra Aetate, "Guidelines and Suggestions for Implementing the Conciliar Declaration" (1975) and "Notes on the Correct Way to Present the Jews and Judaism in Preaching and Catechesis in the Roman Catholic Church (1985). Promoted through the Church's bureaucratic structures, these documents led to the rewriting of curriculum materials to eliminate prejudice again Jews and Judaism and to the encouraging of local, national, and international dialogue-meetings between Jews and Christians.

In sum, the post-Shoah Christian reevaluation of the Jewish people produced a climate of acceptance of Jews unprecedented in Christian history. The degree to which a similar change took place relative to Judaism the religion, however, is debatable. The perceived Christian imperative to seek converts from Judaism remains solidly in place, particularly among more conservative Protestant churches. Even among mainline churches, including Roman Catholicism, the missionary impulse, albeit muted from time to time, is a constant in preaching and teaching. Though God's covenant with Israel is no longer disavowed and the churches deny taking Israel's place in the divine economy, the superiority of Christianity over Judaism (and all other religions) remains a given. The logical contradiction has never

been acknowledged, so that much theological work remains to be done.

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NOTE

[1] The third volume of Schürer's *History*, where his discussion of "legalism" principally appeared, was revised and republished in 1987 by Geza Vermes, Fergus Millar, and Martin Goodman.

Christianity, Medieval Jewish Debates with

CHRISTIANITY emerged out of first-century Judaism, and Christians have always looked upon Jews differently from how they have viewed members of other religions. The vast majority of Jews' refusal to convert to Christianity, despite the fact that Jews and Christians both regard the Hebrew Scriptures as authoritative and as predictive of the coming of the messiah, has been seen as a particular insult to the younger religion and its founder. Therefore, from the dawn of Christianity, Jews have been the target of a specific effort to convince them to become Christians. Resisting this effort, especially in medieval Christendom, was not easy for Jews, who remained the only unconverted minority in those countries. Various tactics were adopted by Christians in their attempt to win the hearts and minds of Jews, including forcing Jews to listen to conversionary sermons, engaging them in public debate, and writing of anti-Jewish polemical literature. In addition, Christians often reinforced their missionary appeal to Jews by engaging in physical violence, including murder; by expelling those Jews who refused to convert; or by offering financial or other inducements to those who would convert.

It was not easy for the Jewish leadership to combat all the various Christian tactics, but Christian literary efforts were met with a Jewish counterpart of treatises that polemicized against Christianity and defended Judaism. Some of these literary works were based on accounts of public debates that had been forced upon the Jewish participants, while others were presented as source books for Jewish believers when confronted with a missionary challenge. Although some Jewish polemical works were produced in the absence of a specific Christian threat, such as those written in Islamic countries, or where the conversionary threat was minor, in general, Jewish authors were responding to Christian pressure when they composed their controversial treatises. Polemical literature often contains arguments and statements which do not reflect the author's actual beliefs, but, nevertheless, an analysis of the Jewish anti-Christian literature in the Middle Ages allows us to evaluate one aspect of the medieval Jewish perception of Christianity and their Christian neighbors.

POLEMICAL LITERATURE IN THE MIDDLE AGES

Jewish polemical literature against Christianity, which appears first in the Middle Ages, mirrors the Christian polemical literature against Judaism in content, structure, and tone. These works were all generally intended for internal, rather than for external, use, written, that is, more to guide debaters and reinforce one's own beliefs than to convince the other side. This can be detected, for instance, in the language of the literature. Medieval Christians wrote primarily in Latin, a language unknown to most of the Jewish

elite, let alone the masses. Jews wrote in Hebrew for internal consumption. Even in Islamic countries in which Jews wrote in Arabic, the language used by Muslims, Christians, and Jews, they used the Hebrew alphabet, thereby restricting access to Jews. It is also clear that the often vituperative language in the Jewish works was not meant for general circulation (in contrast, Christians did not have to worry about an adverse Jewish reaction to their literature, which could be just as acerbic, if not more so, than Jewish polemics, because of Jewish powerlessness). One important difference, however, should be noted: the ostensible goal of the Christian authors was to convince Jews to convert, and the ostensible goal of the Jewish authors was to convince Jews not to convert (rather than to convince Christians of the falseness of Christianity). Thus, Jews were usually on the defensive, whereas Christians were on the offensive.

Since Christians were much more interested in Judaism than Jews were concerned about Christianity, Christian polemical literature has a longer history than its Jewish counterpart. In addition, Christian numerical advantage meant that there were many more anti-Jewish works composed than there were anti-Christian ones. A full description of the Jewish-Christian debate in the middle ages would require an analysis of both literatures; in the present context, description will be limited to the Jewish side of the debate with Christianity.

Medieval Jews employed a number of different literary genres in their conflict with Christianity. Some treatises were entirely dedicated to this subject and are considered polemics. Other writings, e.g., biblical commentaries or philosophical works, include arguments against Christianity even though this was not the author's main concern. Some polemical works are written as dialogues between Jewish and Christian protagonists, reflecting real or imagined events (even when a debate actually took place, there is no guarantee that the Jewish participant had indeed said what he wrote he said). Other polemical works are running commentaries on the verses from the Hebrew Bible used by Christians for Christological purposes, on New Testament verses the Jewish authors found problematic, or on Rabbinic citations adduced by the Christian debaters. Other polemical works are in the form of parodies (of letters or traditional texts) or poems.

In addition to employing different literary genres, the Jewish polemicists used varying types of arguments. The most common was exegetical, disputing the other side's interpretation of holy writ. Christians tended to attack Jews for their literal, "carnal" exegesis as compared to the Christian allegorical, "spiritual" interpretations of the Hebrew Bible. In contrast, Jews defended the simple meaning of the biblical text but pointed out that the Christians often took verses from the New Testament too literally. In fact, there were no hard and fast hermeneutical rules on how the Scriptures should be interpreted; one first determined what one wanted the text to say, usually in terms of one's religious traditions, and then developed the methodology that could be employed to reach that interpretation.

The polemicists also used social or historical arguments. The destruction of the Temple, Jewish exile, and the loss of Jewish sovereignty were cited by Christians as signs of divine rejection. The depressed state of the Jewish people, usually caused by discriminatory Christian laws and practices, was also pointed out as an argument for the falseness of the Jewish religion; Christian wealth and political power was a source of Christian triumphalism. Both sides referred to the social ills of the other as proof that their own religion leads to a just society. Here, too, there were no rules: poverty and persecution could be cited as proof that the believers were willing to undergo hardships for their religion, indicating its truth, or could be seen as a sign of divine displeasure. Both sides would appeal to history, but, in the absence of the end of history, theological conclusions based on temporal events could perforce be only conjectural.

The third type of arguments are those based on reason, either what might be called "common sense" contentions or arguments based on philosophy. The former might be a criticism of incarnation as unbefitting to God because of the indignities involved in human, physical existence; the latter would

refer to questions of what type of union is possible between an immutable, incorporeal God and a human body. A "common sense" refutation of transubstantiation might refer to the incongruity of God's turning into bread, being ingested and digested, and eventually being eliminated by the digestive system. A philosophical argument might analyze the properties of substance and accident and reject the possibility that one substance can turn into another substance as the result of the recitation of a few words. The polemicists incorporated some of the latest philosophical and scientific findings in their debates, in which case philosophy, indeed, became the handmaiden of theology.

Each side in the debate saw the other as acting irrationally, since each was convinced that reason reinforced the truth of its own religion. In light of the twelfth-century Christian renaissance with its emphasis on ratio, Christians became convinced that any rational being would automatically see the truth of Christianity. Since Aristotle taught that reason is the hallmark of humanity, Jews, who rejected Christianity, were often considered not to be human. Jews, however, could not understand how Christians could accept the truth of patently irrational beliefs, and they understood Christian belief as a function of coercion, habit, or desire for monetary gain. Meanwhile, the same beliefs criticized by the Jewish polemicists were those to which the Christian philosophers themselves devoted so much time and effort in pursuit of rational explanations. Here, too, what one person might consider irrational, another one might think eminently reasonable.

When analyzing the different arguments offered by the polemicists, it is useful to remember the context in which these arguments are made, as part of a polemic. The discussions were not what might be called "academic," and the authors were not searching for some vaguely defined "truth" but for effective ways of convincing their antagonists. We have quite a number of examples, from both sides of the debate, in which an author says one thing in a polemical work and something quite different in a non-polemical book. Exegetes might interpret biblical verses in a manner they might not adopt were it not for the polemical context, while philosophers might employ arguments that could be turned around and used against their own philosophy. This is not at all surprising given the nature of the genre.

It should also be remembered that Jewish life in the Christian middle ages was not a series of one tragedy after another, and Jews and Christians cooperated in various pursuits—economic, educational, intellectual—more often than they disputed with each other. Even when Jews had their own areas of residence, they were not isolated from their Christian neighbors. They attended each other's family celebrations; they worked with each other in commerce; Jewish and Christian intellectuals helped circulate Islamic learning through joint translation projects; Jews and Christians studied religious and philosophical texts together; Jews were often involved in the political life of their communities. The antagonism reflected in the polemical literature, as reinforced by our knowledge of Christian persecutions and expulsions in an attempt to convert Jews, is only part of the story of the Jewish-Christian encounter in the Middle Ages.

Given the limits of the polemical literature outlined above, it can still be used with profit as a source of the arguments proffered in the medieval controversy between Judaism and Christianity. Whereas we might not get at the truth of what occurred in every encounter, or what the polemicist really believed about a particular issue, still, an analysis of this material can give us a comprehensive picture of the manner in which Jews polemicized against Christianity, at least in treatises intended for internal consumption. Such a study will also contribute to our understanding of Jewish self-perception vis-a-vis the majority religion at a time when Jewish life in Christian Europe was often precarious.

The Beginnings of the Debate

Before turning to the medieval material, it is instructive to look at the precedents of the debate in late antiquity. The New Testament offers a number of perspectives on

Jewish attitudes towards the new religion. Although the first Christians were Jews, whose major difference from other Jews was their belief that the messiah had come and would come again, as compared with the majority Jewish belief that the messiah had yet to come but would come, there was antagonism between the groups. Acts (e.g., chapters 4–5) records attempts by the Jerusalem Temple authorities to stop the spread of Christianity, and the Gospels preserve such Jewish arguments as: if Jesus could not save himself, how could he save others (Matt. 27:42–43, and parallels); or the empty tomb on the third day was a result of chicanery and not of resurrection of the dead (Matt. 28:11–15). The antagonism to Jews and Judaism as found in the Epistles of Paul (who, himself, once tried to halt the spread of Christianity) and the Gospels undoubtedly reflects the tensions between the two groups.

Generally, though, Jews in the formative period of Christianity were not particularly interested in the new religion, and we have no anti-Christian treatises in the first centuries of Christianity which would mirror the equivalent *adversus Judaeos* literature produced at the same time (for instance, Justin Martyr's Dialogue with Trypho, which is a fictional account of a debate between Justin and a Jewish interlocutor in the mid-second century). As the Christian Apologists and Church Fathers were developing the theology of their new religion, they often wrote against Judaism as part of their own self-definition. All of this is missing in Rabbinic literature, since the rabbis were more concerned with internal Jewish issues, such as the nature of Judaism in the absence of the sacrificial cult. Nevertheless, certain negative statements or accounts about Jesus and the early Christians, composed during the first Christian millennium, are included in the Talmud and midrashic literature. Still, the rabbis did not devote much time or energy to combating Christianity or even to reflecting upon it.

Some of the statements concerning Jesus found in Rabbinic literature reflect parts of the Jewish narrative about the founding of Christianity which was standardized in an anonymous, caustic parody, *Toledot Yeshu* ("The History of Jesus"), whose exact date is unknown and of which remain quite a number of different versions. This treatise assumes the veracity of certain New Testament facts about Jesus' life but explains them in a manner that is much at variance with the original. Thus, the author agreed that Joseph, Mary's fiancé, was not the father of Jesus; instead, it was a Roman soldier, with whom Mary committed adultery in a state of ritual impurity, who fathered Jesus. Jesus did perform what looked like miracles, but this was only because he had stolen the divine name from the Temple through subterfuge and used it for magical purposes. Jesus was crucified on a cabbage plant, since no real tree was willing to accept him; his body was stolen from his tomb; it did not rise from the dead. This work does not embody any secret Jewish knowledge about Christianity, and contains no arguments against Christian doctrines. Its main purpose was to ridicule the founder of Christianity.

Jewish Polemics against Christianity in Islamic Countries

Despite anti-Christian traditions and statements recorded during the Rabbinic and early medieval periods, there were no full fledged, anti-Christian polemical treatises until the ninth century, and these were produced in countries under Islamic rule. This may seem surprising in light of the widespread belief that Jews argued against Christianity only when provoked, but otherwise did not object to non-Jews' holding Christian beliefs. In Islamic countries, there were sizable Christian communities, but certainly no Christian conversionary pressure. Indeed, Islam officially forbade members of one protected minority—Jews or Christians—to convert to the other minority; only conversion to Islam was permitted (and, of course, conversion from Islam to a minority religion was forbidden). Nevertheless, Christians did polemicize against Judaism, and Jews polemicized against Christianity, and both argued against the truth of Islam (even though

Jewish anti-Islamic literature is rare), in the same manner as Muslims attempted to convince members of the minority religions of the truth of Islam. This three-way debate led to the production of literary compositions in Arabic, of which the earliest, Jewish anti-Christian treatises were produced in the ninth century, probably in Iraq.

We have evidence of three anti-Christian polemical works from the ninth century, two of them written by the first medieval Jewish philosopher, Daud al-Muqammiṣ (one surviving in fragments, the other in citations by a later author), and the other the anonymous Qiṣṣat Mujadalat al-Usquf ("The Account of the Disputation of the Priest"). Al-Muqammiṣ was a prolific writer, composing a large number of treatises, including a refutation of Buddhism. He was, however, particularly well positioned to argue against Christianity because he actually had converted to that religion at one time, despite the general Islamic prohibition of such conversions, only to return to Judaism. From what we can tell, Al-Muqammiṣ argued in his polemical treatises that Jesus was not the founder of Christianity (Paul was), and that the indignities of his life precluded his claim to being the messiah. In addition, al-Muqammiṣ's extant philosophical work Ishrun Maqala ("Twenty Treatises") also included sustained anti-Christian argumentation. Since this composition dealt with the standard Christian and Islamic theological questions of God's unity and justice, it was natural for al-Muqammiṣ to turn to those issues about which the religions disagreed.

Al-Muqammiṣ's philosophical critique of Christianity is mainly concerned with the issue of divine unity and attributes. Christians in Islamic countries had argued that one could identify the Persons of the trinity with God's attributes, such that the Son was God's wisdom and the Spirit was God's life (there were variations on this theme, but generally the Father was identified with God and the other two persons with the attributes mentioned). Al-Muqammiṣ denied the validity of essential attributes which had actual existence, arguing instead that the most accurate way of describing God would be with the use of negative attributes, namely, describing what God is not. To turn God's wisdom and life into hypostases would undermine divine unity. Furthermore, although al-Muqammiṣ recognized a number of definitions of unity, relying on Aristotle's definitions of "one" as discussed by the Church Fathers and other Christians, a trinity would qualify for only the least accurate definitions of divine unity. True divine unity does not admit any multiplicity whatsoever, certainly not a triune Godhead. Al-Muqammiṣ also dismissed various Christian analogies between Persons of the trinity and natural phenomenon, such as three individuals who are all exemplars of the species "human," or three gold coins which have gold, mintage and monetary value in common, and, thus, are in some ways one and in other ways three.

The "Account of the Disputation of the Priest" is written in the form of a letter from a lapsed priest, who had converted to Judaism, to his former colleagues, explaining to them his actions. Quite a number of versions of the book remain in numerous manuscripts, indicating its popularity among Jews in Arabic speaking countries. The book is noted for its acerbity of tone and quite insulting arguments against the divinity of Jesus, e.g., how could someone who had passed through the indignities of gestation in an impure female womb, birth, nursing, dirtying diapers, sleeping, eating, becoming intoxicated, and eventually having his life terminated in a most undignified execution, possibly be considered to be God? The New Testament, which the author knew well (perhaps giving an indication that the attribution to a former priest is not totally impossible), is presented in evidence as proof that Jesus did not claim divinity, since in many verses Jesus clearly distinguished between himself and the Father. The Gospels are subjected to withering criticism, both for their contents and for their internal contradictions, e.g., Jesus' observance of the commandments of the Hebrew Scriptures as compared with Christian abandonment of them; or the genealogy of Jesus traced from David through Joseph, although Joseph presumably had no relation to Jesus. The author of this treatise also attempted some tentative

philosophical arguments against the trinity and incarnation, focusing on the impossibility that one inseparable Person of the trinity became incarnate whereas the others did not. The anti-Christian argumentation of "The Account" was picked up by Sa'd ben Mansur Ibn Kammuna (thirteenth-century Egypt) in his "Examination of the Inquiries into the Three Faiths." In addition to its popularity among Arabic speaking Jews, "The Account" was translated into Hebrew in the twelfth century and had a significant impact on future Jewish anti-Christian polemics.

Although we do not have evidence of other full treatises against Christianity from medieval Islamic areas, many Jewish authors included such material in other contexts. Saadia Gaon (882–942), the head of the Jewish academy in Babylonia (Iraq), included many anti-Christian passages in his philosophical magnum opus, Kitab al-Amanat wal-I'tiqadat ("The Book of Doctrines and Opinions"). In addition to criticism of the Christian belief in only relative, and not absolute, divine unity, Saadia also offered arguments against the doctrine of the generation and emanation of the Persons of the trinity, the Christian view that the Torah is subject to change and annulment, and the belief that biblical prophecies concerning the messiah had already been fulfilled. Saadia's major nemesis inside the Jewish camp, namely the Karaites, also contributed to the anti-Christian debate. Jacob al-Qirqisani, Saadia's contemporary in Babylonia, criticized Christianity both in his discussion of divine unity and also in the extended heresiology with which he opened his Karaite law code. The foremost Karaite biblical exegete, Yefet ben Eli in the late tenth century, peppered his biblical commentaries with criticism of Christian interpretations. Other Karaites contributed to the debate by criticism of Christian doctrines and exegesis. It is obvious, therefore, that some Jews living in Islamic countries were well aware of the doctrines and scriptures of Christianity and found them sufficiently offensive as to merit a polemical response. Their pioneering efforts were later incorporated into the Jewish-Christian debate in Christian countries.

From Islamic Lands to Christian Lands—The Twelfth Century

Jewish anti-Christian treatises and arguments circulated in Islamic countries, reaching Andalusia (the Islamic areas of the Iberian peninsula) and influencing important twelfth-century Jewish thinkers there (such as Judah Halevi, d. 1141; Abraham ibn Ezra, d. 1167; Abraham ibn Daud, d. 1180; and Maimonides, d. 1204). None of these authors penned a specifically anti-Christian treatise, but all were aware of Christian doctrines, and they commented upon them negatively in a number of ways. Although Jewish communities had already come into being at that time in Christian Europe, especially France and Germany, anti-Christian argumentation and sentiments were limited in those countries to isolated comments in biblical commentaries, chronicles of Christian massacres of Jews during the Crusades, and religious poetry, not in separate polemical treatises. Only when Iberian Jews moved from Islamic controlled territory to Christian areas in what are now northern Spain and southern France, in reaction to the Almohad persecutions of the mid-twelfth century, do we see the appearance of specifically Jewish anti-Christian literary works. The first of these books are the anonymous Sefer Nestor Ha-Komer ("The Book of Nestor the Priest," a Hebrew translation of the Arabic "Account of the Disputation of the Priest," executed before 1170); Jacob ben Reuben's Milhamot Ha-Shem ("The Wars of the Lord"); and Joseph Kimhi's Sefer Ha-Berit ("The Book of the Covenant"), both written around 1170. These earliest works reflect the argumentation which had developed in Islamic countries as well as the newly developing negative Christian attitude towards Jews and Judaism and the incipient Christian missionary campaign which reached its full growth in the thirteenth century.

"The Book of Nestor the Priest" owes its name to a passing reference in the original composition that mentions criticism of Christian doctrine by a certain Christian "Nestor," most likely a reflection of the Nestorian schism in eastern Christianity. The Hebrew translator of the treatise, working in Iberia,

most likely did not know who "Nestor" was and, therefore, made him into the author of the entire treatise. There are minor differences between the Hebrew translation and the Arabic original, including increased vulgarity, but the basic lines of argumentation against Christianity remained the same.

"The Wars of the Lord" is a long, comprehensive defense of Judaism and Jewish biblical exegesis. We know little about Jacob ben Reuben, e.g., whether his home was in Huesca in northern Iberia or in Gascogne in southern France, but we do know that he was steeped in Jewish Andalusian traditions, both philosophical and anti-Christian. After an opening chapter that offers rational refutations of the Christian doctrines of the trinity, incarnation and virgin birth, Jacob turned to a detailed, book by book refutation of Christian biblical exegesis. Any verse used by Christians to argue that their religion was foretold by the Hebrew prophets was explained as having nothing to do with Christianity, with an alternate interpretation provided. Jacob also offered partial translations of, and a vigorous argumentation against, the New Testament, inspired in part by the newly translated "Book of Nestor the Priest," which he cited by name. Jacob's familiarity with Christianity and his knowledge of Latin sources (both the New Testament and scholastic anti-Jewish treatises) indicate that there were now Jews in Christian Europe who were well prepared now to meet the challenge of Christianity.

Joseph Kimhi, a refugee from Andalusia, was an important biblical exegete and grammarian, the father of exegetes and grammarians. He wrote "The Book of the Covenant" in response to his students' requests for knowledge as to how to refute Christian doctrines (or at least so he wrote; polemical writers are notorious for stretching the facts for rhetorical advantage). Kimhi dealt with many of the same supposed Christological verses present in Jacob ben Reuben's work, but in a much less systematic and comprehensive manner. Kimhi's work is noteworthy especially for his critique of Christian society as being corrupt and violent, compared to the piety and sanctity of Jewish life. For instance, according to Kimhi, Jews go out to the highways looking for people to whom to extend home hospitality, whereas Christians roam the streets searching for potential victims of their crimes. He also accused the Christians of using allegorical interpretation of the Hebrew Scriptures in an inconsistent and self-serving manner. David Kimhi (Radak, Joseph's son, d. c. 1235) was also involved in the Jewish-Christian debate, including a number of refutations of Christian exegesis in his commentaries on the Bible. The polemical treatise attributed to David Kimhi is, however, most likely not his.

The Thirteenth Century: Public Disputations (Paris and Barcelona)

Although Christianity was always a conversionary religion, and Jews were always a desirable target for conversion, a sustained, comprehensive and orchestrated mission to the Jews was developed only at the end of the twelfth century and beginning of the thirteenth. Under the influence of the newly founded Christian monastic orders of Dominicans and Franciscans, and with the active cooperation of a number of Jewish apostates to Christianity, Christians began to attack Judaism in earnest. A sustained campaign to convince Jews, often backed up with support from the secular authorities, included the allocation of financial resources and the development of innovative argumentation. A major element in this Christian offensive was the targeting of the Talmud and Rabbinic literature in general, attempting to undermine Judaism as it was actually observed in medieval Europe.

Christians were relatively slow at discovering the Talmud. For centuries, Christian anti-Jewish polemical literature concentrated on biblical testimonia, namely, verses from the Hebrew Bible that, according to Christianity, had been fulfilled in the New Testament. Christian images of the Jew were derived from either biblical or New Testament sources, with little attention paid to how contemporary Jews actually lived their lives. Given the fact that Judaism is not a biblical religion, since the Rabbinic interpretation

of the Bible in the Talmud is much more significant than the biblical text, it follows that a concatenation of biblical prooftexts for Christianity, as propagated in the standard Christian polemical treatise, was unlikely to convince Jews to abandon their religion. Christians began to realize that if they wanted to persuade Jews as to the truth of their religion, they would have to speak the Jewish language, namely the language of the Talmud. The context in which the Talmud was first extensively employed for polemical purposes was in public disputations in which Jews were forced to defend themselves against Christian charges, with the Christians serving as both prosecutors and judges. The first two outstanding public disputations were in Paris, 1240, and Barcelona, 1263. There are both Christian and Jewish accounts of these events, so we have a pretty good idea of what transpired there.

Christian controversialists employed the Talmud in two different manners. First, some of them argued that the Talmud and Midrash are full of blasphemies, both because of their descriptions of God and also for their negative comments about Jesus. Talmudic law was ridiculed as based on mistaken interpretations of biblical prescriptions, and Rabbinic attacks on idolaters were understood as offensive to Christianity. In light of its negative content, the Talmud was deserving of being destroyed. This is the tactic followed in the Disputation of Paris.

The second use of the Talmud was for the purpose of proving the truth of Christianity through Rabbinic prooftexts. Since Jews held on tenaciously to the Talmud, if it could be demonstrated that that very same Talmud held out no hope for future redemption because the Talmud itself taught that the Messiah had already arrived, and that other major Christian doctrines were held by the rabbis, then perhaps Jews could be induced to leave Judaism and transfer their loyalties to Christianity. Although the Talmud was generally not highly regarded by the Christians, it was felt that certain passages from it would be useful in the anti-Jewish campaign. The tactic of employing the Talmud for the purpose of undermining Judaism was first exhibited at the Disputation of Barcelona.

The Disputation of Paris was in essence a public inquisitorial procedure in which the Talmud was put on trial. The Christians were represented by Nicholas Donin, who had converted to Christianity from Judaism after having been accused of deviant views. He had encouraged Pope Gregory IX to issue a letter condemning the Talmud and advocating that its blasphemies be investigated, and Gregory's suggestions were taken up by the French authorities under King Louis IX and the Queen Mother Blanche, who presided at the disputation. The main Jewish representative was Rabbi Jehiel of Paris, one of the authors of the Tosafot Commentary on the Talmud, although he was joined by a number of other prominent rabbis.

Donin attempted to demonstrate that the Talmud was a blasphemous book, attacking Jesus and Christianity. Jehiel responded by asserting that although there are unflattering references to a "Jesus" in Talmudic literature, this was not Jesus of Nazareth, the Christian messiah. Many men in France might be named Louis, Jehiel argued, but not all of them are the king. Since Louis was actually a name usually reserved for royalty, it is unclear how serious Jehiel was in his distinction between the Rabbinic and Christian Jesuses, but it was clear that an admission to the Talmudic statements about Jesus as referring to the founder of Christianity would be dangerous. In terms of negative references in Rabbinic literature to Christians, Jehiel argued correctly that the statements adduced by Donin referred to idolaters contemporary with the rabbis and not to medieval Christians. In contrast to the Talmudic prohibitions of conducting business with idolaters before their holidays, Jehiel pointed out that Jews indeed carried on a brisk trade with Christians before the latter's holidays. This argument apparently did not impress the Christians, since in the contemporary circumstances, the only non-Jews with which the Jews had contact were Christians, and, therefore, it was obvious to the Christians that Jewish antagonism to idolaters was directed at them. Jehiel also defended Talmudic legal reasoning, again

without making much of an impression on his interlocutors. The Talmud was eventually found guilty, and multiple copies of it were burned in Paris in 1242; Jehiel spent the end of his life in the Land of Israel.

At the Disputation of Barcelona, held under the auspices of King James I of Aragon, the Christians were represented by Fra Pablo Christiani, another apostate who was capable of reading Rabbinic literature and who apparently was responsible for initiating Christian use of that literature for the purpose of undermining Judaism. Other prominent Christians, including Fra Raymond of Pennaforte, were also present. The Jewish spokesman was the leading Jewish scholar of the day, Rabbi Moses ben Nahman (Nahmanides, 1194–1270), a talmudist, exegete and mystic. Undoubtedly, Christians designated Nahmanides as the Jewish interlocutor hoping that his admission of the truth of the Christian arguments would lead to wide scale Jewish conversion.

Obviously, the Talmud could not be used to confirm that Jesus himself was the messiah, since it postdates Jesus, and the rabbis were not Christians. The Christians hoped, though, that they could elicit an admission that the rabbis taught that the messiah had already come; such an admission would automatically confirm that Jesus was that messiah, since he was the only candidate for this designation. Thus, Pablo adduced a number of Rabbinic passages that seem to indicate that the messiah had already been born and that at least one of the rabbis had sighted him at the gates of Rome. Nahmanides responded that the "birth" of the messiah must be distinguished from the "coming" of the messiah, and that even if the messiah was already alive (he jokingly suggested that King James send representatives to the gates of Toledo to look for him), this did not mean that the world had been redeemed and that Christianity was true. Nahmanides argued that even if a literal explanation of the midrashim indicates that the messiah was by now over 1,000 years old, this is not a problem since human mortality was a result of Adam's sin and the messiah would not be affected by it. Other Rabbinic passages were adduced by the Christians to argue that the messiah would be both divine and human; the contemporary lack of Jewish self government was an indication that the messianic age was already in effect; the rabbis believed in a suffering and dying messiah, rather than a conquering one; and Rabbinic exegesis of the Book of Daniel supports Christian beliefs concerning messianic chronology.

In his account of the Disputation, Nahmanides recorded that he reacted with disdain towards Pablo's arguments and scholarly ability. Nevertheless, there are signs that Nahmanides was very much on the defensive in the disputation. For instance, he admitted in the debate that there were Rabbinic statements, encapsulated in certain midrashim, that lacked authority and, therefore, he did not accept them, undoubtedly undermining his argumentation (the Latin account of the disputation stresses this concession). He also argued unconvincingly that the messianic belief was not central to Judaism, in essence saying that he preferred exile under King James, where he would be rewarded for his steadfastness to Judaism, rather than life under the messiah, at which time adherence to Judaism would be self-evident. Pablo was unsuccessful, however, in prodding Nahmanides to admit his central proposition, namely, that Rabbinic literature confirms the truth of Christianity. As Nahmanides recorded the events of the disputation, his answers to Pablo's accusations caused much antagonism among the Christian audience, and he tried a number of times to have the disputation cancelled. Apparently he was somewhat successful, since not all the topics initially slated for discussion came up. At the conclusion of the disputation, the Christian protagonists made a visit to the Barcelona synagogue on the Sabbath, preaching the truth of the trinity.

Many students of the medieval debate argue which side "won" the Barcelona Disputation, a question that can be answered only after a clear cut definition of what winning means. Furthermore, since both sides did their best to put the most positive "spin" on the event in their written accounts, and there exists no unbiased word-by-word protocol of the disputation, one's view of who "won" the debate is colored by whose account one believes is more reliable. The

Disputation of Barcelona is significant, however, not in terms of who won but as an important milestone in the medieval debate. The disputation initiated the Christian search for Christological prooftexts in Rabbinic literature (a highlight of which is Raymund Martini's Pugio Fidei, 1278), and the necessity for a Jewish defense against this tactic. It also demonstrated the lengths to which Christians were now prepared to go in converting Jews to their religion, including close study of sacred Jewish texts and the allocation of resources to the conversionary campaigns. Nahmanides, for his part, was forced to leave Catalonia, perhaps because of the irreverent tone of his account of the disputation, and, like Jehiel of Paris, he spent the end of his life in the land of Israel. Fra Pablo, however, continued in his missionary campaign, apparently engaging Jews in public debate as far away as Paris.

The Thirteenth and Fourteenth Centuries—The Debate in France, Germany, Provence, Italy, and Spain

Although public debate and use of Rabbinic literature as a topic of controversy were the major innovations in the thirteenth century, quite a number of more traditional anti-Christian polemical works were produced by Jews throughout Christian Europe during that period. These treatises reflect the variant styles of their authors, the specific concerns in the areas in which they were composed, and the Christianity known to the authors as a result of the Christian mission to the Jews.

In the Franco-German sphere, the two most outstanding thirteenth century treatises are Joseph ben Nathan Official's Sefer Yosef Ha-Meqanneh ("The Book of Joseph the Zealous") and the anonymous Sefer Niššaḥon Yashan ("The Old Book of Polemic," distinguished from the early fifteenth-century Sefer Niššaḥon of Yom Tob Lipmann Mühlhausen). These two books are concerned first and foremost with scriptural interpretation, both the Hebrew Bible and the New Testament. As befitting Ashkenazic treatises, theology is of lesser importance, even though Niššaḥon Yashan has some references to specific Christian doctrines. This latter work is also known for its strongly acerbic style, mocking the names of Christian saints such as Mary and Peter by the use of disrespectful puns; accusing the Christian clergy of gross immorality (for instance, the purpose of confession is described as the means by which priests would learn which women were adulterous, information which was later used by the priests to their own sexual advantage); and ridiculing Christian beliefs and practices.

A major thirteenth-century Provencçal polemic was Rabbi Meir ben Simeon's Milhemet Mitzvah ("Obligatory War"), a work written over the course of many years and recording some of the public disputes in which the author took part. One of the issues discussed is the permissibility of Jews' lending of money at interest, a practice that was one of the major sources of Jewish income in light of the medieval closure of many other occupations to Jews. Although biblical law prohibits Jews from lending at interest to other Jews, they are allowed to make such loans to non-Jews. The Christians had more or less forced Jews into the money lending business, and they themselves benefited from the credit extended to them by Jewish money lenders; nevertheless, the issue caused major tensions between the two groups. Meir defended the Jewish right to lend money to Christians and denied that this was an immoral act.

Two important polemical works are extant from thirteenth-century Italy, Ta'anot ("Arguments") by Moses ben Solomon of Salerno (d. 1279) and Edut Ha-Shem Ne'emanah ("The Testimony of the Lord is Sure," cf. Psalms 19:8) by Solomon ben Moses ben Yekutiel Min Ha-Adumim (de' Rossi, d. c. 1284). The former is the first attempt at a sustained Jewish philosophical critique of Christianity based upon Maimonidean and Aristotelian philosophy, and it demonstrates a close familiarity with Christians and Christianity. For instance, Moses mentioned arguments he had with a number of contemporaries, such as Nicholas of Giovinazzo, who was his partner in the study of Maimonides' The Guide of the Perplexed, upon which Moses wrote a commentary. He also was apparently versed in the works of

Thomas Aquinas, who is not mentioned by name, since a number of Moses' anti-Christian contentions had already appeared, with refutations, in Thomas' works.

The major Christian doctrines discussed in Moses' "Arguments" are trinity and incarnation. Basing himself on several Maimonidean passages, Moses argued that Christianity is rationally indefensible. God cannot be both one and three, both incorporeal and incarnate. If God is truly unitive, then one Person of the trinity could not have become incarnate while the other two Persons remained as they were. Incarnation implies the mutability, passivity and motion of God, qualities which all would agree are not proper to attribute to the divinity. The created, mortal body of Jesus could not be the eternal God, and after the crucifixion, it could not be God at the same time as it was a dead body.

In contrast to Moses ben Solomon, who reveled in his contacts with Christians and seemed to have had no problems engaging them in debates, Solomon ben Moses suggested that Jews try to avoid debating with Christians since no matter what the outcome, such activities are invariably injurious to the Jews. Apparently, street corner debates were common during this period, despite the efforts of the authorities on both sides to limit them. Solomon also advocated the eschewal of certain theological topics in the debates, concentrating instead on biblical prooftexts to argue that the Messiah had not yet come, thereby, in essence, providing his readers with a Jewish book of testimonia.

With the conclusion of the thirteenth century, Christian pressure on Jews increased. Jews were expelled from England in 1290 and from France in 1306 and again in 1394. Other Jewish apostates entered into the debate from the Christian side, the most notable of whom was Abner of Burgos (Alphonso de Valladolid, d. 1340). Abner used his vast erudition in both Rabbinic and Jewish mystical sources to create innovative argumentation against his former co-religionists. He was also capable of writing conversionary treatises in Hebrew, making them accessible to a Jewish audience (as noted, the polemicists generally wrote to members of their own religious groups, using their own internal languages, producing guides for debaters rather than works intending to convince adherents of the other religion). Abner's polemics were answered by a number of Iberian Jewish authors, including his former friend Isaac Pulgar and Shem Tov ibn Shaprut. Both Ibn Shaprut, and another noted late fourteenth century Spanish polemicist, Moses Ha-Kohen of Tordesillas, engaged in public debates with Christian clergy and wrote comprehensive polemical treatises against Christianity, dealing with exegesis of biblical, New Testament and Rabbinic passages, as well as questions of theology and philosophy.

Philosophical Polemics

Although the standard Ashkenazic polemic included very little theological or philosophical content, reflecting the interests of Ashkenazic Jewry, Sephardic treatises employed philosophical tools extensively in the debate with Christianity. This was particularly pronounced in the aftermath of the Iberian riots of 1391, during which a large number of Jews underwent forced conversions to avoid being murdered by rampaging Christian mobs (theoretically, Christians did not accept the validity of coerced conversions, but, in practice, they welcomed converts who had undergone baptism only under the threat of death). Other Spanish Jews converted, or were on the threshold of conversion, either from conviction or from fatigue brought about by constant Christian pressure. Many of these Jews were philosophically educated, and, hence, a philosophical polemic in this context might have been effective in stemming the tide of apostasy.

In light of some of the teachings of the Muslim Averroes (d. 1198), the philosophical polemicists were aware that reason and religion shared separate spheres of discourse, and, therefore, they could not prove the truth of Judaism by using philosophy. Nevertheless, they adopted the theory that even if reason could not be used to prove the truth of any religion, it could be used to demonstrate that a particular faith is rationally impossible. If a religion teaches doctrines which are themselves self-contradictory,

or are contradicted by self-evident truths and the conclusions reached on the basis of self-evident truths and logical analysis, then that religion must be false. A religion not contradicted by reason is possibly true even if its truth cannot be demonstrated. Using this theory, Jewish philosophical polemicists argued that Christian doctrines were rationally unsustainable whereas Jewish doctrines were rationally possible; Christianity cannot be a true religion, but Judaism can be (and, is assumed to be) true.

The two outstanding practitioners of the philosophical polemic were Hasdai Crescas (d. 1410/11), the leader of Aragonese and Catalonian Jewry at the end of the fourteenth century (and last great original medieval Jewish philosopher); and a member of his intellectual circle, Profiat Duran (d. c. 1414). Crescas wrote two anti-Christian polemics in an Iberian language, probably Catalan. Both of these are lost, but one survived in a Hebrew translation/paraphrase by Joseph ben Shem Tov, Bittul Iqqarei Ha-Nosrim ("The Refutation of the Christian Principles," 1398; translated, 1451). Crescas presented Christianity as a religion that maintains ten principle beliefs: original sin, redemption, trinity, incarnation, virgin birth, baptism, transubstantiation, messiah, a new Law, and demons. Each one of these doctrines is based upon certain presuppositions, some of which are also accepted by Judaism and some are not. By a close analysis of the Christian doctrines, Crescas sought to demonstrate the rational incompatibility of these beliefs with reason and with each other. Of interest is the fact that some of Crescas' criticism of Christianity could be applied to his own philosophical teachings, such as his theory of positive divine attributes (compared to his criticism of the trinity), and his belief in eternal creation (compared to his criticism of eternal generation of the Son by the Father). The discrepancies between Crescas' philosophical and polemical works were already noticed soon after the composition of these treatises. Since, however, "The Refutation" is a polemical treatise in which the same canons of consistency and probity as in philosophical writing do not hold, it is unclear that too much should be read into these inconsistencies.

Profiat Duran was apparently forced to convert in 1391, intending, with another fellow convert, to flee Iberia and return to Judaism. After this event, he wrote two anti-Christian treatises, both in Hebrew. The first treatise, Iggeret al Tehi Ka-Avotekha ("The Epistle Do Not Be Like Your Fathers," cf. Zech. 1:4; 2 Chron. 30:7; c. 1394/1395) was addressed to his former friend who had decided to remain a Christian. It is a satirical letter in which Duran presumably encouraged his friend to turn his back on his fathers' religion and stay with Christianity, assuming that the more irrational Christianity is, the more acceptable it is. Thus, Duran gave many examples of Christian beliefs, especially transubstantiation, which are based on irrational premises; most of his arguments against transubstantiation were well known among Christian theologians, appearing, for instance, in the works of Thomas Aquinas who tried to refute them, and they are similar to ones which were being made by certain contemporary proto-reformers. Duran's intention, of course, was not to support, or even to reform Christianity, but to undermine it, expecting that the discriminating reader would understand that Duran was making a mockery of Christianity. There is a tradition that some Christian readers did not understand the point of the letter, and they translated it into Latin, corrupting the Hebrew title into the meaningless Alteca Boteca. It is difficult to believe, however, that the irony of the author was not clear to any reader.

The other treatise Duran wrote was Sefer Kelimmat Ha-Goyim ("The Book of the Disgrace of the Gentiles," cf. Ezek. 34:29, et al.; c. 1396). This very learned composition compares Jesus' beliefs as recorded in the New Testament with contemporary Christian practices, attempting to demonstrate that the Christians themselves are disloyal to their founder's desires. Duran distinguished between Jesus himself, often presented as a misfortunate ignoramus, and Paul, who established Christianity. Jesus was solely mistaken, whereas Paul was a misleader of other people. Duran cited Christian literature with great authority and familiarity, including recent books of Christian theology. He also explained the doctrine of

the trinity as a mistaken application of the Qabbalistic theory of divine realms (*sefirot*) and defended the perfection of the Torah as compared with the New Testament. Other topics in the book are the status of the pope, issues relating to Mary, mother of Jesus, scriptural mistakes made by Jesus and his disciples, the erroneous chronology of the Christian era, and mistakes in Jerome's translation of the Hebrew Bible.

The Fifteenth Century

There was one more outstanding public disputation in the middle ages, that of Tortosa (1413–1414). This disputation was also initiated by a Jewish apostate, Geronimo de Sante Fe (who, under his original name of Joshua Lorki, had once engaged in anti-Christian polemics). Geronimo continued the Christian tradition of arguing for the truth of his religion through the citation of Rabbinic sources. What was significant at Tortosa was not so much the argumentation, which by then was well known on both sides, but the fact that the Christian authorities forced the entire Iberian Jewish leadership to participate in the disputation. Since the event lasted for a year and a half, during which time the Jewish representatives were forbidden to return home, many Jewish communities were left unprotected against Christian missionaries who were sent out during the debates. The trauma at Tortosa was considerable, and even some of the Jewish participants ended up converting. The presence of large numbers of New Christians, some sincere in their beliefs but others just pretending (known as Anusim, "forced ones," or Marranos, apparently from the Spanish word for pigs), was a major feature of Jewish life in Spain in the century before the expulsion of 1492 and contributed to the bitterness of the debate between the two religions and the worsening relations which culminated in the expulsion.

Some Iberian Jewish polemicists in the fifteenth century continued the defense against Christian pressure with a combination of scriptural and philosophical arguments. Simon ben Zemah Duran (d. 1444) included anti-Christian material in some of his philosophical works, as did Joseph Albo (first half fifteenth century), who was a participant in the Disputation of Tortosa. Albo's main treatise is the Sefer Ha-Iqqarim ("The Book of Roots"), which analyzes the root principles of any true divine religion. Although not presented as an anti-Christian polemic, from the way Albo framed the discussion, it is obvious that he intended his Jewish readership to understand that Christianity cannot be a true religion since its doctrines are contradicted by reason and are at variance with the principles of a true religion. Albo had included in his work a chapter based, or so he says, on a public debate he had with a Christian clergyman. Since, however, the arguments are the same ones found in earlier works, most notably Profiat Duran's "Disgrace of the Gentiles," it is unlikely that this chapter did, indeed, reproduce an actual historical event. Hayyim ibn Musa (d. c. 1460) wrote Magen va-Roma· ("Shield and Spear") which sets out ground rules for the Jewish debater, as he himself took on a number of Christian scholars, most notably the important Christian exegete Nicholas de Lyra (d. 1349).

At the end of the fifteenth century, Jews were expelled from Spain as a result of the unification of the peninsula under the Catholic monarchs, Ferdinand of Aragon and Isabella of Castile. This event, which in later Jewish historiography is considered a major watershed in Jewish history and a tragedy of untold proportions, had little affect on the ongoing Jewish-Christian debate. One of the expelled Jews, Don Isaac Abravanel, who had served as a treasurer for both Portuguese and Spanish royalty, wrote a number of polemical works in Italy, his new home. These works, whose major topics are a defense of Rabbinic literature and arguments that the messianic prophecies had not yet been fulfilled, were not significantly different from polemics written before the expulsion.

Jews in other parts of Europe also composed polemical works in the fifteenth century. Yom Tov Lipmann Mühlhausen of Prague was apparently prompted to write his Sefer Niššaḥon ("The Book of Polemic") in light of anti-Jewish riots in 1399, initiated by charges against Jews made by an

apostate named Peter (formerly, Pesah). This comprehensive work, based on a running commentary of central biblical verses in the manner of Niššaḥon Yashan, took on not only Christians but also other groups that seemed to undermine Rabbinic Judaism (such as Karaites). Mühlhausen employed a range of argumentation against Christianity, including philosophical, indicating that Sephardic interest in philosophy and methods of polemics had reached central Europe by the end of the fourteenth century. The treatise concludes with Mühlhausen's response to Peter's accusation, arguing (unconvincingly) that Jews did not mock Christian sancta.

At the end of the fifteenth century, the Italian Jewish author Abraham Farissol wrote a comprehensive polemic against Christianity, Magen Avraham ("The Shield of Abraham"). This work, partially based upon public debates in Ferrara, includes many of the by now familiar themes in the medieval Jewish-Christian debate: exegesis of biblical texts; discussion of social issues, such as lending money at interest; and philosophical argumentation against Christian doctrines.

Into the Modern Era

There are a number of opinions as to when the Jewish middle ages ended, but, whatever date one gives, it is clear that the medieval polemical models extended into the modern period. As late as the eighteenth century Jews were writing anti-Christian treatises very similar to those written hundreds of years earlier (even if sometimes expressed now in the vernacular rather than in Hebrew). Even Moses Mendelssohn, the major figure of the Jewish Enlightenment (d. 1786), who tried to avoid controversy with his Christian contemporaries, reverted to medieval models when forced to explain his rejection of conversion to Christianity, both in his letter to Karl-Wilhelm, hereditary prince of Braunschweig-Wolfenbüttel, and in his responses to the challenges of Johann Caspar Lavater. The basic reason for the ongoing use of the medieval precedents is the fact that the issues that divided Judaism and Christianity did not change with the advent of modernity. With the weakening of both traditional Christianity and traditional Judaism, the debate between the two religions has a certain reduced immediacy, but to the extent that contemporary believing Jews and Christians engage in controversy, their arguments are still generally those developed during the Middle Ages.

A major center of the Jewish-Christian debate after 1492 was Italy. Mention has already been made of Abraham Farissol's and Isaac Abravanel's polemical works. In the sixteenth century, Yair ben Shabbetai's Ḥerev Pifiyot ("Two-Edged Sword") discussed biblical verses and theological questions, in addition to listing one hundred signs of the messianic era which had not yet been fulfilled. Elijah Hayyim ben Benjamin of Genazzano gave an account of his public disputation with Fra Francisco di Aquapendente, in which they discussed original sin, abrogation of the Torah, and the lowly state of the Jewish people. In the seventeenth century, Judah Aryeh (Leone) Modena, the prolific rabbi of Venice, completed half of a polemic, Magen va-Ḥerev ("Shield and Sword"), which refuted the Christian doctrines of original sin, trinity, incarnation, virgin birth and the new messianic age. Modena was very familiar with Christian literature, citing, for instance, Thomas Aquinas by name. Azriel Petahia ben Moshe Alatino presented a record of a debate in Ferrara, 1617, with Alphonso Caraciolla.

Jewish familiarity with Christianity, as well as signs of the impact of modernity, can be detected in a number of Jewish anti-Christian polemics written in eighteenth-century Italy. Jonah Ha-Kohen Rappa wrote a parody on the Passover Haggadah, entitled Pilpul Al Zeman Zemanim Zemaneihem ("The Discourse of Time, Times and Their Times," cf. B. Meg. 2a), as a framework for his criticism of Christianity. Among his other polemical works, Aaron Hayyim Volterra wrote a poem of a hundred stanzas (Makkot Li-Khesil Meah, "One Hundred Blows for the Fool"), and the author's own commentary on his poem, criticizing major Christian doctrines. Judah Leon Briel, and

his student Joshua Segre, wrote a number of extensive anti-Christian polemics, and Saul ben Joseph Merari was apparently the author of a small treatise, also entitled Óerev Pifiyot, which records the presumed debate between a Jew and a priest.

Mention should be made as well of Isaac ben Abraham of Troki the Karaite's Hizzuq Emunah ("Faith Strengthened"), composed in Eastern Europe at the end of the sixteenth century. This work is an encyclopedic attack on Christianity, both a defense of Jewish interpretations of the Hebrew Bible and a critical reading of the New Testament, firmly in the tradition of the medieval controversial literature. This work was widely accepted among Rabbanite Jews, despite its Karaite authorship and its lack of defense of Rabbinic literature, by then a standard feature of Rabbanite anti-Christian polemical treatises. It was also well known among anti-Jewish Christian writers, a number of whom felt the necessity to respond to it specifically. What makes Isaac's work particularly noteworthy is its knowledge of trends in the Lithuanian Reformation and his use of internal Christian controversies as an argument against the truth of the majority religion.

The Legacy of the Jewish Critique of Christianity in the Middle Ages

It is very hard to gauge how effective was the polemical literature described above. Many Jews did convert to Christianity in the Middle Ages, while many other Jews were willing to undergo exile, impoverishment and even death in order to maintain their loyalty to their religion. Did conversion to Christianity come about because of particularly strong arguments in the Christian controversial literature or weak ones in the Jewish counterpart? Or did Jews withstand conversionary pressures because of polemical treatises? Did authors of either religion succeed so well in their expressed goals that they affected the life and death decisions of their readers or hearers? In the absence of scientific surveys, and with only the suspect testimony of a handful of apostates, it is impossible to answer these questions.

What we do know, however, is that the Jewish polemical literature represents a major intellectual enterprise. Despite the dangers involved, Jewish authors produced a critique of Christianity that is impressive in its reach and its comprehensiveness. Although Jewish arguments were often borrowed from Christian literature itself, and others were devised by Jewish thinkers, what is most original in the debate is the context in which the Jews used these arguments. No aspect of Christianity was left untouched; exegesis, theology, philosophy, social practices, and morality were all under the purview of the polemicists. Christian claims of exclusive possession of rationality and truth were challenged over and over again. The dozens of treatises produced by the medieval Jews testify, therefore, to the vigor of Jewish life under Christian domination and the determination of this small minority to maintain its religious, cultural and ethnic identity. Even if the polemical works cannot be determined to have contributed to Jewish continuity by preventing mass conversion, they certainly are evidence of the strong instinct of self-preservation that accompanied the Jews in their lands of exile, an instinct that helped Jews survive and often flourish even in the most adverse circumstances.

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Circumcision

MILAH ("circumcision"), or, more properly, *brit milah* ("the covenant of circumcision"), consists of the removal of the foreskin from the penis of a baby boy, with the purpose of initiating him into the "covenant of Abraham." The term borrowed from the Rabbinic reading of Gen. 17, where Abraham and all his male heirs in perpetuity are told to practice circumcision as a sign of the covenant that God establishes with the people of Israel. As the physical and ritual rite of initiation into the covenant, circumcision is thus performed also on male converts to Judaism, regardless of their age. Already circumcised male converts undergo a shortened form of the ritual entitled *hatafat dam*, literally "a drop of blood." In this ritual, a single drop of blood is drawn from the penis as a representation of circumcision, which is performed not merely as a surgical procedure but as a religious act that brings about entry into the Jewish covenant.

In keeping with the Abraham narrative, circumcision normally occurs on the eighth day of an infant's life, counting the first day of birth (no matter what time of day birth occurs) as day one. The dictate to circumcise on the eighth day is considered so important that circumcision occurs on that day even if it is a Sabbath or holy day, even on Yom Kippur, when all "work" normally is prohibited. The rite occurs in the daytime hours, not at night, and it usually is performed in the child's home (figs. 49–50). Here guests gather, technically, to witness the covenant's being passed to another generation, and to celebrate the event by sharing a meal thereafter known as a *se'udat mitzvah*, "a feast entailed by a commandment." Despite the weightiness of the obligation to circumcise on the eighth day, circumcision may be delayed—indefinitely, if need be—for reasons of health (e.g., hemophilia) as established by medical experts. In some contemporary liberal Jewish circles, circumcision is considered optional, not mandatory, for converts.

Jewish law requires three surgical steps: (1) *milah* (lit., "circumcision" proper), that is, the removal of the outer foreskin that covers the tip (the *glans*) of the penis; (2) *periyah*, whereby an underlying mucous membrane that lies below the foreskin is peeled back and stripped away; and (3) *metsitsah*, the stanching of the blood so that the wound is fully cauterized. Today, through the use of a surgical clamp (see below), *milah* and *periyah* usually occur simultaneously.

The man (in liberal circles nowadays, a woman may serve as well) who performs the operation is known as a *mohel* (fem.: *mohelet*, pl.: *mohalim*). *Mohalim* are professionally trained in the religious ritual and surgical practice, so as to perform the ceremony rapidly and hygienically, often using modern equipment such as a surgical clamp that streamlines and facilitates the procedure according to the canons of modern medicine but in keeping with the spirit and law that marks Jewish tradition. *Mohalim* consider their job a means of serving God and are expected to exemplify Jewish wisdom and character in all they do. Nowadays, the *mohel* is commonly assisted in the ritual part of the operation by a rabbi who recites the requisite liturgy, names the child, and invokes blessing upon the boy and his family.

CIRCUMCISION IN THE BIBLE

Male circumcision is well attested in the various strands of Hebrew Scripture. Israel's narrative is organized so that it virtually begins when Abraham circumcises Isaac (Gen. 21:4) after circumcising himself and Ishmael and all the other male members of his retinue (Gen. 17:23–27). Thereupon, the Bible presents circumcision as a custom that is taken for granted as normative for all Israelite men. Jacob's sons, for instance, tell Chamor and Shechem that Israelite women cannot have uncircumcised husbands, since an uncircumcised condition for males is "a disgrace among us" (Gen. 34:13–16). When the people of Israel leave Egypt, God instructs Moses to prepare a Passover offering, of which only the circumcised may eat (Exod.

12:44, 48). Zipporah circumcises Moses' son when his uncircumcised condition threatens him with danger (Exod. 4:24–26), and Joshua assures that all Israelite males are circumcised before the people enter the Promised Land (Josh. 5:2–8). With Lev. 12:2–3, circumcision enters Israel's legal regulations for all time: "When a woman at childbirth bears a male . . . on the eighth day, the flesh of his foreskin shall be circumcised."

But the biblical editor's carefully orchestrated presentation of circumcision as a covenantal custom stretching back endlessly and without change from Abraham on is not without lacunae. Deuteronomy presents Moses' final charge to Israel as if the covenant and circumcision have nothing to do with each other. It knows a covenant involving the gift of the Land, which the Israelites will enjoy if they follow all of God's Torah, but as for circumcision, it records only the metaphoric vision that "God will circumcise your heart" (30:6), a usage picked up a century later by Jeremiah (Jer. 9:25).

If we survey the biblical narrative according to the probable date at which its several interwoven strands were composed rather than the canonical chronology imposed by the final editors, it becomes clear that even though Israelite men were indeed circumcised from a very ancient time, it was only in the post-exilic period that circumcision was associated with covenanthood. Prior to that, circumcision was associated not with covenant at all, but with the belief that circumcised males would prove more fertile. For instance, the foreskin that is stripped away is called the *orlah*, as is the first fruit of a tree that is removed while still unripened (Lev. 19:23). The male member thus is likened to a tree trunk, with its unripe growth requiring removal if the male child, like a young sapling, is to be able to bear fruit in abundance later in life.

Deuteronomy and the pre-exilic prophets do believe in the existence and importance of the covenant, but they see it as the condition by virtue of which Israel has been deeded God's chosen Land, not in any way linked to circumcision. The covenanted people must choose life over death, blessing over curse, says Moses in his final peroration (Deut. 30). Nowhere does he stipulate that they must choose also to be circumcised. The early account of the Abrahamic covenant given in Gen. 15, and datable to the Davidic-Solomonic monarchy, thus emphasizes landedness, not circumcision, an appropriate agenda for an era demanding justification for the establishment of an independent Israelite kingdom for the first time.

After the exile, however, and under theocratic hegemony, circumcision was reinterpreted theologically to be the sign of the covenant. Gen. 15 was thus recast in Gen. 17 to picture circumcision of Israelite men as the normative condition on which the covenant depends, and Leviticus—newly composed as the middle and ideologically central chapter in Israel's narrative—portrayed circumcision as a foundational cultic responsibility. By contrast, Jeremiah's pre-exilic metaphor of a circumcised heart was ignored until Christian exegetes used it to support the arguments of those within the early church who denied the necessity of circumcision (see, e.g., Rom. 4:10–12).

Circumcision becomes a sign of the covenant, therefore, only in the final strata of the Torah. Assuming a fifth century B.C.E. date for the Torah's redaction, we are left with some six or seven hundred years until the first canonical Rabbinic document, the Mishnah, comes into being. For most of that time, circumcision was practiced as a covenantal rite, not merely (or perhaps no longer at all) as a precaution against infertility, but there was still no accompanying liturgical ritual. Only at the end of that period, probably in the Tannaitic era (c. 70–200 C.E.), was a ritual script to accompany the physical operation elaborated.

The Rabbinic Ritual in Context

The ritual in question took shape through the Tannaitic era and into the early Amoraic era as well (c. second-fourth cents.), and comprised five liturgical parts, all of which are present today:

1. The circumciser (the *mohel*) recites an opening blessing, "Blessed art Thou, Lord our God, King of the universe, who has

sanctified us by your commandments and commanded us concerning circumcision."

2. The father, on whom Jewish legal responsibility to circumcise his son technically devolves, says, "Blessed art Thou, Lord our God, King of the Universe, who has sanctified us by your commandments and commanded us to admit him [the child] to the covenant of Abraham our father."

3. Those in attendance originally responded, "As you have brought him into the covenant, so may you admit him to the study of Torah and marriage." By the second or third century, this response was altered in two ways. First, to "study of Torah and marriage," the phrase, ". . . and to good deeds" was added. A midrashic fragment (Ec. Rab. 3:3) suggests that the addition was a response to a folk belief that good deeds, a prophylactic against early death, should be sought at the moment of circumcision when demonic forces threaten to cut short a child's life. In addition, the inclusion of "good deeds" probably played a polemical role in the Jewish-Christian debate on the efficacy of works over faith.

Second, it was recognized that good deeds (unlike Torah study and marriage) constituted something to which the father could not reasonably be expected to admit his son. Instead of charging the father to continue raising his child in proper covenantal fashion by admitting him to Torah, marriage (and now, good deeds as well), the bystanders began voicing the pious wish, "Just as he [the child] has entered the covenant of circumcision, so may he enter Torah, marriage and good deeds"—that is, the burden of responsibility was rhetorically displaced from the father onto the child himself, in a rephrasing of the response that is found to this day.

4. The *Mohel* adds:

> Blessed art Thou, Lord our God, King of the universe, who sanctified the beloved one [Abraham] in the womb. He [God] set a statute in his [Abraham's] flesh, and he [Abraham] stamped his descendants with the sign of the holy covenant. Therefore, as a reward for this, O living God, our Portion and our Rock, command [i.e., the imperative; or, in other texts, the perfect, or past, tense, "commanded"] that the beloved of our flesh shall be delivered from the pit. Blessed art Thou, Lord, who makes a covenant.

Our current version of this blessing differs somewhat, containing redundant material added through the ages; the designation of the subject—given here in brackets—follows, in part, medieval exegesis, on which, however, opinion differed, some authorities believing that the prayer included reference to all three patriarchs, Abraham, Isaac, and Jacob (cf. Tosafot to B. Shab. 137b, s.v. *yedid*).

The struggle with early Christianity is evident throughout this blessing, which polemicizes in favor of the salvific character of circumcision, in contrast to the Pauline epistles, and even uses identical language to Paul (Rom. 4:11)—terminology defining circumcision as a seal or signet ring demonstrating ownership. For Paul, the seal of circumcision was just an outward sign of Abraham's prior faith, so that ever after, it was faith that mattered, while circumcision was allowed to lapse. For the rabbis, circumcision remained the eternal sign of the covenant. Church fathers continued to interpret circumcision as the visible outward sign of a similarly outward covenant of the flesh, which had been superseded by an inner covenant of the spirit. Circumcision remained an outward sign, they charged, but only of that very Jewish contumacy that lost the Jews their covenanted Land of Israel (Tertullian, *An Answer to the Jews*). The rabbis responded by reaffirming the eternal validity of the covenant, the absolute necessity of circumcision, and Israel's everlasting ownership of the Land. They therefore inserted reference to the obligation of circumcision in the second blessing of the Grace after Meals (*Birkat Ha'aretz*), which thanks God for the gift of the Land.

5. There is reason to believe that the early ritual contained at least some sort of prayer to name the baby. John the Baptist was named at his circumcision (Luke 1:59–63). The absence of any prayer ritual in that account may indicate only its author's lack of concern with whatever blessings people normally said; or it may be that the liturgy in question postdates Luke's account and must be dated only in the second cen-

tury, after Luke but before the Mishnah's codification. In either case, however, we know at least that names were bestowed at the circumcision, even if we do not know what prayers were said at the naming. In any event, we do have a naming prayer in today's rite. Its traditional version reads in part:

> Our God and God of our fathers, sustain this child to his father and to his mother, and let his name in Israel be (so-and-so, son of so-and-so, his father). Let the father rejoice in what has come forth from his loins, and let the mother be happy with the fruit of her womb, as it is written: "Let your father and mother rejoice, and let her that bore you be happy" (Prov. 23:25); and it is said, "I passed by you and saw you wallowing in your blood, and I said to you: 'In your blood, live;' I said to you: 'In your blood, live'" (Ezek. 16:6).

This particular prayer is unattested in the Tannaitic record. But neither the Mishnah nor the Tosefta contains comprehensive records of Tannaitic ritual, and at least one medieval authority (Eliezer ben Joel Halevi, c. 1140–c. 1225) says he saw this prayer in his edition of the Palestinian Talmud. Moreover, a parallel prayer can be found in *Seder Rav* Amram (ninth cent.), petitioning also for the health of mother and child. Its composition in Palestinian Aramaic suggests that it was an early alternative to the version that eventually became customary. We may conclude, therefore, that the early ritual too ended with naming the child and praying for his health and that of his mother.

Of greatest interest here is Ezek. 16:6, which is cited prominently in today's prayer but which occurs also in second-century sources, within the context again of anti-Christian polemic: "I passed by you and saw you wallowing in your blood, and I said to you: 'In your blood, live;' I said to you: 'In your blood, live.'" Its significance in the context of the debate on the efficacy of works over faith is evident from the following second century midrash (*Mekhilta Bo*, Chap. 5.):

> Rabbi Matia ben Cheresh used by say, "Behold, it says, 'I passed by you and looked at you and saw it was a time of love' (Ezek. 16:8). This means the time had arrived for God's vow to Abraham to be fulfilled, namely, that He would save his children. But as yet they had no commandments to perform, by virtue of which they might merit redemption. . . . As it says, "Your breasts were fashioned and your hair had grown, but you were naked" (Ezek. 16:8), meaning that they were naked of all commandments. God therefore assigned them two commandments: the sacrifice of the paschal lamb, and circumcision, which they were to perform so as to merit being saved, as it says: "I passed by you and saw you wallowing in your blood, and I said, 'By your blood live. . . . By your blood live'" (Ezek. 16:6). . . . *One cannot obtain reward except by deeds.*

As the Ezekiel exegesis demonstrates, the central symbol of the circumcision ritual was its blood. Regularly, therefore, we find reference not only to the salvific nature of the rite in general, but more specifically, to the saving merit of circumcision blood. Nowadays, a blessing accompanies the symbolic placing of wine on the lips of the baby boy just after the circumcision wound has been cauterized. It is virtually certain that in early Rabbinic Jewish tradition, as in Christian, wine symbolized blood: Y. Pes. 10:3, for instance, defines wine-made *charoset*—a paste of honey and nuts eaten at Passover to symbolize the mortar used by the Israelite slaves—as "a remembrance of the blood [of the paschal lamb]." In the circumcision ceremony, the blessing over the wine was probably added at a later time, when the original symbolic value of the wine as blood had been forgotten. Originally, no blessing was recited here, since the wine was never meant to be consumed as such, certainly not by the adult participants; it was instead regarded as an oral transfusion of wine (= blood) for the child. In a nutshell: blood escapes the system; wine as blood enters it.

At any rate, the symbolic value of circumcision as an act of salvation is evident throughout our second century sources. It is the sign of the covenant that saves. The blood drawn in the act is equivalent to the blood of the paschal lamb that Israelites smeared on their doorposts to warn off the angel of death on the night the firstborn Egyptians were slaughtered (Exod. 12:22–23). It is the paradigmatic salvific example of a good work, practiced in every generation from Abraham onward. As such, it

has commanded the universal allegiance of Jews throughout history.

Medieval Additions

Medieval European Jews added to the symbolic prism through which circumcision's merit was perceived. An earlier midrash (Pirkei deRabbi Eliezer, chap. 29) had designated Elijah as an appropriate visitor to the circumcision, and assigned him a "seat of glory" (*moshav kavod*) there. Following the Crusades and paralleling Christian expectations of an imminent second coming of Christ, this theoretical notion crystallized in actual ritual practice, as Jews began invoking Elijah's presence in happy anticipation of messianic deliverance. In thirteenth-century Italy (*Shibbolei Haleket, Hilkhot Milah*, Section 8), the child was expressly welcomed with words indicating that he might be the messiah himself, born of the house of David. He was seated on the special seat defined by the midrash, but eventually renamed *kisei eliyahu*, "Elijah's chair."

Although the messianic symbolism has by now been forgotten, the practice of welcoming the child and calling on Elijah has been retained. The child is normally brought into the room accompanied by the recitation of biblical verses on the theme of deliverance; he is greeted at the outset with the messianic invitation from Ps. 118:26, "Blessed be he who comes" (cf., Matt. 21:9, Mark 11:9, Luke 19:38), and then placed on the chair of Elijah, who is summoned to be present at the event.

Originally, mothers had carried their sons to their circumcision, holding them during the operation. John's mother is therefore portrayed as being present in the Lukan account, and mothers drink wine and are prayed for in the ninth century *Seder Rav* Amram text. By the thirteenth century, however, Rabbi Samson bar Tzaddok of Germany complains on behalf of his teacher, Meir of Rothenberg (known as Maharam), that mothers should be removed from the ceremony because it is unseemly for women to mix with men, especially in the synagogue (where the ceremony occurred in his day), and all the more so during morning worship (when the rite was usually scheduled). A spiritual descendant of the strict pietism that dominated post-Crusade Germany, Maharam became the most influential leader of his generation, so that within a century, his opinion prevailed: women were henceforth excluded from the rite, and a newly developed ritual role of *sandek* (related etymologically to the Christian term for Godfather) evolved in the mother's place. Now the *sandek*, not the mother, held the boy for the operation.

In time, two other roles became somewhat common: the *kvatter* and the *kvatterin*, a man and a woman honored with the task of presenting the child to the *mohel*, who then gives him to the *sandek* for the procedure. The role of *sandek*, however, remained particularly valued as time went on. This is because kabbalistic theory likened the ritual more and more to a sacrifice, especially the near-sacrifice of Isaac on Mt. Moriah. In keeping with this metaphor, the current traditional rite therefore prays:

> Creator of the universe, may it be your will that this child be considered and accepted positively by You, just as if I had brought him before your throne of glory. In your great mercy, send by means of your sacred messengers [angels] a holy a pure soul to this circumcised child. . . . May his heart be open to your holy Torah like the opening of the doorway to the Temple hall.

The fourteenth century German master Jacob Moellin (known as Maharil), the leading exponent of German Jewish thought after Maharam even held that acting as a *sandek* "is greater than the commandment performed by the *mohel*, since his knees are likened to an alter as if he were offering incense to heaven" (*Sefer Maharil, Hilkhot Milah*). The sixteenth century Polish savant, Moses Isserles, codified the whole development by deciding that "the *sandek* takes precedence over the *mohel* in being called to the Torah, since a *sandek* is likened to someone who offers incense at the altar" (*Shulchan Arukh, Yoreh Deah*, 265:11).

By the sixteenth century, the ceremony had been expanded to include considerable celebration during the night prior to the

actual circumcision. Medieval exegetical tradition traced the evening's festivity to a Talmudic party known in the Mishnah as *Shavua Haben* and identified in the Gemara as *Yeshua Haben*. The etiology is false, since the Mishnaic and Talmudic events are more likely aspects of birth festivities celebrating the birth of a boy or girl and having nothing to do with circumcision *per se*, except the coincidental fact that since the celebration consumed an entire week after the baby's delivery, its final night fell by chance on the eve prior to circumcision, if the baby was a boy. Nonetheless, the heightened messianic expectation reinforced by Kabbalistic doctrine in particular established an evening celebration prior to the circumcision. It was known by various names in the vernacular, for instance, *Wachnacht* (in Germany), a term that still expresses the messianic night of watching (akin to Passover eve or the Jewish roots of the Easter vigil) as well as folkloristic motifs of protecting the boy from harm that night. The practice continues in some circles, although it has been moved to the Friday night prior to the event, and renamed *Shalom Zakhar*, or, more commonly, the Yiddish, *Shol'm Zoch'r*.

Various artistic embellishments testify to the growth of circumcision as a folkloristic highlight in the late Middle Ages, chief among them the wimple, or swaddling cloth, which goes back to sixteenth century Germany. Composed of linen (or silk for those who could afford it), it was used to wrap the infant and then cut length-wise into strips, sewn end to end to constitute a banner, and inscribed with the boy's name and birth date, as well as the wish, "As he entered the covenant, so may he enter Torah, marriage, and good deeds." The wimple would be used to wrap the Torah scroll when, years later, the boy became a *bar mitzvah* and when, later still, he was called to the Torah to be granted the honor of reciting blessings over the Sabbath Torah lection on the Sabbath prior to his marriage.

The ritual art associated with circumcision includes also circumcision knives, double-cup sets (one cup to hold the wine, and another to catch the circumcision blood), and elaborate chairs of Elijah, often a bench with two seats, one on which the boy is briefly placed during the introduction to the ritual, and the other on which the *sandek* sits while holding him for the operation.

Modern Issues

During the nineteenth century, some emancipated Jews began having second thoughts about the circumcision rite. European boys were not universally circumcised, so that Jewish practice stood out as unusual, possibly even primitive, given the mores of the period. Particularly embarrassing for Jews intent on demonstrating that they were worthy of being granted citizenship and civil rights was the fact that the sanitary bureau of Frankfort had been investigating some cases of infant fatality that were said to be traceable to the operation. When a lay society announced its intention of jettisoning the age-old rite on the grounds that it no longer represented the essence of their Mosaic faith, they encountered universal condemnation by German rabbis, even the liberals, some of whom personally opposed circumcision themselves, but who were loath to say so publicly. The rite therefore continued despite reservations that many had about its propriety (figs. 43, 44).

Again in our time, the issue has been addressed, this time on different but related grounds. Nineteenth-century opposition was rooted in evolutionism, the assumption that a mature Judaism could safely pare away the dysfunctional ritual of its youth. Today's objections come in part from feminist circles where this very masculine rite is seen as reinforcing outmoded notions of a covenant solely with men. Objections emerge also from the perception that the rite may entail sexual mutilation. Supporters of the rite champion its age-old centrality in Jewish consciousness, mentioning especially the fact that in times of persecution, Jews have willingly died rather than give up the sign of the covenant. They deny the charge of mutilation, noting that the operation may even be in the child's best interest for other than religious reasons (medical opinion goes back and forth on that score). Liberal Jews have

thus tended to retain the rite, but to do so in a way that mutes its objective features. A small local anesthetic does away with any pain that the child might encounter, and a revised ritual script emphasizes the theological status of covenanthood into which boys and girls are now equally inducted. The blessing structure of the rite is thus recited for both sexes, and the actual operation attendant upon it and relevant only to boys is relegated to the background. In the foreground is the liturgical (and egalitarian) liturgical script that emphasizes the continuity of covenanthood from generation to generation, but not the actual act of circumcision which is taken as a secondary manifestation, for boys only. The primary item becomes the covenant itself that is duly celebrated for every child now, male or female.

For many, therefore, circumcision now is hardly the central act of faith that it once was. Almost no one is aware any more of the salvific symbolism it once contained: the blood that saves, the parallelism between circumcision blood and blood of the paschal lamb, the very real hopes once invested in the child as potential messiah, or the cultic symbolism of sacrifice that dominated centuries of Rabbinic thought. But the rite still maintains its hold on the popular imagination, at least in most circles. Since baby boys in North America are systematically circumcised anyway, Jews who advocate Jewish circumcision as a religious responsibility are at least sheltered from the need to justify their own practice in the light of a contrary cultural trend, such as Germany presented a century and a half ago.

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Circumcision, The Current Controversy

FOR Jews, circumcision is first and foremost fulfillment of a divine command. But circumcision is unique among *mitzvot* in that it represents the covenant established between God and Abraham and, through Abraham, with his progeny. Since the covenant represented by circumcision is shared by the entire people of Israel, circumcision also serves as a symbol of identification as a member of the community of Israel. As stated by *Sefer ha-Hinnukh*, no. 2, circumcision is designed "to separate [Israel] from other nations in the form of their body as in their souls." Thus, circumcision carries with it a nationalistic as well as a religious meaning. It is because of that consideration that Spinoza, in his *Tractatus Theologico-Politicus* 3:53, writes that circumcision, in and of itself, is sufficient to guarantee survival of the Jewish people.[1]

Little wonder, then, that, as recorded in 2 Macc. 6:10, when Antiochus Epiphanes sought to eradicate the people of Israel he prohibited them from practicing circumcision. Jews, however, knew precisely what was at stake and responded accordingly.[2]

Perhaps astonishingly and perhaps not, gentile oppressors were aided and abetted by Jews themselves. The Hellenists of antiquity accepted assimilation not only with equanimity but with enthusiasm. Many not only renounced circumcision, as is recorded in Jubilees 15:33–34, but sought to obliterate the sign of the covenant by undergoing a painful procedure designed to make them physically indistinguishable from their neighbors.

Since circumcision is the hallmark of the Jew, when Jews became self-conscious of their identity as Jews they sought to forsake the sign of the covenant. In modern times, during the period of the French Revolution and its aftermath, circumcision increasingly came under attack by anti-Semites.

Ridicule and accusations of primitivism or barbarism by non-Jews served as an impetus for renunciation of both the sign of the covenant and the covenant itself. The call for abolition of circumcision by the Frankfurt *Verein der Reformfreunde* is a case in point.

Attacks upon circumcision by early exponents of Reform abated, in large measure, because circumcision came to be socially and culturally accepted among non-Jews because of its presumed medical benefits. With re-evaluation of the medical data in recent decades, circumcision again became ripe for attack. Many respected and well-meaning persons, particularly physicians, now discourage routine medical circumcision as medically unnecessary, economically wasteful, and, in a small number of cases, potentially deleterious. In truth, that stance is unexceptionable. After all, Judaism not only fails to demand that non-Jews subject themselves to circumcision but actually discourages the circumcision of non-Jews.[3]

Unfortunately, the measured and nuanced tones of scientific journals become both shrill and discordant when converted to the language of popular publications and the inevitable media reports. The problem currently confronting the Jewish community is discouragement of and opposition—often both strident and vehement in nature—to ritual circumcision of Jews.[4] Far too often, Jews are in the forefront of the movement and occupy leadership positions in organizations whose sole agenda is eradication of circumcision. Their attacks focus both upon the procedure itself and upon the lack of palliation of accompanying pain.

Medical Considerations

Circumcision is the oldest and most common surgical procedure performed by man.[5] It is estimated that in the United States 1.2 million newborn males are circumcised each year.[6] For a considerable period of time the rate of circumcision among the general population was extremely high. The incidence of circumcision rose to 80% in the years subsequent to World War II, but climaxed in the mid-1980s. Nevertheless, circumcision rates have consistently been higher in the United States than in any other Western country. Circumcision has been particularly prevalent among Caucasians and there has been a uniformly high statistical correspondence between circumcision of infants and the level of parents' formal education.[7]

The attitude of the medical profession toward circumcision has had a somewhat checkered history. Ostensibly, the motivating force behind the high rate of circumcision was its presumed prophylactic value. Alleged medical benefits included a decrease in the incidence of urinary tract infection and resultant kidney disease, lower susceptibility to sexually transmitted diseases, less likelihood of developing cancer of the penis as well as a lower rate of cervical cancer in sexual partners. Circumcision is also believed to protect against inflammation of the prepuce (posthitis) and of the glans (balinitis). Such inflammation is due to phimosis, i.e., stenosis of the orifice of the foreskin which may be congenital or acquired and results in inability to retract the foreskin behind the corona. Posthitis is more common in warm climates, presumably because the organisms responsible for the inflammation multiply more rapidly in the presence of heat and humidity.[8]

A noticeable decline in the incidence of circumcision in the general population followed in the wake of a re-evaluation of the practice in the 1970s by the American Academy of Pediatrics. The 1970 edition of *Standards and Recommendations of Hospital Care of Newborn Infants* published by the Committee on the Fetus and Newborn of the American Academy of Pediatrics stated that "there are no valid indications for circumcision in the neonatal period."[9] The issue was re-examined in 1975 by the Ad Hoc Task Force established by that committee. Upon review, the Task Force concluded that "there is no absolute medical indication for routine circumcision of the newborn."[10] In 1983 both the American Academy of Pediatrics and the American College of Obstetrics and Gynecology reiterated that conclusion in a jointly published work.[11]

However, subsequently discovered evidence suggested that circumcision might indeed yield medical benefits. The American Academy of Pediatrics responded to the

publication of those findings by establishing a Task Force on Circumcision. In a report issued in 1989, this Task Force concluded that "newborn circumcision prevents phimosis, paraphimosis, and balanoposthitis and has been shown to decrease the incidence of cancer of the penis among U.S. men.[12] The Task Force also found an increased incidence of cancer of the cervix in sexual partners of uncircumcised men infected with human papillomavirus. Evidence of a decreased incidence of urinary tract infection is described as tentative,[13] while evidence regarding the association of sexually transmitted diseases and circumcision is reported as conflicting. In a balanced conclusion the Task Force declared: "Newborn circumcision has potential medical benefits and advantages as well as disadvantages and risks. When circumcision is being considered, the benefits and risks should be explained to the patient and informed consent obtained."[14] The Task Force indicated that the incidence of post-operative complications following circumcision is low but studiously refrained from a recommendation for or against the procedure.

Somewhat later, the pendulum swung back, at least partially, in the direction of the findings of the 1970s. In 1997, the *Journal of the American Medical Association* published a report[15] analyzing data regarding sexual, attitudinal, and health-related experiences of circumcised and uncircumcised Americans. That report analyzed a survey conducted in 1992 that involved a nationally representative probability sample of 1511 men and 1921 women between the ages of 18 and 59. The authors of the *JAMA* analysis conclude: "We have discovered that circumcision provides no discernible prophylactic benefit."[16] Contrary to early reports, they found that circumcision "may in fact increase the likelihood of STD (sexually transmitted disease) contraction" but that "circumcised men have a slightly lessened risk of experiencing sexual dysfunction, especially among older men."[17] The latter phenomenon does not appear to have been considered in any of the earlier studies; on the contrary, earlier discussions focus upon putative diminished sexual gratification on the part of the circumcised male.[18]

Most recently, in March, 1999, the Task Force on Circumcision[19] of the American Academy of Pediatrics issued yet another "Circumcision Policy Statement." In all likelihood, that statement was prompted at least in part by the by the 1997 *JAMA* report and is a reaction to its conclusions. In contrast to the *JAMA* report, the latest policy statement of the American Academy of Pediatrics Task Force reiterates the balanced conclusions of the earlier 1989 report and in a nuanced manner is even somewhat more supportive of circumcision.

The 1999 report of the Task Force on Circumcision presents a careful review of numerous studies of urinary tract infection indicating that uncircumcised infants have a 4 to 10 or even 12-fold increased risk of urinary tract infection[20] and also concludes that there is at least a threefold increase in the risk of penile cancer in uncircumcised men. Nevertheless, the Task Force did not feel that either of these considerations is sufficient to warrant a recommendation for routine circumcision since the absolute risk of urinary tract infection is low and penile cancer even in uncircumcised males is rare.

The Task Force also cites studies indicating that circumcised males may have a diminished risk for contracting syphilis[21] and points to a substantial body of evidence linking non-circumcision with HIV infection[22] but declines to recommend circumcision on that account because it regards behavioral factors as far more significant in this regard than circumcision status.

The Task Force readily concedes that "existing scientific evidence demonstrates potential medical benefits of newborn male circumcision" but asserts that "these data are not sufficient to recommend routine neonatal circumcision."[23] The Task Force further unreservedly acknowledges that "it is legitimate for parents to take into account cultural, religious and ethnic traditions" in making a decision with regard to circumcision.[24] The Task Force recommended that when circumcision is performed, a topical anesthesia be employed.

The ambivalence of the medical profession with regard to the prophylactic benefit of circumcision should not come as a sur-

prise to students of Rabbinic literature. One searches in vain among the writings of the classical expositors of the *ta'amei ha-mitzvot*, i.e., the meaning and rationale underlying each of the commandments, for an indication that the *telos* of circumcision is avoidance of disease or promotion of health.[25] At the same time, apart from the risk from perioprative complications that were well know to the sages of the Talmud and that were far more common and far more serious in days gone by, it would be quite surprising to discover that there are health risks associated with circumcision.

Alleviation of Pain

In the absence of significant health hazards associated with the procedure, opponents of circumcision have focused upon the pain experienced by the infant.[26] Until recent years, it was generally assumed that the immature and incompletely developed neurological system of neonates left them more or less impervious to pain.[27] Many still-practicing physicians can well remember the days when major surgery was routinely performed upon neonates without benefit of any form of anesthesia other than a dose of ethanol sufficient to induce a mild state of inebriation. Pain is known to vary markedly from individual to individual; different people respond differently to identical pain stimuli. Since pain defies precise quantification it is extremely difficult to compare the pain experiences of different individuals in a scientifically meaningful way. The difficulty of assessing the degree and severity of pain in infants is compounded by their inability to communicate. Hence, despite the fact that it is now generally conceded that newborns are capable of experiencing pain, the nature and intensity of such pain remains largely unknown. Nevertheless, human compassion and decency should dictate that pain-relieving measures be adopted, at least when such measures do not present additional medical risks, even if the presence of, or potential for, pain is a matter of doubt.

The earliest local anesthetic technique for newborn[28] circumcision seems to have been the dorsal penile nerve block developed by Kirya and Werthmann in 1978.[29] The procedure involves the injection of a small quantity of 10% lidocaine (without epinephrine) in the area of the dorsal penile nerves. The work of Kirya and Werthmann received scant attention, perhaps because it was conducted without a control group, and no attempt was made to determine possible genitourinary side effects or long term behavioral effects. However, a series of studies conducted between 1982 and 1985[30] confirmed the original results and served to generate enthusiasm for the procedure.

Those findings were again confirmed in a 1988 study which showed in addition that the procedure also effectively diminished increases in serum cortisol levels.[31] It was shown that infants injected with lidocaine in the appropriate area experienced significantly less stress as evidenced by smaller decreases in transcutaneous oxygen pressure levels, less crying, and lower increases in heart rate as compared with infants circumcised in an identical manner without anesthesia.

However, employment of a dorsal nerve block is not entirely problem free. The requires skill in determining the site of the injection and in carrying out the injection itself. In addition, injection of the infant is itself a source of pain. There is also the danger, albeit a low one, of development of a hematoma at the site of the injection and of possible gangrene from accidental puncture of the dorsal artery or vein of the penis in the course of the attempt to infiltrate the underlying dorsal nerves.[32]

Obviously, were a topical anesthetic available, those problems would be avoided entirely. The first attempt to rely upon a topical anesthetic in conjunction with circumcision occurred in 1989 and met with some success.[33] The procedure involved use of a topical 40% lidocaine in acid mantle cream. Two subsequent studies were reported in 1993. In one study reported in *Pediatrics*[34] the concentration was modified and 30% lidocaine in acid mantle cream was employed. In that study the mean heart rate, respiratory rate, oxygen capture and diastolic blood pressure did not vary significantly between the placebo and the lidocaine groups. The mean systolic blood

pressure was significantly higher in the placebo created group. The authors of that study reported a rise in the serum-endorphin level in eleven of fifteen infants who did not receive lidocaine while only one third of those receiving lidocaine experienced such an increase. In addition, there was also an increase in various types of crying. Although they noted that no previous studies examined changes in serum-endorphin concentrations in newborns before and after an invasive procedure such as circumcision, the authors regarded the absence of an increase in serum-endorphin as a crucial indicator of the absence of pain.

A second study reported in the *Journal of the American Medical Association*[35] involved use of an eutectic mixture of local anesthetics, *viz*., lidocaine and prilocaine hydrochloride bases. Heart rate, oxygen saturation, facial action and crying were found to be significantly different in those receiving topical anesthesia as opposed to those receiving a placebo.

There are, however, considerable grounds for skepticism with regard to the need for pain relief in conjunction with neonatal circumcision as traditionally practiced by Jews. Each of the studies that determined the presence of pain as manifested in various physiological phenomena involved examination of infants subjected to surgical circumcision utilizing a Gomco or bell clamp. The procedure described in the 1993 *JAMA* article involved a series of steps, including restraining the child, clamping the dorsal side of the foreskin, longitudinal incision of the foreskin, lysis of adhesions between the foreskin and the glands, application of the Gomco clamp, cutting the foreskin, removing the Gomco clamp and removing the restraints. The time required for completing the cumbersome procedure ranged from six to forty minutes. In contrast, ritual circumcision carried out in the traditional manner involves only separation of the foreskin from the glans, cutting the foreskin and retracting the underlying mucous membrane. Excision of the foreskin is performed rapidly and is accomplished in a matter of seconds. Emblematic of the swiftness of the procedure is the frequently observed phenomenon associated with the *mohel*'s recitation of the blessing for performance of the *mitzvah*: The *mohel* begins to pronounce the blessing as he commences to cut. Generally, the cutting of the foreskin is completed well before the *mohel* has managed to finish reciting the twelve-word blessing.

Studies demonstrating pain experience in conjunction with circumcision utilizing a Gomco clamp are entirely irrelevant to circumcision involving a rapid excision with a sharp knife. Any person who has accidentally cut himself with a very sharp knife know that the cut itself is virtually painless. It is quite likely that distress evidenced by infants during ritual circumcision is largely discomfort as a result of unwelcome manipulation and positioning rather than a response to pain. It is not uncommon for a baby to cry prior to the circumcision but to serenely and apparently contentedly suck on a bottle of sugar water during the actual severance of the foreskin.

Pain Relief and Halakhah

Over the years a number of responsa and other brief remarks discussing the permissibility of performing circumcision under general anesthesia have appeared in rabbinic works. Those discussions deal primarily with adult circumcision in instances of conversion and, occasionally, with circumcision of naturally born Jews, who for whatever reason, were not circumcised in infancy. Utilization of general anesthesia for this purpose presents a number of halakhic issues, both because of the fact that the person circumcised is rendered unconscious during the course of the procedure and because an adult, unlike an infant, is himself personally bound by the commandment regarding circumcision.

Among the earliest authorities to address this topic, R. Yo'av Yehoshua of Kintzk, renowned as the author of *Teshuvot Helkat Yoav*, writing in the initial issue of a rabbinic journal, *Ohel Moed*, Tevet 5686, permits the use of general anesthesia, as does R. Shalom Mordecai Shwadron, *Teshuvot Maharsham*, VI, no. 108,[36] while R. Eliyahu Posek, in his classic work, *Koret ha-Brit, Nahal Brit* 261:4, and R. Meir Arak, *Imrei Yosher*,

II, no. 140, sec. 3, forbid the practice. Among more recent authorities, circumcision under general anesthesia is permitted by R. Ovadia Yosef, *Yabia Omer*, V, *Yoreh Deah*, no. 22,[37] but is forbidden by R. Yechiel Ya'akov Weinberg, *Seridei Esh*, III, no. 96; R. Shmuel ha-Levi Woszner, *Teshuvot Shevet ha-Levi*, V, *Yoreh Deah*, no. 147, sec. 2; and R. Moshe Sternbuch, *Teshuvot ve-Hanhagot*, I (Jerusalem, 5752), no. 590 and II (Jerusalem, 5754), no. 510.

Nothing presented in those discussions would serve as a barrier to the use of a topical anesthesia in order to prevent pain in either an infant or an adult. Nevertheless, one authority, R. Meir Arak, *Imrei Yosher*, I, no. 140, takes a very strong stand against use of topical anesthesia. In that context, *Imrei Yosher* cites a statement found in Exodus Rabbah 47:9:

> In the self-same day Abraham was circumcised (Gen. 27:26): R. Abba said, "He felt the smart and suffered pain so that the Lord might double his reward. R. Levi said, "It does not say "Abraham circumcised himself," but rather "Abraham was circumcised;" this intimates that he examined himself and found that he was [already] circumcised. R. Berekiah observed, "It was at that time that R. Abba ben Kahana humiliated R. Levi saying to him, "It is a lie and a falsehood! He felt the smart and suffered pain so that the Lord might double his reward."

In response, R. Yechiel Ya'akov Weinberg, *Seridei Esh*, III, no. 96, correctly points out that the midrashic citation establishes only that Abraham desired heavenly reward for fulfilling the *mitzvah* and that such reward is directly commensurate with the pain that is suffered. However, this midrashic statement does not serve to establish an obligation to suffer pain and certainly does not establish a normative principle making it incumbent to inflict such pain upon an unwitting and unwilling infant.

It is, however, a misreading of *Imrei Yosher*'s responsum to infer that the midrashic statement serves as the basis of that scholar's ruling. Exodus Rabbah is cited by *Imrei Yosher* only to demonstrate that circumcision is associated with pain; an entirely different halakhic source is cited by *Imrei Yosher* in prohibiting topical anesthesia. The Gemara, B. B.Q. 85a, speaks explicitly of amputation of a limb by chemical, rather than surgical, means and describes chemical amputation as being painless.[38] Similarly, B. Qid 21b declares that a Hebrew slave who refuses to be set free after serving a statutory six-year period and who must therefore undergo a ritual involving the boring of his ear must have his ear pierced by means of a metal implement but not by means of a chemical.[39] The foreskin, asserts *Imrei Yosher*, can also be removed in a like manner by means of application of a chemical. But quite apart from the problem of obviating the pain of circumcision, such a procedure, asserts *Imrei Yosher*, could not be sanctioned for an entirely different reason. *Imrei Yosher* is among the authorities who maintain that the foreskin must be removed by excision rather than by means of some other process.[40] Some commentators find that requirement reflected in the verb "to cut" employed in the biblical idiom that connotes entering into a covenant as in the verse "*ve-kharot imo ha-brit*—and He cut a covenant with him" (Neh. 9:8).[41] *Imrei Yosher* comments that the biblical term "*himol*" (Gen. 17:13) indicates excision of the foreskin.[42] That understanding is reflected in *Tarzum Onkulos*' translation of the term as "*migzar*."[43] Nevertheless, reasons *Imrei Yosher*, if flesh-eating chemicals were available to the Sages of the Talmud, pain-quelling drugs must have been available to them as well. Yet Rabbinic sources make no mention of use of topical anesthesia for purposes of circumcision. This argumentum *ad silencium*, concludes *Imrei Yosher*, demonstrates that such pharmaceutical products may not be used to eliminate pain because experience of pain is one of the elements of circumcision.[44]

R. Israel Veltz, who at the time was a *dayyan* in Budapest, consulted R. Judah Leib Zirelson concerning the circumcision of a five-year old child. The child had been sickly and was not circumcised in infancy. The child's mother was willing to permit circumcision only on the condition that the pain be assuaged by means of a topical anesthetic. In his response, published in his responsa *Ma'arkhei Lev*, no. 53, R. Zirelson dismisses the notion that circumcision must be accompanied by pain as being without

basis in Rabbinic sources. Indeed, *Ma'arkhei Lev* endeavors to show that pain is not at all a required concomitant of circumcision. The Gemara, B. Shab. 135a, cites conflicting opinions with regard to whether a child born without a foreskin and a prospective proselyte who has been circumcised while yet a gentile require "letting of the blood of the covenant" and explains in detail the considerations of the proponents of the various views. Entirely absent from that discussion is the concept that "letting of blood" is required because pain is a necessary element of circumcision.

Ma'arkhei Lev's argument, however, is readily rebuttable. Pain in itself is certainly not a requirement. The sole issue is whether pain is required as a concomitant or epiphenomenon of circumcision. When no circumcision is possible because the person is already circumcised or because he has no foreskin there can be no requirement of pain for its own sake. In such circumstances, the pain is entirely divorced from the act of circumcision and hence without any significance in fulfillment of the *mitzvah*.

Despite his dismissal of the notion that pain is a necessary element of circumcision, *Ma'arkhei Lev* decries the attempt to seek innovative measures to avoid pain but tempers that position with the observation that rigidity with regard to such a policy is inappropriate. Thus, concludes *Ma'arkhei Lev*, if insistence upon following time-hallowed practices would result in failure to carry out the circumcision because of the mother's refusal to grant permission for performance of the procedure if it is to be accompanied by pain, as in the case brought to his attention, a topical anesthesia should be employed.[45]

Despite his disagreement with *Imrei Yosher*'s halakhic reasoning, Rabbi Weinberg declares that he gives greater weight to the stringent view of *Imrei Yosher* than to the balanced position of *Ma'arkhei Lev* because "a custom of Israel is Torah and should not be denigrated." The position of *Imrei Yosher* is also espoused by R. Abraham Jacob Horowitz, *She'erit Ya'akov*, no. 5.[46]

One aspect of this position requires elucidation. Causing unnecessary pain to another human being is certainly not permissible. Causing wanton pain to brute animals is prohibited by virtue of the prohibition against causing *za'ar ba'alei hayyim*. There is indeed a controversy with regard to whether humans are included in the ambit of the "*ba'alei hayyim*" or "living creatures" protected by that stricture. However, it may well by the case that humans are not included in that prohibition because such a prohibition is superfluous. Ramban, in his *Torat ha-Adam*,[47] declares that the physician's obligation to heal is rooted in the commandment "and you shall love your fellow as yourself" (Lev. 19:18). That admonition establishes an obligation to manifest love and concern in general for one's fellow and, according to Ramban, in particular, requires one to provide medical attention for the cure of disease and relief of pain.[48] It assuredly serves to prohibit causing grief or pain to one's fellow as is indeed encapsulated in Hillel's aphorism recorded in the Gemara, B. Shab. 31a, "What is disdainful to you do not do to your friend." Why, then, are these authorities unconcerned by the specter of causing avoidable pain caused to an infant in the course of circumcision?

The answer lies in the midrashic comment cited by *Imrei Yosher*. The Midrash does more than allude to an act of piety on the part of Abraham. In no other context does one find a Rabbinic ecominuim for seeking out avoidable pain in performing a *mitzvah*. A person who, for example, has an *etrog* conveniently available but seeks to select one from beneath a mass of thorns should not anticipate enhanced heavenly reward because of the pain incurred in the process. Pursuit of pain that is both avoidable and extrinsic to fulfillment of the *mitzvah* is simply masochism. Circumcision is quite different. Although pain is not a necessary condition for fulfillment of the *mitzvah*, the *mitzvah*, as commanded, does perforce entail a measure of pain. Therefore, although it is not an intrinsic element of the *mitzvah*, the pain inherent in the act must be part of the divine *desideratum* and hence, as the Midrash indicates, the pain will be rewarded even when it could have been avoided. It is thus readily understandable that there is no obligation to spare another person

from the pain naturally attendant upon circumcision.

This point is also formulated by *Shevet ha-Levi*, *Yoreh De'ah*, V, no. 147, sec. 2, albeit without raising the issue of an obligation to avoid or diminish pain and without citing either *Imrei Yosher* or Exodus Rabbah. Instead, *Shevet ha-Levi* cites the comment of the Gemara, B. Git. 57b, the verse elucidating, "For Your sake are we killed all of the day" (Ps. 44:23). The Gemara interprets the verse as an allusion to circumcision. *Shevet ha-Levi* understands the comment as a reference to the pain entailed in circumcision.[49] Accordingly, contends *Shevat ha-Levi*, the "form" of the *mitzvah* involves pain and, moreover, it is certain "that such is the form of the *mitzvah* in its source from Sinai." However, the pain to which the Sages allude is only the pain that is ordinarily experienced by an infant.[50] Accordingly, declares *Shevet ha-Levi*, in unusual circumstances in which circumcision would cause inordinate pain,[51] or if the person to be circumcised is not an infant, a topical anesthesia may be used.[52]

There is one additional matter not mentioned by these authorities that must be addressed. Use of a salve or ointment on the Sabbath or a festival involves a biblical transgression and is forbidden other than for reasons of *pikuah nefesh*, i.e., application of a salve is permitted to mitigate danger to life but not to alleviate pain. Accordingly, application of a topical ointment on the Sabbath or a festival by a Jew cannot be condoned even if refusal to employ a topical anesthesia will result in refusal to permit performance of the circumcision.

Although the arguments against use of topical anesthesia cannot be described as compelling, they are buttressed by the weight of tradition. As noted earlier, the author of *Seridei Esh*, who was hardly an extremist and who was known for his sagacity, regarded topical anesthesia as permissible but nevertheless declined to express approval of its use. *Seridei Esh* well understood that Jewish tradition and practice must not be allowed to bend with changing winds. *Mitzvot* dare not be permitted to be held hostage by the *Zeitgeist* of any particular age. Attacks upon *milah*, whether frontal or peripheral, should be met with proud reaffirmation of the covenant of Abraham together with its time-hallowed traditions.

J. David Bleich

Notes

[1] The notion that the people of Israel are preserved from extinction in the diaspora by the *mitzvah* of *milah* is expressed by Ramban, *Commentary on the Bible*, Gen. 15:18, as well as by R. Jacob Emden, *Migdal Oz*, *Breikhah Elyonah* 2:20.

[2] See, for example, I Macc. 1:48.

[3] See *Bet Yosef*, *Yoreh De'ah* 266; *Levush*, *Yoreh De'ah* 363:5; and *Taz*, *Yoreh De'ah* 363:3. Cf., *Shakh*, *Yoreh De'ah* 363:8. Cf., however, *Shulhan Arukh*, *Yoreh De'ah* 268:9 and *Teshuvot ha-Rambam*, ed. R. Joshua Blau (Jerusalem, 5718), I, no. 148, reprinted in *Iggerot ha-Rambam*, ed. R. Isa'ac Shilat (Jerusalem, 5747), pp. 212–214.

[4] See, for example, Ronald Goldman, *Circumcision: The Hidden Trauma* (Boston, 1997) and *Questioning Circumcision*: *A Jewish Perspective* [sic] (Boston, 1998); idem., "Circumcision: A Source of Jewish Pain," in *Jewish Spectator*, Fall, 1997, pp. 16–20; Jim Bigelow, *The Joy of Uncircumcising* (Aptos, 1998); *Jewish Telegraphic Association Daily News Bulletin*, March 3, 1999; Francine Klagsbrun, "Circumcision May Resemble Female Genital Mutilation, but It Has Meaning for Jewish Uniqueness," in *Moment*, vol. 22, no. 2 (April, 1997), p. 22; and "Is Brit Milah Cruel and Unnecessary?" in *The Jerusalem Report*, November 22, 1999, p. 104.

[5] T.E. Wiswell and W.E. Hachey, "Urinary Tract Infection and the Uncircumcised State: An Update," in *Clinical Pediatrics*, vol. 32, no. 3 (March, 1993), p. 130.

[6] American Academy of Pediatrics, Task Force on Circumcision, "Circumcision Policy Statement," in *Pediatrics*, vol. 103, no. 3 (March, 1999), p. 686.

[7] See Edward O. Laumann, Christopher M. Masi, et al., "Circumcision in the United States: Prevalence, Prophylactic Effects, and Sexual Practices," in *Journal of the American Medical Association*, vol. 277, no. 13, (April 2, 1997), pp. 1053–1057. See also "Circumcision Policy Statement," supra, n. 6, pp. 686–693.

[8] See Joseph Katz, "The Question of Circumcision," in *International Surgery*, vol. 62, no. 9 (September, 1977), p. 490.

[9] American Academy of Pediatrics, Committee on the Fetus and Newborn, "Report of the Ad Hoc Task Force on Circumcision," in *Pediatrics*, vol. 5, no. 4 (October, 1975), p. 611.

[10] American Academy of Pediatrics, Committee on the Fetus and Newborn, *Guidelines for Perinatal Care*, 1st edition (Evanston, 1983), p. 87.

[11] American Academy of Pediatrics, "Report of the Task Force on Circumcision," in *Pediatrics*, vol. 84, no. 4 (August, 1989), pp. 388–390.

[12] Ibid., p. 390.

[13] Curiously, an Israeli study involving only circumcised male infants found an overall higher incidence of urinary tract infections in infancy but found that males were affected more commonly than females during the first four weeks of life. The authors of that study indicate that this phenomenon may be attributed at least in part to pain-induced urine retention occurring immediately following circumcision but suggest that such an infection may be the product of non-sterile techniques used during the procedure and accordingly urge that stricter sterile techniques be employed. See Michael Goldman, Joseph Barr, Tsvy Bistritzer, and Mordechay Aladjem, "Urinary Tract Infection Following Ritual Jewish Circumcision," in *Israel Journal of Medical Sciences*, vol. 32, no. 11 (November, 1996), pp. 1098–1102.

[14] "Report of the Task Force on Circumcision," supra, note 11, p. 390.

[15] "Circumcision in the United States," supra, note 7, pp. 1052–1057.

[16] Ibid., p. 1057.

[17] Loc. cit.

[18] Masters and Johnson report no difference in exteroceptive and light tactile discrimination on either the ventral or dorsal surfaces of the glans as a result of circumcision. See Warren H. Masters and Virginia E. Johnson, *Human Sexual Response* (Boston, 1966), pp. 189–191.

It should however be noted that Rambam, in his *Guide for the Perplexed*, Book III, chap. 49, states that circumcision is designed to mitigate sexual desire and counteract excessive lust by weakening the power of sexual excitement and, at times, by lessening natural enjoyment. It is of interest to note that the authors of a recent article have argued: 1) Keratinization of the glans lowers the sensitivity and hence the sexual excitability of a circumcised male's genitals; the result is lowering of excitability and raising the threshold for sexual arousal. 2) In antiquity, societies instituted the practice of circumcision in order to make young males less sexually excitable and distractable and hence more amenable to acceptance of the group's authority. See Ronald S. Immerman and Wade C. Mackey, "A Bicultural Analysis of Circumcision," in *Social Biology*, vol. 44, no. 3–4 (Fall-Winter, 1997), pp. 265–275. The authors present the same material in a somewhat modified form in a second article, "A Proposed Relationship between Circumcision and Neural Reorganization," in *Journal of Genetic Psychology*, vol. 159, no. 3 (September, 1998), pp. 367–378. In the latter article they further suggest that abated male sexual drive as a result of circumcision more closely parallels that of the female and serves to reduce extramarital liaisons. Accordingly, they argue, those societies instituted circumcision in order to benefit from strengthened and more durable marriages.

[19] Supra, note 6.

[20] The report suggests that this phenomenon may be due to the fact that there are increased numbers of uropathogenic organisms in the area of the urethral meatus of uncircumcised infants. Such periurethral colonization decreases in all infants after the first six months of life. See T.E. Wiswell, G.M. Miller, H.M. Gelston, et al., "Effect of Circumcision Status on Periurethral Bacterial Flora During the First Year of Life," in *Journal of Pediatrics*, vol. 113, no. 3 (September, 1988), pp. 442–446. It has also been demonstrated that these bacteria adhere to, and readily colonize, the mucosal surface of the foreskin that is removed in circumcision but do not adhere to the keratinized skin surface. See E.N. Fussell, M.B. Ka'ack, R. Cherry and J.A. Roberts, "Adherence of Bacteria to Human Foreskins," in *Journal of Urology*, vol. 140, no. 5 (November, 1988), pp. 997–1001.

[21] See L.S. Cook, L.A. Koutsky, and K.K. Holmes, "Circumcision and Sexually Transmitted Diseases," in *American Journal of Public Health*, vol. 84, no. 2 (February, 1994), pp. 197–201, and J. Newell, K. Senkoro, F. Mosha, et al., "A Population-Based Study of Syphilis and Sexually Transmitted Disease Syndromes in Northwestern Tanzania." II. Risk Factors and Health Seeking Behaviour," in *Genitourinary Medicine*, vol. 69, no. 6, (December, 1993), pp. 421–426.

[22] See S. Moses, F.A. Plummer, J.E. Bradley, et al., "The Association between the Lack of Male Circumcision and the Risk for HIV Infection: A Review of the Epidemiological Data," in *Sexually Transmitted Diseases*, vol. 21, no. 4, (July-August, 1994), pp. 201–210; J. Seed, S. Allen, T. Mertens, et al., "Male Circumcision, Sexually Transmitted Disease, and Risk of HIV," in *Journal of Acquired Immune Deficiency Syndrome and Human Retrovirology*, vol. 8, no. 1 (January 1, 1995), pp. 83–90; J.K. Kreiss and S.G. Hopkins, "The Association Between Circumcision Status and Human Immunodeficiency Virus Infection among Homosexual Men," in *Journal of Infectious Diseases*, vol. 168, no. 6 (December, 1993), pp. 1404–1408; M.W. Tyndall, R. Ronald, E. Agoki, et al., "Increased Risk of Infection with Human Immunodeficiency Virus Type 1 among Uncircumcised Men Presenting with Genital Ulcer Disease in Kenya," in *Clinical Infections Diseases*, vol. 23, no. 3 (September, 1996), pp. 449–453; J. Bwayo, F. Plummer, M. Omau, et al., "Human Immunodeficiency Virus Infection in Long-Distance Truck Drivers in East Africa," in *Archives of Internal Medicine*, vol. 154, no. 12 (June 27, 1994), pp. 1391–1396; J. Pepin, M. Quigley, J. Todd, et al., "Association between HIV-2 Infection and Genital Ulcer Diseases among Male Sexually Transmitted Disease Patients in Gambia," in *AIDS*, vol. 6, no. 5 (May, 1992), pp. 489–493; and J.N. Simonsen, D.W. Cameron, N.M. Gakinya, et al., "Human Immunodeficiency Virus Infection among Men with Sexually Transmitted Diseases: Experience from a Center in Africa," in *New England Journal of Medicine*., vol. 319, no. 5 (August 4, 1988), pp. 274–278. This

phenomenon is explained on the basis of the fact that the mucous surface of the uncircumcised penis allows for viral attachment to lymphoid cells at or near the surface of the mucous membrane. There is also increased likelihood of minor abrasions in the uncircumcised foreskin that may provide an avenue for HIV infection.

[23] "Circumcision Policy Statement," supra, note 6, p. 691.

[24] Loc. cit.

[25] Philo, who was not a Rabbinic scholar, regards circumcision as designed to increase fertility as well as to promote cleanliness and health. See *De Circumcisione*, ed. T. Mangey (1785), vol. II, p. 210. It has been suggested that Philo made this association because the birth of Isaac came closely upon the circumcision of Abraham. See J.D. Eisenstein, *Ozar Yisra'el* (New York, 5712) vol. V, p. 170.

[26] See, for example, the letters to the editor published in *Lancet*, vol. 345 (April 8, 1995), p. 927, as well as Thomas J. Ritter and George C. Denniston, *Say* No *to Circumcision*, 2nd ed. (Aptos, 1966), secs. 3–4.

[27] See, for example, "The Question of Circumcision," supra, note 8, p. 491.

[28] It should be noted that, as will be discussed in the following section, a significant number of responsa dating from the beginning of the century refer to use of topical anesthesia in the circumcision of adults and older children. The novelty of this and subsequent medical studies lies in the fact that the subjects were newborns.

[29] See C. Kirya and Milton Werthmann, "Neonatal Circumcision and Penile Dorsal Nerve Block: A Painless Procedure," in *Journal of Pediatrics*, vol. 92, no. 6, (June, 1978), pp. 998–1000.

[30] See C.A. Sara and C.J. Lowry, "A Complication of Circumcision and Dorsal Nerve Block of the Penis," in *Anesthesia and Intensive Care*, vol. 13, no. 1 (February, 1985), pp. 79–82.

[31] Howard J. Stang, Megan R. Gunnar, Leonard Snellman, et al., "Local Anesthesia for Neonatal Circumcision: Effects on Distress and Cortical Response," in *Journal of the American Medical Association*, vol. 259, no. 10 (March 11, 1988), pp. 1507–1511. An earlier study found no such distinction. See Paul S. Williamson and Nolan Donavan Evans, "Neonatal Cortisol Response to Circumcision with 'nesthesia,'" in *Clinical Pediatrics*, vol. 25, no. 8 (August, 1986), pp. 412–415.

[32] See "A Complication of Circumcision and Dorsal Nerve Block of the Penis," supra, note 30.

[33] See Diane Mudge and Jantet B. Younger, "The Effects of Topical Lidocaine on Infant Response to Circumcision," in *Journal of Nurse Midwifery*, vol. 34, no. 6 (November-December, 1989), pp. 335–340.

[34] Kathleen B. Weatherstone, Lynn B. Rasmussen, Allen Erenberg, et al., "Safety and Efficacy of a Topical Anesthesia for Neonatal Circumcision," in *Pediatrics*, vol. 93, no. 5 (November, 1993) pp. 710–714.

[35] Franca Benini, C. Celeste Johnston, Daniel Faucher, and J. Aranda, "Topical Anesthesia during Circumcision in Newborn Infants," in *Journal of the American Medical Association*, vol. 270, no. 7 (August 18, 1993), pp. 850–853.

[36] R. Aryeh Leib Grossnass, *Lev Aryeh*, I, no. 2, permits general anesthesia for the circumcision of a convert but, by implication, not for the circumcision of a naturally-born Jew. *Lev Aryeh* bases himself upon R. Abraham Kahana-Shapiro, *Teshuvot Dvar Avraham*, II, no. 25, who terms the circumcision of a proselyte a mere preparation (*hekhser*) for a *mitzvah*.

Cf., R. Abraham Isa'ac ha-Kohen Kook, *Da'at Kohen*, no. 194 who, *en passant* refers to the use of both general and topical anesthesia in conjunction with circumcision and offers no criticism of the practice. Use of general anesthesia is also permitted by R. Moshe Dov Welner, *She'ilat Hemdat Zevi*, no. 4. R. A'aron Epstein, *Kappei Aharon*, no. 19, similarly assumes as a matter of course that use of general anesthesia is permissible. *Kappei Aharon* expresses doubt with regard to whether the person being circumcised should recite the blessing "to enter the covenant of Avraham" before the anesthetic is administered or whether, since a significant period of time will elapse before the incision is made, the blessing should be recited by the *mohel*. *Koret ha-Brit*, *Nahal Brit* 261:4, considers the problem of recitation of the blessing as an additional reason not to employ general anesthesia.

[37] This responsum originally appeared in *No'am*, XII (5729), 1–10.

[38] Cf., Aretaeus, *De Curatione Morborum Diuturnorum*, Book 1, chap. xiii and Caelius Aurelianus, *On Acute Diseases and on Chronic Diseases*, trans. I.E. Drabkin (Chicago, 1950), book III, chap. iv, p. 753.

[39] See also B. A.Z. 28a: "Jacob the sectarian prepared a medicine for [R. Abbahu's] leg and were it not for R. Ammi and R. Asi who licked his leg he would have cut his leg off."

[40] See R. Alter Saul Pfeffer, *Avnei Zikaron*, III, no. 3. Cf., *Hamudei Dani'el* cited by *Pithei Teshuvah*, *Yoreh De'ah* 264:13.

[41] The issue is whether the foreskin must be severed by cutting or whether it may also be destroyed either by chemical means or by cutting off the blood supply and thereby causing necrosis of the tissue. Both the Gomco clamp and the Magen are designed to cause necrosis with the result that the dead tissue may be simply sloughed off rather than severed by cutting. Use of the Gomco clamp was banned by the Union of Orthodox Rabbis in the United States and Canada for this and for other reasons. The full text of that ban was published in *Ha-Pardes*, Shevat 5711, p. 31. Objections to use of the Gomco clamp and the Magen are detailed by R. Moshe Sternbuch, *Dat ve-Halakhah* (Jerusalem, 5730), no. 2. See also R. Yosef Eliyahu Henkin, *Edut be-Yisra'el* (New York, n.d.), p. 144: R. Yitzchak Ya'akov Weisz, *Teshuvot Minhat Yizhak*, V, no. 24, sec. 2 and VIII, no. 89; R. Eliezer

Waldenberg, *Ziz Eli'ezer* VIII, no. 29 and X, no. 38; and R. Moshe Feinstein, *Iggerot Mosheh, Yoreh De'ah*, II, no. 119 and *Yoreh De'ah*, III, nos. 98–99. Cf., R. Moshe Bunim Pirutinsky, *Sefer ha-Brit Likkutei Halakhot*, 264: 68 and 268: 75.

[42] See, however, *Tosafot Ri ha-Lavan*, *Ketubot* 5b, who explicitly permits use of a chemical for this purpose. R. Israel Isserlein, renowned as the author of *Terumot ha-Deshen*, apparently espouses a similar view as reflected in a work by his student R. Joseph ben Moshe, *Leket Yosher*, ed. Jacob Freimann (Berlin, 5663), p. 51.

[43] Cf., however, *Teshuwot Hatam Sofer, Yoreh De'ah*, no. 249, who understands the term as connoting only "removal." That is also the position of *Teshuwot Divrei Hayyim*, II, *Yoreh De'ah*, no. 114.

[44] Of interest, albeit lacking halakhic import, are the comments of the nineteenth century authority, R. Eliyahu Guttmacher in his only recently published commentary on B. Shab. 130a. R. Eliyahu Guttmacher remarks that prayers for the sick etc. are particularly propitious at the time of circumcision because on such occasions the prayers ascend to heaven together with the cries of the newly-circumcised child.

[45] A similar view was expressed by R. Aryeh Zevi Frommer, *Teshuwot Erez Zevi*, I, no. 56, in a situation involving somewhat different but extraordinary circumstances.

[46] *She'erit Ya'akov* is published as an appendix to that author's *Teshuwot Zur Ya'akov*.

[47] *Torat ha-Adam, Kitvei Ramban*, ed. Bernard Chavel (Jerusalem, 5724), II, 48.

[48] The Gemara, B. San. 73a, declares that the verse, "and you shall restore it to him" (Deut. 22:2) mandates not only the return of lost property but, *a fortiori*, preservation of life as well. Thus, the verse does not refer solely to the return of objects of material value. R. Yehudah Leib Zirelson, *Teshuwot Azei ha-Levanon*, no. 61, argues cogently that restoration of health to a person suffering from an illness is included in the commandment "and you shall restore it to him." Accordingly, it may be argued that the commandment "and you shall restore it to him" also includes an obligation to restore a person to a pain-free state.

[49] Cf., however, Rashi, *ad locum*, who understands the application to circumcision quite literally, i.e., circumcision may, at times, result in loss of life.

[50] Although a statement by R. Joseph Shalom Eliashiv himself is not available, in a letter dated 5 Shevat 5758, a copy of which is in the possession of this writer, Rabbi Nachum Eisenstein reports that Rabbi Eliashiv accepts the position of *Imrei Yosher*, but permits use of a topical anesthesia in situations in which there is a particular medical need.

[51] Even more fundamentally, only pain that is a natural accompaniment of simple excision may be tolerated. Accordingly, any extrinsic procedure causing additional pain is prohibited, including the pain of crushing the foreskin inherent in use of the Gomco clamp or the Magen as described in "Topical Anesthesia During Circumcision in Newborn Infants," supra, note 35, p. 852, and in *Lancet*, April 8, 1995, p. 927. See Rabbi Henkin, *Edut le-Yisra'el*, p. 144, who declares that, even absent other considerations, that concern is in itself sufficient to prohibit use of such devices.

[52] Cf., R. Moshe Sternbuch, *Teshuwot ve-Hanhagot*, no. 590, and II, no. 510, who prefers that the topical anesthesia be administered in a manner that will yet allow for "some pain."

Cloning

There is no gainsaying the fact that the world has witnessed quantum leaps in scientific and technological advances since the mid-nineteenth century or, according to Jewish reckoning, since 5600, i.e., the year six hundred in the sixth millennium. As foretold by the *Zohar*, *Bereshit* 117a, the benefits are not merely pragmatic; the explosion of human knowledge is categorized by the *Zohar* as the direct result of heavenly inspiration and serves to herald the advent of the eschatological era of the seventh millennium.

God revels himself in the processes of nature with the result that insightful understanding of the laws of nature is, in at least some minuscule way, tantamount to apprehension of the deity. Thus Maimonides, *Hilkhot Yesodei ha-Torah* 2:2, writes that love of God is acquired by reflection upon his wondrous created works in which his wisdom can be discerned and, in *Hilkhot Yesodei ha-Torah* 4:12, Maimonides declares that increased understanding of the nature of created entities carries with it enhanced love of God. Accordingly, the perfection of the universe of which the *Zohar* speaks in describing the burgeoning of knowledge as the harbinger of the eschatological era is at one and the same time both preparation in the physical sense, comparable to Sabbath preparations carried out on the preceding day, so that, with coming of the messiah, humanity may enjoy undisturbed leisure to engage

in spiritual pursuits and perfection in the sense of intellectual preparation and development in the form of appreciation of the grandeur of creation, and hence of the Creator, so that humans will be equipped for a more profound understanding of the nature of God that will be attainable in the eschatological era.

There can be no doubt that unraveling the mysteries of procreation and the genesis of human life are integral to this process. Attempts to fathom those mysteries are entirely laudatory. Whether or not those endeavors yield any licit practical benefit is secondary; their major value, as well as that of all aspects of theoretical science, lies in qualitatively enhanced fulfillment of the commandment "And you shall love the Lord, your God" (Deut. 6:5). The legitimacy of acting upon such scientific information is another matter entirely. Surely every thinking person recognizes that not everything that can be done should be done; that which is possible is not for that reason moral.[1]

Not everything that *can* be done *should* be done. But it is a truism that, in the usual course of human events, that which *can* be done *will* be done.

Since the early 1970s, ethicists have grappled with the implications of human cloning.[2] What was then a vague specter now looms as an imminent reality. With the most recent breakthrough in the cloning of fetal mice in Hawaii, it is evident that "advances in science are coming faster than even the most confident scientists had imagined."[3] Dr. Lee Silver, a mouse geneticist and reproductive biologist at Princeton University, described the speed at which cloning has progressed as "breathtaking" and added, "Absolutely, we are going to have cloning of humans."[4] The protestation of scientists such as Dr. Ryuzo Yanagimachi, whose cloning experiments have electrified the scientific world, that "we should stick to reproduction the way that Mother Nature did for us"[5] notwithstanding, it is now conjectured that in vitro fertilization clinics will add human cloning to their repertoires within the next five to ten years.[6]

The new era of reproduction technology was ushered in with the birth of Dolly on July 5, 1996, at the Roslin Institute in Roslin, Scotland.[7] The birth of a cloned sheep was the culmination of research undertaken by Dr. Ian Wilmut on behalf of PPL Therapeutics Ltd., a small biotechnology company with headquarters in Edinburgh. The purpose was to use sheep to generate drugs for use in treating human diseases such as hemophilia and cystic fibrosis. Genetic engineering had already been employed to produce sheep whose milk contains a drug, alpha-1 antitrypsin, that is used in treatment of cystic fibrosis. The purpose of cloning sheep was to avoid the laborious and expensive process of genetically engineering large numbers of animals individually. With cloning, once an animal has been genetically adapted, the process need not be repeated; the animal can simply be cloned and, since all its clones will have identical genetic characteristics, the clones will produce the same drug.[8]

Research in cloning techniques has implications far beyond the goal of facilitating the manufacture of pharmaceutical products from genetically altered cells, which itself is potentially of far-reaching benefit in the treatment of numerous diseases and disorders. Cells of mature organs are capable of reproducing themselves but cannot be altered to form the cells of different organs. In effect, the DNA of differentiated cells is programmed to reproduce cells of one specialized type and of no other. Thus, for example, if a pancreas is destroyed, a new pancreas cannot be generated by other cells in the body. Successful cloning of adult cells demonstrates that, when inserted into an ovum, the program of a cell's DNA can be reversed thereby allowing the cell to reproduce and develop into cells of other bodily organs. When the process is more fully understood, it may become possible to create particular organs to replace ones that become diseased or destroyed.

As noted, with the successful cloning of Dolly, the prospect of human cloning became much more than a theoretical conjecture. The initial reaction of both ethicists and scientists was that human cloning is morally unacceptable. Then President Clinton, following the recommendation of the National Bioethics Advisory Commission, banned the use of federal money to conduct

human cloning experiments and requested that privately funded enterprises adhere to a voluntary ban on human cloning. Nevertheless, at present, other than in California,[9] the cloning of a human being is perfectly legal in the United States, although it is prohibited by law in Britain, Spain, Denmark, Germany, and Australia.[10]

The climate of opinion has changed rapidly. Three decades ago, two fertility experts, Sophia J. Kleegman and Sherwin A. Kaufman, wrote that reproductive breakthroughs pass through several predictable stages. Reactions proceed from "horrified negation" to "negation without horror" to "slow and gradual curiosity, study, evaluation" and, finally, to "a very slow but steady acceptance."[11] The *volte face* that has occurred with regard to the prospect of human cloning is best expressed in a headline that appeared in the *New York Times*: "On Cloning Humans, 'Never' Turns Swiftly Into 'Why Not.'"[12] In that article Dr. Steen Willadsen, the cloning pioneer who developed the fundamental methods for cloning animals, is quoted as saying that it is just a matter of time before the first human is cloned. Earlier, John Paris, a Jesuit ethicist, remarked that he is certain that humans will be cloned: "I can't imagine a world in which someone won't try it. There are two things that drive man—power and money. And fame leads to fortune. Someone will try it."[13]

There is ample reason to assume that Jewish teaching would not frown upon cloning of either animals or humans simply because it is a form of asexual, and hence "unnatural," reproduction. B. San. 65b, relates that Hanina and Oshia met every Friday for the purpose of perusing *Sefer Yetzirah* in order to create a calf for their Sabbath meal. This anecdote is recounted by the Gemara without the slightest hint of censure. The text incontrovertibly yields two principles: (1) asexual husbandry, at least with regard to animal species, is morally innocuous; and (2) harnessing metaphysical forces, or "white magic," at least when practiced by masters of the Kabbalah, is acceptable. Although there is nothing in this narrative that may be cited as providing an explicit basis for extending such sanction to creation of a hybrid, interbreed, or genetically engineered animal, the report certainly reflects acceptance of the legitimacy of asexual, and hence homologous, reproduction of animals.

Although, from the vantage point of Jewish tradition, animal cloning presents no ideological or halakhic problem, the same cannot be said with regard to the cloning of a human being.

The ethical implications of fetal experimentation which, by its very nature, may result in the birth of a defective neonate were analyzed some time ago by the late Professor Paul Ramsey.[14] In the early days of *in vitro* fertilization, Professor Ramsey argued that such a procedure represented an immoral experiment upon a possible future life, since no researcher can exclude the possibility that he may do irreparable damage to the child-to-be. In the words of Professor Ramsey: "We ought not to choose for another the hazards he must bear, while choosing at the same time to give him life in which to bear them and to suffer our chosen experimentations."[15]

This argument is no less applicable to homologous reproduction than to artificial conception and is entirely consistent with the norms of Torah ethics. Jewish law does not sanction abortion motivated solely by a desire to eliminate a defective fetus, nor does it sanction sterile marriage as a means of preventing transmission of hereditary disorders. However, it does discourage marriages that would lead to the conception of such children. B. Yeb. 64b, states that a man should not marry into an epileptic or leprous family, i.e., a family in which three members have suffered from those diseases. This declaration represents a eugenic measure designed to prevent the birth of defective children. It follows, *a fortiori*, that overt intervention in natural processes that might cause defects in the fetus would be viewed with opporobrium by Judaism.

It has also been suggested in some quarters that cloning may be morally acceptable in situations in which the sole child of parents who have become infertile develops a terminal disease. By means of cloning, the parents could use a cell obtained from

the child to create another child who would be an exact replica of the child they are about to lose. However, tragic as such cases may be, there is nothing in those circumstances halakhically to distinguish the situation from more usual situations of infertility.

Nevertheless, there are some very rare situations in which cloning, despite the attendant risks, may be regarded as moral and even laudatory. Despite the contrary view of some early-day authorities, the overwhelming consensus of Rabbinic opinion is that restrictions governing interpersonal relationships, including the prohibitions against theft and "wounding," are treated no differently from purely religious prohibitions and are suspended in face of danger to human life.

There have been unfortunate cases of children afflicted with leukemia whose only chance of survival is a bone marrow transplant. To be successful, a donor must be genetically compatible; otherwise the transplant will be rejected. When bone marrow of family members is incompatible, finding a suitable match is exceedingly difficult. There have been cases of the mother of such a child becoming pregnant in the hope that the newly-born child will be a suitable donor. However, the statistical probability that the child will be a compatible donor is only twenty-five percent. If cloning were available, parents, in such rare situations, could clone the ill child. The newly-born infant would be disease-free but would be genetically identical to its afflicted sibling. Medically, the child would be an ideal donor.

There may well be other forms of research requiring cloning designed to find a cure for disease that may benefit individuals who are in the category of a *holeh le-faneinu*, i.e., individuals for whom the danger and potential benefit is regarded as actual rather than merely hypothetical. Under such limited circumstances—and only in such circumstances—human cloning, when scientifically prudent and undertaken with appropriate safeguards, may be deemed appropriate and halakhically sound.

More significantly, cloning technology may prove to be extremely beneficial in cell and tissue therapy. Embryonic stem cells have the ability to differentiate into any cell type and, in theory, could be produced from human blastocysts. Perfection of cloning procedures would make it possible for a person to provide the nucleus of his own cell to replace the nucleus of a donor egg. Stem cells could then be taken from the developing blastocyst and induced to differentiate in culture.[16] Those cells would be genetically identical to those of the person from whom the nucleus was taken, with the result that cell and tissue replacement would be possible without the problems of rejection currently attendant upon transplantation. Rejection of transplants occurs because the body's immune system recognizes the transplanted tissue as foreign. Cloned tissue is genetically identical to the tissue from which it is cloned and hence will not be rejected. The goal of such technology would be the cloning of human tissues and organs rather than of human beings. Although the cloning of human beings is highly problematic, the cloning of tissues and organs for therapeutic purposes is entirely salutary.

Society certainly has reason to regard development of cloning technology with concern. Such concern is by no means limited to the exaggerated fear of the specter of mad scientists engaging in cloning for nefarious purposes (*à la The Boys from Brazil*). Quite apart from the earlier discussion regarding concern for potential defects in the clonee, society has reason to fear that untrammeled cloning may result in a disproportionate number of clones of one gender, that a multiplicity of persons identical to one another may spell confusion and give rise to an assortment of social problems, and that idiosyncratic preferences may create an imbalance in the distribution of physical attributes and human talents. These and other demographic concerns are quite real. Tampering with natural processes in a manner that would lead to social upheaval is not included in man's mandate "to fill the earth and conquer it" (Gen. 1:28). Assuredly, society is justified in preventing such a situation from arising. Accordingly, society has both the right and the obligation to regulate experimental endeavors designed to perfect techniques necessary for successful cloning of humans. The goal of

such regulation should be assurance that those skills be utilized only for purposes that are beneficial to society.

J. DAVID BLEICH

NOTES

[1] Cf., the statement ". . . what is technically possible is not for that reason morally admissible," Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation (Donum Vitae)* (February 22, 1987), introduction, sec. 3. Although that document is not an expression of Jewish teaching, the validity of the quoted axiom is self-evident.

[2] See Willard Gaylin, "The Frankenstein Myth Becomes a Reality: We Have the Awful Knowledge to Make Exact Copies of Human Beings," in *New York Times Magazine*, March 5, 1972, pp. 12–13, 41–49.

[3] *New York Times*, July 23, 1998, p. A1.

[4] Ibid., p. A20.

[5] *New York Times*, July 24, 1998, p. A12.

[6] *New York Times*, July 23, 1998, p. A20. In an editorial accompanying the report of the cloning of Dolly, the editors of *Nature* voiced the opinion that "Cloning humans from adults' tissues is likely to be achievable any time from one to ten years from now." See *Nature*, vol. 385, no. 6619 (February 27, 1997), p. 753.

[7] A full report of the methods employed in causing that event to occur was published by I. Wilmut, et al., "Viable Offspring Derived from Fetal and Adult Mammalian Cells," in *Nature*, vol. 385, no. 6619 (February 27, 1997), pp. 810–813.

[8] See Gina Kolata, *Clone: The Road to Dolly and the Path Ahead* (New York, 1998), p. 25.

[9] *New York Times*, December 2, 1997, p. A24.

[10] *Clone*, p. 32.

[11] Sophia J. Kleepman and Sherwin A. Kaufman, *Infertility in Women: Diagnosis and Treatment* (Philadelphia, 1966), p. 178.

[12] December 2, 1997, p. A1.

[13] *Clone*, p. 39.

[14] Paul Ramsey, "Shall We 'Reproduce'?" in *Journal of the American Medical Association*, vol. 220, no. 10 (June 5, 1972), pp. 1346–1350, and vol. 220, no. 11 (June 12, 1972), pp. 1480–1485; and idem, *The Ethics of Fetal Research* (New Haven, 1975).

[15] Paul Ramsey, *Journal of the American Medical Association*, vol. 220, no. 11, p. 135.

[16] The most frequent discussion of this issue in a medical context is in conjunction with postmortem dissection of a corpse. For a discussion of the propriety of destroying nascent human life generated in this manner and at this very early stage of development see this writer's *Contemporary Halakhic Problems*, IV (New York, 1995), p. 24, n. 10, and his *Bioethical Dilemmas: A Jewish Perspective* (Hoboken, 1998), pp. 209–211.

Codification of Jewish Law—Medieval

THE sources of Jewish law are scattered widely. Ancient Jewish texts were not organized so as to discuss all the laws pertinent to a subject in single entries; rather, the laws are enumerated by the needs of larger discussions of legal principles. Thus the Talmud could discuss six legal topics in regards to one principle on one page and another ten in regards to another principle on another page. The subject matter of one topic might be continued hundreds of pages later in another discussion. Codifiers thus needed to integrate widely flung topics into single categories, even though the principles governing the particulars might be quite diverse. In the new organization, various insights emerged so that the code did not merely pass down a heritage but re-evaluated the heritage by framing new ways to see old materials. Thus codification not only summed up the achievements of the past but produced new territory for further discovery.

In light of this, study of legal traditions and their codification should stand at the helm of all Jewish studies. Z. Fraenkel's "Entwurf einer Geschichte der Literature der nachtalmudischen Responsen," in *Jahresbericht des judische-theologische Seminars "Fraenckelscher Stiftung,"* (Breslau, 1865), and detailed articles by J. Lauterbach, L. Ginzberg, and moderns such as I. Ta-Shma begun this work. Still, not much has been done to investigate the history of Jewish law. Ch. Tchernowitz, *Toledot haHalachah* (New York, 1935–1950) *and Toledot haPoskim* (New York, 1946–1948) attempted descriptive analysis. More recently, E.E. Urbach, *haHalachah Mekorotehah veHitpat'chutah* (Givatayim, 1984) and Y.D. Gilat, *Perakim beHishtalshelutah haHalachah* (Bar-Ilan, Ramat-Gan, 1992) have made incisive contributions to this enterprise.

Other scholars are interested in historical data, economic facts, and social information but not the legal theories and principles of the sweeping collections of codes and *responsa* in their own right. Such studies are useful in setting the legal works in historical perspective. The texts form an entire universe and their internal dialogues and arguments run a centuries long course. Each major work reflects tension with the local customs of places different from those of its authors and even with the prevailing customs of the locale of the authors. Maintaining the authority of the authors often required later glosses, which harmonized these tensions. It thus could be argued that changes in law and practice resulted much more from dealing with fresh life situations than from raw legal dynamics. One should be wary of speaking about "development." The legal decisors had to be innovative to use the authoritative but fertile words of past sages in new ways to justify their innovative decisions. The works of certain decisors became authoritative due to their intellectual statures and pious reputations. The ancient rabbis thus accurately said that a legal scholar is greater than a prophet (B. B.B. 12a). The prophet merely forecasts the resurrection of the dead; the legal scholar resurrects the living—not only the living word of God, as they saw it, but the very life of the community. Theirs was God's work, holy and sacred. They sensed their responsibility was not merely entrusted to them by their communities but by God. The study of these works encompasses no less than the study of the heart of Jews until modern times.

The history of Jewish law during the First and Second Temple periods is veiled from historical enquiry. In the nineteenth century, scholars held that a single antique law had slowly given way to a newer talmudic halakhah. Abraham Geiger used various Greek biblical texts and psedepigrapha, Samaritan texts, Syriac Bibles, and the works of Josephus and Philo to show that many communities had laws different from those of the rabbis. He argued that certain rabbis espoused these earlier laws and that some versions of Targumim also preserved them. In the Rabbinic period, he claimed, these laws slowly changed to conform to new ideas that drove a wedge between the Pharisees and Sadducees. He also claimed that some parts of Rabbinic literature actually preserve the older law, which is buried within the formulations of newer laws. Since the Dead Sea Scrolls preserve older readings while the later Masada scrolls are closer to Rabbinic ones, a few scholar have reconsidered Geiger's thesis. They suggest that Hillel (or another rabbi/Pharisee) brought the Rabbinic biblical texts together with another version of halakhah from Babylonia. They suggest that this version of the written and oral law was of equal antiquity with the older Palestinian laws. At present there is no way to settle these issues.

Be this as it may, we can trace the foundations of medieval law from the period of the Mishnah, to the Talmud, to the Geonic works, and then into medieval codes. We can see how laws that applied in one circumstance were adjusted to take on different forms from those plainly stated in earlier texts. Still, it is not clear that changes in rulings always responded to cultural changes. The evidence, rather, often points to the decisor's legal endeavors' being separated from the issues of contemporary life. Thus, while historians have attempted to identify cultural reasons for differing approaches to Jewish law, they have not been able to contend with the extent to which authorities from widely devergent times and cultures often made identical legal choices, often repeating older traditions and neglecting the needs of their own cultures. Thus halakhists have served as walls against encroaching dominant cultures.

Jewish law preserved timeworn tradition in far-flung communities by orally circulating its culture for many hundreds of years within the foreign cultures that dominated Jews. Various groups taught these laws with considerable divergence but with remarkable similarity and unity as well. Only in the eighteenth century did the Ashkenazic legal tradition hit a barrier that prevented the entirety of Jewish law from forming the culture of the Jew. Prior to this, foreign influences were subtly absorbed and addressed but never became outright the framework of the Jew's life. When the Jew, even

the most traditional, entered modern European society, as a pariah to be sure, the civil and judicial aspects of halakhah became more and more restricted until only the ritual and family aspects of the massive legacy continued to be addressed in any practical manner. After the Temple fell 70 C.E. it had been noted that God was confined now to the four ells of the halakhah (B. Ber. 8a). Of this legacy barely one ell survived in the life of the modern Jew. That one ell has had to expand to fill the space of the four ells.

If we examine the fertile ground of Spain, we find the codes of Alfasi (11 c., Morocco/Spain), Maimonides (12 c., Spain/Egypt), Jacob son of ROSH (14 c., Spain), and Joseph Caro (16 c., Spain/Portugal/Turkey/Palestine). The progression shows an interesting development in Sephardic Jewry. Alfasi decides law among the various options left by earlier decisors but follows the order of the Talmud, shows the talmudic arguments, and removes almost all homiletic material. Maimonides organizes topics into categories and subdivisions bringing all sources to bear but innovating little in the content of the decisions except to remove the talmudic dialectics and add homiletic material. Alfasi and Maimonides might be considered a single work since, by looking at Alfasi, one sees the material from which Maimonides composed his code. Jacob's *TUR* (presenting 13,350 practical laws) built on Maimonides (presenting 15,000 laws both practical and Temple oriented) organization and refined it. He amalgamated his father's French and German traditions. He cites arguments of decisors over controversial decisions and fixes the law. Joseph Caro's *Shulhan Arukh* keeps *TUR*'s organization but drops almost all homiletic materials. He inclines to Maimonides' views, incorporates the views of some later decisors, and does not often present the arguments of past decisors or their rationales.

From Alfasi/Maimonides to *TUR* we see a lapse of two centuries, and from *TUR* to *Shulhan Arukh* we see another two centuries. In these interim centuries, more codes were produced in Ashkenazic lands. Following the publication of Maimonides' code, we find *SMAG* (Moses of Coucy) imitates Maimonides' presentation of his *Sefer haMitzvot* and incorporates his rulings from his code with additions of German and French practices but generally follows the wording of the Talmud. ROSH (13 c.) imitates the style of *RIF* with additions of the French and German Tosafists. After *TUR* we find *SMAK* (Isaac of Corbeil) producing a new code for German and French communities. In the same period of the late thirteenth century, we have *Hagahot Maimunniyot*, which became incorporated as a commentary to Maimonides *Mishneh Torah*. He in fact incorporated the German and French practices. *Shulhan Arukh* was first printed in 1565, a full century after *TUR* (1475). Other works remained in manuscript for the most part.

In the period between Maimonides and Jacob *TUR*, we find German authors like the authors of *Mordecai* and *Sefer Mitzvot Ketanot* (SMAK) composing code-like treatises. But the widespread works that became normative were the Spanish ones, albeit with Ashkenazic commentaries. *TUR* is glossed by *BAH* (Joel Sirkes 1561–1640) and *Darkei Moshe* (Moses Isserles). *Shulhan Arukh* was glossed by *Rema* (Moses Isserles, 1527–1572), *Magen Avraham* (Abraham Gombiner, 1637–1683), *Sefer Meirat Eynaim* (or *SMA*, Joshua Falk 17 c.), *ShACH* (Rabbi Shabbtai ha-Kohen, 1621–1662), *TAZ* (David ben Shmuel ha-Levi, 1586–1667), *Bet Shmuel* (Shmuel ben Uri Shraga Phoebus, late 17 c., a commentary to) *Helqat Mehoqeq* (Moses Lima of Brisk early 17 c.).

In the wake of the shifting of communities from Muslim Babylonia to Muslim Spain and from Palestine to Germany and from both Muslim Spain and Christian Germany to Christian Spain, the unique patterns of community law and custom were disturbed. Only after a process of acculturation and accommodation leading to legal conciliation did the codes emerge to solidify matters. At times the latest authority held sway, at other times the majority opinion won out, and at other times the more prominent authority won the day. We need to observe that each code is produced in the long aftermath of political upheavals when Jewish communities had settled into their new situations. *RIF*/Maimonides' code is produced as Islam establishes its culture in North Africa, Spain, and the East and Jews feel their culture

overwhelmed by emerging Islamic fanaticism. Maimonides fled Spain to come to Egypt. *TUR*'s code is established as Christianity dominates Spain and Europe and wants to dominate the world. The author's father fled Germany to come to Spain. Caro's *Shulhan Arukh* becomes established as the refugees from Spain and Portugal find refuge in the Ottoman Empire and Jewish scholars recognize the need to find a single authoritative voice. Caro himself was such a refugee.

With the merging of communities in the wake of dislocations, the homogeneity of hundreds of years of life in a unified Kehilla ended. The new communities needed guidance to navigate their new heterogeneous society, in which Jews with different traditions lived in close proximity. The codes answered such needs. These particular works do not always illustrate high points in Jewish culture but rather points in which scholars want to demonstrate the vision that they are re-establishing the Torah for generations that survived mass conversions, expulsions, and martyrdoms. Maimonides attempted to replace the Talmud for the masses with his work, *TUR* wanted to produce a work that would become the accessible curriculum for all Jews, and Caro sought to establish a practical textbook for young scholars to become fluent in Jewish law. Apparently, none of them envisioned that their work would ever be replaced.

Codes were written at the end of periods of intense halakhic activity, when Jewish life looked chaotic and previous codes were applied variably or disregarded entirely. Now a code would attract re-interpretations commensurate with current opinion. The mingling of communities after political shifts created confusion, and new codes came to adjudicate the constant shifting of opinion that resulted. As earlier works ceased serving their purposes, scholars saw the practicality in producing a work not merely as an appendage to the tradition but to stand on its own without reference to earlier works. As the earlier codes were cluttered by commentaries, new ones attempted to redo them, incorporating the bend of the commentaries into a single work, only to attract new commentaries. Since the commentaries were not immediately printed on the page with the code, it became cumbersome for the student to use the code. The convergence of swelling of commentary and historical insecurity worked in favor of the production of new codes addressing new audiences. The *Shulhan Arukh* was the first to have commentaries attached to it within a century of its production and thus became a fixed text until the present. This is so even though new codes and commentaries appeared frequently.

The new works do not at all appear to indicate the degree of social and political change of Jews but, on the contrary, look fixed, authoritative, and beyond time or condition. They present a picture of communities that lived suspended in their own never-changing culture. It is true that commentaries do show the conservative nature of the code and attempt at times to show how the principles should work in present times. Different communities might follow different rules. The study of law and works of decisors gave the impression of a stable society with no social or political change. Indeed for the Jew there was little. As they were politically weak and socially outcast, their codes produced the sense of a territory with effective courts and power. Jews saw themselves living in a kingdom ruled by God with Rabbinic authorities adjudicating God's will throughout their small towns and larger cities. Jews understood themselves to have the superior culture, the one chosen by God in its every detail. If not for sin, God would surely redeem Israel immediately. With the growth of messianic longing, the codes brought stability to a world too ready to follow the next messiah who would pronounce that Jewish piety had served its purpose to mend the broken world.

The roots of the Jewish legal practices go back to the very roots of ancient Israel. Our very first indications of law in the Bible already indicate that God gave these laws to Moses. Yet the Bible is reticent about most of the ways in which the covenantal society ought to function and quiet about the details of how these ways were lived and taught for centuries. Various theories of these details developed in post-biblical times. One particular view of these laws circulated above all others and, eventually, the

laws according to this view were collected and set down in the Mishnah. The idea was that God had communicated all necessary details to Moses. However, the Mishnah was not pedagogically attuned. Its books could begin with the most obtuse materials. The Mishnah's topics reflected the unstated, theoretical principles that generated the various laws. This arrangement served as a magnet to develop legal theory beyond the pure statement of law. However, no one could study the materials without extensive training and tutoring. These laws continued to be passed down orally, to be debated and further discussed. Refinements of the Mishnah's laws were eventually redacted into the Talmuds. Yet the laws continued to be taught orally by the heads of the academies who maintained the tradition of the oral law. With the total dispersal of the Jews under the Muslims and Christians, the fluid text was set down in several rescensions. The Talmud proved to be an unwieldy work for the shifting communities. A need arose for scholars to sift through talmudic and midrashic materials to standardize practices and strengthen the scattered Jews with uniform decisions.

Many teachers and students had written notes on various topics. The very talented teacher, Ahai (mid 8th c.) organized legal and homiletic materials based on the discussions of the Talmud(s) and Midrashim around the weekly Torah readings. Typically, he began by exploring legal problems connected to the Torah reading ("May our masters instruct us"). To answer, he combined Scripture and talmudic materials in most creative narratives. Apparently in opposition to the Karaites, he stressed Rabbinic legislation and followed the Babylonian Talmud and Palestinian Midrashim quite literally in reading Rabbinic laws back into Scriptures. In a few instances he utilized the Talmud Yerushalmi. He completed his work in the land of Israel after leaving the Babylonian academy of Pumbeditha. His work had a lasting influence on his successors.

Yehudai Gaon and his students (8 c.) produced a noteworthy compilation of laws. The *Halachot Pesukot* (= *sefer re'u*), which has not reached us in prime condition, is a compendium of laws based on talmudic statements. It follows the order of the talmudic chapters but there has been some internal reorganization to keep subject matters together in orderly progression. The interesting facet of this work is that it is written in Hebrew and slavishly translates Aramaic talmudic phrases, which sound rather odd in Hebrew. These translations were popular with later scholars who cite talmudic passages sometimes in the Hebrew form of the *Halachot Pesukot.*

Following this work (some place it earlier), we find the popular *Halachot Gedolot* attributed to Shimon Kayyara, which organizes legal material according to the schema that there are 613 commandments. This is the first known work in which the author presents his purposes and methods in an introduction. The presentation is somewhat dry and lacks legal analysis. The bare law is given utilizing the talmudic and midrashic language of the source. The work utilizes language of *Halachot Pesukot* and even the *She'iltot.* Of interest is the emphasis of hanging rabbinic laws on biblical verses and considering them biblical. It seems this work is also aimed at undermining the claims of Karaites that Rabbinic Jews have deserted the plain sense of the Torah. Following this work, we find a spate of Geonic texts based on varying enumerations of the 613 biblical commandments. There are also works dedicated to listing at length the rules concerning single legal subjects. Saadia Gaon wrote both of these types. Yet the crowning achievement of deciding talmudic law belongs to Isaac Alfasi.

The *RIF* (Rabbi Yitzhak ben Ya'acov Alfasi, 1013–1103) copied out talmudic discussions in his massive *Sefer haHalachot*, omitting opinions he thought were to be rejected. Sometimes he gathered together laws on certain subjects and wrote exclusive works on them. His writings attracted a number of important commentaries and like works. The most important of the latter was penned by Moses Maimonides (*RAMBAM*, 1135–1204), whose work is loosely based on the practical decisions of the *RIF* but in presentation and analysis is entirely original. Maimonides

mentions consulting ancient talmudic texts to clarify readings in some four places. He developed a style of Hebrew legal language that has held throughout the centuries. His code, the *Mishneh Torah* (or *Yad haHazakah*), in fourteen volumes followed neither the order of Scripture nor the order of the Talmud. Maimonides organized the entire legacy of Rabbinic Judaism into a comprehensive presentation of the logic and form of all laws in the tradition, practical or nonpractical. He omitted all names of talmudic rabbis in order to give the impression of a single unified document that transcended time or geography. On the other hand, Rabbenu Asher ben Yehiel (1250–1327), known as *ROSH*, composed a reworking of the legal passages of the Talmud along the lines of the *RIF* but utilizing the methods of the French and German Tosafists. His son Jacob (fourteenth c.) wrote the second totally comprehensive code, the *Arba'a Turim*, based on his father's approach. It remained for Joseph Caro to couple the *TUR*'s precise form of organization with a comprehensive approach that harmonized Maimonides' rulings with the Tosafist's approach to Talmud.

Maimonides wrote his work in a succinct Hebrew style after the manner of the Mishnah and legal Midrashim but not without lapses into Arabic syntax and medieval Hebrew prosody. Although he adhered to Alfasi's legal decisions, his work is totally different in style and content. His organization, first and foremost, is dependent on commandments from the Bible, and he divides his chapters into units showing the logical and sometimes chronological development of laws. What he has done can be compared to a mechanic who goes to a hundred buildings to find screws and discrete parts, some hidden under carpets, and then constructs of them a handsome automobile. Maimonides (perhaps with a minor exception) does not reveal the reason he arranged his topics as he has, and the student must grapple with the logic of his plan over the fourteen volumes of his composition. Except when he found compelling reason to do otherwise, he kept the order of topics close to that of Scripture or the Mishnah. With astounding clarity and incredible ingenuity, he wove together sources from Scripture, Targumim, the Talmuds, the legal Midrashim, the aggadic midrashim, and sources no longer known to us.

The reader senses that no word is missing, nothing extraneous. For example, in the Laws of Hanukkah 3:1, Maimonides adds a few words to B. Shab. 21b. Whereas the Talmud leaves it that a miracle occurred so that a vial of undefiled oil sufficient for one day lasted a full eight, Maimonides adds that such time was needed to produce fresh, undefiled oil. The narrative reads so smoothly and so coherently that one does not sense that Maimonides interpolated into the familiar narrative his own clarifying material. What goes unstated in the Talmud, Maimonides says. His aim was to provide a clear insight into the finely honed systems of talmudic legal pronouncements. He seamlessly blended classical sources, his own exegesis, and terms and ideas of previous codifiers together. Close examination shows he said more than meets the eye, and many have tried to unravel his deceptively simple writing to show his profound achievements. Many great scholars have spent their lives contemplating his every word.

Maimondes' *Book of Commandments* (*Sefer haMitzvot*), written in Arabic, developed his fourteen principles for deciding the mechanisms of how the rabbis determined scriptural law. He followed this by a detailed listing and exposition of the positive and negative commandments in the Hebrew Bible. Besides considering this work and his work on the legal portions of the Yerushalmi, one can gain further insight into Maimonides' methods of talmudic study by examining his *Commentary to the Mishnah*, completed when he was thirty-three. Also his letters shed much light on the rulings in his codes. Only by considering the pertinent talmudic passages and cognate literatures can one appreciate Maimonides' labors. His approach was to prefer the plainest understanding of his sources without harmonizing conflicting passages, as was the method of the Tosafists. Maimonides therefore considered many talmudic arguments based on Scripture merely to be poetic articulations of Scripture's breadth but not really the intent of

the Scriptural verse. The laws were binding within the Rabbinic system but not that of Scripture. It bears noting that Maimonides' desire to teach some elements of Aristotelian science created a stir in scholastic circles that lasted for centuries.

Maimonides philosophical insights into the nature of theodicy, providence, prophecy and other issues were reserved for his introduction to his commentary on Mishnah Avot, called *Eight Chapters*, and his *Guide for the Perplexed*. His legal code is a work of extreme diligence and is the only post-mishnaic work to cover the entire span of Jewish law, including the laws of kings, sacrifices, and purities. This work has stimulated more study of the Talmuds than any other legal work. He examined the finest and most ancient manuscripts of the Bible and the Talmuds, at times telling us about his collections. He tells us about a Talmud manuscript that dated to about 700 written on parchment. Maimonides' concern with sociological and psychological issues shines through his presentation. Note his listing of the sixth of the positive commandments in his *Book of the Commandments*.

> By this biblical injunction we are commanded to mix and associate with wise men. [We are instructed] to be constant in their gatherings. [We are to accomplish such association] through every possible manner: service, fellowship in food and drink, and business affairs. The purpose in our doing so is that we may succeed in emulating their actions and in acquiring true views from their words.

In "The Laws of Doctrines" (*Hilchot De'ot*) 6:2 he describes this commandment in greater detail, but here he reverses the task of the verses cited in his *Book of the Commandments*. An examination of the talmudic sources shows some slight conflation of sources and even personal additions in his code. At times Maimonides deletes explanatory additions in the talmudic texts in order to present the original forms more clearly; at other times he expands the classical sources. But there is next to nothing in his laws that cannot be found somewhere in the traditions, Babylonian and Palestinian, talmudic and midrashic, scriptural and targumic. Where there is, he tells us what his personal opinion would be.

An interesting example of the complexity of Maimonides rulings derives from Maimonides' belief that the Jews' supreme duty is to sanctify God, *kiddush ha-shem*. A central requirement of this duty is that, in particular circumstances, one must surrender one's life rather than reject God and God's laws. In his *Book of Commandments*, Maimonides registered the duty of sanctifying God's Name as the ninth positive commandment:

> The meaning of this commandment is that we are commanded to publicize the true faith in the world, and not to fear any consequences, so that, even if there come a tyrant who calls on us to deny him, the Exalted One, we are not to obey him. Rather, we must be prepared to give up our very lives, and not to have him think that we have denied him. We must do this [even though one might outwardly obey,] although in our hearts we would still believe in him, the Exalted One. . . . Every Jewish person is obligated to sanctify God's name . . . as was stated in the Sifra, "I am the Lord who has taken you out of Egypt to be your God"—this means, "in order that you shall sanctify my name in public."

Maimonides in "Laws of the Foundations of Torah" (*Hilchot Yesodei haTorah*) 5:1 states:

> All members of the Jewish people are commanded to sanctify the great Name of God as it is written: "And I will be sanctified among the people of Israel (Lev. 22:32)." They are admonished not to profane it, as it is written: "And thou shalt not profane my holy Name (Lev. 18:21)."

Maimonides, Laws of the Foundations of the Torah 5:2, 3, follows the ruling of Yohanan (B. San. 74b) that to fulfill the commandment of sacrificing one's life to sanctify God's name requires that ten Jews witness the act of martyrdom. Yohanan noted that the verse, "And I shall be sanctified among the people of Israel" (Lev. 22:32) had been interpreted to mean among at least ten Jews. On the other hand, there are three laws, idolatry, illicit sexual relations, and murder, where the rabbis learned that one must forfeit one's life and not transgress even in private. The same would apply

to any commandment a Jew was forced to abrogate in times of persecution, when Jews were being forced to apostatize. An abrogation of any commandment under duress is tantamount to apostasy.

In his *Letter on Apostasy* [*Igeret haShemad*], Maimonides writes that the performance of the commandment of the sanctification of God's name was the objective of the Exodus, and he summarizes what he said in his *Mishneh Torah* on the subject:

> Just as the profanation of God's Name is such a great sin, so also the sanctification of God's name is a great mitzvah. A very great reward is in store for him on its account. . . . The rigor of this commandment can be seen when it is compared to the other commandments in the Torah. Regular commandments (in normal times) must be abrogated to save one's life, but not that of "And I will be sanctified among the people of Israel." It is the only one that overshadows the saving of one's life. The principle of "And thou shalt live by them" which means "and not die for them" does not apply to the positive command to sanctify God's name.

A quick glance at the laws of Foundations of the Torah 5:4 shows us how serious the law of sanctifying God's name is:

> Anyone who disregards the obligation to live and martyrs himself when he should have lived will forfeit his soul. But one who martyrs himself under the proper circumstances sanctifies God's name . . . while if he did not he desecrates God's name. . . . Still he cannot be punished by any court for he acted under duress. . . . Yet, one who can escape from the evil tyrant and does not . . . is considered as one who willfully worshipped idols and will be chased out of the afterworld to the lowest level of hell.

Nimukei Yosef (Joseph Habiba, 14 c.), the acclaimed student of *RAN* (Rabbi Nissin Gererondi, 1310–1375), claimed that Maimonides himself would permit a well known pietist and saint to martyr himself where that act was certain to instill faith and resolve among the general Jewish population in trying times.

But Maimonides was silent on the question of how far one can go to avoid getting out of a situation that would call for martyrdom. It was common for the Jews in Germany and France to martyr themselves during the Crusades, especially that of 1096. Many Ashkenazic decisors permitted such acts of popular martyrdom where the letter of the law did not demand it if the Jewish faith was endangered. Among these were the Tosafists. But in *Letter on Apostasy* Maimonides took another path. He recommended that in times of persecution when Jews are killed if they do not convert to a non-Jewish faith, one is to hide in one's house and escape the country at the first opportunity. Yet, he did not strongly condemn those who were forced to submit, although they should have chosen to martyr themselves.

Would Maimonides have permitted one to pretend to be a non-Jew to escape persecution and martyrdom? *Radbaz* (David ibn Zimra, 16 c.) claims not. Nimukei Yosef does not cite what he thinks Maimonides would have said on the matter but claims it is clear that such behavior should be permitted as long as he does not profess with his mouth that he is a convert. Muslims used to claim that Maimonides himself had converted to Islam during the Almohades' persecutions, but there is no reason to accept their word when they have claimed the same about other important Jews. *Radbaz*, who has harsh words for anyone who would give into pressure or even pretend to be a Christian, lived during the martyrdoms and apostasies of the Spanish and Portuguese Inquisitions.

After 1215, the edict of the Fourth Lateran Council required Jews to dress differently from non-Jews and to pay taxes to the Church on properties that had been purchased from Christians. The effect was a series of wide ranging ordinances passed by local communities to require Jews to wear special clothing, usually a badge of shame, and to pay general taxes to Christian clergy. It appears that even prior to, this various communities had required Jews to pay such taxes.

Let us examine background materials that reflect on this problem. We begin with a startling connection of sources on the Ten Commandments as framed by (Shlomo) Ephraim son of Aaron of Lunshitz in his

biblical commentary called *Kli Yakar, The Precious Vessel*. He noted that unlike the last eight commandments of the Decalogue, the first two are phrased as God speaking in direct address to Israel in the first person ("I am the Lord . . . thou shalt not have other gods before me") and not in reference to God in the third person. Why so?

> The final eight commandments of the Decalogue apply in the land and out of the land, whether the temple is standing or not standing. On the other hand, the first two commandments, Exod. 20:2, *viz*, "I am (the Lord thy God who took you out of the land of Egypt from the house of bondage)" and "Thou shalt not have (other gods before me)" can only apply when Israel dwells on their own soil and God communes with them directly and does not conceal himself. When we, his children, are banished from his table (divine presence in the Temple), then the words "I am the Lord thy God" have no viable reality to them. Our sages have noted that "One who dwells outside of the land is *as if* he has no God." Likewise the words "thou shalt not have *other gods*" have no viable reality to them in our exile. The bible stated that *there* (in the lands of the nations) you will worship *other gods* which RASHI explained to mean that payment of taxes to gentile clergy is considered by the Torah as if one did worship (other gods).

For *Kli Yakar*, RASHI and the sages have equal authority to give definitive meaning to the texts. For him, the first two commandments have no absolute possible applications while Jews live in foreign cultures and are thus cut off from the possibility of divine communication and cultural, economic integrity. Paying taxes to support gentile clergy is tantamount to idol worship; the implication remains that Jews are not to do anything further to worship idols, and thus Ephraim of Lunshitz drew the connection between other gods in the ten commandments, "other gods" in Deuteronomy, and RASHI's limitation of the limit a Jew can allow himself in social and political integration with foreign religious cultures.

Rabbi Asher ben Yehiel, *ROSH* (13 c.), a student of Meir of Rothenberg, developed an interesting mixture of code and commentary to the Talmud. By reviewing each phrase of the Talmud as the subject to applicable rulings, he rephrased the Talmud subtly to reflect the views of the Tosafists. Where Alfasi had been content to omit talmudic interpretations of the Mishnah that he saw as too wide of the intent of the Mishnah, *ROSH* included them. In tandem with acting as paraphrist of the Talmud to sharpen his own legal views, he revised the text of the Tosafists to reflect the clarity of his own views of them. He does not name those he rejects, but it is clear he does at times argue with Alfasi and Maimonides and others. *ROSH* (2:4) to Avodah Zarah (84) says that those who think the Talmud Yerushalmi permits one to pretend to be an idol-worshipper to save his life is mistaken. For in pretending to be a gentile, he in fact makes himself a gentile, since tyrants want Jews to act as gentiles and not as Jews. Such pretense is tantamount to conversion and renunciation of the Jewish faith. On the other hand, if there are persecutions against rabbis and a rabbi denies he is one, he has not renounced his faith, since there are many faithful Jews who are not rabbis.

ROSH, consistent in his outlook, states in Baba Qamma (*ROSH* 10:11) that it is forbidden for a Jew to pretend to be a non-Jew even if just to escape from paying tariffs to gentiles. It is tantamount to denying his religion. His interpretation of a talmudic passage (B. B.Q. 117a) is to oppose views such as the German student of *RASHI* who edited (and at times changed) *RASHI*'s talmudic commentary (Baba Qamma ch. 10) and attached it to the *RIF* (under *RASHI*'s name). This editor of *RASHI*'s commentary to the Talmud understood the Talmud to mean that, in theory, one can pretend to be a gentile, by wearing forbidden mixtures, to evade taxes as long as there is no infringement of Jewish laws. In practice, one should not evade the tax laws, or any monetary laws, of countries in which one dwells. It is doubtful he would say this categorically where loss of life or limb was involved. On the other hand, like the *ROSH*, Radbaz tells us that it is clear no Jew can pretend to be a gentile even when no issue of ritual infringements are present. He says this in his commentary to Maimonides' Code, Laws of Forbidden Mixtures 10:18. Further, in his responsa, *Radbaz* (s. 1137) gives us greater detail:

> Whether to save money or even life it is forbidden to claim to be a gentile. If one asks him who he is, he is to say, "I am a Jew" and trust in God. By saying he is a gentile, he has acknowledged he adheres to their faith even though it was to save his life . . . but many erred in the Inquisition of Portugal and thought because they were not baptized they could say they were gentiles to avoid martyrdom.

As we saw, there was some question in the mind of the student of *RASHI* if such was really the law. Along these lines, *Nimuke Yosef* thinks the Tosafists similarly would have permitted such pretext to save money and all the more so to save a life. Nevertheless, *Nimuke Yosef* agrees if there was a specific decree that Jews were to dress like gentiles or die, then the Jew would properly have to let himself be martyred and not pretend to be a gentile. On the other hand, if the decree was to force Jews to become apostates, then he should not let himself be martyred if he could escape by donning gentile garb.

> He should dress like a gentile to escape worshipping their gods so he can flee the country. . . . He has no intention of enjoying his predicament and what he is doing is permissible since he is required to save his life. . . . The Talmud (B. Ned. 62b) permitted a scholar to pretend to be a fire worshipper to escape levies. The Tosafists (not in our collections) think the Talmud permitted this case because God is compared in Scriptures to a burning fire (Deut. 4:24). So the scholar merely prevaricated—in his own mind he thought about worshipping the fiery God described in Scriptures although the Zoroastrians would have interpreted his words more literally. Other commentators have reasoned the Talmud means the scholar prevaricated because he understood his admission to mean he is a servant to real fire-worshippers (see RASHI's commentary to Deut. 4:28 and the Targum to it also) likely based on the notion that the Targum includes serving idolaters under the phrase worshipping foreign gods in a permitted way. According to the Talmud, it is permissible to mislead gentiles this way for monetary gain. It is logical one can certainly mislead them to save one's life. In the cases under discussion the persecuted Jew makes absolutely no verbal profession but dresses like a gentile. Given the above scenarios, that kind of misdirection definitely should be permitted.

Apart from the cited Babylonian sources, he found Palestinian *midrashim* (Gen. R. 82 s. 8; s. 14) which reported that scholars changed their clothes to escape being noticed in times of persecution. However, when questioned, they admitted they were Jews and were martyred. *Nimukei Yosef* argues that merely dressing as a gentile (without verbal profession) to escape persecution should be completely lawful. *Nimukei Yosef* likely understood the *ROSH* would agree with his analysis. *ROSH*, in his commentary to B. Ned. 62b, notes that a scholar (who has disciplined limits not to bend the rule further) may lie and say he is an attendant to priests of an idol in order to escape certain taxes. One is reminded of the Targum and *RASHI*'s claim (Deut. 4:28) that God had cursed Israel for their sins with going into exile and serving attendants of idol worshippers there. We will have opportunity to take another look at *ROSH*'s position when we discuss the work of *ROSH*'s son in this matter. *Nimukei Yosef* justifies his own position by citing relevant sources. Both *Rashba*, Shelomo ben Aderet (1235–1310) (*responsa*, 84), and *Tashbetz* (*responsa* 416, Shimshon bar Zadok, a student of Meir of Rothenberg whose decisions he recorded by dictation and a contemporary of *ROSH*) in their *responsa* were adamantly opposed to any pretense to be a gentile, even if just to dress as one. This likely represents the view of Meir of Rothenberg as well. The issue was not simple, but it did get resolved.

Rashba, a codifier of law in his own right, was recognized as an independent thinker who did not allow the weight of authority to weigh against clear thinking. *Rashba* pioneered the idea of twin works, one presenting a thorough discussion of opinions of decisors from the Talmud onwards, the other a short statement of law based on the conclusion of his historical survey of opinions. The method came to the forefront with the twin works *Beit Yosef* and *Shulhan Arukh* of Joseph Caro.

Throughout the medieval period, the German and French Jews produced many codes, some of limited and some of greater scope. Some, like that of Mordecai ben Hillel (1240–1298), dealt with the mechanics

of deriving proper observance from talmudic sources. Others, like the *Sefer Mitzvot Gedolot* (*SMAG*) of Moshe ben Ya'acov of Coucy (1240–1300), listed the biblical commandments and discussed the pertinent Rabbinic debates. Collections of law abounded, and it fell to the son of Rabbi Asher (*ROSH*), known as *Jacob Ba'al haTURIM*, to organize the chaotic mass of literature. He knitted aggadic and legal theories to form a smooth fabric of legal traditions, easily accessible under specific topics. This work is a masterpiece of organization, with each law in its expected chronological order of daily, monthly, and festival ritual. The laws of marriage and divorce, of civil proceedings, and food laws are laid out in proper sequence. This work fully integrated talmudic legal and midrashic sources, specifying various differing views in the Talmud. He showed how Maimonides, *ROSH*, or others worked their way through the authoritative sources. He clarified the majority rulings and added ethical advice based on homiletic sources he integrated into the legal discussions. It is little wonder that the greatest legal minds of the fifteenth and sixteenth centuries attached their own works to this celebrated code.

In *Yoreh De'ah* 157, *TUR* writes:

> It is forbidden for one to say he is a gentile in order that he not be killed. Since he says he is a gentile, he acknowledges their faith and denies Judaism. However, if one has been sentenced to death by gentiles and can save himself by taking refuge in a gentile temple, my father, *ROSH* (*Responsa* 19), allowed him to flee there, for that does not constitute idol worship.

No differently than his father, *TUR* skirted the issue of the permissibility of dressing like a gentile to escape persecution. However he noted that simply walking into a temple is not forbidden if he does not participate in any worship. In this he follows both Nissim Gerondi (1310–1375, called *RAN*) and *ROSH* against the view of *Rashba*, who forbade giving any impression one is a gentile under any circumstances. The rabbis in Mishnaic times record an extreme view that mentions a rabbi who had forbidden taking refuge in a church to save one's life (B. Shab. 116a), but this seems to be a teaching only for the very pious who might opt to martyr themselves. *Rashba* took it as normative law.

Darkei Moshe, written by Moshe Isserles (the *REMA*, 1527–1572) lists the decisors (*poskim*) who allow prevarication in pretending to be a Christian. The German *Terumat haDeshen* (Israel Isserlein, 1390–1460), *responsa* 197, in a lengthy discussion, permits acting like a gentile to save one's life, including dressing like a gentile so long as one does not violate any ritual laws, even though he might give the impression he is breaking certain laws. This legal thinker composed a book of nearly six hundred issues in which he began with a question and provided practical solutions. Problems of religious persecution form a central interest. *Kol Bo* forbids any of this in time of religious persecution and requires martyrdom. Nothing is known of this author, not even his name, but his mastery of the sources makes his work of importance right into modern times. Joseph Caro, in his *Beit Yosef* commentary to the *TUR*, allows dressing like a gentile, as did Joseph ben Solomon (*RIK*, 1429–1480) (*responsa* 88), citing *Hagahot SMAK*, that one may do so under all circumstances and not just to save his life. *BAH* (Joel Sirkes, 17th c., Poland) emphasizes that some decisors permitted someone to disguise himself as a Christian only to save his life.

In his *Shulhan Arukh, Yoreh De'ah* 157, 2,3, Caro copied the wording of *TUR* but added one sentence: "*But* if for the purpose that he not be recognized as a Jew he may change his clothes; in times of persecution it is permitted since he does not say he is a gentile." The final word belongs to Moshe Isserles, whose extensive glosses on the *Shulhan Arukh* adopts the moderate attitude of *Nimukei Yosef*, who does not permit outright lying but who does permit more subtle subterfuges in times of severe threat:

> And it is permitted then even to wear forbidden mixtures. Although it is forbidden to outright say he is a gentile, he can use equivocal expressions. It is lawful even though the gentile is misled into thinking he is a non-Jew, since he himself is aware he means something else entirely. He can use any such means to mislead them into thinking he is a non-Jew . . . specifically in times of grave danger. Yet, if just for finan-

> cial advantage he dons gentile clothing so he is not recognized as a Jew, whether to avoid custom duties or similar expenses, then it is forbidden.

The force of the moderate views prevailed over the lenient views permitting dressing as a gentile to evade taxes, on the one hand, and the stringent views (*Rashba, Tashbetz*) forbidding for any reason giving the impression one is a gentile, on the other hand. *Knesset haGedolah* wonders if there is a source that permits prevaricating by a scholar who knows where to draw the line (and if asked would admit to being a Jew). After all, that is the law of the Talmud, and it seems the *RAN* certainly understood matters that way. *Poskim* like the *ROSH, Nemukei Yosef, Maharshal* (Shelomo Luria, 1510–1573), and *Maharil* (Ya'acov ben Moshe ha-Levi Moellin, 1360–1427) saw that only in cases of imminent death could one prevaricate. Hayyim Benevisti, author of *Knesset HaGedolah*, a commentary on the *TUR*, wonders how anyone arrived at this conclusion. The case of the Talmud concerns scholars' avoiding taxes, not saving their lives. Various *poskim* have allowed prevarication even to save money if the tax collectors were thieves who wanted to exploit Jews against their own law. *REMA* and others, it appears, did not permit this. He answers that the *poskim* wrote the law for non-scholars and permitted everyone to prevaricate (including dressing like a gentile) only to save their lives. They understood the Talmud to mean that only scholars could escape taxes by prevaricating while others could save their lives in that manner. But no one could profess to be a Christian. On the other hand, *Sefer Hassidim*, whose pious rules at times went to radical extents, proclaimed that if one was mistaken for a Christian, he had to correct it and declare he was a Jew. *ShacH* realized that Jewish merchants and travelers in his area of Poland habitually dressed like Christians, and he justified their behavior within the received legal traditions.

Our study shows that the general trend of *halakhah* involves local communities' asking questions to local authorities on matters that had not been settled in earlier codes. Either the circumstances requiring innovative approaches had not yet surfaced or the method of the decisor did not allow him to introduce materials not discussed by the Talmud and Geonim. The fresh answers circulated in books of responsa and eventually found their way into commentaries on the codes. These commentaries became accepted as normative and enjoyed equal authority with the codes to which they were attached. The result is that the rulings entered into the next codes to be produced. Thus *TUR* used the phrasing of Maimonides or *ROSH*. *Shulhan Arukh* then incorporated these laws and interjected the rulings of the authoritative *responsa* into the codes. The normal complaint against the process is that the codes tend to have their own systematic progressions and the talmudic sources get left behind in the natural principles through which codifiers mediated the *responsa*. Later commentators had to justify the results of the codification process by going back to the talmudic sources and reinterpreting them to fit the common practice as codified. Codes tended to take on a life of their own. In modern times, the proliferation of codes in the nineteenth and twentieth centuries led to modern codes' losing their appeal so that the responsa literature has become the essential tool of the *posek*.

It remains for us to discuss the author of the *Shulhan Arukh* and his major glossator, Moses Isserles. Joseph Caro was born in Spain (or Portugal) but left before the ominous expulsions. At this time, Sephardic Jews spread into Ashkenazic lands. These people had been more integrated and assimilated into Spanish society than Ashkenazic Jews had been into French and German society. The refugees considered their culture superior and discounted the ancient customs of Ashkenazic society. Caro settled in Turkey and became a master of every facet of Jewish literature. Having little patience, his temperament was completely of a legal nature, and he had little sympathy for aggadic lore or ethical advice. He turned poetic insights into legal strictures and ethical recommendations into statutes.

Caro's *Beit Yosef* commentary to the *TUR* code is a masterpiece of research into the legal opinions of all the major thinkers from the Talmud to his day, with detailed emphasis on the views of Alfasi and Maimonides.

Nevertheless, his researches tended to ignore the French and German legal tradition and in some ways even erred in the Spanish, talmudic tradition. This tradition had reached its final development with the classic presentation of Maimonides. After that, the northern Spanish scholars, beginning with Nachmanides, adopted the methods of the French and German schools. By the nature of their study they could never reach any finality in deciding the sense of talmudic passages. *TUR* represents the attempt to bring that tradition to finality by incorporating both French and German methods with the Spanish ones. The *Beit Yosef* commentary to the *TUR* attempted to widen the scope of the *TUR* and focus Jewish law into the talmudic tradition of Maimonides.

Caro's mystical tendencies were part of his age. The suffering and dispersions had been so great that messianic hopes were afire everywhere, and *kabbalah* became the perfect vehicle to expand Jewish hopes. Caro received a special ordination given to him and three other judges allowing them to become part of a supreme court, should the messiah come, that could function as the Sanhedrin did in Temple times. His colleague who enjoyed the same ordination was his harshest critic, Moses ben Joseph of Trani—known as *Mabyt*. Joseph Caro (1488–1575), David ibn Zimra (1480–1573) and Moses ben Joseph of Trani (1500–1580) sat on the tribunal of Jerusalem. Caro's subconscious rose to conscious levels in an entity referred to as the Maggid, an alter-ego manifestation that counseled him, speaking through his throat.

Caro's code was originally divided into thirty sections with the hope that a scholar could review the entirety every thirty days. It was not really meant to compete with the *TUR*, which it soon did. However, many great scholars pointed out its shortcomings in that it had removed the reasons for the laws and presented just the dry bone of a decision. They complained that it was replacing talmudic study as the center of Judaism. Nevertheless, those who praised it wrote commentaries to fill in its lapses so that it could fully operate as a code. Eventually these commentaries were printed on the margins of the *Shulhan Arukh*, assuring it of being the total legacy of practical legal decisions. It was printed in an entirely new format rivaling those of Maimonides and the *TUR*. It was accepted as the work par excellence among the majority of Sephardic rabbis, a position it retains until the present. Caro's code became the standard reference work for *poskim* after the seventeenth century, and two centuries later further codes, modeled after *Shulhan Arukh*, abridged and updated his work for various communities that had customs not listed by *REMA*.

Isserles had begun by writing a commentary to the *TUR* to correct the lackings in the *Beit Yosef* commentary. This commentary, *Darkei Moshe*, showed the mastery and genius of the young Isserles and established him as the leading scholar of Poland. His commentary, the *Mapa* (*Table Cloth*), explained difficulties in the *Shulhan Arukh* (*Set Table*), corrected errors, argued against some of its rulings, and established Ashkenazic customs as binding for all time on Ashkenazic Jews. He widened the scope of the *Shulhan Arukh* by citing variant opinions. His work was incorporated into the very text of the *Shulhan Arukh* in smaller letters of a different font. With the new commentaries of *REMA*, *TAZ*, *Magen Avraham*, and *ShacH*, and *SMA*, *Shulhan Arukh* became a code that was functional and authoritative for establishing Jewish law in a more or less unified format. The labors of Maimonides and *TUR* had reached completion as legal codes, and whatever new codes might now be produced were destined to follow the decisions of Caro. We should point out that Mordecai Yaffe in his *Sefer HaLevushim* (10 volumes) had produced a code incorporating encyclopedic discussions like those of *Beit Yosef* and conclusions of law like those of *Shulhan Arukh* as a workable code, but that attempt was not widely followed, and until recently his work was not even reprinted. The scope was not universal enough. In the eighteenth century, Elijah of Vilna (*GRA*) attempted to find the source of all laws and customs in the *Shulhan Arukh* by recourse to the Talmud and Bible. His approach was ingenious for its clarity, brevity, and simplicity. But no one has managed to duplicate this approach.

The commentaries to the *Shulhan Arukh* allowed Caro's code to be workable providing that one re-adjusted the decisions of Caro in light of the later commentaries printed with it. Opposition to the code dwindled, and with the rise of Sabbateanism, Frankism, and Reform, all of which undermined the authority of local rabbis, the *Shulhan Arukh* became the symbol of traditional Jewish law. It has remained in this position and still attracts authoritative commentaries, who have updated it into the twentieth century.

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Codification of Jewish Law—Modern

In the nineteenth century, even as Jews were granted citizenship in European countries, political antisemitism increased, and, through programs of religious repression and secularization, many governments embarked on programs to sever Jews from their traditions and to assimilate them into general society. The Rabbinic leadership in Eastern Europe sensed that the mind-set that had sworn loyalty to the *Mishneh Torah*, the *Tur*, and the *Shulhan Arukh* was on the verge of disappearing. Poverty and hardship cut deeply into Jewish societies that, through faith and obedience to Rabbinic leadership, had weathered bad storms in the past. As the face of Europe changed and there did not seem to be a place for the Jew in modern society, Jewish responses varied. The growth of Hassidism was one response, the attempt to build a Jewish homeland, another. As always, absorption in the vision of self-power and the picture of an orderly society had strong appeal. So as many Jews looked for greener pastures by emigrating, assimilating, and modernizing, others sought the refuge of the well-regulated lifestyle that was a Jewish Kingdom on earth. Zionism had appeal for some, but for many the life of faith and tradition still held promise.

Jews had recovered from the repression of Islam and the collapse of the Gaonate in the twelfth century and recovered from the strength of Christendom's armies in the fourteenth. Again, they recovered from the collapse of Spanish Jewry in the fifteenth century. Each time, they produced a new legal code. Now in the nineteenth century, with the collapse of Rabbinic authority in the wake of new political and social structures, a new crisis loomed. As a result of economic factors, Jews left the well-governed Jewish life of the *shtetel* in search of a more open life in the city. In the urban setting, they found a variety of Jewish and non-Jewish life-styles, free from previous social pressures. Secularism, socialism, and communism were all temptations for the economically deprived Jew. In addition, the application of steam power to machinery meant that paper and printing became cheaper and broadly accessible.

The challenges of technology encroached into Eastern European Jewish life, but this same technology provided the means to meet the challenges. The response to the transitions once again was a renewed activity in collecting the laws of the past and representing them anew. The new halakhic works, for the most part, did not seek innovative ways to pave the future. They demonstrated that mastery of Jewish law still could lead to the vision of God's halakhic dimension. If anyone was convinced that these laws were antiquated, they could see first hand that the most eminent authorities of the day still lived in the halakhic world. It was the authors of these works who affirmed the eternity of the lifestyle that defined them. More than such works served the needs of communities, they served the needs of the authors. This was their way of coping with adversity and threats from without and within.

Between 1810 and 1907, we find a fresh

interest in Eastern Europe in writing popular codes. We note the works *Hayei Adam* (Vilna, 1810), by Rabbi Abraham Danzig (1748–1820); *Kitzur Shulhan Arukh* (1864), by Rabbi Ganzfried Solomon (1804–1886); *Arukh Hashulhan* (1884–1903), by Rabbi Yehiel Michal Epstein (1829–1908); and *Mishnah Berurah* (1894–1907), by Rabbi Israel Meir Kagan (1838–1933).

Each writer incorporated local customs and approaches to legal problems that suited their constituencies so the reader had no need to consult any further work. These authors preserved past legacy in simple form but still incorporate the spirit of the *Shulhan Arukh* of Joseph Caro. They increasingly wrote bare-boned codes in language that the average student might be expected to know—usually indicating their sources in brackets.

The *Hayei Adam*

Born in 1748 in Danzig Germany, Rabbi Abraham Danzig studied with Rabbis Joseph Lieberman and Ezekiel Landau (*Nodah Byehudah*). After his marriage, Rabbi Danzig relocated to the city of Vilna, the home of the famed Elijah (*Gra*). He served from 1794 to 1812 as *dayan* (rabbinical judge).

Though Rabbi Danzig published numerous works, his fame came from his *Hayei Adam*, which presents the essential teachings of legal decisors on the rules of *Shulhan Arukh, Orach Hayim*. On the cover page of the first edition of the *Hayei Adam*, which was published anonymously, Rabbi Danzig stated his intended readership and his purpose in writing this work as follows:

> 1) The first benefit is that even a boy of thirteen can now study and understand nearly all the laws of the *Shulhan Arukh* in a short period of time, whereas an experienced student [without having read this book] will take some years of effort to do so.
> 2) Heads of households, for whom the burden of earning a living is heavy, can read this book during their periods of rest. That is because the language is easy to understand and everything is clearly and completely explained, so that the person who wishes to delve in it will not have to compare subject to subject.
> 3) [This book is advantageous] even for those heads of households who study the Talmud and its major commentaries daily, because the *Shach* has written in *Yoreh De'ah* that they fulfill their requirement for Torah learning with it. [Such Jews] are obligated to study halakhic rulings but have no time to study the *Shulhan Arukh* and its commentaries as well in order to quench their thirst and to know all the laws in their true sense and reasoning like experienced Torah scholars.
> 4) [This book is advantageous] even for those who study the *Shulhan Arukh*. Since it is well known that the rationale for a law is not given in the *Shulhan Arukh*, nor whether it constitutes a Torah or rabbinical law, [the *Shulhan Arukh*] is like a sealed book. It therefore requires extraordinary effort to study the words of the latter [halakhic authorities] which are also obscure. Thus when a person reads this book, he will properly understand the words of the *Shulhan Arukh*.
> 5) Those who study the commentary *Magen Avraham* know that his statements are very profound but also contain many typographical errors. In this book, [the reader] will find rest and satisfaction and will understand *Magen Avraham's* enlightening words.
> 6) Even seasoned Torah scholars and rabbis will find [in this book] novel legal interpretations, so that when a halakhic question arrives they will mostly be able to find [the answer] in this book. The author discusses [the issue] and shows the sources from which he derived the law. One who wishes to disagree with his conclusion may do so, but [even so] his analysis will have been rendered easier. The author has nearly exhaustively explored each doubtful area that may arise in any of the laws from any of the sections of the *Orach Hayim*.
> 7) It is known that the laws of the *Shulhan Arukh* are scattered in many places. On who is not fluent in all [sections of] the *Shulhan Arukh* and the latter [halakhic authorities] will not easily find the law. In this book, each and every law is found in its place. From each and every law a rule will be made for this matter. When [the reader] searches in the table of contents, he will easily find that which he seeks.I hereby admonish anyone who has the ability to understand the *Shulhan Arukh* properly not to rely upon me for actual guidance until he also examines the *Shulhan Arukh*.

Another text he published, *Hochmat Adam* (Vilna, 1810), covers the laws in the sec-

tion *Yoreh De'ah* of the *Shulhan Arukh*. He also prepared an addendum titled *Binat Adam*, which was an in-depth discussion of Danzig's adjudications. *Nishmat* and *Binat Adam* were for scholars who had the ability to analyze of Jewish law.

In addition, he penned a brief work called *Kuntris Matzevat Moshe* dealing with the laws of mourning. Rabbi Danzig prepared and named this section in memory of his son Moshe, who died in the winter of 1814 at the age of twenty. He also published in memory of his son *Zichru Torat Moshe* (Vilna, 1817), a synopsis of the laws of the Sabbath much used to this day by young Orthodox Jews. This volume concludes with *Mitzvat Moshe*, a synopsis of biblical and Rabbinic laws. He also wrote a comprehensive introduction to all his works in this publication (*Zichru Torat Moshe*) and prepared *Toledot Adam* (Vilna, 1818), a commentary on the Passover Haggadah. Though *Beit Avraham* (Vilna, 1821) was intended primarily as a last will and testament to Rabbi Danzig's family, it was published posthumously as a general tome of proper Jewish conduct and, like all his books, was intended for the Jewish layman.

During his lifetime, Danzig published two editions of the *Hayei Adam* with introductions. Here he stressed that the study of law has priority over the theoretical, analytic, and pilpulistic study of the Talmud. Even the primary codes of Jewish law, such as Joseph Caro's *Beit Yosef* and Moses Isserles's *Darkei Moshe*, were too difficult and time-consuming for the layman to comprehend. *Hayei Adam* is intended to allow the less knowledgeable to fulfill the mitzvah of Torah study and to practice the laws properly. With proper discipline, he suggests, a student studying his *Hayei Adam* could reach a high level of knowledge of law at the end of one year. Joseph Caro had thought his *Shulhan Arukh* could do the same in thirty days. Danzig's claim seems more realistic.

He writes, "It was reported to me that great and able Torah scholars reviewed my work and stated that it served for them as a review of the *Shulhan Arukh*. . . . In addition, they found many new laws in my work." Danzig grouped the materials of his book according to what he termed *klallim* (principles). Rather than employing the divisions (chapters and paragraphs) found in the *Shulhan Arukh* he attempted to organize the subject matter more finely. If the issues discussed were thematically related, he arranged them in one *klal*. For instance he grouped together the laws of Sabbath and the weekday prayer, which Caro placed in two separate sections. Similarly, Caro spread out nineteen chapters (182–201) concerned with one theme, laws of *zimun* (an introductory formula to the "grace after the meal"), while in *klal* 48, Danzig arranged them all together. And while Caro has the laws of *mezuzah* and railings in *Shulhan Arukh Yoreh De'ah in* chapters 285–291, Danzig gathered them together into a single section (*klal* 15). Rabbi Danzig felt laws concerning daily life (*Hayei Adam*), such as mezuzah, Torah study, honoring one's parents and elderly persons, saying of the kaddish, etc., which Rabbi Caro had placed in another volume, *Yoreh De'ah*, all belonged together.

If the issues were not practical, relevant to his time, or required the educated decision of a Rabbinic authority, Danzig did not include them in *Hayei Adam*. Before his time, codes had analyzed the methods of using stoves on the Sabbath, such as ancient stoves (*kira*) or (*kupach*), but he excluded these issues, since they were not relevant to the nineteenth century. When he felt that a theme required special attention, he preferred to deal with them in a separate work. For example, while he discussed rules for scribes in the general laws relevant to every Jew, he prepared a separate volume on how to write phylacteries. In an addendum inserted in the text of the laws, he added in brackets alternate opinions concerning the specific law at hand.

Hayei Adam also included a separate work titled *Nishmat Adam*. This took the form of a codicil placed on the bottom of the same page of the law to which it was related and presented an in-depth discussion of that law. In discussing different Rabbinic positions as well as offering his own analysis, Rabbi Danzig assured his work a major place in the history of legal codes pioneered by Rashba in the fourteenth century. Twin codes and legal decisions had usually required two

separate volumes. Rabbi Danzig incorporated both in one volume.

Unlike many of his generation, he did not hesitate to adjudicate legal disputes among leading rabbis and to state his reasons with rare insight. Where Rabbi Danzig introduced his own decisions, he would often include his process of thinking in the *Nishmat Adam* codicil. The author of the *Hayei Adam* put great importance on the *Mishneh Torah* of Maimonides and the classic commentaries of the *Shulhan Arukh*. While Caro had omitted general ethical motivations of the laws, Rabbi Danzig create new sections for them not found in the *Shulhan Arukh*. For example, in section 142, he elaborates on the many moral and ethical aspects of repentance. He explained every word in the *vidui* ("confession") of the Yom Kippur prayer service, and even prepared a special introduction to the Yom Kippur prayer entitled "*tfilat zaka*," which today is included in most Orthodox Jewish prayer books. Typical of his approach is section 68, where he discusses the proper mindset to observe the laws. In section 20, he wrote that the institutional prayers are divided into four sections to parallel the four spiritual worlds of Lurianic kabbalah. He introduced (reminiscent of *Tur*) his listings of the laws of the Sabbath with a discourse based upon *midrash* and *aggadah*. In section 2 (laws pertaining to washing hands in the morning), Danzig elaborated on the effects these rituals have on one's soul. His primary source for the ethical, moral, and spiritual themes is the *Sefer Yereim*, but there are also excerpts from such books as the Zohar, the writings of Isaac Luria, *Hovat HaLevavot*, and others. This approach seems to have intended to soften the reader to accept his stringent legal decisions.

Rabbi Danzig's *Hayei Adam* was widely accepted. The work has gone through numerous editions, and groups were organized throughout various Jewish communities to study his text. Such groups persist until today.

Kitzur Shulhan Arukh

Rabbi Danzig's *Hayei Adam* proved too taxing for many, and its subject matter did not embrace the totality of subjects discussed in Caro's *Shulhan Arukh*. Its rules suited Poland and Germany but omitted the legal traditions of Hungarian Jews. Solomon Ganzfried (1804–1886), prolific as a commentator of Talmud and author of many works, accordingly produced the *Kitzur Shulhan Arukh* (Abridged Code of Jewish Law, Ungavar, 1864). Omitting the detail and halakhic rationales for each law, he offered a concise decision in rather simplified legal language. For the final thirty-six years of his life, Ganzfried served in Ungavar as its chief Rabbinic judge. He died in 1886.

Ganzfried's writings include *Keset Sofer* (Ofter, 1835), which pertains to the laws of writing Torah scrolls and the Book of Esther. It also includes comments by Moses Sofer of Pressburg, a revered leader of Hungarian Jewry, known as the *Hatam Sofer*, as well as approbation by him. Ganzfried saw fourteen editions of *Keset Sofer* through the press in his lifetime. In a later edition he included an addendum entitled *Lishkat HaSofer*, concerning the letters of the Torah. He also penned a commentary to the prayer book *Derech HaHayim* of Rabbi Ya'acov of Lissa (Vienna, 1838); *Pnei Shlomo* (Zolklev, 1846), a commentary on many tractates in the Babylonian Talmud; *Torat Zevach* (Levov, 1848), concerning the laws of ritual slaughter; *Lechem V'Simlah* (Levov, 1861), on the laws of menstruation and the construction of ritual baths; and *Ohalei Shem* (Ungavar, 1878), discussing names of men and women (plus an addendum, *Shem Yosef*). His debates with students of the leading decisor of the time, Saul Nathanson, were recorded in his *Milchemet Hovah* (Werber, Jerusalem, 1882). Other works included *Michseh LeOhel*, *Edut BeShoshanin*, *Ofel VeBochen*, and *Shem Shlomo* (Varol, 1908), on diverse topics from the Babylonian Talmud.

But Ganzfried's best-known work remains the *Kitzur Shulhan Arukh*, which has been translated into many languages, including several times into English. Although there is no introduction, the author summarized his goal in a few short sentences. His goal in this handy digest of the *Shulhan Arukh: Orach Hayim*, *Yoreh De'ah*, *Even Ha'ezer*, and *Choshen Mishpat* was to offer a reference work that everyone could consult as the need

arose. It also served as a book of instruction to introduce students to the subject matter of Jewish law. In the course of twelve years, the author published his work thirteen times. In the last edition during his lifetime he gathered all the revisions he had made over the years and produced a fully completed and revised edition. He wrote that he based his corrections not only upon his research but also from the comments he received from other scholars. The book was accepted and acclaimed by many leading authorities of its time. The focus was practical halakhah and omitted laws and customs, which were widely known and needed no further description. He depended upon the writings of Ya'acov of Lisa, Shneur Zalman Schneerson of Liady (author of an abridged code himself, *Shulhan Arukh Harav*), and Abraham Danzig author of the *Hayei Adam*.

Although Ganzfried's work is abridged, he frequently commences its sections with brief non-halakhic introductions. These are adapted from writings such as Maimonides, *Sefer Hayashar, Hayei Adam*, and other works on ethical behavior (*musar*). For example, in the "Laws of Hanukkah" (section 139), the text of Maimonides' *Mishneh Torah* is provides historical background. In the "Laws of the Scroll of Esther" (section 141), the text of the *Hayei Adam* (Klal 154, paragraph 3) is slightly reworded and employed.

The greater part of the *Kitzur Shulhan Arukh* is concerned with almost all the themes found in Caro's *Orach Hayim*. Yet we also find many topics from the other three sections of the *Shulhan Arukh*. For example, from *Yoreh De'ah* he included such laws as charity, baking, salting, gentile cooking, relationships with gentiles, witchcraft, circumcision, education, forbidden foods, vows, parental honor, menstruation, the ritual bath, mourning, and agricultural issues (*chadash, orlah*, and *kilayim*). From *Chosen Mishpat* he presented the laws of borrowing and lending, sabbatical loans (*shmitat kesafim*), thievery, damages—financial and bodily—borrowing and renting, lost and found item, cruelty to animals, and many other topics. From *Even HaEzer* he included the laws pertaining to marriage. But he selected only what was relevant to the lay Jew and omitted what was relevant only to Rabbinic judges.

The popularity of the *Kitzur Shulhan Arukh* encouraged scholars to write commentaries on it. Rabbi Hayim Yeshayah HaCohen published his comments in the monographs *Misgeret HaShulhan* (Lublin, 1889) and *Lechem HaPanim* (Lublin, 1888). After Rabbi Ganzfried's death, these were published together with the text of the *Kitzur Shulhan Arukh*. More recently, the rulings of *Mishnah Berurah* were published as an addendum to discuss the aspects of laws found in Ganzfried's code. *Sha'arim Metzuyanim BeHalakhah*, published by Solomon Braun (New York, 1951), is still very popular as it records rulings from after Ganzfried's time. Shemuel Bornstein published two works based upon the *Kitzur Shulhan Arukh, Minchat Shabbat* (Warsaw, 1905) and *Madanei Shemuel* (Petrikov, 1904). Newer works have appeared using the *Kitzur Shulhan Arukh* as their model, but the original still thrives on its own merits.

Mishnah Berurah

Rabbi Israel Meir Hakohen Kagan-Poupko (1838–1939) achieved prominence for his saintly personality. His personality, teachings, and writings today more than ever guide the behavior of Ashkenazic observant Jews. He was born in Zhetel, Poland on February 6, 1838. At the age of seventeen, already a prominent Talmudic scholar, he married his stepfather's daughter, Frieda, and settled in the small town of Radun. There he created a yeshiva, later known as Yeshivat Hafetz Hayim. A warm and humble person, Rabbi Kagan sought out personal contacts with his fellow Jews. Although burdened with the responsibilities of the yeshiva and deeply involved in his writings, he attended numerous conferences and public gatherings that allowed for his involvement in various Jewish issues as well as for interaction with Jewish laymen. He was very involved in establishing educational institutions for Jewish boys and in later years for girls as well. Kagan was also active in the development of the *Agudat Israel* organization, the world organization of Orthodox Judaism. He died in Radun on September 15, 1933.

Rabbi Kagan wrote twenty-one works. The most widely known are *Hafets Hayim*

(*He Who Desires Life*; Vilna, 1873), a code of the laws of slander, gossip, and talebearing; *Mahaneh Israel* (*Camp of Israel*; Vilna, 1881), dealing with matters pertaining to the Jewish Russian soldier and his life in the military; *Ahavath Chesed* (*Loving Kindness*; Warsaw, 1888), on all aspects of human relations; *Nidhei Israel* (*Dispersed of Israel*; Warsaw, 1893) and *Shem Olam* (*Everlasting Memorial*; Warsaw, 1893), intended to keep Jews who were emigrating to Russia, Palestine, and America loyal to the Jewish heritage; *Likutei Halakot* (*Anthology of Laws*; Petersburg, 1900–1925), dealing with the Temple service when the messiah comes; *Homat Hadat* (*Fortress of Faith*; Petersburg, 1905), concerning the importance of Torah and Torah education; *Torat Habayit* (*Torah of the Home*; Petersburg, 1907), emphasizing the importance of Torah study in the home; *Taharat Yisrael* (*The Purity of Israel*; 1910), *Geder Olam* (*The Eternal Fence*; Warsaw, 1890), and *Beit Yisrael* (*The House of Israel*; Petersburg, 1928), all dealing with the laws of family purity, ritual baths, and hair coverings.

His greatest work, which remains the strongest influence on orthodox practice today and whose authority is final, is *Mishnah Berurah* (Lucid Learning; 1884–1907), in six volumes. This is not a code. Kagan recognized that Caro's *Shulhan Arukh* held the primary place for codes and should never be supplanted. The format of commentary was the proper and time-honored way to decide law, and so his work comments phrase by phrase on Caro's *Orach Hayim*. He reprinted the text of the *Shulhan Arukh* along with three of its classic commentaries, Moshe Rivkash's *Beyer HaGolah*, Yehudah Ashkenazi's *Beur Hetev*, and Margoliot's *Sha'arei Teshuvah*. Below these three texts Kagan positioned his own commentaries.

Alongside his *Mishnah Berurah* synopsis of the proper way to observe the law of the *Shulhan Arukh* he included two other works page by page. *Sha'ar Hatzion*, in a footnote style, cites the sources to many of the citations found in the *Mishnah Berurah*. *Beur Halakhah* (Explanation of Laws) offers an in-depth analysis and discourse on specific laws presented in the *Mishnah Berurah*. It is clear then that he follows the twin commentary notion wherein one can find a simple statement of the practical law as well as an involved legal discussion of the pertinent authorities and talmudic sources. Rashba had first promulgated this notion, and later Caro produced two separate works, while Danzig had entwined the two into a single work. Now Kagan placed the two types of works side by side and cross-referenced them. It should be pointed out that while Rabbi Kagan personally edited every word, he was helped in the massive undertaking by family members who were his research assistants, and he left certain matters as they saw fit, even though he held other views. As a result, there are slight contradictions here and there.

Kagan's purpose, like that of earlier codifiers, was to produce a work that could be studied daily so that Jews might know the proper procedures to follow minute by minute. Hence he wrote only on that section of *Shulhan Arukh* that contained the laws of morning, afternoon, and evening practices on weekdays, Sabbaths, and festivals. Caro's code in and of itself was insufficient without much knowledge of the Tur's code or Caro's massive *Beit Yosef* commentary. Kagan digested this material and presented it in a palatable form for his readers, together with the hundreds of other authoritative works that had appeared since Caro's time. He was able to offer a position of consensus emerging out of the myriad legal arguments that had gone on for centuries. He followed the later decisors where conflicting opinions had no resolution. In his introduction, he cites twenty-three later authorities used in his decision-making. The influence of the legal methodology of the Gaon of Vilna is apparent throughout him work. Simcha Fishbane summarizes Kagan's method as follows:

> a. *Commentary*: These passages are concerned with the *Mishnah Berurah's* interpretation, clarification, glosses, and textual corrections of the *Shulhan Arukh*.
> b. *Adjudication*: In cases of dispute between Caro and Isserles or other authorities who gloss the *Shulhan Arukh*, Kagan presents his rulings. Furthermore, he offers his halakhic decisions in instances not discussed by earlier adjudicators. Kagan deals with the situations related to the statements of the *Shulhan Arukh* but not explicitly dealt with by these authorities, as new halakhic concerns of his social milieu. These rulings

stand in addition to Kagan's halakhic decisions based upon the adjudication of the *Shulhan Arukh* or latter authorities.
c. *Ethics*: Kagan is widely identified as a man of ethics (*musar*). His large number of ethical publications stress the search for moral and religious perfection through a stringent observance of halakhah. Kagan integrates his ethical and moral beliefs into his halakhic approaches and decisions, thus encouraging stringent adjudication. While the majority of these cases are implicit, they can also be found explicitly. For example, section 244 sub-paragraph 35 of the *Shulhan Arukh* concerns the accommodative maxim "in the case a loss of money is involved." After discussing the lenient possibilities related to this maxim, Kagan concludes with an ethical suggestion: "but fortunate is he who trusts in God and does not seek out various leniencies for Shabbat."
d. *Contemporary issues*: Although the *Mishnah Berurah* was structured as a commentary to Caro's code, Kagan suggests in his introduction to Volumes One and Three that his concern is also with contemporary halakhic issues. He intends to offer the reader a guide to proper halakhic behavior. In his introduction to Volume Three he states this purpose: "From the works of the *Acharonim* (latter authorities) I have also collected many new ideas applicable to everyday life nowadays. My aspiration is that with the help of God, whoever will now study this [body of] law will come to know each law, together with the reason and underlying thesis [for it], in both theory and practice."

In addition to the fourfold taxonomy, the analysis of content in the *Mishnah Berurah* subsumes Talmudic and halakhic principles. For example, in sub-paragraph 32, cited above, Kagan discusses the Talmudic principle concerning a Torah prohibition and the halakhic principle of "permitted in the case of monetary loss." This in particular covers the analysis of the *Mishnah Berurah's* explicit and implicit accommodative and stringent views and rulings. The term accommodative (*kulah*) and stringent (*chumrah*) in the *Mishnah Berurah*'s text are to be understood within the context of later authorities adjudications. Kagan's decisions are specifically dependent upon the analysis and rulings of the *Acharonim*. Therefore, when the *Mishnah Berurah*'s adjudication chooses to be lenient or stringent, or when it refers to one of theses terms in its text, its intention reflects the lenient or stringent view of these *Acharonim*.

The following literary features are found in the *Mishnah Berurah*.

1) Use of traditional Rabbinic vocabulary constructed from Mishnaic and Talmudic Hebrew and Aramaic as well as expressions and phraseology related to the theme under discussion found in post-Talmudic jargon.
2) Verbatim duplication of latter Rabbinic authorities.
3) Interpolation of the author's interpretation within the quotes found in the text.
4) Interpretation of texts, concepts, and words.
5) Adjudication based upon the majority of most recent authoritative rulings cited.
6) The adaptation of accepted halakhic principles. For example, in the case of Torah law, one must rule stringently.
7) Former Rabbinic authorities (*Rishonim*) are used only when essential, as in a case in which their decision is required to render a solution to a problem not satisfactorily resolved by the *Acharonim*, or when cited by other commentators cited by the author.
8) Latter Rabbinical authorities are cited.
9) Dependence on a textual version of a later authority rather than the source, and siding with a primary *Acharon* rather than with the *Shulhan Arukh*.
10) The incorporation of non-halakhic materials, such as ethics.
11) Short decisive statements with minimum dialectics (*pilpul*).
12) Cross-referencing through the *Shulhan Arukh* and the commentaries.
13) The sources referred to in the text are predominately other adjudicators and *Shulhan Arukh* commentators, not responsa or talmudic commentaries.
14) Not citing the entire or exact source.

The *Mishnah Berurah* has become the contemporary halakhic work of halakhic standards. Study groups and classes on this work abound in Orthodox synagogues and yeshivot. Contemporary decisors refer to it as a matter of course.

Arukh HaShulhan

The *Arukh HaShulhan* was compiled and published by Yechiel Mechel Epstein (1829–1908). Before completing his studies, Epstein married Michla, the daughter of Rabbi Ya'acov Berlin, from the city of Mir, and who was the brother of Naftali Zvi Yehudah Berlin (popularly known as the Netziv). In

1862, Epstein received his first Rabbinic appointment in the town of Novosybkov. This town housed both Habad hasidim and non-hasidim, who lived peacefully side by side. Here he published his first book, *Or LeYesharim* (Light for the Upright). Later Epstein accepted a position in the small town of Lubitz, on the outskirts of Novogrudok, Lithuania, and then became rabbi of Novogrudok itself. During the forty-three years until his death in 1908, he continued to establish himself as a leading authority. Seeking his adjudication, rabbis from all over Europe and America corresponded with him on halakhic issues. His major writings are *Or LaYesharim* (Zhitomir, 1869), a commentary on the *Sefer HaYashar* of Ya'acov Tam; *Leil Shemurim* (Warsaw, 1889), a commentary on the Passover *Haggadah; Mechel Mayim*, published posthumously, a two page commentary on the Jerusalem Talmud, was included in the 1928 edition in Vilna by the Romm publishers; and *Kol Ben Levi*, a book of Epstein's sermons. *Arukh HaShulhan He'atid* was published posthumously. It deals with themes relevant to messianic times and includes the laws of agriculture (1938–1946), *Sanhedrin, Mamrim, Melachim, Shekalim, Kiddush HaChodesh* (1962), and *Kodashim* (1969). All were published in Israel by Mosad Harav Kook. The work is based primarily on Maimonides' *Mishneh Torah*, the only code that addressed these issues.

Arukh HaShulhan is a nine volume code of Jewish law that consists of both novellae and halakhic rulings on the four parts of Rabbi Caro's *Shulhan Arukh*. In 1884 (Warsaw), Epstein published the first section, on *Hoshen Mishpat*. This was readily accepted in the Rabbinic community and achieved almost instant popularity, thus earning him an international reputation as a halakhic decisor. The section on *Yoreh De'ah* was published in 1894 (Warsaw), *Even Ha'ezer* in 1903 (St. Petersburg), and *Orach Hayim* in 1903 (St. Petersburg), and Volume 9, on sections of *Yoreh De'ah*, in 1991 (Hoboken). Although in its external organization the work follows the chapters found in Caro's *Shulhan Arukh*, in its internal arrangements it conforms to Maimonides' *Mishneh Torah*. Such conformity is found primarily in sections that do not deal with daily rituals. The discussions of *Orach Hayim* is far less dependent on Maimonides than are the other sections.

Epstein begins each law with a survey of the history of that particular halakhah. He analyzes the disputes among rabbis concerning the details of the ruling and offers his opinion on the proper form of the law. Besides serving its primary purpose as a functional code of practical law, the book is useful as a reference work, because it analyzes the major opinions of Caro's code and its subsequent commentaries. Although his library was not as extensive as that of Kagan, Epstein managed to uncover and record rulings of very early decisors. He was careful to cite his sources from previous legal works and both Talmuds.

Epstein cites rules that had fallen out of practice, giving them renewed force, and he derives new applications of law from older sources that he thought should be followed. His goal was to produce a systematic body of consistent law, even if not all the rulings were applicable in modern times. He followed Maimonides' decisions concerning court rulings that were only applicable in times when there was a Jewish monarchy, such as the laws governing cities of refuge and various high court procedures. Nevertheless, he noted dissenting opinions. When Epstein presented a dispute, it is only for the purpose of background clarification before he rendered the decision he considered binding. He sought to give the final halakhic summation of all halakhah existing up to his day. His decision is usually based on the rulings of the latest authority that he found cogent. Nevertheless, he readily employed such expressions as "in our time," "our custom is," and "in our country" to point out changes in customs and living conditions. These terms are frequently used as formularies at the conclusion of rulings concerned with current social realities.

Unlike Kagan's approach in the *Mishnah Berurah*, Epstein perceived halakhah as an ongoing process for living communities and frequently gave weight to lenient practices that had developed over the ages. He proposed his own legal justifications for these decisions. When analyzing a question, he at times proposed new explanations for the past rulings. As a result of these explana-

tions, he determined that some statutes were only pertinent to past eras when conditions had varied widely from those of the modern age. He recognized that advances in technology presented new challenges to the applications of Jewish legal principles, and he noted that social norms had developed as well. In *Arukh HaShulhan, Orach Hayim* (65:21) he states, "There is a reality [today] that was not so in previous generations." His daring independence can be seen in the fact he did not publish a single approbation for his *Arukh HaShulhan*, an almost unheard-of practice even in today's world. Epstein's *Arukh HaShulhan* ranks next to the *Mishnah Berurah* as a guide for the daily life of the halakhically conscious Jew. It has been published many times and in many editions. No Rabbinic library is complete without it, and, in most cases, no Rabbinic student or adjudicator will endeavor to do research without consulting it.[1]

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NOTE

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Consensus in Rabbinic Theology (Aggadah) and the "Another Matter"-Composite

RABBINIC Judaism accommodates diverse theological opinion in composites that follow a particular form. They are comprised by successive readings of a verse of Scripture in common, joined by the formula "davar aher," meaning, "another matter." But these turn out to state the same matter in other terms. These varied opinions are represented as alternate proposals but in fact yield a common denominator that holds the whole together. The consensus then is expressed as complementary opinions register.

What is at stake is the accommodation of equally valid, coherent, mutually-consistent points. Each registers on its own, without excluding the others, and all demand inclusion. For that purpose the dispute not only does not serve but also forms an obstacle, and the accommodation of a variety of readings in a single construction demands a different, inclusive form, such as is before us. William Scott Green writes on the "another matter"-composite in the following terms:

> Although the interpretations in this passage are formally distinguished from one another . . . by the disjunctive device, davar aher ("another interpretation"), they operate within a limited conceptual sphere and a narrow thematic range . . . they are not only not in conflict but are mutually reinforcing . . . providing multiple variations of a single meaning . . .
>
> If it is doubtful that rabbis ascribed "endless multiple meanings" to Scripture, it is no less so that Rabbinic hermeneutics encouraged and routinely tolerated the metonymical coexistence of different meanings of Scripture that did not, and could not, annul one another. . . .[1]

Why in theological discourse of Rabbinic Judaism (Aggadah) is there no dispute as to who is right and who is wrong as there is in normative law (Halakhah)? How come no objections, disputes, dialectics aiming at uncovering the generative coherence of the particulars? The answer to these questions is self-evident. Each of these components of an "*another matter*" series is integral to the Rabbinic system and structure. It is not a view of truth different from the Halakhic insistence that one position is right, the other wrong, that accounts for the inclusive character of the Aggadah by contrast to the exclusive forms of the Halakhah. It is that the Aggadah encompasses a vast corpus of data, its system by reason of its dimensions and complexity requiring "another matter,"

rather than the statement of a problem with only two possible solutions and implying a single correct one, whether or not specified: x says . . ., y says . . ., and its variations.

When the question concerns normative behavior, there ordinarily are two possible solutions to a problem. When the question concerns normative belief, by reason of what is encompassed by belief—the very activity of God's mind in making the world, his intent and plan for Israel—there are as many elements of a single coherent answer as there are dimensions of that activity, that intent, that plan. Belief and behavior are subject to norms, there is a right and a wrong answer to questions involving both. But when it comes to belief, the complexity of what is at stake—what is on and in God's mind—accounts for the accommodating character of the Rabbinic presentation of the Aggadic component of the Torah.

The Consensus Expressed by Davar-Aher Composites in Song of Songs Rabbah

Of indeterminate date but probably late in the canonical process, Song of Songs Rabbah explains how the Song of Songs finds a place in the Torah. It shows that the collection of love-songs in fact speaks about the relationship between God and Israel. The intent of the compilers of Song of Songs Rabbah is to justify that reading. What this means is that Midrash-exegesis turns to everyday experience—the love of husband and wife—for a metaphor of God's love for Israel and Israel's love for God. Then, when Solomon's song says, "O that you would kiss me with the kisses of your mouth! For your love is better than wine," (Song 1:2), the Rabbinic sages think of how God kissed Israel. Reading the Song of Songs as a metaphor, the Judaic sages state in a systematic and orderly way their entire structure and system.

The "another matter"-composite predominates and holds together a variety of meanings that deemed not mutually exclusive but coherent. To take one instance, time and again we shall be told that a certain expression of love in the poetry of the Song of Songs is God's speaking to Israel about [1] the Sea, [2] Sinai, and [3] the world to come; or [1] the first redemption, the one from Egypt; [2] the second redemption, the one from Babylonia; and [3] the third redemption, the one at the end of days. The repertoire of verbal symbols covers Temple and schoolhouse, personal piety and public worship, and other matched pairs and sequences of coherent matters, all of them seen as embedded within the poetry. Long lists of alternative meanings or interpretations end up saying just one thing, but in different ways. When in Song of Songs Rabbah we have a sequence of items alleged to form a taxon, that is, a set of things that share a common taxic indicator, what we have is a list. The list presents diverse matters that all together share, and therefore also set forth, a single fact or rule or phenomenon. That is why we can list them, in all their distinctive character and specificity, in a common catalogue of "other things" that pertain all together to one thing.

What do the compilers say through their readings of the metaphor of—to take one interesting example—the nut-tree for Israel? First, Israel prospers when it gives scarce resources for the study of the Torah or for carrying out religious duties; second, Israel sins but atones, and Torah is the medium of atonement; third, Israel is identified through carrying out its religious duties, e.g., circumcision; fourth, Israel's leaders had best watch their step; fifth, Israel may be nothing well-balanced but will be in glory in the coming age; sixth, Israel has plenty of room for outsiders but cannot afford to lose a single member. What we have is a repertoire of fundamentals, dealing with Torah and Torah-study, the moral life and atonement, Israel and its holy way of life, Israel and its coming salvation. A sustained survey of these composites shows the contradictory facts that the several composites are heterogeneous, but the components of the composites derive from a rather limited list, essentially scriptural events and personalities, on the one side, and virtues of the Torah's holy way of life, on the other. Here is a survey:

> Joseph, righteous men, Moses, and Solomon; patriarchs as against princes, offerings as against merit, and Israel as against the

nations; those who love the king, proselytes, martyrs, penitents;

first, Israel at Sinai; then Israel's loss of God's presence on account of the golden calf; then God's favoring Israel by treating Israel not in accord with the requirements of justice but with mercy;

Dathan and Abiram, the spies, Jeroboam, Solomon's marriage to Pharaoh's daughter, Ahab, Jezebel, Zedekiah;

Israel is feminine, the enemy (Egypt) masculine, but God the father saves Israel the daughter;

Moses and Aaron, the Sanhedrin, the teachers of Scripture and Mishnah, the rabbis;

the disciples; the relationship among disciples, public recitation of teachings of the Torah in the right order; lections of the Torah;

the spoil at the Sea = the Exodus, the Torah, the Tabernacle, the ark;

the patriarchs, Abraham, Isaac, Jacob, then Israel in Egypt, Israel's atonement and God's forgiveness;

the Temple where God and Israel are joined, the Temple is God's resting place, the Temple is the source of Israel's fecundity;

Israel in Egypt, at the Sea, at Sinai, and subjugated by the gentile kingdoms, and how the redemption will come;

Rebecca, those who came forth from Egypt, Israel at Sinai, acts of loving kindness, the kingdoms who well-balanced rule Israel, the coming redemption;

fire above, fire below, meaning heavenly and altar fires; Torah in writing, Torah in memory; fire of Abraham, Moriah, bush, Elijah, Hananiah, Mishael, and Azariah;

the Ten Commandments, show-fringes and phylacteries, recitation of the Shema and the Prayer, the tabernacle and the cloud of the Presence of God, and the mezuzah;

the timing of redemption, the moral condition of those to be redeemed, and the past religious misdeeds of those to be redeemed;

Israel at the sea, Sinai, the Ten Commandments; then the synagogues and school houses; then the redeemer;

the Exodus, the conquest of the Land, the redemption and restoration of Israel to Zion after the destruction of the first Temple, and the final and ultimate salvation;

the Egyptians, Esau and his generals, and, finally, the four kingdoms;

Moses' redemption, the first, to the second redemption in the time of the Babylonians and Daniel;

the palanquin of Solomon: the priestly blessing, the priestly watches, the sanhedrin, and the Israelites coming out of Egypt;

Israel at the sea and forgiveness for sins effected through their passing through the sea; Israel at Sinai; the war with Midian; the crossing of the Jordan and entry into the Land; the house of the sanctuary; the priestly watches; the offerings in the Temple; the sanhedrin; the Day of Atonement;

God redeemed Israel without preparation; the nations of the world will be punished, after Israel is punished; the nations of the world will present Israel as gifts to the royal messiah, and here the base-verse refers to Abraham, Isaac, Jacob, Sihon, Og, Canaanites;

the return to Zion in the time of Ezra, the Exodus from Egypt in the time of Moses;

the patriarchs and with Israel in Egypt, at the Sea, and then before Sinai;

Abraham, Jacob, Moses;

Isaac, Jacob, Esau, Jacob, Joseph, the brothers, Jonathan, David, Saul, man, wife, paramour;

Abraham in the fiery furnace and Shadrach Meshach and Abednego, the Exile in Babylonia, well-balanced with reference to the return to Zion

What emerges is a theological structure comprising well-defined attitudes and convictions. Because of the character of Song of Songs Rabbah, the topical program of the document is best portrayed through the actual workings of "another matter"-compositions. Some of these are portrayed in the sample given below.

SONG OF SONGS RABBAH TO SONG 1:2

II:I.1.A. "O that you would kiss me with the kisses of your mouth! [For your love is better than wine]:"

B. In what connection was this statement made?

C. R. Hinena b. R. Pappa said, "It was stated at the sea: '[I compare you, my love,] to a mare of Pharaoh's chariots' (Song 1:9)."

D. R. Yuda b. R. Simon said, "It was stated at Sinai: 'The song of songs' (Song 1:1)—the song that was song by the singers: 'The singers go before, the minstrels follow after' (Ps. 68:26)."

2.A. It was taught on Tannaite authority in the name of R. Nathan, "The Holy One, blessed be he, in the glory of his greatness said it: 'The song of songs that is Solomon's' (Song 1:1),

B. "[meaning,] that belongs to the King to whom peace belongs."

3.A. Rabban Gamaliel says, "The ministering angels said it: 'the song of songs' (Song 1:1)—

B. "the song that the princes on high said."

4.A. R. Yohanan said, "It was said at Sinai: 'O that you would kiss me with the kisses of your mouth!' (Song 1:2)."
5.A. R. Meir says, "It was said in connection with the tent of meeting."
B. And he brings evidence from the following verse: "Awake, O north wind, and come, O south wind! Blow upon my garden, let its fragrance be wafted abroad. Let my beloved come to his garden, and eat its choicest fruits" (Song 4:16).
C. "Awake, O north wind:" this refers to the burnt offerings, which were slaughtered at the north side of the altar.
D. "and come, O south wind:" this refers to the peace offerings, which were slaughtered at the south side of the altar.
E. "Blow upon my garden:" this refers to the tent of meeting.
F. "let its fragrance be wafted abroad:" this refers to the incense offering.
G. "Let my beloved come to his garden:" this refers to the Presence of God.
H. "and eat its choicest fruits:" this refers to the offerings.
6.A. Rabbis say, "It was said in connection with the house of the ages [the Temple itself]."
B. And they bring evidence from the same verse: "Awake, O north wind, and come, O south wind! Blow upon my garden, let its fragrance by wafted abroad. Let my beloved come to his garden, and eat its choicest fruits" (Song 4:16).
C. "Awake, O north wind:" this refers to the burnt offerings, which were slaughtered at the north side of the altar.
D. "and come, O south wind:" this refers to the peace offerings, which were slaughtered at the south side of the altar.
E. "Blow upon my garden:" this refers to the house of the ages.
F. "let its fragrance be wafted abroad:" this refers to the incense offering.
G. "Let my beloved come to his garden:" this refers to the Presence of God.
H. "and eat its choicest fruits:" this refers to the offerings.
I. The rabbis furthermore maintain that all the other verses also refer to the house of the ages.
J. Said R. Aha, "The verse that refers to the Temple is the following: 'King Solomon made himself a palanquin, from the wood of Lebanon. He made its posts of silver, its back of gold, its seat of purple; it was lovingly wrought within by the daughters of Jerusalem' (Song 3:9–10)."
K. Rabbis treat these as the intersecting verses for the verse, 'And it came to pass on the day that Moses had made an end of setting up the tabernacle' (Num. 7:1)."
7.A. In the opinion of R. Hinena [1.C], who said that the verse was stated on the occasion of the Sea, [the sense of the verse, "O that you would kiss me with the kisses of your mouth"] is, "may he bring to rest upon us the Holy Spirit, so that we may say before him many songs."
B. In the opinion of Rabban Gamaliel, who said that the verse was stated by the ministering angels, [the sense of the verse, "O that you would kiss me with the kisses of your mouth"] is, "may he give us the kisses that he gave to his sons."
C. In the opinion of R. Meir, who said that the verse was stated in connection with the tent of meeting, [the sense of the verse, "O that you would kiss me with the kisses of your mouth"] is, "May he send fire down to us and so accept the offerings that are offered to him."
D. In the opinion of R. Yohanan, who said that the verse was stated in connection with Sinai, [the sense of the verse, "O that you would kiss me with the kisses of your mouth"] is, "May he cause kisses to issue for us from his mouth.
E. "That is why it is written, 'O that you would kiss me with the kisses of your mouth.'"

Our fixed list in what is in fact an "another matter"-composite encompasses [1] Israel at the sea; [2] the ministering angels; [3] the tent of meeting; [4] the eternal house [the Temple]; [5] Sinai. This is somewhat curious, mixing as it does occasions in time, locations, the place of the cult, and the Torah. But if we hold them together, we are given the theological repertoire of suitable verbal-symbols or reference-points: the redemption from Egypt, the Temple and its cult, and the revealed Torah of Sinai. This composite then is not only complementary in a general sense, it also is explicit in a very particular sense, specifying as it does the range of suitable assignees for the authorship and occasion of the poem, and that range then encompasses the acceptable theological vocabulary.

The initial gloss contains to positions that cannot be reconciled with one another, a true dispute. No. 1 articulates the dispute formally. But as we proceed, Nos. 3, 4, 5, 6 + 7 all contribute answers to the question, and we are left with a variety of answers to the question at hand, a *"another matter"-composites* holding together exclusive responses to a single question.

No. 1 serves Song 1:1, and so does No. 2. Indeed, No. 2 could have been placed in the prior assembly without any damage to its use and meaning. The same is to be said for No. 3. In fact, only Yohanan requires the verse to stand where it well-balanced does. No. 5 and No. 6 invoke Song 4:16 and do a fine job of reading that verse in light of the tent of meeting in the wilderness or the Temple in Jerusalem. Song 3:9–10 serves as an appropriate locus as well. Then the conclusion draws a variety of senses for Song 1:2 alone, and that conclusion points to the compilers of the whole for its authorship.

Song of Songs Rabbah to Song 1:5

V:i.1.A. "I am very dark, but comely, [O daughters of Jerusalem, like the tents of Kedar, like the curtains of Solomon]" (Song 1:5):
B. "I am dark" in my deeds.
C. "But comely" in the deeds of my forebears.
2.A. "I am very dark, but comely:"
B. Said the Community of Israel, "'I am dark' in my view, 'but comely' before my Creator."
C. For it is written, "Are you not as the children of the Ethiopians to Me, O children of Israel, says the Lord" (Amos 9:7):
D. "as the children of the Ethiopians"—in your sight.
E. But "to Me, O children of Israel, says the Lord."
3.A. Another interpretation of the verse, "I am very dark:" in Egypt.
B. "but comely:" in Egypt.
C. "I am very dark" in Egypt: "But they rebelled against me and would not hearken to me" (Ez. 20:8).
D. "but comely" in Egypt: with the blood of the Passover offering and circumcision, "And when I passed by you and saw you wallowing in your blood, I said to you, In your blood live" (Ez. 16:6)—in the blood of the Passover. [This verse is recited at the rite of circumcision.]
E. "I said to you, In your blood live" Ez. 16:6)—in the blood of the circumcision.
4.A. Another interpretation of the verse, "I am very dark:" at the sea, "They were rebellious at the sea, even the Red Sea" (Ps. 106:7).
B. "but comely:" at the sea, "This is my God and I will be comely for him" (Ex. 15:2).
5.A. "I am very dark:" at Marah, "And the people murmured against Moses, saying, What shall we drink" (Ex. 15:24).
B. "but comely:" at Marah, "And he cried to the Lord and the Lord showed him a tree, and he cast it into the waters and the waters were made sweet" (Ex. 15:25).
6.A. "I am very dark:" at Rephidim, "And the name of the place was called Massah and Meribah" (Ex. 17:7).
B. "but comely:" at Rephidim, "And Moses built an altar and called it by the name 'the Lord is my banner' (Ex. 17:15).
7.A. "I am very dark:" at Horeb, "And they made a calf at Horeb" (Ps. 106:19).
B. "but comely:" at Horeb, "And they said, All that the Lord has spoken we will do and obey" (Ex. 24:7).
8.A. "I am very dark:" in the wilderness, "How often did they rebel against him in the wilderness" (Ps. 78:40).
B. "but comely:" in the wilderness at the setting up of the tabernacle, "And on the day that the tabernacle was set up" (Num. 9:15).
9.A. "I am very dark:" in the deed of the spies, "And they spread an evil report of the land" (Num. 13:32).
B. "but comely:" in the deed of Joshua and Caleb, "Save for Caleb, the son of Jephunneh the Kenizzite" (Num. 32:12).
10.A. "I am very dark:" at Shittim, "And Israel abode at Shittim and the people began to commit harlotry with the daughters of Moab" (Num. 25:1).
B. "but comely:" at Shittim, "Then arose Phinehas and wrought judgment" (Ps. 106:30).
11.A. "I am very dark:" through Achan, "But the children of Israel committed a trespass concerning the devoted thing" (Josh. 7:1).
B. "but comely:" through Joshua, "And Joshua said to Achan, My son, give I pray you glory" (Josh. 7:19).
12.A. "I am very dark:" through the kings of Israel.
B. "but comely:" through the kings of Judah.

C. If with my dark ones that I had, it was such that "I am comely," all the more so with my prophets.
V:ii.5.A. [As to the verse, "I am very dark, but comely," R. Levi b. R. Haita gave three interpretations:
B. "'I am very dark:' all the days of the week.
C. "'but comely:' on the Sabbath.
D. "'I am very dark:' all the days of the year.
E. "'but comely:' on the Day of Atonement.
F. "'I am very dark:' among the Ten Tribes.
G. "'but comely:' in the tribe of Judah and Benjamin.
H. "'I am very dark:' in this world.
I. "'but comely:' in the world to come."

The contrast of dark and comely yields a variety of applications; in all of them the same situation that is the one also is the other, and the rest follows in a wonderfully well-crafted composition. What is the repertoire of items? Dark in deeds but comely in ancestry; dark in my view but comely before God; dark when rebellious, comely when obedient, a point made at Nos. 3, for Egypt, 4, for the sea, and 5 for Marah, 6, for Massah and Meribah, 7 for Horeb, 8 for the wilderness, 9 for the spies in the Land, 10 for Shittim, 11 for Achan/Joshua and the conquest of the Land, 12 for Israel and Judah. We therefore have worked through the repertoire of events that contained the mixture of rebellion and obedience; the theological substrate of this catalogue is hardly difficult to articulate. There is no room for a dispute in a *"another matter"-composite.*

Song of Songs Rabbah to Song 2:6
XXIII:i.1.A. "O that his left hand were under my head:"
B. this refers to the first tablets.
C. "and that his right hand embraced me:"
D. this refers to the second tablets.
2.A. Another interpretation of the verse, "O that his left hand were under my head:"
B. this refers to the show-fringes.
C. "and that his right hand embraced me:"
D. this refers to the phylacteries.
3.A. Another interpretation of the verse, "O that his left hand were under my head:"
B. this refers to the recitation of the *Shema.*
C. "and that his right hand embraced me:"
D. this refers to the Prayer.
4.A. Another interpretation of the verse, "O that his left hand were under my head:"
B. this refers to the tabernacle.
C. "and that his right hand embraced me:"
D. this refers to the cloud of the Presence of God in the world to come: "The sun shall no longer be your light by day nor for brightness will the moon give light to you" (Is. 60:19). Then what gives light to you? "The Lord shall be your everlasting light" (Is. 60:20).

Now our repertoire of reference-points is [1] the Ten Commandments; [2] the show-fringes and phylacteries; [3] the *Shema* and the Prayer; [4] the tabernacle and the cloud of the Presence of God in the world to come. Why we invoke, as our candidates for the metaphor at hand, the Ten Commandments, show-fringes and phylacteries, recitation of the Shema and the Prayer, the tabernacle and the cloud of the Presence of God, and the mezuzah, seems to me clear from the very catalogue. These reach their climax in the analogy between the home and the tabernacle, the embrace of God and the Presence of God. So the whole is meant to list those things that draw the Israelite near God and make the Israelite cleave to God, as the base-verse says, hence the right hand and the left stand for the most intimate components of the life of the individual and the home with God.

Song of Songs Rabbah to Song 3:8
XXV:i.1.A. "The voice of my beloved! Behold he comes [leaping upon the mountains, bounding over the hills]:"
B. R. Judah and R. Nehemiah and Rabbis:
C. R. Judah says, "'The voice of my beloved! Behold he comes:' this refers to Moses."

D. "When he came and said to the Israelites, 'In this month you will be redeemed,' they said to him, 'Our lord, Moses, how are we going to be redeemed? And did not the Holy One, blessed be he, say to Abraham, "And they shall work them and torment them for four hundred years" (Gen. 15:13), and well-balanced we have in hand only two hundred and ten years!'
E. "He said to them, 'Since he wants to redeem you, he is not going to pay attention to these reckonings of yours.'"
F. But: "leaping upon the mountains, bounding over the hills." The reference here to mountains and hills in fact alludes to calculations and specified times. "He leaps" over reckonings, calculations, and specified times.
F. And in this month you are to be redeemed: "This month is the beginning of months" (Ex. 12:1).

2.A. R. Nehemiah says, "'The voice of my beloved! Behold he comes:' this refers to Moses."
B. "When he came and said to the Israelites, 'In this month you will be redeemed,' they said to him, 'Our lord, Moses, how are we going to be redeemed? We have no good deeds to our credit.'
C. "He said to them, 'Since he wants to redeem you, he is not going to pay attention to bad deeds.'"
D. And to what does he pay attention? To the righteous people among you and to their deeds,
E. for example, Amram and his court.
F. "leaping upon the mountains, bounding over the hills:" the word "mountains" refers only to courts, in line with this usage: "I will depart and go down upon the mountains" (Judges 11:37).
F. "And in this month you are to be redeemed: 'This month is the beginning of months' (Ex. 12:1)."

3.A. Rabbis say, "The voice of my beloved! Behold he comes:' this refers to Moses."
B. When he came and said to the Israelites, 'In this month you will be redeemed,' they said to him, 'Our lord, Moses, how are we going to be redeemed? And the whole of Egypt is made filthy by our own worship of idols!'
C. "He said to them, 'Since he wants to redeem you, he is not going to pay attention to your worship of idols.'"
D. Rather, "leaping upon the mountains, bounding over the hills:" mountains and hills refer only to idolatry, in line with this usage: "They sacrifice on the tops of the mountains and offer upon the hills" (Hos. 4:13).
E. And in this month you are to be redeemed: "This month is the beginning of months" (Ex. 12:1).

4.A. R. Yudan and R. Hunia:
B. R. Yudan in the name of R. Eliezer son of R. Yosé the Galilean, and R. Hunia in the name of R. Eliezer b. Jacob say, "'The voice of my beloved! Behold he comes:' this refers to the royal messiah.
C. "When he says to the Israelites, 'In this month you are to be redeemed, they will say to him, 'How are we going to be redeemed? And has not the Holy One, blessed be he, taken an oath that he would subjugate us among the seventy nations.'
D. "Now he will reply to them in two ways.
E. "He will say to them, 'If one of you is taken into exile to Barbary and one to Sarmatia, it is as though all of you had gone into exile.'"
F. And not only so, but this state conscripts troops from all of the world and from every nation, so that if one Samaritan or one Barbarian comes and subjugates you, it is as though his entire nation had ruled over you and as if you were subjugated by all the seventy nations.
G. In this month you are to be redeemed: "This month is the beginning of months" (Ex. 12:1)."

Nos. 1–3 look like—and are marked as—a dispute but in fact form a perfectly matched set; remove one and you lose the whole. A fixed catalogue emerges, which can be used in any number of ways to exploit available metaphors. The items go over the trilogy of the timing of redemption, the moral condition of those to be redeemed, and the past religious misdeeds of those to be redeemed. Against these three arguments Moses argues that God will redeem at God's own time, as an act of grace and forgiveness. The theological message emerges with enormous power through invoking the love of God for Israel, God "leaping upon the mountains." The obvious necessity of No. 4 to complete the message requires no comment.

Contours of Coherence: The Halakhic Dispute and the Aggadic "Another-matter"-Composite

The formal, fully articulated, contextual dispute is particular to the Halakhic writings, and the "another-matter"-composite forms its counterpart in the Aggadic ones. The one excludes, the other includes, the one analyzes, the other synthesizes—a commonplace in the comparison and contrast of the principal parts of the Rabbinic corpus, Halakhah and Aggadah. We have now to ask, what has this literary observation to do with the coherence of Rabbinic Judaism in the presence of disputes and indeterminate compilations of diverse opinions? Each type of expression of intersecting opinions contributes to the coherence of the Rabbinic system of law and theology.

The Halakhic compositions, including the debate and the dialectical argument, underscore the coherence of the Halakhic system viewed whole and in large topical aggregates (a.k.a., tractates). That is because the Halakhic dispute invokes difference of opinion to delineate the range of concurrence. The Aggadic repertoire of alternative readings of a single passage or problem, for its part, yields the common denominator, among alternatives, of a shared affirmation. The another-matter composites highlight principles susceptible of diverse realizations. The Rabbinic writings properly interpreted utilize differences of opinion to signal norms of conduct and conviction. In both cases disputes or differences of interpretation of scriptural passages highlight that upon which all parties concur.

Let me spell this out. In the Halakhic compilations the dispute underscores through highlighting consensus the contours of coherence of rules of conduct. It may delineate the outer limits of a firm agreement on fundamentals by limiting dispute to secondary and derivative issues, as in Mishnah Makhshirin; it may bring to the surface unresolved theoretical issues as in Mishnah Besah; or it may gloss the details of a rule deemed normative in its main outlines, as in Mishnah Moed Qatan. The dispute then defines the range of concurrence about the principles of the law and the limited range of disagreement on its realization, subject to minor variation in matters of detail.

The Aggadic compilations aim at extending the outer limits of variation in conviction. Many readings produce the same basic result, many examples embody a single abstract principle of virtue or theology. Showing in these ways the cogency of diverse readings of a common text also highlights the coherence of the Rabbinic system. Formal disputes in the Halakhic model, statement of a problem or proposition, Rabbi X says . . ., Rabbi Y says . . .—so our sample indicates—occur only rarely in Aggadic compilations, and then they function to gloss minor details of an exposition. The purpose of the Aggadic documents is served by finding a common denominator among different readings of a single story or statement of Scripture. That is what the "another-matter"-composite contributes, with its massive presence throughout the Aggadic Midrash-compilations.

Aggadic Synthesis: Common Denominators and Other Signals of Normativity

By what criteria do Aggadic compositions and composites set forth normative conceptions? The question is urgent if I am to justify identifying a common denominator of convictions that characterize all items of a composite of "another-matter"-entries? By "normative" I mean, the official position of the Rabbinic sages, viewed as a collegium and council in the model of the councils that declared catholic and orthodox Christianity. Several indicators in the Rabbinic canon, both Halakhic and Aggadic, establish the normative view and mark the schismatic one.

First, it is a well-established principle in the legal (Halakhic) documents that a rule that is not attributed to a named authority stands for all authority and ordinarily sets the norm. One bearing a name may well be, and mostly is, schismatic (with the proviso that certain names carry within themselves signals as to normative status). That hermeneutics forms the premise of much analysis in the two Talmuds.

A further trait of the documents that does pertain to the Aggadic as much as to the Halakhic compositions and composites, second, is that the authors of a cogent composition, all the more so the framers of a composite, so set forth their accounts as to give a clear indication of the position they favor. The kind of signal varies. The compilers may announce the besought proposition at the outset and amass evidence to demonstrate it, as is very common in the "another-matter"-composites. Or they may lead to the normative proposition and state it at the end, through assembling much evidence, most of it affirmative, some not. I have identified, in my *Theological Grammar of the Oral Torah*, particular in Volumes I and III,[2] a number of composites that set down the coherent judgment of the compilers about a given topic or problem. These composites, as a matter of fact, either prove unique in the entire literature—the sole systematic presentation of a topic—or turn out to be entirely coherent with other composites on the same theme. So much for compositions and composites.

Third, along these same lines, there is the matter of self-evidence, that is to say, indications within the documents of the Oral Torah of principles that are taken for granted and that generate secondary articulation along lines that said principles dictate. The Rabbinic sages have left no doubt about the indicators of self-evidence. For in the Rabbinic writings, particularly points of connection are taken as self-evident, so that compilers of composites simply *know* what native category "obviously" joins with what other one, and what does not. Through what is taken for granted, the system makes its statement of theological givens. For the Talmud of Babylonia, I have shown how odd connections reveal premises as to what is self-evident.

When, therefore, we can outline the principles of constructing groups of categories into intelligible combinations, we find in those principles the main lines of theological order and structure. When we can state what emerges as self-evident when we join in an "another-matter"-composite two otherwise distinct topics, we gain insight into the established laws of meaning and order that govern a system of coherent thought. So in examining the rules for joining native categories, we identify those indicators of correct usage that point toward the logic pervading the whole.

Fourth, even entire documents weigh in, for the compilers of a document, moreover, take positions on important questions. This they do by their selection and arrangement of materials, by their juxtapositions of topics beyond the dimensions of composites, and by other editorial means. They leave little doubt as to the positions they deem authoritative. Anyone who has worked through and identified the hermeneutics of, for one example, Genesis Rabbah, or the Mishnah for another, will understand that documents seen whole do convey coherent judgments. Most, though not all, of the documents of the Oral Torah viewed in the aggregate set forth coherent statements. That makes possible the description of the theological system that animates the writings.[3] That is because by definition, the statement on a given, fundamental topic that is made by a document within the Oral Torah, not contradicted by the statement made by any other document—and none is!—constitutes a reliable indicator of the normative Rabbinic theology.

On the basis of these facts characteristic of compositions, composites, and entire documents, what do I claim to constitute the mark of normative standing of a given statement? I offer these four criteria of normativity for an episodic statement:

1. it will be anonymous or at least entirely unchallenged, though it may bear light glosses of a peripheral character;
2. it will prove coherent to other statements on the same subject and not contradict or be contradicted by them;
3. it will define the premise of making certain connections or it will emerge as a result of making said connection, and/or
4. it will be presented as the regnant opinion when conflicting opinions register, e.g., as the opening proposition, or as the climactic statement; or in some other significant way signals will be given to accord privilege to the statement cited or alluded to.

These constitute signals of normativity readily accessible when we examine the canonical documents. On this basis, I maintain, that had the Rabbinic sages of the Oral Torah met in world councils, as their counterparts in Christian theology did, these views of the common denominator of "another-matter"-composites and comparable positions define the positions they would have taken and set forth as normative—every one of them. If we have no counterpart, for Rabbinic Judaism, to the Nicene Creed, we could readily write one out of "another-matter"-composites in the compilations of Midrash-Aggadah.

Contours of Coherence

Notice then the contrast, institutional and intellectual, in the situation of Rabbinic Judaism, and the effects of the contrast will place into perspective the difference between the pattern of Christian truth and the integrity of the Torah as set forth by the Rabbinic sages.

No state sponsored the Rabbinic sages' ecumenical meetings, of which they held none. Nor did the logic of the Rabbinic sages view permit individuals to write books in their own names, respectively, as did every principal of Christianity beyond the founder himself. That is because the Rabbinic sages for Judaism accomplished what the Church fathers achieved for Christianity, but did so in the vastly different circumstances of a disempowered faith and people. For the work of setting forth a coherent logic of the faith, a theological structure and system, they chose the instruments they had available. They possessed no army and occupied no positions of power. But power inhered in the Torah: "Not by might and not by power but by my word. . . ." And to them, the Torah afforded access not only to God's will but also to God's word in God's own words. God's formulation of his thought, the logic, the grammar, the vocabulary—all were accessible. Instead of coercion, they substituted the power of logic and compelling argument that inhered in the Torah, properly interpreted.

Dispute, debate, logical argument, the instruments of intellect, proposition, evidence, argument, thought and the writing down of thought—these commonplaces of jurisprudential systems in the Rabbinic system formed evidences of the working of God's mind. That is why they yielded, in complex statements to be sure, the consensus attained through persuasion. And that explains why, while freely registering schismatic opinion, the Rabbinic sages also did not undertake to write books each in his own name. For if what they had to say was true, it was God's truth awaiting discovery by humanity—Torah to which no human being was entitled to affix his name. That is why the entire enterprise reached expression in corporate statements of a collective consensus, in documents each unique in canonical context, each component of the canon performing its distinct tasks in harmony with all others. That—and not political circumstance or the incapacity to sustain institutional supports for raw power such as Rome accorded to Christianity—accounts for the substitution of the power of logical persuasion to nurture consensus in place of the power of politics to impose conformity.

It is in the canon of the formative age that Rabbinic Judaism expressed its sense of its own unity, and that accounts for the utility of the dispute in the Halakhic documents and of the "another-matter"-composites in the Aggadic ones—utility, not centrality. In the purifying crucible of dispute, debate, and dialectical argument, as in the quest for the common denominator, the paradigm that governs diverse cases, God's words in the Torah would reveal not only details of God's will but God's word: the logos of the Torah, God's logic.

Jacob Neusner

Notes

[1] William Scott Green, "Writing with Scripture. The Rabbinic Uses of the Hebrew bible," in Jacob Neusner with William Scott Green, *Writing with Scripture* (Atlanta, 1993), pp. 19–20.

[2] *The Theological Grammar of the Oral Torah* (Binghamton, 1999). I. *Vocabulary: Native Categories; The Theological Grammar of the Oral Torah* (Binghamton, 1999). II. *Syntax: Connections and Constructions' The*

Theological Grammar of the Oral Torah (Binghamton, 1999). III. *Semantics: Models of Analysis, Explanation and Anticipation' Theological Dictionary of Rabbinic Judaism* (Leiden, 2004. Second edition, revised, of *The Theological Grammar of the Oral Torah* I–III).

[3] As I have shown in *The Theology of the Oral Torah. Revealing the Justice of God* (Kingston, Montreal, and Ithaca, 1999). *See* also *Rabbinic Judaism: Theological System* (Boston and Leiden, 2003); condensation of *The Theology of the Oral Torah.*

Conservative Judaism

With roots in the German Judaic response to the development of Reform, then Orthodox Judaism, on the one side, and the immigrant response to the conditions of American life in the twentieth century, on the other, Conservative Judaism seeks a centrist position on the issues of tradition and change. The Historical School, a group of a nineteenth century German scholars, and Conservative Judaism, a twentieth century Judaism in America, took the middle position, each in its own context. They form a single Judaism, because they share a single viewpoint. The Historical School began among German Jewish theologians who advocated change but found Reform extreme. They parted company with Reform on some specific issues of practice and doctrine, observance of the dietary laws and belief in the coming of the Messiah for example. But they also found Orthodoxy immobile. Conservative Judaism in America in the twentieth century carried forward this same centrist position and turned a viewpoint of intellectuals into a Judaism: a way of life, world view, addressed to an Israel. The Historical School shaped the world view, and Conservative Judaism later on brought that view into full realization as a way of life characteristic of a large group of Jews, nearly half of all American Jews by the middle of the twentieth century.

The Historical School in Germany and Conservative Judaism in America affirmed a far broader part of the received way of life than Reform, yet rejected a much larger part of the world view of the system of the dual Torah than did Orthodoxy. Calling itself "the Historical School,"[1] the Judaism at hand concurred with the Reformers in their basic philosophical position, but with the Orthodox in their concrete way of life. The Reformers had held that change was permissible and claimed that historical scholarship would show what change was acceptable and what was not. The proponents of the Historical School differed in matters of detail. The emphasis on historical research in settling theological debates explains the name of the group. Arguing that its positions represent matters of historical fact rather than theological conviction, Conservative Judaism maintained, that "positive historical scholarship" will prove capable, on the basis of historical facts, of purifying and clarifying the faith, joined to far stricter observance of the law than the Reformers required. Toward the end of the nineteenth century rabbis of this same centrist persuasion organized the Jewish Theological Seminary of America, in 1886–1887, and from that rabbinical school the Conservative Movement developed. The order of the formation of the several Judaisms of the nineteenth century therefore is, first, Reform, then Orthodoxy, finally, Conservatism—the two extremes, then the middle. Reform defined the tasks of the next two Judaisms to come into being. Orthodoxy framed the clearer of the two positions in reaction to Reform, but, in intellectual terms, the Historical School in Germany met the issues of Reform in a more direct way.

The Centrist Position Between Reform and Orthodoxy

The centrist viewpoint had one name, the Historical school, in Germany, another, Conservative Judaism, in America. But the Historical School in Germany did not constitute a Judaism—a doctrine and way of life realized in a social group that deemed itself "Israel." The Historical School added up to a handful of scholars writing books,

and a book is not a Judaism. In America, by contrast, Conservative Judaism did reach full realization in a way of life characteristic of large numbers of Jews, a world view that, for those Jews, explained who they were and what they must do, a clearly articulated account of who is Israel—a Judaism. The circumstance of its success helps in identifying the urgent question that it answered. In his *Conservative Judaism*, Marshall Sklare argued that Conservative Judaism served to express the particular viewpoint of the children of the immigrants to America from Eastern Europe who came at the end of the nineteenth century. Those children laid emphasis on the folk aspect—the way of life—while rejecting the world-view—the supernaturalism—of the received system of the dual Torah. Sklare further identified Conservative Judaism with the area of second settlement, that is to say, the neighborhoods to which the Jewish immigrants or their children moved once they had settled down in this country. Still, the middle position's fundamental definition of the urgent issues and how they were to be worked out in both nineteenth century Germany and twentieth century America proved remarkably uniform, beginning to the present.

The stress of the Historical School in Europe and Conservative Judaism in America lay on two matters, first, scholarship, with historical research assigned the task of discovering those facts of which the faith would be composed, second, observance of the rules of the received Judaism. A professedly free approach to the study of the Torah, specifically through what was called "critical scholarship" would yield an accurate account of the essentials of the faith. But, second, the scholars and lay people alike would keep and practice nearly the whole of the tradition just as the Orthodox did. The ambivalence of Conservative Judaism, speaking in part for intellectuals deeply loyal to the received way of life, but profoundly dubious of the inherited world view, came to full expression in the odd slogan: "Eat kosher and think *traif*." (*Traif* means, not kosher.) That statement meant people should keep the rules of the holy way of life but ignore the convictions that made sense of them. Orthopraxy is the word that refers to correct action and unfettered belief, as against Orthodoxy, right doctrine. Some would then classify Conservative Judaism in America as an orthoprax Judaism defined through works, not doctrine.

The middle position then derived in equal measures from the two extremes. The way of life was congruent in most aspects with that of the Orthodox, the thought-world, with that of the Reform. The two held together in the doctrine of Israel which covered everyone. Conservative Judaism saw the Jews as a people, not merely a religious community, and celebrated the ethnic as much as the more narrowly religious side to the Jews' common life. Orthodoxy took a separatist and segregationist position, leaving the organized Jewish community in Germany as that community fell into the hands of Reform Jews. Reform Judaism, for its part, rejected the position that the Jews constitute a people, not merely a religious community. Conservative Judaism emphasized the importance of the unity of the community as a whole and took a stand in favor of Zionism as soon as that movement got under way.

What separated Conservative Judaism from Reform was the matter of observance. Fundamental loyalty to the received way of life distinguished the Historical School in Germany and Conservative Judaism in America from Reform Judaism in both countries. When considering the continued validity of a traditional religious practice, the Reform asked why, the Conservatives, why not. The Orthodox, of course, would ask no questions to begin with. The fundamental principle, that the world-view of the Judaism under construction would rest upon (mere) historical facts, came from Reform Judaism. Orthodoxy could never have concurred. The contrast to the powerful faith despite the world, exhibited by the founder of modern orthodoxy, Samson Raphael Hirsch's stress on the utter facticity of the Torah, presents in a clear light the positivism of the Conservatives, who, indeed, adopted the name "the *positive* Historical School."

History as an Instrument of Reform

The emphasis on research as the route to historical fact, and on historical fact as the foundation for both change and, also, the definition of what was truly authentic in the tradition further tells us that the Historical School was made up of intellectuals. In America, too, a pattern developed in which essentially non-observant congregations of Jews called upon rabbis whom they expected to be observant of the rules of the religion. As a result many of the intellectual problems that occupied public debate concerned rabbis more than lay people, since the rabbis bore responsibility—so the community maintained—for not only teaching the faith but, on their own, embodying it. An observer described this Judaism as "Orthodox rabbis serving Conservative synagogues made up of Reform Jews." But in a more traditional liturgy, in an emphasis upon observance of the dietary taboos and the Sabbath and festivals—which did, and still does, characterize homes of Conservative more than of Reform Jews—Conservative Judaism in its way of life as much as in its world-view did establish an essentially mediating position between Orthodoxy and Reform. The conception that Conservative Judaism is a Judaism for Conservative rabbis thus in no way accords with the truth. That Judaism for a long time enjoyed the loyalty of fully half of the Jews in America and today retains the center and the influential position of Judaism in America. The viewpoint of the center predominates even in the more traditional circles of Reform and the more modernist sectors of Orthodoxy.

The point at which a school achieved the status of a Judaism is not difficult to locate. The school—the Historical School in Germany, a handful of moderate rabbis in America—defined itself as a movement in Judaism (in my terms, a Judaism) in response to a particular event. It was the adoption, by the Reform rabbis, of the Pittsburgh Platform of 1885. At that point a number of European rabbis now settled in America determined to break from Reform and establish what they hoped would be simply "traditional" Judaism in America. When, in 1886, they founded the Jewish Theological Seminary of America, Conservative Judaism as a religious movement began. The actual event was simple. The final break between the more traditional and the more radical rabbis among the non-Orthodox camp occurred with the formation of a group that sponsored this new rabbinical school for "the knowledge and practice of historical Judaism."[2]

Reform Judaism Defines Its Competition

The power of Reform Judaism to create and define its opposition—Orthodoxy in Germany, Conservative Judaism in America—tells us how accurately Reform had outlined the urgent questions of the age. Just as Reform had created Orthodoxy, it created Conservative Judaism. Reform, after all, had treated as compelling the issue of citizenship ("Emancipation") and raised the heart of the matter, how could Jews aspire to return to the Holy Land and form a nation and at the same time take up citizenship in the lands of their birth and loyalty? Jews lived a way of life different from that of their neighbors, with whom they wished to associate. A Judaism had to explain that difference. The answers of all three Judaisms accepted the premises framed, to begin with, by Reform. Orthodoxy maintained one could accept citizenship and accommodate political change but also adhere loyally to the Torah. To Orthodoxy, certain changes, necessary in context, represented trivial and unimportant matters. Conservative Judaism in its German formulation took up a mid-position, specifying as essential fewer aspects of the received way of life than did Orthodoxy but more than Reform. In this way therefore Reform Judaism defined the agenda for all of the Judaisms of the nineteenth century, and its own success lies in its imposing of its fundamental perspective on its competition.

If we want to understand Conservative

Judaism, we have to follow its mode of sorting out the legitimate changes from the unacceptable ones, for that method marked the middle off from the extremes on either side. The way in which the Historical School coped with political change, in particular the secularization of politics and the challenge to reframe the political teleology—and associated way of life and world view—of Judaism—through historical study. The search for precedent need hardly surprise us, since the Reformers took the same route. The fundamental premise of the Conservatives' emphasis on history rested on the conviction that history demonstrated the truth or falsity of theological propositions.

We should look in vain in all of the prior writings of Judaic systems for precedent for that fact, self-evident to the nineteenth and twentieth century system-builders. The appeal to historical facts was meant to lay upon firm, factual foundations whatever change was to take place. In finding precedent for change, the Conservatives sought reassurance that some change—if not a great deal of change—would not endanger the enduring faith they wished to preserve. But there was a second factor. The laws and lessons of history would then settle questions of public policy near at hand. Both in Germany in the middle of the century and in America at the end the emphasis throughout lay on "knowledge and practice of historical Judaism as ordained in the law of Moses expounded by the prophets and sages in Israel in Biblical and Talmudic writings," as the articles of Incorporation of the Jewish Theological Seminary of America Association stated in 1887. Calling themselves "traditionalists" rather than "Orthodox," the Conservative adherents accepted for most Judaic subjects the principles of modern critical scholarship. Conservative Judaism therefore exhibited traits that linked it to Reform but also to Orthodoxy, a movement very much in the middle. Precisely how the historical school related to the other systems of its day—the mid- and later-nineteenth century—requires attention to that scholarship that, apologists insisted, marked the Historical School off from Orthodoxy.

The principal argument in validation of the approach of the Historical School and Conservative Judaism derived from these same facts of history. Change now would restore the way things had been at that golden age that set the norm and defined the standard. So by changing, Jews would regain that true Judaism that, in the passage of time, had been lost. Reform added up to more than mere change to accommodate the new age, as the Reforms claimed. This kind of reform would conserve, recover, restore. That is what accounts for the basic claim that the centrists would discover how things had always been. By finding out how things had been done, what had been found essential as faith, in that original and generative time, scholarship would dictate the character of the Judaic system. It would say what it was and therefore what it should again become, and, it followed, Conservative Judaism then would be "simply Judaism," to which all Jews could adhere. Reform identified its Judaism as the linear and incremental next step in the unfolding of the Torah. The Historical School and Conservative Judaism later on regarded its Judaism as the reversion to the authentic Judaism that in time had been lost. Change was legitimate, as the Reform said, but only that kind of change that restored things to the condition of the original and correct Judaism.

The Conservative Apologetic

That position formed a powerful apologetic, because it addressed the Orthodox view that Orthodoxy constituted the linear and incremental outgrowth of "the Torah" or "the tradition," hence, the sole legitimate Judaism. It also addressed the Reform view that change was all right. Conservative Judaism established a firm criterion for what change was all right: the kind that was, really, no change at all. For the premise of the Conservative position was that things should become the way they had always been. And scholarship would tell how things had always been and dictate those changes that would restore the correct way of life, the true world view, for the Israel composed of pretty much all the Jews—the center. Historical research therefore provided a powerful apologetic against both sides. That is why the weapon

of history in the nineteenth century was ultimate in the struggle among the Judaisms of the age. The claim to replicate how things always had been and should remain thus defined as the ultimate weapon historical research, of a sort. That was, specifically, a critical scholarship that did not accept at face value as history the stories of holy books, but asked whether and how they were true, and in what detail they were not true. That characteristically critical approach to historical study would then serve as the instrument for the definition of Conservative Judaism, the Judaism that would conserve the true faith, but also omit those elements, accretions of later times, that marred that true faith.

The Issue of the Oral Torah

At issue in historical research, out of which the correct way of life and world view would be defined, was the study of the Talmudic literature, that is, the Oral Torah. The Hebrew Scriptures enjoyed immunity. Both the Reformers and the Historical School theologians stipulated that the written Torah was God given. The Conservatives and Reformers concurred that God gave the written Torah, but man made the oral Torah. So the two parties of change, Reformers and Historical School alike, chose the field of battle, declaring the Hebrew Scriptures to be sacred and outside the war. They insisted that what was to be reformed was the shape of Judaism imparted by the Talmud, specifically, and preserved in their own day by the rabbis whose qualification consisted in learning in the Talmud and approval by those knowledgeable therein. That agreement on the arena for critical scholarship is hardly an accident. The Reform and Historical School theologians revered Scripture. Wanting to justify parting company from Orthodox and the received tradition of the Oral Torah, they focused on the Talmud because the Talmud formed the sole and complete statement of the one whole Torah of Moses our rabbi, to which Orthodoxy and, of course, the traditionalists of the East, appealed. Hence in bringing critical and skeptical questions to the Talmud, but not to the Hebrew Scriptures, the Conservatives and Reformers addressed scholarship where they wished, and preserved as revealed truth what they in any event affirmed as God's will. That is why the intellectual program of the Historical School in Germany and Conservative Judaism in America consisted of turning the Talmud, studied historically, into a weapon turned against two sides: against the excessive credulity of the Orthodox, but also against the specific proposals and conceptions of the Reformers.

The role of scholarship being critical, Conservative Judaism looked to history to show which changes could be made in the light of biblical and rabbinic precedent, "for they viewed the entire history of Judaism as such a succession of changes," Arthur Hertzberg explains.[3] The continuity in history derives from the on-going people. The basic policy from the beginning, however, dictated considerable reluctance at making changes in the received forms and teachings of the Judaism of the dual Torah. The basic commitments to the Hebrew language in worship, the dietary laws, and the keeping of the Sabbath and festivals, distinguished the Historical School in Europe and Conservative Judaism in America from Reform Judaism. The willingness to accept change and to affirm the political emancipation of the Jews as a positive step marked the group as different from the Orthodox. So far as Orthodoxy claimed to oppose all changes of all kinds, Conservative Judaism did take a position in the middle of the three.

The Positive-Historical School in the Nineteenth Century

If history, or rather, History, the chosen discipline for Judaic theological argument in the nineteenth century, gave its name to the Judaism at hand, the particular area of history that defined discourse by no means surfaced as a matter of accident. People made a very deliberate choice in the matter. What they studied, that is, subjected to critical processes of analysis, proof and disproof, was no more indicative than what

they refrained from reading in that same detached and critical manner. They did not study Scripture in the critical way. They did study the documents of the Oral Torah in accord with the canons of contemporary academic scholarship. Why the difference? The principal theological issues under debate derived from the Judaism of the dual Torah. No one argued about whether or not Moses gave the Ten Commandments. But people did have to work out for themselves a relationship to the Judaism of the dual Torah—and, by definition, that meant, to the documents of the Oral Torah. So the historical question applied, in particular to that matter, and, of course, as to the oral part of the dual Torah people raised questions of origins, meaning, authority: where did it come from, is it part of the revelation of Sinai?

The Orthodox answers left no ambiguity. The entirety of the Torah came from God, not from mortal humanity; the entire Torah retains authority, such as it had from the very beginning; and, of course, the Talmud and the other rabbinic writings represented by it form part of the revelation of Sinai. The Reformers' answers took an opposite and equally coherent position. The oral Torah forms part of the accidents of history; it comes from human authors; it is not part of the Torah of Sinai. Addressing these issues, then, would occupy scholars who thought that they could produce "positive, historical" knowledge, which would secure reliable facts in answer to the questions of faith. When history forms the arena for scholarship, in the Judaic context at hand, the history of the oral component of the dual Torah will attract attention and debate. That rule derives from the debates between Reform and Orthodox theologians. Both concurred on the divine origin of the written component of the dual Torah, but the former denied what the latter affirmed, which is the divine origin of the oral part of that same Torah.

The Historical School's principal contribution to the debate derived from two historians, Zechariah Frankel and Heinrich Graetz. They founded the study of the rabbinic literature as a historical source. Since the theological motive for the work is now clear to us, we can understand that the beginnings of the study of the Talmud as history lie in nineteenth-century Germany. With Reform well defined and Orthodoxy coming to an articulate view of itself, the Historical School made its appearance third in line. This was in the 1850s. The definition of the modern debate about the Talmud, in mostly historical terms, was supplied in that single decade from 1851 to 1859. Four books were published in less than ten years that defined the way the work would be done for the next one hundred years, and three of the four—Krochmal, Graetz, and Frankel—were identified (in Krochmal's case, posthumously) with the Historical School. These four were Leopold Zunz's posthumous publication of Nahman Krochmal's *Moreh nebukhe hazzeman* ("guide to the perplexed of our times," a title meant to call to mind Maimonides' *Guide to the Perplexed*), 1851; Heinrich Graetz's fourth volume of his *History of the Jews from the Earliest Times to the Present*, which is devoted to the talmudic period, 1853; Geiger's *Urschrift und Uebersetzungen der Bibel*, 1857; and Zechariah Frankel's *Darkhé hammishnah* ("ways of the Mishnah"), 1859. These four volumes, Zunz and Geiger marking the Reform contribution, Graetz and Frankel the positive-historical school's contribution, placed the Talmud into the very center of the debates on the reform of Judaism and address the critical issues of the debate: the divine mandate of Rabbinic Judaism.[4] For three generations there would be no historical work on the Talmud deriving from Orthodoxy. And what came later on represented no constructive program at all.

The Talmudic period defines the arena of the struggle over reform because the Reform theologians made it so and because Conservative ones affirmed that same decision, for essentially the same reason. They had proposed that by exposing the historical origins of the Talmud and of the Rabbinic form of Judaism, they might "undermine the divine mandate of rabbinic Judaism."[5] As Ismar Schorsch points out, Geiger's work indicates the highwater mark of the attack on Rabbinic Judaism through historical study. Krochmal, Graetz, and Frankel presented a sympathetic and favorable assessment.

That is the point at which, in historical work, they would take their leave of Reform Judaism and lay the foundations for the Historical School of Conservative Judaism. In so doing, however, they adopted the fundamental supposition of the Reformers: the Talmud can and should be studied historically. They conceded that there is a history to the period in which the Talmud comes forth. The Talmud itself is a work of men in history.

The method of Graetz and of Frankel was essentially biographical. The two provided spiritual heroes, a kind of academic hagiography, imparting color and life to the names of the talmudic canon. One third of Frankel's book is devoted to biographies of personalities mentioned in the Talmud. He collects the laws given in the name of a particular man and states that he appears in such and such tractates, and the like. His card file is neatly divided but yields no more than what is filed in it.[6] Joel Gereboff comments on Frankel as follows:

> For Frankel Rabbi was the organizer and the lawgiver. He compiled the Mishnah in its final form, employing a systematic approach. The Mishnah was a work of art; everything was "necessary" and in its place. All these claims are merely asserted. Frankel gives citations from Mishnaic and Amoraic sources, never demonstrating how the citations prove his contentions. Frankel applied his theory of positive-historical Judaism, which depicted Jewish life as a process combining the lasting values from the past with human intelligence in order to face the present and the future, to the formation of the Mishnah. The Mishnah was the product of human intelligence and divine inspiration. Using their intelligence, later generations took what they had received from the past and added to it. Nothing was ever removed. Frankel's work has little lasting value. He was, however, the first to analyze the Mishnah critically and historically; and this was his importance.

What is important is not what he proves but what he implicitly concedes, which is that the Mishnah and the rest of the rabbinic literature are the work of men. Graetz likewise stresses the matter of great men. As Schorsch characterizes his work:

> Graetz tried valiantly to portray the disembodied rabbis of the Mishnah and Talmud as vibrant men, each with his own style and philosophy and personal frailties, who collectively resisted the disintegrating forces of their age. . . . In the wake of national disaster, creative leadership forged new religious institutions to preserve and invigorate the bonds of unity. . . . He defended talmudic literature as a great national achievement of untold importance to the subsequent survival of the Jews.[7]

Now why, in the doing of history, the biographies of great men should be deemed the principal work is clear: the historians of the day in general wrote biographies. History was collective biography. Their conception of what made things happen is tied to the theory of the great man in history, the great man as the maker of history. The associated theory was of history as the story of politics, thus of what great men did. The beginnings of the approach to the Talmud as history meant biography. But the historians of the day in general did not lay the foundations for religious movements, nor did they ordinarily engage in vigorous debate on theological questions. Graetz and Frankel, by contrast, strongly opposed Reform and criticized not only the results of Reform scholarship but the policies of Reform Judaism.

If we place the historical scholarship of Graetz and Frankel into the context of the age, we realize that their program fit more comfortably into a theological than a critical-historical classification, however much they invoked the status of critical-historical and positive-historical knowledge for their results. And that fact places a quite different construction on the Historical School. Measured by the standards of its day, it proved far less critical, far less historical, and far more credulous and believing, than its adherents admitted. For a broad range of critical questions escaped the attention of the Historical School. These questions had to do with the reliability of sources. Specifically, in both classical and biblical studies, long before the mid-nineteenth century a thorough-going skepticism had replaced the gullibility of earlier centuries. Alongside the historicistic frame of mind shaped in the aftermath of the Romantic movement, there was an enduring critical spirit, formed in the Enlightenment and not to be eradicated later on. This critical spirit approached the

historical allegations of ancient texts with a measure of skepticism. So for biblical studies, in particular, the history of ancient Israel no longer followed the paths of the biblical narrative, from Abraham onward.

In the work of writing lives of Jesus, the contradictions among the several gospels, the duplications of materials, the changes from one gospel to the next between one saying and story and another version of the same saying and story, the difficulty in establishing a biographical framework for the life of Jesus—all of these and similar, devastating problems had attracted attention. The result was a close analysis of the character of the sources as literature, for example, the recognition—before the nineteenth century—that the Pentateuch consists of at least three main strands: JE, D, and P. It was well known that behind the synoptic Gospels is a source (called Q, for source, in German, *Quelle*) containing materials assigned to Jesus, upon which the three evangelists drew but reshaped for their respective purposes. The conception that merely because an ancient story-teller says someone said or did something does not mean he really said or did it goes back before the Enlightenment. After all, the beginnings of modern biblical studies surely reach into the mind of Spinoza. He was not the only truly critical intellect in the field before Voltaire. But as a powerful, socially rooted frame of mind, historical-critical and literary critical work on the ancient Scriptures is the attainment of the late eighteenth and nineteenth centuries. And for the founders of talmudic history, Graetz, Frankel, and Krochmal, what had happened in biblical and other ancient historical studies was either not known or not found to be useful. And it was not used. The issues on which they worked derived from a religious and not an academic or narrowly-scholarly debate.

And yet the model of German Protestant theological scholarship in biblical studies made slight impact. For a considerable critical program had already taken shape, so that scholarship on religion observed the critical norms worked out in other historical subjects. No German biographer of Jesus by the 1850s, for example, could have represented his life and thought by a mere paraphrase and harmony of the Gospels, in the way in which Graetz and Frankel and their successors down to the mid-twentieth century would paraphrase and string together talmudic tales about rabbis, and call the result "history" and biography. Nor was it commonplace, by the end of the nineteenth century, completely to ignore the redactional and literary traits of documents entirely, let alone their historical and social provenance. Whatever was attributed to a rabbi, in any document, of any place or time, was forthwith believed to provide evidence of what that rabbi really said and did in the time in which he lived. So the claim of the positive Historical School to produce that same positivist data that historians in general claimed to present certainly fails. The reason that fact matters is simple. The theologians of the Historical School claimed to present "mere" facts, but the bulk of the facts they did produce derived from a reading of sources in as believing, not to say credulous, a spirit as the Orthodox brought to Scripture. By the standards of their own day, the scholars at hand proved not at all critical. What matters, then, is the theological program, not the scholarly outcome.

We therefore must wonder quite how much change the Historical School admitted. It was less than people alleged. For while calling themselves "positive-Historical," none of the scholars at hand could claim to contribute to history in the way in which, in general, critical historical work was carried on in their time. Yet the change, in the context of the received and available Judaisms, nonetheless was formidable. For the Conservatives took a delicately balanced position between Orthodox and Reform theologians. Admitting [1] that the Talmud and related writings came from mortals—an enormous reform—the historian-theologians then [2] took at face value—exactly as did the Orthodox—all of the tales and treated the document with a faith that, in the setting of biblical studies, would have earned the title, uncritical or even fundamentalist. In this regard Orthodoxy cannot have objected to the results of historical study, only to its premises. Since the work of talmudic history was methodologically

obsolete by the critical standards of its own age, we must correct the notion that the scholarship at hand pursued an essentially secular and "objective" program and cannot be deemed the foundation of a Judaism.

Quite to the contrary, the scholarship in historical sciences aimed at theological results. The world-view that would emerge in Conservative Judaism, with its stress on scholarship, simply insisted on the facticity of matters of faith—no less than did Hirsch, but with less reason. So the middle position emerged in a simple way. On the one side, the historian-theologians of the Historical School chose to face the Orthodox with the claim that the Talmud was historical. On the other they chose to turn their backs on the critical scholarship of their own day with that very same claim that the Talmud *was* historical. That formed a powerful weapon against Reform, and it was the weapon of the Reformers' own choice (as Geiger indicated in so many words). So as with the Reformers and the Orthodox, so for the Conservatives the place and authority of the Oral Torah, embodied in the Talmud, formed the arena for debate. Facing the one side, the Historical School treated the Talmud as a document of history, therefore a precedent for paying attention to context and circumstance, so to admit to the possibility of change. But facing the other side, the Historical School treated the Talmud as a uniformly reliable and inerrant source for historical information. The Talmud was the target of opportunity. The traditionalists trivialized the weapon, maintaining that history was essentially beside the point of the Talmud: They used an argument such as this: The historians can tell us what clothes Rab wore, and what he ate for breakfast. The Talmudists can report what he said. But, it goes without saying, polemical arguments such as these, no less than the ones of the Reformers, were important only to the people who made them up.

Two purposes—biography and theology—define the character of nearly all of the historical work done in talmudic literature for the century from the decade of foundation onward. Graetz set the style for such history as was attempted; Frankel for biography. At the end let me quote Schorsch's definitive judgment of Graetz, which forms an epitaph to the whole enterprise of talmudic history from the 1850s onward:

> Above all, Graetz remained committed to the rejuvenation of his people. His faith in God's guiding presence throughout Jewish history, as witnessed by two earlier instances of national recovery, assured him of the future. His own work, he hoped, would contribute to the revival of Jewish consciousness. He succeeded beyond measure. As a young man, Graetz had once failed to acquire a rabbinic pulpit because he was unable to complete the delivery of his sermon. There is more than a touch of irony in the remarkable fact that the reception accorded to Graetz's history by Jews around the world made him the greatest Jewish preacher of the nineteenth century.[8]

That none of this reveals a narrowly historical task scarcely requires proof. In fact we deal with a theological program, one which resorts to facts to make its points, and which imagines that history settles questions. The reliance on precedent, of course, will not have surprised proponents of the dual Torah. But the entire program, with its treating as this-worldly and matters of history what the received system of Judaism understood to form an entirely supernatural realm, surprised and deeply offended those proponents.

Orthopraxy as Conservatism: Alexander Marx and Louis Ginzberg

We therefore come to the question of who joined Historical Judaism in Europe and Conservative Judaism in America. Of particular interest are the system-builders, the intellectuals: the historians, Talmudists, and other scholars. They are the ones, after all, who defined the ideas and expressed the values and the attitudes that made all of the Judaisms before us systems, whole and complete, each with its world-view, way of life, theory of an Israel—and powerful appeal to an Israel too. Since nearly all of the first generations of Conservative Jews in America and adherents of the Historical School in Europe had made their way out of that received system of the dual Torah, the motivation for the deeply conservative approach

to the received system requires attention. For that basis assuredly cannot emerge from matters of doctrine. Indeed, once scholar-theologians maintained that the oral part of the Torah derived from mortals, not God, disagreements with Reformers on matters of change can have made little difference. For by admitting to the human origin and authority of the documents of the Oral Torah, the historian-theologians had accomplished the break with Orthodox, as well as with the received system. Then differences with Reform were of degree, not kind. But these differences sustained a Judaism for a very long time, a Judaism that would compose its world-view, its way of life, its audience of Israel, in terms that marked off that system from the other two successor-Judaisms we have already considered. Where and how did the differences emerge? To answer the question, we turn to two Europeans turned Americans, who typify the first mature generation of Conservative Judaism.

Professors at the Jewish Theological Seminary of America for the first half of the twentieth century, important authorities in their fields of learning, Louis Ginzberg and Alexander Marx form the counterpart to Abraham Geiger and Samson Raphael Hirsch. Together they typify the principal points of emphasis of Conservative Judaism in its formative age. They will serve as our interlocutors in pursuing the questions of this study. For what we want to find out—to remind ourselves—is not the sociology, or even the theology, of the successor-Judaisms of the nineteenth century. We want to know where and how people made the passage from self-evidence to self-awareness, how we may identify what changed and specify what continued within the received way of life and world view. The answers to these questions tell us how people identified and answered urgent questions and so constructed a social world in which to live out their lives.

In the case of the Historical School of Germany in the nineteenth century and Conservative Judaism in the U.S.A., the answer is clear. Keeping the way of life of the received tradition, to which the Conservatives felt deep personal loyalty because of upbringing and association, would define the way of life of Conservative Judaism. Ignoring the intellectual substance of the received system and striking out in new directions would define the method of thought, the world-view. We have already met their cynical apophthegm, "Eat kosher and think *traif* (that is, not kosher)," meaning keep the practical rules of the established way of life, but pursue your scholarly interests wherever they may lead you. Conservative Judaism thus began—and for many years persisted—as a blatant orthopraxy—think what you like but conform to the law. What we learn is that the inherited way of life exercised profound power over the heart of the Conservative Jew of the early generation. The received viewpoint persuaded no one. So keep what could not be let go, and relinquish what no longer possessed value. To justify both sides, historical scholarship would find reassuring precedents, teaching that change is not Reform after all. But no precedent could provide verification for orthopraxy, the most novel, the most interesting reform among the Judaisms of continuation.

We turn to two substantial figures, who show us how Conservative Judaism actually worked in the lives of first rate intellects. The first was Alexander Marx (1878–1953), who in his *Essays in Jewish Biography* introduces people he knows and loves. His book presents a classic statement of the philosophy of the founders of Conservative Judaism. As such Marx teaches us where Conservative Judaism came from—which, in his person, was out of the Westernized Orthodoxy of nineteenth century Germany. Marx carried forward the legacy of his father-in-law, David Hoffmann, and Hoffmann's father in law, Rabbi Hildesheimer—the two intellectual giants, after Hirsch, of Orthodoxy in Germany. So Marx explains the choices of those whom he provides with biographies: "The works of Rashi have attracted me since my early youth." "My interest in Saadia was aroused by the greatness and originality of his work and the unusual story of his life." As to the eight modern scholars, he either knew them personally or was deeply influenced by them in his scholarly career. So he says, "I had a personal reason for selecting these men. In one way or another

each of them either affected my own scholarly career or was bound to me by ties of close friendship." Hoffmann, for example, was his father in law, and Solomon Schechter, the true founder of the Jewish Theological Seminary of America just after the turn of the twentieth century, his friend.

But there is more to it than that. The notion that orthopraxy without a world view characterized Conservative Judaism is wrong. The mode of scholarship in the study of the Talmudic corpus, while different from that of Orthodoxy as well as of the system of the dual Torah called "traditional," in fact remained entirely within the programmatic and topical interests of the Orthodox and the traditionalists alike. In the case of Marx this fact emerges clearly. His book is a party-document—a work of theology masquerading as descriptive history. Orthopraxy contained its own world-view, remarkably like that of Orthodoxy—except where it differed. There are deep convictions in his book, beliefs about right and wrong, not only about matters of fact. That is why Marx proves more interesting than, in his day, people might have predicted. So he wrote an intellectual autobiography, expressed through the biographies of others—a powerful and subtle medium. A reticent but solid scholar in these pages reflects on himself through what he says about others, reveals his ideals through what he praises in others. Here is an authentic judgment on the nineteenth and twentieth century and its principal intellectual framers: Marx's masters, friends, and heroes.

Marx himself was born in Eberfeld, in what was later East Germany. In his youth he served as a horseman in a Prussian artillery regiment. That hardly constituted a routine vocation for a rabbinical student, any more than did Hirsch's attendance at university. Only later did he go to the rabbinical seminary in Berlin. There, in that center of Orthodoxy, he married David Hoffmann's daughter. Hoffmann was the son-in-law of the founder of that same seminary. So there is a continuity within the intellectual leadership of Western Orthodoxy: Hildesheimer, Hoffmann, then, via the Jewish Theological Seminary of America, Marx. But then there is the break: who carried on the tradition in Conservative Judaism? While Hoffmann was an intellectual founder of Germany's westernized Orthodoxy, Marx in 1903 accepted Solomon Schechter's call to America. Schechter was the founding president of the Jewish Theological Seminary of America. He brought major scholars from Europe, and Marx was one of them.

Perhaps Marx hoped that the Jewish Theological Seminary of America would reproduce the intellectual world of German Orthodoxy: intellectually vital and religiously loyal to tradition. In any case Marx became professor of history and librarian at the Jewish Theological Seminary of America. Indeed, in his day, JTSA surely found a comfortable niche on the Western shores of Orthodoxy. To be Conservative in Judaism then meant to make minor changes in the law but to make much of them, at the same time making major innovations in the intellectual life of Judaism and minimizing them. Marx fit that pattern—but so did many of those about whom he writes. What were the consequences for learning? A kind of intellectual counterpart to orthopraxy yielded facts without much interpretation. In the case of Marx, the scholarship was erudite but not terribly original or productive. He formed a personal embodiment of a Judaism that made much of facts—observances—but did little with them.

In that regard he carried on the intellectually somewhat arid tradition of Frankel and Graetz, collecting information and making up sermons about it, but engaging in slight analysis or sustained inquiry of a sophisticated character. He published in the areas of history and bibliography. His most popular work was his *History of the Jewish People* (written with Max L. Margolis) published in 1927. This one-volume history must rank as among the most boring of its uninspired genre, but it does provide an accurate catalogue of important facts. So Marx's intellectual strength lay in his massive erudition, not in his powers of imagination and interpretation. To him, history was a sequence of facts of self-evident importance and obvious significance. That, of course, constituted a theological not merely an academic conviction. For the theological

data of the Historical School derived from historical facts, which, then, bore self-evident consequence.

But that view did not derive from Marx; it was a commonplace then and even today that the facts of history bear self-evident theological meaning. Because things once happened, today people find themselves compelled to do or not to do, to believe or to disbelieve. That is the view of theology to which Marx, as his entire generation of German and American scholars of Judaism, subscribed. Scholarship for Marx and his fellows was comprised of brief, topical, *ad hoc*, and unconnected papers—hence, ideas too. Graetz's history, made up of tales, and Frankel's biographies, thumbnail sketches based on paraphrases of talmudic stories, fall into the same classification. Given the stress on the self-evident meaning of facts, one can understand why, in simply establishing a fact, Marx and his generation saw a message and derived a meaning. So brief, ad hoc articles bore their self-evident importance too. But even though two of the three books are made up of short essays, they contain important statements of broad significance and general interest. The modern figures of interest to Marx find a place at the center of the movement for the intellectual modernization of Judaism. All of them stood within the Western camp, but also took a traditionalist position in that camp.

Ginzberg

And that brings us to Louis Ginzberg (1873–1953), a still more typical and influential figure.[9] He typifies the entire group of theologian-historians, in that he grew up within the heartland of the Jewish world of Eastern Europe, but left for the West. In that important respect he stands for the experience of departure and of alienation from roots that characterized the generality of earlier Reformers, the earliest generations of Conservative theologians, and the Orthodox of the age as well. Later on some of these figures would lay down the rule that, to be a scholar in Judaism, one had to grow up in a yeshiva—a school of advanced Talmudic learning—and leave! That counsel raised alienation to a norm. Obviously, it bore no relationship whatsoever to the received system of the dual Torah. None of the representative figures in the early generations found urgent the replication of the way of life and world view in which he grew up. The policy of orthopraxy then formed a mode of mediating between upbringing and adult commitment—that is, of coping with change.

Ginzberg himself traced his descent to the Vilna Gaon, Elijah, a formidable and legendary figure in the life of the communities of the dual Torah. But while born and brought up in Lithuania, heartland of the intellectual giants of the received system, Ginzberg left. He went to Berlin and Strasbourg, where he studied with Semitists, historians, and philosophers—practitioners of disciplines unknown in the study of the dual Torah. Ginzberg's next move, from the central European universities, brought him to the U.S.A., where, in 1899, he found employment at Hebrew Union College. But the appointment he had received was canceled when Ginzberg's position on biblical criticism became known. Specifically, Ginzberg affirmed the validity of critical approaches to the Hebrew Scriptures, and that fact made him unacceptable at the Reform seminary. Critical scholarship flourished within carefully circumscribed borders; within the frontier lay the oral Torah, outside—and beyond permissible criticism—the written. That distinction, central to Reform and Conservative positive-historical scholarship, placed Ginzberg outside of the camp for Reform seminaries. Instead, in 1900 he found employment at the Jewish Encyclopedia, and, in 1903, he accepted an appointment in Talmud at the Jewish Theological Seminary of America, yet another of the founding faculty collected by Solomon Schechter. Why Schechter found Ginzberg's views on biblical scholarship acceptable is not known, but, of course, Ginzberg taught Talmud, not Scriptures. A fixture at the Jewish Theological Seminary for fifty years, Ginzberg is called by Arthur Hertzberg, a leading second generation Conservative rabbi,[10] simply, "a principal architect of the Conservative movement."

His scholarly work covered the classical

documents of the oral Torah, with special interest in subjects not commonly emphasized in the centers of learning which he had left. So the subject changed, and changed radically. But the mode of learning remained constant. Ginzberg's work emphasized massive erudition, a great deal of collecting and arranging, together with episodic and ad hoc solutions to difficult problems of exegesis. But the work remained primarily textual and exegetical, and, when Ginzberg ventured into historical questions, the received mode of talmudic discourse—deductive reasoning, ad hoc arguments—predominated. So, for example, he propounded the theory—famous in its day—that differences on issues of the law represented class differences. In "The Significance of the Halakhah for Jewish History" (1929), the repeated enunciation of the thesis followed by exemplifications of how the thesis might explain differences of opinion took the place of rigorous analysis and cool testing of the thesis. So Ginzberg maintained that the liberals expressed the class interests of the lower classes, the conservatives of the upper classes. He then found in details of the law as two parties debated it ample exemplifications of this same theory. Just as in the yeshiva-world Ginzberg had left, enthusiastic argument took the place of sustained analysis and the critical exercise of testing, so in the world Ginzberg chose to build, the same mode of thought persisted, changed in context, unchanged in character.

The claim to critical scholarship forms, for Conservative Judaism, the counterpart to Orthodoxy's appeal to the Torah as God's will. Much is made in the theologies of Conservative Judaism of historical fact, precedent, discovering the correct guidelines for historical change. But the essential mode of argument accords with the received patterns of thought of the Yeshiva-world from which Ginzberg took his leave. For Talmudists such as Ginzberg, who acquired a university training, including an interest in history, and who also continued to study Talmudic materials, never fully overcame the intellectual habits ingrained from their beginnings in *yeshivot*.

Characteristic of Talmudic scholarship is the search, first, for underlying principles to make sense of discrete, apparently unrelated cases, second, for distinctions to overcome contradictions between apparently contradictory texts, and third, for *hiddushim*, or new interpretations of a particular text. That exegetical approach to historical problems which stresses deductive thought, while perhaps appropriate for legal studies, produces egregious results for history, for it too often overlooks the problem of evidence: How do we know what we assert? What are the bases in actual data to justify *hiddushim* in small matters, or, in large ones, the postulation of comprehensive principles (*shitot*) of historical importance? Ginzberg's famous theory that disputes reflect economic and social conflict is not supported by reference to archaeological or even extra-Talmudic literary evidence. Having postulated that economic issues were everywhere present, Ginzberg proceeded to use this postulate to "explain" a whole series of cases. The "explanations" are supposed to demonstrate the validity of the postulate, but in fact merely repeat and illustrate it. None of these theses in their exposition and demonstration bears much in common with then-contemporary humanistic learning. For humanistic history, even then, derives its propositions from inductive, not deductive, proof. In Ginzberg's case what is lacking in each particular case is the demonstration that the data could not equally well—or even better—be explained by some other postulate or postulates. At best we are left with "this could have been the reason" but with no concrete evidence that this was the reason. Masses of material perhaps originally irrelevant are built into pseudo-historical structures which rest on nothing more solid than "we might suppose that." The deductive approach to the study of law ill serves the historian.

We have dwelt at some length on Ginzberg's practice of historical scholarship so that we have a clear picture of the approach he worked out. Its problems aside, none of this, of course, in any way could find a point of compatibility with Orthodoxy. And that explains the orthopraxy of formative Conservative Judaism, captured in the saying, "eat kosher and think *traif*." That is, keep the practice laws of Judaism but ignore

the dogmatic theological principles of the received system (or claim there are none). While such inconsistency of belief and practice may strike some as difficult to sustain, in fact for those who hold this world-view, imputing to religious practice enormous value, while ignoring the received mythic basis for the practice in favor of some other, provides ample explanation for the way of life at hand. The story is reported by Ginzberg's son that, when he visited Hebrew Union College, "they inquired of young Ginzberg whether he was observant and he replied affirmatively; they next asked whether he 'believed' and the reply was in the negative."[11] Both answers, in the context of the Reform seminary he was visiting, were the wrong ones.

Ginzberg very explicitly stressed that Judaism "teaches a way of life and not a theology."[12] At the same time he conceded that theological systems do "expound the value and meaning of religion in propositional form," but doctrines follow practices: "Theological doctrines are like the bones of the body, the outcome of the life-process itself and also the means by which it gives firmness, stability, and definiteness of outline to the animal organism." So Ginzberg rejected "the dogma of a dogma-less Judaism." Religious experience, in context meaning observance of the way of life, comes first and generates all theological reflection. The role of history: "Fact, says a great thinker, is the ground of all that is divine in religion and religion can only be presented in history—in truth it must become a continuous and living history." This extreme statement of the positive-historical school will not have surprised Frankel and Graetz. It does provide a guide to the character of Conservative Judaism in the context of the changes of the nineteenth and twentieth century. The appeal to fact in place of faith, the stress on practice to the subordination of belief—these form responses to the difficult situation of sensitive intellectuals brought up in one world but living in another. Ginzberg's judgment placed experience prior to thought: "Religious phenomena are essentially reactions of the mind upon the experienced world, and their specific character is not due to the material environment but to the human consciousness."[13] Ginzberg's capacity for a lucid statement of his own theological views belied his insistence that theology followed upon, and modestly responded to, what he called "religious experience," but what, in fact, was simply the pattern of religious actions that he learned in his childhood to revere.

So orthopraxy eased the transition from one world to another. The next generation found no need to make such a move; it took as normal, not to say normative, the stress on deed to the near-exclusion of intellect that, for Ginzberg and the Positive Historical School, as much as for Orthodoxy, explained why and how to keep in balance a world-view now utterly beyond belief and a way of life very much in evidence. His address in 1917 to the United Synagogue of America, of which he served as president, provides a statement of his system of Judaism:

> Looking at Judaism from an historical point of view, we become convinced that there is no one aspect deep enough to exhaust the content of such a complex phenomenon as Judaism, no one term or proposition which will serve to define it. Judaism is national and universal, individual and social, legal and mystic, dogmatic and practical at once, yet it has a unity and individuality just as a mathematical curve has its own laws and expression. By insisting upon historical Judaism we express further our conviction that for us Judaism is no theory of the study or school, no matter of private opinion or deduction, but a fact . . . If we look upon Jewish History in its integrity as a simple and uniform power, though marked in portions by temporary casual parenthetical interruptions, we find that it was the Torah which stood forth throughout the history of Israel as the guiding star of his civilization."[14]

While some may find this statement gibberish, affirming as it does everything and its opposite, we nonetheless discern a serious effort at a statement of deeply held convictions. The key to much else lies in the capital H assigned to the word History, the view that History possesses "integrity as a simple and uniform power." Here history—fact—proves theological propositions.

That position cannot surprise us, when we remember that the facts of the way of

life impressed Ginzberg far more than the faith that, in the context of the dual Torah, made sense of those facts and formed out of that way of life a Judaism. In fact Ginzberg did not possess the intellectual tools for the expression of what he had in mind, which is why he found adequate resort to a rather inchoate rhetoric. Assuming that he intended no mere political platform, broad enough to accommodate everyone whom he hoped would stand on it, we reach a single conclusion. Conservative Judaism, in its formative century from Frankel to Ginzberg, stood for the received way of life, modified in only minor detail, along with the complete indifference to the received world view. To take the place of the missing explanation—theology—"Jewish History" would have to make do. That history, of course, supplied a set of theological propositions; but these demanded not faith, merely assent to what were deemed ineluctable truths of history: mere facts. At what price the positivism of the founding generation? The intellectual paralysis that would follow. But to what benefit? The possibility of defining a position in the middle, between the Reform, with its forthright rejection of the received way of life, and the Orthodox, with the equally forthright rejection of the new mode of thought.

Continuity or New Beginning

The question, continuity or new beginning, finds a facile answer. In its formative century Conservative Judaism carried forward the received way of life, hence, a Judaism professedly continuous with its past. But in its forthright insistence that no world-view one could delimit and define accompanied that way of life, Conservative Judaism imposed a still more radical break than did Reform Judaism between itself and the received tradition. Above all, Conservative Judaism denied the central fact of its system: its novelty. The change effected by Frankel, Graetz, and Ginzberg involved not a scarcely-articulated change of attitude, but a fully spelled out change of doctrine. For the one thing that Hirsch, all the more so his critics in the traditionalist-world, could not concede proves central to Ginzberg's case: "Judaism" is everything and its opposite, so long as Jewish History defines the matter. Is this an incremental development or new beginning? The answer is self-evident.

Conservative Judaism formed a deeply original response to a difficult human circumstance. In its formative century it solved the problem of alienation: people who had grown up in one place, under one set of circumstances, now lived somewhere else, in a different world. They cherished the past, but they themselves had initiated the changes they now confronted. In the doctrine of orthopraxy they held on to the part of the past they found profoundly affecting, and they made space for the part of their present circumstance they did not, and could not, reject. A Judaism that joined strict observance to free thinking kept opposed weights in equilibrium—to be sure, in an unsteady balance. By definition such a delicate juxtaposition could not hold. Papered over by a thick layer of words, the abyss between the way of life, resting on supernatural premises of the facticity of the Torah (as Hirsch rightly understood), and the world view, calling into question at every point the intellectual foundations of that way of life, remained. But how did the successor generation propose to bridge the gap, so to compose a structure resting on secure foundations?

We look for the answer to a representative Conservative theologian of the second generation, beyond Ginzberg. The claim of Reform Judaism to constitute an increment of Judaism, we recall, rested on the position that the only constant in "Judaism" is change. The counterpart for Conservative Judaism comes to expression in the writings of Robert Gordis, since, for their day, they set the standard and defined the position of the center of the religion. Specifically, we seek Gordis' picture of the Judaism that came before and how he proposes to relate Conservative Judaism to that prior system. We find a forthright account of "the basic characteristics of Jewish tradition" as follows:

> The principle of development in all areas of culture and society is a fundamental element of the modern outlook. It is all the

> more noteworthy that the Talmud . . . clearly recognized the vast extent to which rabbinic Judaism had grown beyond the Bible, as well as the organic character of this process of growth . . . For the Talmud, tradition is not static—nor does this dynamic quality contravene either its *divine origin* or its *organic continuity* [all italics his]. . . . Our concern here is with the historical fact, intuitively grasped by the Talmud, that *tradition grows*.[15]

Gordis appeals to historical precedent But the precedent derives from a Talmudic story—which by itself is scarcely historical at all. The story, as Gordis reads it, recognizes that tradition is not static. Let us read the story in Gordis's words and ask whether that is, in fact, its point:

> Moses found God adding decorative crowns to the letters of the Torah. When he asked the reason for this, the lawgiver was told: "In a future generation, a man named Akiba son of Joseph is destined to arise, who will derive multitudes of laws from each of these marks." Deeply interested, Moses asked to be permitted to see him in action, and he was admitted to the rear of the schoolhouse where Akiba was lecturing. To Moses' deep distress, however, he found that he could not understand what the scholars were saying and his spirit grew faint within him. As the session drew to a close, Akiba concluded: "This ordinance which we are discussing is a law derived from Moses on Sinai." When Moses heard this, his spirit revived![16]

While Gordis's view, that the story "clearly recognized the vast extent to which rabbinic Judaism had grown beyond the Bible, as well as the organic character of this process of growth," certainly may be found in the tale, his interpretation hardly impressed the Orthodox and traditionalists who read the same story. More important, if we did not know that "the principle of development . . . is fundamental," we should not have necessarily read the story in that context at all. For the emphasis of the story, not adduced as a proof-text for the Conservative position, lies on the origin at Sinai of everything later on. And that point sustains the principal polemic at hand: the divine origin of the oral Torah, inclusive, even, of the most minor details adduced by the living sage. We know, of course, the issue urgent to the story-tellers of both the Talmud of the Land of Israel and that of Babylonia, namely, the place of the sages' teachings in the Torah. And that polemic, fully exposed here, took the position that everything sages said derived from Sinai—which is precisely the opposite of the meaning imputed to the story by Gordis. That is not to suggest Gordis has "misinterpreted" the story, only that he has interpreted it in a framework of his own, not in the system which, to begin with, created the tale. That forms evidence of creativity and innovation, an imaginative and powerful mind proposing to make use of a received tradition for fresh purpose: not incremental but a new birth.

This small excursus on talmudic exegesis serves only to underline the fresh and creative character of Conservative Judaism. For without the slightest concern for anachronism, the Conservative theologians found in the tradition ample proof for precisely what they proposed to do, which was, in Gordis's accurate picture, to preserve in a single system the beliefs in both the divine origin and the "organic continuity" of the Torah: that middle-ground position, between Orthodoxy and Reform, that Conservative Judaism so vastly occupied. For Gordis's generation the argument directed itself against both Orthodoxy and Reform. In the confrontation with Orthodoxy Gordis points to new values, institutions, and laws "created as a result of new experiences and new felt needs." But to Reform Gordis points out "instances of accretion and of reinterpretation, which hellip; constitute the major modes of development in Jewish tradition." That is to say, change comes about historically, gradually, over time, and change does not take place by the decree of rabbinical convocations. The emphasis of the positive Historical School upon the probative value of historical events, we now recognize, serves the polemic against Reform as much as against Orthodoxy. To the latter, history proves change, to the former, history dictates modes of appropriate change.

Gordis thus argues that change deserves ratification after the fact, not deliberation before hand: "Advancing religious and ethical

ideals were inner processes, often imperceptible except after the passage of centuries." Gordis, to his credit, explicitly claims in behalf of Conservative Judaism origin in an incremental and continuous, linear history of Judaism. He does so in an appeal to analogy:

> If tradition means development and change . . . how can we speak of the continuity or the spirit of Jewish tradition? An analogy may help supply the answer. Biologists have discovered that in any living organism, cells are constantly dying and being replaced by . . . ones . . . If that be true, why is a person the same individual after the passage of . . . years? The answer is twofold. In the first instance, the process of change is gradual . . . In the second instance, the growth follows the laws of his being. At no point do the changes violate the basic personality pattern. The organic character and unit of the personality reside in this continuity of the individual and in the development of the physical and spiritual traits inherent in him, which persist in spite of the modifications introduced by time. This recognition of the organic character of growth highlights the importance of maintaining the method by which Jewish tradition . . . continued to develop. This the researches of Jewish scholars from the days of Zacharias Frankel and Isaac Hirsch Weiss to those of Chaim Tchernowitz and Louis Ginzberg have revealed. . . .[17]

The incremental theory follows the modes of thought of Reform, with their stress on the continuity of process, that alone. Gordis sees the on-going process of change as permanent. The substance of the issues, however, accords with the stress of Orthodoxy on the persistence of a fundamental character to Judaism. The method of Reform then produces the result of Orthodoxy, at least so far as practice of the way of life would go forward.

Like Orthodoxy, Conservative Judaism defined itself as "Judaism, pure and simple." But it did claim to mark the natural next step in the slow evolution of "the tradition," an evolution within the lines and rules set forth by "the tradition" itself. Appeals to facts proved by scholars underlines the self-evidence claimed in behalf of the system in its fully articulated form. The incapacity to discern one's own anachronistic reading of the past in line with contemporary concerns further sustains the claim that, at hand, we deal with a system of self-evidence. And yet, when we realize the enormous abyss between Louis Ginzberg and his ancestor, the gap that separated Alexander Marx from his wife's family, not to mention the striking difference between the viewpoint of the Talmud's story-teller and the reading of the story by Gordis, the fact becomes clear. What truths Conservative theologians hold to be self-evident they have uncovered through a process of articulated inquiry. The answers may strike them as self-evident. But they themselves invented the questions. And they knew it. The appeal to an incremental and linear history, a history bonded by a sustained method and enduring principles that govern change, comes long after the fact of change. Assuredly, Conservative Judaism forms a fresh system, a new creation, quite properly seeking continuity with a past that has to begin with been abandoned. For processes of change discerned after the fact and in the light of change already made or contemplated are processes not discovered but defined, then imputed by a process of deduction to historical sources that, read in other ways, scarcely sustain the claim at hand. The powerful scholarship of Conservative Judaism appealed to a reconstructed past, an invented history: a perfect faith in a new and innovative system, a Judaism discovered by its own inventors.

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NOTES

[1] Arthur Hertzberg, "Conservative Judaism," in *Encyclopaedia Judaica*, vol. 5, cols. 901–906.

[2] Ibid., col. 902.

[3] Ibid., col. 901.

[4] Ismar Schorsch, Heinrich Graetz. *The Structure of Jewish History and Other Essays* (New York, 1975), p. 48.

[5] Ibid.

[6] Joel Gereboff, "The Pioneer: Zecharias Frankel," in J. Neusner, ed., *The Modern Study of the Mishnah* (Leiden, 1973), pp. 59–75.

[7] Schorsch, op. cit., p. 48.

[8] Ibid., pp. 61–62.

[9] Arthur Hertzberg, "Louis Ginzberg," in *Encyclopaedia Judaica*, vol. 7, cols. 584–586.

[10] Ibid., col. 584.
[11] Eli Ginzberg, *Keeper of the Law. Louis Ginzberg* (Philadelphia, 1966), p. 82.
[12] Ibid., p. 145.
[13] Ibid., p. 148.
[14] Ibid., pp. 159–160.
[15] Robert Gordis, *Understanding Conservative Judaism* (New York, 1978), pp. 26–27.
[16] Ibid., p. 26.
[17] Ibid., pp. 39–40.

Conversion in Judaism

THE possibility and desirability of non-Jews' converting to Judaism has always been a complex issue. This is because, encompassing an ethnic as well as religious component, the very nature of Jewish identity has been hard to conceptualize. From the first century C.E. forward, on the one hand, all children of Jewish mothers have been deemed Jews, whether or not they undergo any ritual of entry into the community, accept any theological doctrine, or perform any of the religious and cultural practices Jews view as commanded by God. In this respect, Judaism functions as any racial identity: one is Italian, French, or Jewish as a happenstance of birth. But, on the other hand, from the Hellenistic period onward, Jews have recognized and respected the possibility of non-Jews' conversion to Judaism, accomplished on the basis of their accepting fundamental Jewish doctrines and religious practices.

The ambivalent meaning of being a Jew yields a number of difficult questions regarding converts and conversion. For instance, a good deal of the Jewish discussion of conversion concerns whether or not converts to Judaism are in all regards equal to native-born Jews. At base, this question mirrors the debate over whether or not born-Jews, members of the holy nation chosen by God, are *essentially* different from non-Jews, so that even someone who converts cannot be deemed in all respects to have become a Jew. A second issue, which emerges from such discussions, concerns the advisability of encouraging, or even accepting, converts into the Jewish community. On the one hand, numerous statements throughout Jewish history advocate acceptance of converts, some even arguing that the Jews were sent into exile for the explicit purpose of bringing converts into the community. But, on the other hand, from the Babylonian Talmud forward, certain traditions attribute Israel's troubles—exile, loss of the Temple cult, persecution—to the presence of converts within the community.

Alongside these theoretical issues, Jewish attitudes towards conversion have been shaped and reshaped by the status Jews and Judaism have had within various historical contexts. For much of the past fifteen hundred years, Jews had a marginal position in Christian Europe. Beginning in the fourth century, Byzantine/Christian law outlawed conversion, in some cases making it a capital offense. Even apart from such laws, conversion to Judaism was hardly an attractive option, given the Jews' generally low economic and social status and the fact that, in the Middle Ages, Jews were viewed as the paradigmatic threat to human existence, the devil's representatives on earth. In contrast, the openness of American society and the high rate of intermarriage among contemporary American Jews make conversion a viable and attractive option. Thus we see the extent to which, historically, the place of conversion in Judaism has depended as much upon the social, political, economic, and legal realities of Jewish existence as upon theoretical discussions of the nature of Jewishness or membership in the Jewish community.

The Psychology of Conversion

The word conversion derives from the Latin *convertere*, which refers to a "spiritual reorientation."[1] The terms for conversion in Greek, Hebrew, and Latin all refer to "motion" or "change." As Thomas Finn writes:[2]

> They denote a "turning towards, from, away, return. . . ." The Hebrew root is *shub*; the Greek, *[s]trephein*; the Latin, *[con]vertere*. All three point directly to a physical or mate-

> rial move or change, yet indirectly to a change of spirit or mind, specifically to a change of conviction and way of life.

Contemporary scholars have argued that conversion and commitment are discrete acts that may occur at different times, so that one may convert to a new religion before one has fully committed to the group's doctrines and beliefs.[3] But conversion does necessitate that one *eventually* accept a new system of thoughts and ideas, so that conversion is essentially a process of self-transformation, entailing "the displacement of one universe of discourse by another."[4] As Alan Segal has written, "the central aspect of conversion is a decision to reconstruct reality."[5]

People always convert for a reason, generally understood to be the inability of an existing system of beliefs to explain one's current circumstance. Thus Griel postulates that people continue to adhere to a fixed set of solutions to everyday problems and to work with a specific "stock of knowledge" for so long as the solutions and knowledge function effectively in the situations in which the individuals find themselves. But if their "stock of knowledge" ceases to be useful, they "learn something new," "work out the answer," or "realize that what [they] thought was true has been wrong all along." Additionally, because people's beliefs emerge as a function of their reference group, the search for new sets of knowledge may occur not only when old paradigms fail to work but also simply in times of rapid social change or when one's social setting becomes increasingly heterogeneous. In all of these instances, one's previous perspective is often discredited, so that new avenues and solutions are explored. For this reason, a significant other's use or adoption of a new set of knowledge will often lead the individual to follow.[6]

Of course, conversion is not only an intellectual event but also a sociological transformation, in which "effective bonds" must be created with individuals in the new community. For this reason, "significant others" play a particularly important role in shaping one's frame of reference and in causing one to change communities. Segal draws an analogy between the "socialization of children" and the "way in which conversion works in developing commitment," stating that "conversion resembles a new and conscious choice to socialize to a particular group—resocialization." Gaventa similarly points to the importance of the converts' establishing "a relationship of interdependence with other believers" and of their moving into "a community of mutual responsibility and commitment."[7]

Conversion in the Early Books of the Hebrew Bible

The ethnic and tribal identity of the biblical Israelites precluded outsiders' easily joining the group. Israelites described themselves as *benai yisrael*, the children of Israel/Jacob, that is, as stemming from a common ancestor. From the point of view of the Bible's authors, the covenant with God was a compact between a particular deity, Yahweh, and a specific descent group, Abraham, Isaac, Jacob, and Jacob's children. Notably Jacob became the principle progenitor of this people, because he alone of the patriarchs could claim that all of his offspring accepted Yahweh as their deity. Abraham had fathered Ishmael as well as Isaac, and Isaac had sired both Esau and Jacob.

The importance of kinship in Israelite identity is stressed by Genesis' emphasis on the fact that, even before they married, the patriarchs and matriarchs shared a lineage. By contrast, Ishmael's and Esau's "foreign" wives symbolize their exclusion from the main line of Israelite descent.[8] These are among the factors that explain why the concept of conversion does not appear in the earlier books of the Hebrew Bible, where *ger*, the term that later means "convert," refers only to a non-citizen who resides among the Israelites. It does not indicate that the individual has accepted Yahweh as his or her sole deity.[9] These early books hold that non-Israelites may perform Israelite rituals *without* converting. For instance, a non-native-born male could enjoy the Passover sacrifice so long as he were circumcised, and Moses married the daughter of a priest of Midian, who saved her husband's life by circumcising their sons

(Exod. 2:16–22, 4:24–26). But these texts do not speak of conversion.

Conversion in the Later Biblical Books

It is not clear exactly when the practice of conversion entered Judaism. Neither Ezra nor Nehemiah seems to have considered the possibility of the "foreign wives" converting to Judaism.[10] Is. 56:6–8, for its part, mentions "the foreigners who attach themselves to YHWH, to minister to him . . . to be his servants, all who keep the Sabbath and hold fast to the covenant." The prophet tells them that God will bring them to the Temple and accept their prayers and sacrifices. The author of Is. 66:20–22 similarly asserts that God will make priests and Levites from among the gentiles. But as Cohen states,[11] the anonymous prophet does not provide us with any information about these people or the process by which they became followers of Yahweh. That is, Isaiah does not outline a formal process of conversion, and at least the latter reference speaks of an eschatological future. In this messianic period, non-Israelites may become Yahweh's servants, observe the Sabbath, and worship at the Temple. But they still are not called *benai yisrael.*

Conversion in the Hellenistic Period

Cohen maintains that the first clear evidence for conversion to Judaism—"belief in the true God accompanied by circumcision and a change of identity"[12]—appears at Jud. 14:10: "When Achior saw all that the God of Israel had done, he believed in God completely. So he was circumcised and was admitted to the community of Israel, as are his descendants to the present day."[13] While the book may derive only from the second century B.C.E., it contains some elements that reflect the Persian period, so that Nickelsburg suggests that it is "a tale which originated in the Persian period [that] has been rewritten in Hasmonean times."[14]

Even if Judith originated in the Persian period, only in Maccabean times do we encounter several concrete examples of conversion to Judaism. John Hyrcanus forcibly circumcised the Idumeans who fought alongside native-born Jews in the war against Rome of 67–73 C.E. (Josephus, *Antiquities* 13:257, 319, 397). Horace (65–8 B.C.E.) compares "a big band of poets" to the Jews who "will compel you to make one of our throng."[15] Stern comments that "[t]he comparison implies strong Jewish missionary activity in Rome." Valerius Maximus attributes the expulsion of the Jews from Rome in 139 B.C.E. to the fact that they "attempted to transmit their sacred rites to the Romans."[16]

Josephus (*Antiquities* 13:257, 319, 397) reports that rulers of Adiabene converted to Judaism. A traveling Jewish merchant, Charax Spasini, taught Izates's harem how to worship God "after the manner of Jewish tradition," while another Jew had taught Judaism to Helena, Izates's mother. After learning about his mother's commitment to Judaism, Izates decided to convert. However, when he maintained that a true convert must be circumcised, Helena attempted to dissuade her son, fearing that his subjects would violently reject their king's allegiance to "rites that were strange and foreign to them." While Ananias agreed with Helena and advised the king not to be circumcised, another Jew, Eleazar, "who came from Galilee and who had a reputation for being extremely strict when it came to the ancestral laws," urged Izates to undergo the rite. Josephus reports that after the king was circumcised, God prevented his subjects from rebelling against him.[17]

These events in conjunction with Mat. 23:15 ("Woe to you, scribes and Pharisees, hypocrites! For you traverse sea and land to make a single proselyte") have led some scholars to argue that, beginning in the Hellenistic period, Jews undertook a concerted policy of proselytizing.[18] Others have written extensive refutations of this position, and, overall, while there is evidence that, at least as early as the Hellenistic period, people converted to Judaism, no evidence shows that the Jews actively sought converts then or in the Rabbinic period. Importantly, the appearance of conversion in Hellenistic Jewish texts may reflect a larger cultural

expression in the complex Hellenistic world at large, for there are good examples of conversion to the Greco-Roman mystery religions and to the philosophical schools of antiquity, including Apuleius' *Metamorphoses*—"the biography of a Pagan convert," Lucius. Finn similarly maintains that Iamblichus' description of the philosophical life fits well within a discussion of converts and conversion.[19]

The fact that conversion increases during periods of social instability may further explain its appearance in Judaism during the Hellenistic period. Hellenism clearly represented a challenge to the religion of biblical Israel, the thought of classical Greece, and the cultures of Asia, for Alexander's joining of Europe and Asia produced new forms of religion, philosophy, theology, art, poetry, drama, science, and language. It brought the Jews into immediate contact with new universes of thought, and it introduced Judaism and its god to a variety of new peoples and cultures. The political turmoil that followed Alexander's death turned the land of Israel and Jerusalem into unwilling prizes in the struggles between the Ptolomies and the Selucids, as well as homes for many non-Jewish soldiers, slaves, merchants, and hangers-on. In this setting Judaism was increasingly recognized as a Hellenistic religion, merely one of the local, national forms of Hellenistic culture. Some non-Jews, of course, did not fully understand the religion or its failure to have a representation of its deity in its Temple. But they did comprehend its ethical system, its sacrificial rituals, its concern with ritual purity, and its concept of an ancient divine law given to an extraordinary political ruler. While Romans thought the Jews lazy for wasting time on the Sabbath and unfriendly for refusing to eat with them, they appreciated Judaism's antiquity. Thus Julius Caesar recognized Judaism as a legitimate religion and gave the Jews certain liberties, so that they might live in the Roman Empire and still practice their ancient customs in peace.[20] In this setting, to many Romans, especially women among the upper class, Judaism was a viable, stable, and venerable religious option, and the stage for conversion was set.

Conversion in the Rabbinic Period

As we turn to the Rabbinic period, it is important to remember that Rabbinic documents do not present the testimony of converts but only view conversion from the rabbis' points of view. Thus we find here no first hand evidence about the converts or why they chose to enter the Jewish community. Second, this is the literature of a religious elite, and it therefore does not reveal how common people dealt with converts or the idea of conversion. Third, since the Talmudic literature is largely theoretical and utopian, it does not necessarily inform us of what actually was practiced or of history as it actually occurred. The rabbis, for instance, claim that virtually every enemy of the Jews eventually converted to Judaism, including the Roman emperors Nero and Antoninus. How much else they tell us was simply part of their imagination? Fourth, the rabbis exploit the topic of conversion to present their larger legal theories and concerns rather than honestly to inform about this topic. So it is unclear how much we really learn from the Rabbinic literature about conversion at all.

As we might accordingly expect, a careful study of the diverse Rabbinic compilations reveals contradictory statements about converts and conversion.[21] We find that, even within the limited purview of the rabbis, different communities performed different rituals, and diverse sages held conflicting opinions of how one could convert to Judaism, how a convert fits into the Jewish community, and how the Jewish community should view conversion and converts. This diversity of views may be an accurate reflection of the multiplicity of groupings within the Jewish communities of late antiquity, for, as Segal writes, "different Jews . . . reached different opinions about proselytism and behaved accordingly."[22] Thus, as McKnight[23] writes, "conversion is a local factor. One does not . . . convert to Judaism so much as one converts to a local display of Judaism."

Although present-day Judaism has a carefully delineated conversion ritual and process Jews trace back to Rabbinic documents, those texts themselves do not exhibit the

consistency often attributed to them. Some scholars hold that acceptance of the Torah, circumcision, for males, immersion, and sacrifice were required for conversion from Second Temple times and on.[24] But the Rabbinic documents themselves do not support this claim. Indeed, in Sifre Numbers, from the middle of the third century C.E., Judah the Patriarch first mentions these rituals. And even at this late point in history, an examination of the full Rabbinic corpus reveals considerable inconsistency concerning the nature, meaning, and importance of the sacrifice. Several explanations appear for why converts must bring offerings and undergo ritual immersion. Other passages concern the necessity of circumcision for male converts. Finally, some held that a male convert did not need ritual immersion, because his being circumcised effected his conversion. It appears that, throughout the Rabbinic period, the conversion ritual was inchoate, with the variety of opinions reflecting a lack of agreement concerning the nature of the process by which a non-Jew became a Jew. Furthermore, only in the Babylonian Talmud do we hear of detailed education and examination of the convert, which, in this text's view, take place at conversion itself, not before.

The rabbis disagreed about the importance of a convert's motives. Ideally, non-Jews entered the Jewish community "for the sake of heaven." Some sages would not permit gentiles to convert in order to marry Jews. Rav, however, encourages such conversions, because he believes that the converts will eventually become true followers of Yahweh. Others held that if people converted for improper reasons, they should undergo a second conversion ritual for the correct reasons. A few maintained that children would not understand their conversion, so that they should undergo the ritual again when they were adults. Some even permitted gentiles who converted as children to renounce their conversion when they became adults.

Once individuals converted to Judaism, they seem to have been required to fulfill the same obligations as the native-born Jews. Rabbinic sources frequently repeat the biblical injunction that there should be one law for the native-born and the *ger*, which now refers to the convert. From the Tosefta onward, one reads that a convert must follow the entire Torah; however, at least a passage in the Palestinian Talmud, at Y. Shab. 6:1, suggests that it could take some time for converts completely to reject their former way of life. In addition, some passages imply that because converts had not been raised in the Jewish tradition, they could not be trusted to follow all of the laws and rituals connected with the Sabbath and Passover. Despite these limitations, the Rabbinic documents make it clear that while gentiles are not required to follow the Jewish agricultural laws and purity laws immediately, upon their conversion, they are required to observe all Jewish practices and mitzvot.

Even while consistently arguing that converts are to be treated like native-born Jews, Rabbinic documents note that they are different. Converts could not recite the avowal that stated that God had given the land of Israel to the ancestors of the Jews, and converts, unlike native-born Jews, do not have inherent rights to portions of the land of Israel, because their ancestors were not among the original tribes. Another essential difference between converts and Jews concerned family relationships. According to most rabbis, it was virtually impossible for born-Jews to die without leaving heirs, while converts, who had severed their ties with their gentile families, most likely would not have legitimate heirs or relatives who could attend to the estate or inherit the property. In fact, for the rabbis, converts represent a unique legal category of people who die without any heirs. It is inconceivable to the rabbis that native-born Israelites could be in this category.

Also unlike native-born Israelites, converts could marry Israelites of impaired lineage, but, according to many authorities, could not, because of their genealogy, marry priests (excluded by the Torah only from marrying women with presumed or known previous sexual experience). Similarly, because converts were not native-born members of the Israelite community, we find numerous discussions of the applicability to them of the laws of Levirate marriage. Other restrictions also applied to converts.

According to some, they could not serve in the Sanhedrin; the Mishnah holds that they cannot be judges, while the Babylonian Talmud permits them to judge only civil cases. Nor, according to some, may they own Israelite slaves.

Despite these many ways in which converts differed from born-Jews, Rabbinic texts assume that gentiles would seek to convert and, in many statements, deemed them an integral part of the people Israel from its inception. This is especially clear in the notion that the soul of converts, or their "guiding star," was present at the revelation on Mt. Sinai, suggesting that some rabbis believed that converts had always been and would always be a legitimate element within the Israelite community. The Mishnah deems converts a recognized segment of the Israelite community that accompanied Ezra back to the land of Israel from Babylonia, and a passage in the Palestinian Talmud states that God "traverses the earth, and whenever he finds a righteous person he attaches him to Israel." Similarly, Simeon b. Yohai suggests that converts are more precious to God than native-born Israelites, "for those whom the king loves are greater than those who love the king." We are also told that God revealed himself in the desert and not within a specific country, so that any who wished to convert could do so. So that gentiles would realize that they could convert at any time during their lives, Abraham was not circumcised until the age of ninety-nine.

The Babylonian Talmud maintains that noted rabbis were the descendants of converts, many of whom even were Israel's enemies. Meir was related to Nero, whom the Talmud says converted to Judaism, and Shemaia and Abtalion were descended from Sennacherib. Haman's descendants learned Torah in Benei Berak, and Sisera's descendants taught children in Jerusalem. These imagined genealogies negate the hostility of many of Israel's foes, and they blur the lines between converts and rabbis. Ruth the Moabite was David's ancestress, and Rahab, the harlot of Jericho, married Joshua son of Nun. Their descendants included Israelite priests and prophets.

Despite such ideas, the Rabbinic documents remain ambivalent, containing a number of negative comments about converts. Eliezer referred to converts' inherent "bad streak," and he claimed that the "enemy" in Exod. 23:4 is a convert. Sifre Numbers states that converts occupied the actual fringes of the Israelite camp during their travels from Egypt to the land of Israel. The "rabble" who accompanied the Israelites out of Egypt were converts, and they caused the Israelites to sin. Helbo compared converts to sores on Israel's body, and Isaac stated that "evil upon evil comes to those who receive converts." An anonymous sage claimed that converts were among those who were delaying the messiah's arrival.

Thus, even as the entire range of Rabbinic texts assumes that gentiles will convert to Judaism and find a place within the Jewish community, the Rabbinic collections consistently present the converts as marginal beings, situated in the liminal space between the Jewish and non-Jewish communities. They had severed their ties with the gentile community but in some sense remained on the outer edges of that community. While they were no longer gentiles, their gentile background was important in certain contexts. Similarly, while they were not fully equated with native-born Israelites, they shared many traits in common, so as to be both "alien and familiar at the same time."[25]

The Rabbinic period was a time of great change in the Near East and Asia Minor. The rise of Christianity, the struggles between Rome and the Sassanian governments, the rise and fall of peoples as Rome moved north, and the gradual destruction of the Palestinian Jewish community testify to social and cultural instability. Peter Brown begins his classic study of late antiquity by stating, "This book is a study of social and cultural change."[26] For the reasons indicated above, it is not surprising that late antiquity would witness a great number of conversions. But, while we know that this was the case for Christianity, to which a multitude converted, we have no idea how many became Jews. We know that, to some extent, the rabbis dealt with converts and conversion. But we do not have the impression that large numbers converted to Judaism or that conversion was a pressing issue for the rabbis or

Jews. At the least, it is clear that no single Rabbinic view of conversion, the conversion process, or the nature of converts existed.

Conversion in the Fourth and Fifth Centuries

There were few Christians in ancient Babylonia, but, in Asia Minor, the growing power of Christianity made it difficult for non-Jews to convert to Judaism. This was especially the case by the fourth century, under Byzantine-Christian law. Already before the year 300 C.E., the jurist Paul decreed that a Roman citizen who allows himself to be circumcised should be exiled, with the state confiscating his property and the doctor who performed the circumcision being executed. In 329, Constantine again imposed these punishments on anyone who approached "their nefarious sect" and "join[s] himself to their conventicles." In 339, Constantine II decreed that if a Jew purchases a non-Jewish slave and circumcises him, "not only shall he suffer the lost of the slave, but he shall be punished, indeed, by capital punishment." Furthermore, Jews who encouraged female weavers to join their religion were subject to capital punishment. In 353/354, Constantine II decreed that the state would confiscate any property belonging to a Christian who became a Jew. Again in 409, Honorius and Theodosius II legislated against conversion to Judaism.[27]

In addition, many of the Church Fathers composed virulent condemnations of the Jews and Judaism, meant to keep Christians from associating with Jews and being attracted to Judaism or Jewish practices.[28] For example, Cyril of Alexandria wrote:[29]

> The Jews are the most deranged of all men. They have carried impiety to its limit, and their mania exceeds even that of the Greeks. They read Scriptures and do not understand what they read. Although they had heavenly light from above, they preferred to walk in darkness. They are like people who had neither their mind nor their thinking faculty. Accordingly, they were seized by darkness and live as in the night. They were deprived completely of the divine light. . . .

And Cyprian wrote:

> I have comprised in my undertaking two books of equally moderate length; one wherein I have endeavored to show that the Jews, according to what had before been foretold, had departed from God, and had lost God's favor, which had been given them in past time . . .; while the Christians had succeeded to their place. . . .

These condemnations of Jews and Judaism—rather mild by later standards—serve as a transition from Asia Minor and Europe of late antiquity to the Middle Ages.

The Practice of Conversion in the Middle Ages

It is impossible to generalize about the Jews in medieval Europe, as the situation varied from century to century and from country to country. However, after the First Crusade, a negative picture of the Jew appeared frequently in medieval Christian Europe, especially among the common people. After 1144, the charge that Jews killed innocent Christians, especially children, was found throughout Europe, appearing even in the twentieth century.[30] The Fourth Latern Council in 1215 sought to end any possibility that Christians might be put in a subordinate position to Jews and decreed special clothing for Jews in order to prevent any "accidental" commingling of Jews and Christians. Beginning in 1239, the papacy had the Talmud burned, and, in this same century, Christian rulers began a policy of expelling Jews from their realms. More or less sporadic persecutions of Jews occurred at various times during the Middle Ages, and the anti-Jewish polemic continued to flourish in many places.[31]

Despite these restrictions, persecutions, and polemics, for brief periods of time, canon lawyers protected some Jewish rights. They supported the binding nature of the Jewish laws of marriage, divorce, and parental rights, and some even permitted Jews to serve in public office, provided that they performed duties Christians could not easily render. In light of this complex picture of the position of the Jew in medieval Europe, many assume that Jews neither sought nor accepted converts, and this line of reasoning has been supported by refer-

ence to the almost uniformly low economic and social position of the medieval Jews. In most locations and during most centuries, one gained few advantages through conversion. And yet, as we shall now see, direct evidence shows that, during this period, hundreds, perhaps thousands, of people anyway converted to Judaism.

During the medieval period, a convert had to be formally accepted by a Jewish court of three sages, a procedure that non-Jewish authorities often openly opposed. As a result, the Talmud's ambiguity concerning the advisability of accepting converts is echoed in writings of several medieval sages. Even so, "the desirability of *gerey sedeq*, 'righteous proselytes' (i.e., those who became Jews through conviction), was taken for granted." Clearly, Christians who converted to Judaism did so on "an exclusively religious level," for there were no practical or material advantages in becoming a Jew. Thus, in the thirteenth century, Rabbi Moses of Coucy urged the Jews to treat gentiles fairly, because God indeed had sent the Jews into exile specifically to gain converts. Only if Jews dealt honestly and fairly with non-Jews could their mission to the gentiles be fulfilled. For some, such as Rabbi Moses, the conversion of the gentiles was the first step in the redemption of the world.[32]

Latin sources provide information about the earliest medieval European convert to Judaism, Bodo, or Puota, a deacon in Louis the Pious' court. This nobleman, described as a "scion of a German tribe," converted to Judaism around 838. He subsequently engaged in debates with Christians and, according to one source, convinced the Muslim rulers in Spain to force Spanish Christians to convert to Judaism or Islam.[33] Similarly, in an epistle probably from the ninth century, Father Nestor writes that he was "one who loved the Lord 'with all his heart and all his soul,' who despised the religion of the uncircumcised and their errors, and sought shelter under the wings of the Shechina, the Holy Presence." After examining several religions, Father Nestor had become convinced that Christianity lacked value; he wrote the epistle to present the theological reasons he abandoned Christianity for Judaism. Another individual, Wecelin, served Duke Conrad of Carinthia early in the eleventh century. A literate cleric from a prominent family, after his conversion to Judaism, he was forced to flee his homeland. At the end of life, he actively opposed Christianity.[34]

Fragments from the Cairo Genizah likewise speak of clerics who became Jews.[35] One reports that after he was circumcised, he sought to convince others to follow his example. He was thrown into jail but was aided in escaping by one of his guards, to whom the Lord had spoken in a dream. The Genizah also provides extensive information about a certain Andreas, Archbishop of Bari from 1062–1066, and about a female convert whose family was from Normandy. After her conversion, she fled to Narbonne, where she married David, of the Todros family. Upon hearing that her family was pursuing her, she and her husband fled to Monieux. Her husband was murdered, and two of her children were kidnapped during a pogrom six years later, about the time of the First Crusade.

In addition to information about the converts mentioned above and several others, the Genizah fragments provide the memoirs of Johannes son of Dreux, who, upon his conversion in 1102, took the name Obadiah. An expert in the Hebrew language and calligraphy, he also knew Arabic and Latin, and he is described as an expert in Christian literature. He was the younger of twins born to Maria, the wife of Dreux in Oppido. As a young teen, he dreamed he was a priest in the basilica in Oppido. We learn nothing about the next twenty years of his life, so that we do not know why he eventually became a Jew. By the time of the First Crusade, however, he had begun to study Judaism. In several fragments of his writings, he chronicles the events of the First Crusade, at one point citing Joel 3:4 in Latin, written in Hebrew characters. He seems to have converted in 1102, six years after the beginning of the Crusades, and shortly thereafter he moved to Syria. In Aleppo he received a letter of reference from Barukh b. Isaac, the head of the Talmudic academy. After an undetermined period of time, Obadiah left for Baghdad, where the Jewish community supported him. He

resided in the synagogue's living quarters and was eventually invited "to be with the orphan youths in order to learn the Torah of Moses and the words of the prophets in the writing of the Lord and the language of the Hebrews."[36] Fortunately Obadiah saw himself as a chronicler, carefully recording events leading to the First Crusade, the teachings of certain false messiahs he heard about in Baghdad, and the siege of Aleppo by Roger of Antioch, around 1118.

It is important to note, as Golb does, that, for every proselyte "actually described or mentioned in the extant records of the Cairo Geniza"[37] there were hundreds more who received no such mention. Thus it seems likely that the phenomenon of conversion to Judaism in this period was much larger than scholars normally concede.

Other documents found in the Cairo Genizah shed additional light on this topic, especially on the eighth century conversion to Judaism of the Khazars, a people living in southern Russia.[38] From the sixth century on, apparently as part of the Hun Empire, they occupied most of the region between the Black and Caspian Seas, at one point controlling the Ukraine, including Kiev. In the eighth century, Khakan Bulan and his court led a mass conversion to Judaism. Most of our evidence about those events comes from a series of letters between the tenth century Spanish Jewish statesman Hasdai ibn Shaprut and Khakan Joseph, then the Khazar king. These letters describe Bulan's inviting to his palace sages from Islam, Christianity, and Judaism. After hearing the case for each religion, he selected Judaism. This account forms the basis for Judah Halevi's *Khuzari.*

According to the Genizah documents, Jews seeking refuge from Byzantine persecution had settled among the Khazars and inter-married with them. Among the Khazars, a deceased king was succeeded by his bravest general. At one point, a prominent general selected to be Khakan revealed after he took the throne that he was Jewish. Now the disputation among the religions took place, and Judaism was made the official religion of the people.

Medieval Jewish Philosophers on Conversion

Like the Talmudic sources, medieval Jewish writers present a variety of views concerning converts and conversion. The thinking of Maimonides and Judah Halevi gives us a glimpse at the extent of the differing views.

Maimonides implies that even born-Jews were converts at Sinai, when they underwent the three-fold ritual of circumcision, immersion, and sacrifice that now is required of all converts. He holds that Jews should do everything possible to attract converts and that, once someone expresses an interest in Judaism, Jews must do all they can to make that person a Jew. Reflecting the Talmudic point that the sages should not overburden converts with the details of the punishments they may receive for not following the law, Maimonides writes:[39]

> We neither belabor the point nor enter into details; lest this trouble him and cause him to turn from a good way to a bad way. For at the beginning one only attracts a person with soft and pleasing words, and so it says [in Hosea 11:4], *I will draw them with cords of a man* and only afterwards *with bonds of love.*

Elsewhere Maimonides even suggests that while we must instruct the convert in the principles of faith, the Talmud mandates that Jews not to go into a lengthy discussion of the commandments.

Maimonides holds in general that it is permissible to teach the Torah to Christians, who otherwise misinterpret it. By learning the correct meaning, they will be attracted to Judaism. Thus Maimonides seems to have held not only "a positive attitude toward proselytes but a positive attitude toward proselytization."[40]

Maimonides' attitude on this topic stems from his overall view of human beings, who, he argues, are all essentially the same. Since no one is born with a fully developed soul, Jews and non-Jews are alike, able to acquire a soul through intellectual activity. What differentiates Jews from non-Jews are not inborn traits but what they do with their intellects. The absence of an essential difference between Jews and gentiles makes it relatively easy for non-Jews to become Jews.

All they have to do is learn the principles of Judaism and live their lives accordingly.

Judah Halevi held very different ideas about people and about converts. Believing that Jews are essentially distinct from other human beings, he held that converts could never become the same as born Jews. Thus he wrote:[41]

> Any Gentile who joins us sincerely shares our good fortune, but he is not equal to us. If the Torah were binding on us because God created us, the white and the black man would be equal since He created them all. But the Torah (is binding) because He led us out of Egypt and remained attached to us. For we are the pick of mankind.

Elsewhere Halevi wrote, "Those who become Jews do not take equal rank with born Israelites, who are especially privileged to attain to prophecy, whilst the former can only achieve something by learning from them, and can only become pious and learned, but never prophets."[42] Thus while Halevi wrote the *Kuzari* to explain that Judaism is open to non-Jews, his theory of Judaism did not allow him to equate native-born Jews and converts.

The Jewish mystical tradition similarly had a problem with converts, for the Zohar and the tradition out of which it came believed that Jews and gentiles are *essentially* different. They do not have the same types of souls or similar essential beings. The Zohar teaches that individual souls are pre-existent with the divine: "Since the day when it occurred to God to create the world and even before it was really created, all the souls of the righteous were hidden in the divine idea, even in its peculiar form."[43] The souls of the people Israel thus were pre-ordained and pre-counted before the creation of the world, and they are different from those of non-Jews, which were not carved from God's very being.

The Jews' uniqueness is symbolized by the complex of meanings of the phrase *knesset yisrael*, referring to the earthly Israel, the spiritual Israel, and the Shekhinah, the creative aspect of God and the lowest of the ten divine emanations (*sefirot*). Because God interacts with humankind and the created world through the Shekhinah and *knesset yisrael*, the community of Israel is a liminal entity, alone among the peoples of the earth straddling the boundary between the divine and mundane. Within this understanding, conversion was possible, but only on the basis of the Zohar's doctrine that an entirely new soul descends upon converts. Even this soul, however, was understood to be of lesser spirituality than the soul of a born Jew.[44]

The Spread of Judaism in Medieval Times

During the medieval period and even earlier, Judaism spread throughout Asia, India, China, and Africa. Some have argued that Jews settled in Cochin, India, as early as the sixth or seventh century. While some claim that Jews were in China before the time of Ezra, Chinese Jews themselves argue that their ancestors reached the Orient during the first three centuries of the common era. A seventeenth century Jesuit in China—supported by a contemporary inscription—complains that Jews there actively sought converts.[45]

The Abyssinian annals record the conversion of the Queen of Sheba, and some claim that all of Abyssinia was Jewish before it became Christian in the early part of the fourth century. The Falashas are the best known of the Ethiopian converts. Seligson[46] writes that:

> The skin pigmentation of many modern North African Jews and the religious practices of many African non-Jews indicate that much intermarriage and interchange of religious ideas and practices took place in this vast area and that a far-flung missionary work was carried on for a long period of time. There is an abundance of legends and popular folktales all over the hinterlands of Egypt and North Africa to indicate the influence of Judaism on native peoples.

The situation in Europe is similar, with conversion invariably being at least an issue. In 1539, an eighty year old Catholic woman, Catherine Zaleshovska, was tried by a court of priests and convicted of blasphemy for holding Jewish beliefs. After she was burned at the stake, rumors abounded that throughout Poland Christians were converting to Judaism. Sigismun I sent two commissioners to Lithuania to investigate, but they

returned with no evidence supporting the rumors. Still, the priestly hierarchy told the king that Lithuanian Jews and their new converts were about to flee to Turkey. The king investigated the rumors, found them baseless, and, in 1540, promised the Lithuanian Jews that he would not bother them again unless he found unquestionable evidence that they were seeking converts.[47]

In Hungary, large numbers of conversions are known to have occurred. After Suleiman the Magnificent conquered Hungary, a significant number of Christians converted to Judaism, because the Sultan mistreated Christians while favoring Jews. In the sixteenth and seventeenth centuries, the tolerant religious environment of Transylvania encouraged Jews to seek converts, and they were quite successful. Simon Pechi, Chancellor of Transylvania, not only converted to Judaism but was said to have persuaded twenty thousand peasants to convert with him. When Prince George Rackoczi II ascended the throne, Pechi was thrown into prison. Eventually he escaped to Constantinople, where he joined Donna Gracia Mendesia's printing firm and spent his life translating Hebrew religious works into Hungarian.[48]

During the sixteenth and seventh centuries, Sefardic Jews witnessed several examples of Catholics being burned alive for having converted to Judaism. Diogo da Assumpcao, a Franciscan monk, believed he was descended from Jews. In 1603, the Inquisition burned him at the stake in Lisbon. The ancestors of Francisco Maldonado da Silva, a prominent surgeon living in Peru, were Marranos, and he became convinced of the truth of Judaism. When he tried to convert his sisters, one of them denounced him to the Inquisition. He was burned at the stake in 1639. Don Lope deVera, a Spanish nobleman, had no Jewish blood but became convinced of the truth of Judaism after studying Hebrew at the University of Salamanca. His brother turned him over to the Inquisition in 1639, and, in 1644, he was executed in Valladolid, Spain.

Throughout Europe, we find examples of Jewish converts during these centuries. In 1607, Conrad Victor, a professor of classical languages at the University of Marburg, migrated to Salonica in order to convert to Judaism. Born a Catholic, Nicholas Antione became a Protestant minister. Early in his ministry he sought to convert to Judaism but was rebuffed by the rabbis of Metz, Venice, and Padua. He remained a minister but secretly professed Judaism. Eventually, he was arrested for heresy and tried in Geneva. He was founded guilty, strangled to death, and his body was burned at the stake on April 20, 1632.

As suggested by this final example, we do find at this time strong voices within the Jewish community discouraging conversion. Isaiah Horowitz's *Sheney Luhoth Ha-Berith* ("Two Tables of the Covenant"), completed in 1623, treats the term *ger* in its biblical sense of stranger, not in its post-biblical meaning of convert. One of the strongest voices against accepting converts was the great Polish Halakhic scholar, Solomon Luria, who died in 1574. He argued that as long as Jews lived in exile, "in a country not our own, like slaves beneath the hands of their owners," they should not accept converts. As for any Jew who sought converts, "let his blood be on his own head, whether he himself engages in proselytization, or whether he merely knows of such. . . ." Luria's arguments result partly from his historical circumstance and partially from his view, similar to that of the Zohar, that Jews and non-Jews are different types of human beings with different souls.[49]

The Middle Ages thus produced a full spectrum of ideas concerning conversion and a least some number of Christians who actually became Jews. These include prominent individuals, who we no doubt know about because of their ability to record their actions. But how many other, common people made the transition we will never know. Nor do we know how common Jews related to such converts. In all, the Jewish sources are varied, complex, and wide-ranging, revealing little, hiding much.

Conversion in the Modern Period

The Enlightenment changed everything for the Jews, with Jews entering European society for the first time in centuries and some

non-Jewish thinkers even believing that Jews, like all other human beings, could make important contributions to culture and society. Indeed, if the Jews would just discard the irrationalities of the Talmud and Rabbinic law, they could be fully integrated into European society. In this philosophical setting, the negative images of the Jew that prevailed in the Middle Ages were de-emphasized, and it was theoretically possible for Jews and Christians to live, work, socialize, and study together.

During the eighteenth century, some Jewish intellectuals began to de-emphasize the differences between Judaism and Christianity, and others sought to disengage Christian ethics and civility from Christian theology. Thus the concept of a common reason and ethics promised to bridge the gap between Judaism and Christianity, even as the theological claims of both religions were rejected as irrational and inappropriate foundations upon which to build a life. Solomon Maimon, accordingly, expressed his willingness to convert to Christianity so long as he did not have to accept its theology, and David Friedländer, a foremost disciple of Moses Mendelssohn, proposed that Jews would join Wilhelm Abraham Teller's Protestant Church, if they could maintain their skepticism about Christian dogma and confess only to the religion of nature.[50]

In this setting, numbers of Jews converted to Christianity, justifying their action on the basis of the shared ethics of the two religions and the practical benefits they gained by becoming Christian. Yet, while some Christians agreed that the two religions shared a common ethical systems, they tended less frequently and dramatically to blur the lines between the two faith communities. If, as some Jews argued, Judaism and Christianity really were the same, then converting to Christianity was the only reasonable action, as Johann Lavatar declared in 1769 in his famous challenge to Moses Mendelssohn.[51] In reality, then, the situation in modern Europe was not so different from that of medieval Europe. In theory, the Enlightenment had brought an end to the negative image of the Jews. But the rise of Romanticism that soon followed again precluded a radical integration of the Jews into European society or the possibility of Judaism's becoming attractive to significant numbers of Christians. Notably, Jews in Europe were not anxious to be seen as encouraging non-Jews to convert. Instead, the struggle to prevent Jews from becoming Christians occupied enough of their time.

The situation in nineteenth century America was somewhat different. Founded on the principles of the Enlightenment, American culture had never encompassed the negative image of Jews and Judaism familiar from medieval society. Nor had Christian anti-Judaism ever permeated American thought as it had European imaginations and mythologies. As a result, a number of leaders of the American Jewish community saw a realistic possibility of Christians' becoming Jews. Thus, in 1869, thirteen leaders of liberal Judaism in America met in Philadelphia. David Einhorn, who was in charge, proposed that the son of a Jewish mother would be considered Jewish whether or not he was circumcised, a position that the Frankfort Society of Friends of Reform had taken in 1842.[52] Isaac Meyer Wise went further, proposing that male converts to Judaism did not have to undergo circumcision. Einhorn opposed this, stating, "The acceptance of proselytes, through which Judaism acquires many impure elements, must be made more difficult and it is precisely circumcision which can form a barrier against the influx of such elements." Wise stated: "Let us open the gates so that 'On that day the Lord shall be one' will become a reality." Wise's view was debated but tabled. By 1893, however, the Central Conference of America Rabbis, the rabbinical organization of American Reform Judaism, resolved that converts could be accepted, "without any initiatory rite, ceremony or observance whatever." Only knowledge and commitment were required for conversion.[53]

Conversion to Judaism in America steadily rose from the 1950s. A study in 1953 estimated that two thousand non-Jews had converted to Judaism, and, by the late sixties, probably seven thousand were converting to Judaism yearly. Women composed the majority of the converts, and about 90% converted because they were marrying a

Jew. Already in 1947, the Central Conference of American Rabbis had stated that sincere candidates for conversion should be welcomed, even if they were converting because of marriage. By the 1950s, the Central Conference began an active effort to bring converts—as well as unaffiliated Jews—into Judaism, while the Union of American Hebrew Congregations, the association of Reform temples, launched a program to make conversion available to non-practicing Christians. The focus was on knowledge of Judaism, and many temples in larger communities offered courses on Jewish beliefs, practices, and community institutions. Often the prospective convert and his or her intended spouse attended such a course together. By 1964, at least 10% of families affiliated with Reform congregations included converts.[54] While, throughout the fifties and the sixties, Reform rabbis did not require converts to undergo circumcision or ritual immersion, in the 1970s, as part of its return to ritual and the attempt to build bridges with the more traditional American Jewish movements, Reform began to encourage converts to participate in these ritual acts.

In 1978, Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations, outlined a procedure for welcoming converts and proposed the creation of an outreach program for "unchurched" Americans seeking a spiritual home. Schindler's proposal, made in a speech before the Union's board of directors, responded to the high rate of marriage between Jews and non-Jews and to the declining number of Jews in America. He emphasized the need to encourage non-Jewish spouses to convert to Judaism and argued that Judaism should actively promote itself as a viable option for non-affiliated Americans searching for a religious community and way of life. Schindler's call initiated much debate within the Reform movement and the American Jewish community at large, especially as it pointed to an important new factor in Jewish opinion on conversion. With the high rate of intermarriage, the issue of conversion had taken on a new importance, especially as the conversion of a non-Jewish spouse is an important factor in whether or not the children of an intermarriage are raised as Jews.

Twenty years later, there remains less than unanimous endorsement of Schindler's ideas. For the most part, Reform and Conservative Jewish organizations have continued to lead initiatives to support conversion and the full acceptance of converts. At the same time, the range of opinions found throughout Jewish history continues to appear, both in the liberal wings of contemporary Judaism and in American Orthodoxy. Rabbi Emanuel Rackman—echoed by Rabbi Marc D. Angel—views conversion as a means of averting the "astronomical losses" that may result from intermarriage. On the other hand, some orthodox rabbis continue to boast that they have never performed a conversion ceremony.[55]

Conclusion

Within Judaism, conversion is an ambiguous and complex phenomenon. The inherent ethnicity of the Jewish community means that, under all circumstances, converts are more or less liminal beings. At the same time, the general openness of the Jewish community and its belief that God created all of humankind to do God's will means that Jews in general have and will always welcome converts into their midst. From at least the first century C.E., Judaism has recognized the convert as a viable part of the Jewish community, a segment that some held stood before God alongside the native-born population at the foot of Sinai. Thus, in all historical periods, conversion to Judaism has been an important phenomenon: in antiquity, in medieval and pre-modern Europe, and increasingly in contemporary America, where, both for reasons of marriage and as the result of personal spiritual quests, many gentiles seek to become Jews.

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Notes

[1] Shaye J.D. Cohen, "Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism," in *Conservative Judaism*, 1983, 36, no. 4 (Summer), p. 31.

[2] Thomas A. Finn, *From Death to Rebirth: Ritual and Conversion in Antiquity* (New York, 1997), pp. 19–20.

[3] Rosabeth Kanter, *Commitment and Community* (Cambridge, 1972). Alan F. Segal, *Paul the Convert: The Apostolate and Apostasy of Paul the Pharisee* (New Haven and London, 1990), p. 76, puts matters this way: "conversion most often precedes commitment, so that the phenomenon of commitment includes more aspects than merely conversion. Conversion merely begins a process of commitment to the group."

[4] David A. Snow and Richard Machalek, "The Sociology of Conversion," in *Annual Review of Sociology* 10 (1984), p. 170. See also C.L. Staples and Armand L. Mauss, "Conversion or Commitment? A Reassessment of the Snow and Machalek Approach to the Study of Conversion," in *Journal for the Scientific Study of Religion 26* (1987), p. 146.

[5] Segal, op. cit., p. 75.

[6] On the preceding, see Arthur L. Griel, "Previous Dispositions and Conversion to Perspectives of Social and Religious Movements," in *Sociological Analysis*, 38, 2 (1977), pp. 118–121, and Max Heirich, "Change of Heart: A Test of Some Widely Held Theories About Religious Conversion," in *American Journal of Sociology*, 83, 3 (November, 1977), pp. 674–675.

[7] On this see Griel, ibid., Segal, op. cit., p. 74, and Beverly R. Gaventa, *From Darkness to Light: Aspects of Conversion in the New Religions* (Beverly Hills and London, 1986), pp. 45–46.

[8] Naomi Steinberg, *Kinship and Marriage in Genesis: A Household Economics Perspective* (Minneapolis, 1993).

[9] Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (New York and London, 1971), pp. 178–182; Cohen, ibid., pp. 33–34.

[10] Smith, ibid., p. 180; Cohen, ibid., p. 35.

[11] Ibid., p. 35.

[12] Ibid., p. 35. See also Finn, op. cit., p. 93, who maintains that Judith, "takes conversion for granted."

[13] Carey A. Moore, *Judith: A New Translation with Introduction and Commentary. The Anchor Bible* (Garden City, 1985), p. 231. On the following, see p. 67 and Finn, op. cit., p. 93.

[14] George W.E. Nickelsburg, *Jewish Literature between the Bible and the Mishnah: A Historical and Literary Introduction* (Philadelphia, 1981), pp. 108–109.

[15] Menahem Stern, *Greek and Latin Authors on Jews and Judaism: Edited with Introductions, Translations, and Commentary. Volume One: From Herodotus to Plutarch* (Jerusalem, 1974), p. 323.

[16] Ibid., pp. 323 and 357–358.

[17] See Lawrence H. Schiffman, "The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources," in Louis H. Feldman and Gohei Hata, eds., *Josephus, Judaism, and Christianity* (Detroit, 1987), pp. 293–314; Jacob Neusner, *A History of the Jews of Babylonia: I. The Parthian Period* (Leiden, 1969), pp. 61–67; Finn, op. cit., p. 96; Cohen, op. cit., p. 36.

[18] See Scot McKnight, *A Light Among the Gentiles: Jewish Missionary Activity in the Second Temple Period* (Minneapolis, 1991), pp. 1–4; see also Martin Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* (Oxford, 1994), pp. 7–9.

[19] Finn, op. cit., pp. 68–84.

[20] Among numerous important works on this topic, see Louis H. Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian* (Princeton, 1993), and Smith, op. cit., pp. 57–192.

[21] See Gary G. Porton, *The Stranger Within Your Gates: Converts and Conversion in Rabbinic Literature* (Chicago and London, 1994).

[22] Segal, op. cit., p. 79.

[23] McKnight, op. cit., p. 7.

[24] See Lawrence H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken, 1985), p. 19. Porton, op. cit., p. 133, lists others who argue for the antiquity and consistency of the requirement that converts participate in these rituals.

[25] Porton, op. cit., p. 215.

[26] Peter Brown, *The World of Late Antiquity: From Marcus Aurelius to Muhammad* (London, 1971), p. 7.

[27] Amnon Linder, *The Jews in Roman Imperial Legislation* (Detroit, 1987), pp. 117–120, 124–132, 144–154, and 256–262. For discussions of this legislation, see Michael Avi-Yonah, *The Jews of Palestine: A Political History from the Bar Kokhba War to the Arab Conquest* (New York, 1976), pp. 147–148, 162–163, and 214–215. See also Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton, 1994), pp. 32–36.

[28] Rosemary Ruether, *Faith and Fratricide: The Theological Roots of Anti-Semitism* (New York, 1974); Marcel Simon, *Verus Israel: A Study of the Relations*

Between Christians and Jews in the Roman Empire (135–425) (Oxford, 1986), pp. 202–233, 306–338.

[29] Robert L. Wilken, *Judaism and the Early Christian Mind: A Study of Cyril of Alexandria's Exegesis and Theology* (New Haven and London, 1971), p. 1. The following quote is on p. 17.

[30] See Joshua Trachtenberg, *The Devil and the Jews* (New York, 1966), and Alan Dundes, *The Blood Libel Legend: A Casebook in Anti-Semitic Folklore* (Madison, 1991).

[31] Cohen, *Under Crescent*, pp. 42, 38–39, 140–194. On the following, see pp. 77–136.

[32] Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (New York, 1973), pp. 77–79, 104–105.

[33] Norman Golb, *Jewish Proselytism- A Phenomenon in the Religious History of the Early Medieval Period. The Tenth Annual Rabbi Louis Feinberg Memorial Lecture* (Cincinnati, 1987), pp. 2–3; David J. Seligson, "In the Post-Talmudic Period," in David Max Eichhorn, ed., *Conversion to Judaism: A History and Analysis* (New York, 1965), pp. 69–73.

[34] Golb, op. cit., pp. 3–8; Seligson, op. cit., pp. 73–74.

[35] Based on manuscripts from the Cairo Genizah, Golb, op. cit., demonstrates the pervasiveness of conversion to Judaism during the early medieval period. On the following, see pp. 9–31.

[36] Ibid., p. 27.

[37] Ibid., p. 33.

[38] Seligson, op. cit., pp. 74–76; Golb, op. cit., pp. 38–39.

[39] Menachem Kellner, *Maimonides on Judaism and the Jewish People* (Albany, 1991), pp. 52–53.

[40] Ibid., p. 55.

[41] Isaak Heinemann, "Jehuda HaLevi: The Kuzari," in *Three Jewish Philosophers* (New York, 1965), p. 35.

[42] Hartwig Hirschfeld, *The Kuzari* (New York, 1971), p. 79; Katz, op. cit., pp. 146–147; Julius Guttmann, *Philosophies of Judaism: A History of Jewish Philosophy from Biblical Times to Franz Rosenzweig* (New York, 1973), pp. 143–144.

[43] Gershom Scholem, *Major Trends in Jewish Mysticism* (New York, 1973), p. 242.

[44] Katz, op. cit., pp. 146–147.

[45] Seligson, op. cit., pp. 88–90.

[46] Ibid., p. 91.

[47] David Max Eichhorn, "From Expulsion to Liberation (1492–1789)," in Eichhorn, op. cit., pp. 98–99.

[48] Ibid., pp. 99–101. On the following, see pp. 112–115.

[49] Katz, op. cit., pp. 144–148.

[50] Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation 1770–1870* (New York), pp. 104–123.

[51] Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (Philadelphia, 1973), pp. 194–264.

[52] David Philipson, *The Reform Movement in Judaism* (London, 1907), p. 163. On the differences between America and Europe with regard to the Jews, see Ben Halpern, "America Is Different," in Marshall Sklare, ed., *The Jew in American Society* (New York, 1974), pp. 67–92.

[53] Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York and Oxford, 1988), pp. 257, 280.

[54] Ibid., pp. 380–381.

[55] See Charles E. Silberman, *A Certain People: American Jews and Their Lives Today* (New York, 1985), p. 319, and Michael Goldberg, *Why Should Jews Survive? Looking Past the Holocaust Toward a Jewish Future* (New York and Oxford, 1995), p. 112.

Conversos

The term "conversos"—"converts" in Spanish—refers generally to those Sephardic Jews who accepted baptism, whether voluntarily or under duress, mostly from the great persecutions of 1391, and into the fifteenth century. There were, however, numerous other conversions, whether volitional or otherwise, individual or *en masse*, from at least the seventh century C.E., under the Visigothic monarchies, through the expulsion from Spain in 1492, and from Portugal in 1497, and even into succeeding centuries in Iberia and the Iberian world. A parallel expression is "confeso," which also means "one who confessed" or "I confess," depending on the placement of the accent mark. From the Jewish perspective, the Hebrew term "*anusim*" (meaning "forced ones") is frequently used. A centuries-long debate concerning the nature of this "conversion" would continue among the Sephardic population of Iberia, and even among their exiled descendants. For many, the converts were little more than "*meshumadim*;" willing and determined apostates undeserving of anything but opprobrium from those who had remained steadfast in their beliefs and practices.

From the Christian side, the term "marranos" often occurs. The origin of this word is still widely debated. It may come from an Arabic expression "*machram*" (or vulgarly "*machran*"), meaning "something forbidden," though other etymologies, of greater or lesser

plausibility, are also possible. Another proposal argues that "marrano" comes from the Aramaic "*maran atha*," meaning "the Lord is come" or from the Hebrew "*mara'e ain*," Hebrew for "appearance of the eye," which could accurately depict an unwilling convert, given to secret practice of the previous cult. At any rate, "marrano" would come to mean "swine," a metonymy referring disparagingly to people of Semitic origin and their (or their ancestors') dietary proscriptions. This usage occurs at least as early as the fourteenth century, when a royal proclamation would forbid labeling anyone as a "marrano." This proscription was specifically directed against those Jews who apparently attacked their apostate former brethren, terming them "marranos" and "tornadizos" (traitors or turncoats).

The Jewish "conversos" and their descendants were also labeled "New Christians," as opposed to the Old Christians who were purportedly of ancient Christian lineage. Roman Catholic canon law explicitly forbade such prejudicial distinctions between Christians, going so far as to implement excommunication against those who remained obdurate in teaching or otherwise promulgating such heresy. Indeed, such distinctions effectively would make one baptism more valid than another, while making of God a respecter of persons. This thinking follows in line with the teachings of Jesus of Nazareth, Paul, and other apostles in the infant Church, down to pronouncements by popes and other prelates of various sorts and generations. Nonetheless, the distinction was made and ratified on a variety of levels, both in the popular sphere as well as at more official heights. Thereby, one had to certify the non-Semitic nature of one's genealogy in order to hold civil or ecclesiastic office, to emigrate to the New World, or even live in certain areas. It should be noted here that it was not just the actual converts themselves, but also their descendants for all generations of time, who were made to bear the same stigma. There were many voices of toleration and mercy raised in the "conversos" defense, though these were generally drowned out by a cacophony of infinitely less-gracious tones.

Other distinctive terminology used to separate the Christian flock and distinguish the converts and their descendants from those not of Jewish stock included "*cristiano limpio*" (clean Christian) and "*cristiano lindo*" (beautiful Christian). The former usage perhaps has ironic reference to the Mosaic dietary code, making the "conversos," like the beasts that their predecessors had rejected, permanently unclean, to a degree that no baptism would ever wash away the "stain" of their ancestry. The notion of "*limpieza de sangre*" (cleanness of blood), as explained below, also probably figures into this convoluted equation. In turn, the notion that certain Christians bore the mark of blessedness and divine favor in their very countenances, whereas others did not (and apparently could not) exhibit such beatitude, further separates the "conversos" from the rest of the fold. Additionally, certain regional usages also can be cited, including "*chueta*," used even into the twentieth century to designate those of convert stock on the island of Majorca.

Certainly, conversion to Christianity from Judaism was not unknown throughout the middle ages, though the mass conversions of Iberian Jewry would begin with the murderous riots of 1391 and continue throughout the fifteenth century. There were other forced conversions, starting as early as 613 C.E., when the Visigothic King Sisebut issued an edict mandating the conversion of all Jews on the Peninsula. During these centuries, the Christian monarchs would issue various anti-Judaic decrees, running the gamut from a mandate of baptism to a decree that all contracts between individuals of any persuasion must begin with recitation of the Lord's Prayer and end with consumption of a dish of pork. Moreover, under the rule of Islam, life as a Jew could also become perilous, if not impossible, as tolerance waxed and waned according to the pleasure of the rulers in power. In the twelfth century C.E., Moses Maimonides, the greatest of the medieval Jewish philosophers, and his family fled Iberia because of the persecution of the Almohades faction of Islam. In the wake of his experiences, Maimonides would write—with considerable mercy and understanding—concerning what should be done with those who under duress had failed

to sanctify the Name, converting, however nominally, to another faith.

Early on in the fifteenth century, the fervent preaching of Vicente Ferrer and his missionary companions would convert many Sepharadim, though the threat of violence and death at the hands of the mobs stirred to righteous indignation by his exhortations would also convince many to accept baptism. These ministers of the gospel often gained legal (and enforced) access to synagogues, the better to exhort a captive audience concerning their version of the truths of Christianity. Additionally, there were organized "disputations" or "debates" convened periodically by kings and popes to "convince" the Jews of the error of their ways. Of course, the "winning" argument was never in doubt. Under such peril, often physical as well as psychological, many Jews relented and received baptism. On occasion the disputants on both sides were of Jewish background; in other words, their Christian adversaries were sometimes Jewish converts, schooled in the Talmud and thereby supposedly able to reason with their former fellows and show them their folly. Names such as Petrus Alfonsi, Pablo of Burgos, Juan of Valladolid, and Jerónimo de Santa Fe, among numerous others, recall that the adversaries of the Jews—at whatever juncture—were frequently former brethren, now militantly converted to what they perceived to be the Christian cause and even holding high ecclesiastical office. With such forces arrayed against them, Jews, both small and great, did become Christian, at least according to outward ordinances.

It remains a polemical issue whether the majority of the "conversos" of this period were, in fact, good Christians or whether they were archdeceivers, holding to their former beliefs and practices and thereby corrupting the new faith. The concern in various ecclesiastic and political spheres (sometimes the distinction would be artificial, at best) was that the "conversos" were backsliding, often at the behest of those Jews who had not accepted baptism, with whom the newly-baptized and their descendants still actively associated. The belief was rampant that, essentially, once a Jew, always a Jew. This debate continues even today in scholarly circles, as the "Jewishness" of the "conversos" continues in question. Certainly, there were "judaizantes" (Judaizers): sometimes this amounted to little more than a relatively innocuous social observance or dietary preference. Or the "converso" could secretly (at times, even openly) flaunt his Jewish convictions. But most scholars tend to agree that the problem of the Judaizers was probably much less severe than contended by the Catholic monarchs, Ferdinand, King of Aragón (who was, incidentally, of Jewish extraction on his mother's side) and Isabella, Queen of Castile, and the Inquisition (which they petitioned Pope Sixtus IV to organize in their combined domains in 1478). It cannot be denied that many of the "conversos" practiced Roman Catholicism in good faith, to the best of their knowledge and ability, from the very outset of their association with the Church. Indeed, some of those condemned as Judaizers by the Inquisition (those executed were referred to as being "relaxed") even went to their death praying the rosary, while invoking Jesus, Mary, and the saints. Incidentally, there would even be a few converts from Christianity to Judaism, valiant souls willing to sacrifice their lives, while following in the footsteps of the Jewish exemplars.

Much of the vigor directed against the "conversos," as now is generally agreed, was less concerned with their religiosity and even with their "race" and more with their economic and socio-political status. The generations of "conversos" in the first decades of the fifteenth century, whether they secretly practiced aspects of the old faith or not, at least outwardly became good, as well as very upwardly-mobile, Christians. As a group, they were eminently successful in society, accumulating considerable wealth and power. Many rose to a social and political prominence that quickly generated considerable envy at various levels of the social order. The first manifestation of that envy would arise in Toledo, known since medieval times as a center of "convivencia," the more or less cooperative (if not convivial) coexistence of Christians, Moors, and Jews. In 1449, the first Statutes of Purity of Blood were enacted, decreeing that no one of "converso" origin would hold any significant post

in government. Thereafter, another designation for the "conversos" would be "*sangre infecta*" (infected blood) or "*maculada*" (stained). The debate over this blatant discrimination raged long and hard, disuniting still further an already scattered Christian flock.

Popes and other prelates of diverse ecclesiastical station would vociferously denounce the Statutes, enumerating their explicit and implied evils. But eventually these documents and those who espoused them gained sufficient support in ecclesiastical, governmental, and popular circles to spread their poisonous influence into all corners of society for centuries thereafter, in Iberia, as well as across the oceans to all the far-flung colonies of Spain and Portugal. One theoretical justification for the Statutes was that the Jews and their descendants (whether these people had accepted Christian baptism or not) were affected by an "hereditary disease" against which individual volition offered no recourse. Thereafter, no facet of life was unaffected. The need to procure an "*ejecutoria*" (certificate of purity of blood) became rampant and all-consuming, in order to demonstrate one's genealogical purity, so as to secure membership in religious orders, governmental bodies, military orders, and even to receive university degrees. The services of genealogists who could produce such pedigrees—real or imagined—became extremely valuable and costly.

Individuals either of demonstrated or of suspected "converso" lineage, who could not somehow produce such guarantees, were thereby precluded from membership (even *ex post facto* in some cases) in certain religious orders or other organizations, or from holding religious benefices. A noteworthy exception is the Jesuit order, founded in the sixteenth century by Ignatius of Loyola; the Society of Jesus and its founder were generally much more open and tolerant than many of their counterparts. In this context, there are the efforts of the Portuguese Jesuit Antônio Vieira, arguably the greatest preacher of his generation and called the "Apostle of Brazil." Father Vieira challenged the Inquisition and its injustices to "conversos" of his and other nations. For his trouble he was incarcerated for some three years, from 1665–1667. But he would not keep silent and continued to press for reform and righteousness, even in Rome herself.

On the other hand, the Dominican Order would often figure to the converse, that is, as an icon of intolerance: certainly there were decent Dominicans who believed in and practiced the doctrines of their faith, with regard to all comers. But as an order, they came to be known in popular parlance as the "domini canes," a play on words making them out to be the "dogs of the Lord." In such guise, they would hound the Judaizers, worrying and finally driving what they took to be insincere "conversos" to the dungeons of the Inquisitions and even beyond, they hoped, to the fires of hell. In this context, it is an irony at least to be recognized, if not savored, that other epithets applied to the "conversos," from the fifteenth century into the twentieth, were "*perro*" (dog) and "*perro judío*" (Jew dog). Ironically, the term "*gato*" (cat) also could find application to "conversos" or to those accused of such being, in part because, as Sanford Shepard shows, numerous "conversos" would take animal names of one sort or another as a surname, once they separated from Judaism and entered the fold of Christ via baptism (see *Lost Lexicon*).

In turn, certain military orders also prevented "conversos" from membership or from holding offices of significant rank, while various governmental offices, from the local to the national, were forbidden to those of Jewish ancestry, however remote in time and space. The universities also would preclude admission or deny degrees to "conversos," as occurred in the case of the novelist Mateo Alemán (1547–1614?), denied a medical degree by the University of Alcalá de Henares. Fair-minded individuals and organizations defended the "conversos," but the forces arrayed against them and their descendants—once a "converso" always a "converso"—were overwhelming. The "conversos," as a class and as individuals, suffered what Stephen Gilman and others have termed a "fall of fortune:" as the wheel of fortune (a pervasive image in medieval culture) kept turning, they who had been at the pinnacle of prosperity could plunge to the depths of poverty, ignominy, and despair.

The slightest slander by a neighbor recollecting details many-decades old, the merest slip in demeanor in an unguarded moment, or the subterfuge and/or the sanctimony of an envious enemy could cast one and one's family into the Inquisitorial dungeons (with automatic confiscation of all worldly wealth and revocation of all earthy honors) and even into their all-consuming fires.

Granted, there were those individuals or small pockets of people that would practice some aspect(s) of Jewish ritual even into the late twentieth century, but, typically, most of the so-called "crypto-Jews" were a function the Inquisitorial imagination. Enjoying nothing like the plentitude, organization, and vigor envisioned by the Inquisitors and their adherents, significant populations of Judaizers probably did not exist much beyond the first years or at most a generation or two after baptism. This was more true of the "conversos" in Spain than in Portugal, where the conversions of 1497, enforced primarily on Jews who had fled the new Spanish kingdom of Ferdinand and Isabella in 1492, involved a less-willing population. Indeed, in Castilian culture for some centuries to come, "portugués" would constitute a synonym for the "Judaizer" unwilling to be assimilated. The Catholic Monarchs' Edict of Expulsion, issued in March, 1492, a document that would give rise to so much grief among Jews who converted and those who chose exile or an early grave, was formulated, ostensibly, to aid the new converts. The Church considered prolonged associations with former brethren to be deleterious to the "conversos'" precarious spiritual well-being; to prevent them from backsliding at the behest of the remaining Jews in Spain, the Edict of Expulsion exhorted the Jews to conversion, granting them until 31 July to do so.

Those who remained recalcitrant would be forced to go into exile, which many did, whether in Portugal (where the Catholic Monarchs' machinations with the new King Manoel cut short their stay, at least in an unbaptized state) or to Italy or to various parts of Arab North Africa, the Middle East, and southeastern Europe. Once again, many others, for a variety of reasons, joined the ranks of the "conversos." Others, after a time abroad, would return to the promise of their former economic and social standing, once they had undergone Christian baptism. However, these new converts would typically face the same strictures as the current "conversos." This is not to say that the "conversos," both individually and collectively, would not rise to great heights. King Ferdinand himself, particularly after his wife's death in 1504, was surrounded by a coterie of "converso" advisors who became incredibly powerful and influential. Indeed, various writers on the subject have suggested that a clear majority of the urban bourgeoisie in fifteenth- and sixteenth-century Spain were "conversos." The immense material success of these people, as a class and as individuals, their often conspicuous display wealth and honors, would continue to provoke a considerable backlash throughout the population.

The political, social, and economic ferment would boil over in a variety of venues: from the Statutes of Purity of Blood to a violent revolt, termed the "Guerra de las Comunidades" (war of the communities) and erupting in 1521, which was a reaction against royal restrictions on the local control and the "conversos" in the various levels of government (though many "conversos" were at least associated with, if not actual ringleaders, in the civil unrest). This movement was finally crushed when the grandson of Ferdinand and Isabella, Charles V, the first Habsburg monarch of Spain, was able to assert his autocracy. The debate continues concerning the "converso" participation in the "comunero" conflict. It is a story of multiple and shifting allegiances, of divided and divisive loyalties, but when the movement was finally put down, the "conversos" as a class were clearly the losers, particularly in popular opinion. Whether or not the vast heaps of "comunero" dead did lack foreskins, as one wag asserted, the new and now-absolute monarch would continue to exercise a heavy hand against his enemies, real and perceived, as he expanded the scope of his imperial sway. As so often would be the case, the "conversos" became a scapegoat for the Crown and for the populace overall.

Some of the places that the exiled Jews

and "conversos" took refuge would become even more dangerous, or at least less hospitable than Spain. Certainly there were many decent, honorable, tolerant individuals and organizations that received, sheltered, or advocated on behalf of the "conversos" already in their midst or those desiring acceptance. Persecution of the refugees often only intensified as they took refuge in foreign lands. Portugal, for instance, would receive many Jews, though by 1497 they were expelled or baptized involuntarily and *en masse*. Later, many of this group of "conversos" (or their descendants) would return to Spain, particularly when Portugal was annexed by that country in 1580. Their adherence (or at least the popular perception thereof) to Christianity was considerably less than that of most of the Spanish "conversos," to the degree that in the Spanish domains during the sixteenth and into the seventeenth centuries, "portugués" (Portuguese) became synonymous with Jew or "converso." The Inquisition would establish deep roots in Portugal, as well as in various parts of Latin America, particularly in Mexico, in Peru, and in parts of Brazil. Even some of the *conquistadores* would be tried and executed for Judaizing. At this point it should be noted that there was a "converso" presence in the New World from the very beginning, as several Jews and "conversos" sailed with Columbus, who was himself, as various writers on the subject would have it, quite possibly of converted Jewish ancestry, as were various of his backers and benefactors, who would make the voyages of discovery (and conquest) possible.

Many exiled Jews and "conversos" also would take refuge in Holland or in others of the "Low Countries," which originally constituted part of the empire established by Charles V, over which, during the next centuries, his successors attempted to maintain hegemony, at an immense material and human cost. Many "conversos" would settle in disputed territory, theoretically far away from the persecutions of the Spanish Crown and its Inquisitorial minions. Numerous individuals, once in this relative safety, would revert to the Judaism of their fathers. The cultural and commercial activities of the "conversos" and the Jews coincided with the first great age of Dutch prosperity. One of the earliest congregations, finally meeting as Jews once more, was initially arrested. Unable to communicate in other that an Iberian language, they were finally released when one of their number, fluent in Latin, made their affiliation clear. Once the authorities realized that it was not a question of papist infiltration, the newcomers were welcomed for what they were and would be, an economic boon (see Cecil Roth, *A History of the Marranos*). This Dutch-"converso" connection would continue even into the Americas, from Manhattan to the Dutch possessions in Brazil. However, for other refugees or their descendants the persecutions were not necessarily at an end, though not necessarily from gentiles. For instance, the synagogue and its elders in Amsterdam would condemn the writings and excommunicate Baruch (Benito) Spinoza, who made his living as a lens grinder, but one day would be recognized internationally as a philosopher. Spinoza's unwillingness to recant his free-thinking philosophy was simply not in accord with their more conservative persuasion. His internal exile would last the rest of his life, paralleling that suffered by so many "conversos" in Iberia or in the Iberian New World.

Some of the repercussions for Spinoza and the Jewish community of the Netherlands (with their close cultural and commercial connections all over Europe and the Near East) came about as a result of the centuries-old controversy, stirred up by Maimonides and his successors. Young Jews were on more than one occasion barred by their elders from studying philosophy. Spinoza's defiance to the death was no more than other youth had practiced (or as some would say, perpetrated) in generations before his own. Moreover, Jews or "conversos" in exile in other parts of the world, for instance in the eastern Mediterranean, in places like Salonika, would endure censure or some measure of ostracization, culminating in excommunication, at the hands of their fellows. Indeed, at home or abroad, it was not unusual for the most virulent persecutors of the Jews or of the "conversos" to be themselves "conversos" or Jews: zealots and bigots of various persuasions but all in

possession of the exclusive truth, abounded, making life difficult, if not impossible, for many of those who should have been brethren. An example frequently cited is Tomás de Torquemada, the Inquisitor General, a principal force in engineering the expulsion of 1492, who was also apparently of "converso" lineage. It was he who, reputedly, as Ferdinand vacillated (when confronted by an enormous bribe to annul the decree), threw a crucifix down before the King, querying how much Jesus would be sold for this time.

In this regard, Américo Castro, the great pioneer of "converso" studies, has gone so far as to posit that certain ones of the techniques and tactics of the Inquisition, and especially the institutional and individual intolerance, were actually a function of previous Jewish institutions and ideology. Other scholars, such as Benzion Netanyahu, vociferously contradict this line of reasoning point for point, though even the term "*malsín*" (one who denounced others to the authorities) comes certainly from the Hebrew "*malshín*" (a slanderer). The Jewish authorities dealt with such evil-spoken individuals long before they would accuse their brethren (or former brethren) to the Christian tribunals. Likewise, the title "don," so coveted by "converso" and Old Christian alike, in an age obsessed with the appearance of nobility, may well derive from the Hebrew "adonai" rather than the Latin "dominus" (Lord). Castro and Netanyahu, among others, have contended concerning the question of whether the Iberian fixation on "*limpieza de sangre*" and "*hidalguía*" (noble status) had its origin and impetus in Jewish culture.

This is by no means to make the victim over into a villain but only to assert that more souls could have been won, for whatever faith was in the offing, had its adherents practiced more kindness and tolerance. When a society or a government chooses to make war on its own people, especially when some of the best and brightest are included in that number, all parties are dragged toward the abyss of general suicide. Thus, so many "conversos," who, despite being good Christians, or their defenders, could, at a moment's notice, without anything resembling due process, come under assault from the Inquisitors, their familiars, or other agents of totalitarian religious and political policy. Various ecclesiastical and secular writers would argue for openness in the proceedings, though secrecy, as well as cruelty in the name of truth, became the hallmark of the Inquisition at work. An individual could be imprisoned, often for long periods of time, with no "speedy trial" and no confrontation of the accusers or witnesses or even any official statement of charges. The infraction, real or imagined, could be almost nonexistent, but, nonetheless, sufficient to fan the fires of intolerance. Such "crimes" as insufficient consumption of bacon or other pork products, changing one's linen on Friday, or lack of diligence at work on Saturday, even if such misdeeds occurred many years earlier, were grounds for Inquisitorial zeal. Neighbors were encouraged to denounce neighbors, family members to betray each other, all this somehow to ameliorate their own impiety or other sins or to otherwise curry favor with the Inquisitors. These less-than-impartial judges, centuries before the notion of Papal Infallibility, stood as the supreme arbiters in matters of faith and morals. Until the Spanish Inquisition was finally abolished in 1834 (the last gasp of the Portuguese Inquisition had come in 1778), the Inquisitorial courts stood in lieu of the Deity, decreeing without appeal in matters of life and death.

Effectively, the "conversos" were caught between the former faith and the new one, which they had accepted to one degree or another, but which to a greater or lesser extent would not accept them; the distinction between Old and New Christian was not abrogated in Portugal until 1773 and continued in Spain well into the nineteenth century. In turn, the old religion was often reluctant to receive them back, counting them as gentiles, apostates, or at least as proselytes, and once the expulsion was carried out, often could not receive them at all. In this vein, then, "Conversos" were sometimes called "*alboraicos*" or "*alboraiques*," names derived from the name of Mohammed's fabulous mount, Al-Borak. This was a composite beast which carried him from Mecca to Jerusalem and then up to heaven.

The "conversos" were thus labeled as neither Jew nor Christian, neither one species nor another. In this implosive environment, there were those "conversos" who continued, against all odds, to practice some facets of the faith of their fathers, though generally without benefit of anything resembling a rabbinate or Talmudic traditions or even scriptures themselves. The risk was always there of the eternal "*sambenito*," from "*saco bendito*," the robe worn by the penitents before the Inquisition and often hung in the local church from generation to generation, to remind the repentant heretics, as well as those yet unborn, of the ancestral ignominy in which they had part. Such displays had little or nothing to do with Christian humility and everything to do with humiliation.

Out of the "conversos'" experience, and that of their persecutors, grew a culture of codes, words or phrases that would mean different things to different individuals on different levels. Sanford Shephard has studied and catalogued this "lost lexicon" in a monograph, identifying the "secret meanings in the vocabulary of Spanish literature during the Inquisition." For instance, certain terms used to characterize the "conversos," while originally directed against them by their enemies, sometimes were adopted and adapted, as such pejorative expressions often are by the persecuted or otherwise denigrated. Such incorporation may involve different levels of self-hatred, however feigned or genuine, or of profound irony, or some admixture of both with other possible sentiments (in this regard, the reader could consult Sander Gilman's *Jewish Self-Hatred*). Numerous other terms would communicate, whether among or concerning the "conversos," always indicating their difference, their separateness, making them a breed apart from the Old Christians surrounding them. Another expression that probably was borrowed by "conversos" from their enemies was "*ex illis*" (Latin for "from or of them"), marking the person(s) so designated as irredeemably "other." Additional terms designating Old Christians that eventually were applied by the "conversos" to themselves, signaling their separateness rather than any sort of common Hispanic humanity, included: "*godos*" (Goths), the supposed archetype of Old Christianity and therefore everything the "conversos" were not and could never be; "*gallegos*" (Gallicians), as associated geographically and linguistically with the Portuguese, another type of the crypto-Jews; "*montañés*" (one from the mountainous north of Spain, in Asturias and Cantabria, regions never conquered by the Moors and supposedly never otherwise infected by Semitic peoples of any sort); "*vizcaíno*" (Biscayan), a Basque of impeccable Old Christianity, never tainted by anything Semitic. These and similar terms came to denote their opposite, ironizing both the persecutors and the persecuted, in a nexus of associations that figured difference, rather than commonality.

Another sign of Jewishness in the "conversos," at least according to their enemies, was the pursuit of wealth. In Iberia and the New World colonies thereof, it was by no means a bad thing to be wealthy. But the manner of acquisition or how recently that wealth was acquired could cast a long shadow over individuals and families. Anything even vaguely commercial or the least bit progressive suggested the Semitic and therefore was by definition ignoble. Moreover, the Inquisition always lurked nearby, ready to confiscate entire fortunes from those it processed. There is, first of all, good evidence that King Ferdinand petitioned to have the Inquisition established in Spain for financial reasons, hoping thereby to fund his political and military ambitions. In its own right, the Inquisition would become a self-propelled engine of persecution, supporting itself by confiscated revenues. Certainly, there were Jewish or "converso" bankers who stood to make incredible profits, though almost always at considerable risk to self and capital. Their loans and general fiscal expertise made the empires and their scattered enterprises possible, from the ambitions of monarchs and the nobility to the vast bureaucracies generated on multiple continents to govern, at home and abroad. But their fiscal ministrations were often rejected in favor of "noble" poverty. Indeed, at all levels of society, from the king to the clerk to the day-laborer or even to the beggar, honor universally became a primary (even

an exclusive) concern. This was not to be so much the pursuit of virtue as it was to project the appearance of Old Christianity.

Américo Castro (in *De la edad conflictiva*, "Concerning the Conflictive Age") has suggested in this regard an illuminating distinction between two Spanish words that both are rendered as "honor" in English. He suggests, drawing on evidence from a myriad of sources from Iberian culture of the sixteenth and seventeenth centuries and even thereafter, that "honor" is essentially something internal that the world cannot touch or otherwise destroy, whereas "honra" is only perceived in the eyes of those around any particular individual. It is strictly a function of social image and therefore can be defiled or destroyed in an instant. Iberian society, then, would become preoccupied more than anything else with the vain (and certainly impossible) task of controlling what other people might think of their neighbors. The theme of "*qué dirá la gente*" ("what will people say?") pervades all facets of life. This was not just to fool the Inquisitors, but also to deceive all those around and even oneself. In the fever to create this appearance, all activity associated in the popular mind with Jewishness and the "conversos" would come to a screeching halt, or at least would funnel itself through convoluted patterns, to throw the curious off the trail.

There were certainly those who were morbidly inquisitive, as the pastime of "*saber vidas ajenas*" ("knowing one's neighbor's business") would also become a central theme for hundreds of years in the Iberian kingdoms and their colonies. The converse, attempting to prevent one's neighbors from knowing one's own affairs would become an equally-prevalent pursuit; thus, the guarded life would figure as the order of the day, though one thoughtless act could bring down any and all charades. Certain occupations, whether banking or other money-handling, professional civil service, business of any sort, various trades, particularly that of merchant, were associated with the Jews and the "conversos." For instance, the "*indiano*," a Spaniard who went to the colonies with the express purpose of making money by some commercial enterprise, would stand as a type of the "converso," even if the individual in question were one hundred percent gentile and without a Semitic "blemish" on his ancestry for innumerable generations. Engaging in any of these sorts of practices, especially with success, would mark a person as a "converso," sending up a red flag for the neighbors and soon for the invidious Inquisitors.

The "*hidalgo*" (coming, literally, from "*hijo de algo*," "son of something or someone") class, the lowest rung of the aristocracy, was considered to be riddled with "conversos." Eventually, the only secure class was that of the "*labradores*," actual manual agricultural laborers. As indicated by the notorious *Libro Verde de Aragón* (Green Book of Aragón), written by Juan de Anchias, a secretary to the Inquisitorial tribunal, there existed few noble families without a taint of Semitic blood. So, paradoxically, the only people who could claim outright Old Christian "nobility" were those who had not a drop of noble blood, but were as "common" as dirt. The most visible example of this is Cervantes' Sancho Panza, as opposed to his master, the *hidalgo* Don Quijote. Various writers have suggested that the knight errant may well be New Christian, while his squire is assured of his Old Christian lineage and consequent "nobility." Essentially everyone during the so-called Golden Age of Spanish culture (roughly from 1500–1650 or even to 1700) ceaselessly pursued what could never be had: a spotless public image. This same epoch would mark, though an Age of Gold in the arts, a time of great ruin at the national, the regional, the familial, and the individual levels. Gainful enterprise would sully one's "honra." To such a fate, even idle indigence, though with the appearance of something more, was always preferable.

The archetype of this attitude is encountered in the squire in the picaresque novel *Lazarillo de Tormes*, published anonymously in 1554. Most readers agree that not only the title character but also the author, whoever he might have been, were probably of "converso" background. At age eight, Lazarillo is "apprenticed" by his widowed mother to a blind man. Narrating his life in the first person, the boy passes through the service of many masters, including a priest, the squire in question, a seller of indulgences, and so forth, always revealing the

underside of society and ironizing all of its institutions. The squire who the lad serves for a time lives a life focused only on "honra," creating an empty appearance for the world to see, behind which there is only pretense and abject poverty. He is, in fact, so destitute that his servant must support them both by begging: the older man's only concern is that no one learn of this relationship, though only for the sake of his "honor." Numerous other picaresque works would be written, including the *Guzmán de Alfarache* (1599, 1604), by Mateo Alemán. His condition as a "converso" did not preclude his work from achieving extraordinary popularity; nor did it save him from the clutches of the Inquisition. Had he not been rescued by a friend high on the ecclesiastical ladder, Alemán's temerity—signing his name to his bitterly satirical work—would certainly have cost him his life.

Another picaresque work that achieved great literary (if not commercial) success was the *Vida del Buscón* (Life of the Scoundrel), published in 1626, by Francisco de Quevedo, an Old Christian who despised the "conversos" and everything associated with them. Pablos of Segovia, the protagonist of this novel, is the child of a witch and a thief who are processed by the Inquisition. The son passes through a variety of ignoble situations, generally just one step ahead of the Holy Office (as the Inquisition was called). He is portrayed as a scoundrel by nature, one who could never be otherwise. Quevedo's sardonic mockery of the "conversos" also extends to poetry such "A una nariz" (To a nose), describing a surrealistically Semitic proboscis. Other picaresque works, whose characters, if not their authors, are generally considered (or at least suspected) to be of "converso" background, include: Vicente Espinel's *La vida del escudero Marcos de Obregón* (1618), Francisco Delicado's *La lozana andaluza* (1528), and Francisco López de Ubeda's *La pícara Justina* (1605). The *pícaros*, or their female variant, the *pícaras*, spend their lives in the vain pursuit of the "honra" categorically denied them at all junctures. A physical hunger for bread becomes a primary motif in essentially all of the picaresque works, though a more metaphysical hunger, unfulfilled and unfulfillable, for "honra" dominates their marginal existences, as it would in all of the "conversos" in society at large. To this effect, it is after his eye-opening experiences with the squire and other masters that Lazarillo describes so graphically "*la negra que llaman honra*" (the bitch they call honor).

Other literary modalities also originate or receive a major impetus from "converso" authors: for instance, it is quite likely that Lope de Rueda (1510?-1565), an actor, director, and author of some forty short comedic works, the *pasos*, was of "converso" background. He would turn the nascent Spanish theater from its aristocratic leanings in a more popular and realistic direction: the result would be the incredible flowering of the Spanish Golden Age *Comedia*, a corpus eventually to include tens of thousands of plays, many of which rival anything in any other national tradition of the world. Another theatrical, or at least dramatic, work is Francisco de Rojas' *Tragicomedia de Calisto y Melibea* (Tragicomedy of Calisto and Melibea), first published in 1499, although more acts were added in subsequent editions. The actual literary genre of this "play in novel form" (or dramatic novel, or philosophical dialogue) continues to be controversial. At any rate, the work is commonly called the *Celestina*, after the bawd the star-crossed young man, Calisto, employs to secure the favors of Melibea; it figures as one of the principal works of Spanish literature in any age.

Rojas was a "converso" who managed to avoid the clutches of the Inquisition, whether during his time as a student in Salamanca (when he wrote the first draft of the *Celestina*), or during his practice as an attorney in Puebla de Montalbán, near Toledo. Nonetheless, certain members of his immediate family were processed by the Holy Office, so the threat remained very real. In turn, most readers of his work would agree that Celestina herself must surely be a "conversa," though it has also variously been posited that Melibea is of that same ethnicity: therefore the Old Christian Calisto does not approach her father, Pleberio, to legitimize his passion. Likewise, other writers suggest that it is Calisto who is the New Christian, while Melibea is completely "*limpia*" in her antecedents; thus, the love-smitten young suitor cannot seek her hand but will have

her body, hiring the *alcahueta* (go-between) who sets up their trysts. Calisto will die falling from the ladder he uses to gain access to Melibea, once Celestina's ministrations have softened her resolve.

This is literally the "fall of fortune" as experienced by so many "conversos" during the fifteenth and sixteenth centuries. They might for a time figure at the top of the "wheel of Dame Fortune," though, soon enough, she, their envious Old Christian neighbors, or even New Christian ones, could plunge them to abjection, economically and emotionally. Thus, once she learns of Calisto's death, Melibea also takes a fall, casting herself down from a tower. Indeed, the motif of the fall of fortune pervades the *Celestina*: the title character is cut down by two of Calisto's servants, Sempronio and Pármeno, who kill her when she refuses to share her profits with them. In turn, as these men flee from the law that is hot on their trail, they must jump from an upper window of her house; their mangled bodies are quickly and sternly dealt with, as their heads fall to the ground in summary execution. One of the primary themes, from the prologue to the final act of the *Celestina*, is the universal animosity and voraciousness of all creation: nature is arrayed against itself, and no being will find an altruistic friend or helper, as even children turn against parents and God seems to be against all. This is an attitude that numerous writers would suggest as corollary to "converso" status: often it must have seemed that everything around them was lying in wait, eager to militate their harm. Even the diety seemed to be distant, as the New Christians (or their ancestors) had abandoned one law and one God for another faith and its God, which, seemingly, refused to receive them.

Another pioneering humanist, who some later writers have suggested was "converso," was Antonio de Nebrija, or sometimes, Lebrija (1441–1522). Nebrija wrote the first Latin grammar in Spanish (1481), as well as the *Gramatica sobre la lengua castellana* (Grammar of the Castilian Language), which was published in 1492 and constitutes the first Spanish grammar, a tome that would help solidify Castilian as the primary language of the new Spanish nation. Additionally, Nebrija worked on the multi-volume *Biblia Poliglota Complutense* (Universal or Polyglot Bible), assembled between 1514 and 1517, at the behest of Cardinal Francisco Jiménez de Cisneros (himself quite likely to have been of "converso" origin). This project, the first critical edition of the Bible, stretched to six volumes and offered the text in Hebrew, Aramaic, Greek, Latin, and Chaldean. Another literary style that would be developed and take shape in "converso" hands is the pastoral novel. Jorge de Montemayor (1520?-1561), generally considered of "converso" antecedents, around 1559 would publish the best and most influential of all these works, *Los siete libros de la Diana* (The Seven Books of Diana). Some writers have gone so far as to call this novel a "converso text," a work written in a sort of "code" by "conversos" to be understood, at least on one level, only by their compatriots (see, for instance, Colbert Nepaulsingh's *Apples of Gold in Filigrees of Silver*, subtitled *Jewish Writing in the Eye of the Inquisition*).

Also considered a pioneer was Juan Luis Vives (1492–1540), called the "father of associationist psychology." This Valencian scholar was a "converso" who for matters of corporeal, as well as intellectual, health, would take refuge in Oxford and had various family members processed by the Inquisition after his exodus. His father was condemned and burned; his mother's bones were disinterred and burned (as was not uncommon practice for the Holy Office); his sisters were left destitute, devoid of support, whether material or religious. Vives turned from medieval Scholasticism, becoming a Renaissance figure of the first magnitude. Among the many works he wrote are: *Introducción a la sabiduria* (Introduction to Wisdom), published in 1524; *De la instrucción de la mujer cristiana* (Concerning the Instruction of the Christian Woman), published in 1528; *Del alma y de la vida* (On the Soul and on Life), published in 1538. Vives was one of many "conversos" who would become devotés of Erasmus of Rotterdam; this universal man of letters, an icon of tolerance and learning who happened to be Dutch by birth, would impact nearly every facet of Spanish civilization in the Renaissance. A statue of Vives stands on the steps of the National Library in Madrid, as a nation recalls with reverence what at another time it rejected.

Additionally, the school of mystical letters counts numerous "conversos" as its pioneers and prime movers. Among these individuals figure some of the most brilliant literary luminaries of the Spanish Golden Age, who also happen to be saints of the Roman Catholic Church, including Saint John of the Cross and Saint Theresa of Avila (or of Jesus). This latter figure is one of only two female Doctors of the Church, meaning her texts are authoritative in matters of doctrine and that from them the faithful can learn without hesitation. Saint John (born Juan de Yepes in 1542) was a religious reformer who pioneered the rededication and purification of the Carmelite Order, to become the Descalced Carmelites (who wore only sandals as a symbol of their spiritual commitment). This order, and particularly Saint John himself, moved away from worldliness toward asceticism, prayerful contemplation, and personal sanctification. His poetry also evidences this pattern, documenting through allegory the passage of the soul from the *vía purgativa* (the way of purgation), wherein the imperfections and disordered passions are purged. Next would come the *vía iluminativa* (the way of illumination), wherein the now-purified soul begins to glimpse spiritual realities and know God. Finally, there is the *vía unitiva* (the way of unity), wherein the soul, free of earthly ties and impurities, flies to God to experience the mystical union. This joining is depicted as a marriage, according to the extended metaphor of the Bible's Song of Songs, where the soul is the Bride, or female lover (it should be recalled that "alma," the word for "soul" in Spanish, is a feminine noun), while God is the male lover, or Bridegroom. Scholars have documented numerous Semitic influences—Jewish as well as Arabic—in Saint John's works, though their pristine Christianity is unquestionable.

It has been suggested by various writers that one of the appeals of mysticism to the "conversos," as individuals and as a class, came as a result of their material existence. The physical bodies of a New Christians, according to the Statutes of Purity of Blood, could never be wholly cleansed by the baptism they had received. Therefore the appeal of a spirituality that moved far beyond the confines of the physical, irredeemably vile body, offering a purified soul and an experience of the Christian God otherwise denied to them by the political and ecclesiastical powers of their time. Nonetheless, Saint Theresa, born in 1515, the daughter of a prosperous New Christian family, would live very much in the real world. Throughout her life (she died in 1582), Saint Theresa worked to reform the female arm of the Carmelites, bringing discipline and spiritual order to lax units as well as founding some thirty new convents. She was a major figure of the Spanish Counter Reformation, initiated in part as a response to Luther, Erasmus, and others, to cleanse the Church from within.

Saint Theresa's narrative of her life, entitled *Su vida* (Her Life), is considered to be one of the best pieces of "confessional" or autobiographical literature written in Spanish. She wrote this volume only at the behest of her confessor; *Su vida* was finally published in 1588, several years after Theresa's death. It is a detailed and intimate analysis of her mystical experiences, written in a colloquial, even conversational style. Another of her works, *Libro de las fundaciones* (Book of Foundations), published in 1573, describes her work as a superior in a religious order, as she goes about aiding individuals and institutions to reform, all the while manifesting a practical, "this-worldly" spirituality. Others of her mystical "how-to" manuals include: *Camino de perfección* (The Road of Perfection) and *El castillo interior* (The Interior Castle) or sometimes *Las moradas* (The Dwelling Places), published after her death, respectively, in 1585 and in 1588. In this latter book she studies the path of the soul as it moves along its prayerful, contemplative inner way to the Divine. *Camino* is also indicative of her practical spirituality, explicating her ideas on the training of nuns.

Another giant of Spanish spirituality, whose poetry is among the best in the language at any age of its history, is Fray Luis de León (1527–1591). Also of "converso" stock, his career as a religious was not officially crowned with the same sanctity as were those of Saint John and Saint Theresa, even though his version of mysticism is no less revealing of a truly noble man, making (and documenting) his inner way through troubled

waters. Fray Luis was a member of the Augustinian Order and a professor of theology at the University of Salamanca. His quarrels with colleagues, as well as with members of the rival Dominican Order, particularly with regard to the final authority of the Vulgate Bible (he preferred to refer directly to the texts in Greek and Hebrew, the latter always a suspect language), landed him in a dungeon of the Inquisition for more than four years. During this time he wrote studies of the Book of Job, the Song of Songs, and of the names used throughout Scripture to categorize Jesus Christ. One of his most enduringly popular works is *La perfecta casada* (The Perfect Wife).

Fray Luis was cleared of all charges, though later he would undergo another trial. Stories are told of how, returning to his lectern after the enforced absence, he addressed his students with these words: "Como decíamos ayer . . ." (As we were saying yesterday . . .). He was a good Christian who refused to give an inch to his enemies' innuendo. He chose as an emblem for his post-imprisonment work a tree, newly and severely pruned by a sharp axe still propped up against its trunk. Like the tree, Fray Luis had been trimmed back, but already was beginning to flourish once more. Incidentally, despite his virulent antagonism for the New Christians as a class and for the most part as individuals, Quevedo published an edition of Fray Luis' poetry; he could recognize talent, in spite of otherwise pervasive prejudice.

The single most emblematic and illuminating work, perhaps the truest of fictions with regard to the problems as well as the possibilities of the human spirit in perilous times, is Cervantes' *Don Quijote* (published in two parts, 1605 and 1615). From the very first paragraph of the novel that has become the archetype of Spain, and its protagonist, the archetype of all Spaniards, the author makes clear his radical intentions. First of all, there is good reason to believe that Cervantes himself may have had "converso" antecedents, along with those of his chivalric creation. In an age obsessed with genealogy, we never learn exactly from where the Manchegan *hidalgo* hails or even what his real name is (at least not until part two, when "Alonso Quijano el Bueno" is posited as the best possibility). This impoverished petty landholder, driven mad apparently by his reading of chivalric romances, recreates himself according to his own specifications. He refuses to list his lineage but, rather, starts his story with himself. Blood is less important than character and the deeds it begets. He will be a product not of his ancestors but of his own labors.

He even chooses a new name for himself, Don Quijote, as well as for his mount, his adversaries, his lady-love, and so forth. Like Adam in the Garden of Eden, naming the animals, his words generate a new creation; the word becomes the thing, and vice versa. This new order of things effectively encompasses the dream of the "conversos:" freedom from the crippling burden of the past in order to create a future of their own choice. Of course, the knight errant is continually bumping up against reality, but that does not diminish his resolve, dismissed as madness by so many of his contemporaries and successors. Indeed, such will to change oneself and one's circumstances, in Don Quijote's case, as in that of so many other "conversos," may have construed as a form of lunacy. His efforts might meet with ostensible failure, as did theirs in the "real" world, but the knight's fiction ultimately rings truer than the reality in which he and the other "conversos" were forced to exist. Even if the giants turn into windmills, the armies into sheep, the noble ladies into strumpets, and the knight back into a country gentleman (though his return to "sanity" is never definitive), Don Quijote's quest affirms the self he would be, in spite of all obstacles to the contrary.

There are numerous other important cultural figures in Spain, Portugal, and their colonies who were confirmed, or at least probably, "converso" in extraction: the individuals and their achievements fill the spectrum, of both visible and invisible light, with an array of creative colors. This gamut of literary and cultural luminaries ran from Luis de Góngora (Quevedo talked of annointing his poetry with bacon), Fray Luis de Granada, Bartolomé de las Casas, Juan Álvarez Gato, Antônio José da Silva (called "o Judeu" to this day), João Pinto Delgado, Baltasar Gracián, Andrés de Laguna, Antonio de Guevara, the brothers Valdés (Juan and Alfonso), Juan Alfonso de Baena, Abraham

Miguel Cardozo, and many others. There even flourished a tradition of comedy, where court fools and public jesters, such as Alfonso Álvarez de Villasandino, Francesillo de Zúñiga, and Dr. Francisco López de Villalobos, balanced on the razor's edge, lampooning social injustices and pillorying pious hypocrisies, all the while mocking each other, powerful political and even ecclesiastic figures, and even themselves. Needless to say, such laughter could be liberating, but also perilous in the extreme.

In turn, medicine was effectively dominated by "conversos" who continued to treat royalty and commoners, though their own lives sometimes became nearly unlivable. Figures such as Juan Rodrigo (called Amatus Lusitanus), Manoel Álvares, Felipe Rodrígues, Rodrigo de Castro, Joseph and Ephriam Bueno, to name but a few, are included in this panoply of medical luminaries. Equally, finance and business, statecraft and diplomacy were also conducted by a population whose blood would perhaps not bear too close of scrutiny by the omnipresent Inquisition. It was, as Castro states, an age divided against itself, in all facets "conflictive." Estimates reach even into the hundreds thousands of Iberia's native-born offspring, people whose descendants centuries thereafter still talk of home in Spain or Portugal in dialects closely recalling fifteenth-century Castilian, who were forcibly exiled from their homeland. Many thousands more were persecuted, even to the death or subjected to a lifetime of internal exile, for being who they were. Despite such terrible tensions, the Jewish and "converso" presence would continue to make itself felt throughout the generations, at home and abroad. Their experiences, sufferings, and contributions remain a vital area of scholarly investigation.

Besides Américo Castro, then, names of some of the others who have written extensively on a diverse array of "converso" questions include: J. Amador de los Ríos; M. Menéndez y Pelayo; J. Lucio d'Azevedo; J. Mendes dos Remedios; H. Lea; A. Herculano; M. Kayserling, A. Domínguez Ortiz; F. Márquez Villanueva; I. Révah; S. Gilman; E. Glaser; J. Caro Baroja; Y. Baer; C. Roth; C. Nepaulsingh; D. Gitlitz; Y. Yerushalmi; B. Netanyahu; H. Beinart; A. Sicroff; M. Bataillon; E. Sánchez Ruano; S. Shepard; H. Kamen; N. Roth; J. Schraibman; M. Bernardete; S. Armistead; J. Silverman; E. Gutwirth; E. Benbassa; P. Díaz-Mas; J. Solà-Solé; Á. Alcalá; J. Faur; K. Scholberg; A. Paulo; E. Lipiner; Y. Kaplan; E. Cunha de Azevedo Mea; R. Pike. Even an otherwise brilliant historian such as Claudio Sánchez Albornoz ends up actually highlighting the roles of Semitic peoples, and particularly of the "conversos," in Iberia as he systematically overlooks, minimizes, or otherwise omits them from his texts. This omission creates a blind spot that distorts the rest of the images to be brought into focus.

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Conversos in Medieval Spain

THE phenomenon of mass Jewish conversion under threat of death or expulsion originated with the policy of persecution of the Jews in the Iberian peninsula, which began as far back as the end of the Roman times, continuing under the Catholic Visigoth kings, the fanatical Muslim rule, and, then, once more, under the rule of Catholicism.

In the *Carta-enciclica*, Bishop Severus relates of the conversion of the Jews of Mahon in Minorca, which probably occurred in 417 or 418: first came persecution; this was followed by the burning of the synagogue; and finally the Jews were baptized *en masse*. We can find additional details of these events in the *Altercatio Ecclesiae et Synagogae*, which is considered by several authors, including V. Segui and J. Hillgarth, to be a *commonitorium* by Bishop Severus.

The beginning of the Visigoth kings' oppression of the Jews coincided with the formers' conversion from Arianism to Catholicism (589). A great historian of the Jews in early medieval times, B. Blumenkranz, believes this date is actually the beginning of the tragic suffering of the Jews throughout the entire Middle Ages. The fact that the Visigoth kings became Catholics provided a disproportionately political dimension to the ratio between political and religious factors. This point is worth emphasizing, since the religious consideration was central in the zeal to achieve an absolute unification of the kingdom, and the anti-Judaism inherent in Catholicism became a factor that was to return when Ferdinand and Isabella ascended the throne.

The harsh edicts issued by the Visigoth kings against the Jews in the seventh century have been studied and described by various historians, from J. Juster and S. Katz to L. Garcia Iglesias and J.L. Lacave. We can state unequivocally that the seventh century was one of uncertainty, persecution, and suffering for the Jewish *conversos*, whose property had been taken away, families destroyed, sons removed from their parents to be brought up as good Catholics, and who, in addition, were rigorously forbidden to do anything that could be construed as having a connection with their previous faith. They survived these conditions until 711, when the Visigoths were defeated in the Moorish conquest.

The conversos' tragedy was doubled in Al-Andalus under the rule of the Moorish Almohades, a dynasty characterized by its extreme religious fundamentalism, which led to the forcible conversions of both Jews and Christians and, consequently, to the flight of many Jews including, in 1150, Maimonides and his family.

Both in the Middle Ages and in the preceding era, mass conversions were generally the result of the use of force, but what made the situation in the Iberian Peninsula in 1391 so different from anywhere else in Europe was not just the large number of conversions that resulted from the persecution and slaughter of the Jews; it was the fact that the conversions continued, reaching their peak in Spain in 1492, the year of their expulsion, and in Portugal in 1497, when a royal decree was issued ordering the Jews to convert *en masse*.

Entire communities were compelled to convert, renounce the religions of their forefathers, and, all at once, take their places as Christians in Spanish society. Neither the state nor the church were prepared for such a transformation; nor did they have the resources needed to cope with the difficulties resulting from an entire ethnic group's converting to a new and unknown religion, in a Christian country, among a different, autochthonous population. It was another matter altogether when an entire people or nation on the outer fringes of Christianity received the sacrament but continued to live in their own country, maintaining their traditional social structure. In the case in point we are talking of an entire community with a different faith who underwent conversion and were compelled to integrate in the Christian environment. *Conversos* were supposed to acquire equal status and be welcomed into purely Christian population, proud of their Christian faith. It may be demonstrated that just as new converts had absolutely no chance of assimilating, neither were the original Christians prepared to accept the social and national integration of people who had up to then been objects of contempt and loathing, people perceived as being to blame for the death of Christ.

These conversions were not, then, restricted to just the social upheavals of 1391, but also continued over the coming years, sometimes under official pressure, as when Jews were forced to live in ghettos and wear marks to identify them, sometimes by the use of incentives, as demonstrated by Ferdinand I

of Aragón, who awarded high positions and even titles of nobility to any important Jews who were prepared to enter the bosom of the Church. In addition, hundreds of Jews were converted by the fiery oratory of fray Vicente Ferrer and many more, in the wake of the Tortosa Dispute (1413–1414), headed by the *converso* Jerónimo de Santa Fe (previously Rabbi Yehoshua Ha-Lorqui) and under the patronage of the anti-Pope Benedict XIII.

Throughout the endless debating in Tortosa, respected Jews volunteered to be baptized. Among these were the La Caballería family as well as their friends and acquaintances. A few weeks later some of these *conversos* turned up with Christian names, holding important administrative and political positions. We mention only a few examples. Fernando de la Caballería, formerly Bonafos, who had been serving the king of Aragón since December, 1412, was appointed the king's chamberlain and treasurer in December, 1414, these posts having previously been considered out of bounds for Jews. Another was Don Vidal de la Caballería, the son of the famous Don Benveniste Ben Labi, a Hebrew poet and one of the Jewish community's leaders at the beginning of the Tortosa Dispute. He took the Christian name Gonzalo and also began working in the state's financial administration. Incidentally, just as he had been an outstanding poet in Hebrew before his conversion to Christianity, so afterwards he turned his cultural/humanist talents to translating Cicero's works of philosophy from Latin to Castilian. His teacher and family friend, the venerable poet Rabbi Salomon de Piera, converted to Christianity with him.

Thus a new social class emerged in fifteenth century Christian Spain, a class of *Judeoconversos*, or New Christians; Jews who, for one reason or another, changed their faith to Christianity through baptism. In Castilian, the word *converso* is unambiguous in meaning, in contrast to Hebrew, which has two words, *anus* and *meshumad*; the former means someone who has been forced to convert, the latter is someone who has converted of his own free will, the implication being that he is a renegade.

Most *conversos*, despite their new status, did not move away from their original homes, but remained living alongside those who were still Jews. They remained there, either carrying on with their usual occupations or attempting to find new professions, preferably among their Christian neighbors. Although they were regarded as part of the Catholic congregation, *conversos* were actually a group apart; the Christians did not regard them as equal members of society. Neither the Church, the state, nor the local authorities managed to find a way to enable *conversos* to fully integrate into and be absorbed by Christian society. It took generations before those who wished to become fully part of Christian society could behave as though they were the equals of any other Catholic Spaniard. Throughout this period, the New Christians suffered from discrimination and isolation (officially, at least) from their Jewish "brethren" and could not—even if they so wished—be assimilated by the Catholic congregation as members with full rights. We must, of course, recall that this applied to Jews who, having been compelled to accept baptism, were now trying desperately to return to their ancient faith, the millenary tradition of their forefathers. This is why the *conversos* seem to be a "transitional society," one that had abandoned Judaism but was not permitted to fully integrate into Christian society.

Conversion, which should per se have paved their way into Christian society, failed to do so. The *conversos* were unable to make Christians forget either their Jewish past or the Christians' hatred of this past. The Christians were afflicted with hatred for both Judaism and the Jews; "old" Christians were more distrustful of *conversos* than they were of Jews who had kept their old religion and people. As Spaniards would say, these latter had never "changed their spots;" they had not behaved treacherously, while the *conversos*, having renounced their faith and people, might well treat their new, adopted faith in the same way. Nevertheless, the *conversos*, who expected nothing from Christian society, did enjoy a powerful spiritual strength originating in their attachment to and nostalgia for all that Christians venerated, as we shall see later.

There were two basic reasons why the

converso problem began to acquire the dimensions of a national problem in the period preceding Spain's unification: on the one hand, the Spaniards' reactions to the New Christians' attempts to integrate into Spanish society as equals and, on the other, the Spaniards' reactions to those *conversos* who decided to shun contacts with their Christian environment. In this latter sense, the old Christians' indifference as against the *conversos*' reluctance to assimilate into their society was more significant than their rejection of the other group, the baptized who did truly desire to integrate. In this context, it is my feeling that "majority versus majority" relations, as it were, are a more feasible assumption than a majority, on the one hand, and, on the other, a series of isolated individuals who wished to integrate. *Conversos* who were unwilling to integrate regarded their baptisms as the product of a moment of weakness and believed they were destined to return to their ancient faith and traditions. This being so, our question is, how did those Jews who persisted in maintaining their faith react to the *conversos*? The answer is simple, as we see from the Talmudic proverb: "A son of Israel, even if he has sinned, is still a son of Israel" (B. San. 44a). *Conversos* who wished to return to their ancient faith were taken back as brethren, as though nothing had happened: "*Conversos* and Jews were one people, united by bonds of religion and messianic hopes," according to Yitzhak Baer in his monumental *History of the Jews in Christian Spain*.

Without entering into a discussion of the degree of sincerity of those conversions and without denying that there were undoubtedly many that were spontaneous, one thing must be said: old Christian society absorbed the enormous numbers of New Christians through the use of force rather than by applying the tolerant Pauline doctrine of missionary activity designed to lead to conversion. This, of course, created many problems, of which the worst was the likelihood that this anomaly would become a focal point for the emergence of additional social and religious friction. What we are dealing with, then, is an authentic transition from the Jewish problem to the problem of the *conversos* (as defined by E. Benito Ruano in his study of the origins of this problem).

The *Judeoconversos*' Social Integration

This is not the place to discuss either the problem of the Judaizer *conversos*—those who feigned their loyalty to their new faith while inwardly remaining loyal to the religion of their forefathers—or that of those *conversos* who wavered, waiting for the chance to leave Spain and go back to being true Jews; we wish to look at the other side of the coin, that is, those *conversos* who had unhesitatingly and of their own free will converted to the religion that was being imposed on the Jews by force and sometimes even violence. We are not discussing Jewish martyrology but trying to emphasize a unique and complex aspect of the *converso* phenomenon. The contemporary authors and documents bear witness to the fact that the philosophical and intellectual education then customary for Jews of higher social status encouraged this conversion, while the lower classes and women remained more adherent to the faith of their fathers and so tended more towards crypto-Judaism.

Yitzhak Baer develops this concept, attributing the blame for the many defections from the Jewish camp to philosophical Averroism, with all its tendencies towards skepticism. Nevertheless, it seems that the large number of spontaneous conversions that occurred in rabbinical circles must be taken into account, as well as conversions by other groups that, in the same circumstances, had not come into contact with Averroism and many of whom converted without any connection with their social or educational standing. We believe that it was not necessarily the intellectual Jews of that time whose conversions were influenced by their attraction to Averroist ways of thinking.

As an example, let us look at the case of the renowned rabbi of Burgos, Salomon Halevi, who later, under the name of Pablo de Santa María, became the bishop of that town. We mention him not just because he is an example of the type of *converso* we wish to discuss but also because his conversion sparked an extensive literary controversy in Burgos' Jewish community. We learn a great deal from this controversy about the motives that led Jews like him and others on his level rapidly to alter their deep-rooted beliefs

and lifestyles. An echo of the dispute can be found in the letter Halevi received after his conversion from one of his previous disciples, Yehoshua Ha-Lorqui, a rabbi and physician from Alcañiz. In this letter Ha-Lorqui not only expressed his astonishment at his mentor's conversion, he also confided that he, too, had religious doubts. In an attempt to define or identify the factors in his former teacher's conversion, Yehoshua Ha-Lorqui enumerated four factors that could have prompted it:

> Did you perchance lust after riches and honors? . . . Or did the study of philosophy cause you to change so radically and to regard the proofs of faith as vanity and delusion, so that you therefore turned to things more apt to gratify the body and satisfy the intellect without fear and anxiety and apprehension? Or, when you beheld the doom of our homeland, the multitude of the afflictions that have recently befallen us, which ruined and destroyed us, the Lord having almost turned away his countenance from us and given us for food to the fowl of the air and the beasts of the field—did it then seem to you that the name of Israel would be remembered no more? Or perhaps the secrets of prophecy have been revealed to you and the principles of faith—matters not revealed to the great pillars of faith whom we had with us in all the ages of our Exile; and you saw that our fathers had inherited falsehood, that they had but little comprehension of the intent of the Torah and the Prophecy, and you chose what is true and established?

Pablo de Santa María answered him briefly, advising him to apply himself to a serious study of the Christian doctrine, advise Jerónimo de Santa Fe (as he was later to be known) undoubtedly took, since in his anti-Jewish treatise *Ad convincendum perfidiam judaeorum* (1412) he demonstrated a profound knowledge of Christianity. In addition, his contribution to the Dispute of Tortosa (1413–1414) proved that even before his conversion Jerónimo de Santa Fe had devoted himself to studying the Christian doctrine. We do not know whether Pablo de Santa María's reply answered the questions his former disciple had raised, since all that remains is the conclusion; the most interesting section, that in which we assume he gave Ha-Lorqui those answers appropriate to the latter's erudition in the Talmud and the Torah, is missing.

In Aragón, too, the conversions were producing despair, and there, too, we have a great deal of written evidence. One example is the poem by Salomón de Piera (who later was himself among the converts) which he sent to R. Moses aben Abez, as follows:

> That day death's angels ransacked my home . . .
> Around my house the foe encamped,
> Built his ramparts and his ramp
> And broke inside; there lustily
> He sacked and pillaged pitilessly . . .
> My sons sought the safety of the stony cliff, and fled
> Without a blessing on their head.
> —My fine young bucks, who in captivity
> Now banished are by iniquity!
> Hunted like fledglings, I know not where
> They rest tonight; nor whether they are
> Not somewhere sold or slaughtered; nor on what pyre
> Their bodies' flesh is broiled by fire . . .
> The earth is clean dissolved and broken down,
> And down is come the town's foundation stone.

For many of these Spanish Jews, two factors, their scientific and humanist education and their desire to be received at court, contributed to an increase in defections from Judaism. Salomón Bonafed's poetry is redolent of the hesitations and uncertainties bedeviling those around him. He fired his arrows laden with irony at Jews who turned their coats with such ease. The physician and poet Astruc Rimoch de Fraga, who converted in 1414 together with his son, taking the name Magister Francesch de Sant Jordi, sent a contentious letter to Saltiel Bonafós, the son of the physician Isaac Bonafós Saltiel and son-in-law of Rabbi Isaac bar Séset, encouraging him to follow his example. Salomón Bonafed answered this letter. The devious, subtle, complex style of these letters is very different from the scholasticism of the classical controversies.

As an example, let us look at the names of Pablo de Santa María's family of *judeo-conversos* (the Levis of Burgos) who played important roles in fifteenth and sixteenth century Spain. Some of them—Pablo de Cartagena, Gonzalo de Santa María, Alonso de Santa María, Juan Díaz de Coca—were

successful heads of such churches as those of Cartagena, Burgos, Astorga, Plasencia, Sigüenza, Oviedo and Calahorra. Others, for example Pablo and Alonso de Santa María, the historian Alvar García, the nun Teresa de Cartagena, the Franciscan fray Iñigo de Mendoza, the poet Cartagena and the Maluenda family, enriched Spanish literature with works of uniquely creative genius.

Particularly outstanding in national politics were the brothers Pablo and Alvar García, Pedro de Cartagena, Alvar Sánchez de Santa María and the Bishops Gonzalo and Alonso, all the sons of Pablo de Cartagena, and others who were descended from Don Pedro de Cartagena. In the military sphere, great renown was won by, among others, that same Don Pedro de Cartagena, his sons and grandsons, among them Alonso de Cartagena and Alvar de Cartagena. In both ecclesiastical and lay diplomacy several of these families, from Pablo and Alvar to Gonzalo and Alonso de Cartagena, were prominent for their achievements. All in all, there was no aspect of lay or ecclesiastic life, literature, the army, politics, diplomacy, and economics in those centuries where one of this noble family from Burgos was not prominent.

As with the de Cartagenas, many other *conversos*' merits earned them entry into the cavalry orders and the nobility, and some attained senior positions in the court administration. We could enumerate many more names but shall restrict ourselves to only a few of the most prominent and unique. Some of the most outstanding examples of the documentation dealing with *converso* families and their connections to the upper classes in Spanish society, particularly the nobility, are *El Libro Verde de Aragón* and *El Tizón de la Nobleza de España*, with which we deal later.

Among the outstanding descendants of that same Bishop of Burgos we mentioned earlier, Pablo de Santa María, was his son Pedro de Cartagena, who was the king's champion and commander of the cavalry as well as being the conqueror of the town and fortress of Lara, where the kings of Castille had so often found themselves powerless.

Another example was Diego Arias Dávila, the lord of Puñonrostro and founder of the Davila dynasty, whose descendants became synonymous with the upper ranks of the Spanish aristocracy. Among them were Pedro, better known by the name of Pedrarias, lord of Torrejón de Velasco, Diego's eldest son, who also succeeded him as Lord High Chamberlain. When he was removed from office, Pedrarias joined some of the aristocratic opponents of Henrique IV, who dared not raise a finger against him since his wife was a Mendoza y Carillo from Toledo. Nor should we forget that Archbishop Primatus Alfonso Carillo, his wife's cousin, was the most powerful figure in fifteenth century Spain and Pedrarias' brother Juan was the bishop of Segovia.

Juan Pacheco, Magister of Santiago in the reign of Henrique IV, was the founder of the Villena dynasty and betrothed to the Catholic Isabel when she was still a princess. His brother Pedro Girón was Magister of Alcantara under Henrique IV and founded the Osuna dynasty. Both their parents were of Jewish descent, originating in the Tavira family. Through their marriages, Juan's daughters introduced *converso* blood into the following aristocratic houses: Benavente, Villafranca, Aranda, Florencia, Castroleda, Infantado, Montesclaros, Tabora, de las Navas, Priego, Soria, Almuñecar, Albuquerque, Medellín, Ayamonte, Alcaudete, Oropesa, Maqueda, Fuensalida and Teba. Among the descendants of Pedro Girón, the aristocratic houses of Osuna, Palma and Arcos de Vélez are particularly noteworthy.

Also worth mentioning are Andrés Cabrera, the Alcaide of Segovia, who was a close confidant of the Marquis de Moya and, with his wife, maintained personal friendships with the Catholic kings, and Alonso de Burgos, the bishop of Cordoba, who was ennobled and became the count of Pernia. *Conversos* also appear in the family tree of the following families: de la Puebla, Alcalá, Castro, del Carpio, Valencia, Nájera, Buendía, Cerralbo, Andrade, Montemayor, Falces, Algaba, Medinaceli, Coruña and Cifuentes.

Moving on to Aragón, we find the names Santángel, Sánchez, Clemente and de la Caballería, all among the kingdom's greatest lords, whose blood runs in the veins of

some of Spain's noblest families. Then there were the sons of Alonso de Aragón and the *conversa* María Coneso de Zaragoza; one was ennobled as Count of Ribagorza, another became bishop of Tortosa and later, archbishop of Tarragona, while the third was elevated to the position of prior of Cataluña and also appointed Commendador of San Juan. Also descended from Alonso de Aragón and María Coneso were Francisco de Aragón, the son of the first duke of Villahermosa, who married the *conversa* Leonor Zapata, heiress to a great fortune, and their grandson, Alonso of Gurrea and Aragón, who became the second duke of Ribagorza and married Isabel, the daughter of the duke of Cardona.

The Bacas of Aragón were descendants of Nuño Cabeza de Vaca, the lord of Melgar and Melgarejo, and one of his Jewish vassals; they were granted the barony of Figueruela and had family connections with the Luna family, who were lords of Illueca and, on their sons' side, were connected with the Mendozas, lords of Sangarrén, and the Cerdáns, the lords of Castellar.

Reading the *Libro Verde*, the "Burke's Peerage" of the Aragonese aristocracy, we find many noble families whose blood was intermingled with that of notable *conversos*. Among these families some of the most prominent were the Moncada, the lords of Aytona; the Gurrea, the lords of Arga-vieso; the Mendoza, the lords of Garón; the Ixares, the counts of Belchite; the Moncayo, the lords of Rafales; the Torrella, the lords of Torrecilla; the Bardají, the lords of Estercuel; the Almazán, the lords of Maella; the Urreas, the lords of Aranda; the Liñán, the lords of Catina; the Cerdán, the lords of Castellar; the Pomar, the lords of Ligues and Ciprés, the Luna, the lords of Luna; the Francia, the lords of Bureta, and many others such as the Mur, the Artal, the Bolea, the Arellano, etc.

These few of the many examples we could give are sufficient to illustrate the phenomenon of *converso* blood running through the veins of the country's greatest lords, both temporal and ecclesiastical.

In the case of Castille, these *conversos* became almost a social and political bloc in the stormy times of the reign of Juan II of Castille and the governorship of Don Alvaro de Luna. In later years, this naturally led to a situation in which they were the objects of the "old" Christians' hatred and loathing, since their conversion to Christianity had brought them some of the highest positions and offices in the civil and ecclesiastical administration.

Many of the *conversos* continued to work in commerce and tax farming; others proved to be efficient and successful in the management of urban local authorities. *Conversos* were outstanding in both the literature and the politics of the time, and some (for example, the Santa María clan, along with those who had joined them, such as the Maluenda, the Cartagena and others) attained senior positions in the king's councils. The *conversos*' situation may be said, if not always, then at least in a majority of cases, to resemble that of the court Jews we encounter throughout the history of the Jews of Spain, with the one great difference that the *conversos* had changed their external garb, either because they were forced to or for motives that had nothing to do with religion.

On the other hand, the fragility of this appearance of social integration must be emphasized; even during the first half of the fifteenth century, as we know, there was a fiercely anti-*converso* movement that tried to prevent them from entering positions that had been barred to them when they were still Jews.

It took almost two generations for Christian society to become truly aware of the troubles produced by the mass conversion of the Jews. Opinions on this problem began to appear as early as in the 1440s, for instance, the "*Espejo de la Nobleza o Tratado de Fidalguia*" by Diego de Valera (Chapter IX). It was only in 1449, however, that the co-existence problem took a turn for the worse. Then Pedro Sarmiento, the mayor of the Toledo Court of Appeal and Main Repostero to King Juan II, rebelled and took control of the city. It is not known whether the outrages against the Toledan *conversos*, which first broke out on January 27 of that year, coincided with or followed the Sarmiento Rebellion. After a brief study of the links between the perpetrators of the outrages and Pedro Sarmiento, we can say

that they were sufficiently close, and the hypothesis that the rebellion and pillaging were planned together and in agreement is not without grounds.

The rioting began after Don Alvaro de Luna asked Toledo for a loan as its contribution to the war between Castile and Aragon. Since the population declined to pay, he sent tax collectors to seize the money, with orders to use force if necessary. These tax collectors were *conversos*, and their methods aroused the Toledans' ire. Now the ancient hatred re-emerged, mounting to unprecedented heights. On January 27, all Toledo's church bells began to ring as a signal for "old Christians" to attack the *conversos*. The Toledo massacre was rightly considered not to be a purely local event, since the rioting spread out to beyond the city walls, spilling over into the neighboring Ciudad Real. An outburst of previously-restrained hatred had now flared up, a popular reaction to the *converso* problem, but the rabble's leaders also included priests and seglars. The massacre did not originate in quarrels among neighbors, but was an overt reaction to the *conversos*' entry into the Christian social institutions and their access to public positions they could never have attained as Jews. The request for a loan and the measures used to collect the money were only the spark that ignited these feelings.

Another symptom of this open war was Pedro Sarmiento's Verdict Statute (1449). Sarmiento explicitly demanded the *conversos*' dismissal from all the public offices in Toledo, citing the extension to the canonical law of the 4th Council of Toledo (633), "*judaei, et qui ex judaeis sunt*" (Canon 65), as well as other rulings. The extension contains two definitions in the single phrase. Although the word "*judaei*" poses no difficulties, there are questions about the sense of "*ex judaei sunt.*" It is in the essence of this phrase that the controversy between Sarmiento and his followers, on the one hand, and the *conversos*' defenders, on the other, may be found. On this paragraph Sarmiento based his accusation that the fourteen jurists who were on trial for holding public office in Toledo had committed a crime. His reasoning was simple: if the *conversos* are proved to be Jews, the full severity of the above laws may be brought to bear on them. From this it follows that what happened in Toledo was a typical Inquisition process, designed to prove that *conversos* were purely and simply Jews.

Immediately after the promulgation of the Verdict Statute, various contentious writings dealing with the question of the New Christians' right to participate in the public life of Castilian society began to appear. Taking sides in this literary war, which H. Beinart has called "the polemics of the writings," were, on the one hand, those who, for religious or racial reasons, were sworn enemies of Judaism and, on the other, those who advocated the unity of the Christian faith, emphasizing the evangelical precept of brotherhood and the awareness of the unity of humankind. As can be expected, for the most part the latter comprised recent *conversos*, some of whom were of high and renowned Hebrew lineage; they pleaded for unity and brotherhood among believers, both Old and New Christians, probably from the fear that the outbreak of social racism that was ultimately to give birth to the blood purity laws would harm them too.

Among the most prominent of the advocates of the "*causo conversa*" was Alonso de Cartagena, whom we have already mentioned, the bishop of Burgos and son of Pablo de Santa María, who had been baptized as a child and so could be called a first generation *converso*. In his book of apologetics *Defensorium unitatis christianae* (1449), he explained that in the abovementioned sentence of the Toledan Council, the term "*judaei*" should be taken as meaning original Jews who had never converted and who maintained the Mosaic Law, while "*qui ex judaeis sunt*" meant anyone who maintained that law, even if they had no Jewish origins, that is, those who were guilty of Judaizing. Nevertheless, in his attitude to the problem of the *conversos* of Jewish origin, he emphasized that he regarded Jewish origins as an advantage and welcomed the *conversos*, saying that through baptism they would acquire the traits of the Hasmoneans. Any Jews who made the decision to be baptized would be welcomed into the Catholic congregation. The Visigoth legislation was basically aimed at people who accepted bap-

tism and then reverted to their former faith, in this case, Judaism.

Another writer who took an active part in this dispute was a Jewish *conversa*'s son, Juan de Torquemada, a Spanish cardinal in the curio of Pope Nicholas V and uncle of the Grand Inquisitor Tomas de Torquemada. In his concern for the purity of the Catholic faith he wrote the *Tractatus contra madianitas et ismaelitas adversarios et detractores filiorum qui de populo israelitico originem traxerunt* (1450) against those enemies of the *conversos* who dared to write "slanders in the name of a legal process" and to demonstrate to all the glory and nobility of the Hebrew race. In his introduction, he justified the use of the term "*madianitas et ismaelitas*" by saying it was his name for the enemies of the *conversos*: "They are the enemies of the Chosen People mentioned in the Bible," he thundered, calling them the emissaries of the Devil and foes of God.

Another noteworthy descendant of the *anusim* was Fernán Díaz de Toledo, speaker of the Royal Council and a confidant of Alvaro de Luna (whose Jewish name, according to García de Mora, was Moisés Hamomo). He wrote the "*Instruccion de Relator*," which is directed at Lope Barrientos, the bishop of Cuenca and formerly tutor to Enrique IV, and is a plea for protection for the persecuted class of Jewish *conversos*. In the "*Instruccion*" he rejected the use of the term *conversos* for former Jews, since in actuality they should not have been made to convert as though they were gentiles; they were at home, and the Christian doctrine was their own law, so no more should have been required of them than to undergo baptism and belief that our Lord was the King Messiah who had been promised by the prophets.

Fernan de Toledo was evidently speaking in general terms and lacked a factual basis for this opinion. It may be that as one of King Juan II's courtiers he was unable to go into every aspect of the *converso* problem; in this he resembled Torquemada, who did not even mention it. The only person to deal with the issue seriously and come up with a far-reaching project for integration was Alonso de Cartagena, who grasped the true dimensions of the drama of the *conversos*, who had abandoned their people and been rejected by the new community they wished to join. In his plan, Cartagena raised the idea of granting the *conversos* titles or a social status equivalent to those they had held when still Jews. Cartagena mentioned three types of high office: religious, legal, and civil. These divisions had also been maintained by the Jews when they lived in their own country and enjoyed political independence. Cartagena says:

> . . . courage is to be found only among the aristocracy, not the masses. Jews are generally considered to be natural cowards. Once they are baptized, however, the former Jew loses all his weaknesses and can perform deeds of extreme bravery. Courage, intelligence, military skills—qualities they have inherited from their forefathers—reemerge and reach a peak, all this thanks to their baptism. Through conversion Israel's golden age, that of the period prior to the advent of Jesus, is reborn . . . this is why conversion brings new qualities to Christianity to add to those already in existence among Spaniards of purely Christian origin . . . [Here we can undoubtedly find a reference to his brother, Don Pedro de Cartagena, the Captain General of Castille.] These qualities were not lost with the advent of Christ or following the Crucifixion; it is only those who persist in their blindness [that is, who continued to adhere to their Judaism] who must be denied every title and privilege . . . after they are baptized they will be worthy of any position. . . .

In addition to taking a progressive step by proposing a plan for total assimilation, Cartagena's stand was clear enough. Each *converso* would enter society to take up his previous, pre-conversion status ("the common folk will join their peers; merchants will be among merchants, soldiers with their like, clerics with their fellows . . . keeping *conversos* on the lowest rung of the social ladder could lead to them abandoning their new faith because of disappointment . . ."). What this meant was that the problem of the *conversos* could only be solved by understanding, goodwill, and integration into Christian society in accordance with their previous social standings, as well as being granted some of their former privileges and honorifics. This project reflects the concern of Cartagena and Christian society in general

about how to cope with the problem of the *conversos*, individually and collectively. Cartagena confronted the issue in all its aspects when he realized that he was dealing not only with a religious problem of conversion but with something far more serious, that is, social integration. Without this it would be impossible to resolve the problem of the *conversos*; Christian Spanish society had to be willing to take the *conversos* to its heart. At the same time, as an essential condition for their assimilation, the *conversos* would have to eliminate all traces of their Jewish past. Once fully integrated into Christian society, they would be expected to give of their best, drawing on those qualities that had been renewed by virtue of their baptism.

Cartagena's plan, however, involved some difficulties, the major ones being the Spaniards' perception that *conversos* were innately different; in addition, some of the *conversos* probably found the plan unacceptable. It was, nevertheless, a landmark, conceived by a man with a unique view of the future when it came to a solution to the problem.

To these three writers of Jewish descent we may add Don Lope de Barrientos himself, the only "old Christian" to come out in defense of the *conversos* and in favor of their integration into Christian Spanish society, who wrote (c. 1450) his *Contra algunos cizañadores de la nacion de los convertidos del pueblo de Israel*. Some say that in this essay he used the ideas of Fernan Díaz de Toledo on the effectiveness of baptism in integrating the *conversos*, the danger of apostasy caused by discrimination, and the psychological and social difficulties of Jews considering conversion. The works by these four authors were the first to arouse public interest in the *converso* problem and were thus the first attempts by *converso*-Christians to discuss a solution to an apparently insoluble problem.

This argument continued into the 1460s and then, too, someone who was himself of *converso* origin, Fray Alonso de Oropesa, emerged to champion the *conversos*. He wrote *Lumen ad revelationem gentium et gloriam plebis Dei Israel de unitate fidei et de concordi et pacifica aequalitate fidelium* (1451–1465[!]). Oropesa may be described as having a relatively moderate ideology, unique in his time, and clinging to Paulist doctrine and the "*Philosophia Christi*," as did the Erasmians later. It is of interest to add that, in an ironic twist of history, Oropesa's religious order, the Order of St. Jerome, was one of the first to apply the laws of purity of blood, in 1486–1495. There were, however, different circumstances surrounding each of the statutes.

In contrast to Oropesa, Alonso de Espina, who some attribute with being of *converso* origin, was prominent in his extreme opposition to the integration of *conversos* into Christian society. He regarded both *conversos* and Jews as heretics, but the Jews were at least overtly so, while the *conversos* made a pretence of being Christian. In his *Fortalitium fidei*, he raised the idea of expelling all the Jews from Spain. He thought this would result in the *conversos*' complete assimilation into Christian society. Espina reminded the authorities of the Jews' expulsions from England, France, and Germany. He claimed that, as these countries had succeeded in surviving without Jews, so, with the help of God, could Spain. Espina was also extreme in his solution to the *converso* problem. He proposed an intensive inquisition of all *conversos* and severe punishments for all heretics. He attacked the *conversos* as Jews in Christian garb who had succeeded in penetrating the Church:

> No one investigates the errors of the heretics; and those rapacious wolves have entered your flock, O Lord. This is because the true shepherds are few and the mercenaries are many, and because those who are mercenaries do not come to feed the flock but, rather, to shear its wool. The young ass is falling, and there is no one to raise her. The soul is being extinguished, and there is no one to help her. Nobody thinks about the perfidious Jews, who blaspheme against your name, nor [do they think about] the unfaithful, who secretly perform unheard-of cruelties, because their donations and their bribes have blinded the eyes of the judges and the prelates, of both the priests and the people. Among your preachers, [O Lord], there are few who seek the light, because they distance their ears from the truth and [then] once more hearken to non-truths.

Anti-Jewish Polemics

It is noteworthy that in the fifteenth century the *conversos*' social isolation and need for self-defense drove them to write not just Christian apologetics, through which they attempted to both justify Christianity's intellectual foundations and, at the same time, testify to the sincerity of their belief, but also to exploit their literary skills and inside knowledge to attack Judaism, possibly in the belief that by so doing they would lessen the popular hatred of the *conversos* and erase the stain of their origins.

One thing must be made clear: one way or another, the *conversos* had a hard time of it, spiritually speaking, even if they encountered no overt difficulties in Christian society. The *converso* always had to expect that there would be gossip around him, and the higher he rose in society, the more hatred and envy were to be anticipated. There were cases in which the *converso* brought disgrace upon his family, and he did not always find himself in a sympathetic environment; for the most part he had to enter an alien society, devoid of friends and relatives. There were many incidents of families' being torn apart when the wife and children did not follow the father. *Conversos* also lost their social positions and standing and there were incidents of *conversos*' having to toil in their new environment to arrive at a status similar to that they had enjoyed before this. Most tragic was that many of them also became impoverished, since they had left their property and assets behind in the Jewish community and if they had been money-lenders, as Christians, this was now out of bounds. Needless to say, their public baptism was a disgrace for relatives who remained Jewish, the saddest thing being that for many of them it was their pride alone that prevented them from returning to Judaism.

What emerges from this complex situation is that the *conversos* cannot be regarded as one monolithic group, as their reactions and behavior patterns varied greatly, going beyond the four classes of *conversos* discussed by Jose Faur in a fascinating typological study. At this point, I would like to stress that most of the works of Christian polemics were actually written by *conversos*, some of the most significant of whom were Rabbi Samuel from Morocco, who was baptized in Toledo in 1085 and wrote *De adventu Messiae praeterito liber*; Petrus Alphonsi, formerly Rabbi Moisés ha-Sefardí, who was baptized in Huesca in 1106 and wrote, first in Arabic and then in Latin, the renowned work *Disciplina clericalis* and, in the field of interfaith polemics, *Dialogus Petri cognomento Alphonsi, ex Iudaeo Christiani et Moysi Iudaei*; Paulo Christiani, who in 1263 represented the Christian side against Nahmanides (Rabbi Moses ben Nahman) in the Barcelona debate held in the presence of James I of Aragón; Alfonso de Valladolid, formerly Rabbi Abner de Burgos, author and *Mostrador de justicia* (1270–1348); Jerónimo de Santa Fe, who presided over the Tortosa Dispute (1413–1414); and also Pablo de Santa María, whom we have mentioned before and whose work *Scrutinium Scripturarum*, written in 1443, was considered to be one of the best works of Christian apologetics written in Spain. There were also writings by *conversos* such as *Zelus Christi contra Judaeos, Saracenos et infideles* by Pedro de la Caballería, *Ensis Pauli* (also known as *de mysteriis findei*) by Pablo Heredia and the *Tractatus contra iudaeos* by Jaime Pérez de Valencia.

Two of these polemicists of Jewish origin, Petrus Alphonsi, who lived in the twelfth century, and Jerónimo de Santa Fe, are particularly noteworthy for the role they played in the greatest of the religious debates in Spain, that held in Tortosa in 1413–1414. In his *Dialogus*, Petrus Alphonsi remarks on the transition between the patristic period and that of the *reconquista*. In a lively dialogue he defends his conversion and presents the motives that led him to it in the form of an imaginary argument with himself, since the two figures in the *Dialogus*, the Jew and the Christian, are none other than Moysi, which was his name as a Jew, and Petri, the name he took when he converted. Although he also attacks the Muslim

faith, almost the entire tract, which is divided into twelve chapters to make it easier to find the different subjects, addresses mainly the Jewish faith. It contains a great deal of the philosophical speculation typical of the time, but what is noteworthy here with regard to the originality of the work is the fact that it makes use of many texts from the Talmud, texts that were also used in the Tortosa Debate.

Petrus Alphonsi's attack on the Talmud, which is based on the, as it were, errors it contains, set a precedent for what was to happen towards the end of the Tortosa Debate when, in the same way, Jerónimo de Santa Fe also attacked the Talmud. His article on the "Errors of the Jews in the Talmud" contains a compilation of Rabbinic texts that were scrupulously selected and translated into Latin so as to achieve a tendentious presentation of the nature of the Talmud, based for the most part on quotations from the *Midrash* and the *Haggadah*, that is, using functionally homiletic literary texts and narrative, legendary material totally unconnected with the Talmud's binding texts. Right from the start the rabbis who appeared in the Tortosa Debate made it unambiguously clear that they were not committed to these quotations, thus continuing with a policy they had learned from Nahmanides in the Barcelona Debate of 1263. Their position on the Haggadah, from the beginning to the end of the arguments, remained consistent and united.

In the Tortosa Debate, Jerónimo went back to the use of quotations from the Talmud that were more or less indefensible because of their theological or moral subject matter. He also made use of implied slighting of Jesus or offensive Talmudic rulings on idolatry, Canaanites, the sons of Noah, and gentiles, all terms, according to the former rabbi from Alcañiz, that were euphemisms for Christians. After having presented his thesis on these various errors, Jerónimo concludes that the Talmud is an anti-Christian book, a conclusion easily reached when one deems any mention of alien peoples or idolatry to refer to Christians and Christianity.

Jerónimo exploited his great knowledge of the literature of the Talmud, Midrash, and biblical commentaries of a homiletic nature to develop a campaign of proselytism. Although he started out by trying to use talmudic material to convince the Jews of the advent of the messiah in the form of Jesus of Nazareth, he finally admitted that he had no belief at all in the Talmud, with the exception of those sections he could exploit and, even then, only if they served his purposes. His attitude towards the Talmud was extremely ambivalent and, when circumstances required, he had no hesitations about emasculating texts or taking them out of context to make them fit his thesis. Nevertheless, he did not deny the genuine value the Jews attached to certain sections of the Talmud, and in the minutes of the debate he admitted that the Jews regarded some of the talmudic quotations as being legendary rather than binding, so they were not committed to believing in them.

Jerónimo's accusations led to the promulgation in May, 1415, of Benedict XIII's papal bull *Etsi doctoris gentium*. Jerónimo himself read out sections of his anti-Talmud tract in the Tortosa Debate, and the arbiters, as the converted former rabbi had intended, condemned the Talmud, making it an offence not just to read it in Spain, but even to own a copy; this ban applied to the book that, 130 years earlier, Raimundo Martí had used to testify to the truth of the Christian doctrines and that King Alfonso X of Castille (1252–1284) had requested be translated into Castilian.

A comparison between the two great debates held in Spain, in Barcelona and Tortosa, leads to three conclusions. First, in these arguments, the *conversos*, who fulfilled the role of very special advocates of the Christian side, were of enormous importance. In addition to their demonstrative zeal in working to convince their former brethren to convert, they contributed their very extensive knowledge of Rabbinic literature and their crucial awareness of Judaism's strong and weak points. The second conclusion is that in both debates the anti-Jewish polemics took on a new appearance, different from that of the past, which had

been based exclusively on biblical quotations. Now, with the aid of the *conversos*, the Christian argument was based on Rabbinic literature. The third conclusion is that both the Barcelona and Tortosa Debates constituted a frontal assault on the very essence of Judaism, its principles, its faith, and its literature. The confrontation was theological in nature but altogether missionarizing in its intentions. It was a robust attempt, using the Rabbinic literature, to convince the "superior" class of Jews of the truth of Christianity.

The *converso* phenomenon was reflected not only in theological-polemical works but also in chronicles, correspondence writings, poetry, satirical literature, etc., in all of which one can find data relating to the purity of blood and the problem of the *conversos*. The rioting of 1449 was the first, but not the only, violent anti-*converso* expression among Spanish society. Others occurred in various places: in the years 1452, 1467, 1473 and 1481, a National Inquisition began to take vigorous action against the *conversos*. Here it is worth quoting, as an example of the Spanish people's attitude to the New Christians, the cynical yet realistic words of the chronicler Fernando del Pulgar: "I believe, señor, that there are *some sinful* evildoers (*conversos*) but that the others, who are the *majority*, commit evil because they follow the *sinful minority* and these *would* follow the righteous *if there were any*. But if the earlier converted ones are such *bad Christians*, the new ones will be *very good Jews*."

Parallel with such prejudiced statements, some ideas had begun to emerge on how to distance the Jews from Christian and *converso* communities. These ideas led to practical restrictions on the Jews and even harsher measures: in 1483, expulsion from the diocese of Seville and Cordova; in the same year, an order forbidding the Jews to remain in Cuenca for more than three days consecutively; in 1486, expulsion from the diocese of Zaragoza and Albarracín; in 1490, an order forbidding Jews to remain overnight in Bilbao; and, of course, in 1492, the general Edict of Expulsion from Spain.

The propaganda of those who were opposed to the *conversos* and their integration was, as we have already indicated, based on Visigoth and Church legislation banning the Jews and their descendants from holding public positions with jurisdiction over Christians. Bat-Sheva Albert has conclusively demonstrated how our authors proved that by *ex illis* the canonists were referring to Christians of Jewish origin, without entering into the question of whether or not they behaved like Jews. In any case, those who were opposed to the *conversos* maintained they should be treated as Jews, not only because of their origins but also because of their religious behavior. This was the first expression of an idea that later became the ideological cornerstone of the Inquisition, one which, as H. Beinart has aptly observed, was based directly on Alonso de Espina's theory.

The tendency of old Christian society to consider every *converso* a Jew at heart is, in my opinion, the principal motivation for the anxiety of the apologists which characterizes the group of writings dealing with the Verdict Statute. Their common, unarguable determination was that integration through the grace of baptism was evangelically perfect; they cited the unity, loving kindness, harmony, and equality among all believers as characteristic signs of the perfection that Christ designated for his Church.

This was not just a platonic, theoretical argument, but one with very practical consequences. Most of the writers were highly conscious of the crude way in which popular fables confirmed the constant danger represented by the *converso*, using the same ideas that were used in a negative sense to describe Jews, such as their falseness, their devotion to low-level occupations and usury, the danger to society posed by *converso* physicians, their infiltration into key positions (in the case of *conversos* in municipal councils and religious orders), etc. The forged correspondence between the Jewish community leader of Toledo, Chamorro, and the Jewish community leader of Constantinople, Yussuf (c. 1454), is an excellent illustration of this situation. The Constantinople community leader is alleged to have suggested that by adopting Catholicism, *conversos* would be able to destroy it from within:

> Dear Brothers in Moses. We have received your letter telling us of your troubles and misfortunes, which hurt us as much as they do you. The opinion of our rabbi and community leaders is as follows:
>
> Regarding what you say about the king of Spain's forcing you to become Christians: do it, because you have no choice!
>
> Regarding what you say about his order to take over your businesses: turn your sons into merchants so that, little by little, they will take over theirs.
>
> Regarding what you say about their taking over your synagogues: turn your sons into clerics and theologians, so that they will destroy their churches.
>
> And regarding what you say about their oppressing you: try to turn your sons into lawyers, prosecutors, notaries, and counselors, so that they will always understand public dealings and in the fullness of time they will be able to overcome them and take vengeance on them.
>
> Do not deviate from these instructions and, by your experience, you will see that you will go from being the suppressed to being the masters.
>
> Yussuf, leader of the Jews of Constantinople

In the sacralized mentality of Spanish society, where intolerance was an undisputed principle, the specter that most terrified everyone was heresy, which was considered to be far more profoundly significant than the term itself may imply. Because of this, purity of blood [= purity of faith] became the prime goal and inevitable means for religious, social and political calm. Heresy's greatest danger did not come from the Jews alone but was also to be found among the *conversos*. Their Jewishness was biological, genetic, and, since it was hereditary, very difficult to eradicate, as B. Netanyahu has demonstrated in his *The Origins of the Spanish Inquisition in the Fifteenth Century*, and as was understood to be perceived even in the New Christians' physical characteristics.

The essence of this misconception stemmed from the mentality of this period. Most Christians believed that even baptism did not erase the original sin of being Jewish. In vain the *conversos*' defenders stressed the sincerity of the conversions. Even one hundred years after the events in Toledo (c. 1556), one of the greatest of the apologists, Fray Domingo de Baltanas, had to pile up historical arguments to prove the honesty of the baptized *conversos* and eliminate the unjustified prejudices against them. In his famous argument against discrimination and rejection, he named many *conversos* as personal examples of honesty and virtue.

This misconception, which was shared by both simple and aristocratic people, persisted well into the seventeenth century. Divine punishment against the descendants of the deicides became translated into external, physical characteristics: long nose, bad body odor, tail, round shoulders, and menstruation even by males among those guilty of spilling Jesus' blood. Despite Isaac Cardoso's apology, *Las excelencias de los Hebreos*, which made use of varied and successful methods, both ironic and serious, to contradict these superstitions, anti-Jewish and anti-*converso* tracts were more popular, as Y.H. Yerushalmi has demonstrated. It was convenient to attribute to the *conversos* the image and accusations that had accompanied the Jews over the ages. Everything was bound up with religion, as was natural in society's sacralized mentality. The name *converso* was applied not only to the Jew who had himself converted to Christianity but also to his children, grandchildren, great-grandchildren, and so on. Suspicions aroused by their conversions and, consequently, the suspicion of heresy were directly tied up with their social, cultural, religious, and political conduct.

Since the controversy centered on the holding of public positions, some of the *conversos*' defenders found themselves concerned not only for their own political and economic futures but also for that of their families and relatives. This concern became more understandable with the exhaustive integration project that Alonso de Cartagena proposed in his *Defensorium* for the *conversos*' absorption into Christian society. He understood the true dimensions of the drama of the *conversos*, who had abandoned their people and been rejected by that new community they wished to enter. In his plan, Cartagena came up with the idea that keeping the *conversos* on the lowest rung of the social ladder might lead them, in their dis-

appointment, to abandon their new religion; therefore they should be awarded honorifics or social status: "*Consequens est ut reverentiam suis individuis, regibus regiam, ducibus ducalem, comitibus comitalem, marchionibus marchionilem, baronibus baronilem, et sic per diversos gradus.*"

Cartagena's plan for social integration was nevertheless problematic. This was mainly because of the Spanish mentality, which regarded the *conversos* as being innately different, what Eloy Benito Ruano called "other Christians." In addition, Christian society probably did not have the means or positions available to implement this integration. It is also conceivable that some of the *conversos* were opposed to it. In any case, this project was unique among the other approaches to the problem. Alonso de Cartagena's theorems perceived the future differently from others, and thus his solution, too, was different and did not take the immovable mentality of rejection into account.

The whole polemic for and against the *conversos* proves the extreme confusion prevalent in Spanish society in the second and third generations after the mass conversions, at a time when the *conversos*' assimilation into Christian Spanish society was supposed to have been complete. The *conversos*, however, were not recognized officially by either the Church or the monarchy as an integral part of society, even when the Catholic King Ferdinand and Queen Isabella decided to resolve the problem. The *converso* poet Antön de Montoro, who was himself present at the riots in Córdoba and Carmona (1474), described the *conversos*' frustrations in a poem he dedicated to Queen Isabella:

> O tailor, bitter and sad,/Who does not feel his grief!/For seventy years you have lived,/And in all of them you always said:/I survived under oppression/And never betrayed the Creator./I said the Credo and worshipped,/Thick rashers of bacon/And rare meat I ate,/I heard the Mass and prayed/And crossed myself,/Yet never could erase the stain of being a confeso.

His poem of complaint is tragic, because the only way out he sees for the *converso* is to be burned at the stake.

To summarize, the early attacks on *conversos* in Toledo (1449) gave birth to the spirit of the National Inquisition. Even though the Holy See immediately condemned them, such attacks flourished under the rule of the Catholic monarchs. These early attacks indirectly led to the continuing debate in Spanish society over the Jewish-*converso* issue. Spain was compelled to choose between unity and division, consolidation and internal debility. The debate on the place of Jews and *conversos* in Spanish society did not reflect well on Spain's greatness; quite the contrary. It reflected its weakness, both civil and religious, in the second half of the fifteenth century.

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Cosmology, Judaic Theories of

"THEORIES of the cosmos" present general pictures of what the universe (meaning, everything that exists) looks like. Such theories form a critical part of every primary text of Jewish theology, from the Hebrew Scriptures through the historical development of Jewish philosophy and mysticism well into the twentieth century. This is because Jewish communal and individual religious life have always been conceived in terms of obligations or duties incumbent upon Jews in consequence of the people of Israel's relationship with the creator deity of the universe, who is their redeemer. These duties form a coherent whole that can be expressed as a moral system, and, in turn,

generalized as two seemingly distinct imperatives, which Jewish tradition calls "duties of the mind" and "duties of the limbs." These imperatives are, "Believe what is true!" and "Do what is right!"

Doing what is right constitutes the subsystem of Jewish law (Halakhah); believing what is true constitutes the sub-system of Jewish belief (Aggadah). While in some ways these sub-systems are parallel, at base Judaism conceives them in different terms: Jewish law is more specifically determined and subject to strong communal enforcement in a formal or informal Jewish polity. Jewish belief is more general, and its specification tends to be left more to the individual. Hence, while Rabbinic and other leaderships of Jewish communities have tended to be rigorous about overseeing communal behavior, such rigor has not occurred in rewarding beliefs the community judges to be true and punishing convictions it judges false. Note, however, that contrary to what is often thought, this is not because (at least before the twentieth century) religious authorities considered belief less important to religious life than practice. On the contrary, the two have always been viewed as interrelated, so that true belief is seen to teach and promote right behavior and right behavior to encourage true belief. Rather, the emphasis has always had to do with what the community in fact is able to enforce.

For a similar reason, right practice is primarily a matter of correct behavior and only secondarily a matter of correct intention. To be sure, to intend to do what is right is better than not to, but doing what is right without intention is better than doing what is wrong with the best of intentions, and since external action is readily observable while internal intention is not, the community can create an objective structure to judge and instruct divinely obligated morality. The situation is just the reverse in questions of proper faith. True belief is primarily a matter of correct conception and only secondarily a matter of correct expression. To say what is true is better than not to, but for individuals to say what is true when they either do not understand at all what they are saying or even understand their words to be something false does not in any sense constitute true belief, and since internal conception is not obvious from words externally uttered, the community can not readily create an objective structure to judge divinely obligated true belief. Hence, in its attempt to fulfill the collective's duty to profess truth, the community is forced to rely on tools to instruct and encourage true faith rather than tools to obligate and enforce true utterance.

The primary means of this instruction has always been the publication by different rabbis of books that present reasons for believing what is true. Since the foundations of these arguments always rest on an understanding of the character of the universe as a whole, we can see clearly how, within Judaism, cosmologies become so central. For, as we noted above, Judaism asserts that the same God who reveals to the people its moral obligations is the creator of the universe and the redeemer of the Jewish people. In other words, Judaism affirms the existence of a God who creates the universe as a whole, reveals morality to the people Israel, and, through this creating and revealing, also redeems the people, in particular, and the universe, in general. This complex statement presupposes an adequate conception of what it means for both God and the Jewish people to exist in relationship to each other by way of the relationship of both to something called "the universe." Such a conception is a cosmology.

All Jewish conceptions of cosmology have their origin in images drawn in the Hebrew Scripture, which presents two dominant pictures, the account of creation in Gen. 1:1–2:3, referred to as *Ma'ase Bereshit*, and the account of the chariot in Ezek. 1:1–28, called *Ma'ase Ha-Merkavah*. While, in general, all Judaic theories of the cosmos are interpretations of these two biblical texts, at different periods in history each text has had more influence than the other. The first collections of speculation of these texts are found in the compilations of Rabbinic midrash attributed to the early rabbis. Here the focus is primarily on the account of creation, although the influence of the account of the chariot is also apparent. Beyond midrash,

the sources for Jewish theories of the universe are independent manuscripts and biblical commentaries attributed either to Jewish philosophers or to Jewish mystics. In the ages when the primary form of Jewish speculation about the nature of the universe was philosophic, the account of creation dominated, but in ages in which the primary form of Jewish speculation on this subject was mystic, the account of the chariot dominated. Still almost all Rabbinic readers, at least until modern times, believed that the pictures drawn in both biblical texts are the same, or, at least, coherent and consistent with each other.

In the following, we begin by summarizing what both biblical texts say. Then we turn to see how these texts were interpreted in Rabbinic speculation through the subsequent centuries, including in Rabbinic midrash, in the classic Jewish philosophy that begins around the tenth century in the Eastern Muslim Empire, and in those written Jewish texts generally associated with Jewish mysticism, called "Kabbalah" (lit., "tradition").

Genesis' Account of Creation[1]

The Hebrew Bible opens with a general picture of the origin and nature of the universe. This functions as a cosmological framework for understanding the central narrative that follows, which presents an epic history of the rise and fall of the first Jewish theocratic nation state. The framework includes the origins of the universe (Gen. 1:1–2:3), humanity (Gen. 2:4–3:24: the story of the Garden of Eden), diverse human families (Gen. 4:1–5:32: the story of Cain and Abel and its aftermath), and diverse human nations (Gen. 6:1–11:32: the stories of the flood and the tower of Babel and their aftermaths). Our focus is exclusively on the cosmological part of the framework, concerning the origin of the universe.

The creation story is divided into seven distinct units, identified in the biblical text as "days." Creation itself is an intentional act by which God transforms a pre-existent space into diverse regions (days 1–3), which in turn act as God's agent to produce the forms of living entities (days 4–6). Each of the first three days marks the separation of a distinct region of space out of a pre-existent region—light out of dark (called respectively "day" and "night") on day one, a separation of earth and water (called "sky") on day two, and the separation of a portion of the surface of the earth from the water (called respectively "dry land" and "seas") on day three. Also on day three God generates the vegetation that covers the entire surface of the earth. This vegetation is in or transitional between the already generated space and the living occupants of that space that will be generated in the next three days. It functions as the basis of the food chain intended to nurture the unlimited number of yet-ungenerated material life forms commanded to occupy the space of the universe.

On the next three days, God orders the appropriate spaces to generate a single general form for the subsequent generation, through an endless serial chain of acts of procreation, of spatial occupants. On day four, the light of day, created on day one, creates multiple objects made from light (the sun, moon, and other celestial objects). On day five, the pre-existent water creates the form of a swarming sea life (fish and other entities, such as sea serpents, that live in water), while the sky, created on day two, generates from its material the form of life that can fly above the surface of the dry land (birds). Next, on day six, the pre-existent earth generates the form of living earthly entities (wild and domestic animals) that roam the dry land formed on day three. In addition, God joins the earth in creating a final creature, the human. This being (*ha-adam*) is a single form that contains within it the potential to be differentiated into two genders (called "male" and "female"). This potential does not become actual until the following story of the Garden of Eden.

Note that this cosmology presupposes that initially God is not alone. Prior to God's act of creation, on what we (but not the text) can call "day zero," there are undifferentiated regions of space. The initial universe is a sphere with a central earth core, surrounded by a ring of water, above which

hovers something that the text calls "God's wind" (*ruah elohim*). The earth, water, and (possibly also) divine wind are the stuff from which God creates. God creates by speaking. In general, the verbs used to express God's activity describe the action of an absolutely powerful ruler who need simply states that something be done for it to be accomplished. God is a ruler of such power that, in his case, to "say" something and to "make" something are the same. The only things that God makes as such are the light and the spread (*raqiy'a*, most often translated "firmament"), which he creates alone on the first and second days respectively, and the human, which he creates in partnership with the earth on day six. In every other case, what God "says" constitutes a commandment to his already generated creatures to do the actual work.

On day one, God says that there should be light, which there is, and which God perceives. The light is then set to contain the region of dark encompassing the material world into a distinct region. God names the light and its region "day," and the dark and its separate region "night." Note that the terms "day" and "night" designate regions of space and not time. Nothing in the text suggests that any of these distinct acts collectively called "creation" take place in time.

On the second day, God inserts a ring of distinct material into the ring of water that divides the water into two separate, discrete rings of the same material, called "upper and lower waters." He makes this divider by saying that it should exist and naming it "sky." Then, on day three, he tells the waters below the sky to collect together in such a way that some of the surface of the globe of the earth emerges at the surface of the sky ring. God names the earth surface facing the sky "dry land" and the water space and material bordered by the earth and the sky "seas." With these two acts of naming, God completes his differentiation of the space of the universe. Then, still on day three, he initiates his creation of the living occupants of this space.

The picture that dominates God's generation of living occupants of his created space is political. One political feature we already have noted. God acts by speaking, meaning, in God's case, as an absolute ruler, for him to say something is sufficient for it to happen. The other crucial features in this story of God as a ruler are that he commands laws for his subjects to obey, and he assigns agents over each of his regions to govern the subjects and territories on his behalf. On day three he tells the earth to make plants and fruity trees sprout on its surface, the earth produces the vegetation that makes fruit, and God perceives that what he commanded happens. On day four, God separates day and night and says that there should be celestial objects to govern them by enlightening the earth and functioning as signs for the seasons, days, and years. Again, God perceives that what he said in fact happens. Next, on day five, God tells the water to generate a swarm that swarms in the seas and a flier that flies in the sky. He perceives that they do what he said they should do, and then he blesses the sea-swarm. He then tells the flier to increase on the earth and the sea-swarm to be fruitful, increase, and fill the water. Finally, on day six, he tells the earth to produce a "fresh life" (*nefesh hayah*) and to join him in making the human. The human is then made the governor of all these creatures below the domain of the celestial objects. God then blesses the human and commands him/her to be fruitful, increase, and to fill, conquer, and subdue the earth. In addition, he authorizes all of his life forms to eat the plants. Then, once again, he perceives that everything that he has said has come to be.

The last stage of the story is the creation of the seventh day, about which we are explicitly told practically nothing other than that God finished making his task. The story ends with God's blessing and sanctifying the seventh day.

Ezekiel's Account of the Chariot[2]

At the initiation of his prophecy, in chapters one and ten, Ezekiel creates a visual image. I treat these two chapters as alternative descriptions of the same experience, which I begin by setting in context. Ezekiel

ben Buzi, a priest of Zadok, is sitting by the river Chebar, which in all likelihood is another name for the Euphrates, on the fourth day of the month of Tammuz, in the fourth year of his, and his people's, exile from the holy city of Jerusalem, which dates the vision around 592 B.C.E. At this specific time and place, Ezekiel is hit by a strong, stormy wind (*ruah*) from the north. He finds himself sitting in the middle of a great cloud, surrounded by electrical fire, and within this fire he sees a vision, which he, like many other priest-prophets before him, identifies as a word (*davar*), also called a "hand," from the Lord. In general, his vision is not unlike those of others. God calls him and tells him what he must say to his people. But unique in this case is that the aural description is preceded by a relatively lengthy (for the Hebrew Scriptures) visual description.

At the bottom of Ezekiel's picture is a set of wheels, which, while spatially separate from the creature, were the mechanical means by which it moved. But the wheels were not the cause of the motion. Rather, they were moved, constantly back and forth, by the wind. Above, but spatially separate from, the wheels is a compound living thing (*hayot*) with four sides. On each side can be seen a face, attached to a body with human hands that are covered by a set of wings, attached to straight legs that end in the feet of a calf. Additionally, from each body there spreads out a second pair of wings, which in conjunction produce the appearance of an interconnected, organic, single entity. All of the feet, like the four bodies, are uniform in appearance and color; they sparkle and have the color of burnished brass. All that is different about the creatures is their faces. According to Ezekiel chapter one, the four faces in order were of a human (*adam*), a lion, an ox, and an eagle; according to chapter ten, they were in order the faces of a cherub, a human, a lion, and an eagle.

The living creature and its wheels, set firmly upon the earth, belong to a spatial domain distinct from the envisioned space above the life form. What separates the two domains is a spread (*raqiy'a*). Above the spread is a seat or throne, above which is a human, which Ezekiel calls "the glory of the Lord." This is generally described as "the appearance of the divine," but it is not. First, everything described above the spread is only something "like an appearance" and not an actual appearance. Second, within this kind of appearance the throne isn't really a throne; it is "the likeness" of a throne. Third, the appearance of the human above the throne is only a likeness of something like the appearance of a human. This two-steps-removed-from-an-actual-appearance-of-the-human is ablaze in fire. Thus, what Ezekiel sees is a fire in what is sort of like a human shape, which is also like a rainbow in a cloud, and, at the same time, is like the glory of the Lord.

The first half of the last sentence of Ezekiel's vision in Ezek. 1:28 describes the association of the image of the human with the image of God's glory. The second half of the sentence reads, "I looked, fell on my face, and I heard a voice/sound (*qol*) speaking." What it speaks is the word/hand of God. In other words, where the visual image ends, with the identity of the human and divine glory, the aural begins. Presumably, the aural is to be understood as a higher form of knowledge; to hear what God says to the human transcends seeing whom God and the world are.

So end the two primary cosmological pictures of the universe found in the Hebrew Scriptures. What follows is how these verbal images were interpreted in subsequent ages of Jewish civilization. These interpretations, here considered in historical sequence, constitute the different cosmologies of Rabbinic Judaism.

Midrash Genesis Rabbah[3]

The single most important collection of early Rabbinic discussions of the meaning of the Genesis creation text is Genesis Rabbah. Whenever it was written, the interpretations presented in this collection are the oldest Rabbinic sources for cosmology. The account has a number of distinctive characteristics in relationship to and in contrast with the range of literal meanings of the biblical text itself. First, it sees creation as a single event, in which the list of days is to be understood as specifying a logical rather than a

temporal order. Second, its authors were well aware of a dispute as to whether or not the pre-existent material out of which God creates the world is itself created, and the midrash's overall tendency is to reconcile both views rather than to choose between them. The rabbis make this move by positing other universes from which the materials of the creation of this world are drawn. Third, the rabbis introduce angels who, while they are present in other places in the Pentateuch, play no role in the biblical account of creation.

Once angels are introduced, the rabbis question whether they pre-exist or are created. As with the pre-existent materials explicitly mentioned, they affirm that they both pre-exist and are created. Consequently, fourth, the rabbis affirm that our world is not the only one. Here the term "world" does not merely specify a domain of spatial-temporal continuity. Different worlds have different natures. One such world is the Garden of Eden. There, for example, the sun and moon have the same size, and trees are as edible as their fruit. Furthermore, there exist species in the Garden of Eden that have never existed in This-World of ours, and humans are by nature vegetarians. The rabbis also discuss other worlds that co-exist with ours in time as well as at least one more world, the World-To-Come, that will exist when our world comes to an end. Actually, not everything that Scripture says was created was created for our world. Notably, the original light created to limit the dark on day one is set aside from This-World for the World-To-Come.

Medieval Jewish Philosophy and Science—Ibn Daud's *Exalted Faith*[4]

Ibn Daud wrote his *Exalted Faith* at the time that Aristotelian philosophical science was just beginning to gain dominance over the more Stoic-oriented, atomistic philosophy of Kalam. Stoicism, which began around 300 B.C.E. with Zeno of Citium in Cyprus, grew in influence until, in less than a century, it dominated the world of Roman intelligentsia. Among its more famous exponents were Chrysippus, Panaetius of Rhodes, Cicero, Seneca, Epictetus of Phrygia, and even the emperor Marcus Aurelius. At its ontological core was a view that reduced every thing and event in the universe to small, indivisible, qualitatively indistinguishable materials (i.e., atoms) that interact with force. This dominant, popular, general philosophy was taken over more or less uncritically by the earliest apologists for Islam, who presupposed and made use of it in promoting the new faith of Islam. The form of rhetoric used by these thinkers was called "Kalam" (speech), which Jewish thinkers, influenced by Islamic culture, subsequently associated with the Hebrew term "dibbur."

By the eighth century C.E., both terms came to refer to speech using logic as well as rhetoric, and those who used it became known as "reasoners" (*mutakallimun* in Arabic; *ha-medabbrim* in Hebrew), or, simply, "those who love wisdom", i.e., "philosophers." By the tenth century, in polemics with Karaites, Muslims, and Christians, these Jewish philosophic theologians developed precise formulations of the beliefs of Rabbinic Judaism. Those formulations presupposed a Megarian scientific overview of the universe. This school of Greek philosophy had developed in Mégara, located in eastern central Greece on the Saronic Gulf, from the late fifth century B.C.E. through the third century B.C.E. Its founders, Euclid of Mégara and Eubulides, made major contributions to the then beginning scientific study of argumentation, that is, logic. Their work assumed that logic entails ontology (the theory of what is), and the ontology it entailed was the source for the subsequent materialist atomism of the Stoics.

On this view, the universe consists of discrete material entities occupying discrete spaces in discrete time, where events occur either by chance or will. That science had been superseded by an overview of the universe that held that everything occupied a distinct hierarchic place relative to everything else and in which change was understood primarily in terms of a natural intentional or unintentional movement by which the subject of the change sought to become better. Individual members of species

were uniquely more or less like ideal prototypes that defined their species, and each member, when unhindered by external forces, sought to become more like the prototype, and, therefore, better than it was. Similarly, species were uniquely more or less like an ultimate ideal first cause of the universe that alone was not subject to change because it and it alone was perfectly what it could wish to be.

Ibn Daud sought in his *Exalted Faith* to show how the most basic beliefs affirmed by Rabbinic Judaism could be demonstrated rationally within the conceptual framework of the new Aristotelian science. But the audience for his work knew little of this science. Hence, the first part of the *Exalted Faith* is a primer for educated Jews in Aristotelianism as Ibn Daud understood it. In a word, "Aristotelianism" refers to that philosophy developed through the so-called middle ages by Muslims, Jews, and Christians whose source was the writings of Aristotle (384–322 B.C.E.). Its content is not identical with the philosophy of Aristotle but grew out of independent observations and arguments deeply influenced, but not entirely determined, by what Aristotle wrote, as those writings were translated from Greek into the vernacular and interpreted by commentators influenced by the translated works of Plato (about 427–347 B.C.E.), Aristotle's teacher. The major voices in this tradition of interpretation included Aristotle's own students, notably Theophrastus and subsequently Alexander of Aphrodisias (third century C.E.), Themistius (about 317–388 C.E.), and John Philoponus (about 490–580 C.E.).

Ibn Daud's primer on Aristotelian philosophy more or less determined the overview of the universe through which Rabbinic philosophers interpreted Jewish faith until at least the sixteenth century. Book I of the *Exalted Faith* consists of eight chapters, the last four of which—on the first mover, the soul, angels, and the heavens—constitute a general view of the universe. The resulting scientific cosmology provides the presuppositions for Ibn Daud's demonstration of the nature of divine action in his Basic Principle 4 in Book II. That principle is the conceptual key to his demonstration of the final principle of the book, Principle 6, that attempts to explain divine providence within the framework of an Aristotelian science.

Ibn Daud's general view of the universe can be summarized as follows: The first principle and final cause of everything that exists is what the new science identifies as the Absolute One and what the Jewish, revealed tradition of the Mosaic Torah recognizes as the God of Israel. From this single source emanate or overflow two distinct orders of entities, one spiritual and the other material. The spiritual order consists of a series of spherical shaped spaces, simply called "spheres," that are alive, which means that they are intimately associated with forces, called "intellects" or "souls," that initiate in their spaces motion. Ibn Daud lists ten such spheres, some of which (but not all) contain material bodies. The first, the Absolute One, lies itself beyond the cosmos. In its domain resides "The Essence of the Throne," which, in turn, is the domain of the second intellect or mover. Each succeeding sphere and its associated intellect or mover is located within the preceding sphere, the former being subject to the motion of the latter. The second intellect governs the sphere of the universe in general and is called "The All-Encompassing Sphere," "the First Sphere," and "The Right Sphere." This sphere is divisible into a northern and southern inclined sphere. It also initiates what is called "the motion of the Same," and it produces the forms of the material elements. Within the first sphere resides the second intellect that governs the third sphere, called "the Eccentric Sphere," "the Ecliptic," or "the Zodiac." It initiates the contrary "motion of diversity," and it produces the common matter that, in conjunction with the elementary forms, produces the four elements from which all material entities are composed.

Beyond these three intellects and two spheres are the different spherical heavens whose intelligible movers themselves are subject to natural motion. The fourth intellect governs the third sphere in which resides the planet Saturn and the fifth intellect. The fifth governs the fourth sphere of Jupiter, the sixth governs Mars, the seventh governs

Mercury, the eighth governs Venus, and the ninth governs our sun. Finally, the tenth intellect, called "the Active Intellect," governs the sphere of our moon, within which resides the globe of the moon and the globe of the earth. Rabbinic tradition identifies this intellect with the Shekhina (the divine presence), through whose agency some human beings receive prophecy.

This spiritual chain of emanation governs and directs the mechanical causal chain by which material objects are generated within spiritual space by other material objects. Through different combinations of the four elements—fire (viz., the celestial substance), air (viz., gas), water (viz., liquid), and earth (viz., solid)—minerals, vegetation, life in the sea and on the earth, humans, and celestial beings are generated in hierarchical order. The lower the species the more dominant is the element earth, and the higher the species the more dominate is the element fire.

Notably absent from Ibn Daud's application of the new science is a doctrine of creation. Presumably it is missing because Ibn Daud did not believe it could be explained in terms of the new science, mainly because in this Aristotelian universe species have no temporal beginning or end. However, Gersonides, coming at the time of the maximum development of Aristotelianism, some four hundred years later, was able to reconcile the by then dogma of creation with Aristotelianism. He showed through his commentary on Genesis that the creation spoken of there is not itself a temporal event. Rather, the movement of the constant flow of procreated individual members of species, as well as the movement of species themselves, are to be understood as asymptotic functions, i.e., movements towards a motivating, infinitely remote end. As such, while the motions themselves occur in time, neither their origin nor their end are within time. Rather, both the origin and the end of the motion are eternally and infinitely remote from the temporal motions they move respectively as a first and final cause. The end is identified in Jewish tradition as the end of days or the World-To-Come, and the origin is the creation of Genesis.

Kabbalah—The *Zohar*[5]

An early source for Kabbalistic cosmology is the Sefer Yetzirah ("the book of creation"), which was compiled from materials as early as the third century C.E. but did not reach its final form until the ninth century, when it was combined with a commentary by Saadiah. There we learn of thirty two distinct paths to wisdom about God, the nature of the universe, and human happiness, constituted through some kind of interaction between the ten spheres and the twenty two letters of the Hebrew alphabet. The spheres are identified as divine attributes that are imagined anthropomorphically with special reference to the fingers, the tongue, and the foreskin. These attributes are also identified with divine potencies for action, ten depths (beginning, end, goodness, evil, height, depth, east, west, north, and south), and the elements of being (holy spirit [voice, speech, spirit], spirit from spirit, the elements water and fire, and the cosmic dimensions height, depth, east, west, north, and south). The Hebrew letters are identified as the very material of reality situated in three places—the space of the universe (*olam*), the time of the year (*shanah*), and the microcosm of life (*nefesh*). The permutations of these different sets of factors—spheres and letters—have parallels in the cosmology of the equally authoritative Shiur Qomah.

By the twelfth century in Provence, notably in the Sefer Ha-Bahir ("the bright book"), the spherical divine powers, now called "sayings," become visualized as a tree whose limbs function symbolically in much the same way that the human fingers functioned in earlier Kabbalistic texts. These limbs are seen to be minimally symbols for the essence of the divine reality. Against this background, the Zohar presents the ten spheres, associated with divine names, in two pictures. One is a geometric web and the other is a human form. The spheres are crown (*keter*) associated with the divine *I am* (*ehyeh*), wisdom (*hokhmah*) associated with *yah*, understanding (*binah*) associated with the Lord (*yhwh*) vocalized as God (*elohim*), mercy (*hesed*) with *el*, judgment (*din*) or power

(*gevurah*) associated with *elohim*, beauty (*tiferet*) with *yhwh*, eternity (*nezah*) with the Lord of Hosts (*yhwh zevaot*), majesty (*hod*) with *elohim zevaot*, foundation-element (*yesod*) with the living *el* (*el hai*) or *el shaddai*, and the sphere of kingdom (*malchut*) or divine presence (*shekhina*) associated with the divine name of my Lord (*adonai*). In its human form, the crown, wisdom, and understanding constitute the head of the primordial human created in God's image, while the two arms are represented by mercy and judgment, the two legs by eternity and majesty, and the male and female genitalia are represented respectively by the foundation-element and the kingdom.

How these representations of God in Kabbalistic cosmologies are to be understood is not altogether clear. Superficially these pictures of the cosmos differ radically from the pictures drawn in Jewish philosophy. But this judgment is only superficial. The critical difference between them is not their intent, which in both cases is to provide a model for understanding the universe, humanity, and divinity, and to depict how the three are related. Rather, the difference, to the extent there is one, is epistemological, found in the respective judgments by the two sets of cosmologists on the extent that human imagination can be used to augment the way that human reason makes reality comprehensible. The more that Jewish cosmologists relied on scientific reasoning to express their images, they were philosophers; the more that they relied an aesthetic imagination to express their conceptions, they were mystics.

The difference between the two ultimately has to do with a preference for one of two dominant forms of mathematical reasoning, one algebraic and the other geometric. Thanks to René Descartes (1596–1650), we know that algebra and geometry are alternate expressions of the same logic, i.e., the same formalized way of thinking out systematically the solutions to a problem, for it was Descartes who first demonstrated through the use of what are called "Cartesian coordinates" that any geometric figure can be expressed as an algebraic operation, and any algebraic expression can be represented as a geometric form. Prior to Descartes' work in mathematics in the seventeenth century, geometry and algebra were seen to be distinct logical disciplines. Which one was utilized in constructing solutions to problems depended on the nature of the problem.

Generally, operations that can be expressed in finite, definite terms lend themselves to questions about linear equations most readily solvable algebraically, and operations that must be expressed in infinite, indefinite terms lend themselves to questions about non-linear equations most readily solvable geometrically. Historically in western thought, at least outside of the domain of those skilled in pure mathematics, the terms "rational" and "logical" have tended to be applied almost exclusively to the former kinds of questions, expressions, and solutions, while the latter kinds, because their expressions are indefinite or "fuzzy," and their solution techniques involve imaginative use of pictorial constructions, have tended to be called "irrational" or "emotional." In fact, most issues in topics as abstract as cosmology involve both kinds of thinking, but the history of western thought in general has tended to alternate in a wave-like movement between the two, which translates in terms of the history of Jewish thought as a movement to mysticism from philosophy and to philosophy from mysticism, i.e., from reliance on imaginative concrete paradigmatic pictures (mystical reasoning) to reliance on so-called rational abstract symbolic expressions (philosophical reasoning), and back. This tendency is no less apparent in contemporary Jewish thought than in classical and medieval Jewish philosophy and Kabbalah.

Applications of Tradition to Modern Jewish Cosmologies

Jewish philosophy is no less continuous than Jewish mysticism throughout Jewish history. In fact, the lines that separate them are somewhat arbitrary, at least flexible, since Jewish philosophy tends to flow into Jewish mysticism and visa versa. Still, there is a difference in emphasis that gives some justification for the separation. While none of the

earliest works of Judaism—the Hebrew Scriptures and the collections of Rabbinic midrash—are either philosophical or mystical in primary intent, clearly both contain philosophical and mystical content, and both played a role as authoritative texts in the subsequent development of Jewish philosophy and mysticism. If a distinction can be drawn between these two modes of thought, it may be made on the basis of the kind of cosmologies both tended to advance.

In general, three kinds of views of the universe emerge. At times the view of the universe is atomistic, in which what happens is believed to occur solely by chance and/or necessity, without purpose. This view dominates in the modern Newtonian period and is most clearly expressed by Spinoza (the Netherlands, 1634–1677). But it is equally the case in the pre-tenth century Muslim world, in which the dominant model for cosmology exploited by the Mutakallimun was a composition of ancient Greek Megarianism with Roman Stoicism. Jewish philosophy and mysticism exist in both periods, but neither thrives in this intellectual atmosphere. At other times the view of the universe is a process view, in which what happens occurs primarily through directionality towards some kind of end or limit. This view dominates in the medieval Aristotelian period and is the setting in which medieval Jewish philosophy prospers. Conversely, at other times the view of the universe is a static conception of ideal entities related to each other through principles of imitation. This view dominates in periods in which the dominant philosophical model is Neoplatonic and is the setting in which medieval and early modern Jewish mysticism thrives. However, these two directions combine in the tradition of twentieth century European neo-Kantian, Marburgian philosophy initiated by Hermann Cohen (Germany, 1842–1918), where the actual universe is seen in terms of a procession towards infinitely remote and fixed ideals (called "asymptotes" in mathematics) that constitute reality. This view is most clearly expressed in the creationist philosophical theology of Franz Rosenzweig (Germany, 1886–1929).

Note that the above general characterizations of kinds of Jewish cosmology are simply that, general characterizations that, as such, make lines of separation far stricter than they are in fact in the texts considered. Creationists use emanationists' themes, and emanationists include elements of the creationist view of the universe. The differences here have to do with emphasis only, and the drawing of these lines in any specific case is not self-evident to any not-so-predisposed reader of these texts. But these differences are not trivial.

Modern science, dominated by the atomist conception of a cosmos ruled exclusively by mechanical notions of chance and/or probabilistic chance, has tended to see the world, because it lacks any inherent purpose, as amoral. Although it is possible for a scientist to approach his or her work as a moral enterprise and as a theist, this way of conceptualizing the universe tends to favor belief that there is no deity (since a deity has no place within the cosmology) and there are no real moral duties (since ethics seem tied to notions of purpose, and this cosmology has no place for purpose). In contrast, the mystic's emanationist view of the universe definitely affirms the existence of some kind of deity, but generally this entity is seen to be something whose reality lies within the individual thinker. Although it is possible for a mystic to approach his enterprise with moral sensitivity to other human beings, this way of conceptualizing the universe tends to dull, even negate, moral consciousness. In general, we human beings learn moral responsibility when confronted by other human beings whose needs are not our own.

Moral sense is a response to that concrete need, but for people whose primary religious road is to turn ever inward to find the God within, especially when that God is identified with the mystic's true self that is seen to be the only reality, it is not surprising that these emanationists tend not to be aware of the needs of others beyond themselves, for how can others place real moral obligations on us when ultimately in truth there are no others except the deity within who is the sole reality. Hence, the multiple forms of creationist cosmology, from

Aristotle's universe of material motions to Cohen's world of asymptotic functions, tend to be most supportive as a foundational philosophy for sensitizing thinkers to both the divine and the moral. Here the world is seen in terms of functions that originate in distinct human individuals and move towards radically other distinct human individuals, forming a chorus of voices directed at an ultimate, utterly radical divine individual. In such a theistic directed cosmology, as is most apparent in the philosophical and theological writings of Rosenzweig's disciple Emmanuel Levinas (1906–1996), ethics play as primary a role as they did in the creation model of the author of Genesis and the chariot vision of the prophet Ezekiel.

NORBERT SAMUELSON

NOTES

[1] This account primarily summarizes my *The First Seven Days: A Philosophical Commentary on the Creation of Genesis* (Atlanta, 1992).

[2] The account presented below summarizes my "Three Comparative Maps of the Human," in *Zygon: Journal of Religion and Science*, vol. 31, no. 4 (December, 1996), pp. 695–710.

[3] The account presented below primarily summarizes my *Judaism and the Doctrine of Creation*. (Cambridge, 1994), pp. 113–135.

[4] The account presented reviews my *The Exalted Faith of Abraham Ibn Daud* (Cranbury, 1986), pp. 108–126.

[5] The following depends upon Lawrence Fine, "Kabbalistic Texts," in Barry W. Holtz, ed., *Back to the Sources: Reading the Classic Jewish Texts* (New York, 1984), pp. 305–359, and Elliot R. Wolfson, "Jewish Mysticism: A Philosophical Overview" and Hava Tirosh-Rothschild, "Jewish Philosophy on the Eve of Modernity," in Daniel H. Frank and Oliver Leaman, eds., *History of Jewish Philosophy* (New York and London, 1997), pp. 450–573.

Covenant

THE term covenant signifies a formal agreement between two parties, in which "one or both make promises under oath to perform or refrain from certain actions stipulated in advance."1 In the religion Judaism, the term covenant refers in particular to the agreement God made with the people of Israel at Sinai. This agreement calls for the Jews to follow God's law, embodied in Torah. In return God promises to make of the Israelites a great nation dwelling in peace in the Promised Land. Described at Exod. 19–20 and elaborated in the legal materials of the books of Exodus, Leviticus, Numbers, and Deuteronomy, this covenant is understood also to encompass the later expansions and interpretations of Scripture found within the Talmudic literature and subsequent codes of Jewish law. In light of this association with the system of Rabbinic law and learning, for Jews from the Rabbinic period and on, the term covenant has been tantamount to the concept of Torah. 2 Covenant, this is to say, refers in Judaism to the entire body of revelation that deWnes the agreement between God and Israel, that states the obligations Israel has accepted upon itself, and that details what the nation can expect from God in return.

From biblical times and on, groups both within and outside of Judaism have claimed to be the successor community to the covenant God made with Abraham. These groups see themselves as the "true" Israel, standing in a distinct and special relationship with the God of the Hebrew Scriptures. The community at Qumran, for instance, saw its law as the embodiment of the terms of the Sinai covenant and declared its members to be the truly chosen among Israel. The early gentile Christian community, for its part, also viewed its relationship with God as the product of a new covenant that superseded the earlier one between God and the Jews. Christians thus saw themselves as the true children of Abraham, replacements of the Jews, who claimed membership in the covenant as a matter of birth (see, e.g., Rom. 4). For these communities and others, the concept of covenant defined a unique relationship with God, facilitated self-definition, and legitimated a distinctive theology and way of life.

In these ways, covenant has served as the central metaphor for a range of forms of

Judaism and associated religions that have emerged from biblical times to the present. The comprehension that a group stands in a distinctive, covenanted relationship with God defines the group as uniquely under divine protection, assures special access to ultimate salvation, and legitimates the group's beliefs and practices as solely correct. Most important, the faith that one participates in a unique relationship with God, defined by a bilateral covenant, elevates the believer above all other people: uniquely right, uniquely blessed, uniquely saved.

Covenant in the Hebrew Bible

The Hebrew term for covenant, *brit*, is of uncertain etymology but apparently is associated with the concept of "binding." Alongside this term, the Hebrew Scripture uses the term *edut*, referring to the solemn charge that comprises the contents of the covenant, and *alah*, meaning oath and frequently used in conjunction with the term *brit*. These terms refer to agreements between individuals (e.g., 1 Sam. 18:3), between nations of either equal or unequal strength (e.g., Josh. 9), between sovereigns and their people (2 Kgs. 11:4, 11:17), between husbands and wives (Ezek. 16:8), and even, figuratively, between humans and animals (Hos. 2:20).

As in the Hebrew Scriptures, in the ancient Near East in general the concept of covenant was used to describe many types of relationships. But its use to define the relationship between a deity and a people is unique to Israelite religion.[3] This usage apparently emerged as a result of the Israelites' distinctive conception that their deity demanded exclusive loyalty and that the people could have no attachment nor show any devotion to any other god. The idea of a covenant accurately defined an exclusive relationship such as this, which could be understood in terms comparable to those familiar, for instance, in treaties between a people and a human king, to whom a nation similarly would pledge sole fealty.

The biblical concept of covenant has its specific origins in the Syro-Hittite age of the ancient near east, a period for which treaties represent our major source of historical knowledge.[4] These treaties are characterized by a fixed structure and set of elements that are found as well in the Hebrew Bible's depiction of the covenant between Yahweh and the people of Israel. This structure includes:

1) the identification of the covenant giver, generally indicating the name of the great king who is entering into the covenantal relationship with an inferior party. The implication is that "the relationship of the vassal to the overlord had to be an exclusive one: the vassal could not engage in treaty or other relationships with other independent monarchs without being guilt of treason."[5] Such an identification of the covenant giver is found at Exod. 20:2, which reads simply: "I am the Lord your God. . . ."

2) a historical prologue, recounting the monarch's past deeds that benefited the vassal, deeds that comprise the foundation of the vassal's obligation to that monarch. Thus, at the heart of the Hittite treaty form, represented as well in the Israelite notion of covenant, stands the idea of reciprocity: because the monarch/deity has done this for you, you are to be subject to that monarch's/deity's demands, outlined in the terms of this treaty. The continuation of Exod. 20:2 presents exactly such a historical prologue, stated briefly: ". . . who brought you out of the land of Egypt, out of the house of bondage."

3) the stipulations, which indicate the specific terms of the covenant that the deity/monarch expects of the vassal in return for past protection and to assure future harmonious relationships. Thus Exod. 20:2 continues with the commandment, "You shall have no other gods before me" followed by the remainder of the book of Exodus's statement of covenantal law.

4) deposit and periodic reading of the covenant. In the ancient Hittite texts, as in the Hebrew Bible, the covenant was treated as a sacred object, often deposited in the temple of the local deity and publicly announced. Its terms thus could be followed as public policy and law. The Israelite parallel is found in the building of the ark of the covenant, so central in Israelite cultic life (Exod. 25:10ff.) and in the description

of the tablets' formal deposit in a sanctuary, Josh. 24:26. Moses also reads the law to the people (Exod. 24:7), a feature of the covenant that recurs in the period of Ezra (Ezra 8:1–9:37). Ritual reading of the law may be implied at Exod. 23:17 and Deut. 27:11–26 as well.

5) witnesses, in particular:

> deities or deified elements of the natural world . . . [often a list] so lengthy that it justifies the conclusion that it was intended to be exhaustive: all gods relevant to *both* parties were called upon as witnesses, so that there was no god left that the vassal could appeal to for protection if he wanted to violate his solemn oath.[6]

Witnesses also included heaven and earth. Like the provisions for deposit (4) and blessings and curses, which follow (6), the idea of witnesses is not found in the Sinai narrative of Exod. 20. But the notion of heaven and earth as witnesses to God's covenant with Israel is explicit at Deut. 32, Is. 1:2, and Mic. 6:1–2.

6) blessing and curses, detailing the punishments or rewards that will result from obedience or disobedience to the terms of the covenant. Absent from the earlier text of Exodus, the blessings and curses of the Sinaitic covenant are elaborated in exceptional detail at Deut. 28.

7) a ratification ceremony, through which the treaty is formally adopted and made binding on both parties. Methods of ratifying treaties varied greatly in the ancient world. In Exodus, two ratification elements are present, the people's verbal agreement to the covenant (Exod. 19:8 and 24:3: "All that the Lord has spoken we will do") and the sacrificial ritual during which, in association with Moses's public reading of the covenant law, the blood of a sacrifice is tossed upon the people and the altar (Exod. 24:4–8), thereby binding the people to the deity with whom the covenant has been made. A different covenant ratification ceremony appears at Exod. 24:9–14, where, once the people have declared their acceptance of the covenant, Moses and the seventy elders climb Sinai and experience the presence of God, with whom they share a meal (Exod. 24:11). Josh. 24 describes a covenant renewal ceremony at Shechem that also contains many of the elements commonly found in suzerain treaties such as are described here.

The array of formal features found in the Sinaitic covenant suggests the extent to which it is presented as a carefully developed contract that will assure the people's acquiescence to a detailed system of social and religious laws. This assurance derives at least in part from the fact that the Sinai covenant is conditional, depicting God's continuing protection of Israel and the fulfillment of the promise to make of the people a great and mighty nation as dependent upon the people's own behavior *vis a vis* God. Notably, this well developed concept of the covenant relationship, so central in all subsequent Jewish thinking about Israel's relationship with God, depicts but one stage in the evolving Israelite perception of the covenant. This relationship begins with what Scripture depicts as God's original *unconditional* promise to make of Abraham a great nation. A complete statement of the content and purpose of the covenant with Abraham is at Gen. 17 (see also Gen. 12:1–7, Gen. 15, Gen. 22):

> When Abram was ninety-nine years old the Lord appeared to Abram, and said to him, "I am God Almighty; walk before me, and be blameless. And I will make my covenant between me and you, and will multiply you exceedingly." Then Abram fell on his face; and God said to him, "Behold, my covenant is with you, and you shall be the father of a multitude of nations. No longer shall your name be Abram, but your name shall be Abraham; for I have made you the father of a multitude of nations. I will make you exceedingly fruitful; and I will make nations of you, and kings shall come forth from you. And I will establish my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant, to be God to you and to your descendants after you. And I will give to you, and to your descendants after you, the land of your sojournings, all the land of Canaan, for an everlasting possession; and I will be their God." And God said to Abraham, "As for you, you shall keep my covenant, you and your descendants after you throughout their generations. This is my covenant, which you shall keep, between me and you and your descendants after you: Every male among you shall be circumcised. You shall be circumcised in the flesh of your foreskins, and it shall be

> a sign of the covenant between me and you. He that is eight days old among you shall be circumcised; every male throughout your generations, whether born in your house, or bought with your money from any foreigner who is not of your offspring, both he that is born in your house and he that is bought with your money, shall be circumcised. So shall my covenant be in your flesh an everlasting covenant. Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant." And God said to Abraham, "As for Sarai your wife, you shall not call her name Sarai, but Sarah shall be her name. I will bless her, and moreover I will give you a son by her; I will bless her, and she shall be a mother of nations; kings of peoples shall come from her." Then Abraham fell on his face and laughed, and said to himself, "Shall a child be born to a man who is a hundred years old? Shall Sarah, who is ninety years old, bear a child?" And Abraham said to God, "O that Ishmael might live in thy sight!" God said, "No, but Sarah your wife shall bear you a son, and you shall call his name Isaac. I will establish my covenant with him as an everlasting covenant for his descendants after him. As for Ishmael, I have heard you; behold, I will bless him and make him fruitful and multiply him exceedingly; he shall be the father of twelve princes, and I will make him a great nation. But I will establish my covenant with Isaac, whom Sarah shall bear to you at this season next year."

The foundational elements of covenantal theology are introduced here. God's selection of Abraham for a special relationship means that Abraham is to follow God's righteous ways and, in return, will be made the father of a great nation and of many kings. The covenant with God is hereditary; its obligations and its rewards will apply as well to Abraham's descendants through a designated son. While Ishmael, like his father, will be the father of princes, the covenant itself will follow only through the line of Isaac, who, along with his sons, will enjoy the special benefits of this relationship with God, in particular, possession of the land of Canaan. Finally, just as this covenant has rewards, so it entails obligations, both moral and ritual. Here in particular, as a sign of the covenant, God demands that all of the males of the line of Abraham undergo circumcision. From this point on, circumcision, referred to in later Judaism as *Brit Milah*, the covenant of circumcision, becomes the central symbol of the male Israelite's membership in the community subject to God's covenant.[7]

Genesis depicts God's covenant with Abraham as a permanent pact, the conditions of which are immediately to be fulfilled by both parties. Abraham does what God demands of him, and God too is prepared immediately to fulfill his obligations: Abraham and Sarah will parent the child through whom the terms of the covenant can be fulfilled. This concept of a realized covenant appears as well in the biblical descriptions of the Davidic monarchy, which hold that, in accord with God's covenant with David, a Davidic king *always* will rule on the throne of Israel. The striking difference between these notions of covenant and what is portrayed in the conditional covenant at Sinai, to the details of which we now turn, is explained through reference to the actuality of Israelite history, in particular, the Babylonian exile and destruction of the first Temple in 586 B.C.E. In the Sinai narrative, which reached final form in the period of the exile, the reality of the loss of Israelite power and control over the promised land was explained not as evidence of God's failure to keep the covenantal promises but as proof of the covenant's continuing validity: the people's exile from and loss of sovereignty over the Holy Land was the punishment earned for the people's failure to observe the terms of covenantal law.

In later Judaic history, the persistence of exile and the delay in God's fulfilling of the covenantal promises led to other significant developments as well. In particular, postbiblical Jewish theology added an eschatological aspect to thinking about the covenant, seeing God's promises as destined to be fulfilled only at some undisclosed future time, with the coming of a messiah, the resurrection of the dead, and the direct rule of God on earth.[8] But we should be clear that in the earlier statements of covenantal thinking throughout the Pentateuch, the realization of the covenant's promises, like Abraham's fulfilling of the covenant's demands, is a this-worldly matter. Within time

as we know it, Abraham's descendants will become a great and mighty nation and possess Canaan. The end of time, a coming messiah, resurrection of the dead have no place in this picture.

The Covenant at Sinai

The culmination of the Hebrew Scripture's delineation of the covenant between God and the people occurs at Exod. 19–20. Following the miraculous redemption of the nation of Israel from Egyptian bondage, God brings the people to Sinai, where, speaking directly to Moses, he conveys to them the terms of the covenant. At the heart of the agreement is the people's exclusively loyalty to Yahweh, to whom they shall be a "kingdom of priests and a holy nation." God deserves the people's sole fealty because of the acts he has performed for them, in particular, their release from Egyptian bondage:

> On the third new moon after the people of Israel had gone forth out of the land of Egypt, on that day they came into the wilderness of Sinai. And when they set out from Rephidim and came into the wilderness of Sinai, they encamped in the wilderness; and there Israel encamped before the mountain. And Moses went up to God, and the Lord called to him out of the mountain, saying, "Thus you shall say to the house of Jacob, and tell the people of Israel: You have seen what I did to the Egyptians, and how I bore you on eagles' wings and brought you to myself. Now therefore, if you will obey my voice and keep my covenant, you shall be my own possession among all peoples; for all the earth is mine, and you shall be to me a kingdom of priests and a holy nation. These are the words which you shall speak to the children of Israel." So Moses came and called the elders of the people, and set before them all these words which the Lord had commanded him. And all the people answered together and said, "All that the Lord has spoken we will do." And Moses reported the words of the people to the Lord. And the Lord said to Moses, "Lo, I am coming to you in a thick cloud, that the people may hear when I speak with you, and may also believe you for ever." Then Moses told the words of the people to the Lord. And the Lord said to Moses, "Go to the people and consecrate them today and tomorrow, and let them wash their garments, and be ready by the third day; for on the third day the Lord will come down upon Mount Sinai in the sight of all the people. And you shall set bounds for the people round about, saying, 'Take heed that you do not go up into the mountain or touch the border of it; whoever touches the mountain shall be put to death; no hand shall touch him, but he shall be stoned or shot; whether beast or man, he shall not live.' When the trumpet sounds a long blast, they shall come up to the mountain." So Moses went down from the mountain to the people, and consecrated the people; and they washed their garments. And he said to the people, "Be ready by the third day; do not go near a woman." On the morning of the third day there were thunders and lightnings, and a thick cloud upon the mountain, and a very loud trumpet blast, so that all the people who were in the camp trembled. Then Moses brought the people out of the camp to meet God; and they took their stand at the foot of the mountain. And Mount Sinai was wrapped in smoke, because the Lord descended upon it in fire; and the smoke of it went up like the smoke of a kiln, and the whole mountain quaked greatly. And as the sound of the trumpet grew louder and louder, Moses spoke, and God answered him in thunder. And the Lord came down upon Mount Sinai, to the top of the mountain; and the Lord called Moses to the top of the mountain, and Moses went up.

The passage continues with the ten commandments, understood to be the foundational principles of the covenant. These commandments are followed by a large compendium of detailed social, economic, and ritual laws that the people also must follow as the requirements of the covenant. The results of adherence to or violation of the requirements of the covenant are delineated later in the Pentateuch, at Deut. 30:15–20:

> See, I have set before you this day life and good, death and evil. If you obey the commandments of the Lord your God which I command you this day, by loving the Lord your God, by walking in his ways, and by keeping his commandments and his statutes and his ordinances, then you shall live and multiply, and the Lord your God will bless you in the land which you are entering to take possession of it. But if your heart turns away, and you will not hear, but are drawn away to worship other gods and serve them, I declare to you this day, that you shall

> perish; you shall not live long in the land which you are going over the Jordan to enter and possess. I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live, loving the Lord your God, obeying his voice, and cleaving to him; for that means life to you and length of days, that you may dwell in the land which the Lord swore to your fathers, to Abraham, to Isaac, and to Jacob, to give them.

This passage follows a long listing of the blessings that come with adherence to the terms of the covenant and the curses that result from violations. In this phrasing of matters, the passage illustrates the special power with which the author of Deuteronomy considers the topic of covenant: the law is not simply a set of rituals and idiosyncratic national practices. It is, rather, a source of pride and blessings to the Israelites, the foundation on which they will build the lives God has promised them as a great and mighty nation.

At the same time that the idea of a unique covenant with God assured Israel of its destiny as a great nation, these materials placed in sharp focus theological and social issues increasingly significant in ancient Israel's cultural, religious, and monarchical life. The people's new life in Canaan will place before them significant temptations. At stake in the people's ability or inability to withstand these temptations is their relationship with God and, ultimately, their very success as a distinctive national entity. In the face of this challenge, God pleads for continued loyalty and love as the conditions for life in the Promised Land. While this issue becomes a particular focus of Moses's farewell address at the end of the book of Deuteronomy, its main point emerges here: failure to abide by the law established by the covenant, in particular the sin of worshipping foreign gods, means the cessation of God's support of the people. The result is removal from the land and denial of the fullness of life enjoyed by those under God's protection. The covenant truly is a matter of great moment. Through their actions, the people choose blessing or curse, life or death.

The Covenant in the Prophetic Literature

To make immediate and real the significance of the people's covenantal responsibilities, especially in the prophetic literature the concept of the people's exclusive relationship with God is portrayed metaphorically. The covenant is viewed as the union between a husband and wife, on the one hand, or as a relationship between a king and his people, on the other. At Ezek. 16:8–14, for instance, the maiden Israel is understood to have been adopted through marriage into God's covenant. Thus she became queen and enjoyed extravagant raiment and bountiful foods:

> When I passed by you again and looked upon you, behold, you were at the age for love; and I spread my skirt over you, and covered your nakedness: yea, I plighted my troth to you and entered into a covenant with you, says the Lord God, and you became mine. Then I bathed you with water and washed off your blood from you, and anointed you with oil. I clothed you also with embroidered cloth and shod you with leather, I swathed you in fine linen and covered you with silk. And I decked you with ornaments, and put bracelets on your arms, and a chain on your neck. And I put a ring on your nose, and earrings in your ears, and a beautiful crown upon your head. Thus you were decked with gold and silver; and your raiment was of fine linen, and silk, and embroidered cloth; you ate fine flour and honey and oil. You grew exceedingly beautiful, and came to regal estate. And your renown went forth among the nations because of your beauty, for it was perfect through the splendor which I had bestowed upon you, says the Lord God.

Within the terms of the covenant, God equally may be viewed as a king, to whom Israel is a vassal (Ps. 47:6–9):

> Sing praises to God, sing praises! Sing praises to our king, sing praises! For God is the king of all the earth; sing praises with a psalm! God reigns over the nations; God sits on his holy throne. The princes of the peoples gather as the people of the God of Abraham. For the shields of the earth belong to God; he is highly exalted!

The strength of these metaphors is their ability to depict more than the majesty of the covenant relationship in times in which

the people of Israel perform their obligations. Rather, these metaphors equally describe the anguish and pain caused by Israel's abandonment of its responsibilities. Just like a human king, for instance, God expresses outrage at his people's lack of loyalty, their failure to abide by the terms of his rule (Jer. 8:19):

> Hark, the cry of the daughter of my people from the length and breadth of the land: "Is the Lord not in Zion? Is her King not in her?" "Why have they provoked me to anger with their graven images, and with their foreign idols?"

Jeremiah similarly invokes the image of Israel as wife to portray the deep hurt caused by the nation's failure to follow its obligations under the covenant (Jer. 2:2–5, 3:1–2):

> Go and proclaim in the hearing of Jerusalem, Thus says the Lord, I remember the devotion of your youth, your love as a bride, how you followed me in the wilderness, in a land not sown. Israel was holy to the Lord, the first fruits of his harvest. All who ate of it became guilty; evil came upon them, says the Lord. Hear the word of the Lord, O house of Jacob, and all the families of the house of Israel. Thus says the Lord: "What wrong did your fathers find in me that they went far from me, and went after worthlessness, and became worthless?
>
> If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly polluted? You have played the harlot with many lovers; and would you return to me? says the Lord. Lift up your eyes to the bare heights, and see! Where have you not been lain with? By the waysides you have sat awaiting lovers like an Arab in the wilderness. You have polluted the land with your vile harlotry.

Within these metaphors, the result of the people's abrogation of their covenant responsibilities is deeply felt. Whether imagined as an unfaithful wife or as a vassal nation that swears fealty to a foreign king, the people of Israel's failure to abide by the covenant leads to God's intense anger and withdrawing of his divine protection from the people. Within Scripture, the concept of covenant thus not only assures the people of Israel of God's protection and eventual salvation but also explains the fate of a nation that has not been faithful to God and to the demands of God's law.

The Covenant in Rabbinic Judaism

In the first centuries C.E., an emerging group of Jewish leaders called rabbis struggled to make sense of a set of circumstances that challenged the inherited notion of covenant. Despite the multifaceted life of the Jewish people in the land of Israel and in the exilic communities during the centuries preceding the destruction of the Second Temple,[9] the theological and cultic center of Jewish life had remained Jerusalem and the Temple of God that stood there. Sovereignty over the land of Israel and the continued operation of the priestly cult had from biblical times and on provided all Jews with a concrete symbol of their relationship to God and of the anticipated fulfillment of God's covenantal promises. The destruction of the Temple and the failed Bar Kokhba revolt accordingly meant for all Jews the end of the covenant relationship as it previously had been experienced.

In 70 C.E., as in 586 B.C.E., the cult ceased operation. But this time, the failure of the Bar Kokhba revolt of 132–135 C.E. and, still later, the ascent of Christianity to world domination meant that any expectation of the quick rebuilding of the Temple or the return of Israelite sovereignty was unrealistic. Accordingly, in the period of the Mishnah and the later Rabbinic literatures, both the political and theological contexts in which Judaism existed had been dramatically altered. Jews lived under foreign dominion, leaving open the question of the viability of God's promise that the people would be sovereign in their own land. The Temple, the visible sign of God's presence and power, was gone; the cult, through which the people of Israel had acknowledged God's lordship and appealed to his mercies, had ceased. The loss of all that had signified God's concern for the Israelite people left open the question of whether or not God continued to rule over and care about the chosen people, whether or not the covenant remained intact at all.

In response, the rabbis developed a system of belief and practice that, even when not overtly addressing the character of the Israelites' covenant with God, carefully rethought the meaning and purpose of that

covenant. On the one hand, the rabbis exhibited a deep conservatism, claiming that, just as Scripture promised and just as seemed to be the case while the Temple stood, God still rules over and moves in response to the actions of the Israelite people. The covenantal relationship, the rabbis thus argued, continued unchanged, and the promises first made to Abraham would, at some undisclosed point in the future, be fulfilled. Yet to support this claim that nothing had changed, the rabbis developed a new Jewish theology and a revised understanding of how the people were to interpret the Bible's covenantal promises and to fulfill the terms of covenantal law.

The rabbis' central message was that the events of the first centuries signified neither the end of the covenantal relationship with God nor the termination of life lived within the sacred circle once established by the presence, in the nation's midst, of the holy Temple and its cult. Just as when the Temple stood, the Jewish people would raise families, would carry out their day-to-day vocations, and would worship God through prayer and by following divine law. What changed is that, by creating a system of law and practice that remade the home in the model of the Temple, the rabbis shifted the sacred circle from its station around the Temple, firmly centering it instead around the life and home of each individual Israelite. In place of the sacrifices once offered by priests in the Temple, common Israelites would now truly become a nation of priests, eating their common food, conducting their personal and communal lives, and worshipping God according to a strict code of holiness.

By significantly expanding the legislation understood to comprise covenantal law, the rabbis created a system under which all of the people's actions were to be carried out on the basis of a detailed model believed to derive from God. This emergent system of law allowed the rabbis and people to understand that the sacred circle remained intact. The impact of the destruction of the Temple was ameliorated as common Israelites increasingly could see themselves living as a nation of priests, with their own villages taking on the aspect of the Temple. In the midst of political and social chaos, the rabbis thus reestablished a world whose order and sense were informed by the nature of God's original creation and by the terms of the covenant enacted between God and the Israelite people.

In this way, the rabbis developed into a complete system ideas introduced, while the Temple still stood, by the group known as Pharisees. The rabbis of the Mishnah shared with the Pharisees the central idea that the holiness represented in the Temple could and should be imposed upon the homes and daily activities of all Israelites. Ordinary Israelites, in this view, should eat their food and lead their lives as though they were priests offering sacrifices at the Temple altar. They would accomplish this by following the same laws for ritual purity and food cleanness that, according to Scripture, apply only in the Temple cult. All Israelites then would become truly like priests. While the historical connection between the Pharisees and the later rabbis is not entirely clear, the rabbis did eventually claim the Pharisees as their immediate forebears.[10] The ideology that removed matters of cult and sanctification from the sole control of the priests became the hallmark of Rabbinic Judaism. The rabbis thus provided a new theory of the character of Jewish existence, a fresh concept of the meaning of history, and a revised perception of the source of the power to assure salvation, seen now to reside in the people's adherence to the details of Torah.

Through these developments, the rabbis assured that under widely ranging political and social conditions, each member of the Jewish community would know that the covenant formalized at Sinai still was in affect. This reassurance was a product of the most basic Rabbinic claim: wherever they are, the people of Israel can fulfill their requirements as God's chosen nation, and, as a result, can play a direct and immediate role in prompting God to fulfill the promise of salvation. This is because, in the rabbis' perspective, through observance of the details of covenant law, each Jew participates in the shaping of the world in the image in which God originally created and sanctified it. In place of the lost cult and its priesthood, the common Jew's own

actions are primary in the creation of a perfected world and in the bringing of salvation, that is, in helping to fulfill the covenant's promises.

This notion, that through observance of the law Israelites help bring about the perfection of the universe, means that, within the Rabbinic literature, the concept of covenant as a theoretical construct is less a topic of discussion than is the specific content of the law through which the covenant is upheld. This fact has led many Christian scholars and theologians to criticize Rabbinic Judaism. Following the essence of the perspective first articulated by Paul, that the law, to which no person can perfectly adhere, cannot be the foundation of justification before God, these individuals have argued that the Rabbinic perspective, which focuses upon the merit earned through fulfillment of God's demands, is untrue to the biblical idea of covenant, which they say is primarily about God's mercy. This purported distinction between the biblical and post-biblical views was phrased by H.A.A. Kennedy as follows:[11]

> it must not be forgotten that [in the Hebrew Scriptures] the conception of the revealed legal system presupposed the existence of the Covenant. It is given to the community as standing within the Covenant. And that relationship in turn presupposed what we can only call faith in the mercy and goodness of God. So that all that is done by the worshipping people in the later ritual is not for the purpose of reaching fellowship with God: its aim is to maintain the fellowship unbroken. . . . But for this period [of post-biblical Judaism], the crowning proof of Israel's election is its possession of the Law. Obedience to the Law, therefore, is the chief token of its acknowledgment of the Divine grace. But as this obedience came to involve the observance of minute regulations, the notion of merit [which had to be earned] was bound to insinuate itself, and so the rigid contract-conception overshadowed that of the Covenant, which rested on the mercy of God.

In this reading, post-biblical, and in particular Rabbinic, Judaism essentially denied what is viewed as the original essence of the idea of covenant, that, as an act of mercy and without regard to the nation's "works," God chose freely to protect and save the Israelite people. With its emphasis upon the law, by contrast, later Judaism twisted the earlier conception, totally denying the role of God's grace as the essential element in salvation.

E.P. Sanders responds to this reading of post-biblical Judaism by arguing that, at its foundation, stood a conception of what he calls covenantal nomism, that is, the idea that the obligations between the people of Israel and God were viewed as reciprocal. This meant that, since God consistently fulfilled his duties under the covenant, so the people of Israel needed carefully to fulfill their responsibilities, even though they understood that this alone, absent God's mercy, could not lead to redemption. Sanders (pp. 421–422) phrases matters as follows:

> I would venture to say that this is the *fundamental nature of the covenant conception which largely accounts for the relative scarcity of appearances of the term "covenant" in Rabbinic literature.* The covenant was presupposed, and the Rabbinic discussions were largely directed toward the question of how to fulfil the covenantal obligations. The very arguments and the way in which the questions are worded show the conviction that the covenant was in force—that God was being true to his covenantal promises. The question was precisely how Jews should be true to their covenantal obligation. Similar observations could be made about most of the rest of the literature. The covenant is directly mentioned in the Dead Sea Scrolls relatively frequently because the very existence of the sect was based on the sectarians' conviction that they had the true covenant (or the true interpretation of it) and because of the need to define special requirements for being admitted to and staying in the covenant. Generally, however, the word does not much appear in the literature of the period, even though covenantal ideas are absolutely common. Further, obedience is universally held to be the behaviour appropriate to being in the covenant, not the means of earning God's grace. . . .
>
> There are two different formulations concerning mercy and justice. One is that of Rabbinic literature: God's mercy is greater than his justice. In the other literature, the usual formulation is that God punishes the wicked *for their deeds*, while bestowing *mercy on the righteous*. The theme of mercy to the righteous is worked out especially elaborately in the Dead Sea Scrolls and the Psalms of Solomon, and it appears also in

> Ben Sirach, Jubilees and I Enoch. The themes of mercy and retribution or justice are not actually in competition, but serve different functions. Statements to the effect that God pays each man his just due serve to assert the justness of God and to assure both sinners and the righteous that what they do matters. God is not capricious. He will neither punish for obedience nor reward transgression. The theme of mercy—whether put in terms of God's mercy in electing Israel, God's mercy in accepting repentant sinners (repentance does not earn a reward, but is responded to by God in mercy), or God's "rewarding" the righteous because of his mercy—serves to assure that election and ultimately salvation cannot be earned, but depend upon God's grace.

Judaism, in particular Rabbinic Judaism, thus is about both law and mercy, and the religion that emerges from this interplay of human and divine responsibility to the terms of the covenant is characterized by the following structure (Sanders, p. 422):

> (1) God has chosen Israel and (2) given the law. The law implies both (3) God's promise to maintain the election and (4) the requirement to obey. (5) God rewards obedience and punishes transgression. (6) The law provides for means of atonement, and atonement results in (7) maintenance or re-establishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God's mercy belong to the group which will be saved. An important interpretation of the first and last points is that election and ultimately salvation are considered to be by God's mercy rather than human achievement.

In this reading, supported by the texts of Rabbinic Judaism cited below, the important points are the first and the last. While central to the process of salvation, the law is but one element in bringing about personal and national redemption. At the heart of the covenant relationship, that is, is not simply the obligation of the people to observe the law. Rather, that relationship is maintained as well through acts of repentance, through which people may be reconciled with God, and on the foundation of God's mercy, which assures that God desires the people to succeed in their efforts at righteousness, that God is accepting of their sincere acts of atonement. This means that the post-biblical and especially the Rabbinic conception of law carries with it a deep sense of God's mercy and of the centrality of God's grace in the maintenance of the covenant relationship.

Talmudic Sources on Covenant

We see that the earliest rabbis responded to the devastating events of the first centuries C.E. by providing a new sense of what the people must do to maintain their obligations under the covenant. At the same time, they answered the question of what could now be expected of God by rethinking God's own obligations under that covenant. At the heart of this rethinking was the belief that the people's own actions in following the covenant's law play a direct role in perfecting the world. Further, the rabbis proposed that suffering such as Jews in the first centuries experienced did not necessarily result from the people's failure to follow God's law. The rabbis, rather, understand the covenantal relationship to be extremely complex, so that individual and national suffering, even exile, need not be read as direct indicators either of the nation's having abandoned the covenant or of God's having stopped loving and caring for the nation. Suffering, instead, was to be seen as part of the process of redemption itself.

In the aftermath of the Babylonian exile in 586 B.C.E., Jews expressed certainty that their suffering was the result of their sins against God, in particular their idolatrous behavior and failure to follow the terms of the covenant (see, e.g., Amos 5:25–27). While the same idea—that the destruction of the Second Temple and loss of the land of Israel in the first centuries was a punishment for sin—finds expression in the Rabbinic literature and in the liturgy that is formalized in this period, this inherited ideology takes its place alongside a quite different view of matters. While conceding that the people behaved improperly, T. Men. 13:22, for instance, holds that the Second Temple was not destroyed because of idolatry or violations of specific laws of the covenant at all:

A. Said R. Yohanan b. Torta, "On what account was Shiloh[12] destroyed? Because of the disgraceful disposition of the Holy Things which were there.
B. "As to Jerusalem's first building, on what account was it destroyed? Because of idolatry and licentiousness and bloodshed that were in it.
C. "But [as to] the latter [building], we know that they devoted themselves to Torah and were meticulous about tithes.
D. "On what account did they go into exile? Because they love money and hate one another.
E. "This teaches you that hatred of one for another is evil before the Omnipresent, and Scripture deems it equivalent to idolatry, licentiousness, and bloodshed."

Being scrupulous towards covenantal law, C, is not enough to assure God's blessing. Rather, the nation is expected to perfect itself in all ways, so as to live according to the highest moral values and standards of righteousness, beyond what is directly expressed in the terms of the covenant. Since the passage distinguishes these matters, D, from "devotion to Torah," C, it makes clear that simple observance of Israel's obligations under the covenant offers no assurance of God's protection and support. The people, rather, must do more. By creating a morally and socially perfect society, D, they initiate the process of redemption, themselves creating the sort of world that God had originally intended and promised to create.

While diverging from the inherited notion that observance of the letter of the law is sufficient to assure God's protection, T. Men. 13:22 still expresses the overall concept of divine providence developed within the Bible's theory of the covenant: in essence the passage holds that exile has resulted from the people's failings before God, that is, from sin, even if the sin is not depicted as a violation of a specific law of the covenant. Other passages appear not to grant even this. They hold, rather, that no fixed relationship at all exists between sin and suffering. Exile is not primarily the result of Israel's failure to follow the covenant at all. God in this view chastens the people of Israel not as punishment for past sins but in order to assure their future adherence to the covenant, with its promise of *eventual* redemption. The implication of this reading is that, contrary to what the events of the first centuries might have seemed to mean, the nation's sorrows did necessarily result from the people's abandoning of the covenant. They could not be explained using the inherited biblical model of divine retribution for sin. The people's suffering, rather, was a product of God's love, and it vouchsafed a future redemption (B. Ber. 5a):

A. R. Jacob bar Idi and R. Aha bar Hanina differed. One of them said, "What are sufferings brought on by God's love? They are any form of suffering that does not involve one's having to give up studying Torah.
B. "For it is said, 'Happy is the man whom you chasten, O Lord, and yet teach out of your Torah' (Ps. 94:12)."
C. The other said, "What are sufferings brought on by God's love? They are any form of suffering that does not involve having to give up praying.
D. "For it is said, 'Blessed be God, who has not turned away my prayer nor his mercy from me' (Ps. 66:20)."
E. Said to them R. Abba, son of R. Hiyya bar Abba, "This is what R. Hiyya bar Abba said R. Yohanan said, 'Both constitute forms of suffering brought on by God's love.
F. "'For it is said, "For him whom the Lord loves he corrects" (Prov. 3:12).
G. "'What is the sense of the Scripture's statement, "And you teach him out of your Torah"? Do not read it as "You teach him," but "You teach us."
H. "'This matter you teach us out of your law, namely, the argument [concerning the meaning of the suffering brought on by God's love] *a fortiori* rests on the traits of the tooth and the eye:
I. "'Now if, on account of an injury done to the slave's tooth or eye, which are only one of a person's limbs, a slave goes forth to freedom, sufferings that drain away the whole of a person's body, how much the more so [should a person find true freedom on their account]!'"
J. This furthermore accords with what R. Simeon b. Laqish said.
K. For R. Simeon b. Laqish said, "A 'covenant' is stated in respect to salt, and a covenant is mentioned with respect to suffering.
L. "With respect to a covenant with salt: 'Neither shall you allow the salt of the covenant of your God to be lacking' (Lev. 2:13).

M. "With respect to a covenant with suffering: 'These are the words of the covenant' (Deut. 28:69) [followed by discourse on Israel's suffering].
N. "Just as the covenant noted with salt indicates that salt sweetens meat, so the covenant noted with suffering indicates that suffering wipes away all of a person's sins."

Within Scripture, the nation's collapse before its enemies and its suffering under the burden of exile are explicit signs that the people have failed in their covenantal obligations and that God, as a result, has punished them. The Rabbinic materials offer a new and quite different perspective. Now suffering is seen as an integral element of the covenantal relationship, as a tool God uses to purify the people and to make possible their eventual redemption. The rabbis thus depict the covenantal relationship not only as still intact but, despite the appearance of matters in the first centuries, as being certain to yield salvation for the people of Israel and the fulfillment of the promises made by God in the Hebrew Scriptures.

Ideas such as these assured the people that loss of the Temple and Holy Land and the suffering of the nation in exile did not signify the end of the covenantal relationship with God. Gen. Rabbah XLIV.5 makes this point explicit, stating that, from the time of Abraham and on, no nation, no matter what its particular merit, could replace the Israelites as the holders of the covenant with God:

A. "After these things" (Gen. 15:1): [This suggests that] there were some second thoughts [about the covenant].
B. Who had second thoughts? Abraham did. He said before the Holy One, blessed be he, "Lord of the ages, you made a covenant with Noah that you would not wipe out his children. I went and acquired a treasure of religious deeds and good deeds greater than his, so the covenant made with me has set aside the covenant made with him. Now is it possible that someone else will come along and accumulate religious deeds and good deeds greater than mine and so set aside the covenant that was made with me on account of the covenant to be made with him."
C. Said the Holy One, blessed be he, "Out of Noah I did not raise up shields for the righteous, but from you I shall raise up shields for the righteous. And not only so, but when your children will fall into sin and evil deeds, I shall see a single righteous man among them who can say to the attribute of justice, 'Enough.' Him I shall take and make into the atonement for them all."

God's covenant with Abraham superseded the covenant that, following the flood, God had made with Noah and, through Noah, with all people (Gen. 9:1-17). Under the covenant with Abraham, by contrast, the people of Israel alone received special blessings and promises from God. But if God once chose to make a new covenant that superseded an old one, could he not do so again? This passage offers an assurance that, no matter how the events of history might presently make things look, God's agreement with Abraham cannot be superseded: the covenant with Israel is eternal. Such rhetoric appears to be a direct response to the Christians' claim to have replaced the people of Israel—shown by their degraded stature to have been rejected by God—as the bearers of a "new" covenant. Stating that God has promised never to forsake his special relationship with Israel, this passage explains that, even if the people of Israel sin, the merit of Abraham, or the righteous deeds of someone like Abraham, appease God's anger. So God's covenant with and protection of Israel is permanent. In the eyes of God, no other nation, even if it is characterized by righteous behavior, can take the place of the people of Israel.

Most striking in their conception of the covenant is the rabbis' ability to imagine that Israel rightly may accuse God of delay in fulfilling his covenantal responsibilities. This is a quite different approach from that of Scripture, where Israel's sin clearly leads to God's punishing of the nation. While in Scripture God thus waits for Israel properly to observe the terms of the covenant and to become worthy of redemption, the passage before us depicts the people of Israel's impatience: the nation, faithful to God and true to the covenant, steadfastly awaits redemption. This is despite God's

disquieting delay in fulfilling his responsibility under the covenant (Pesikta deRav Kahana XIX:IV):

1.A. R. Abba bar Kahana in the name of R. Yohanan: "The matter may be compared to the case of a king who betrothed a noble lady and wrote for her in the marriage settlement a sizable pledge: 'So and so many marriage canopies I shall prepare for you, such and so ornaments I shall provide for you, so and so many treasurers I shall give you.'
B. "He then left her and went overseas, and she waited there for many years. Her friends were making fun of her, saying, 'How long are you going to sit? Get yourself a husband while you are still young, while you are still vigorous.'
C. "And she would go into her house and take the document of her marriage-settlement and read it and find comfort. After some time the king came home from overseas. He said to her, 'My daughter, I am amazed at how you have had faith in me all these years.'
D. "She said to him, 'My lord, king, were it not for the substantial marriage settlement that you wrote out for me, my friends would have made you lose me.'
E. "So too, since in this world, the nations of the world ridicule Israel, saying to them, 'How long are you going to be put to death for the sake of your God and give your lives for him and be put to death for him? How much pain does he bring on you, how much humiliation he brings on you, how much pain he brings on you. Come to us and we shall appoint you commanders and governors and generals.'
F. "Then the Israelites enter their meeting places and study halls and take the scroll of the Torah and read in it: 'And I shall walk in your midst, and I shall make you prosper, and I shall make you numerous, and I shall carry out my covenant with you' (Lev. 26:9).
G. "When the end will come, the Holy One, blessed be He, will say to Israel, 'I am amazed at how you have had faith in me all these years.'
H. "And Israel will say before the Holy One, blessed be He, 'Lord of the ages, were it not for the scroll of the Torah which you wrote out for us, the nations of the world would have succeeded in destroying us for you.
I. "That is in line with this verse of Scripture: 'I recall to mind therefore I have hope' (Lam. 3:21).
J. "And so too David says, 'Unless your Torah had been my delight, I should then have perished in my affliction' (Ps. 119:92)."

It is hard to imagine a more powerful response to the history of the Jewish people from the destruction of the Second Temple and on. Rather than Scripture's image of God's waiting for the return to faith of the sinful people of Israel, the rabbis depict the people's need for strength and patience as they await God's salvation, working all the while themselves to perfect the world. In light of what has happened to them on the stage of earthly history as an apparent result of God's inaction, they have legitimate reason to give up hope. Instead, their possession of, study of, practice of the covenant—embodied in the Torah—provides them with the needed strength and assures them that salvation eventually will come. While they wait, the covenant, creating of them a nation of priests and righteous people, sustains them and assures that in some undisclosed future time, the promises made originally with Abraham will be kept.[13]

The Idea of Covenant in Modern Judaism

The rabbis of classical Judaism conceived of the covenant as the defining element of their civilization and religion, that which bound the people of Israel to each other and to God and separated them from all other nations. And yet, as we have seen, the rabbis did not often speak directly of the covenant or of its nature, preferring instead to speak of Torah and *halakhah*, that is, of the laws through which the people were to carry out their obligations under the covenant. This approach was appropriate in light of the rabbis' understanding that observance of the law both recognized God's past protection of the nation and encouraged God finally to fulfill the messianic promises that stood at the heart of covenant. At the same time, movement away

from direct discussions of the concept of covenant perhaps responded to the ascendance of Christianity, with its claim to comprise a *new* covenant that had superseded the one made originally with the Jews. By not speaking directly of the concept of covenant, the rabbis may have intended to reduce any sense of interaction with Christianity and its claims.[14] By speaking of Torah and not covenant, classical Judaism retained its own independent way of thinking about the relationship between God in heaven and people on earth.

While factors such as these led the authorities of classical Judaism to speak of Torah and not covenant, it is clear that the concept of covenant, in much the form it had emerged in the biblical literature, underlies their conception of the relationship between God and Israel. This overall perspective changed radically only with the emergence of enlightenment thinking and in the face of the nineteenth and twentieth century movement of Jews into the mainstreams of western culture. Now the very concept of covenant—which spoke of a unique relationship between Israel and God—became problematical. In the face of the modern idea of the equal legitimacy of all religions and in light of the increasing reception of Jews into western society, Jews more and more wished to be viewed as citizens of the world rather than as members of a parochial national and cultural group. No longer did they wish to be identified as members of the *nation* of Israel, distinguished by its exclusive covenant. They wished, rather, to be recognized as adherents of Judaism, a religion like all others, and as citizens only of the countries in which they lived.

Within this intellectual and social setting, the concept of covenant was overly confining. It suggested that Jews still believed themselves to be different from and, as bearers of a special relationship to God, better than all other people. Thus the very idea of covenant, as much as the laws it encompassed, stood in the way of the Jews' desired cultural and social homogenization. Scripture held that the covenant would make of the Jews "a kingdom of priests and a holy people" (Exod. 19:6). The question was how this could be, and what the meaning of covenant would be, when Jews largely "jettisoned those patterns of life which tended to make them different from their fellow citizens."[15] Leonard Kravitz phrases the problem as follows:

> Within the philosophical and theological categories in which this new religious thinking was framed, the idea of a personal God who could command and choose and thus make a covenant with a particular people was problematical. As for the medieval philosophers, so for the early Reform thinkers, God was more idea than commanding presence, more the absolute than He who in love had given the Torah to His people Israel. For such thinkers, the idea of covenant would remain a very abstract concept, if it existed at all.

Thus, even as early Reform thinkers continued to insist on the existence of a special mission of the Jews, for instance, to bring pure ethical monotheism to the world, they left unclear the manner in which this mission could be accomplished. Living as undifferentiated citizens, similar to all other members of the nations in which they were found, in what regard did the Jews form the sort of collective through which they could carry out their covenantal mission? What, indeed, could be the meaning or significance of the concept of covenant if the Jews were not to be viewed as having a *unique* relationship to God but only, perhaps, a *special* one, just as all peoples were now understood, each in their own way, to be special to God?

In the early modern period, the concept of covenant thus was controversial and not comfortably spoken of either by Jewish thinkers or within the Jewish public at large. For covenant signified a parochial separateness at a time when Jews wished to think in universal terms, conceiving of themselves as no different from any other religious group. Only in recent times, in particular since the Nazi Holocaust, have Jewish attitudes towards the idea of covenant begun again to change. This change has come in the face of the general rejection of the possibility, or desirability, of total Jewish assimilation and, in the United States in particular, in response to the widespread discarding of the concept of America as melting pot. The new desire for pluralism rather than homog-

enization, that is, has left considerable room for, even demanded, the assertion of one's own ethnicity. As a result Jews are considerably less embarrassed by the concept of covenant, and Jewish thinkers have begun to explore covenant as a context for reaffirming ties to tradition.[16] This process unfolds, of course, even as Jews continue to develop positive and appropriate relationships to the non-Jewish world.

Explorations of the meaning of covenant lead in diverse directions. But they all grapple with the same central problem of how to formulate a contemporary conception of covenant that is true to the traditional ideal and yet appropriate to the unique circumstance of modern Jews. Note that the very notion of the existence of a covenantal relationship between God and Israel asserts that God has characteristics—appeared to Moses to reveal the law, acts in history to reward obedience or punish sin, is bound by promises recorded in Scripture—that many moderns refuse to attribute to God. Equally, the covenant's concept of a unique, and not just special, relationship between God and the people of Israel is troubling as Jews continue to fight for an end to religious intolerance. Jews equally struggle with the notion, intrinsic to the traditional concept of covenant, of obligatory ritual practices. And, finally, in an age in which religion increasingly is viewed as a matter of personal belief and individual formulation, many Jews are troubled by the covenantal idea's inescapable communal dimension.[17]

Yet, the centrality to Judaism of the idea of covenant, which in all periods of Jewish history has stood at the foundation of the essence of being a Jew, means that, despite these difficulties, Jews continue to view their membership in the people of Israel through the prism of the covenantal idea. Through the idea of covenant Jews continue to express their sense that they are the products not just of a collective history but of an advancing civilization. Through the concept of covenant they persist in declaring their sense of obligation, in the present, to creating a better world. And through the idea of covenant they still express their hope for the future, the hope that the progress humans make towards that better world ultimately will flower as the advent of the messianic age.[18] However the idea of covenant has changed from its earliest formulations within the narratives of the Pentateuch, it remains at the heart of what it means to be a Jew today.

ALAN J. AVERY-PECK

NOTES

[1] George Mendenhall and Gary Herion, "Covenant," in *Anchor Bible Dictionary*, vol. 1, p. 1179.

[2] B. Shab. 33a is explicit in this matter, stating that, in Scripture, the term covenant refers to Torah.

[3] Moshe Weinfeld, "Covenant," in *Encyclopaedia Judaica*, vol. 5, col. 1021.

[4] The following discussion of the ancient treaty form depends upon Mendenhall and Herion, op. cit., pp. 1180–1183.

[5] Op. cit., p. 1180.

[6] Op. cit., p. 1181.

[7] See CIRCUMCISION.

[8] See MESSIAH IN JUDAISM.

[9] Note for instance the philosophical and theological deliberations recorded in the wisdom literature, the messianic fervor of the apocryphal writings, the intellectual and philosophical readings of the nature of Judaism found in Philo, and Josephus' representation of Jewish participation in Hellenistic civilization. These examples all testify to vibrant and varied forms of Jewish religion, religious practice, and culture.

[10] See Jacob Neusner, *From Politics to Piety: The Emergence of Pharisaic Judaism* (New York, 1973), *passim*. For a discussion based upon the evidence of the Mishnaic Division of Agriculture, see Alan J. Avery-Peck, *Mishnah's Division of Agriculture. A History and Theology of Seder Zeraim* (Chico, 1985), pp. 359–362.

[11] "The Significance and Range of the Covenant-Conception in the New Testament," in *The Expositor*, 10, 1915, pp. 389 and 392, cited by E.P. Sanders, *Paul and Palestinian Judaism* (Minneapolis, 1977), pp. 419–420. Pp. 33–58 of Sanders' study document the pervasive view within New Testament scholarship that, in its focus upon the law, post-biblical Judaism represents an ossification of biblical religion.

[12] Prior to Solomon's building of the Temple in Jerusalem, Shiloh was the major center of Israelite worship of Yahweh, located in Canaan, north of Bethel. Scripture, unlike the Rabbinic literature, depicts Shiloh as having been abandoned (Jer. 7:12–14, 26:6–9), not destroyed.

[13] On the idea of covenant in contemporary, and, in particular, post-Holocaust Judaism, see JUDAISM, PHILOSOPHY AND THEOLOGY OF, IN MODERN TIMES IN THE USA, and HOLOCAUST, JUDAIC THEOLOGY AND THE.

[14] Elliot Dorff, "The Meaning of Covenant: A Contemporary Understanding," in Helga Croner and Leon Kleinicki, eds., *Issues in the Jewish-Christian Dialogue. Jewish Perspectives on Covenant Mission and Witness* (New York, 1979), p. 38.

[15] For the quote and on the preceding, see Leonard Kravitz, "The Covenant in Jewish Tradition," in Croner and Kleinicki, op. cit., pp. 31–32.

[16] See Dorff, op. cit., pp. 38–39.

[17] This description of the issues in the formulation of a contemporary conception of covenant draws upon Dorff's description of the covenant as an "organizing concept for modern Jewish life," op. cit., pp. 50–57.

[18] Here I paraphrase Dorff, p. 58.

Creeds

Formal statements of fundamental belief, or articles of faith, do not exist in Judaism in the same way in which they exist in Christianity and Islam. While, especially beginning in the medieval period, Jewish philosophers made many attempts to reduce the content of Judaism to a short statement of dogma, such creeds lacked the backing of a supreme ecclesiastical body, which does not exist in Judaism. Thus, while certain of these statements have been incorporated into the Jewish liturgy and function for many as encapsulations of Jewish belief, the popularity and importance of specific creedal statements always have been a function of the fame and credentials of their authors. No attempts have been made, or can be made, to impose acceptance of any creed as an obligation incumbent upon all Jews or even as a precondition of conversion into the Jewish community. Judaism, as a result, has yielded no articles of faith comparable to the three great creeds of the Catholic Church—the Apostles' Creed, the Nicene Creed, and the Athanasian Creed—or to the Muslim *Kalimat As-Shahadat*, the first of the five pillars of Islam, which it is a duty for every believer to recite at least once in his or her lifetime. By contrast, despite the interest of medieval Jewish philosophers in systematizing Jewish belief, Judaism offers no defining doctrines or obligatory articles of faith.

The absence of a central body that could validate and mandate a creedal statement is but one reason that Judaism has not produced any universally required creeds. An additional factor is that, since biblical times and to the present, membership in the Israelite community has been almost exclusively a function of birth and not the result of a confession of faith or the acceptance of a dogma at all. Since antiquity, anyone born to a Jewish mother has automatically been considered a Jew (and this, without regard for the religion of the father). For a person born into Judaism, practice of the religion's rituals and laws and the self-perception of being a Jew generally have been understood to be definitive. Indeed, even a born Jew who never practiced Judaism, or one who consciously rejects that faith, remains a Jew according to Jewish law. In hardly any circumstrance can the status conferred by birth be erased. This means that, according to the dominant view, even an apostate may return to full participation in the community without making an explicit confession of faith or formally indicating acceptance of any set dogmas understood within the Jewish community to define the religion.[1] In Judaism, therefore, creeds have never had a role in answering the very important question of who is a Jew. Unlike in Christianity, for instance, in Judaism this question has been answered solely through evaluation of the individual's lineage.

Alongside the centrality of lineage in defining who is a Jew, the absence in Judaism of significant missionary trends has reduced the need for the development of creeds. Through history, Jews have not actively sought converts and so have not required a clear definition of the faith that could be used in setting standards for the admission of proselytes. Similarly, the absence of significant heresies that might tear apart the religion has meant that little pressure existed for the development of a creed. People's standings as Jews, rather, has been defined by their birth and behaviors, by how they live rather than what they believe.

Such an attitude is not conducive to the production of concise statements of the essence of the religion or of the principles Jews are deemed obligated to accept in order to be considered members of the community, subject to God's saving power. Again, in this regard, Judaism differs from Christianity, in which precise, fixed creeds began to appear in the third and fourth centuries as ways of determining exactly who had the right, based upon the character of their faith alone, to claim membership in the emerging Christian community.[2]

The disinterest among Jews in formulating creeds, evidenced through antiquity and into the Talmudic period, changed primarily beginning in the tenth century, when formal statements of fundamental beliefs began to appear. Such statements of dogma were prepared by Jewish philosophers in response to internal pressure from the Karaite movement, which rejected the Rabbinic concept of the Oral Torah, and in reaction to corresponding theological discussions then occurring within Islam, in which intense efforts were underway to define precisely the content of Muslim belief. These developments within medieval Jewish theological writings distinguish this period from the eras of the Hebrew Bible and the Talmudic literature, in which the focus was as much or more upon correct forms of behavior than upon correct belief. At the same time, insofar as the biblical and Talmudic literatures describe the fundamental theological doctrines of Judaism and delineate the elaborate details of Jewish practice, they provided the basis for medieval, as well as modern, articles of the Jewish faith. This being the case, while neither the Hebrew Scriptures nor Talmudic literature contains encompassing statements of dogma *per se*, these documents form an appropriate starting point for our discussion of creeds in Judaism.

Creeds in the Hebrew Scriptures

The historical credos at Deut. 26:5–9 and 6:20–25 and the declamatory affirmations of membership in the Israelite people at Deut. 6:4–5 and 1 Kgs. 18:39 provide the earliest short summaries of the nature Israelite identity. The historical credos reflect the extent to which Israelite religion was not founded upon a system of philosophical or theological beliefs about the attributes of God. Rather, as these statements make clear, membership in the Israelite people was defined as a response to God's actions in history on behalf of the nation. Later medieval creedal statements define God and delineate central beliefs about God's future eschatological actions. The biblical credos, by contrast, focus on history, on the fact that what God has done for the people justifies God's demands that the people respond in certain ways. At issue is not what God *is* but what God *has done*, as Deut. 6:20–25 makes clear:

> When your son asks you in time to come, "What is the meaning of the testimonies and the statutes and the ordinances which the Lord our God has commanded you?" then you shall say to your son, "We were Pharaoh's slaves in Egypt; and the Lord brought us out of Egypt with a mighty hand; and the Lord showed signs and wonders, great and grievous, against Egypt and against Pharaoh and all his household, before our eyes; and he brought us out from there, that he might bring us in and give us the land which he swore to give to our fathers. And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that he might preserve us alive, as at this day. And it will be righteousness for us, if we are careful to do all this commandment before the Lord our God, as he has commanded us."

Children are to be taught the great deeds that God did on behalf of the Israelite people. This is the foundation of and justification for the demand that the people accept and observe the law. At issue is not the philosophical nature of God or the reason that God has come to act in one way and not another. Rather, history makes clear that following the will of God leads to the preservation of the nation. The same point is made at Deut. 26:5–9, which describes the confession pilgrims to Jerusalem are to make when they present the first fruits of their crop at the altar of God's Temple:

> And you shall make response before the Lord your God, "A wandering Aramean was my father; and he went down into Egypt and sojourned there, few in number;

> and there he became a nation, great, mighty, and populous. And the Egyptians treated us harshly, and afflicted us, and laid upon us hard bondage. Then we cried to the Lord the God of our fathers, and the Lord heard our voice, and saw our affliction, our toil, and our oppression; and the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror, with signs and wonders; and he brought us into this place and gave us this land, a land flowing with milk and honey."

The pilgrim recalls the mighty acts of God that were manifested in the Exodus from Egypt and the conquest of Canaan. He thus declares his personal recognition of what is at the heart of Israelite identity: since God acted on behalf of the people, bringing the nation out of Egyptian bondage and into a land that would be their own, God is owed the people's obedience and singular faithfulness. On this foundation, the individual affirms acceptance of the terms of the covenant.

Such biblical formulations of the foundation of the Israelite way of life are the antecedents of later attempts in Christianity as well as in Judaism to formulate creeds that detail the fundamental facts about God. At the heart of the later creeds is the notion that sincere belief in the truth of their statements about God—even without any corresponding actions on the part of the believer—assures God's protection and, hence, the individual believer's salvation. The historical credos we have just reviewed, by contrast, entail no such thinking. They only present the justification for the Israelite code of ritual and communal law. Deut. 26:5–9, like Deut. 6:20–25, that is, adduces God's past behavior on behalf of the people as the reason that the people are now and forever obligated to accept and follow God's commandments. The practice of the law, in turn, identifies the individual as a member of the Israelite community and assures God's future protection. These goals are not understood to be accomplished by acceptance of the creed without the actions that the Bible comprehends that acceptance to bring in its wake.

The historical credos of the Hebrew Bible thus differ from later articles of faith. Unlike the later creeds, they view the actualization of the individual's relationship with God not to be a simple result of the acceptance of the credo. Rather, in the view of the Hebrew Bible, a correct relationship with God is a consequence only of the individual's carrying out of the actions described in the covenant. What is central in the historical credos thus is behavior and not belief at all.

Elsewhere in the Bible, declamatory affirmations of the divinity of God comparably serve as a foundation of faith. Here again, however, the declaration does not claim to comprise the totality of that faith, only to explain what is required of the Israelite. Deut. 6:4–5 presents perhaps the earliest such formulation:

> Hear, O Israel: The Lord our God is one Lord; and you shall love the Lord your God with all your heart, and with all your soul, and with all your might.

These verses rephrase as a positive affirmation the first commandment of the Decalogue ("You shall have no other gods besides me," Deut. 5:7). Since there is only one God, the people of Israel is to have only one loyalty. But, again, what follows immediately upon this statement is the obligation that the people abide by the covenantal law set down by God, carrying out the actions that signify love of God. It is not enough to "believe" or to have faith in the claim that God is one. The fact that God is one, rather, obligates the individual to follow the terms of the covenant established by God with the Israelite people.

1 Kgs. 18:39 presents another context in which the Israelites succinctly declare what they see as central in the nature of the deity and their relationship to him. The passage describes Elijah's challenging of the prophets of Baal to prove that Baal, like Yahweh, can act powerfully on behalf of those who turn to him. Baal's followers get no response when they demand that Baal reveal himself. By contrast, fire from heaven consumes the offerings laid out by Elijah, proving the presence and power of the Israelite God. The gathered Israelites respond as follows:

> And when all the people saw it, they fell on their faces; and they said, "The Lord, he is God; the Lord, he is God."

Like the previously cited historical credos, this passage presents the people's response to God's self-revelation in history, expressed here an affirmation of the divinity of Yahweh. These passages are in the category of creeds insofar as they describe the foundation for allegiance to God and the reason the people must accept the terms of the covenant, with its complex system of social, ethical, and ritual laws. But these statements are not dogmas in the sense that such articles of faith have existed in other, later religions. For Scripture neither states nor implies that failure to accept the claims of these brief credos yields dismissal from the nation or loss of protection by God. Rather, as we have said, membership in the Israelite nation is established by birth or adherence to the covenant's strict system of regulations. Simple acceptance of a set of philosophical or theological tenets is not contemplated by Scripture as an important element in what demarcates the Israelite community and assures God's continued adherence to his responsibilities under the covenant.

Philo's Scriptural Truths

The first careful attempt to delineate the foundational beliefs expressed by the Hebrew Bible occurs in the work of Philo, the Alexandrean Jewish philosopher of the first century C.E. Philo's underlying conception was that Scripture expressed the absolute truths that stand at the foundation of all philosophical thinking. These are basic realities of God and the world with which, to be legitimate, philosophical reasoning must concur.[3] Throughout Philo's writings, eight such truths are listed, together comprising the fundamental beliefs that Philo understood Moses's account of the creation of the world to teach. The first five central truths are enumerated at *Opificio Mundi* 61, 170–172: "(1) the existence of God; (2) the unity of God; (3) the creation of the world; (4) the unity of the world; (5) divine providence." *Moses* II, 3, 14, speaks of two additional beliefs: (6) that the laws of Moses are the word of God not the invention of humans, and (7) the hope that these laws will remain for all future ages. Finally, at *Special Laws* I, 60, 327–363, in his enumeration five sorts of people who deny ideas that are fundamental to Scripture and so must be said to have no religion, Philo adds one additional principle to those already listed: (8) the existence of incorporeal ideas.

Striking in this listing of Scripture's fundamental presuppositions is that six of Philo's eight foundational beliefs—the existence and unity of God, the creation and unity of the world, divine providence, and the existence of incorporeal ideas—are central principles taught in Greek philosophy. The elaboration of these ideas throughout Philo's work suggests the ways in which he disagrees with some of the specifics of these conceptions as they are expressed in the variety of Greek philosophical schools. At the same time, as in his work as a whole, in enumerating these Scriptural principles, one of Philo's central goals was to legitimate Judaism by illustrating the extent to which its beliefs about God and the world concur with those of the philosophical world in which he lived.

The point is that even in his explicit enumeration of principles that he holds constitute the presuppositions of Judaism, Philo does not claim to be delineating the sum total of Jewish belief or to be listing articles of faith, acceptance of which assures salvation. We have here, rather, in Wolfson's words, a "preamble of faith," viewed primarily by Philo as constituting the principles to which "philosophy must accommodate itself " (p. 164). For Philo, as for the Hebrew Bible, and, as we shall now see, for the rabbis as well, certain central principles exist at the heart of Judaism. But their enumeration does not delineate the sum total of Judaism nor define what all Jews must consciously accept as a condition of salvation. Interestingly, for Philo, such encompassing principles do, in fact, exist. They are comprised of the two remaining fundamental beliefs that he lists but that have no parallel in Greek philosophical thinking: that the law in all its details is the word of God, transmitted directly by the deity to Moses, and that this law is eternal and immutable. While Philo argues that each element of the law represents a philosophical truth, he still concurs with the approach to Judaism that is central in Scripture and the later

Rabbinic literature: Judaism is defined not primarily by a creed or by what one believes but, rather, by the ritual actions and observance of the law that define the Jewish way of life. There is no doubting that, despite his philosophical explanation of the law and his listing of Scripture's underlying principles, what for Philo defines the proper Jew is what he does and not what he believes.

Creeds in the Rabbinic Literature

In addressing the Rabbinic literature, it is important to distinguish between creeds, or statements of religious dogma, and the formulation of distinct aspects of faith. We have already seen that statements of dogma do not appear in Judaism, where identity as a Jew depends upon birth and in which righteousness before God is a result not of what one believes but of one's strict adherence to law.

At the same time, as we have seen in Philo, by late antiquity, Jews found great benefit in articulating specific elements of Jewish belief, understood to be fundamental to the religion as a whole. In Philo, statements of the fundamental beliefs of Judaism showed that the Jewish religion was a legitimate expression of contemporary philosophical thinking. Similarly, in the Rabbinic literature, elaborations of the principles of Judaism helped to delimit the Jewish community and to identify legitimate vs. heretical theologies. This function of the delineation of fundamental beliefs is clear, for instance, at M. San 10:1, which lists what a Jew must believe in order to gain a place in the messianic world to come:

> A. All Israelites have a share in the world to come,
> B. as it is said, "Your people also shall be all righteous, they shall inherit the land forever; the branch of my planting, the work of my hands, that I may be glorified" (Is. 60:21).
> C. And these are the ones who have no portion in the world to come:
> D. (1) He who says the resurrection of the dead is a teaching that does not derive from the Torah, (2) and Torah does not come from Heaven, and (3) an Epicurean.
> E. R. Aqiba says, "Also: He who reads in heretical books,
> F. "and he who whispers over a wound and says, 'I will put none of the diseases upon you which I have put on the Egyptians, for I am the Lord who heals you' (Exod. 15:26)."
> G. Abba Saul says, "Also: he who pronounces the divine Name as it is spelled out."

To be assured divine salvation, one must accept the central tenets of Rabbinic Judaism, in particular the principles of the coming resurrection of the dead and the divine origin of the Torah. Note that the term "Torah" appears here without the definite article and so should be distinguished from the Pentateuch, that is *the* Torah. Reference is to what the rabbis perceive to be the complete revelation of God to Moses, encompassed in the oral codes of Rabbinic Judaism as well as in the written Scriptures.

The claim that this list defines as heretical those who reject Rabbinic teachings in particular is strengthened by the inclusion of an "Epicurean." In Rabbinic literature, this term applies in general to Jews and gentiles opposed to Rabbinic teaching and thus means "skeptic" or "heretic." Its phonetic similarity to the name of the Greek thinker Epicurus is serendipitous, since Epicurean teaching rejected the existence of divine providence or divine intervention in the world. The title Epicurean thus appropriately designated one who rejected Rabbinic teachings so as, from the perspective of the Rabbinic movement, to be seen as a heretic. But the larger point should be clear: from the Rabbinic perspective, one who rejects the validity of the oral Torah and so practices none of its laws fails to live a pious life and so is excluded from God's redemption. But, at the same time, acceptance of the doctrine of the Oral Torah absent the practice of its laws is only marginally better. As in Scripture's presentation of matters, what appears to count is not so much belief as the ritual and other legal practices that are based on that belief.

This is not to say that the Talmudic rabbis could not, or never did, conceive of the essential human obligation to God as being faith. Indeed, as we shall see in the following

passage, just as Pauline Christianity is marked by Paul's concept that God deemed Abraham righteous as a result of Abraham's faith, absent any "works" at all, so certain rabbis declared that Abraham, and later the children of Israel, were rewarded by God simply for their faith. At the same time, as other passages make clear, the preponderance of Rabbinic thinking rejects this view, holding that the essential element in attaining proper stature before God is fulfillment of the commandments that define the covenantal relationship. Thus, as we shall see, the rabbis are certain that Abraham fulfilled the covenant even before the Torah had been revealed at Sinai, and they make clear that his reward of becoming wealthy and a "king" resulted from his willingness to act as God demanded, even to the point of sacrificing his son.

The notion that faith alone may assure proper standing before God appears in Mekhilta deRabbi Ishmael, Bashallah 7:

> 25.A. Great is faith before the one who spoke and brought the world into being [that is, God].
> B. For as a reward for the act of faith that the Israelites made in the Lord, the Holy Spirit rested upon them and they sang the song, as it is said, "and they believed in the Lord and in his servant Moses. Then Moses and the people of Israel sang this song [to the Lord, saying, 'I will sing to the Lord, for he has triumphed gloriously; the horse and his rider he has thrown into the sea]'" (Exod. 15:1).
> 26.A. R. Nehemiah says, "How do you know that whoever takes upon himself the obligation to carry out a single religious duty in faith is worth that the Holy Spirit should rest upon him?
> B. "For so we find in the case of our ancestors that as a reward for the act of faith that they made, they achieved merit, so that the Holy Spirit rested on them, as it is said, 'and they believed in the Lord and in his servant Moses. Then Moses and the people of Israel sang this song [to the Lord, saying, "I will sing to the Lord, for he has triumphed gloriously; the horse and his rider he has thrown into the sea]."'"
> 27.A. So you find that Abraham our father inherited this world and the world to come only as a reward for the faith that he believed, as it is said, "And he believed in the Lord; [and he reckoned it to him as righteousness]" (Gen. 15:6).
> B. So you find that the Israelites were redeemed from Egypt only as a reward for the faith that they believed, as it is said, "And the people believed" (Exod. 4:31).
> C. "The Lord preserves the faithful" (Ps. 31:25). He calls to mind the faith of the fathers.
> D. "And Aaron and Hur held up his hands" (Exod. 17:12).

These passages argue that divine reward may result from faith alone. All three units are explicit that, as a result of their faith and apart from the observance of any commandments, the people of Israel were rewarded with redemption from Egypt. Unit 27.A, for its part, makes the same point regarding Abraham: his reward in this world as well as the assurance of salvation in the coming world depended not upon any deed but only upon his faith, as Gen. 15:6 seems to propose. While unit 26.A refers to an individual's fulfilling of a commandment, its point is in line with the larger context: what matters is not the nature of the one commandment the person performs but that its performance is associated with perfect faith. This faith is rewarded with possession of the Holy Spirit.

This text from the Mekhilta de Rabbi Ishmael is notable in that it portrays a notion of faith most commonly associated with Pauline thinking. For Paul asserts that Abraham earned merit before God through faith alone and that, on that model, faith continues to be the essence of righteousness. This is what, in Paul's view, God demands, not observance of the law. Paul expresses this view clearly at Rom. 4:1–5:

> What then shall we say about Abraham, our forefather according to the flesh? For if Abraham was justified by works, he has something to boast about, but not before God. For what does the scripture say? "Abraham believed God, and it was reckoned to him as righteousness." Now to one who works, his wages are not reckoned as a gift but as his due. And to one who does not work but trusts him who justifies the ungodly, his faith is reckoned as righteousness.

Similar to the Rabbinic attitude, in the passage just cited, for Paul, Abraham is the model of what God demands and rewards: perfect faith brings perfect justification before God. Yet Paul develops this view of righteousness in a manner that completely distinguishes it from the approach of the rabbis. For beyond asserting the role of faith in determining righteousness—a claim with which the rabbis, as we have seen, can concur—Paul rejects the idea that the law has any role in determining merit before God at all. In Paul's view, rather, righteousness cannot be earned through works, in the manner of a salary. Justification before God is given, instead, only as a free gift, in response to faith. Equally important for Paul is the premise that no person successfully can follow the entirety of the law without error. This means that, in the end, the law constitutes nothing more than a stumbling block. It assures that people will fail correctly to fulfill God's will. For Paul, therefore, unlike the rabbis, the law can have no role in achieving righteousness before God; faith alone accomplishes this.

We thus see that even the rabbis' assertion of the importance of faith provides only a limited parallel to Paul's—and later Christianity's—conception of Abraham as the model of the man of faith. For even as the rabbis accept the power of faith, unlike Paul, they simultaneously focus upon the importance of "works." And hence we find their most common perspective, that correct standing before God is first and foremost a result of one's following the commandments. This idea is expressed in general terms as well as for the particular case of Abraham in the second half of M. Qid. 4:14, which initially concerns trades that one appropriately should teach his son:

M. R. Nehorai says, "I should lay aside every trade in the world and teach my son only Torah."
N. "For a man eats its fruits in this world, and the principal remains for the world to come.
O. "But other trades are not that way.
P. "When a man gets sick or old or has pains and cannot do his job, lo, he dies of starvation.
Q. "But with Torah it is not that way.
R. "But it keeps him from all evil when he is young, and it gives him a future and a hope when he is old.
S. "Concerning his youth, what does it say? 'They who wait upon the Lord shall renew their strength' (Is. 40:31). And concerning his old age what does it say? 'They shall bring forth fruit in old age' (Ps. 92:14).
T. "And so it says with regard to the patriarch Abraham, may he rest in peace, 'And Abraham was old and well along in years, and the Lord blessed Abraham in all things' (Gen. 24:1).
U. "We find that the patriarch Abraham kept the entire Torah even before it was revealed, since it says, 'Since Abraham obeyed my voice and kept my charge, my commandments, my statutes, and my laws' (Gen. 26:5)."

In a way that nothing else can, studying and observing Torah assures divine reward. Indeed, contrary to what is suggested in the previously cited Rabbinic passage and unlike what Paul asserts, here we find the more common Rabbinic concept that merit before God results primarily from observing commandments. Thus, in the view of this passage, even Abraham's divine reward came not as a result of faith but because Abraham observed the entire Torah, even though it had not yet been given.

This idea that Abraham was rewarded not for faith or for any arbitrary reason is expressed again at Gen. Rab. 55:1, which associates Abraham's merit before God not with faith but with his specific actions:

1.A. "And it came to pass after these things God tested Abraham" (Gen. 22:1):
B. "You have given a banner to those that fear you, that it may be displayed because of the truth, selah" (Ps. 60:6).
C. [Since the word for "banner" shares the consonants of the word for "test," we interpret:] test after test, one attainment of greatness after another, so as to test them in the world and so as to endow them with greatness in the world, like the ensign of a ship.
D. And all this why? ". . . because of the truth, selah" (Ps. 60:6).
E. [Since the word for "truth" and the word for "validate" share the same consonants, we interpret:] it is so that the attribute of justice may be validated in the world.
F. For if someone should say, "He gives

riches to whomever he wishes, and he impoverishes whomever he wishes, and whomever he wishes he makes king [all this without justice], and so too as to Abraham, when [God] wanted, he made him rich, and when he wanted, he made him king [and all this without justice], you may reply to him, saying, "Can you do what Abraham did?"

G. "Abraham was a hundred years old when Isaac, his son, was born to him" (Gen. 21:5). And after all that anguish [that led to the birth of Isaac and the conflict between Sarah and Hagar, Isaac and Ishmael], it was stated to him, "Take your son" (Gen. 22:2).
H. And he did not demur.
I. Accordingly: "You have given a banner to those that fear you, that it may be displayed because of the truth, selah" (Ps. 60:6).
J. "And it came to pass after these things God tested [i.e., displayed] Abraham" (Gen. 22:1).

Ps. 60:6 is used because it highlights the key word of the base verse, Gen. 22:1, "try" or "test." The result is to demonstrate that what God did in favoring Abraham rested on justice, not capriciousness: Abraham was rewarded for what he was willing to do, to sacrifice the son who he so loved. The point is clear and underlies the overall Rabbinic theory of what brings merit from God, what is regarded as righteousness. This is actions, the individual's willingness and ability not simply to express faith in God but to carry out all that God demands.

Still, the rabbis are cognizant of the existence in Judaism of some fundamental concepts, which on occasion they demarcate, as in the previously cited passage at M. San. 10:1. Another of these central ideas is the notion that at the heart of Judaism is the belief in the existence of two Torahs, one oral and one written. B. Shab. 30b, for instance, holds that all proselytes must accept the validity of the Oral, as well as the Written, Torah:[4]

A. Our rabbis have taught on Tannaite authority:
B. There was the incident of a certain gentile who came before Shammai. He said to him, "How many Torahs do you have?"
C. He said to him, "Two, one in writing, one memorized."
D. He said to him, "As to the one in writing, I believe you. As to the memorized one, I do not believe you. Convert me on condition that you will teach me only the Torah that is in writing."
E. [Shammai] rebuked him and threw him out.
F. He came before Hillel. He said to him, "Convert me." [ARN: "My lord, how many Torahs were given?" He said to him, "Two, one in writing, one memorized." He said to him, "As to the one in writing, I believe you. As to the memorized one, I do not believe you."]
G. On the first day [Hillel] said to him, "*Alef, bet, gimel, dalet.*" The next day he reversed the order on him.
H. He said to him, "Well, yesterday, didn't you say it differently?"
I. He said to him, "Didn't you depend on me then? Then depend on me when it comes to the fact of the memorized Torah too." [ARN for G-I: He said to him, "My son, sit." He wrote for him, *Alef, bet.* [Hillel] said to him, "What is this?" He said to him, "An *alef.*" [Hillel] said to him, "This is not an *alef* but a *bet.*" [Hillel] said to him, "What is this?" He said to him, "*Bet.*" [Hillel] said to him, "This is not a *bet* but a *gimel.*" [Hillel] said to him, "How do you know that this is an *alef* and this a *bet* and this a *gimel*? But that is what our ancestors have handed over to us—the tradition that this is an *alef*, this a *bet*, this a *gimel.* Just as you have accepted this teaching in good faith, so accept the other [regarding the Oral Torah] in good faith]."

Hillel and Shammai concur that it is imperative for the proselyte to accept as a matter of faith the divine origin of the Oral Torah. The difference between them, expressed in the following passage as well, is the result of their distinctive personalities, not a theological disagreement: Shammai has no patience for the prospective convert. Hillel, by contrast, takes the time to encourage the gentile's emerging acceptance of Jewish beliefs. Hillel argues that all things, at one level or another, are dependent upon faith, even learning the alphabet. Similarly, the convert should be willing to accept the fundamental premise that the Oral Torah, like the written one, derives from God.

While Hillel and Shammai concur that acceptance of the doctrine of the Oral Torah is essential to a legitimate Jewish ideology, they hardly propose that this is all that is

required. Rather, such an article of faith functions as no more than a starting point, on the basis of which the individual must go on to learn the full extent of the theology and practice of Judaism. Fundamental doctrines of Judaism thus exist, and, as we shall see in the following, they may even be understood as encapsulating the overall meaning of the religion. Even so, these beliefs serve as no more than starting places for a complete life as a Jew. Simple acceptance of their truth brings no special merit before God. This is made clear in the continuation of the preceding passage, at B. Shab. 30b:

A. There was another case of a gentile who came before Shammai. He said to him, "Convert me on the stipulation that you teach me the entire Torah while I am standing on one foot."
B. He drove him off with the building cubit that he had in his hand.
C. He came before Hillel: "Convert me."
D. He said to him, "What is hateful to you, to your fellow do not do. That is the entirety of the Torah; everything else is elaboration. So go, study."

Again the difference between Hillel and Shammai results from their respective personalities, not from different perceptions of what one must believe or do to be a Jew. Hillel, no different from Shammai, asserts that Judaism demands observance of all of the commandments. But he, unlike Shammai, is patient with the perspective convert and able to articulate a moral message that he understands to lie at the heart of the commandments: do not do to your neighbor that which is hateful to you. But even for Hillel, acceptance of this moral imperative is only a beginning, to be followed by study and, we must assume, acceptance of the rules of Jewish behavior and practice of the entire range of Jewish laws and rituals. This is what Hillel demands of the convert when he adjures him to "go, study."

While Hillel is made the hero of the preceding narrative, Shammai's perspective makes clear the extent to which, within the Rabbinic perception of matters, it is possible to live as a Jew, or even to become a convert to Judaism, without knowing or acknowledging the truth of a maxim such as Hillel says encapsulates all of Torah. This is because, within the Rabbinic system, knowing and accepting some truth believed to stand behind all of the laws in no event is sufficient. What matters, rather, is the actual observance of the Torah's laws. This means that even one who accepts as true all of Judaism's articles of faith cannot be considered to be living properly as a Jew unless he or she also has knowledge of and practices the individual laws of Torah.

The long passage at B. Mak. 23b-24a illustrates the extent to which, for the Talmudic rabbis, the reduction of Judaism to a creed was an intellectual exercise rather than a reflection of a practical interest in determining the few single ideas the acceptance of which defines the good Jew. In the passage before us, the Talmudic rabbis search through Scripture for lists of moral principles to which all people largely can agree. The point is not that the six hundred and thirteen commandments can be replaced by the acceptance of one or two such principles, only that, through such principles, one can understand the purpose and intent of the commandments:

A. R. Simelai expounded, "Six hundred and thirteen commandments were given to Moses, three hundred and sixty-five negative ones, corresponding to the number of the days of the solar year, and two hundred forty-eight positive commandments, corresponding to the parts of man's body."
B. Said R. Hamnuna, "What verse of Scripture indicates that fact? 'Moses commanded us Torah, an inheritance of the congregation of Jacob' (Deut. 33:4). The numerical value assigned to the letters of the word Torah is [24A] six hundred and eleven, [to which you must add the two additional commandments], 'I am' and 'you shall have no other gods,' [which] have come to us [directly] from the mouth of the Almighty."
C. [Simelai continues:] "David came and reduced them to eleven: 'A Psalm of David: Lord, who shall sojourn in thy tabernacle, and who shall dwell in thy holy mountain? (1) He who walks uprightly and (2) works righteousness and (3) speaks truth in his heart and (4) has no slander on his tongue and (5) does no evil to his fellow and (6) does not take up a reproach against his neighbor, (7) in whose eyes a vile person is despised but (8) honors those who fear the Lord. (9) He swears to his own hurt

and changes not. (10) He does not lend on interest. (11) He does not take a bribe against the innocent' (Ps. 15)."

D. "He who walks uprightly:" this is Abraham: "Walk before me and be wholehearted" (Gen. 17:1).
E. "and works righteousness:" this is Abba Hilqiahu.
F. "speaks truth in his heart:" for instance R. Safra.
G. "has no slander on his tongue:" this is our father, Jacob: "My father might feel me and I shall seem to him as a deceiver" (Gen. 27:12).
H. "does no evil to his fellow:" he does not go into competition with his fellow craftsman.
I. "does not take up a reproach against his neighbor:" this is someone who befriends his relatives.
J. "in whose eyes a vile person is despised:" this is Hezekiah, king of Judah, who dragged his father's bones on a rope bed.
K. "honors those who fear the Lord:" this is Jehoshaphat, king of Judah, who, whenever he would see a disciple of a sage, would rise from his throne and embrace and kiss him and call him, "My father, my father, my lord, my lord, my master, my master."
L. "He swears to his own hurt and changes not:" this is R. Yohanan.
M. For said R. Yohanan, "I shall continue fasting until I get home."
N. "He does not lend on interest:" not even interest from a gentile.
O. "He does not take a bribe against the innocent:" such as R. Ishmael b. R. Yose. . . .[5]
U. [Simelai continues:] "Isaiah came and reduced them to six: '(1) He who walks righteously and (2) speaks uprightly, (3) he who despises the gain of oppressions, (4) shakes his hand from holding bribes, (5) stops his ear from hearing of blood (6) and shuts his eyes from looking upon evil, he shall dwell on high' (Is. 33:25–26)."
V. "He who walks righteously:" this is our father, Abraham: "For I have known him so that he may command his children and his household after him" (Gen. 18:19).
W. "speaks uprightly:" this is one who does not belittle his fellow in public.
X. "he who despises the gain of oppressions:" for example, R. Ishmael b. Elisha.
Y. "shakes his hand from holding bribes:" for example, R. Ishmael b. R. Yose.
Z. "stops his ear from hearing of blood:" who will not listen to demeaning talk about a disciple of rabbis and remain silent.
AA. For instance, R. Eleazar b. R. Simeon.
BB. "and shuts his eyes from looking upon evil:" that is in line with what R. Hiyya bar Abba said.
CC. For said R. Hiyya bar Abba, "This is someone who does not stare at women as they are standing and washing clothes.
DD. Concerning such a man it is written, "he shall dwell on high" (Is. 33:5).
EE. [Simelai continues:] "Micah came and reduced them to three: 'It has been told you, man, what is good and what the Lord demands from you, (1) only to do justly and (2) to love mercy, and (3) to walk humbly before God' (Mic. 6:8)."
FF. "only to do justly:" this refers to justice.
GG. "to love mercy:" this refers to doing acts of loving kindness.
HH. "to walk humbly before God:" this refers to accompanying a corpse to the grave and welcoming the bride.
II. And does this not yield a conclusion *a fortiori*: if matters that are not ordinarily done in private are referred to by the Torah as "walking humbly before God," all the more so matters that ordinarily are done in private.
JJ. [Simelai continues:] "Isaiah again came and reduced them to two: 'Thus says the Lord, (1) Keep justice and (2) do righteousness' (Is. 56:1).
KK. "Amos came and reduced them to a single one, as it is said, 'For thus says the Lord to the house of Israel. Seek Me and live.'"
LL. Objected R. Nahman bar Isaac, "Maybe the sense is, 'seek me' through the whole of the Torah [so that this is not really a single encompassing commandment at all]?"
MM. Rather, [Simelai continues:] "Habakkuk further came and based them on one, as it is said, 'But the righteous shall live by his faith' (Hab. 2:4)."

The individuals—Abraham, Eleazar b. Simeon—whose lives illustrate some of the progressively shorter encapsulations of the commandments point to what Judaism in fact demands. This is not simply to accept an article of faith. Rather, it is to act in a way that is commensurate with that dogmatic statement. At base, this is to say, the Talmud presents here not articles of faith so much as moral principles that Jews are intended not only to accept but also to act upon in everyday life. Judaism, for instance,

stands for being humble before God. But this principle is presented here not as a theological statement about the nature of God and humankind but, rather, as the foundation for a number of specific commandments: one must accompany a corpse to the grave, one must welcome a bride. Thus, even when we get to the end of the list, to the single idea that the rabbis argue encapsulates the entire Torah—"The righteous shall live by his faith"—we are not being told the single thing that one must *believe* in order to be a proper member of the Jewish community. The point, rather, is to represent in a few words what one is *doing* when one observes the totality of the law of Judaism. To live by this faith, in the sense of a system of life and practice, is to be righteous before God. That status of righteousness, according to Judaism, cannot be achieved simply through the acceptance of a creed but only through practice of the laws that the creed explains.

Creeds in the Medieval Period

By the tenth century, in response to internal pressure from the Karaite movement, which denied the authority of the Oral Torah, Jewish thinkers began in earnest systematically to formulate statements on Jewish belief. The goal of comprehensively expressing the content of Jewish belief so as to define who should or should not be deemed a good Jew paralleled similar efforts underway in the Islamic philosophical schools of that period. The Jewish thinkers referred to the articles of faith that resulted as "obligations of the heart" (*ḥovot halevavot*), "primary principles" (*haṯḥalot*), "cornerstones" (*pinot*), and, most frequently, as "foundational beliefs" (*iqqarim*). The best known of these creeds were developed by Maimonides, Crescas, and Abravanel.

Maimonides

Although not the earliest formulation of a creed of Judaism, the thirteen principles of Maimonides (1135–1204) is among the best known and most important of all Jewish articles of faith. Presented in the context of his commentary to Mishnah Sanhedrin Chapter 10, Maimonides' principles define the "Epicurean" who, according to the Mishnah, has no share in the world to come. In the thirteen principles, Maimonides thus delineates the beliefs he holds to be necessary and sufficient to assure an individual's salvation.

According to Maimonides, Judaism's fundamental principles are (1) that God exists and (2) is uniquely unitary; (3) God is not corporeal and cannot be accurately described in anthropomorphic terms; (4) God is eternal and (5) alone is to be worshipped; (6) God designated prophets, (7) the greatest of whom was Moses, who (8) received the entire Torah; (9) the Torah cannot be abrogated or in any way altered; (10) God knows people's deeds and (11) rewards or punishes them as appropriate; (12) the messiah will come, and (13) the dead will be resurrected.

Maimonides' thirteen principles became central in Judaism when, by about 1300, they were formulated as a hymn ("Yigdal"), which appears in almost all forms of the Jewish daily liturgy. By the mid-sixteenth century, these principles circulated in a clearly creedal formulation, introduced with the statement, "I believe with perfect faith that. . . ."

Crescas

Among the major critics of Maimonides' formulation, Chasdai Crescas (d. 1412) had the most enduring impact on the later development of Jewish creeds.[6] Crescas defined the formulation of a creed as a philosophical task, involving the logical ordering of beliefs so that basic axioms could yield secondary conceptions. Crescas additionally introduced the notion of intentionality, defining a heretic not by what he believes but by the perceived source of his belief. A heretic holds beliefs—whether right or wrong—that he understands to be independent of the teachings of the Torah. According to Crescas, but contrary to Maimonides, one who perceives his beliefs to derive from the Torah cannot be called a heretic, even if those beliefs are in fact false.

At the foundation of Crescas' creed are the notions of God's (1) existence, (2) unity, and (3) incorporeality. Six pillars stand on these root principles: (1) God's knowledge of people's deeds, (2) divine providence, (3) God's omnipotence, (4) the appointment of prophets, (5) free will, and (6) the role of the Torah in assuring eternal happiness. These pillars lead to eight additional beliefs that Crescas sees as characteristic of Judaism but not fundamental. These include (1) God's creation of the world, (2) human immortality, (3) divine retribution, (4) resurrection, (5) the immutability of the Torah, (6) that Moses was the greatest prophet, (7) the divine origin of priestly instruction, and (8) the coming of the messiah.

Abravanel

Isaac Abravanel (1437–1508) devoted an entire treatise to the formulations of Jewish belief developed by Maimonides, Crescas, and Joseph Albo (ca. 1380–ca. 1440). While raising numerous objections to Maimonides' thirteen principles, Abravanel ultimately allied himself with Maimonides, defining heresy, for instance, on the basis of the content of one's faith, without regard for the perceived source of the specific beliefs. At the same time, Abravanel broadly rejected the claim that any narrow selection of beliefs can accurately encompass the content of Judaism. He held, rather, that, since the Torah was divinely revealed, everything it contains must be accepted; no hierarchy of belief is possible. The rejection of any Jewish belief is heresy and denies the individual a place in the world to come.

Abravanel's unique attitude may result from his having composed it just two years after the expulsion of the Jews from Spain. The declaration that Jews must accept all aspects of Jewish belief possibly was intended to prevent any lessening of Jewish commitment in this trying circumstance. In Abravanel's view, Jews must accept the entirety of Judaism's beliefs, since all of the tenets of Judaism have equally salvific value.

The Modern Period

The modern period in the formulation of Jewish creeds was heralded by Moses Mendelssohn (1729–1786), who argued that Judaism, unlike Christianity, contains no dogmas. Judaism's truths, rather, are identical with the eternal truths discoverable through reason, independent of revelation. These truths are (1) that God, who created and rules all things, is one; (2) that God knows all and metes out rewards and punishment through natural and supernatural means; and (3) that God made his will known through Scripture. In Mendelssohn's view, these truths, which represent the content of all natural religions, are to be distinguished from Judaism's ritual laws, the only part of Judaism that depends upon revelation rather than reason.

The intellectual and social forces that stood behind Mendelssohn's formulation were harbingers to a new approach to Judaism that, between 1782 and 1884, led to the publication of some one hundred and sixty textbooks that systematically presented the Jewish religion. Among these were thirty-five catechisms, intended specifically to prepare students for the newly introduced Jewish ceremony of confirmation.[7] Previously, children had learned the fundamentals of Jewish belief through study of Rabbinic texts and, especially, through Rashi's commentary on the Pentateuch. Now, facing the increasing number of secular subjects that took up students' time and experiencing an intensifying disdain for traditional Talmudic study, more and more Jews found the traditional and time-consuming method of Torah-study to be unacceptable. At the same time, and perhaps most important, these enlightened Jews wished to understand Judaism as a modern "religion," intelligible on the same terms on which they increasingly accepted Christianity as a legitimate system of religion and ethics. Stripped of any special claim to legitimacy, Judaism, like all other faiths, was to be understood through reference to its "universal foundations and moral contents, without too much concern for its many observances" (Petuchowski, p. 53). Judaism thus was to be viewed as but one manifestation of, or supplement to, what

was understood as a universal religious truth. In 1808, Herz Homberg phrased matters as follows (cited in Petuchowski, pp. 53–53):

> Any man, of any nation in the world, attains to spiritual bliss if, while still alive, he fills his soul with wisdom, and conducts himself in all of his actions according to the ways of righteousness and wisdom, which are acceptable to God and man. That is why the Talmudists said: "The righteous of the nations of the world have a share in the World-to-Come."

While Homberg goes on, as did Mendelssohn, to argue that Jews have the special and unique obligation to observe the entire law of the Torah, his fundamental perspective is clear. Judaism, like all religions, is legitimated by the fact that it stands for righteousness and wisdom. Judaism thus is no different from and has no advantage over any religion that leads to the attainment of happiness and bliss, acquired through the promotion of righteousness and wisdom. Judaism thus is and can be defined as a "confession," exactly similar to the other religions whose acceptance Jews in this period craved.

In line with this approach, the textbooks and creeds of this period are primarily concerned not with Jewish ritual observances but with ethical duties and creedal affirmations. The ethical duties generally are introduced through the ten commandments, which frequently are described as representing the sum total of what God directly revealed to Israel. These creeds thus mark the emergence of the new approach to Judaism later to be formalized in the Reform movement. If the Ten Commandments, *but not the rest of Torah*, were given by God, then a wide range of practices and rituals that previously defined the Jewish way of life may now be rejected as unrelated to the authentic core contents and meaning of the faith. The creedal affirmations, for their part, generally depend upon Maimonides' Thirteen Principles, the truth of which was understood to accord with and be discernible through reason (Petuchowski, pp. 55–56).

The Pittsburgh Platform

The most complete and profound modern statement of the content and meaning of Judaism was produced beginning in 1869 by a committee of Reform rabbis that including the well known David Einhorn and was chaired by Samuel Hirsch. The resulting platform was ratified by the Central Conference of American Rabbis in Pittsburgh in 1885, at a meeting called by Kaufmann Kohler, son-in-law of the by-then deceased Einhorn. Through the Pittsburgh Platform, the American Reform rabbinate responded to the issues that divided Jews concerning Jewish belief and obligatory ritual practice. They worked to produce an authoritative statement that would express the position of the Reform movement on the overall nature and content of Judaism.[8]

Striking is that Reform rabbis in this period felt such an urgent need to specify the content and purpose of Judaism and that they conceived of a process of debate and discussion as an appropriate means to achieve this formulation. While, as we have seen, in their period, catechisms increasingly were being written, theirs was the most ambitious attempt yet to produce a final and authoritative characterization of a totally modern Judaism. We must keep in mind that prior to the modern period, conceptions of the content and meaning of Judaism had not even, for the most part, emerged as mandates from rabbis, and they certainly were not the products of democratic debate. Rather, the world-view of Judaism generally had been defined by what the people actually did, by the rituals they performed and by the lives they lived within their closed communities. This Jewish world-view hardly had been reducible to a formal statement of creed at all. It was, rather, located only in the consensus of Jews about how things are to be done, how life is to be lived. In the contrast between the new Reform approach and the way Judaism previously had been defined, we see the extent to which the Reform movement represented a truly new kind of Judaism, a Judaism specifically addressed to the issues that faced Jews in the nineteenth and then twentieth centuries.

In Pittsburgh, American Reform rabbis issued a concise statement that was to represent to the American public as a whole, as much as to Reform Jews, the essential purpose and content of Judaism. The complete text of the Pittsburgh Platform is as follows:[9]

> First—We recognize in every religion an attempt to grasp the Infinite One, and in every mode, source or book of revelation held sacred in any religious system the consciousness of the indwelling of God in man. We hold that Judaism presents the highest conception of the God-idea as taught in our holy Scriptures and developed and spiritualized by the Jewish teachers in accordance with the moral and philosophical progress of their respective ages. We maintain that Judaism preserved and defended amid continual struggles and trials and under enforced isolation this God-idea as the central religious truth for the human race.
>
> Second—We recognize in the Bible the record of the consecration of the Jewish people to its mission as the priest of the One God, and value it as the most potent instrument of religious and moral instruction. We hold that the modern discoveries of scientific researches in the domains of nature and history are not antagonistic to the doctrines of Judaism, the Bible reflecting the primitive ideas of its own age and at times clothing its conception of divine providence and justice dealing with man in miraculous narratives.
>
> Third—We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only its moral laws and maintain only such ceremonials as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.
>
> Fourth—We hold that all such Mosaic and Rabbinical laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our day is apt rather to obstruct than to further modern spiritual elevation.
>
> Fifth—We recognize in the modern era of universal culture of heart and intellect the approach of the realization of Israel's great Messianic hope for the establishment of the Kingdom of truth, justice and peace among all men. We consider ourselves no longer a nation but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the administration of the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state.
>
> Sixth—We recognize in Judaism a progressive religion, ever striving to be in accord with the postulates of reason. We are convinced of the utmost necessity of preserving the historical identity with our great past. Christianity and Islam being daughter religions of Judaism, we appreciate their mission to aid in the spreading of monotheistic and moral truth. We acknowledge that the spirit of broad humanity of our age is our ally in the fulfilment of our mission, and therefore we extend the hand of fellowship to all who cooperate with us in the establishment of the reign of truth and righteousness among men.
>
> Seventh—We reassert the doctrine of Judaism, that the soul of man is immortal, grounding this belief on the divine nature of the human spirit, which forever finds bliss in righteousness and misery in wickedness. We reject as ideas not rooted in Judaism the belief both in bodily resurrection and in Gehenna and Eden (hell and paradise), as abodes for everlasting punishment or reward.
>
> Eighth—In full accordance with the spirit of Mosaic legislation which strives to regulate the relation between rich and poor, we deem it our duty to participate in the great task of modern times, to solve on the basis of justice and righteousness the problems presented by the contrasts and evils of the present organization of society.

The Pittsburgh Platform conceives Judaism as but one religion among many, an evolutionary and progressive faith that contains an essential core of moral-laws and concepts of God. The platform sees Scripture and later Rabbinic texts as human writings that record conceptions of the divine in the primitive terms appropriate to people of prior ages. This means that Judaism, in its essence, should not be viewed as contradicting the essential truths of science and philosophy, even if these truths necessitate the rejection of inherited laws and traditional attitudes and beliefs. Indeed, at the heart of this Reform statement is an absolute trust in science and modern philosophical thinking, a certainty that, through these human activities, people will move the world towards a perfect state, themselves bringing about the messianic age.

Rather than a nation or political entity obligated to maintain an inherited culture

and system of behaviors, Jews comprise a religious confession. They are united by their dedication to promoting social justice and their devotion to the other causes that will lead humankind to perfect morality and equality. Thus one of its most striking elements is the Pittsburgh Platform's rejection of all ritual that does not have a specific and discernible function in elevating the human spirit towards the fulfillment of the goals seen here to define Judaism. Judaism, and religion in general, is no longer to be viewed as a comforting context for tradition and ethnicity, as a mode of creating and sustaining social alliances and distinctive communities. It is, rather, primarily an agent for social progress and the achievement of broad moral and economic goals, goals that all people and all religions share.

The world-view expressed here thus emphasizes the as-yet unrealized but soon-to-come perfect age, an age that it is the mission of the Jews to help bring about. Only in light of this special mission do the Jews continue to form a group at all. Unlike in all past understandings of Judaism, that is, their separateness is now seen to result only from their membership in a distinctive confession. But they are not any longer to be conceived of as a nation or political entity, and, indeed, the way of life defined here admits no cultural or religious traits that would distinguish Jews from others. This is because morality is universal, applicable in the same way to everyone. And so just as Judaism is but one among many "true" religions, so Jews are just like everyone else, demarcated only by the faith into which they are born.

Emet ve-Emunah

The modern Conservative movement's first attempt at a statement of beliefs and principles was published in 1988, under the heading *Emet ve-Emunah: Statement of Principles of Conservative Judaism*. In this document, the leaders of the movement, who had long been criticized for their inability to produce a positive statement of the movement's principles, finally attempted to delineate a Conservative approach on a wide range of issues. The result, however, is not a statement of creed such as the Pittsburgh Platform or the modern catechisms that preceded it. Rather, in *Emet ve-Emunah*, the traditional notion of Judaism as a religion defined primarily by what one does rather than by what one believes means that, particular attention is devoted to the current status of Jewish law. Jack Wertheimer describes this Conservative attitude as it emerges in *Emet ve-Emunah* and a number of new Conservative prayer books and other documents:[10]

> Although the new publications do not speak with one voice or suggest anything resembling unanimity, several trends are evident. First and foremost, Conservative Judaism reiterated its desire to occupy the center of the religious spectrum: the statement of principles speaks of "the indispensability of Halakhah" and "the norms taught by the Jewish traditions." By emphasizing a normative approach to Jewish religious behavior, the Conservative movement rejected the Reform and Reconstructionist positions. Simultaneously, the statement distances itself from Orthodoxy by taking note of "development in Halakhah," and though cautioning that "the burden of proof is on the one who wants to alter" Jewish laws, it affirms the right of Conservative religious authorities to interpret and adjust Jewish law as understood by the halakhic process of Conservative Judaism.

Important here is that, at the center of the Conservative definition of Judaism remains the concept of Halakhah, that Jews are defined not so much by what they believe as by what they do.[11] The central issue in defining Judaism thus remains, as Wertheimer's description makes clear, the development of a theory of how Halakhah is to be applied in modern times. Conservative Judaism is demarcated as "seeking a centrist path between extreme positions" (Wertheimer, p. 151). It understands Judaism not as a system of core beliefs that can be delineated in a code, but as a "disciplinary way of life that is dynamic and evolving."[12]

Conclusion

Jewish thinkers have continually attempted to identify elements of Judaism that uniquely define its system of religious beliefs. Indeed, by 1937, Reform rabbis, now meeting in

Columbus, Ohio, had reframed the system of the Pittsburgh Platform so as to express a world-view quite different from that of the half-century before.[13] In this way, theologians within Reform Judaism in particular have worked from decade to decade to respond to the distinctive needs of their day, offering clear guidance regarding the essential beliefs that derive from the writings of Judaism. By defining what Jews must believe, these reformers have still countered traditionalists, who continue to focus upon the rituals that Jews must practice rather than the beliefs they must hold.[14]

For the nineteenth and twentieth century Jew, as for the Jew of the enlightenment, the importance of such systematic statements of Jewish belief cannot be underestimated. This is because, as Jacob Katz noted in reference to the nineteenth century, in an extended period marked by a steady decline of the traditional Jewish way of life, "when all other ties of the individual to the Jewish community disintegrated, these systems taught and promoted the consciousness of the peculiar value and meaning of the Jewish identity."[15]

Religions that have emerged over long periods of time naturally encompass a diversity of views and attitudes towards the essentials of the faith as well as towards the laws and practices through which that faith is expressed. For the reasons we have seen, this has been particularly true in the case of Judaism, which, despite the attempts of the period of the enlightenment, has not come to be defined through tenets of faith the acceptance of which demarcates the true believer from the heretic. Jews through history, rather, have been generally tolerant of a wide range of formulations of Jewish theology at the same time that, until modern times, Jewish elites have been unaccepting of variety and diversity in the area of practice. Contrary to the case for Christianity and Islam, Jews thus have largely been allowed to think what they will, while correct interpretation of canonical documents and practice of the Torah's law have determined proper standing in the community and before God.

ALAN J. AVERY-PECK

NOTES

[1] On this, see HERESY, APOSTACY.

[2] See John H. Leith, "Creeds, Early Christian," in *Anchor Bible Dictionary*, vol. I, p. 1204.

[3] On this, see Harry Wolfson, *Philo, Foundations of Religious Philosophy* (Cambridge, 1947), vol. 1, pp. 164–199. The enumeration of Philo's truths cited in the following is on p. 164.

[4] The passage appears in an expanded version at *The Fathers According to Rabbi Nathan* XV:V.1. The expansions are included here in brackets, marked ARN.

[5] The following lines, P-T, which are omitted here, concern the meaning of the final verse of Ps. 15, not cited above at C and not relevant to the current discussion.

[6] For a complete account of Crescas' critique of Maimonides and an analysis of his own formulation, see JUDAISM, PHILOSOPHY AND THEOLOGY OF, IN MEDIEVAL TIMES.

[7] On the following, see Jakob Petuchowski, "Manuals and Catechisms of the Jewish Religion in the Early Period of Emancipation," in Alexander Altmann, ed., *Studies in Nineteenth-Century Jewish Intellectual History* (Cambridge, 1964), p. 47.

[8] For an additional discussion of the Pittsburgh Paltform, see REFORM JUDAISM.

[9] "Declaration of Principles Adopted by a Group of Reform Rabbis at Pittsburgh, 1885," in *The Yearbook of the Central Conference of American Rabbis* XLV (1935), pp. 198–200.

[10] *A People Divided: Judaism in Contemporary America* (New York, 1993), p. 151.

[11] The second and third elements that Wertheimer notes as emerging here are the open embrace of religious pluralism and support for gender equality.

[12] Ismar Schorsch, cited by Wertheimer, p. 152.

[13] This platform, however, was widely ignored and rejected for its positive attitude towards Zionism and its call for increased ritual practice, in particular its statement of the centrality of Hebrew and of the importance of Sabbath and festival observance.

[14] Note in this regard the position of Samson Raphael Hirsch (1808–1888), the first spokesman for a modern orthodoxy, who proposed that "the catechism of the Jew is his calendar."

[15] Jacob Katz, "Jewry and Judaism in the Nineteenth Century," in *Journal of World History* 4:894 (1958), cited in Petuchowski, p. 58.

D

The Dead Sea Writings

MEDIEVAL sources report about book scrolls found near the Dead Sea. It seems probable that the extant Geniza fragments of the *Zadokite Documents* and of the Hebrew *Ben Sira* represent remains of copies made from scrolls similar to them. These were found by Beduins in 1947 in caves near Khirbet Qumran, and it is there that, during subsequent archaeological campaigns, the so-called Dead Sea Scrolls were located (figs. 51–52). These consist primarily of leather pieces of various sizes, sewn together to form scrolls of sometimes considerable length. The longest of the more or less well preserved texts, the Temple Scroll (11Q19), is extant in manuscripts as long as 8.75 meters, and one of the so-called "Pentateuch paraphrases" (3Q364 + 365) was originally probably more than 20 meters long. Others are of a miniature size, for instance the scrolls containing texts from Canticles (4Q106–108).

The scrolls are written in columns of a more or less equal number of lines. Some of them are on papyrus, and these are in a bad state of preservation. But due to the excellent quality of the black, and in few instances red, ink that was used, the script in all events remains relatively easy to read. Of all the materials, only those from Cave 1 (of 11), in which the scrolls had been wrapped in linen clothes and stored in clay jars, are more or less whole and intact. Over time, most of the jars were smashed by falling stones, and thus even these scrolls were exposed to physical damage, including nibbling by mice. Some of the jars too appear to have been broken or taken away by Bedouins, who frequently entered the caves. Unaware of the material's worth, they may have removed and destroyed a considerable amount.

What can be said is that the careful process of storage of the scrolls in Cave 1 indicates a well planned activity of production and archiving over a long period. By contrast, about 700 scrolls of various sizes and lengths seem to have been placed in haste in the other caves, particularly Cave 4. This probably occurred after the beginning of the Jewish war against the Romans in 66 C.E.

The physical nature of the material has been carefully investigated, and according to improved methods of radio-carbon dating, the scrolls could not have been produced earlier than 250 B.C.E. or later than 68 C.E. This dating of the material corresponds perfectly to the paleographic evidence. The largest number of scrolls were written in the first century B.C.E., in the Hasmonean and early Herodian periods; a smaller number was produced during the second century B.C.E.; and a few texts are of an even earlier date. Another small portion was written or copied during the first century C.E. until 68 C.E., the late Herodian period.

Except for some early published scrolls that are still designated by abbreviations indicating the cave number and scroll contents (1QH, 1QM, 1QS, 1QGenAp, 1QIsa–b, 1QpHab), it is now common practice to cite the individual scrolls or texts by their running numbers according to the cave in which they were found (1Q1–75; 2Q1–33; 3Q1–15; 4Q1–475; 5Q1–25; 6Q1–31; 7Q1–19; 8Q5; 9Q1; 10Q1; 11Q1–25). In some instances, the assignment of fragments remains difficult, time consuming, and uncertain, since, rather than assigning to every fragment a number of its own, the early editors simply numbered the photographs of whole groups of fragments. This was

done even though the fragments in these photographs had been placed together by mere chance.

Manuscript, Copy, Text

For a long time it was deemed possible to establish the importance or authority of a text by evaluating its size and scribal characteristics. The form of the script and the particular use of the tetragrammaton and other names of God seemed to indicate the relative significance of the scroll within the corpus as a whole. This assumption has not been corroborated by the evidence of later publications. Thus the relationship between scribal character and manuscript form, on the one side, and authoritative or practical significance, on the other, is still unclear and needs further investigation.

The extant manuscripts are in most cases not original writings produced by their authors ("autographs") but copies of existing texts. Indeed, in some cases, we have numerous such copies, or fragments of copies, with more or less identical contents. While in most cases, we would expect a dating of the underlying text earlier than that of the copy, the situation is actually complex. This is because several manuscripts are composites, combining materials extant as literary units or as components of other writings that existed prior the redaction of the respective scrolls. Such pre-formulated fluctuent elements and compounds provoke significant questions concerning the dating and status or authority of the contents of a scroll.

In general it may be assumed that the manuscripts served a practical purpose for the group that created them, such that a correspondence is likely between importance and number of extant exemplars. Application of this principle however is confounded by the differing contents even of exemplars of one and the same underlying text. Additionally, we must ask a number of pertinent questions: What of the materials was collected for purely archival objectives? What was written for programmatic purposes? What in fact comprised the regulations that, according to some statements in the scrolls, were to be observed until the end of a certain "period of iniquity" and the beginning of the new era under the "anointed ones of Aaron and Israel and a (new Torah) prophet" (1QS IX, 10–11; CD XIX-XX)? In addition, a sociological point of view should be considered: The Zadokite priests who produced and transmitted such manuscripts represented an intellectual elite, and their literary activities probably transcended the actual demands of any Jewish group of that time. Consequently, we should not deduce from the Qumran evidence a similar intellectual level and linguistic capacity (particularly in Hebrew) for the majority of these Zadokite priests' contemporaries.

Pre-Qumranic, Non-Qumranic and Qumranic Literary Production

As just suggested, a crucial issue beyond the dating of entire scrolls and texts is the dating of the literary components incorporated in these documents' complex compositions. This dating depends upon literary analyses that routinely yields equivocal results and normally allows no more than a putative, relative chronological sequence of components; only in rare cases is a firm chronology possible. Even so, reconstruction of the history of literary activity at Qumran depends upon such analyses and datings, resulting to date in a great diversity of views.

Prior to the publication of the fragments from 4Q and 11Q, almost all descriptions of the scrolls and reconstructions of the history of the supposed community behind them were based on the dating of the scrolls from 1Q in their ultimate redactional shape. This dating, correlated with the dates known from our main historical sources, Flavius Josephus and the *Books of the Maccabees*, placed the founding of the Qumran settlement in about 130 B.C.E. Today it is clear that the situation was by far more complicated and that the settlement at Qumran did not occur until about 100 B.C.E. Accordingly, a considerable number of texts regarded initially as testimonies of the Qumran community itself appear now to be pre-Qumranic, whether in whole or in part. All the same, the early published texts continue to provide

for many scholars the decisive criteria for defining the "sectarian" character of the supposed Qumran*yahad*-community. A re-examination of the literary evidence and its chronological implications is, therefore, indispensable.

Of pre-Qumranic origin (third to early second centuries B.C.E.) we find (omitting biblical manuscripts):

(1) A fragment of a text called "Apocryphon Joseph[b]" or "Psalms of Joshua" (4Q372 frg. 1), written about 200 B.C.E.
(2) Texts written during the second century before ca. 130 B.C.E.: 4Q201, 4Q202, and 4Q207 (1 Enoch); 4Q213–214 (Test. Levi); 4Q216a (Jub.); 4Q365 ("Reworked Pentateuch"); 4Q378 (Psalms of Joshua); 4Q504 (*Dibrey ha-Me'orot*).
(3) Some of the manuscripts written during the early Hasmonean period (130–ca. 63 B.C.E.), consisting at least in part of pre-Qumranic components: 4Q123 ("Parabiblical Joshua"); 4Q124 (?); 4Q125 (?); 4Q156 (Targum on Lev.); 4Q298 (4QCryptic); 4Q318; 4Q409 (Liturgy); 4Q448 and 4Q502–4Q503 (liturgical texts); 4Q512 (ritual/legal text); 4Q529 ("Words of Michael"); 4Q534 (4QNoah); 4Q540–4Q541 (Test. Levi); 4Q542 (Test. Kahat); 5Q13 (historical/legal); 5Q14 (maledictions); 6Q8 (Book of Giants); 7Q2 (Epistle of Jer.); 11Q05 (Psalms).

Almost certainly pre-Qumranic as well are the large literary components (sources) of the Temple Scroll, and probably also its final redaction. As the Temple Scroll contains laws that in part correspond to regulations in the Zadokite documents, 4QMMT, and related legal texts from 4Q ("Ordinances"), these manuscripts together represent a remarkable pre-Qumranic heritage that cannot be regarded as "sectarian." The same is true for most liturgical texts that probably derive from official Temple liturgies in use before the reign of Antiochus IV.

The literary and historical analysis of the texts is still in its initial phases. Unfortunately, certain religious concepts of special importance within Christian thinking—particularly eschatology, messiah, and messianism—still determine the direction of the research, while the legal heritage and its application, the very core of the tradition and the controversies of that time, have long remained of only secondary interest. A re-evaluation of the Qumran literature should, therefore, begin with the analysis of the traditions that, according to the sources themselves, actually shaped the life and interests of the people behind the texts: Torah and related legal topics, including specific cultic and ritual regulations.

Script and Language

A small number of manuscripts, all but one of these containing biblical books, was copied in the ancient Hebrew script: 1Q03 (Lev.), 2Q05 (Lev.), 6Q01 (Gen.), 6Q02 (Lev.), 11Q01 (Lev.), 4Q11 (Gen./Exod.), 4Q12 (Gen.), 4Q22 (Exod.), 4Q45 and 4Q46 (Deut.), 4Q101 (Job), 4Q123 (a Joshua text?), 4Q124 (= ?), 4Q125 (= ?). In some scrolls only the tetragrammaton appears in such characters: 1Q15, 3Q03, 4Q26, 4Q160, 4Q161, 4Q171, 4Q183, 11Q05. Sometimes the word *'el*, God, appears this way as well: 1Q14, 1Q27, 1Q35, 3Q14, 4Q179, 4Q183, 4Q258, 4Q406, 6Q15, 6Q18. In cryptic texts single words or letter sometimes appear in ancient Hebrew and also in Greek (e.g., 4Q186). At present it remains impossible to determine the motives for the use of the ancient Hebrew script for some of the biblical texts. Maybe, as is supposed by some scholars, these manuscripts are of non-Qumranic origin.

About one hundred texts are written in Aramaic: 1Q20/1QGenAp, 1Q21 (Test. Levi), 1Q23 (Book of Giant), 1Q24, 1Q32 (New Jerusalem), 1Q63–1Q68, 2Q24 (New Jerusalem), 2Q26 (Book of Giants), 3Q12, 3Q13, 3Q14, 4Q156 (Lev.), 4Q157 (Job), 4Q196–199 (Tobit), 4Q201–207 and 4Q210–212 (1 Enoch), 4Q213–214 (Test. Levi), 4Q242 ("Prayer of Nabonid"), 4Q243–246 ("Pseudo-Daniel"), 4Q309–310, 4Q318 (calendrical text), 4Q342 and 4Q344–348 (contracts), 4Q355 and 4Q359 (administrative texts), 4Q488–490 (apocalyptic texts?), 4Q529 ("Words of Michael"), 4Q530–533 (Book of Giants), 4Q534 (Noah-text), 4Q535–536, 4Q537 ("Visions of Jacob"), 4Q538–539 (texts about the patriarchs), 4Q540–541 (Test. Levi), 4Q542 (Test. Qahat), 543–548 ("Visions of Amram"), 4Q549 (about Hur/Miriam), 4Q550 ("Proto-Esther"), 4Q551 (Daniel/Susannah), 4Q552–553 ("Four king-

doms"), 4Q554 ("New Jerusalem"), 4Q555–558 (visions), 4Q559 (chronology), 4Q560 (Proverbs), 4Q561 (horoscope), 4Q562–575. 5Q15 (New Jerusalem), 5Q24, 6Q08 and (?) 6Q14 (Book of Giants), 6Q19, 6Q23 (Speech of Michael), 6Q31, 11Q10 (Job), 11Q18 ("New Jerusalem"). Aramaic was the language of every day life and of affairs. Within Jewish usage, certain narrative and scientific traditions of a more international character, however, seem also to have been transmitted in that language.

Texts in Greek are relatively rare, most of them translations of biblical texts (4Q76–4Q82, 4Q119–4Q122; 4Q126–127) and, strikingly, all the (very badly preserved) papyrus fragments from Cave 7 (7Q01–7Q19). Some of the latter (particularly 7Q5) have been—unconvincingly—identified with New Testament passages.

Classification Criteria—the Impact of Traditional Concepts of the Jewish and Christian Canon

Of far reaching consequence to research in the scrolls was the initial, intensive engagement primarily of Christian biblical scholars. Their interest and approach included presuppositions that matched their own religious conceptions more than they represented the reality of Judaism in the last three centuries B.C.E. The most significant presupposition imputed to the period of the scrolls a scriptural canon corresponding to the Christian "Bible" or, at least, the Rabbinic "Holy Scriptures." In line with this perspective, scholars categorized the texts as biblical or non-biblical and further defined those in the latter category according to their purported relationships to biblical sources. Thus we have paraphrases, interpretations, rewritten or reworked biblical texts, para-biblical texts, and apocryphal or pseudepigraphic writings. Notably, the Qumran texts themselves provide no basis for such a theory of classification and evaluation.

The fragmentary condition of most texts also has meant that definitions of individual pieces based on content and form cannot be maintained once numbers of fragments are identified and assembled. In light of the preponderance of fragmentary texts, it thus remains preferable to be cautious. Further, some of the better preserved manuscripts are collections of texts made up of formally diverse components from different ages. These contain various genres and lack a convincing compositional device that creates of the parts a unitary scroll. Thus the majority of the sources are unlike the Temple Scroll, which may be defined as a carefully redacted "Torah Book."

It is impossible to classify all of the material exclusively according to biblical criteria, a state of affairs demonstrated by F. García Martínez in his Spanish, English, and Italian translations. Instead, he allotted the texts to a number of groups: "Rules," "Halakhic texts," "Literature with eschatological contents," "Exegetical literature," "Para Biblical literature," "Poetic texts," "Liturgical texts," "Astronomical texts, calendars etc." Notwithstanding certain advantages, even this scheme yields inevitable contradictions. The Temple Scroll, for example, which presents itself as a book of Torah, appears under the rubric "Exegetical literature" but has nothing in common with the Pesharim, neither content, genre, nor purpose. The "Wisdom" texts, which offer important theological statements, appear as "Poetic texts," a label that also fits most of the "Liturgical texts." In light of such insoluble difficulties, the German translation of 1996 simply presented the texts according to their running numbers for cave and text.

The most convincing and informative manner of presenting the texts depends primarily upon their description, indicating contents and purposes. The composite character of many scrolls means that separate consideration must be given to each of their major components.

The Relationship of the Finds to Biblical Texts

Among the remains of ca. eight hundred manuscripts, a quarter are identified as belonging to biblical texts. This judgment applies to 137 of the 575 items from Cave 4; to 17 of 33 from Cave 2; to seventeen of seventy-six items from Cave 1; to ten of

twenty-five items from Cave 11; to seven of twenty-five items from Cave 5; to seven of thirty-one from Cave 6; to three of fifteen from Cave 3; to two of five items from Cave 8; and to one of nineteen items from Cave 7 (excepting the texts in Greek). This is significant, since the Qumran scrolls are about a thousand years older than any other known biblical manuscripts. Contrary to widespread assumptions, the biblical texts from Qumran are not distinguished by specific scribal characteristics. Additionally, not all of the biblical books are well attested: Chronicles, Ezra/Nehemiah, and Esther are probably not extant at all, and some apparently biblical fragments may contain only citations or parallel passages.

In any case, the concept "biblical" or "canonical" is anachronistic when applied to the scrolls. Based on the number of manuscript exemplars and the intensity of their employment in citations, only a few biblical texts appear to have any special significance within the corpus. Except the Psalter, which, as a selection of "Psalms of David," had the reputation of prophetic poetry, most books now referred to as belonging to the hagiographa—the third part of the Jewish Scripture—played an inferior role compared even with non-biblical books, such as Jubilees, Enoch, the Zadokite documents, and others. The adjacent list of extant exemplars of biblical books, showing the approximate number of citations or clear applications, demonstrates the rather low significance of a number of books.

Of particular importance, evidently, were the books of the Pentateuch, with Deuteronomy in first place. This high status is due to the legal materials that, while not representing the whole of the (written) "Torah," form part of a concept of Torah that includes much more than the "canonical" materials. The significance of Genesis is different, since it includes narrative traditions employed to express certain legal and theological issues. It also appears from this evidence that the boundaries of the canon were deemed immaterial, with an impressive amount of non-canonical materials being

Book	Exemplars	Citations
Genesis	17	40
Exodus	17(15)	38
Numbers	7	29
Leviticus	12	76
Deuteronomy	29	110
Isaiah	20	112 (exc. pIs)
Jeremiah	5	17
Ezekiel	6	20
Daniel	7	
XII Prophets	8	
Amos	(1)	4
Habakkuk	4	4 (except 1QpHab)
Hosea		17
Joel		2
Malachi		4
Micah		13
Nahum		8 (except 4QpNah)
Zechariah		7
Zephaniah		2
Psalter	36 (38)	60 (exc. pPs)
Joshua	2	1
Judges	3	
Samuel	4	7
Kings	3	4
Chronicles	(1??)	
Job	6	3
Proverbs	2	3
Canticles	4	
Ecclesiastes	3	
Ruth	4	
Lamentations	4	4
Book of Jubilees	16	
Zadokite documents	12	
1QS	11(13?)	
1QH	9	
Book of Giants	8	
Enoch books	7	
Shirot ʿolatha-shabbat	8	
1QM	7	
4QMMT	6	
New Jerusalem	6	
Tobit	5	
11Qtemple Scroll	3	
Sirach	1	2
Book HHGHW (= ?)		4

used for the same purposes as the canonical books.

The books of the Prophets form the second important group of texts, and among them the book of Isaiah was of an obviously exceptional importance. A prominent position may be ascribed as well to the Psalter and, beyond it, probably to all liturgical compositions related to David (cf., 11Q05 XXVII,2–11: 4050 pieces!). Psalms of David had the reputation of prophetic poetry and were therefore also subject to Pesher-interpretation. Essentially, every text subject to such interpretation was deemed a prophetic revelation, whether part of a biblical prophetic book or not.

Remnants of Aramaic translations have been found for two biblical texts, one for Leviticus (second century B.C.E.) and two exemplars of Job (first century C.E.). Their relationship to the later Rabbinic Targums and their purpose remains unclear.

Items Related to Biblical Texts—The Pesher

A Pesher-interpretation is an easily identified literary genre in which biblical wording forms the basis of an alleged interpretative statement. Yet, as we shall see below, the Pesher provides no actual explanation of the text. Its hermeneutic procedure accordingly differs fundamentally from that of an authoritative juridical reading, designated in this literature by the term *le-horot* ("to direct a Torah command to somebody;" "to enact a Torah regulation") or *lidrosh* ("to proclaim a Torah regulation as valid for;" "to proclaim a Torah regulation as applicable . . .").

The Paraphrase

While the so-called "paraphrases," that is, the "reworked" or "rewritten" pentateuchal texts, such as 4Q364–367, originally were works of considerable length, they are all poorly preserved. Their relationship to their underlying pentateuchal sources and their purpose needs further investigation. Until now it has been assumed that the biblical text formed the foundation for the composition of the non-biblical content of the paraphrase.

Treatments of Prophetic Books

A wide range of writings is associated with the name of Ezekiel, from variant textual traditions of the biblical book to elaborate, independent compositions. Ezekiel was probably regarded primarily as a priestly prophet, concerned with knowledge about heavenly things. The Jeremiah traditions in 4Q385b may have formed part of a literature concerning the fate of the first Temple and the exile, with a purpose close to that of the liturgical Lamentations and Consolations. Striking also is the volume of texts and materials related to the prophet Daniel. These particularly involve eschatological interpretations of historical and actual events.

Extant Non-Biblical Texts and their Qumranic Context—1 Enoch

Known in its Ethiopic version as one book, 1 Enoch consists of large literary components that, at the time of the Qumran texts, still existed as independent books. They formed part of a rich pre-Qumranic tradition in Aramaic linked to the name Enoch, known as the initiator of cosmological and calendrical sciences. As in the case of materials related to pentateuchal narratives, these texts served, therefore, primarily as vehicles for cosmological and doctrinal issues. In 4Q201–202 and 204–212, fragments from all the parts of 1 Enoch are preserved, except for the "Book of Similitudes" (1 Enoch 37–71), and, possibly by mere chance, also for 1 Enoch 83–84. One of the Enoch books was the "Book of Giants" (1Q23–24; 4Q203, 530–533; 6Q14), which according to its contents corresponds to the "Book of Watchers" (1 Enoch 1–36). The fall of the angels, to which Gen. 6:1–4 contains only a faint reminiscence, seems to have been a widespread motif, for a variant of this "Book of Giants" is known from the Manichean tradition. The story had its roots in old Mesopotamian traditions and was probably transmitted in

priestly circles. In ancient times it served as an explanation of the origins of technical and cultural achievements. Its later adaptations, however, display a profound critical attitude toward certain effects of civilization, an attitude characteristic of a widespread trend during the second half of the first millennium B.C.E. In light of the Qumran evidence, all past datings of the Enoch literature must be revised: the individual Enoch books existed already in the early second century B.C.E., and some of them are of considerably older date.

Jubilees

According to the number of exemplars (1Q17–18; 2Q19–20; 4Q176b; 4Q216–224; 11Q12), the Book of Jubilees was one of the most authoritative works in the Qumranic tradition. Its narrative basis is more or less identical with that of the Biblical Genesis and of related works found among the Qumran texts, and consequently it is far more deeply embedded in specific Jewish traditions than Enoch. Additionally, unlike the Enoch literature, with its international, Aramaic background, Jubilees is written in Hebrew. Still, Jubilees corresponds in many ways to the Enochic traditions, and the choice of Hebrew, for instance, may be due to its specific aim, to demonstrate that certain disputed Torah regulations form part of a tradition that predates the revelation at Sinai. In the view of Jubilees, these regulations' were authoritative already in the days of the patriarchs and even in pre-diluvial times; essentially they are part of a cosmic and social pattern that coincides with the order of creation.

Unlike the Enoch books, the dating of Jubilees to about 160 B.C.E. has remained relatively undisputed. Still, this dating should be reconsidered on the basis of the book's relationship to the "Astronomical Book" of Enoch (1 Enoch 72–80). The latter concerns calendrical problems proper, and Jubilees provides the chronographic application deduced from the common calendrical basis. The evidence points to the third century as the concluding phase of a chronographic system calculated on the basis of the twenty four priestly courses (integrated in the calendar, cf., 4Q292; 4Q320–330). Importantly, Jubilees' depiction of the division of time in general and of the history from Adam to the entrance into the Land of Israel are presupposed by that system, which during the early second century B.C.E. already caused profound controversies in Jerusalem, apparently because of its practical consequences. Contrary to scholarly opinion, Jubilees may, therefore, have its origins in the early third century B.C.E. Both the Enoch literature and Jubilees witness a massive Qumranic tradition concerning cultic and calendrical topics (4Q292–293; 4Q320–330). This tradition resulted in a sophisticated system for the division of time and in a reconstruction of history since creation, concluding with a calculation of the eschatological periods.

Testaments of the Twelve Patriarchs

Some Qumran texts resemble parts of the Testaments of the Twelve Patriarchs, presenting variant forms of the manifold Levi-traditions that conveyed the self-definition of the priestly clan (1Q21?; 4Q213–214: 540–541). Also, fragments of a kind of "Testament of Judah" (4Q484) and a "Testament of Naftali" (4Q215) are preserved.

Tobit

The Book of Tobit, known from the Septuagint canon, is represented by fragments of four exemplars in Aramaic (4Q196–199) and one in Hebrew (4Q200). Its narrative content and form correspond to a widespread type of court tales (cf., the Story of Ahiqar; Dan. 1–6), which Jewish authors adapted for historiographic and apologetic purposes.

Sirach

Fragments of the Hebrew text of Sirach (known from a medieval copy in the Cairo Genizah) have been found in Qumran (2Q18)

as well as on Masada. Sir. 51 appears also in 11Q5, a psalm scroll that includes five poetic compositions hitherto preserved only in Syriac translations.

Classification According to Literary Genres

Most of the extant, well preserved Qumran scrolls are composites. They contain various genres and so lack the distinctive literary traits that allow for their definition within a single literary category. This is the case except for the Pesher-commentaries and certain liturgical texts, which are uniform in genre and content.

Another exception is the Temple Scroll, which we already have referred to as a carefully composed book of Torah. Also the War Scroll from Cave 1 (1QM) appears to be a thoughtfully constructed, unitary composition, but like 1QS and the Zadokite documents, 1QM is only one among a number of more or less identical M-collections. The same is true for diverse psalm scrolls, which exhibit differing contents and, compared with the biblical Psalter, many deviations in sequence (figs. 45–46).

Scrolls that contain poetic collections, such as 1QH and related texts from 4Q and 11Q, consist of units that can be classified easily according to their poetic genres. Unfortunately, we still know very little about the liturgical organization of the group(s) behind these texts, particularly considering developments over time. Accordingly, classification of the individual pieces usually follows the criteria developed in biblical scholarship for hymns, songs of praise or thanks, poems of lament, etc. The same is true for parts of the liturgical material, especially for the benedictions. The forms of the prayers, however, vary considerably according to the associated liturgical events and according to the group for which they were intended: priests, Levites, laymen.

The well preserved 1QH (*Hodayot*) and the fragments of identical and related collections from 4Q (4Q427–433, 440, 498–499) contain only a restricted number of genres. In its preserved 28 columns, 1QH contains three or four collections of pieces that in most cases begin, "I praise/thank you, oh Lord" and, in some cases, "Blessed are you." The first pattern belongs to the genre of "individual songs of praise," which describe negative situations or circumstances and express thanks for a change to the better due to God's grace. Columns II–XI of the *editio princeps* (originally numbered: XXIX) contain seventeen such songs of praise, which many scholars regard as written by the Teacher of Righteousness himself and believe to express his personal experiences. There is, however, not sufficient evidence for such a biographical and psychological interpretation. Significant in col. XX (XII), 11 is the phrase "and I as *maskil*." It indicates for the *Hodayot* a similar function as for other pieces introduced "For the *maskil*," suggesting a concrete mode of instruction. The title *maskil* appears also in connection with legal and didactic texts. Rather than referring to individual and personal religious experiences, the use of "I" in this case thus expresses the collective convictions of the same priestly elite that determined the content of Torah.

Some poetical pieces of liturgical character are incorporated in the War Scroll (1QM + 4Q491–496). 1QM X,8 for example, contains a poem that employs the repeating phrase *Mi kamokah* ("Who is like you?") that, in biblical and later synagogal compositions, introduces a thematic genre concerning the similar incomparibilities of God and his people, Israel. The following columns of 1QM contain various poems connected with the issue of the "holy war," evidently part of a vast heritage attested as well in other contexts in this period and, in particular, actualized in the Maccabean wars. Some of these poems follow a benediction pattern; others are of hymnic and didactic character. Finally col. XVIII, XIX,8a presents an impressive song of victory and triumph.

The fragments of 4Q179 and 4Q501 present remnants similar to passages in the biblical Lamentations. They were perhaps connected with commemoration rituals for the destroyed first Temple. Their counterparts seem to have been the *Tanhumim* ("consolations") of 4Q176a, so called according to a certain part in the synagogal liturgy

reserved for individual supplicatory prayers. The Qumran *Tanhumim* were, however, part of a collection of liturgical pieces of varying genres. Not concerned with the individual, their main interest was the fate of the people and land of Israel and its sanctuary. The first extant pieces explicitly called *Tanhumim*, indeed, are simply an anthology of citations primarily from Second and Third Isaiah. Only in this respect is there a certain thematic parallel to the later synagogal liturgy, namely to the "pericopes of consolation" in the prophetic lectionary cycle (*Haftarot*).

The benediction as the basic form of prayer appears in the Qumran texts in a variety of forms associated with the priestly liturgy. This is contrary to the comparatively simple features of the lay-oriented Pharisaic-Rabbinic tradition. The Qumran benedictions are by far less uniform than the Rabbinic ones, which, until the third or fourth centuries C.E., underwent a continuous process of standardization. The standard Rabbinic benediction reads: "Blessed are you, Lord, our God, king of the world, who. . . ." The possibilities for comparisons with Qumran benedictions are, for chronological and sociological reasons, restricted.

In poetical contexts, thanksgiving poems are introduced in the form of benedictions, beginning "*Baruk*. . . ." Thus we find in 1QH V,20, X,14; XI,27 (?); XI,32, XVI,8 a: "Blessed are you, Lord, who . . ."; or "Blessed are you, the God of mercy and of grace in your/because . . ." (1QH XI,29); "Blessed are you, Lord, for/because . . ." (1QH XI,32; 1QH XIII,20; 1QH XVIII,14); "Blessed are you, my God, who . . ." (1QS XI,15–22; 1QH frg. 4,15); "Blessed is God, who . . ." (1QH XXVI,5); "Blessed is the God of Israel, who . . ." (1QM XIV,3–8/4Q491 frg. 8–10,2–6); "Blessed is your Name, oh God of grace" (1QM XIV,8/4Q491 frg. 8–10,6–10); "Blessed is your name, God of the godlike ones . . ." (1QM XVIII,6). In 1Q20 GenAp XX,12–16, a supplicatory prayer begins in a prose context, "Blessed are you, Highest God, Lord of all eternities . . ."; and in 11Q5 XIX,7, "Blessed is the Lord, who . . ." is the beginning of a stanza in the "Plea of Deliverance." In the angelic liturgy "Songs of the Sabbath Sacrifice," a piece in 4Q403 frg. 1,28 is introduced, "Blessed is [the] L[o]rd, kin[g of] all, high above all benediction and. . . ." Such rich literary employment of benediction patterns presumably reflects a correspondingly dominant role of such patterns in daily life.

Other patterns begin with a self-invitation to praise as in 4Q434 frg. 1 i 1–2: "Bless, my soul, my Lord, because of . . . and blessed is his name, for he has. . . ." In the "Grace after meals," 4Q434a, of which the beginning is lost, the wording of lines 9–10 corresponds to the beginning of 4Q434: "Bless, my soul . . .," followed by reasons for praise; cf. 4Q511 frg. 63 ii + 64,2: "I will bless your name and on the fixed times of my testimonies I will tell your wonders. . . ."

Of a third type are pieces with persons as subject of the benediction. They begin with the optative form "*yebarek*. . . ." ("May bless . . .") or (passive) "May be blessed . . .," as in 4Q448 frg. 1 ii: "May your name be blessed. In 4Q537 frg. A + E,1–2 an angel speaks to Jacob: "May God bless you. . . ."

The daily prayers for the individual days of a month in 4Q503 all apparently began in the form of benedictions: "Blessed is the God of Israel, who . . ." (III,2.6; IV,6.8). Also the major part of the festival liturgies probably consisted of benedictions; but most of them are, unfortunately, in an extremely fragmentary state: 1Q34 3,7; 4Q507 frg. 2; 3 ("Blessed is the Lord, who . . ."); frg. 4,4; frg. 10, ii,6–7; frg. 18,3; frg. 23 ii,3.

Similar formulas may be found in collection of prayers that cannot be defined according their purpose. In 4Q510–511 ("Song of the Wise"), which originally contained about 21 columns, a variety of formulas is employed; in 4Q511 frg. 16,4: "Blessed are you, God of godlike ones;" in 4Q511 frg. 52–59,4: "Blessed are you, [my] God, king of glory, because . . .;" in 4Q511 frg. 63 iv (as a final clause!): "All your works bless regularly, and blessed is your name for ever in eternities. Amen, Amen!;" and in 11Q14,2–3: "Blessed is [–] and blessed is the name [of his] holin[ess]. . . ."

Benedictions appear in some rare cases in connection with ritual acts. 4Q502 has been defined a marriage ritual, but in fact it contained various genres, among others, some for Tabernacles and benedictions for

different groups. 4Q502 frg. 19,6–7, for instance, regards men: "Blessed is the [Go]d of Israel, who . . .;" cf., the same formula in 4Q502 frg. 24,2–6 (for ?); cf., 4Q502 frg. 31; 96; 101; 125. Benedictions accompanying ritual purification acts are quoted in 4Q414 frg. 2 ii,6; 4Q512 iv frg. 33,6–7; vii frg. 30,6; frg. 42,3; frg. 54,3; cf. frg. 69,3; frg. 72,6–7 ("Blessed are you [. . .]," in complete form probably as in frg. 64,6: "Blessed are You, God of [Is]rael, who. . . ."

1Q28b (1QSb) is a collection of benedictions for high officials: High priest, priests, ruler. It is preserved in parts with an introduction such as, "Words of benediction for the *maskil* to bless . . ." (I,1; III,22); or in V,20 (for the ruler): For the *maskil* to bless. . . ." The beginning of I,3. III,25 reads: "May the Lord bless you from the abode of his Holiness . . .," but the benediction for the ruler in V,23 begins only with "May raise you. . . ."

A liturgical formula containing benedictions (of the optative pattern) opposite maledictions is enclosed in 1QS col. I–III,12; a literary application of this twofold pattern appears in 1QM XIII,1–5, employing, however, the *Baruk*-pattern: "Blessed is the God of Israel in all . . . and blessed are . . .," corresponding to, "Cursed be . . . etc.;" 4Q379 (Psalms of Joshua) frg. 22 ii.5f. is similar.

4QMMT (4Q394–399) is a composite, one component of which is constructed as a literary epistle in the form of a letter to a ruler. Its main part consists of a list of differences in Torah interpretation and practice that distinguished the group behind the text and the ruling majority. The stereotypical formulations of the rival positions misled some scholars to see here a parallel to the "antitheses" in the Gospels. This antithetic arrangement is probably due to didactic considerations, for the existence of at least six exemplars points to a practical purpose. The end of the epistle is formulated as admonitions (blessings and maledictions) directed at the ruler in the traditions of the law of the king, in a generalized form as blessings and maledictions also found in covenantal contexts such as in Deut. 27–29 or Lev. 26. It is not quite clear whether this epistle originated as a mere literary device or was sent as a real letter to an actual ruler (Alexander Yannai?).

Classification According to Contents and Purposes—Torah Traditions, Laws and Orders

In Qumran research, the term "Torah" is usually regarded as signifying the Pentateuch or the laws contained in it. But in fact, in the Qumran texts, as in later Rabbinic Judaism, the concept of Torah encompasses far more than the pentateuchal laws. Rather, at Qumran, as for the rabbis, all absolutely binding legal traditions are Torah. The entire Torah as an ideal whole represents God's will, and the competent authorities need "from time to time" to enact regulations controlling actual practice. At Qumran, as in the outside community, the priestly authorities held this responsibility. At Qumran, accordingly, Torah regulations are referred to as "revealed," and such rules encompass as well "hidden" laws, parts of the ideal whole Torah that have not yet been detected and enacted or are no longer practiced. It is impossible to define with certainty the boundaries between Torah laws and regulations on the level of communal discipline, since, perhaps to maintain complete disciplinary control, the priestly authorities were not interested in marking this difference.

Some Qumran texts entirely concern legal issues, and many composite scrolls as well contain legal or disciplinary materials. Due to the concept of Torah that held that even that which is "revealed" still had to be enacted "from time to time," it is difficult to determine the extent to which and in what periods specific regulations found in the scrolls guided actual practice.

A striking example of a Torah document in the described sense is the Temple Scroll, extant in remnants of three copies: 11Q19, which consists of two parts of different age—11Q10A (= col. II–V) from the early first century C.E. and 11Q19B from the late first century B.C.E.—and 11Q20, from the early first century B.C.E. For this extensive composition the redactors combined components

of different genres and contents. The redactional result was a precisely organized book of laws with a historical frame, not unlike Deuteronomy, set in the Sinai (cf., Exod. 34) just prior to the entrance into the promised Land (cf., Deut. 7). The basic device is a priestly point of view treating the subjects according to a scheme of graduated concentric realms, proceeding from the Holy of Holies in the Sanctuary to the peripheral realms of holiness and ritual purity. Regulations concerning the Temple are thus treated first, while laws of common interest are discussed in the last parts. The large components, originally probably independent sources, are clearly discernible and of different age and character:

(1) The "Temple source," a detailed and architecturally sophisticated plan for a first sanctuary in the Land for all of the twelve tribes of Israel.
(2) Incorporated in col. 13,9–30,?, a list of sacrifices according to the events within the solar oriented festival cycle.
(3) A ritual prescription related to the sanctuary and the city of the sanctuary (col. 48–51,10).
(4) A collection of general laws that contains the major part of the materials extant also in Deut. 16–22, and within this compound an elaborated "Law of the King" (col. 56,12–60,?).

Almost all of the laws (including those with parallels in Deuteronomy) are formulated as ordinances of God, speaking in the first person to Moses. The Temple Scroll is composed as a book of Torah, indeed, but scarcely as a "new" Torah, destined to replace the Pentateuch or Deuteronomy, or as an "eschatological Torah." What of this collection actually served as the law of the time, enacted by competent authorities, is difficult to determine.

4QMMT (4Q394–399) contains in the first preserved part a calendrical text followed by a list of legal regulations and practices disputed by the authors and their adversaries. The list is framed as an epistle but represents essentially one of the most important legal texts among the scrolls. Some of the controversial regulations have parallels in the Temple Scroll (11Q19–20), and it seems likely that both writings represent a rather early Zadokite legal tradition, extant already towards 200 B.C.E. Parts of this survived also in the later Sadducean group.

1QS AND CD

1QS and CD (the Zadokite documents) are collections of various texts. The first part of 1QS (col. I,1–III,12) is a liturgical composition destined for a yearly covenant festival (identical with Pentecost) and connected with the admission of new members and the re-arrangement of the ranking order within the community. A doctrinal section follows, defining in concise schematic prose some basic beliefs. A third part (col. V,1–IX,2) contains laws and regulations and is commonly regarded as the Manual of Discipline of the Qumran community. After col. IX,2 a number of appendices appear, the first of didactic and then, in col. X,1–XI, of poetic-liturgical character. A comparison with the S-exemplars in 4Q (4Q255–264) leads to the conclusion that 1QS reflects different strata of disciplinary regulations and didactic self-definitions of the *yahad*-community. The same is true for the legal parts in the Zadokite documents compared with the related D-texts from 4Q (4Q266–273). The D-laws concern cities or "camps." The legal parts in CD col. IX–XII differ in extent and date from the 4Q fragments. The paleographic evidence regarding certain manuscripts suggests for at least parts of the S and D traditions an older age than that of the installation at Qumran. Consequently, they cannot be regarded as specifically characteristic of the community that lived there only from the end of the second century B.C.E. Although the comparatively great number of exemplars attests a prominent significance of both collections, there is no way to establish the exact historical place and function of their rules. The same has to be admitted regarding other legal collections.

Teharot a-f is the name of six manuscripts (4Q274–279.281–283) of a legal collection that corresponds to regulations in the S and CD texts and the Temple Scroll. Many of

the extant fragments concern older ritual issues that are here related to the conditions of the *yahad*. A similar case are the so-called Ordinances, 4Q159 and 4Q513–514. Both collections appear to have been of considerable size and of great importance. Close to them in content and character are also the remnants of 4Q284 (concerning ritual purity), 4Q284a, and 4Q375.

The Use of Early History

Jubilees, 1 Enoch, and the Testaments of the XII Patriarchs present contemporary rules and disputed regulations as though they were aspects of old traditions from prior to even the revelation of the Torah on Sinai. Other texts from Qumran similarly describe pre-diluvial and patriarchal history. Fragments of such texts, some of them primarily of a narrative nature, are related to the figures of Noah (1Q19; 4Q246; 4Q534), Abraham (1Q20/GenAp), Jacob (4Q537), and Joseph (4Q371–373). Also the so-called "Pentateuch paraphrases" or "reworked Pentateuch" texts (4Q364–368; 4Q422–422a; 4Q464) share with similar writings containing Genesis or pentateuchal materials (4Q249; 4Q253–255) the tendency to demonstrate that certain Zadokite traditions are very old or even part of the original cosmic order.

Numerous texts are associated with the name of Moses (1Q22; 2Q21; 4Q374; 4Q385a; 4Q387a/4Q388a; 4Q389 and 4Q390). Others are connected with Joshua (4Q123; 4Q378–379; 5Q9), Samuel (4Q160; 6Q9), and David (2Q22; 4Q373; 11Q05 XXVII,2–11; XXVIII,3–13); texts concerning Levi, Qahat, and Amram transmit priestly issues in particular.

Liturgical and Ritual Texts

The fragmentary condition of the texts prevents in many cases a definition of their literary genre and liturgical purpose. Apart from the benedictions (see above), this applies, for instance, to the remains of five non-canonical psalms in 4Q380–381 or the fragments in 1Q30–31; 1Q36–40; 3Q6; 6Q18; 4Q291; 4Q294–297; 4Q392–393; 4Q441–4Q477; 4Q500.

An extensive collection of poetic-liturgical pieces appears in 4Q510–4Q511 (4QShir^{a-b}), the "Songs of the Sage." Fragments from eleven of originally ca. 21 columns are extant, and these apparently contain a variety of genres. At least some of these pieces were intended for priestly use, for a passage in 4Q511 frg. 10 resembles the solemn "Songs of the Sabbath Sacrifice" (cf., passages in 4Q286 and 287). Striking is the stress on regular praise of God, which should accord with the demands of cosmic powers (4Q511 frg. 1) and occur at appropriate times, determined by eternal rules (4Q511 frg. 2 i; frg. 63 ii + 64), that is, in accordance with a certain calendar, reflected also in 1QH XII (XX),4–11; 1QS X,1–8 (and the parallel texts in 4Q258 and 4Q260).

4Q502 has been defined as a marriage ritual. But this papyrus scroll (of which 344 small fragments remain) in fact contains a variety of prayers, including some for Tabernacles. At least part of the scroll contains prayers related to topics such as family welfare. It mentions men, young ones, women, maidens, children, apparently all members of the priestly elite, the Sons of Zadok. Other pieces are introduced by the formula characteristic for laic prayers: "Blessed is the God of Israel."

A considerable number of explicitly liturgical Qumran texts unfortunately are preserved in a very fragmentary state. The fragments of 4Q448 contain in all probability prayers for "King Jonathan," apparently Alexander Yannai (103–76 B.C.E.). From the fragmentary remains, it is difficult to determine on what occasion prayers in a vast collection called "Dibre ha-me'orot^{a-e}" (4Q504, a copy from about 150 B.C.E., 4Q505; 4Q506) were recited. Different is the case of 4Q503, which includes prayers for every day of the month according to the following pattern: "On the . . . of the month at evening/at sunrise they shall bless and recite: Blessed is. . . ." Also the festival prayers of the collections 1Q34, 4Q507–508 (frg. 2 for the Day of Atonement), and 4Q509 (frg. 131 ii for the first fruit day) seem to have consisted essentially of benedictions.

Exemplars of one of the most phantasmal

texts among the Qumran finds, the "Songs of the Sabbath Sacrifice" (4Q400–407, 11Q17; Ms Masada), are comparatively numerous. This collection contains meticulously constructed liturgical pieces for the thirteen Sabbaths of a quarter of the year (*tequfah*). It does not present, in fact, the texts of the songs themselves, but only descriptions of their liturgical performance in the heavenly realms. The descriptions are of an extremely monotonous and solemn style, full of technical cult terms and stereotypical formulations. As a whole the compositions represent priestly traditions of the highest liturgical level, fundamentally of pre-Qumranic origin and part of the cultic heritage of the Temple of Jerusalem before Antiochus IV. Presenting the angelic priests as heavenly counterparts of the earthly ones, these texts provide important insights into priestly self-consciousness in general.

1QS I–III,12 constitutes a liturgical formulary intended for the annual covenantal ceremony of Pentecost, connected with the admission of new members and the regular re-arranging of the ranking order. 1Q28b (1QSb) consists of benedictions for the introduction of priests and high officials. Liturgical pieces accompanying ritual purification acts are attested in fragments of 4Q414 frg. 2 ii,6, and 4Q512. 1Q29 has been called 4QTongues of Fire. The remnants presuppose a kind of mysterious oracle ceremony, obviously designed for a specific priestly practice.

Sapiential and Theological Texts

Many fragments, particularly from 4Q, display the characteristics of wisdom traditions: 1Q26 + 4Q423; 1Q27; 4Q180–181; 4Q184–185; 4Q299–308; 4Q408; 4Q426; 4Q474–476; 4Q486–487; 4Q525. The range of literary features is, however, wide. The basic traditions seem to have consisted of wisdom texts proper. These are proverbs or series of proverbs, in part collected or composed according to thematic points of view and similar to some components of Ben Sira, of which fragments have been found at Qumran and on Masada. Whole passages are concerned with practical questions of daily life and with social relations. In many cases we find, however, a tendency to stress the significance of essentially impenetrable aspects of the existent world, which only the wise are able to grasp. This "mystery of being" transcends the imminent order presupposed in the old wisdom texts and implies cosmogonical and cosmological connotations of a peculiar character. The wise man is no longer the normal transmitter of wisdom but, in his place, the *maskil*, a functionary of the organizational collective behind the texts, obviously consisting primarily of priests. The impression is of a continuous theologizing of standard wisdom materials, resulting in the formation of passages with a doctrinal character.

During the last stage of this evolution, doctrinal texts emerged in a formalized rhythmic prose style with many stereotypical formulations, in parts very like poetic pieces. The most famous text of this kind is 1QS III,13–IV,26, an impressive compendium of doctrinal issues. But the wisdom tradition was not the only foundation of this literature. The cultic-liturgical realm in particular provided additional formal and conceptual elements for the crystallization of this kind of doctrinal tractate.

Establishing harmony within the realms of spirits and men and safeguarding the latter against evil forces represented by Belial was one of the most important purposes of liturgical practices. Exorcistic conjurations accordingly aimed at deterring and frightening demons (see, e.g., parts of 11Q11, 4Q286 frg. 7, and 4Q560). In such contexts, dualistic and deterministic traits appear, apparently in their proper social context, while the doctrinal statements in passages such as 1QS III,13–IV,26 and 4Q176; 4Q177 X, 4Q180–181; 4Q215 frg. 1 ii; 4Q369 seem to reflect a more theological application. The liturgical texts thus are of a doctrinal as well as a historical character, a fact that presupposes that a metaphysical explanation for the profound controversies within post-exilic Judaism was transformed from a mythical explanation of the confrontation between Israel and its enemies as one between God and his enemies to an antagonism within Judaism itself.

Individual horoscopes concerning the participation of the individual in the realms of

light and darkness, as in 4Q186, as well as physiognomic texts, such as 4Q561, formed part of the community's world view and were apparently also significant for the ranking of individual's within the group. These texts also illustrate some of the peculiar phrases used in 1QS III,13–IV,26, which presume that membership in the lot of light or darkness was predestined.

The literary evidence points finally to an evolution of the dualistic and deterministic concepts originally rooted in a priestly view of the world and humankind. This transformation took place within an increasingly exclusive group, whose members came to consider themselves to be not only the leading elite of Israel but also to constitute the only true community of Israel. In this evolution, heightened attention was paid to specific eschatological issues. Viewed in the context of a radicalized dualistic world view, these ideas led to a profound demonization of the cosmos, history, and nature of humanity.

Eschatological Texts and Traditions

The apocalyptic character of certain texts has been of great concern from the inception of Qumran research. It is difficult to determine the date to which these texts set the decisive turning point between normal history and the eschaton. CD I,6's calculation of 390 years after Nebuchadnezzar's capture of Judah in 587/6 B.C.E. has been understood by many scholars to be a more or less symbolic statement. In light of the publication of 4Q390 frg. 1, however, where an interval of seven jubilee periods is mentioned, this date has to be re-examined. A comparison of CD I–II with 4Q390 and with the apocalypses in 1 Enoch 85–90 and 93 + 91,1–12 as well as with Dan. 9–12 and certain other calendrical texts proves that a chronographic calculation existed.

This calculation was based on the division of time into "year-weeks" (that is, six years concluding with a Sabbatical year), Jubilees (7 × 7 = 49 years), and periods of 6 × 49 = 296 years, 7 × 49 = 343 years, and 10 × 49 = 490 years. The periodization in intervals of 490 years was the most important instrument of world chronography in this tradition, which calculated past and present on the basis of cycles prefigured in the organization of the 24 priestly courses at the sanctuary and which had the Sabbatical cycle as its backbone. The significance of the vast mass of calendrical texts and particularly the existence of an extensive list covering a whole period, as in 4Q319, is, therefore, not restricted to discussions about the application of a yearly calendar oriented around the course of the sun or moon. It extends so far as to the calculation of all time and history. Such calculations are reflected in the Pesher-interpretation of historical or present events and scriptural passages allegedly related to the actual period of 490 years (586–97 B.C.E.) and, in particular, to the previous two Jubilees (198/7–97 B.C.E.).

The word *pesher* is derived from a verb meaning "to untie knots/to solve riddles/to interpret dreams," and it designates a kind of actualizing and eschatologically motivated interpretation of prophetic texts, in the form of single interpretations as well as running commentaries. The Pesher-commentary forms a distinctive and characteristic part of the scrolls concerned with biblical passages or contents. It accordingly is represented in an impressive number of texts, indicating an important function during a certain phase of the development of the group: 1QpHab; 1Q14 and 4Q168 (pMicah); 1Q15 and 4Q170 (pZepheniah); 1Q16, 4Q171 and 4Q173 (pPsalms); 3Q4, 4Q161–165 and 4Q515 (pIsaiah); 4Q166–167 (pHosea); 4Q169 (pNahum); 4Q172 (= ?); 5Q5 (pMal?).

While the actualizing interpretation of single passages is found elsewhere in ancient Judaism, the Pesher's running commentary appears to be characteristic in particular of the group headed by the Teacher of Righteousness. He claimed to understand the words of the prophets according to their real meaning, thanks to the spirit given to him by God (1QpHab II,8–10). This approach presumed that even the biblical prophet himself did not conceive the true meaning of the revelation (cf. 1QpHab VII,1–2). Invariably, this true meaning concerns events of the latter days. Past,

present, and future events are arbitrarily connected. These form the real subject of an interpretive process that presents them as signs or elements of an eschatological drama, in which the Teacher of Righteousness, of course, plays a decisive initial part. So even as the Pesher quotes more or less continuous passages or sometimes single words of the Bible, it appends previously conceived interpretative statements, which often lack any foundation in the scriptural source at all. Thus the Pesher is not really an explanation of the text but a method of using scriptural elements as vehicles for expressing distinct views. In this genre, biblical statements are introduced, "Its Pesher is/concerns . . ." or by, "The Pesher of the word/subject is/concerns . . .," eventually followed by a reasoning clause. A single word or part of a cited passage may be additionally interpreted, beginning with the phrase, "And if it is said . . . its Pesher is that. . . ."

4Q174 ("Florilegium") and 4Q177 are parts of one composite text treating in the extant fragments specific eschatological themes. It begins with a Pesher interpretation of 2 Sam 10–14 regarding three temples. The following section applies 2 Sam 7:14 to the Davidic ruler who is said to take over his office together with a new *doresh ha-Torah* (Torah-Enactor, cf., CD VII,18–19). The following pieces seem to have contained eschatological interpretations of actual events connected with polemics against other groups. Here events of the past are utilized in a typological manner for polemical purposes.

4Q175 ("Testimonia") is a piece from a rather early (100–75 B.C.E.) copy. Its name has been given to the text by the editors because of its certain resemblance to collections of messianic-Christological proof texts of the early Church. The first part combines a series of passages also extant in the Hebrew Bible but of remarkably differing text traditions: Deut. 5:28–29; 18:18–19; Num. 24:15–17; Deut. 33:8–11. This piece probably served as an introduction to a more elaborate eschatological treatise interpreting actual events, in the extant fragment particularly concerned with Hasmonean building activities at Jericho.

Eschatological interpretations of historical or actual events are also attested in Aramaic fragments like 4Q246, misleadingly labeled a "Son of God text," or defined as an apocalypse. The fragments of 4Q552–553 (called "Four kingdoms") belong to a similar text containing eschatological visions or revelations. The so-called "pseudo-Daniel" texts, 4Q243–245, share the same purpose and concern. Apparently a broad tradition of materials existed related to Daniel, one of the most important prophets in the eyes of the people behind the Qumran scrolls (the biblical book itself being extant in seven exemplars).

The famous Melchizedek text, 11Q13, is in its extant parts also of primarily eschatological concern. Here Melchizedek, in the Jewish tradition the prototype of the High Priest of Jerusalem, executes a kind of eschatological judgment in terms of a ritual purification. The preceding passages consist of Pesher-interpretations of a series of biblical passages, which allowed a combination of calendrical-chronographic Jubilee-speculations with the motif of a final judgment. The date of the appearance of the Anointed Prince, seven "weeks" after a time indicated in Dan. 9:25, points to the chronographic calculations mentioned above.

The War Scroll, relatively well preserved as 1QM (+ 1Q33) with variants in 4Q491–496, also has a specific eschatological concern. The scroll consists of components with a specific pre-history of their own, combined together to form a phantasmal plan of the final war(s) between Israel and its enemies and, concurrently, between the forces of good and evil, in sum, between the sons of light and the sons of darkness. Striking is the combination of realistic practical traits—the information about weaponry, war banners, tactical provisions and measures—on the one hand, and phantasmal traits, on the other. Significant also is the priestly claim to lead the course of the operations by signals. As a whole the work appears to be a liturgical formulary based on a deterministic concept of the course of events. 1QM contains two versions (I and XV–XIX, and II and X-XIV) with two distinct concepts of war. The fragments from 4Q indicate a rich but rather fluctuating war

tradition with ritual and liturgical elements combined or enclosed. Most of the material was apparently already formulated in a highly stereotypical prose style or consisted of poetic-liturgical pieces. Texts of at least partially similar contents are 4Q259, 4Q285, and 4Q471.

1Q28a (= 1QSa, originally part of 1Qs) is formally a kind of community rule with ritual regulations concerning functions during certain public and cultic events. It is, however, a rule destined for the whole of Israel at the end of days, and so describes a peculiar constitution including a high priest and a laic ruler, in sum, persons for whom the text 1Q28b (= 1QSb) specifies particular benedictions.

The New Jerusalem text (in Aramaic!) is extant in fragmentary form: 1Q32, 2Q24, 4Q454–455, 5Q15, and 11Q18. Its basic concept resembles Hellenistic town planning but applied to a device for the eschatological Jerusalem as "City of the Sanctuary." Its utopian measurements exceed even those of Ezek. 40–48, the oldest example for this kind of utopian-architectural tradition. Like Ezek. 40–48, the work included legal regulations concerning cultic issues. The relatively great number of copies points to a particular interest or purpose. Perhaps its function was critical, to present a final, ideal device in contrast to existing institutions and circumstances, while the Temple Scroll (in Hebrew!) presented a utopian device destined for realization after the entrance into the Land of Israel. Both texts exhibit certain common features, last but not least regarding the scheme of Israel as a people of twelve tribes and the application of their names to the twelve gates of the enclosing walls of the Temple courts and the city, a motif that also appears outside the scrolls.

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The Dead Sea Writings, The Judaism(s) of

ATTEMPTS to define the Judaism practiced at Qumran have on the whole been in vain, the result of a substantial lack of proper methodology. When the Dead Sea Scrolls were first studied, it was assumed that all the non-biblical ones were homogeneous in their content and constituted a single sectarian library. In this approach,

their authors' doctrines, treated as uniform, could be discovered by reading across the manuscripts. Once identified, these doctrines could be contrasted with the beliefs of the monolithic "non-sectarian" Judaism understood to be practiced everywhere but at Qumran.

In light of our present awareness of the diversity of the contents of the scrolls and our knowledge of the variety of Judaisms practiced in this period, this uncomplicated approach is no longer the least bit plausible. Therefore, at the outset of any attempt to define the Judaism practiced at Qumran, it must be borne in mind that the enterprise may prove impossible, it not being entirely clear that the scrolls represent a "Judaism" at all. For a kind of "Judaism" is not simply *any* collection of doctrines or practices, but a complete religious system. While the question of what makes a collection of religious beliefs and practices a mode of "Judaism" is difficult definitively to answer, it is clear that the collection must at least encompass certain ideas, including a concept of "Israel" and a definition of the location of that Israel in time and space and in relation to its deity.

A fundamentally important distinction must also be made between literary and historical approaches, that is, between an approach that evaluates the religion depicted in a range of texts and one that examines only the documented beliefs and practices of an actual community at a given point in time. Following the former method, in theory it would be possible to conduct a purely literary exercise so as to construct a "Judaism of the Qumran *texts*," without reference to their various origins and actual life-settings. This approach assumes that everything stated in all the texts, viewed collectively, is to be assembled into a statement of Judaism, regardless of whether this statement represents any Judaism that ever existed. In principle, a purely literary method such as this can ignore the question of historical authors, preservers, and readers of the library. But why scholars should want to read any such archive as a single, coherent statement is not evident. In fact, those who undertake this exercise claim they are describing what they call the "Qumran community," a supposedly historical entity that in truly circular fashion is defined as a group practicing the artificially constructed "Judaism" of the archive.

Even such a method would find it necessary to distinguish three discrete categories of manuscripts among the scrolls. While scholars have defined in Qumran literature in different ways, they have tended to agree on three central categories: 1) "scriptural" texts, which the later talmudic rabbis classified as "defiling the hands," 2) "pseudepigraphal" texts, known outside of Qumran, but not scriptural, and 3) "sectarian" texts, altogether unknown outside of Qumran. Many scholars have regarded the first group as representing the scriptural foundation that the Qumran sectarians shared with other Judaisms and the last group as what was distinctive to them. The middle group then ranges between these two extremes. Accounts of the "Judaism of the Qumran scrolls" are accordingly distilled from the "sectarian" texts, with the pseudepigraphal manuscripts possibly pointing to a penumbra.

One underlying problem with this approach is its assumption that previously unknown scrolls or the ideas they contain are by definition "sectarian." But in the last decade, this idea has been recognized as problematic, and the question of the conditions under which a text may be considered "sectually explicit" (as Carol Newsom phrases it) is now fairly well recognized. It hardly needs to be said that a description of a "Judaism represented by hitherto unknown texts from Qumran caves" is a fairly useless exercise, though this has, in effect, been attempted.

A *historical* analysis, in which a select set of Qumran texts could be assigned to a specific group and thus interpreted as a historical Judaism, is similarly confronted by a host of uncertainties. Is there evidence of only one historical group behind these texts, and, if not, how are the various groups, their texts, and their Judaisms related (if at all)? Unfortunately these difficulties did not present themselves when the major manuscripts were recovered from Qumran Cave 1 in 1947 and published in the early 1950s.

As a result, these all were fairly rapidly interpreted ("biblical" scrolls apart) as products of a single group, and the locale and identity of that group were, after some initial dissent, agreed upon by the scholars responsible for their editing.[1] These were, by general consent, Essene writings, and "the Essenes" lived at the nearby settlement of Qumran (perhaps once named the "City of Salt;" cf., Josh. 15:62). For some time since, and until quite recently, the consensus therefore has held that the Qumran scrolls represent an "Essene library." This theory, at times elevated almost to fact, has the advantage of imposing an internal cohesion among the "non-biblical" texts and, as seems to have been important, identifying and naming the authors.

The reasons for this theory are understandable and should be reviewed. First, the Cave 1 scrolls, taken together, plausibly depict various aspects a single Jewish community:

(a) an account of the beliefs and rules, teachings and organization of a religious community, the *yahad* (the Community Rule, 1QS).
(b) some of its hymns, including those apparently of an individual who had been persecuted and had founded the community, called the *moreh hatzedeq* [= "teacher of righteousness," "rightful teacher"] (the Hodayoth, 1QH).
(c) interpretations of biblical prophecy claimed to be fulfilled in scenes from the life and times of the persecuted founding "teacher" (the Habakkuk Pesher, 1QpHab).
(d) a description of the eschatological war between the forces of light and darkness (the War Scroll, 1QM).

Specific ideological links among these manuscripts could also be observed—in particular a distinctive dualistic doctrine of "light and darkness" or "truth and falsehood" found in both the Community Rule and the War Scroll and a correspondence between events alluded to in the Habakkuk Pesher's account of the life of the "teacher" and the experiences mentioned by the writer of the Hodayoth (e.g., that this person was persecuted, exiled, and formed a group of loyal followers). Many scholars thus supposed that the "teacher" himself wrote these hymns, or at least some of them. It was also suggested more than once that he even wrote the Community Rule.[2]

The "Qumran community" accordingly was defined as the group described in the Community Rule (calling itself the *yahad*), and it seemed natural to conclude that this community had placed the scrolls in the caves and thus had lived nearby. A crucial link was the report of the Roman traveler Pliny (Natural History 5:71–73), who in the first century C.E. described a colony of Essenes by the Dead Sea, not far from Ein Gedi. This society of celibate males was indeed fortunate, said Pliny (who may well have been relying on second-hand testimony), having neither money nor women and only palm trees for company. This ancient report brought the cave-hunters to the nearby ruin now widely identified as the site of that community's habitation. The Essenes are also mentioned in several places by two other first-century writers, Philo and Josephus, and certain features of their description correspond with details of the Community Rule. Josephus described them, among other things, as being agriculturists, as taking frequent baths, and as requiring a lengthy process of admission.[3]

At the beginning of Qumran scholarship, then, the scrolls, Qumran, and Essenes were firmly locked together. That initial configuration still has several influential proponents.[4] However, many of the key elements have since begun to disintegrate. Among the most important are the following:

1. As the number of previously unknown texts increased, the difficulty of harmonizing them exceeded the inventiveness of all but a few commentators. In particular, the Temple Scroll (11QT) and the Halakhic Letter (4QMMT) drove clefts through the consensus: there was disagreement, for example, about whether 11QT was a product of the *yahad*[5] and whether the legal positions adopted in 4QMMT were Essene or Sadducee.[6]
2. With the publication of virtually the entire corpus of texts, it was realized that the 800 or so original manuscripts that survive (mostly in small fragments) were written by a large number of different scribes and very few by the same scribe. This makes it doubtful that the scrolls were largely, if indeed at all, written at Qumran. They may instead represent the products or possessions of numerous

individuals and should not automatically be read as representing the beliefs of a "Qumran community."

3. The connection between the site of Qumran and the cave scrolls has been questioned: the archaeological data were interpreted in the light of the scrolls from Cave 1 rather than independently, and clear evidence of a "monastery" (as the site was often dubbed) was never available.[7] Additionally, more sites to which Pliny might have referred have since been discovered in the vicinity of Ein Gedi, and Khirbet Qumran itself has been suggested, among other things, as a fort, trading post, villa, and factory.

A host of other objections has also been raised to the once prevalent theory: the Qumran cemeteries include tombs containing female skeletons; the presence of monumental pillar bases at the site suggests something more luxurious than a "monastic" lifestyle; no manuscripts fragments, either of parchment or papyrus, have been found on the site;[8] the manner of deposit of the scrolls differs from cave to cave; the distribution of the caves is curious, some being virtually part of the site of Khirbet Qumran, others a few miles away.

These points are not exhaustive. Nor perhaps are they conclusive, even cumulatively. But the disintegration of the once firm connection of scrolls, ruins, and Essenes has reached the point at which it can be seriously questioned whether the scrolls have any proven connection with the ruins or indeed with any particular groups at all. The most skeptical position is that of N. Golb,[9] who regards the scrolls as comprising several deposits brought to the area from Jerusalem on the eve of its siege by the Romans. Even if his view is not to be accepted entirely, the argument at least exposes the fragility of an agenda that once allowed one to speak easily of a "Qumran community" and to spell out its doctrines and practices.

The question now is not "what was Qumran Judaism?" but *whether* there was one. The answer cannot be found by seeking to establish who lived at Qumran or by attempting to identify them with an otherwise known group. These are worthwhile pursuits in themselves, but they address historical questions that perhaps cannot be answered definitively and in any case do not contribute directly to the task of defining a Judaic system. "Qumran" must be taken in the first instance to denote merely *the place of discovery* of the texts and nothing else.

Does this mean, after all, that the Judaism of Qumran must be reconstructed using a literary method? The answer is that literary analysis indeed must indeed be the first step, specifically in the form of an investigation of the ideology of discrete texts and not of hypothesized authors or groups. But this method, which Jacob Neusner has so successfully used for the Rabbinic materials, needs to be modified in some respects for the Qumran literature. It is possible in some cases to set out the system of a particular text (e.g., the Community Rule, the Damascus Document, the War Scroll), and that system will belong to the framer of the text. But these discrete exercises do not yield a "Judaism of the Qumran texts" and even less so an ancient Judaism existing beyond the literature. For while the systems of the various texts interrelate, they do not all relate in the same way, nor do they form a single system that can be synchronically described. Setting aside first the large number of texts that have no place in the system at all,[10] several of those that remain bear traces of a redactional history. This impels us towards a diachronic analysis and a description of evolving systems. In some cases at any rate, the presence of historical and social processes appears necessary to explain both the format of individual texts and their collective presence in a single archive or set of related archives.[11]

In practice, then, how should one proceed? The similarity of vocabulary, ideology, and genre between a number of texts makes it clear that these are related. Such overlaps, as we shall presently observe, include a calendrical reckoning based on solar years rather than lunar months, the application of a range of dualistic accounts of the world and human nature with often quite specific technical vocabulary (children of light/darkness; Belial; lot), a tendency towards regarding sexual relations as purely for procreation, technical terms such as "city of the sanctuary," "camps," *yahad*, and so on. These varied overlaps suggest at first

glance a family relationship (or, better, a set of relationships) among many of the texts.

But to express the relationship systemically or even historically requires a method that does not adopt its own conclusions as its presuppositions, so as to argue in a circle. This means that concrete historical connections must be proven. To do this, paleography has frequently been used as a means of dating. But, since the variables are too many, it is entirely unreliable. Indeed, while the multiple copies and the evidence of redaction in several major scrolls allow us, in a few cases, to set a establish the point by which particular redactions (represented by specific manuscripts) must have existed, we are dealing with a process of literary (and ideological) formation spanning perhaps several centuries.

This means that the only method, as far as I can see, by which secure results can be obtained is to commence with an analysis of a *single* document and then to compare its major systemic features to other specific redactions of concrete texts. In this approach, the danger to be avoided is declaring the initial document a definitive or "normative" statement of "Qumran Judaism." Such an error is often made, as, for instance, where the *Community Rule* is taken as an official account of the "Qumran Community," and the "Qumranicity" of other texts is then gauged by their convergence with it. A similar procedure, equally invalid, is to identify "documents employing terminology connected to the Qumran community,"[12] where "Qumran community" is a hypothesis substantiated by an amalgam of texts and not a datum. Moreover, the texts in which such terms appear may well differ in *other* respects, and, indeed, may display important systemic divergences. In either case the mistake is to identify a single "Judaism" and then to decide whether or not particular texts fit it.

Indeed, that there is a monolithic "Qumran Judaism" is in principle dubious, and even a superficial acquaintance with the range of texts shows such a presupposition to be false. At most it is possible to posit what might be a family of Judaisms in which many basic features and, more importantly, configurations, recur. In theory, it is not important with which member of a family one begins, as resemblances can be traced in many directions. In practice, however, the choices for a "base text" are rather few. The conditions it must fulfill are that it is capable of expressing a *system*, that it should share a large number of features and configurations with a number of other texts, and that it should, if possible, identify itself with a community or organization, because social structure is a highly important index of ideological structure, and the identification of social entities facilitates a broader and potentially *historical* comparison of Qumran texts.

The Judaism of the Damascus Sect

The best point of departure for an exploration of the Judaism of Qumran is not the Community Rule, even though, since it was among the first scrolls to be published, it has played the dominant role in Qumran scholarship. For, despite its given name, that manuscript[13] does not constitute an actual community rule and is very obviously an amalgam of genres, with little discernible structure or plot and no historical statements (whether reliable or not). Both on internal grounds and on the basis of a comparison with the Cave 4 fragments, it may be seen as either a scribal assemblage of material or as a text that has evolved by a redactional process that can more or less be reconstructed.[14]

A much better foundation for the Judaism of Qumran is the Damascus Document. Unfortunately, the best preserved manuscripts come from the geniza of a medieval synagogue, and while these manuscripts overlap, they do so only partly, and their common text is not identical. The fragments from Caves 4, 5, and 6 nevertheless confirm that the contents are important in the Qumran archive and also that the texts of the Cairo manuscripts are reasonably reliable. But these represent two recensions, while the Qumran fragments belong to yet more recensions. Attempts to "correct" the Cairo manuscripts on the basis of a reconstructed original "Damascus Document" must be rejected, for the notion of a definitive edition is no more secure than in the case of

the Community Rule. The chief value of the Qumran fragments is to assure us that the Cairo texts do not represent a Karaite rather than a Qumranic edition.

The Damascus Document is divided into two sections, customarily known as *Admonition* and *Laws* (1–9 [= ms. A] + 19–20; 10–16 [ms. B] respectively). The two sections belong together, as the Cave 4 fragments confirm. Unlike the Cairo manuscripts, the Qumran fragments do not in themselves allow us to reconstruct a single recension, because they divide more or less between *Admonition* and *Laws*. But the *Admonition* (to a lesser extent the *Laws*) does exhibit a rhetorical structure and includes a number of statements about the origin of the group or groups to which it testifies, while the *Laws* contain a fairly extensive collection of community rules.

Only a cursory account can be given here of the main contours of the Judaism of the Damascus Document.[15] For the purposes of brevity as well as clarity the following considers three basic topics: Israel, Torah, and Temple. But from these three, what I shall call "the Judaism of D" can be reconstructed.

Israel

The authorship of the Damascus Document represents the community for which it speaks as "Israel" in the sense of the true remnant of Israel, hence, an Israel within an Israel (1:4–5; 3:13; 4:4–5, etc.). On the basis of this self-definition, along with the fact that this Israel segregated itself socially, I regard it as a sect, a definition supported by the group's speaking of the historical "Israel" that has gone astray in the past and continues to be in error (1:4; 3:14; 4:16; 5:21; 6:1, etc.). The review of Israel's history (2:16–18) shows that it came to grief through disobedience, the result of which was punishment at the time of the exile under Nebuchadnezzar (1:6). Israel's remnant was then reconstituted under a new covenant, a new law, and a new lawgiver (3:12–16; 6:2–11). This picture of the origins of the "New Covenant" community therefore parallels other accounts (e.g., Daniel, Enoch) that speak of a new start after the Babylonian exile, effectively writing off the earlier period as disastrous.[16] The claim that D's Israel is the true successor of scriptural Israel is underlined by an extensive use of quotations and allusions to the books of Moses and the prophets, to an extent that one may at places describe the Damascus Document's text as a tissue or mosaic.[17]

This true Israel, then, is situated within an historical "Israel" that itself lies within a non-Jewish world. Indeed, while the Damascus Document regulates dealings with non-Jews without any overt polemic, it carefully regulates contact with the Israel that is in reality non-Israel, a group it sees as still in serious error and as bound for imminent divine destruction. This group is to be strenuously avoided (although converts are welcome and perhaps even canvassed), since the fate of the "covenant of the former ones (*rishonim*)" will be repeated. Or, rather, it will be *completed*, for the present is part of an "age of wrath," extending from the time of the Babylonian exile onwards. During that long period, while the true Israel has been preserved, historical Israel has been led astray by Belial and its leaders. Members of the historical Israel accordingly can be designated "children of perdition" (*benei hashahat*, 13:14).

The relationship between historical Israel and the Israel of the New Covenant is also expressed in dualistic and predestinarian terms. At 2:2–13, God is said to have chosen some and rejected others "from eternity" and to foreknow their existence; in each generation a chosen remnant has been left. This passage, however, is unique, and it does not introduce the names of heavenly powers, while elsewhere the role of Belial is confined to leading astray the historical Israel (4:12–13) and trying to lure away members of the New Covenant (12:2, where "spirits of Belial" are mentioned). Nowhere is there an angelic counterpart to Belial: he is opposed only to God. It is important to note, therefore, that a cosmic or psychological dualism does not play a systemic role in the Judaism of D: there are merely those elected and those rejected (true and false Israel) and the activity of Belial among both.

The Israel of the Damascus Document is divided into "Israel" and "Aaron" (1:7;

6:2; 19:10–11), though four additional categories (14:3–4)—priests, Levites, Israelites, and alien residents (*gerim*)—are also specified. While *gerim* could of course indicate non-Jews, it seems more likely that the term has already acquired its later sense of "proselyte," probably in this case by an analogy: the *ger* in Ezekiel is a non-Israelite permitted to be reckoned among the tribes; from the perspective of the "true Israel" of the Damascus Document, other Jews being admitted to live within this sect (presumably with the intention of membership) would be accorded this status. Thus, historical Israel is placed not quite on the level of non-Jews (even the slaves of members of the "Damascus" sect have to belong to the "covenant of Abraham"), but are regarded as analogous to foreigners permitted to share the land of Israel (for the moment) with the possibility of joining the true Israel.

Following the scheme of Numbers, the true Israel of the Damascus Document is also organized into "camps" and ordered into units of thousands, hundreds, fifties, and tens (13:1–2). This structure may reflect a view of New Covenant Israel as recapitulating the origins of historical Israel, with the wilderness period (immediately after its receiving of the old covenant) as a time to prepare for entry into the land. A period before settlement and sanctuary, however, may have been regarded as appropriate for a group that had withdrawn from many aspects of participation in the Temple cult (see below). That the D sect thought itself to be geographically as well as typologically living "in the wilderness" is very probable.

Torah

The Israel of the Damascus Document is constituted by scrupulous obedience to the Torah revealed to it when it was instituted as the remnant. Adherence to their own will and not to the divine Torah had led the old Israel to destruction in the first place, and, accordingly, the new covenant of the Damascus sect is conveyed by a revelation of Torah. Interestingly, this new Torah was almost certainly created by exegetical development of the scriptural Torah of Moses rather than by a new text. It is not impossible that the Temple Scroll or even the book of Jubilees (referred to in 16:3–4) were understood as texts of this Torah. A "book of the *hagu*" is also mentioned in 13:2. But more probably the Torah was represented by a number of texts, including the laws contained in cols. 9–16. These collections of laws (they are evidently a collection of separate lists, with some headings preserved, e.g., at 10:10, 14; 12:19; 13:7) are of particular interest, because they constitute the earliest examples we have of a set of rules governing communal life and derived from the books of Moses. They cover matters of holiness, discipline, Sabbath observance (a separate section, 10:14–11:18), and commerce, and their headings suggest separate sets of rules for those living in "cities" and in "camps." The members of the New Covenant swear to "return to the Torah of Moses," the details of which must be learned by every member before being examined by the *mebaqqer* (15:10–11).

The laws governing the life of this group, then, are regarded as Mosaic Torah, and a distinction is made between the written text that the New Covenanters share with historical Israel (i.e., the Pentateuch) and its fuller explication in terms of community regulations (*perush*; 6:14). The distinction between the commonly available Torah and that possessed by the sect is also expressed by the terms *nigleh* ("revealed") and *nistar* ("hidden") respectively.[18]

While there are interesting similarities in much of this with Rabbinic ideology, especially the notion that the results of human exegesis constitute revealed knowledge, there are also differences. The Damascus Document lacks the distinction central to the Judaism of the Dual Torah between "written" and "oral" law, not considering the law as "dual" at all; the sectarians do not deal with holiness and tithing as fundamental and original concerns; the Damascus Document legislates for a real but sectarian community (rather than the utopian vision of the earliest rabbis), and, in the Damascus Document, the Torah is not discussed by learned authorities, such as rabbis, but is presented as if divinely commanded verbatim. Indeed, many of its formulations mimic

ones used in Scripture to present apodictic law. Whether the term "halakhah" is appropriate to the Torah of the Damascus Document depends on how narrowly one wishes to define the word. While the noun is not used, the verb *hlk*—to follow the path (of the law)—is employed in the relevant sense.

According to 3:13, the key elements of the special revelation of God to the founder of the group (the "Interpreter of the Law," *doresh ha-torah*, 6:7) are "his holy Sabbaths and his glorious set times" followed by the more general "righteous testimonies and true ways." The calendar is undoubtedly a major concern of this Judaism, and it is something to which historical Israel is "blind." But the calendar itself (on which *Jubilees* is cited as an authority) is not spelled out. The major difference that the Damascus Document addresses repeatedly, namely, between the "true" and the "historical" Israel, concerns sexual relations (4:19–5:11), specifically intercourse during the menstrual period, divorce/polygamy, and marriage between uncle and niece. In all cases what is evidently a scriptural law (accepted as authoritative by either side) is invoked and then interpreted by the authors of the Damascus Document according to their own rules: no more than one wife is permitted in a lifetime, marriage is prohibited between aunts and nephews as between uncles and nieces ("what is written as applying to males applies also to females"), and (implicitly) a longer period of female uncleanness due to menstruation.

These rules are consistent with a view that regards sexual relations as purely for procreation. The Judaism of D, then, is much concerned with regulating sexual activity, which, outside of the legitimate bounds of marriage (as strictly defined), is denounced as "lust" (*zenut*). Sexual intercourse is regarded as intrinsically unclean and so may not take place in the "city of the sanctuary" (12:1–2). Hence, while the group's members may marry and raise children (7:6–8), the implication is that some do not. The hint of a celibate lifestyle among this group is the product, it seems, of a concern for holiness.[19] It follows that if a D settlement existed in Jerusalem, its members were celibate.

Another important feature of the Torah of D is that its validity is associated with a specific period of time, running from the exile and subsequent revelation of true law to the appearance of an eschatological teacher: ". . . to walk in them [i.e., the laws] during the whole period of wickedness . . . until there shall arise one who teaches righteousness at the end of days" (6:10–11; see also 15:6–7: ". . . likewise is the commandment [*mishpat*] during the whole period of wickedness . . .). The "period of wickedness" is also referred to as the "period of wrath" (1:4; cf., 21; 2:21; 15:7), because the divine anger and the activity of Belial (which are related) both characterize it. The clear implication remains that the validity of this law will be affected by the arrival of this "teacher," who is also a messiah (12:23: ". . . walk in these [laws] during the period of wickedness until there shall arise the [messiah] of Aaron and Israel"). There is additionally some evidence of a calculation of this "period of wickedness/wrath" and thus of the appearance of the messiah-teacher (4:8–9: "completion of the period according to the number of these years"). Probably the 390 years of 1:5 also reflect such a calculation.[20]

Temple

Several laws in the Damascus Document reveal the extent of participation in the Temple cult by members of this community (6:17–18; 9:14; 11:18–19; 12:1–2; 16:13). From these it emerges that:

1. Offerings were made at the altar or could be sent, and several different kinds of offering are mentioned, including *'olot minhot*, incense, wood, and sin-offerings. The performance of the daily *tamid*-offering is assumed.
2. If 12.1f. applies to visitors to Jerusalem, participation in the major festivals may be included.
3. Vows extend participation in the Temple cult to private and even voluntary acts.
4. The use of Prov. 15:8 in 11:18f. suggests the idea that offerings on the altar can be adequately replaced by righteousness and prayer. But here it is cited to defend the *sanctity* of the altar, which runs counter to both the spirit and the letter of the biblical text.

The key to the place of the Jerusalem Temple in the Judaism of the Damascus Document is in 6:11–14, which precedes a number of injunctions treating matters involving external and internal relations and echoes laws or criticisms found elsewhere in the document. The passage reads:

> And all who have entered the covenant are not to enter the sanctuary "to light my altar in vain" unless they follow the observances of the law prescribed for the period of wickedness.

If this translation is correct (the passage reads awkwardly and may have been emended), we are faced with a link between participation in the Temple cult and the "law for the period of wickedness." The Temple lies at the center of the "wickedness," for there is an allusion (20:22–23) to a "period when Israel sinned and made the sanctuary unclean." From 5:6–7, too, it could be deduced that all transgressions of the laws of purity defile the Temple. Historical Israel inevitably and habitually defiled the Temple. But that did not mean that those who possessed the (true) law should totally abandon it. Israel (specifically, its priests) might "light the altar in vain," but it could still be lit in some way by those who observed the law exactly. Thus, the Damascus Document partly (*not* totally) replaces the function of the Temple by its own institutions (7:14–19):

> As it says [or: as he said]: "And I will exile the booth of your king and the *kiyyun* of your images from my tent to Damascus." The books of the law are the booth of the king, as it says: "And I will raise the falling booth of David." The king is the assembly, and the *kiyyun* of the images are the books of the prophets whose words Israel despised. And the star is the interpreter of the law who comes (came/will come) to Damascus, as it is written: "A star shall come forth. . . ."

This exegetical text speaks of the exiling of the books of the Law and Prophets. The "tent" of God, from which the Law (which includes Prophets) has been exiled, is obviously the divine sanctuary, the Temple. However, while "booth of the king" is taken to mean "the books of the law," "king" is interpreted as "assembly" (*qhl*). In 11:22 (cf., 12:16 and 14:18), the "assembly" is set in a "house of worship;" perhaps, therefore, *qhl* is not to be understood in this text simply as a designation for the community—a sense it does not bear elsewhere in the Damascus Document—but as the worshipping congregation, the community as a liturgical unit. Hence, the sect's own place(s) of worship is/are the sites to which the law has been "exiled" from the previous place of worship, the Temple. The Temple is no longer the site of law, though it remains the site of whatever cultic observance is still permissible.

The Temple cannot, of course, validly be used by those outside the sect. Their Temple worship can only defile it because of their disobedience to Torah, whereas the sanctuary could (and *should*) be used by those who possessed and observed the law. It may be appropriate to speak of the Temple's being partly supplanted. But the central importance of sanctuary to the Damascus Document's Judaism is not in doubt; its holiness extends, as we have seen, to the entire city.

The "Damascus" Sect

Although in defining a Judaism it is not necessary to consider how far and by whom it was realized, it can be maintained that the "Damascus" community was a sect. It drew ideological boundaries between itself and the rest of "Israel;" it realized those boundaries socially and even geographically in a segregated lifestyle; and it claimed exclusively to be the true "Israel." It lived in distinct groups in cities and in villages ("camps") with the "city of the sanctuary" at its ideological center. Its communities had an authority structure that combined lay and priestly functionaries (*mebaqqer* and priest; cf., 13:4–6), and a strict hierarchy apparently existed, though this may have applied more stringently to unmarried settlements: the basic social unit of married groups was the household, including slaves (members of the covenant of Abraham, not of the "new covenant;" 12:11).

This sect may in fact be the first attested case of a Judaism that attempted to apply scriptural law (as it understood this law) to

a communal lifestyle, and it is significant that such an experiment was only possible in a sectarian mode, in which everyday relations with other Judaisms were impossible. The relevance of such a development for the history of Judaism is immense. In some important ways it foreshadows the revolution of the Judaism of the Dual Torah by the rabbis. In acknowledging this, we must not allow ourselves to assume some normative continuity between the exclusive "Damascus" and inclusive Rabbinic Judaism. Still, comparison and contrast are possible and potentially fruitful.

The Judaism of the *Yahad(s)*

The social-historical question of the structure of the "Damascus" sect is important because, together with redaction-critical analysis of the Damascus Document, it can illuminate the process by which another Judaism (that of the Community Rule; hereafter, S[erek]) developed from it. That it did develop is an important insight, and derived only from a redaction-critical analysis of the Damascus Document. There is no other secure way to decide the historical-typological relationship between the two (and indeed, many scholars reverse the sequence, though without any evidence at all). The Cairo manuscript A (containing the *Admonition*) is itself the product of a revision of the Community Rule, because the expected messianic "teacher" appears as a *past* figure in 1:12, while even his death is referred to in 20:14–15. At the end of the *Admonition*, his voice, along with the sectarian law, constitutes supreme authority (20:27–28), again corresponding to his expected function in 6:11. It is significant, however, that the Community Rule has revised and not replaced the Damascus Document. Indeed, the Judaism of S is a *transformation* of the Judaism of D, or, in its own terms, its proper fulfillment, its final maturity. Simply put, the Community Rule represents the Judaism of D in which an interim (valid for the "period of wrath") devotion to the Mosaic law (correctly interpreted) shares authority with a charismatic leader believed to be a/the messiah forecast in S-redacted passages in the Damascus Document. The parallel between the Judaism of Christianity and other Judaisms is attractive: it should not be overemphasized, nor ignored, because the function of the common stock of Scriptures in emerging Christianity, which added its own scriptures, provides a helpful analogy to the continued use of D texts by the community of S, or *yahad*.

The role of the "teacher" in the Judaism of S is clear, not from the Community Rule (or the Cave 4 Community Rule fragments) but from the Damascus Document, while it is also reflected in the *pesharim*, which present him, from a later perspective, as the founder of the group and allude to the D group only by its leader (the "Liar"), who is accused of having rejected the "teacher" (the New Testament parallels again impress).

S's Judaism is thus best explained in terms of its transformation of D's Judaism and not independently of it. In its definition of "Israel," its strong dualism is most notable; the Community Rule defines its members as "children of light," (1QS 1:8; 3:24) or "children of truth," (4:5), with (apparently) the remainder of the human race (whether Jew or non-Jew) as children of darkness or falsehood. This dualism, explicated in cols. 3–4, nevertheless combines not only several sets of terminology (light/dark, truth/false, righteousness/wickedness) but also offers simultaneously a cosmic and a psychological version of its dualism, in which the two "spirits" appear now as subordinate deities to the "God of knowledge" and as internalized dispositions similar to the Rabbinic good and evil inclinations (*yetzer*; the term does occur elsewhere in 1QS).

Israel

Thus, the *category* "Israel," maintained and intensified in D, has much less of a role in this Judaism: historical Israel is not the focus of opposition, nor is there an opposition of Israel and nations. The perspective is universalized both cosmically and psychologically. On an ethical level, the same transformation is evident in the final chapter of Daniel, where the nationalistic perspective of chaps. 2 and 7 is replaced by a dichotomy between

righteousness and wickedness (notably, 1QS and Daniel took their existing shape in approximately the same period). The predestination that plays on the fringes of the Damascus Document here occupies a central place. The interim "period of wrath" of the Damascus Document, between revelation of true law and revelation of true teaching, is now an interim period of "dominion of Belial" (1QS 1:23–24) between the creation of two spirits at the very beginning of time and the final destruction of Belial and his heavenly and earthly followers.[21]

Temple

The hostile attitude of the Damascus Document towards the defiled Temple cult, which was a product of high reverence for the sanctuary, is replaced in the Community Rule by an apparent rejection of its efficacy: a group of men constituting a "council of the community" are described in terms that present them as a human sanctuary (8:5–9):

> . . . the community council shall be built on truth, like an eternal plantation, a holy house for Israel and the foundation of the Holy of Holies for Aaron . . . to atone for the world . . . the tested rampart, the prized cornerstone . . . the most holy dwelling for Aaron . . . a house of perfection and truth.

Similarly, the Temple cult will be superseded (9:4–6):

> . . . in order to atone for guilt of rebellion and for sin of unfaithfulness so as to win [divine] favor for the land without the flesh of burnt offerings and the fat of sacrifices . . . rightly-offered prayer shall be the fragrance of righteousness and perfection of way a delightful freewill offering . . . the men of the *yahad* shall set apart a house of holiness for Aaron. . . .

In an even more radical manner, the function of water as a cleansing agent is downplayed: "it is by the holy spirit of the *yahad* in [God's] truth that [a man] can be cleansed from all his iniquities" (3:7–8). Also, circumcision is deemphasized, for "he shall rather circumcise in the *yahad* the foreskin of his *yetzer* . . .'" (5:5). The conclusion to be drawn is not that these common institutions of all Judaisms were abandoned, but that their efficacy was confined to the *yahad*. Every Jewish symbol is thus strictly disciplined into a single ideological and social construction: the *yahad*. A much tighter grid is here evident than with the D groups, who do not even give a name to their communities, regarding themselves rather as members of the new, true covenant between Israel and God.

It has long been taken for granted that the *yahad* was a celibate group, and this would be consistent with the general movement beyond D's Judaism. Conceived of more explicitly as a sanctuary itself (rather than, as in D, a place where the true law lives and right worship must be practiced), the *yahad* operated under the regime of priestly purity, in which women would have of necessity been excluded. But this orientation was not entirely unprecedented, for the attitude of D towards sex as intrinsically unholy and the evidence that some of its settlements consisted of celibate males mean that the custom was inherited, even though in the process it may have been reinterpreted (much as Paul's Christianity inherited bathing as a rite of entrance into Judaism but transformed its imagery into rebirth after Christ). Continuity of customs does not guarantee continuity of ideology. The possibility that women were in some way associated with the *yahad* nevertheless continues to be entertained, largely from the existence of female skeletons (with those of children) in a cemetery on the outskirts of Qumran, and from the mention of marriage in the Damascus Document and in 1QSa. Such opinions arise from a failure to distinguish among Qumran Judaisms and result in a composite portrait of a society and a Judaism that never existed.[22]

Torah

As for Torah, the importance of the "Torah of Moses" is retained and with it the importance of correct observation of set times, which implies, no doubt, the 364-day calendar (1:14–15). But in S's covenant, less importance is attached to obedience to the covenant Torah and more to possession of "knowledge." In D, "Torah" connotes a sin-

gle body of revealed law as the basis for communal living. In S's Judaism, although the will of God and the law of Moses are invoked, the language is overwhelmingly of esoteric "knowledge" (1:1 1–2, etc.), "insight" (2:3, etc.), "counsel" (3:6, etc.), and "truth" (1:5, 11, etc.). The large number of wisdom texts now recovered from Cave 4 appear to strengthen the impression that the owners of these texts succumbed to a "wisdom" world view (which might explain their attachment to dualism). But the wisdom of the Community Rule resembles a form of gnosticism—a term that needs to be used with caution, but which may be justified. The Judaism of S, to be sure, does not separate the God of creation from the God of salvation, but it does appear to regard esoteric *knowledge* as a *sine qua non* of salvation. This is a decisive movement beyond the Damascus Document's notion of a specially revealed Torah. This esoteric body of knowledge is imparted to each member by an enlightened teacher (*maskil*; not a *mebaqqer*, as in D)—the term itself has roots in wisdom terminology (and also in Dan. 12).

Evidence that the *yahad* was a more rigorously regimented society is apparent in the emphasis on the allotted status of each member (2:20–23), repetition of the word "authority" (of Zadokites and others) as well, and the practice of sharing goods in common (not found in the Damascus Document). This is commensurate with a small group founded on the teachings of a charismatic leader and especially one threatened by a larger parent movement that was still regarded as hostile, having, in the view of the members of the *yahad*, "rejected" the Teacher.

It is therefore possible and proper to conclude that while the Judaisms of D and S are not identical, they exhibit an organic relationship. This can be expressed historically, in that the *yahad* of S appears to have been formed as a splinter group from the D sect. But it can also be expressed through the *transformation* of key ideological components while nevertheless preserving the same infrastructure: holiness as obedience to divine law rather than through Temple cult; sexual relations as a purity issue; a dualistic universe in which an historic Israel stands outside and Belial rules.

An essential difference is that while the Judaism of D is self-sustaining and replicates an Israel, the Judaism of S only partly does so, defining itself very much in terms of opposition to what it is not (i.e., the continuing "Damascus" sect). Founded by a charismatic and messianic figure, it is a Judaism transformed for the eschaton (perhaps like early forms of Christian Judaism). Over the course of time, such systems must inevitably change as the expected outcomes do not materialize (the phenomenon known as "cognitive dissonance").

There is no space here to explore the traces of such development within the Community Rule material or in other Qumran texts. Only some likely contours can be indicated, and much work needs to be done in this area. It is possible that the Judaism of D also developed, but, unlike that of S, its own dynamic did not require any transformation until or unless its awaited messiah arrived.

Where Do We Go From Here? Other Qumran Judaisms?

What we can identify clearly as "D" and "S" materials do not constitute the entirety, or even the bulk, of the Qumran literature, leaving us to ask whether either of these Judaisms is reflected also in other texts. The Rule of the Congregation (1QSa) affords a particularly interesting case. It appears to describe a restored Israel, and the majority of scholars[23] regard this as an eschatological "congregation." But, from the perspective of the authors, the term "last days" (1:1) could apply to their own time or a future one. Equally, the closing words—"according to this ruling they shall proceed at every meal where ten men are gathered together"—could designate a continuing practice in the present or the future.

Stegemann has proposed that this text is in fact the earliest rule of the *yahad* (predating the rules of both the Damascus Document and the Community Rule, which he regards as applying to the same communities), while Hempel has argued that in its original form this was a non-eschatological rule of the D group (which she identifies as

the "parent Essene movement"), though it has, like the Damascus Document itself, been revised from the perspective of the *yahad*.[24] It may well be that this text began within the D group and was taken over by the *yahad*; in which case the question remains whether it comprised an eschatological "rule" already within the D group or was given such an orientation only when taken over.

The case of "M" (*Milhamah*, war) material illustrates a further range of difficulties, for "M" does not stand here for a system, a Judaism, or a particular social organization, but merely for a topic.[25] Indeed, the War Rule (1QM) is a specific recension of materials found in other recensions in Cave 4, and it contains a combination of fragments of two or more ideological systems. The dualistic framework in which cols. 15–19 are cast must be compared with that of the Community Rule, where "children of light" and "children of darkness" (in 1QM the terminology is more consistent) constitute the opposing forces, though on the side of "darkness" stand the "Kittim" also. By contrast, cols. 2–9 (and most of col. 14) exhibit a nationalistic ideology in which Israel and the nations oppose each other. The various elements have probably been fused (with a limited success) in col. 1, where a dualistic battle precedes word-wide conquest.

1QM also includes fragments of a description of an Israel similar to that of 1QSa (but also derived from Numbers, which could be a common source) in 7:1–7, while in col. 2 the restored Temple service is depicted and both priestly and lay leadership are defined. Here again we are dealing with source-materials from an uncertain origin. We can say that 1QM is composed from a number of sources and influenced by the dualism of S; that is really all. But the relationship between it and any particular group to whom we might assign a Judaism is by no means clear.

We may well be dealing with a scribal recension (as we almost certainly are) that represents an individual effort at harmonizing varied texts into a coherent account of a final victory of light, Israel, and God, and the defeat of darkness, Rome, and non-Jewish nations. The texts used in such an exercise would have been drawn from the fabric of Qumran Judaisms and possibly represent just one author's vision, one that amalgamates strictly contradictory premises. The horrible suspicion that such a possibility raises is that in the Qumran archive we do not always (if at all) directly confront the ideological products of Jewish societies but archival texts that represent copied, edited, or even amalgamated versions of older texts. The possibility that the Community Rule itself is such a case cannot be ignored, and for that reason we cannot proceed simply to draw a system on the basis of a particular text; indeed, we can in some cases reverse the process and use our reconstruction of the system as a tool to indicate possible levels in the texts that point to a literary history.

The temptation must be resisted, then, of forcing as many texts as possible into the mold or molds just created (or discovered) for "D" and "S" Judaisms. It is clear that not all Qumran texts represent a single Judaism, but also that several texts do not imply, or do not allow us to infer, a systematic Judaism; some texts may even be eclectic in this respect. The reason for the composition (or preservation) of texts in the Qumran archive may in each separate case have much, little, or nothing to do with the articulation of a specific Judaism.

It is also necessary to resist the temptation to incorporate common denominators of Qumran texts into the reconstruction of a "Qumran Judaism"—for example the existence of a calendar following a 364-day year of twelve thirty-day months (plus four intercalated days). Several earlier studies have assumed the use (or even invention) of this calendar to be a definitive mark of the "Qumran community." But the prevalence of this calendar in the Qumran archive does not prove that all such texts represent a single "Qumran Judaism." A calendar alone does not make a Judaism, and it has not yet been demonstrated that 1 Enoch and Jubilees, where the same (or a similar) calendar is embraced, also articulate a similar Judaism. The same is true of the Song of the Sabbath Sacrifice collection. The heavenly liturgy to which this attests is *consistent* with a feature of S's Judaism, in which a human community constitutes itself as a

"holy of holies." But the tradition of a heavenly temple cult to which humans may have access is itself widely attested outside this form of Judaism. The essential point is that we may well expect in Qumran to find texts *consistent* with a certain Judaism, but this does not mean that these texts actually express that Judaism. The number of texts amenable to fruitful comparison is, in fact, very small.

This being said, it remains possible (and desirable) to investigate the extent to which certain texts may reflect the Judaism of D, S, or, perhaps, some other as yet unknown Qumran Judaism. So, to end on a positive note, let us briefly consider two texts that are frequently claimed as being central to "Qumran Judaism," the Halakhic Letter (4QMMT) and the Temple Scroll (11QT).

The Halakhic Letter

Although this text[26] cannot deliver sufficient evidence of a system, several current commentators have taken the view that it exposes the origins of "Qumran Judaism" in a dispute between Temple authorities and a dissident group over issues of cultic (specifically purity) law. The fragments plausibly convey the impression of differing traditions, expressed with some force but without downright hostility. 4QMMT may imply that some formal separation has already taken place, however (C7: "we have separated ourselves from the multitude of the people"). Some support for a formal separation may also be found in the description of Jerusalem as the "camp of holiness" and "head of the camps of Israel" (cf., B29–30, 60–62). Settlements called "camps" are distinctive of the organization of the D sect, which, as has been seen, also venerated the holiness of Jerusalem and the Temple. Further, a concern for what the writers regard as illicit sexual union is expressed more than once (B48, B75, B82), consistent with a major source of opposition between the writers of the Damascus Document and their opponents. It is therefore entirely reasonable to deem 4QMMT consistent with the Judaism of D, *though not of S.* Nevertheless, if, as seems to be the case, the writers had not yet constituted themselves as a sectarian Israel, understanding themselves to be a true Israel within Israel, it is uncertain whether they had yet sufficiently articulated a system we should identify as a distinct "Judaism."

The Temple Scroll

This text has also been taken from time to time as a central text of "Qumran Judaism," though, as mentioned earlier, its publication sparked a dispute concerning whether it was "sectarian," predicated on its similarities to the Community Rule. It can probably be concluded that these two texts have *no* marked affinities.

Some affinity with the Judaism of D, on the other hand, seems likely.[27] For instance, in both 11QT (45:11) and the Damascus Document (12:1) the phrase "city of the sanctuary" occurs, and, according to both texts, no sexual activity is permitted there. But the range of material available for comparison is not extensive, given the different subject matter of the two texts. The issue of precise legal correspondences between 11QT, the Damascus Document, and 4QMMT has been taken up by Schiffman,[28] though not definitively, because like so many Qumran scholars, he is concerned with aspects of Jewish systems and aspects of Qumran documents rather than with systems themselves.

Conclusion

How to identify and describe the Judaism(s) of the Dead Sea Scrolls is a question that has so far not been very rigorously addressed. The challenge is above all a methodological one, reflecting the difficulty of sorting out the distinct strands within a corpus of texts the origins and community functions of which remain unknown. But if, despite the many difficulties presented by the nature of the evidence, we wish to identify and articulate the Judaic system(s) represented by the Qumran scrolls, the approach now outlined seems the most promising, even if the results attained here are only a beginning.

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Notes

[1] M. Burrows, ed., *The Dead Sea Scrolls of St. Mark's Monastery* (New Haven, 1955); E. Sukenik, *The Dead Sea Scrolls of the Hebrew University* (Jerusalem, 1955); Frank M. Cross, Jr., *The Ancient Library of Qumran and Modern Biblical Studies* (London and Garden City, 1961); J.T. Milik, *Ten Years of Discovery in the Wilderness of Judaea* (London, 1959); John M. Allegro, *The Dead Sea Scrolls: A Reappraisal* (London, 1956); Roland de Vaux, *Archaeology and the Dead Sea Scrolls* (Oxford, 1973).

[2] See, e.g., Milik, op. cit., p. 74, and J. Carmignac, "Les elements historiques des 'Hymnes' de Qumrân," in *Revue de Qumrân* 2 (1960), pp. 205–22; cf., James Charlesworth, *The Dead Sea Scrolls 1: Rule of the Community and Related Documents* (Tübingen and Louisville, 1994), p. 3.

[3] See T.S. Beall, *Josephus' Description of the Essenes Illustrated by the Dead Sea Scrolls* (Cambridge, 1988); Geza Vermes and Martin D. Goodman, *The Essenes According to Classical Sources* (Sheffield, 1989); R. Bergmeier, *Die Essener-Berichte des Flavius Josephus* (Kampen, 1993).

[4] E.g., J. VanderKam, *The Dead Sea Scrolls Today* (Grand Rapids and London, 1994).

[5] See Baruch A. Levine, "The Temple Scroll: Aspects of Its Historical Provenance and Literary Character," in *Bulletin of the American Schools of Oriental Research* 232 (1978), pp. 5–23; Yigael Yadin, "Is the Temple Scroll a Sectarian Document?," in G.M. Tucker and D.A. Knight, eds., *Humanizing America's Iconic Book* (Chico, 1980), pp. 153–169; Lawrence Schiffman, "The Temple Scroll in Literary and Philological Perspective," in William S. Green, ed., *Approaches to Ancient Judaism 2* (Chico, 1980), pp. 143–158.

[6] Philip R. Davies, *Sects and Scrolls: Essays on Qumran and Related Topics* (Atlanta, 1996), pp. 127–138.

[7] Philip R. Davies, "How Not to Do Archaeology: The Story of Qumran," in *Biblical Archaeologist* 51 (1988), pp. 203–207; Philip R. Davies, "Khirbet Qumran Revisited," in M.D. Coogan, J.C. Exum, and L.E. Stager, eds., *Scripture and Other Artifacts. Essays on the Bible and Archaeology in Honor of Philip J. King* (Westminster, 1994), pp. 126–142.

[8] An inscribed ostracon possibly containing the word *yahad* was recovered from Khirbet Qumran by James Strange and others in 1996; see F.M. Cross Jr. and E. Eshel, "Ostraca from Khirbet Qumran," in *Israel Exploration Journal* 47 (1997), pp. 17–28.

[9] Norman Golb, *Who Wrote the Dead Sea Scrolls? The Search for the Secret of Qumran* (New York, 1994).

[10] Systemically inert texts would include some that are now called "biblical" manuscripts, because even if a set of Scriptures did function systemically within a particular Judaism, we cannot either prove that or demonstrate the system from these texts. There may also be a category of non-systemic texts (e.g., possibly the Copper Scroll) that do not, and did not, belong within the system. But to dismiss any texts as outside a system is always a provisional judgment; the most improbable texts possess the potential for being read within a system, and it is better to treat such texts as inert.

[11] The distribution of texts among the caves is neither random nor wholly rational. It is possible to suggest that more than one archive is represented here (for example, only Cave 7 contained texts in Greek). But so many texts exist in copies in several caves that one would have to posit similar collections. In practice a systemic analysis can ignore this question.

[12] As attempted in D. Dimant, "The Qumran Manuscripts: Contents and Significance," in D. Dimant and Lawrence Schiffman, eds., *Time to Prepare the Way in the Wilderness* (Leiden, 1995), pp. 23–57 (cf., pp. 27–29; 37–44).

[13] Strictly speaking it is only part of a manuscript, which contains material regarded as separate and dubbed 1QSa and 1QSb. Whether we should really speak of three texts rather than one is an interesting point; but for the sake of simplicity, let us adhere to the convention.

[14] J. Murphy-O'Connor, "La génèse littéraire de la Règle de la Communauté," in *Revue biblique* 76 (1969), pp. 528–549; J. Pouilly, *La Règle de la communauté de Qumrân: son évolution littéraire* (Paris, 1976).

[15] For a full treatment, see Davies, *Sects and Scrolls*, and Philip R. Davies, *The Damascus Covenant: An Interpretation of the "Damascus Document"* (Sheffield, 1982).

[16] A similar development is traceable in the stories of Ezra and Nehemiah, which also tell (when combined, as they originally were) of a new Israel (the *benei haggolah*) founded by an individual (Ezra or Nehemiah) who makes a covenant and has the law read out and explained.

[17] This has been explored in detail by Jonathan G. Campbell, *The Use of Scripture in the Damascus Document 1–8, 19–20* (Berlin, 1995).

[18] See Lawrence Schiffman, *The Halakhah at Qumran* (Leiden, 1975).

[19] A possible scriptural basis for the association of celibacy and holiness is explored in Philip R. Davies, "Who Can Join the 'Damascus Covenant'?," in *Journal of Jewish Studies* 46 (1995), pp. 134–142.

[20] A figure of 490 years from exile to eschaton would accord with Daniel, Enoch, and the Melchizedek midrash (11QMelch). But CD 1 has been revised in accordance with S (see below), and its data do not necessarily pertain to the Judaism of D.

[21] In 9:9–11, a messianic hope remains: a prophet and the two messiahs—of Aaron and Israel—are awaited; the members must still be ruled by the "former ordinances" (i.e., those of D). Such texts warn against our assuming 1QS to be homogenous. It is clearly a repository of several stages in the transition from D to S Judaism in the *yahad*; whether these stages can be reconstructed in detail remains dubious.

[22] See Joseph Baumgarten, "The Qumran-Essene Restraints on Marriage," in Lawrence H. Schiffman, ed., *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (Sheffield, 1990), pp. 13–24, specifically p. 20: ". . . celibacy at Qumran was never made into a universal norm. It was confined to those who emulated a 'perfection of holiness' requiring uninterrupted purity, and even for them perhaps only in the later stages of their lives. This would account for the fact that the *Messianic Rule*, in describing the practices of Israel at large, assumes that marriage would continue to be the 'order of the land'" (quoting from CD 7:6).

[23] Including Lawrence Schiffman, *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation* (Atlanta, 1989).

[24] H. Stegemann, *Die Essener, Qumran, Johannes der Täufer und Jesus* (Freiburg, 1994); C. Hempel, "The Earthly Essene Nucleus of 1QSa," in *Dead Sea Discoveries* 3 [1996], pp. 253–269.

[25] Again the search for a definitive edition of this "document" is fruitless. Instead, it is necessary to focus on an actual text. The conclusions assumed here are those argued in Philip R. Davies, *1QM, The War Scroll from Qumran* (Rome, 1977).

[26] If it is a single text; see John Strugnell in E. Qimron and J. Strugnell, eds., *Qumran Cave 4, V.-Miqsat Ma'aseh Ha-Torah* (Oxford, 1994), pp. 203–206.

[27] See P.R. Davies, "The Temple Scroll and the Damascus Document," in G.J. Brooke, *Temple Scroll Studies* (Sheffield, 1989), pp. 201–210.

[28] Lawrence H. Schiffman, "The Temple Scroll and the Systems of Jewish Law of the Second Temple Period," in Brooke, op. cit., pp. 239–255.

Death and Afterlife, Judaic Doctrines of

JUDAIC doctrines on the afterlife form one of the three dimensions of Jewish eschatology. These doctrines deal with the ultimate destiny of the individual Jew (and, for some authorities, with that of the righteous non-Jew as well). The other two dimensions deal with the ultimate destiny of the Jewish people (the national dimension) and that of all peoples and of the cosmos as a whole (the universal dimension).

Two independent doctrines of the afterlife for the individual emerged in Judaism, probably during the last two centuries B.C.E.: the doctrine of the resurrection of bodies and that of the immortality of souls. In time (probably the first century C.E.), these two doctrines became conflated so as to yield the theory that, at the end of days, God will resurrect dead bodies, rejoin them with their souls, which never died, and the individual human being, reconstituted as he or she existed on earth, will come before God in judgment.

Various formulations of this conflated doctrine persisted until the dawn of the Jewish Enlightenment toward the close of the eighteenth century, when liberal thinkers began to perceive spiritual immortality to be more in tune with the temper of the age, and when the idea of bodily resurrection was rejected as primitive. In the last half of our century, this process has begun to be reversed, and the doctrine of bodily resurrection is being given serious reconsideration.

The Etiology of Death

What the Bible has to say about the origins of death depends largely on our interpretation of the story of Adam and Eve in the Garden of Eden, specifically of four texts: Gen. 2:16–17, 3:4–5, 3:17–19, and 3:22.

Of the four possible interpretations of these texts, the most obvious one, enshrined in official Christian teaching as the doctrine of "original sin" (though it appears in modified form in some Rabbinic teachings as well, e.g., Sifre Deut. 323), suggests that Adam was sentenced to death as punishment for his having eaten the fruit of the tree of knowledge of good and bad and

that death was subsequently transmitted to all of Adam's descendants. Gen. 3:17–19 seems to support this reading, as long as the last phrase "for dust you are and to dust you shall return" is understood to be part of the punishment.

But that text could also be read to support the notion that death was part of God's plan for human beings from the outset of creation. The last phrase should then be read not as part of the punishment (which now ends with the notion that Adam must earn bread from the sweat of his brow), but simply as a restatement of what was known by all. On this reading, Adam was being told *when* he would die, not *that* he would die, for human beings were created to die. The problem with this reading is that nowhere in the text are we told explicitly that death was part of God's plan from the outset. Also, contrary to what is stipulated in Gen. 2:17, Adam did not die "as soon as" he ate of the fruit.

On the other hand, the problem with the first reading is that it ties the origins of death to a generic sin, not directly to the sin of eating the fruit of the tree of knowledge of good and bad. But Gen. 2:16–17 and 3:2–4 seem to suggest that there is such a direct connection. This has led some authorities, notably James Barr,[1] to suggest that death should not be understood as punishment for sin but rather as a trade-off for the dawning of human awareness, for the power of rational and moral discrimination, symbolized here by the eating specifically of the fruit of the tree of knowledge of good and bad.

A fourth possible reading of the narrative, supported also by passages such as Jer. 9:19–20, 1 Sam. 22:5–6, and Hos. 13:14, views death as a relic of an ancient pagan deity, *Mwt* (cognate for Heb. *mavet*, "death"), referred to in the Ugaritic myth preserved on the Ras Shamra tablets from the second millennium B.C.E. Death, here, is a viewed as a power that remains independent of God's will, part of the preexistent chaos that God did not succeed in eliminating through creation.

Of these four theories, the last is the least explicitly documented in our texts. That death was part of God's creation from the outset is also not explicitly documented. The first, that death is punishment for sin, is the most obvious and the most popular, probably because of its incorporation into the Christian myth. But the problems noted above lead this author to prefer Barr's reading of the Genesis narratives; this reading alone views death as the result of humans' gaining some form of knowledge.

Death in the Bible

Despite the later emergence of Jewish doctrines of the afterlife, in the Bible itself, death is understood to be final. All biblical personalities, except for Enoch (Gen. 5:21–24) and Elijah (2 Kgs. 2:11) die, in most instances we are told of their deaths, and there is no hint that any of them enjoy an afterlife.

In contrast to the two enigmatic references to Enoch and Elijah, there are ample references to the fact that death is the ultimate destiny for all human beings, that God has no contact with or power over the dead, and that the dead do not have any relationship with God (see, *inter alia*, Ps. 6:6, 30:9–10, 39:13–14, 49:6–13, 115:16–18, 146:2–4). If there is a conceivable setting for the introduction of a doctrine of the afterlife, it would be in Job, since Job, although righteous, is harmed by God in the present life. But Job 10:20–22 and 14:1–10 affirm the opposite. Whatever blessings or punishments obedience or disobedience confer, they are limited to one's lifetime on earth (cf., Exod. 20:12, Deut. 5:16, 11:13–17, and 28:1–68).

Even more, death in the bible is understood to be the arch-source of ritual impurity. Contact with the dead, even entering under the same roof with a corpse, confers impurity (Num. 19). Necromancy is sharply prohibited (Lev. 19:31, 20:6, 6:27, Deut. 18:11), and Ps. 106:28 associates sacrificing to the dead with the pagan cult of Baal Peor.

Ezekiel's vision of the dry bones that come to life (chap. 37) is clearly a metaphor for Israel's national "resurrection" from exile (37:11). One can legitimately speculate about the very use of such a metaphor in the sixth

century B.C.E., centuries before a doctrine of bodily resurrection emerged explicitly in a few biblical texts. That use suggests the possible awareness of such a doctrine much earlier than we might anticipate. But even in Ezekiel, the doctrine is not explicitly articulated in non-metaphorical terms.

Upon death, people go to *Sheol*. This term and its synonyms, *Abbadon*, *Bor*, and *Shahat*, appear throughout the Bible. It designates the nether world, the bowels of the earth, the limit, (together with the "heavens") of human awareness (Job 11:7–8). *Sheol* is typically portrayed in terrifying terms. It is a monster that devours all people and is never sated (Is. 5:14, Prov. 27:20). It is a place of maggots and decay (Job 17:13–16). There is no awareness among the inhabitants of *Sheol* (Job 14:21–22), nor do they have a relationship with God (Ps. 88:4–5, 11–13).

Despite the oft-repeated claim that no one returns from *Sheol* (Job 7:9–10, 10:20–21), the Bible preserves one narrative that tells of such a return. 1 Sam. 28 relates how Saul, desperate for God's reassurance before entering into the battle with the Philistines, has the woman from Endor bring Samuel up from *Sheol*. In the enigmatic encounter that follows, the woman sees Samuel though Saul does not, and Saul hears Samuel's voice though she does not. The ensuing conversation is singularly unhelpful to Saul, for Samuel reiterates that God has deserted him and that he will die in battle. The *sui generis* nature of this narrative clearly establishes the biblical insistence that once in *Sheol*, people just remain there forever. The story is more a reflection on the deteriorating condition of Saul's mental health than on life after death.

A number of biblical texts seem to imply that God does have the power to rescue people from *Sheol*. However the correct interpretation of texts such as Ps. 30:2–4, 1 Sam. 2:6–7, and Jonah 2:6–7 is that God has the power both to let people die and to cure them, i.e. to bring people *to the brink of Sheol* and to redeem them from its clutches. The parallelism in Ps. 30:4 clearly demands such a reading. These passages celebrate God's power to prevent people from dying in the first place, not to resurrect them from the dead. Again the biblical phrase "'*ani memit umehaye*," "I kill and I make alive" (Deut. 32:39) does not mean that God brings death and *resurrects*, but rather that God decrees death or *continued life* to the living. The later Talmudic liturgy will reinterpret that phrase to mean that God kills and resurrects, but that is not its biblical sense.

Despite the fact that existence in *Sheol* means total oblivion, in one sense there is a form of continued existence there. Jacob claims that when he goes to *Sheol*, he will never know his son Benjamin again (Gen. 42:38). Samuel too clearly existed in some sense while in *Sheol*. This suggests that Jacob, Benjamin, and Samuel were "there" in some mysterious sense. This may simply reflect the psychological awareness that our dead are still "present" with us. Also, Abraham and Moses are two notable characters whose death is described in far more gentle terms (Gen. 25:8, Deut. 5–7), without references to the terrors of *Sheol*. This suggests that the term was used to signify a death that follows a particularly painful life experience.

Finally, if one were to speculate on the reasons for the biblical emphasis on the finality of death, two possibilities arise. The first is to distance biblical religion from pagan religions that worshipped the dead. The second rests on the biblical insistence that only God is immortal. Human beings die, and that is the difference between them and the deity.

Biblical Sources on the Afterlife

Only three biblical texts explicitly affirm that at least some humans will enjoy life after death: Dan. 12:1–3, 12:12, Is. 25:18, and 26:9.

Daniel 12 is the climax of a unit (chaps. 10–12) that includes a vision (10) and an oracle (11–12). The opening verse of the passage dates what follows "in the third year of King Cyrus of Persia" (ca. 540 B.C.E.), but the ensuing oracle, which describes the course of Israelite history between Alexander the Great and Antiochus IV, could only have been written by someone who was living through the events of the reign of Antiochus IV, specifically the persecutions that led to the Maccabean revolt and

the eventual rededication of the Temple in 164 B.C.E.

The author's depiction of the events of the day is remarkably accurate until it reaches the site of Antiochus IV's death (11:45). In fact, Antiochus died in late 164 B.C.E., not "between the sea and the beautiful holy mountain (i.e. Jerusalem)," but in Persia. We must conclude that this text was written prior to Antiochus' death, probably immediately prior. That the author did not know the details of Antiochus' death nor of the ultimate success of the Maccabean revolt (referred to obliquely in 11:32–35) leads us to date this passage in 165 B.C.E.

The historical setting of this passage provides the existential justification for Dan. 12:2: "Many of those that sleep in the dust of the earth will awake, some to eternal life, others to reproaches, to everlasting abhorrence;" and for 12:12: "But you, go on to the end; you shall rest, and arise to your destiny at the end of days."

The author of this text clearly is writing for those Jews who have resisted the persecutions of Antiochus IV and are dying as martyrs. He is probably also one of them. The impulse behind the introduction of the theme of the afterlife is retribution. His theological issue is theodicy. Why be faithful to God and Torah if it leads to martyrdom and if there is no reward after death? And why do the evildoers prosper if God does not exact retribution after their death? Nothing in the Torah answers these questions satisfactorily. The predominant theodicy in the Torah itself teaches that suffering is punishment for sin, but here, where is the sin? Neither does God's concluding addresses to Job leave the martyr with much to which to cling. Now a revised eschatology emerges to answer the need for theodicy.

This author is not concerned with all the previous dead nor with those who are not actively engaged in the events of the day. He is only concerned with two groups, the pious Jews who cling to Torah and God, and the Jewish evildoers who are persecuting them. These are the "some" and the "others" who will be raised from their graves, one group for eternal blessing and the other for eternal abhorrence. The author's use of the term "awaken" (Heb., *yakitzu*) indicates that he is explicitly repudiating other texts (e.g., Job 14:12) that teach that the dead will never "awaken."[2]

The other two texts come from a unit of Is. 24–27 commonly called the Isaiah Apocalypse: "He will destroy death forever, my Lord will wipe the tears away from all faces . . ." (25:8); and "Oh let your dead revive! Let corpses arise! Awake and shout for joy, you who dwell in the dust . . ." (26:19).

In contrast to Daniel, the dating of the Isaiah Apocalypse has not been established, but it is probably somewhat prior to Daniel. The setting is again eschatological, portraying God's ultimate judgment on the earth as a whole, the host of heaven and the nations of the world, particularly the oppressors of Israel. The linguistic parallels between Isaiah and Daniel are clear. But Daniel goes beyond Isaiah in two ways. For Isaiah, the resurrection of the pious is itself the vindication of God's justice; for Daniel, it is the step prior to the ultimate reward and punishment that will follow. Second, Isaiah promises only the resurrection of the pious; Daniel envisions a resurrection of both the pious and the evildoers. These internal differences could point to an earlier date for the Isaiah passages.

On the other hand, the first of these passages could be viewed as going beyond Daniel in suggesting not only bodily resurrection but also the very death of death itself, a notion that emerges only much later in Jewish texts. But it is also possible that the author prophesies not the end of death itself but rather the end of mass killings (as suggested in the footnote to the 1985 Jewish Publication Society *Tanakh* translation of the passage). Or, as the parallelism in the verse suggests, this may be a metaphorical allusion to the end of the national reproach that God's people has suffered. Since the dating of the Isaiah passage is uncertain, it may then be roughly contemporary with Ezekiel's vision of the dry bones, in which resurrection is also a metaphor for national revival. This would suggest a significantly earlier emergence of the doctrine of resurrection than Daniel itself posits.

The author of Dan. 12 also draws upon two other themes in Isaiah. His use of the

term *deraon* ("abomination") recalls Is. 66:24, the only other appearance of the term in Scripture. In this passage, however, the punishment meted out to the evildoers is that their corpses will remain unburied, not that they too will be resurrected as in Daniel. Also, Dan. 12:3, "And the knowledgeable will be radiant like the bright expanse of sky, and those who lead the many to righteousness will be like stars forever," clearly echoes Isaiah's "Servant Songs," specifically 52:13 and 53:11. The author of Daniel uses the characterization "those who lead the many to righteousness" as an apt description of the leaders of his pietist group; they are Isaiah's servant. That they will be like stars is commonly interpreted to mean that they will become angels.[3]

As to the provenance of the notion of resurrection, two possibilities suggest themselves. If this is a case of cultural borrowing, the likely source is Zoroastrianism, where resurrection is also tied to eschatological judgment. Alternatively, this marks an evolution within the body of Jewish religious teaching itself. Indeed, the Talmudic rabbis struggle to find a textual basis for the doctrine in the Torah, but there clearly is none apart from Daniel and Isaiah. However, the notion that God will eventually emerge as more powerful even than death is surely implicit in the biblical image of God as all-powerful. The message of the bulk of the Bible is that God's power is not yet totally manifest. Given the proper existential setting, it becomes explicit. Antiochus IV's persecutions may well have provided that setting.

One other internal biblical development may have also led to the emergence of the idea of resurrection. By and large, biblical historiography is concerned with the fate of the Israelite community as a whole, not with that of individuals. There are significant exceptions to that rule, notably some Psalms and Job, but these are rare. But note the explicit repudiation of Exod. 34:7, that God visits the iniquity of the parents upon children and children's children, in Deut. 24:16, Jer. 31:29–30, and Ezek. 18:2–4. In these other texts, God is portrayed as relating to each individual in terms of his or her own destiny. This sets the stage for the further claim that God's power to shape that destiny extends beyond the grave.

A number of references to resurrection also appear in the Apocrypha and Pseudepigrapha, texts dating roughly from the three centuries that follow Daniel. The most notable of these is 2 Macc. 7, the story of the woman and her seven sons who die as martyrs in the Antiochene persecutions. Each son is allotted a brief speech before dying, and four of these refer to the promise of resurrection. Interspersed with the sons' speeches are two by the mother, who seems (in vv. 22–23) to resort to an *a fortiori* argument for resurrection: if God has the power to create a human being (apparently *ex nihilo*) in the womb, then God surely has the power to restore the dead body to life.

Other references in this literature are En. 91:10 and 92:2, 4 Ezra 7:32, Syb. Ora. 4:180, and Test. Ben. 10:6–8. In the last of these, resurrection is universalized, anticipating its later development in Talmudic literature.

A similar universalization of the doctrine is found in a text in the Messiah Apocalypse (ca. 100–80 B.C.E.), one of the Dead Sea Scrolls, which celebrates God's power to reverse the natural course of affairs. Thus, just as God "frees the captive, makes the blind to see . . .," God also ". . . will heal the sick, revive the dead. . . ." The author's source is clearly Ps. 146:5–9. Both texts anticipate a similar recitation of God's power in the later liturgical *Amidah* to which we will return below. Here, however, in contrast to Daniel and Isaiah, the impulse behind resurrection is no longer God's justice but rather God's power.

The Immortality of the Soul

A second doctrine of the afterlife enters Judaism not in the Bible itself but in the intertestamental period, i.e., the first century B.C.E.-first century C.E. This doctrine teaches that every human being is a composite of two entities, a material body and a non-material soul; that the soul pre-exists the body and departs from the body at death; that, though the body disintegrates in the grave, the soul, by its very nature,

is indestructible; and that it continues to exist for eternity.

Not even a hint of this dualistic view of the human being appears in the Bible. The three terms that were eventually used to characterize the soul, *nefesh, neshamah*, and *ruah*, in the Bible itself mean "neck" or "throat," or, by extension, that which passes through the neck or throat, i.e., breath, or, by further extension, that which confers life, hence, "a living being," not an independent, spiritual entity. (See, *inter alia*, Ex. 1:5, Ps. 150:6, and Job 34:14–15). In the Bible, a human being is a single entity, a clod of earth that, according to Gen. 2:7, is vivified by *nishmat hayyim*, the "breath of life." What vivifies the clod of earth is not a spiritual entity but rather a spark or breath. The only possible biblical anticipation of the later doctrine that the human person is a composite of body and spirit is Eccl. 12:7, ". . . the dust returns to the ground as it was, and the lifebreath [*ruah*] returns to God who bestowed it," clearly a reference to the creation of the human person as described in Gen. 2:7. This passage may mark a way-station in the eventual emergence of a full-fledged doctrine of spiritual immortality in the Talmudic tradition. Or, it may simply restate the common biblical view that, at death, the spark of life simply dissipates (Ps. 146:4).

In contrast to the uncertainty about the provenance of the doctrine of resurrection, that of the doctrine of the immortality of souls is in Greek philosophy, most notably, Plato's *Phaedo*. Here, Socrates is portrayed as welcoming death because the very act of philosophy that he has been pursuing his entire life demands the soul's liberation from its bodily prison in order to contemplate the platonic Forms or Ideas, the ultimately true reality and the source of authentic knowledge. Philosophy, then, is intrinsically redemptive. The human soul that has been struggling to reach the world of Forms during the lifetime of the philosopher now achieves that condition for eternity. This is the ultimate blessing; this is its immortality.

No explicit reference to this platonic doctrine occurs in the Bible. It is explicit, however, in the Wisdom of Solomon, the work of a Hellenized, Alexandrine Jew, dating probably from the middle of the first century C.E. Wis. 2:22–3:8 portrays the destiny of the righteous person: "The souls of the just are in God's hand. . . . In the eyes of the foolish they seem to be dead . . . But they are at peace. . . . Their hope is full of immortality."

Wisdom reflects a blending of platonic and biblical themes. From Plato, the author takes a body-soul dualism, a mild disparagement of the body (9:15), the notion that the soul represents the source of human value (2:24), and that the soul is the source of immortality. From the Bible, the author takes the notion that righteous living, not philosophy, leads to immortality. No echo occurs here that the soul is by nature immortal. Nor is it suggested that death is to be welcomed; it is not the ultimate blessing. Finally, the grand eschatological scenario in which God exercises judgment on the wicked and the righteous echoes both Daniel and the Isaiah Apocalypse.

These two doctrines of the afterlife seem to have entered into Jewish consciousness quite independently. Daniel knows nothing of immortal souls, and Wisdom knows nothing of resurrected bodies. In fact, the two doctrines can be viewed as contradictory: the first attributes immortality to bodies alone, the second to souls alone. Yet in the later tradition, the two doctrines merge and in this form remain a centerpiece of Judaism until the dawn of modernity.

There is one major theological difference between the two doctrines. Bodily resurrection demands an active, some would say miraculous, intervention on the part of God, for the body clearly disintegrates in the grave. In contrast, souls are immortal because that is the way souls are; as spiritual substances, they are properly indestructible. Apart from creating it in the first place, God does not have to "do" anything to guarantee a soul's immortality. This distinction will play an important role in the post-Enlightenment discussion of these two doctrines.

From the Bible to the Rabbis

By some time in the early Talmudic period, the doctrine of an afterlife for the individ-

ual has become quasi-canonical. This is established by two texts. M. San. 10:1, first, stipulates that only three sorts of Israelites do not have a share in the age to come: "the one who says that the resurrection of the dead is a teaching that does not derive from the Torah; [the one who says that] the Torah is not from heaven; and the Epicurean." Some (probably earlier) versions of this text read the first category to be simply one who denies the resurrection of the dead. The Talmudic phrase for the eschaton, *ʿolam haba*, is typically translated as either "world to come" or "age to come," with *ʿolam* having either a spatial or temporal reference. This author prefers the temporal designation; the eschaton can sometimes signify a new "world," but it always signifies a new "age."

The second text is the *Gevurot* (God's "mighty acts" from Heb. *gibbor*, "mighty") benediction of the Eighteen Benedictions, the second of the introductory three benedictions that are used in every single version of the *Amidah*, that, to this day, is recited at least thrice daily by the worshipping Jew. The benediction celebrates God's mighty acts. In its current form, it reads:

> You are eternally mighty, O Lord.
> You revive the dead; great is your power to save.
> (You make the wind to blow and the rain to fall.)
> You sustain the living with compassion; you revive the dead with abundant mercy.
> You support the falling, heal the ailing, free the captive; and maintain the faith with those who sleep in the dust.
> Whose power can compare with yours, who is comparable to you O king who brings death and restores life and causes salvation to sprout?
> You are faithful to restore life to the dead
> Praised are you, Lord, who restores life to the dead.

These two texts mark the canonization of the doctrine of the afterlife, because the Mishnah (ca. 200 C.E.) is the first authoritative summation of the body of Jewish law after the Bible; the inclusion of these three theological claims in what is otherwise a legal code is striking. The liturgy, for its part, is the primary device used to introduce authoritative Jewish belief into the daily consciousness of the Jew; thus, in time, when the doctrine of resurrection came to be questioned by modern Jews, one of the typical responses was to change the wording of this text.

Dating the *Amidah* passage is a complex issue, but a version of this text, if not the one we have before us today, probably dates from the first half of the first century B.C.E. The very fact that this doctrine is mentioned six times in this short passage probably reflects an age when it was still hotly disputed, which again suggests an early first century B.C.E. date.

The key Hebrew phrases in these two texts, *tehiyat hametim* ("the resurrection of the dead") and *mehaye hametim* (God "resurrects," "revives," or "gives life to the dead"), are taken from Is. 26:19, and the reference to "those who sleep in the dust" is from Dan. 12:2. The text is a reworking of Ps. 146, but now God's power to reverse the normal state of affairs includes God's power to bring the dead to life. But the more difficult question concerns just what this concise formula meant to its author(s). It could refer to bodily resurrection alone, or it could mean the broader scenario that incorporates a notion of the rejoining of the resurrected body with the immortal soul. It clearly does convey this latter meaning in some later (post-Mishnaic) Talmudic texts, but it may also be implied here.

Resolving that question involves tracing the evolution of the doctrines of the afterlife from the Bible and the intertestamental literature to the Talmud. One of the links in the chain is the references to the doctrines in the Apocrypha and Pseudepigrapha. Another lies in the ideology of the Pharisees.

We have three primary sources on the beliefs of the Pharisees: Josephus, the Gospels, and Talmudic literature. The problem with all of these sources is that they are dated at the earliest roughly two centuries after the Pharisees are believed to have emerged on the scene of history, i.e., the second half of the second century B.C.E. They may then tell us something about the beliefs of the later (i.e., first century C.E.) Pharisees, but we have no grounds for assuming that they are trustworthy accounts of what the Pharisees closer to Daniel's time

believed. Also, each of these sources is a polemical document, not dispassionate history.

Both in his *Antiquities of the Jews* and in his *Wars of the Jews*, Josephus' listing of the beliefs of the Pharisees includes a reference to their belief in the afterlife and indicates that this is one of the beliefs that distinguished them from the Sadducees and the Essenes. The latter school believed in a full-fledged, platonic doctrine of the immortality of the soul. The former denied any form of immortality.

In contrast, in Ant. 18.1:3, Josephus claims that the Pharisees believe that ". . . souls have a deathless vigor . . ." and that the virtuous ". . . shall have the power to revive and live again. . . ." In War 2:18:14, they are described as believing that ". . . all souls are incorruptible; but that the souls of good men are only removed into other bodies, but that the souls of bad men are subject to punishment."

Josephus' characterization of Pharisaic belief seems to emphasize the doctrine of spiritual immortality, though *Antiquities* can be read to include bodily resurrection. Accordingly, in this context, the Pharisees, at least those with whom Josephus was familiar, had already incorporated the conflated version of the two doctrines.

However tempting it may be to read this Pharisaic belief back into the second century B.C.E. and thereby to connect Pharisaic thinking with the group of pietists that produced Daniel, such a reconstruction lacks explicit documentation.

As to the Gospels, Mark 12:18–27, Mat. 22:23–33, and Acts 23:6–7 link Jesus and Paul to the Pharisees and to their belief in resurrection. But again, this is a late first century reading of Pharisaic ideology.

Finally, as to the evidence from Talmudic sources, the rabbis clearly see themselves as the descendants of the Pharisees. They also affirm the composite doctrine of bodily resurrection and spiritual immortality as we shall see below. However the relationship of what came to be called the "Judaism of the rabbis" and the early Pharisees cannot be clearly defined.

In summary, then, the Pharisees are probably one significant link in the transmission of the doctrine from the Bible to the Talmud, but the exact nature of their contribution is in dispute. What is clear, however, is that probably some time in the first century C.E. and certainly by the time of the Mishnah, the doctrine of afterlife had become canonical. The six-fold repetition of the phrase in the *Amidah* can be accounted for by postulating a setting in which the issue was in dispute; this also favors an early first-century date, for after the 70 C.E. destruction of the Second Temple, there were no more Sadducees or Essenes. It is also probable that the doctrine included belief in both bodily resurrection and spiritual immortality.

One liturgical text that captures the conflated doctrine is a portion of the liturgy recited upon awakening from sleep. It is recorded in B. Ber. 60b and reads in part:

> My Lord, the soul that you have given me is pure. You created it . . . you fashioned it, you breathed it into me . . . and you will eventually take it from me and return it to me in the time to come. . . . Praised are you Lord who restores souls to dead bodies.

The use of the terms "soul" and "me" here, together with the notions that the soul preexisted the body, exits from the body at death, and is later restored to the body, suggest a more dualistic view of the human person than anything recorded in the Bible itself.

But an even clearer picture of the conflated doctrine is in the analogy attributed to the late second century C.E. rabbi Judah the Prince (B. San. 91a-91b). The body and soul are likened respectively to a blind man (the body) and a lame man (the soul) who conspire to steal fruit from an orchard by the device of having the lame man sit on the shoulders of the blind man. When the owner comes to punish them, each seeks to exculpate himself by arguing that he is incapable of committing the crime. But the king places the blind man back on the shoulders of the lame man and judges them together as one person. So will the body and the soul of the individual be reunited and come before God in judgment at the end of days.

By the time of the Talmud, the hope for an afterlife has become thoroughly universalized; it applies to all Jews who had every lived and, according to some Talmudic teachings, to righteous gentiles as well (T. San. 13:2). It is also clear that the impetus for the doctrine is no longer God's justice as in Daniel and Isaiah, but God's power. If God is truly God, then God's power must extend even beyond the grave.

Though the doctrine of an afterlife for the individual is hardly explicit in the Bible, the Talmud abounds with attempts to see it there, one more fanciful than the other (B. San. 90b–92a). The rabbis were not overly concerned with what may be called the "mechanics" of resurrection. Some of the models suggested include the metaphors of seeds that break through the ground, awakening from sleep, the effects of the dew, the fashioning of a pot from clay, or of bricks from the earth (B. Ket. 111b, Tan. Toledot 19, Gen. Rab. 13:6, B. San. 91a).

Notably, though it may seem to be a short step from affirming resurrection to affirming the eschatological disappearance of death itself, there are very few texts from this period that say this explicitly. The clearest reference is Aquila's translation of the last word in Ps. 48:15, *almut* ("forever") as the Greek, *athanasia* ("deathlessness"). He reads that verse to mean that God will lead us to "a world in which there is no death" (Lev. Rab. 11:9). It is also explicit in the last verse of the folk ditty, *Had Gadya*, which concludes the Passover Haggadah, dating from the sixteenth century C.E. Here, after the Angel of Death slaughters the slaughterer, "then comes the Holy One Blessed be He and slaughters the Angel of Death."

Maimonides and the Medieval Philosophers

What we have called the conflated doctrine of the afterlife that emerged in the age of the Talmud retained its hold until the dawn of modernity. Even so, Jewish thinking in the Middle Ages showed a decided preference for the doctrine of spiritual immortality. Bodily resurrection was never explicitly rejected, as it would be in the Enlightenment. It simply could not be, given its canonical status. But it was frequently relegated to a secondary status or, in some instances, was designated an interim stage in the eschatological scenario.

Maimonides (1135–1204) furnishes the paramount example of that latter strategy. In three distinct statements at various stages of his career, he dealt with the issue of the afterlife: in his *Commentary to the Mishnah*, specifically in the extended introduction to M. San. 10:1 (commonly called "Introduction to *Helek*," the title of that chapter of the tractate, taken from the opening words of the Mishnah, "All Israel has a portion [Heb., *helek*] in the Age to Come"); in ch. 8 of the Laws of Repentance in his code, the *Mishneh Torah*; and, finally, in a separate monograph, the *Essay on Resurrection*. There is no discussion of this entire topic in the author's *Guide of the Perplexed*, probably because he does not consider it to be a philosophical issue.

In the *Essay*, Maimonides expresses considerable frustration at the misunderstanding that his previous statements had generated. He had been accused of denying resurrection or of dismissing it as a metaphor. He vehemently denies both charges, insisting that his writings are clear and explicit and should be carefully read. In fact, however, the chapter in the *Mishneh Torah* makes absolutely no mention of resurrection, and his discussion of resurrection in *Helek* is brief and obscure, both in its own right and in comparison with his discussion of spiritual immortality, with which he deals rhapsodically and at great length.

The proof-text to which Maimonides refers again and again in support of his views is at B. Ber. 17a: "In the age to come there is no eating, drinking, washing, anointing, or sexual intercourse; but the righteous sit with their crowns on their heads enjoying the radiance of the Divine Presence." Maimonides reads this text to mean that in the age to come, there will be no need for bodies, since bodies exist only to perform various functions; if there are no bodily functions in the age to come, there will be no need for bodies. He then interprets the

text allegorically: the "crown" represents the knowledge of the truly essential nature of God; that the crown is "on the head" indicates the soul's firm possession of this ultimate idea; "to delight in the radiance of the Divine Presence" means that the souls enjoy "the blissful delight in attaining this knowledge which is like that experienced by the angels who know [God's] existence first hand." This discussion is repeated almost verbatim in the *Mishneh Torah*.

This is the "ultimate good," the "final end," the "incomparable good, for how could that which is eternal and endless be compared with anything transient and terminable?"

In contrast to this extended treatment of spiritual immortality, resurrection is discussed in one paragraph. Resurrection is "one of the cardinal principles established by Moses," and "one who does not believe it has no real religion, certainly not Judaism." The paragraph concludes with this enigmatic sentence: "All men must die and their bodies decompose." At the end of the Introduction, Maimonides lists his Thirteen Principles of Faith, the minimal creedal commitments required of every Jew. Each of the thirteen principles is explicated, but the thirteenth reads simply: "The thirteenth fundamental principle is the resurrection of the dead which we have already explained."[4]

Only in his last statement, the *Essay on Resurrection*, does Maimonides spell out clearly and explicitly what he believes on this issue. His view posits a theory of a double dying: we die once, we are then resurrected sometime around the coming of the Messiah (which, for Maimonides, is a period independent of and prior to "the age to come"); we then die a second time, and, after that, in the age to come, the souls of the righteous achieve the ultimate reward reserved for souls alone, as he described in Helek. Resurrection and spiritual immortality are both true, but they emerge sequentially.

Why has he treated these two topics at such different lengths? Because resurrection is a miracle; it simply has to be accepted as such. Spiritual immortality, in contrast, is a "hidden" matter that has to be explicated. Why is the Torah silent on resurrection? Because it deals with the natural, familiar course of affairs; by nature, the dead do not come back to life. When the biblical texts deny resurrection, they simply affirm that it is impossible by nature. But God's miraculous power can transform the natural order.

Finally, Maimonides resorts to an evolutionary view of biblical religion. Were God to have revealed the miracle of resurrection in the early stages of Israelite history, the people would have rejected the entire Torah. When, however, the basic principles of Judaism had become firm and valid, resurrection could be introduced into the picture.

The tension between bodily resurrection and spiritual immortality is one instance of the broader tension that permeates Maimonides' thought as a whole between the claims of revelation (as embodied in Torah) and of reason (as embodied in the Greek philosophy). On this issue at least, the latter wins out. Maimonides could not conceive of anything material subsisting eternally. Yet he could not deny the revealed tradition he had inherited. His uneasy compromise, then, is to accept both views but to view them as two distinct acts in the eschatological drama.

On this matter, the *Essay* does not repudiate Maimonides' earlier views, but it does spell out, for the first time clearly and explicitly, what he probably believed all along but had never stated. His caution may have reflected his vulnerability to the views of certain fundamentalists, both Jewish and Muslim.[5] But this final formulation would have done little to mollify his critics. Maimonides may also have been concerned that those who believe in the eternal existence of bodies may be led to believe in God's corporeality as well, which, he believed, constituted the ultimate philosophical heresy and which he attacked throughout his career. His position also marks Maimonides as the primary Jewish exponent of a dualistic view of the human person.

We have almost contemporaneous evidence of the controversial nature of Maimonides' position in the comment of Abraham ben David of Posquieres (d. 1198), printed as a sidebar in the Hebrew edition of the *Mishneh Torah* (Laws of Repentance 8:2):

"This man's words are in my eyes near to those who assert that there is no resurrection of the body but only of souls. But by my life, this was not the opinion of our sages. . . ." He proceeds to quote various Talmudic statements that teach that it is the body that will be resurrected, and he concludes: "All of which is conclusive proof that the dead will arise with their bodies and remain alive. . . ."

The tension between bodily resurrection and spiritual immortality is a familiar theme in the writings of the other major medieval Jewish philosophers who preceded and followed Maimonides.

Saadiah ben Joseph (882–942), in his *Book of Beliefs and Opinions*, quotes Dan. 12:2, Is. 26:19, and Ezek. 37 as providing the biblical proof-texts for bodily resurrection, which he then proceeds to defend on philosophical grounds by arguing that if God could create the world out of nothing, God should then be able to bring dead matter back to life (echoing the mother's speech in 2 Macc.). Matter is never destroyed but simply preserved in other forms. Saadiah argues further that there will be two resurrections: that of the righteous Israelites at the time of the Messiah (so that all righteous Israelites will participate in the messianic redemption of Israel) and of other righteous persons in the Age to Come. The resurrected body, merged with its souls, will then come before God in judgment.

The medieval thinker who most approximates Maimonides' own view is Abraham ibn Ezra (1092–1167). In his commentary to Dan. 12:2, he accepts the notion of a double dying, with the second resurrection remaining totally spiritual.

Maimonides' arch-opponent among the medievals, Moses ben Nahman, known as Nahmanides (mid-thirteen century), insisted that both body and soul would live eternally. Since bodies are needed in this world, they will be present in the future world as well, though our future bodily existence will be spiritually refined and will not experience physical needs. Nahmanides quotes Is. 25:8 as denying Maimonides' view of a double dying.

This critique of Maimonides is echoed by Hasdai Crescas (1340–1444), who also insists that both body and soul will enjoy eternal life as a reconstitution of the kind of life that was lived on earth. Finally, as the period draws to a close, Maimonides' views are reasserted by Joseph Albo (1380–1444) in his *Book of Principles*.[6]

The overriding concern throughout this material is the tension between the claims of Torah and those of philosophy. Maimonides remains the single most creative voice among the medievals on this issue as in so many others. By the close of the fifteenth century, the broad agenda of medieval Jewish philosophy as a whole has become moot, only to be revived again with the dawn of modernity at the close of the eighteenth century.

The Mystical Journey of the Soul

Medieval Jewish mystics share with their philosophical colleagues a primary concern for the ultimate destiny of the soul. Bodily resurrection is never rejected, but it is never accorded the same degree of interest that the mystics exhibited with the story of the human soul, its history prior to its incarnation in the body, its vicissitudes during its bodily existence, and, pre-eminently, its journeys between the death of the individual and the grand resurrection to come. On this last issue, the primary contribution of Jewish mysticism (popularly called *Kabbalah*, the "received tradition") is the notion of the transmigration of souls, or, to use the more popular term, reincarnation.

Though this doctrine is not found in either the Bible or the Talmud, though it was opposed by philosophers such as Saadiah and Albo and ignored by others such as Maimonides, it became omnipresent in medieval mystical literature, and it persists in the popular imagination to this day.

The doctrine of reincarnation teaches that after death, some souls that have departed the bodies in which they were housed return to inhabit other bodies—how many depends on the stage of the development of the doctrine over time—until the resurrection. Jews probably inherited the doctrine from Oriental religions and medieval neo-platonism. It emerges for the first time in one of the

earliest mystical texts, *Sefer haBahir* ("The Book of Illumination"), which appeared in the twelfth century in Southern France.

The impulse behind the emergence of the doctrine is retribution; it is, at root, a theodicy: the righteous must suffer because of the sins committed in an earlier incarnation. The doctrine thus becomes an expression of both God's judgment and God's mercy: judgment, because sin must be punished; and mercy, because God gives the soul innumerable opportunities to perfect itself prior to the final judgment. At the outset, the sins that reincarnation purges are limited to sexual offenses. It serves also as a justification for the practice of levirate marriage, the biblical command that the brother of a man who dies without progeny must marry the widow (Deut. 25:5–10). But by the time of the classic statement of Jewish mysticism, the Zohar (late thirteen century), its scope expands to deal with all human sin; it becomes a universal law of retribution.

Since one soul may become identified with many bodies, the resurrection of any one body affects the destiny of the many other bodies that housed this soul. This expanded, universalized form of the doctrine becomes central in the teachings of the sixteenth century school of Safed mystics under the leadership of Isaac Luria.

For Luria, the process of redemption is understood as a *tikkun* ("repair") of the "broken vessels," two key terms in the Lurianic myth. These vessels, designed to contain the emanated light of creation and order the created world, were broken in the act of creation. This brokenness serves as the symbol for the "brokenness" of all things in this age of history. All things, not only Israel, are in "exile," a metaphysical symbol or metaphor for the imperfections that characterize the world or history as we know it. Even God is in exile; God as *Shekhina* (the indwelling presence of God) is split away from God as *Ein Sof* (literally, "Infinity"). The idea of reincarnation as an opportunity for retribution for sin is pushed into the background, and now every soul has limitless opportunities to achieve its individual *tikkun* through fulfilling more and more of God's commands until it reaches its state of perfection. Thus every individual *tikkun* affects the cosmic process of restoration, which leads ultimately to the redemption of Israel, the world as a whole, and even of God as well.

The master of Jewish mysticism, Gershom Scholem, captures the ultimate effect of Luria's teachings: "Lurianic Kabbalah placed the Jew in an ineluctable entanglement of transmigrations. . . . (A)ll things are in exile . . . all things must wander and transmigrate in order to prepare, through a combined effort, for redemption."[7]

For the mystics, Jewish eschatology was essentially an eschatology of the soul. Though severely derided by the scholars of the Enlightenment as primitive and embarrassing, Jewish mysticism as a whole and particularly its Lurianic version had an extraordinary impact on post-expulsion Jewish communities. Lurianic metaphors continue to appear in popular Jewish thinking to this day, and the doctrine of reincarnation has achieved wide popularity in what is commonly called "New Age" thinking and for a new generation of Jewish spiritual seekers.

In the Enlightenment

If medieval Jewish philosophy and mysticism exhibits a decided preference for the doctrine of the immortality of the soul over that of bodily resurrection, the Jewish Enlightenment accentuates that process even further. Belief in bodily resurrection is judged to be primitive, unsophisticated, even, astonishingly, not grounded in classical Jewish sources. Eventually, it is dismissed. In contrast, spiritual immortality is praised as more intellectually respectable, more elevating, more in tune with the enlightened temper of the age. Maimonides' teachings are omnipresent in the literature of this period.

A forecast of what was to come can be seen in *Phaedon or On the Immortality of the Soul* (1767) by the prototypical enlightened Jew, Moses Mendelssohn. As its name implies, this is an eighteenth century reworking of Plato's *Phaedo*, providing a series of rational arguments for the immortality of the soul. Though not primarily addressed to the author's Jewish contemporaries, it accurately captures the concerns of the age: what

is important is the ultimate destiny of the soul, and the truth of that doctrine is demonstrated through rational argumentation.

The further evolution of this emphasis can be viewed through the writings of the leaders of the nascent Reform movement in nineteenth century Germany, primarily in their reformulations of classical Jewish liturgy. Reform was the first modern Jewish religious movement to face the challenges of the Enlightenment, and all future such movements, in one way or another, played off the teachings of what came to be called "Classical" (i.e. early nineteenth—mid-twentieth century) Reform. Since it was always the liturgy that brought central Jewish teachings into the consciousness of the Jew, and since it was the liturgical embodiment of doctrines of the afterlife in the Talmudic period that helped to canonize those teachings, the Reform rabbinate had to deal with the tensions between their own thinking and the traditional liturgy.

One way of tracing the progressive disenchantment from the doctrine of bodily resurrection is to study the changes that were progressively introduced into the closing words of the *Gevurot* benediction of the *Amidah*, referred to above. The earliest Reformers were loath to tamper with the traditional liturgy,[8] but at a conference of Reform rabbis in Brunswick in 1844, Abraham Geiger, the acknowledged ideological father of Classical Reform, suggests that his movement must deal with some liturgical doctrines that were foreign to the new age. One of these was the hope for an afterlife, which, he proposed, should now stress not the resurrection of the body but rather the immortality of the soul. In the 1854 prayer book Geiger edited for his congregation in Breslau, he kept the original Hebrew of the benediction, but translated its concluding passage, . . . *der Leben spendet hier und dort* (freely translated: "who bestows life in this world and the other").

The champion of the radical wing of Classical Reform was David Einhorn (1809–1879). Einhorn was singularly responsible for transplanting Reform ideology from Germany to America. In his 1856 prayer book, *Olat Tamid: Book of Prayers for Jewish Congregations*, published for his congregation in Baltimore, Einhorn replaced the traditional Hebrew closing formula with a new version that praises God, "Who has planted immortal life within us." That formula was later used in the 1895 *Union Prayer Book*, which became standard in all American Reform congregations until 1975, when it was replaced by *The New Union Prayer Book*, more commonly known as *Gates of Prayer*. This latter prayer book, in turn, typically substitutes for the closing words of the benediction, the formula *mehaye hakol* (variously translated: "Source of life," or "Creator of life.")

These liturgical changes were echoed in the various platforms issued by American Reform rabbis as a way of giving their movement a measure of ideological coherence. An 1869 conference of Reform rabbis, held in Philadelphia, affirmed that "(t)he belief in the bodily resurrection has no religious foundation, and the doctrine of immortality refers to the after-existence of souls alone." This Philadelphia statement served as the basis for an even more influential statement of the principles of Reform, the Pittsburgh Platform, adopted in 1885. The sixth paragraph of that statement asserts that ". . . the soul of man is immortal." It continues, "(w)e reject as ideas not rooted in Judaism the belief . . . in bodily resurrection. . . ." Finally, the 1937 Columbus Platform states, "Judaism affirms that man is created in the image of God. His spirit is immortal."

Still a third expression of the shift in thinking among Reform rabbis can be seen in theological treatises such as Kaufman Kohler's *Jewish Theology: Systematically and Historically Considered* (republished, New York: Ktav Publishing House, 1968). Einhorn's son-in-law, Kohler (1843–1926) succeeded him as the champion of the radical wing of American Reform. He was responsible for convening the Pittsburgh Conference and for drafting its platform. Kohler's book devotes three full chapters to a historical overview of Jewish thinking on the afterlife and concludes that ". . . he who recognizes the unchangeable will of an all-wise, all-ruling God in the immutable laws of nature must find it impossible to praise God . . . as the 'reviver of the dead,' but will avail himself instead of the expression . . ., 'He

who has implanted within us immortal life'" (pp. 296–297). For Kohler, God's power reveals itself not in the miraculous but rather in the "immutable laws of nature," which decree that all material things must die, that death is final, and that only the spiritual can live eternally.

Apart from American Reform, the other modern Jewish religious movement that dismissed bodily resurrection outright was Mordecai Kaplan's Reconstructionism. Kaplan (1881–1983) was arguably American Judaism's most innovative thinker. A thoroughgoing religious and theological naturalist, he propounded the view that Judaism was the "civilization" of the Jewish people. The Jewish people can then reformulate its beliefs and practices to make it possible for new generations of Jews to identify with their civilization.

In 1945, Kaplan published his *Sabbath Prayer Book*, which carried his ideological commitments into the liturgy. His Introduction to the prayer book lists the "Modification of Traditional Doctrines" reflected in his work, and one of these is the doctrine of resurrection (pp. xvii-xviii). Kaplan rejects resurrection, accepts spiritual immortality, but refuses to impose it on the traditional liturgical text of the *Amidah*. In place of the traditional formula, he uses a phrase from the High Holiday liturgy that praises God ". . . Who in love rememberest Thy creatures unto life." This was but one of the many changes in the traditional liturgy that led to Kaplan's excommunication by a group of Orthodox rabbis. A more recent Reconstructionist prayer book, *Kol Haneshamah* (1994), replaces Kaplan's phrase with a version of the Reform formula, "Who gives and restores life." A literal translation of the Hebrew *mehaye kol hai*, by contrast, would read simply "who gives life to all living things."

The Conservative Movement in contemporary American Judaism was born in 1886. As its name implies, it was a conservative reaction to what it viewed as the excesses of American Reform and its Pittsburgh Platform. In contrast to Reform, this Movement generally avoided ideological self-definition, largely because it perceived itself to be a broad coalition of the more traditionalist elements in American Judaism.

The various prayer books published by the Conservative movement generally (but not always) avoid tampering with the traditional Hebrew liturgy. The movement's preferred strategy for dealing with troublesome doctrines embodied in the liturgy is to retain the Hebrew text but to shade the translation to reflect a more acceptable reading of the doctrine. As an instance of this practice, the 1945 *Sabbath and Festival Prayer Book*, omnipresent in Conservative congregations in the middle decades of this century, translates the concluding words of the *Gevurot* benediction, "who calls the dead to life everlasting." In the Foreword to this prayer book, Robert Gordis, the Conservative rabbi and scholar who chaired the committee that edited the prayer book, justifies this translation by noting that this rendering of the traditional Hebrew ". . . is linguistically sound and rich in meaning for those who cherish the faith in human immortality, as much as for those who maintain the belief in resurrection" (pp. viii-ix).

Gordis' personal predilection for spiritual immortality over bodily resurrection is recorded in his *A Faith for Moderns* (revised and augmented edition, New York: Bloch Publishing Co., 1971): "The facet in man's nature which is deathless, the vital spark, the breath of life, we call the soul" (pp. 251–252).

A more recent prayer book for use in Conservative congregations, *Siddur Sim Shalom* (1985), is more aggressive in its liturgical changes, yet it retains the tradition Hebrew formula for the *Gevurot* benediction, which it translates "give life to the dead," or, more freely, "Master of life and death."

Finally, all prayer books for use in contemporary American Orthodox congregations, primarily the various editions compiled by Philip Birnbaum (New York: Hebrew Publishing Co.) and those under the Art Scroll imprint (New York: Mesorah Publications, Ltd.), retain the traditional Hebrew text of the liturgy and translate it literally as either ". . . who revives the dead" or ". . . who resuscitates the dead."

By the middle of the twentieth century

then, the entire liberal wing of the American Jewish religious community had abandoned the doctrine of resurrection, either explicitly by modifying the Hebrew liturgy, implicitly by shading its translation in favor of spiritual immortality, or by adopting a deliberately ambiguous reading of the Hebrew.

The Return to Resurrection

The concluding decades of the twentieth century have witnessed a cautious but significant reappraisal of the doctrine of bodily resurrection. Some of the factors leading to this reappraisal may include a renewed interest in the language of theological discourse, specifically the sense that all of theology must be understood as mythical and symbolic; the emergence of what has come to be called "post modernism," a distancing, by scholars in diverse fields, from the critical, scientific, or rationalist temper of what, in contrast, has come to be called the "modern" temper; the Holocaust experience of mass dying and its implications for a contemporary understanding of survival and the afterlife; and a new focus on issues of Jewish spirituality and on the need to create new liturgies and rituals that evoke the modern human experience. This final factor has led to a generalized rebellion against the more institutional and conventional expressions of the Jewish experience that had reigned since the Enlightenment.

One of the more influential statements of this new impulse is in Will Herberg's *Judaism and Modern Man*. Herberg (1901–1977) was a former Marxist who returned to Judaism under the influence of the writings of Martin Buber, Franz Rosenzweig, and the Christian theologian Reinhold Niebuhr. His chapter on eschatology, "History: Meaning and Fulfillment," is built on the assumption that Marxism is a secular version of biblical thinking on the end of days.

Herberg's review of the major themes of Jewish eschatology culminates in a discussion of the doctrine of bodily resurrection, which, he insists, is properly "outrageous" but indispensable and should not be confused with the doctrine of spiritual immortality. Herberg affirms what he calls the "symbol" of bodily resurrection, because it claims that ". . . man's ultimate destiny is not his by virtue of his own nature—by possession of an 'immortal soul' . . .—but comes to him solely by the grace and mercy of God . . .;" because it affirms that what is to be fulfilled is not a disembodied soul, but ". . . the whole man—body, soul and spirit—joined in an indissoluble unity;" and because it affirms that God's promise of salvation marks (pp. 229–230):

> . . . the corporate redemption of men in the full reality of their historical existence. The whole point of the doctrine . . . is that the life we live now . . . the life of empirical existence in society, has some measure of permanent worth in the eyes of God, and will not vanish in the transmutation of things at the last day.

Herberg's disdain for the doctrine of spiritual immortality is rooted in his generalized disdain for what he calls the "otherworldly" and "antihistorical" outlook of Greek and Eastern dualism. In contrast, Herberg argues that Judaism affirms the value of history and of society and the actual world of human events, and he views the doctrine of bodily resurrection as a symbolic affirmation of this world-view.

Herberg's arguments are echoed by two theologians who share his existentialist orientation: Arthur A. Cohen, in his essay, "Resurrection of the Dead;" and Hershel Matt, in a monograph, "An Outline of Jewish Eschatology."[9] Cohen, like Herberg, claims that the doctrine of resurrection is paradoxical yet endures because if God is truly God, then God can work paradoxes. Resurrection, then, is the ultimate manifestation of God's power. Cohen also affirms the doctrine of bodily resurrection because it alone respects the concrete individuality of every human being: "God bestows upon the dead a unity analogous to that which he has won for himself—a unity of illuminated consciousness and perfected flesh."[10]

Matt's major contribution to the inquiry is his extended footnote[11] on theological language as mythical: "A 'mythical' . . . statement seeks to point to a truth . . . which is beyond the power of science to demonstrate,

beyond the power of experience fully to confirm, beyond the power of logic to prove, beyond the power of rational discourse to convey." The truths affirmed by the doctrine of resurrection include: that God's purposes for humans are not ultimately defeated by death, that our ultimate fulfillment is beyond death and history, and that we must accept full responsibility for the life we have led. All eschatological language is inherently mythical, Matt claims, and that is precisely the source of its power.

Still another theological reaffirmation of the doctrine is in a monograph, "Resurrection," by Morton Wyschogrod in *Pro Ecclesia* 1:1 (Fall, 1992), pp. 104–112. Wyschogrod echoes his colleagues in claiming that ". . . because God is a redeeming God, it follows that death cannot be the last word. . . . Either death wins or God saves." Redemption marks God's ability to transform "whatever bad things happen to people," but the conquest of death is ". . . the one triumph of the negative over which we have not as yet seen any triumph" (p. 109). Wyschogrod makes the further claim that the major difference between Jewish and Christian eschatology lies in the fact that Christians can claim to have witnessed God's triumph over death (in the resurrection of Jesus of Nazareth), whereas Jews cannot.

This reconsideration of bodily resurrection is also taking place within the ranks of the Reform and Conservative movements. In an extended inquiry into the current state of Reform ideology in *Reform Judaism Today* (New York, 1983), the movement's reigning theologian, Eugene B. Borowitz, distances himself from the prevailing notion that what survives death is the human soul: "Our present difficulty is that the notion of such a spiritual substance as a soul is no longer intellectually tenable for most modern thinkers. . . ." He continues that ". . . we cannot believe that having shared so intimately in God's reality in life, we do not continue to share it beyond the grave," and he trusts that ". . . having reached such heights in our personhood, our individuality, we trust that our survival will likewise be personal and individual" (vol. 2, pp. 45–49).

One year later, Borowitz goes significantly beyond this cautious statement. He confesses that while he has no knowledge of what awaits him after death, he is ". . . inclined to think that my hope is better spoken of as resurrection than immortality for I do not know my self as a soul without a body but only as a psychosomatic self."[12]

The Conservative movement, for its part, issued its first statement of principles in a pamphlet entitled *Emet Ve-Emunah* (1988). Its statement on "Eschatology: Our Vision of the Future" includes an affirmation of both of the two classical Jewish doctrines on the afterlife and adds that these doctrines can be understood both literally or figuratively. A figurative understanding of bodily resurrection could be viewed as teaching that Judaism values ". . . our bodily existence in our concrete historical and social setting." Spiritual immortality, for its part, affirms that ". . . our identities and our ability to touch people and society does not end with the physical death of our bodies" (pp. 28–29).

Emet Ve-Emunah was never affirmed by any significant body within the Conservative movement apart from the committee of academicians, rabbis, and lay people who drafted it. The extent to which it reflects the thinking of the movement as a whole can then be legitimately questioned. The same applies to Borowitz's statement in regard to current thinking within Reform.

Indeed, this reaffirmation of bodily resurrection on the part of contemporary liberal thinkers is far from unanimous. The Conservative rabbi/theologian Louis Jacobs, in his *A Jewish Theology* (New York, 1973), affirms that ". . . we should be frank enough to admit that all the speculations regarding life here on earth after the resurrection simply do not 'ring a bell' for us whereas the more spiritual interpretation of a Maimonides does" (p. 319).

Finally, we should note two recent book-length inquiries into Jewish notions of the afterlife by Simcha Paull Raphael and this author, Neil Gillman. Both volumes review the history of the doctrines and both conclude with more personal statements of the authors' beliefs. Raphael's personal statement draws on the Jewish mystical tradition, hasidism, contemporary thanatology, Buddhism and Hinduism, and on the teachings

of the transpersonal school of psychology.[13]

My own study views all eschatological discourse as mythical and claims that belief in resurrection is neither a biological statement nor primarily a prediction of events that will take place in some indefinite future. It is rather an integral portion of the classical Jewish religious myth, which is designed to help the individual Jew make sense of his or her existence in the here and now. For the rest, I draw on the writings of the authors mentioned above, primarily Herberg, Borowitz, and Wyschogrod, and the French Catholic philosopher, Gabriel Marcel. I thus affirm the indispensability of the doctrine of bodily resurrection understood precisely as a mythical statement, because it asserts the integrity of the body to the sense of self.[14]

Conclusion

It is too early to predict whether or not this recent reappraisal of bodily resurrection will have a lasting impact on post-millennial Judaism. One indicator will be the outcome of the ongoing discussion of liturgical change in Reform prayer books. A decision on the part of Reform rabbis and lay people to reintroduce the traditional Hebrew closure of the *Gevurot* benediction in forthcoming Reform prayer books would be a notable expression of the power of the traditional doctrines. Finally, it is not unlikely that the coming millennium will generate a renewed interest in eschatology in general and in the afterlife in particular.

Neil Gillman

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Notes

[1] *The Garden of Eden and the Hope of Immortality* (Minneapolis, 1992), pp. 62–65.

[2] My interpretation of the Daniel passages follows that of George W.E. Nickelsburg, *Resurrection, Immortality and Eternal Life in Intertestamental Judaism* (Cambridge, 1972), pp. 11–28, and James J. Collins, *Daniel: A Commentary on the Book of Daniel* (Minneapolis, 1993), pp. 394–398.

[3] Collins, ibid., p. 393.

[4] For the complete text of this Introduction, see I. Twersky, ed., *A Maimonides Reader* (New York, 1972), pp. 401–423. For the complete text of the *Essay on Resurrection* and a discussion of its contents, see Abraham Halkin and David Hartman, *Crisis and Leadership: Epistles of Maimonides* (Philadelphia, 1985), pp. 209–292.

[5] This is proposed by Joshua Finkel, "Maimonides' Treatise on Resurrection: A Comparative Study," in *PAAJR* 9 (1939), ch. 4.

[6] A useful compendium of the views of medieval philosophers on this issue is in J. David Bleich, *With Perfect Faith: The Foundations of Jewish Belief* (New York, 1983), pp. 619–687.

[7] Gershom Scholem, *On the Mystical Shape of the Godhead: Basic Concepts in the Kabbalah* (New York, 1991), p. 241.

[8] Jakob J. Petuchowski, *Prayerbook Reform in Europe: The Liturgy of European Liberal and Reform Judaism* (New York, 1968), p. 215.

[9] Arthur A. Cohen and Paul Mendes-Flohr, eds., *Contemporary Jewish Religious Thought* (New York, 1987), pp. 807–813; in *Judaism* 17:2, Spring, 1968, pp. 186–196.

[10] Cohen, ibid., pp. 811–812.

[11] Op. cit., p. 191.

[12] Eugene B. Borowitz, *Liberal Judaism* (New York, 1984), p. 222.

[13] Simcha Paull Raphael, *Jewish Views of the Afterlife* (Northvale, 1994), pp. 357–402.

[14] Neil Gillman, *The Death of Death: Resurrection and Immortality in Jewish Thought* (Woodstock, 1997), pp. 243–274.

Debates in Rabbinic Judaism: Amplifying the Dispute

Disputes in the halakhic documents—statement of a topic + Rabbi X says . . . Rabbi Y says—occasionally are augmented by debates. These are formal and balanced exchanges of not only opinion but reason and argument. While introduced only sparingly, the debate is always integral to the dispute to which it is attached, and invariably

yields a deeper understanding of the issues of the dispute.

Among ancient Judaic religious systems and their writings, the Rabbinic one not only is unique in articulating and systematically recording disputes within its normative documents. It also is singular in spelling out, in formal debates, the reasons for the parties to the dispute. The purpose of the debate in the Mishnah and the Tosefta is to clarify what is at issue in a dispute, giving each position a valid foundation for its ruling. The provision of debates by the compilers of the halakhic documents underscores the rationality of disputes, which are shown to be not arbitrary or capricious or based on mute traditions but rather reasoned, the consequence of critical examination. Both parties to a dispute ordinarily receive equal time, and each is shown to take up a reasonable position on the moot point.

The traits of halakhic logic that generate debates are blatant. The dispute results from a conflict of governing principles, e.g., analogies or proof-texts. The debate allows each party to the dispute—always two sides, rarely more—to explain why he selects as governing analogy or proof-text one possibility rather than the other: "to what is the matter comparable?" is a common rhetoric for the operative logic. Thus, all parties concur, Scripture has supplied the governing facts. To make a ruling the authority selects an analogy in Scripture's facts to the case at hand, with the result that a dispute will take shape concerning the appropriate analogy. Then the debate will articulate the reasons each party adduces in support of its chosen analogy. The relevance of one verse of Scripture over another thus depends upon the appropriate comparison. In the following case, the governing analogy is the same, but the trait of the governing analogy that applies to the problem at hand is subject to dispute.

The Debate in the Mishnah: Ascertaining the Governing Analogy

Three examples of the debate in the Mishnah suffice to set forth the definitive traits of that document's complements to the dispute. These are, first, both parties have equal time, second, at issue are clear choices, not nuances or matters of taste or judgment, and third, at the end the outcome is indeterminate, underscoring the Mishnah's insistence that the dispute be balanced and left without an articulated resolution.

The facts of the first case present no complexities. We deal with the sacrificial cult in the Temple in Jerusalem, in which sacrificial meat and other materials were placed on altar fires and burned up. What happens, however, when something is put on the altar that for one reason or another does not constitute a valid offering? Scripture is clear on that point: whatever touches the altar is sanctified by it, therefore may not be removed from it, no matter what it is that has touched the altar: "Whatever touches the altar shall become consecrated" (Exod. 29:37). The Mishnah's rule begins with the question: but what if what touches the altar is not suitable for consecration to begin with? Does the altar affect what is unsuitable ex opere operato, or does the rule of Scripture pertain only to what can have been legitimately placed upon the altar to begin with? The operative analogy derives from an offering that is wholly consumed on the altar fire, which is the burnt offering.

In the dispute, the first of the two authorities invokes that analogy and maintains that, just as that offering, once placed on the altar, is not removed for any reason, so anything else that has been set on the altar must be left there. The operative trait of the burnt offering is that it is thrown into the fire, so whatever can be affected by the fire—whatever is appropriate for the altar fire—is left on the altar, but other things are removed. The second opinion addresses the same analogy, the burnt offering, but finds the operative trait the matter of being put on the altar to begin with. Whatever can be put on the altar is left there. Then what is at stake in the debate is whether the operative trait of the burnt offering is the altar fire ("burnt") or being put on the altar to begin with ("offering"). Joshua, in what follows, focuses upon the fire, Gamaliel on the altar, and the dis-

pute then works itself out in terms of the governing analogy and the reading of the verse of Scripture that provides the analogy:

Mishnah Zebahim 9:1
A. The altar sanctifies that which is appropriate to it. [If something is placed on the altar that is suitable for the altar, it is not to be removed.]
B. R. Joshua says, "Whatever is appropriate to [not the altar but] the altar fires, if it has gone up [onto the fires], should not go down, since it is said, 'This is the burnt offering—that which goes up on the hearth on the altar' (Lev. 6:9): just as the burnt offering, which is appropriate to the altar fires, if it has gone up, should not go down, so whatever is appropriate to the altar fires, if it has gone up, should not go down."
C. Rabban Gamaliel says, "Whatever is appropriate to the altar, if it has gone up, should not go down, as it is said, 'This is the burnt offering on the hearth on the altar' (Lev. 6:2): just as the burnt offering, which is appropriate to the altar, if it has gone up, should not go down, so whatever is appropriate to the altar, if it has gone up, should not go down."
D. The difference between the opinion of Rabban Gamaliel and the opinion of R. Joshua is only the blood and the drink offerings.
E. For Rabban Gamaliel says, "They should not [having been placed on the altar] go down."
F. And R. Joshua says, "They should go down."

The exchange of disputed opinion in principle, B-C, is followed up with the exchange of opinion on a concrete case, E-F. Implicit is the point of the dispute, which is the salient trait of the governing analogy. Then the logic of argument, shared by both parties, conforms to that analysis through comparison and contrast (analogy and polarity, for Lloyd) that philosophy valued.

A still better articulation of the problem of analogical reasoning presents itself when the acknowledged facts are placed on display, followed by the dispute and the debate. In our second case drawn from the Mishnah, the facts are set forth as an axiom, then the dispute replaces what we should have expected in the form of a theorem (prove this, prove that, out of the axiom). At stake, as is common in the Mishnah, is how we classify a mixture of substances, each belonging to its own taxon. In the case at hand, we deal with blood of sacrificial animals. Depending upon the character of the offering—the animal and the purpose its sacrifice is meant to serve—the blood may require four acts of tossing upon the corner of the altar or only one; and it may require tossing to a point on the upper side of the altar wall or to one on the lower side of the wall, differentiated by a red line around the center of the altar wall. The issue, which is to be predicted on the basis of the facts at hand, is how we are to toss a bowl of blood that is to be tossed in a single act of tossing that has been confused with a bowl of blood that is to be tossed in four such acts:

Mishnah Zebahim 8:10–11
A. [Blood] that is to be tossed in a single act of tossing that was mixed up with [blood] that is to be tossed in a single act of tossing—
B. let them be tossed in a single act of tossing [below the red line].
C. [Blood] that is to be tossed in four acts of tossing [that was mixed up with] blood that is to be tossed in four acts of tossing—
D. let them be tossed in four acts of tossing [below the red line].
E. [Blood] that is to be tossed in four acts of tossing [that was mixed up] with blood that is to be tossed in one act of tossing—
F. R. Eliezer says, "Let them be tossed in four acts of tossing."
G. R. Joshua says, "Let them be tossed in a single act of tossing."
H. Said to him R. Eliezer, "And lo, he transgresses the rule against diminishing [the required acts of tossing, so Deut. 4:2]."
I. Said to him R. Joshua, "And lo, he transgresses the rule against adding [to the required acts of tossing—Deut. 4:2]."
J. Said to him R. Eliezer, "The prohibition against adding is stated only in connection with the act in itself.
K. Said to him R. Joshua, "The prohibition against diminishing is stated only in connection with the act in itself."
L. And further did R. Joshua say, "When you placed [the blood four times], you

> transgressed the prohibition against adding, and you did the deed with your own hand, and when you did not sprinkle [four times], you transgressed against the prohibition against diminishing, but [at least] you did not do the deed with your own hand."

The issue is joined at E, with the dispute exposed at F-G. Then at H we invoke the governing verse of Scripture, counterpart to the governing analogy: "You shall not add anything to what I command you or take anything away from it" (Deut. 4:2). If blood that is to be tossed four times is tossed only once, that represents an act of diminution, and if blood that is to be tossed one time is tossed four times, it is an act of addition. Then the analogy itself is subjected to analysis, J-L. Here is where the dispute and its evidence gives way to argument. Eliezer rejects Joshua's reading of the relevant verse, since, he maintains, the prohibition against adding to what the Torah requires concerns the act in itself, which is done as it should be done—four times—and not the blood that is to be tossed only once. Joshua employs the same reasoning with the opposite result, K: one should not diminish the action, but as to the blood, that is another matter. So each party reasons in precisely the terms and manner of the other. At the end, Joshua introduces the point of differentiation: whether the deed that, of necessity, violates the principle of not diminishing or augmenting is done by the priest or not. If one does the deed four times, he himself is responsible by reason if an affirmative action. If one does not sprinkle four times blood that is to be sprinkled four times, that is an act of omission, not of commission. And, implicitly, that is to be preferred.

What we shall now see in the third case of a Mishnah-debate is that the principle at issue transcends not only the case but also the governing analogy. The issue—which is more to be deplored, the sin of omission or the sin of commission—is set forth in other terms entirely, and in these other settings, the analogy important in the case in Mishnah Zebahim plays no role at all:

Mishnah Terumot 8:9–12

A. [As to] a jug [of wine in the status of heave offering] that broke in the upper vat, and the lower [vat] is unclean—
B. R. Eliezer and R. Joshua agree that if he can save from it a fourth in a state of cleanness, he should save [it].
C. But if not:
D. R. Eliezer says, "Let it go down [into the lower vat] and be made unclean.
E. "But let him not make it unclean with his hand [through his own actions]."
F. And so [in the case of] a jug of oil [in the status of heave offering] that was spilled—
G. R. Eliezer and R. Joshua agree that if he can save from it a fourth in a state of cleanness, he should save [it].
H. But if not:
I. R. Eliezer says, "Let it run down and be soaked up [in the ground].
J. "But let him not soak it up with his hands." . . .
K. [If] one was walking from place to place, and loaves [of bread] in the status of heave offering were in his hand—
L. [if] a gentile said to him, "Give me one of them and I shall make it unclean, and if not, lo, I shall make all of them unclean"—
M. R. Eliezer says, "Let him make all of them unclean, but let [the Israelite] not give him [the gentile] one of them that he make it unclean."
N. R. Joshua says, "Let him place one of them before him, on a rock."
O. And so [in the case of] women to whom gentiles said, "Give [us] one of you that we may make her unclean, but if not, lo, we will make all of you unclean"—
P. let them make all of them unclean, but they should not hand over a single Israelite.

Clearly, Joshua's principle is made to prevail; the final case is explicit on that score. The main point we derive from the several cases is that the modes of argument prove contingent, the principle at issue, invariable. Diverse cases may contribute to the exposition of the principle that is subject to dispute, and each of them will be worked out through arguments that are particular to the case.

The Debate in the Tosefta

A supplement to the Mishnah, the Tosefta does more than provide a balanced account

of the issues that precipitate a dispute. It presents us with a striking case in which the governing analogy is introduced in an explicit manner. Here, I am inclined to think, a more philosophical mode of argument comes to full articulation. What we see is how argument by analogy and contrast works.

The case concerns the disposition of what is subject to doubt—along with mixtures, a favorite theme of the framers of the Halakhah from the Mishnah forward. In the following case, what we do not know is the status of objects immersed in an immersion-pool that, at a given point in time, is found to be lacking in the requisite volume of water and so unable to effect the purification of what is immersed. Specifically, how do we dispose of those objects immersed in the time from the last point at which it was known that the pool had a valid volume of water?

Tosefta Miqvaot 1:16–19

A. An immersion-pool that was measured and found lacking—all the acts requiring cleanness that were carried out depending upon it
B. whether this immersion-pool is in the private domain, or whether this immersion-pool is in the public domain—[Supply:] objects that have been immersed are unclean.]
C. R. Simeon says, "In the private domain, it is unclean. In the public domain, it is clean."'

Thus far we have the statement of the case. Now comes the dispute and debate:

D. Said R. Simeon, "There was the case of the water-reservoir of Disqus in Yabneh was measured and found lacking.
E. "And R. Tarfon did declare clean, and R. Aqiba unclean.
F. "Said R. Tarfon, 'Since this immersion-pool is in the assumption of being clean, it remains perpetually in this presumption of cleanness until it will be known for sure that it is made unclean.'
G. "Said R. Aqiba, 'Since this immersion-pool is in the assumption of being unclean, it perpetually remains in the presumption of uncleanness until it will be known for sure that it is clean.'

The question is, do we focus upon the prevailing assumption as to the status of the pool, and confirm that status, or do we declare the governing analogy to be the status of the unclean object that was immersed in the pool, and confirm that status? The former status is confirmed as valid, since we have assumed the pool was valid until we discovered that it was lacking in the requisite volume of valid water; the latter status is confirmed as unclean, since we assume objects that have been declared unclean remain so until they are validly purified. Now at stake is, which is the governing analogy?

H. "Said R. Tarfon, 'To what is the matter to be likened? To one who was standing and offering [a sacrifice] at the altar, and it became known that he is a son of a divorcee or the son of a woman who has undergone the rite of removing the shoe,
I. "'for his service is valid.'
J. "Said R. Aqiba, 'To what is the matter to be likened?
K. "'To one who was standing and offering [a sacrifice] at the altar, and it became known that he is disqualified by reason of a blemish—
L. "'for his service is invalid.'"

Thus far we have the conflict between relevant analogies. Now how is the argument articulated? It is through the challenge of each party to the pertinence of the analogy introduced by the other:

M. "Said R. Tarfon to him, 'You draw an analogy to one who is blemished. I draw an analogy to the son of a divorcee or to the son of a woman who has undergone the rite of removing the shoe [and is invalid for marriage into the priesthood].
N. "'Let us now see to what the matter is appropriately likened.
O. "'If it is analogous to a blemished priest, let us learn the law from the case of the blemished priest. If it is analogous to the son of a divorcée or to the son of a woman who has undergone the rite of removing the shoe, let us learn the law from the case of the son of the divorcee or the son of a woman who has undergone the rite of removing the shoe.'"

In fact, as we shall now see, Tarfon's statement of the issue of which analogy governs

proves to set matters up to allow Aqiba to settle the question. He does so by differentiating the analogical cases, showing where the true point of similarity—now, he insists, not mere similarity but identity!—is to be located:

P. "R. Aqiba says, 'The unfitness affecting an immersion-pool affects the immersion-pool itself, and the unfit aspect of the blemished priest affects the blemished priest himself.
Q. "'But let not the case of the son of a divorcee or the son of a woman who has undergone the rite of removing the shoe prove the matter, for his matter of unfitness depends upon others.
R. "'A ritual pool's unfitness [depends] on one only, and the unfitness of a blemished priest [depends] on an individual only, but let not the son of a divorcee or the son of a woman who has undergone the rite of removing the shoe will prove the matter, for the unfitness of this one depends upon ancestry.'
S. "They took a vote concerning the case and declared it unclean."
T. "Said R. Tarfon to R. Aqiba, 'He who departs from you is like one who perishes.'"

The Tosefta's debate is complemented with a resolution of the matter, S-T. That confirms the compelling power of Aqiba's reasoning. Aqiba finds no difficulty in acknowledging the similarity, but he criticizes the use of the analogy by differentiating, in the manner of Socrates, between similarity and identity. He is able to differentiate ("divide") the analogy into its operative components, and, in doing so, he shows that the analogy as he proposes to apply it sustains his position.

A second, famous dispute and debate concerns the use of an appropriate analogy to provide a law that people do not know. It concerns whether or not the restrictions of the Sabbath apply to the offering of a Passover-sacrifice. On the Sabbath people may not perform acts of labor, such as food-preparation, as would be required to present the Passover-offering. But in the Temple people are permitted to perform all acts of labor involved in preparing food for the altar of the Most High. The operative logic in the dispute appears in the unfolding of the dialogue:

Tosefta Pesahim 4:13–14

A. One time the fourteenth of Nisan coincided with the Sabbath.
B. They asked Hillel the Elder, "As to the Passover-sacrifice, does it override [the prohibitions of] the Sabbath?"
C. He said to them, "Now do we have only a single Passover-sacrifice in the course of the year that overrides [the prohibitions] of the Sabbath? We have many more than three hundred Passover-sacrifices in the year, and they all override [the prohibitions of] the Sabbath."
D. All the people in the courtyard ganged up on him.

Hillel's answer is disingenuous, since it rests on the double-meaning of "Passover." There are many offerings through the year of the beast that serves on Passover as the offering for Passover in particular. Reference is made to the daily whole offering, which, like the Passover offering, is a lamb. Now, every day, including ordinary Sabbaths in the course of the year, such an offering is presented. But that hardly meets the issue head on, since the people have asked about the Passover offering, the lamb offered on that occasion in particular, and that is something else again. Now comes the argument from analogy:

E. He said to them, "The daily whole-offering is a public offering, and the Passover-sacrifice is a public offering. Just as the daily whole-offering is a public offering and overrides [the prohibitions of] the Sabbath, so the Passover-sacrifice is a public offering [and] overrides [the prohibition of] the Sabbath."

The salient trait of the Passover lamb is that it is a public offering, and the salient trait of the daily whole offering, also a lamb, is that it is a public offering. Hence the same rule applies to both; since the latter is offered on Sabbaths, so the former may be sacrificed on the Sabbath as well.

Hillel proceeds to three further arguments. The first derives the analogy from the use of the same language in the pertinent verses of Scripture. The appearance of the same formula is taken to mean that the same rule governs in both situations to which the respective verses refer:

F. "Another matter: In connection with the daily whole-offering, Its *season is* stated (Num. 28:2), and in connection with the Passover, Its *season* is stated (Num. 9:2). Just as the daily whole-offering, in connection with which Its *season is* stated, overrides [the prohibitions of the Sabbath, so the Passover-sacrifice is a public offering [and] overrides [the prohibitions of] the Sabbath.

The second argument derives from an argument a fortiori—certainly not a mark of philosophical thinking in particular, since Scripture itself knows precisely the same argument (Num. 12:14). If people should omit the daily whole offering, they are not subject to extirpation; if they fail to offer the Passover offering, they are. If the former overrides the prohibitions of the Sabbath, though not making the offering carries a lesser penalty, the latter, omission of which bears a much heavier penalty, all the more so should override the prohibitions of the Sabbath:

G. "And further there is an argument a fortiori: Now if the daily whole offering, on account of which people are not liable to extirpation, overrides [the prohibitions of] the Sabbath, the Passover-sacrifice, on account of which people are liable to extirpation—is it not logical that it should override [the prohibitions of] the Sabbath?

The form of the third argument will not have impressed the Classical philosophers, since all it does is appeal to received opinion. In the context of a debate such as this, appeal to tradition surely will not have carried much weight. But a second look shows that tradition is needed because of a serious flaw in one of the earlier arguments, specifically, the philosophical one from analogy:

H. "And furthermore: I have received a tradition from my masters that the Passover-sacrifice overrides [the prohibitions of the Sabbath]—and not [solely] the first Passover but the second Passover-sacrifice, and not [solely] the Passover-sacrifice of the community but the Passover-sacrifice of an individual."

The argument by analogy rests on the comparison of the two Passovers, the lamb for the daily whole offering, the lamb for the Passover offering. But that analogy falls away when we realize that the lamb for the Passover offering is presented by families, not out of communal funds and in behalf of the entire community ("public offering"). So the argument has violated the very principle of analogy upon which it rested, the two elements of the comparison not being truly similar (let alone identical!). And the rest follows.

I. They said to him, "What will happen with the people, who did not bring knives and Passover-lambs to the sanctuary?"
J. He said to them, "Do not worry about them. The holy spirit rests upon them. If they are not prophets, they are disciples of prophets."
K. What did the Israelites do in that hour?
L. He whose animal for the Passover-sacrifice was a lamb had hid it [the knife] in its wool.
M. He whose animal for the Passover-sacrifice was a goat had tied it between its horns.
N. So they had [in any event] brought both their knives and their Passover-sacrifices to the sanctuary.
O. And they sacrificed their Passover-sacrifices.
P. On that very day they appointed Hillel to be patriarch, and he taught them laws of Passover.

Any account of philosophical modes of analytical argument in the Rabbinic literature must point both to the power of the argument from analogy and contrast, and also to the presence of other-than-philosophical media of thought and exchange. That is why we speak of philosophy *in* everyday life, not *of* everyday life. Our sages utilize modes of thought characteristic of philosophy, including science, to analyze problems of everyday life.

The Pseudo-Debate in Sifra

Sifra, a compilation of Midrash-exegeses on the book of Leviticus, forms a massive and systematic statement concerning the definition of the Mishnah in relationship to

Scripture. The debate is integral to the presentation of its statement. But it is a different model of debate, since the voice of the document favors one position and aims at discrediting the opposite one. By comparison to the debate of the Mishnah and the Tosefta, we deal with a different construction altogether: the form of a debate, the substance of a syllogism proving a proposition. While two positions are articulated, there is not the slightest pretense of an even-handed weighing of possibilities. One position always prevails, the other always is shown insufficient. The pseudo-debate takes this form:

1. Citation of a verse of Scripture
2. Citation of a statement of the law set forth by the Mishnah or the Tosefta as the consequence of the position of Scripture
3. The question: is that law not a matter of reason, (thus: why do we require a verse of Scripture to make the same point?)
4. At this point, the pseudo-debate unfolds, always aiming at the goal of showing that reason unguided by Scripture yields ambiguous results.

The form of the debate serves the documentary polemic of Sifra. For the task of Sifra is to show that the law of the Mishnah requires, and rests upon, the statements of Scripture. Without Scripture the classifications and consequence governing principles and rules put forth by he Mishnah prove indeterminate and unreliable. That proposition pervades the reading of Leviticus. This was achieved not merely formally by provision of proof texts from Scripture for statements of the Mishnah—as in the two Talmuds—but through a profound analysis of the interior structure of thought, represented rhetorically by a pseudo-debate.

The framers of the Mishnah effect their taxonomy through the traits of things. The authorship of Sifra insists that the source of classification is Scripture. Sifra's authorship time and again demonstrates that classification without Scripture's data cannot be carried out without Scripture's data, and, it must follow, hierarchical arguments based on extra-scriptural taxa always fail. In the Mishnah we seek connection between fact and fact, sentence and sentence, by comparing and contrasting two things that are like and not alike. At the logical level the Mishnah falls into the category of familiar philosophical thought. Once we seek regularities, we propose rules. What is like another thing falls under its rule, and what is not like the other falls under the opposite rule. Accordingly, as to the species of the genus, so far as they are alike, they share the same rule. So far as they are not alike, each follows a rule contrary to that governing the other.

The issues of the pseudo-debate are articulated by means of the critique of practical logic and the rehabilitation of the probative logic of hierarchical classification (accomplished through the form of *Listenwissenschaft*) in particular that the authorship of Sifra accomplished this remarkable feat of intellect. That authorship achieved the (re-)union of the two Torahs—Scripture and the Mishnah—into a single cogent statement within the framework of the written Torah by penetrating into the deep composition of logic that underlay the creation of the world in its correct components, rightly classified, and in its right order, as portrayed by the Torah.

This was done in two ways. Specifically, first, it involved systematically demolishing the logic that sustains an autonomous Mishnah, which appeals to the intrinsic traits of things to accomplish classification and hierarchization. Secondly, it was done by demonstrating the dependency, for the identification of the correct classification of things, not upon the traits of things viewed in the abstract, but upon the classification of things by Scripture in particular. By subjecting the generative logical principles of the Mishnah to devastating critique, Sifra used the pseudo-debate as part of its larger enterprise. The destruction of the Mishnah as an autonomous and freestanding statement, based upon its own logic, is followed by the reconstruction of (large tracts of the Mishnah) as a statement wholly within, and in accord with, the logic and program of the written

Torah in Leviticus. The polemical power of Sifra lies in its repetitive demonstration that the stated position, citation of a Mishnah-pericope, is not only not the product of logic, but is, and only can be, the product of exegesis of Scripture.

Let us now examine one sustained example of how Sifra's authorship invokes the pseudo-debate as rhetorical form to reject the principles of the logic of hierarchical classification *as these are worked out by the framers of the Mishnah*. It is a critique of designating classifications of things without Scriptural warrant. The critique applies to the way in which a shared logic is worked out by the other authorship. For it is not the principle, articulated in the debate of the Mishnah examined earlier, that like things follow the same rule, unlike things, the opposite rule, that is at stake. Nor is the principle of hierarchical classification embodied in the argument *a fortiori* at issue. What our authorship disputes is that we can classify things on our own by appeal to the traits or indicative characteristics, that is, utterly without reference to Scripture. The argument is simple. On our own, we cannot classify species into genera. Everything is different from everything else in some way. But Scripture tells us what things are like what other things for what purposes, hence Scripture imposes on things the definitive classifications, that and not traits we discern in the things themselves.

When we see the nature of the critique, we shall have a clear picture of what is at stake when we examine, in some detail, precisely how the Mishnah's logic does its work. That is why at the outset I present a complete composition in which Sifra's authorship tests the modes of classification characteristic of the Mishnah, resting as they do on the traits of things viewed out of the context of Scripture's categories of things. We see why the pseudo-debate is integral to the program of Sifra, in a way in which the authentic debate, giving equal voice to both positions, is not integral and essential but merely episodic and useful to the program of the Mishnah.

PARASHAT VAYYIQRA DIBURA DENEDABAH
PARASHAH 3

V:I.1A. "[If his offering is] a burnt offering [from the herd, he shall offer a male without blemish; he shall offer it at the door of the tent of meeting, that he may be accepted before the Lord; he shall lay his hand upon the head of the burnt offering, and it shall be accepted for him to make atonement for him]" (Lev. 1:2):

B. Why does Scripture refer to a burnt offering in particular?

C. For one might have taken the view that all of the specified grounds for the invalidation of an offering should apply only to the burnt offering that is brought as a free will offering.

D. But how should we know that the same grounds for invalidation apply also to a burnt offering that is brought in fulfillment of an obligation [for instance, the burnt offering that is brought for a leper who is going through a rite of purification, or the bird brought by a woman who has given birth as part of her purification rite, Lev. 14, 12, respectively]?

E. It is a matter of logic.

F. Bringing a burnt offering as a free will offering and bringing a burnt offering in fulfillment of an obligation [are parallel to one another and fall into the same classification].

G. Just as a burnt offering that is brought as a free will offering is subject to all of the specified grounds for invalidation, so to a burnt offering brought in fulfillment of an obligation, all the same grounds for invalidation should apply.

H. No, [that reasoning is not compelling. For the two species of the genus, burnt offering, are not wholly identical and can be distinguished, on which basis we may also maintain that the grounds for invalidation that pertain to the one do not necessarily apply to the other. Specifically:] if you have taken that position with respect to the burnt offering brought as a free will offering, for which there is no equivalent, will you take the same position with regard to the burnt offering brought in fulfillment of an obligation, for which there is an equivalent?

[For if one is obligated to bring a

burnt offering by reason of obligation and cannot afford a beast, one may bring birds, as at Lev. 14:22, but if one is bringing a free will offering, a less expensive form of the offering may not serve.]

I. Accordingly, since there is the possibility in the case of the burnt offering brought in fulfillment of an obligation, in which case there is an acceptable equivalent [to the more expensive beast, through the less expensive birds], all of the specified grounds for invalidation [which apply to the burnt offering brought as a free will offering, which is in any case more expensive] should not apply at all.

J. That is why in the present passage, Scripture refers simply to "burnt offering," [and without further specification, the meaning is then simple:] all the same are the burnt offering brought in fulfillment of an obligation and a burnt offering brought as a free will offering in that all of the same grounds for invalidation of the beast that pertain to the one pertain also to the other.

2.A. And how do we know that the same rules of invalidation of a blemished beast apply also in the case of a beast that is designated in substitution of a beast sanctified for an offering [in line with Lev. 27:10, so that, if one states that a given, unconsecrated beast is to take the place of a beast that has already been consecrated, the already-consecrated beast remains in its holy status, and the beast to which reference is made also becomes consecrated]?

B. The matter of bringing a burnt offering and the matter of bringing a substituted beast fall into the same classification [since both are offerings that in the present instance will be consumed upon the altar, and, consequently, they fall under the same rule as to invalidating blemishes].

C. Just as the entire protocol of blemishes apply to the one, so in the case of the beast that is designated as a substitute, the same invalidating blemishes pertain.

D. No, if you have invoked that rule in the case of the burnt offering, in which case no status of sanctification applies should the beast that is designated as a burnt offering be blemished in some permanent way, will you make the same statement in the case of a beast that is designated as a substitute? For in the case of a substituted beast, the status of sanctification applies even though the beast bears a permanent blemish! [So the two do not fall into the same classification after all, since to begin with one cannot sanctify a permanently blemished beast, which beast can never enter the status of sanctification, but through an act of substitution, a permanent blemished beast can be placed into the status of sanctification.]

E. Since the status of sanctification applies [to a substituted beast] even though the beast bears a permanent blemish, all of the specified grounds for invalidation as a matter of logic should not apply to it.

F. That is why in the present passage, Scripture refers simply to "burnt offering," [and without further specification, the meaning is then simple:] all the same are the burnt offering brought in fulfillment of an obligation and a burnt offering brought as a substitute for an animal designated as holy, in that all of the same grounds for invalidation of the beast that pertain to the one pertain also to the other.

3.A. And how do we know [that the protocol of blemishes that applies to the burnt offering brought as a free will offering applies also to] animals that are subject to the rule of a sacrifice as a peace offering?

B. It is a matter of logic. The matter of bringing a burnt offering and the matter of bringing animals that are subject to the rule of a sacrifice as a peace offering fall into the same classification [since both are offerings and, consequently under the same rule as to invalidating blemishes].

C. Just as the entire protocol of blemishes applies to the one, so in the case of animals that are subject to the rule of a sacrifice as a peace offering, the same invalidating blemishes pertain.

D. And it is furthermore a matter of an argument *a fortiori*, as follows:

E. If to a burnt offering is valid when in the form of a bird, [which is inexpensive], the protocol of invalidating blemishes applies, to peace offerings, which are not valid when brought in the form of a bird, surely the same protocol of invalidating blemishes should also apply!

F. No, if you have applied that rule to a burnt offering, in which case females are not valid for the offering as male beasts are, will you say the same of peace offerings? For female beasts as much as male beasts may be brought for sacrifice in the status of the peace

offering. [The two species may be distinguished from one another.]
G. Since it is the case that female beasts as much as male beasts may be brought for sacrifice in the status of the peace offering, the protocol of invalidating blemishes should not apply to a beast designated for use as a peace offering.
H. That is why in the present passage, Scripture refers simply to "burnt offering," [and without further specification, the meaning is then simple:] all the same are the burnt offering brought in fulfillment of an obligation and an animal designated under the rule of peace offerings in that all of the same grounds for invalidation of the beast that pertain to the one pertain also to the other.

The systematic exercise proves for beasts that serve in three classifications of offerings, burnt offerings, substitutes, and peace offerings, that the same rules of invalidation apply throughout. The comparison of the two kinds of burnt offerings, voluntary and obligatory, shows that they are sufficiently different from one another so that as a matter of logic, what pertains to the one need not apply to the other. Then come the differences between an animal that is consecrated and one that is designated as a substitute for one that is consecrated. Finally we distinguish between the applicable rules of the sacrifice; a burnt offering yields no meat for the person in behalf of whom the offering is made, while one sacrificed under the rule of peace offerings does. We run the changes on three fundamentally different differences and show that in each case, the differences between like things are greater than the similarities.

In Sifra no one denies the principle of hierarchical classification. That is an established fact, a self-evident trait of mind. The argument of Sifra's authorship is that, by themselves, things do not possess traits that permit us finally to classify species into a common genus. There always are traits distinctive to a classification. Accordingly, it is the argument of Sifra's authorship that without the revelation of the Torah, we are not able to effect any classification at all, are left, that is to say, only with species, no genus, only with cases, no rules. The thrust of Sifra's authorship's attack on the Mishnah's taxonomic logic is readily discerned. Time and again, we can easily demonstrate, things have so many and such diverse and contradictory indicative traits that, comparing one thing to something else, we can always distinguish one species from another. Even though we find something in common, we also can discern some other trait characteristic of one thing but not the other. Consequently, we also can show that the hierarchical logic on which we rely, the argument *a fortiori* or *qol vehomer*, will not serve. For if on the basis of one set of traits that yield a given classification, we place into hierarchical order two or more items, on the basis of a different set of traits, we have either a different classification altogether, or, much more commonly, simply a different hierarchy. So the attack on the way in which the Mishnah's authorship has done its work appeals not merely to the limitations of classification solely on the basis of traits of things. The more telling argument addresses what is, to *Listenwissenschaft*, the source of power and compelling proof: hierarchization. That is why, throughout, we must designate the Mishnah's mode of *Listenwissenschaft* a logic of hierarchical classification. Things are not merely like or unlike, therefore following one rule or its opposite. Things also are weightier or less weighty, and that particular point of likeness of difference generates the logical force of *Listenwissenschaft*.

Sifra's authorship repeatedly demonstrates that the formation of classifications based on monothetic taxonomy. What that means is this: traits that are not only common to both items but that are shared throughout both of the items subject to comparison and contrast, simply will not serve. These shared traits are supposed to prove that the items that are compared are alike, and therefore should be subjected to the same rule. But the allegation of comparability proves flawed. The proposition maintains that the two items are alike, because they share one trait in common (thus: "monothetic taxonomy"). But I shall show you that they also exhibit traits that are different for the respective items. Then we have both likeness and difference.

Then, the argument proceeds, at every point at which someone alleges uniform,

that is to say, monothetic likeness, Sifra's authorship will demonstrate difference. Then how to proceed? Appeal to some shared traits as a basis for classification: this is not like that, and that is not like this, but the indicative trait that both exhibit is such and so, that is to say, polythetic taxonomy. The self-evident problem in accepting differences among things and insisting, nonetheless, on their monomorphic character for purposes of comparison and contrast, cannot be set aside: who says? That is, if I can adduce in evidence for a shared classification of things only a few traits among many characteristic of each thing, then what stops me from treating all things alike? Polythetic taxonomy opens the way to an unlimited exercise in finding what diverse things have in common and imposing, for that reason, one rule on everything. Then the very working of *Listenwissenschaft* as a tool of analysis, differentiation, comparison, contrast, and the descriptive determination of rules yields the opposite of what is desired. Chaos, not order, a mass of exceptions, no rules, a world of examples, each subject to its own regulation, instead of a world of order and proportion, composition and stability, will result.

Sifra's authorship affirms taxonomic logic when applied to the right categories. It systematically demonstrates the affirmative case, that *Listenwissenschaft* is a self-evidently valid mode of demonstrating the truth of propositions. But *the* source of the correct classification of things is Scripture and only Scripture. Without Scripture's intervention into the taxonomy of the world, we should have no knowledge at all of which things fall into which classifications and therefore are governed by which rules. How then do we appeal to Scripture to designate the operative classifications? Here is a simple example of the alternative mode of classification, one that does not appeal to the traits of things but to the utilization of names by Scripture. What we see is how by naming things in one way, rather than in another, Scripture orders all things, classifying and, in the nature of things, also hierarchizing them. Here is one example among many of how our authorship conceives the right way of logical thought to proceed:

PARASHAT VAYYIQRA DIBURA DENEDABAH PARASHAH 4

VII:V.1A. ". . . and Aaron's sons the priests shall present the blood and throw the blood [round about against the altar that is at the door of the tent of meeting]:"

B. Why does Scripture make use of the word "blood" twice [instead of using a pronoun]?

C. [It is for the following purpose:] How on the basis of Scripture do you know that if blood deriving from one burnt offering was confused with blood deriving from another burnt offering, blood deriving from one burnt offering with blood deriving from a beast that has been substituted therefor, blood deriving from a burnt offering with blood deriving from an unconsecrated beast, the mixture should nonetheless be presented?

D. It is because Scripture makes use of the word "blood" twice [instead of using a pronoun].

2.A. Is it possible to suppose that while if blood deriving from beasts in the specified classifications, [the blood of the sacrifice] is to be presented [on the altar, as a valid offering], for the simple reason that if the several beasts while alive had been confused with one another, they might be offered up,

B. but how do we know that even if the blood of a burnt offering were confused with that of a beast killed as a guilt offering [it is to be offered up]

C. I shall concede the case of the mixture of the blood of a burnt offering confused with that of a beast killed as a guilt offering; it is to be presented, for both this one and that one fall into the classification of Most Holy Things.

D. But how do I know that if the blood of a burnt offering were confused with the blood of a beast slaughtered in the classification of peace-offerings or of a thanksgiving offering [the mixture is to be presented]?

E. I shall concede the case of the mixture of the blood of a burnt offering confused with that of a beast slaughtered in the classification of peace-offerings or of a thanksgiving offering [it is to be

presented], because the beasts in both classifications produce blood that has to be sprinkled four times.

F. But how do I know that if the blood of a burnt offering were confused with the blood of a beast slaughtered in the classification of a firstling or a beast that was counted as the tenth [that is, it is to serve as the tithe of that herd or flock] or of a beast designated as a Passover [it is to be presented]?

G. I shall concede the case of the mixture of the blood of a burnt offering confused with that of a beast slaughtered in the classification of firstling or a beast that was counted as a tenth or of a beast designated as a Passover [it is to be presented], because Scripture uses the word "blood" two times.

H. Then while I may make that concession, might I also suppose that if the blood of a burnt offering was confused with the blood of beasts that had suffered an invalidation, it also may be offered up?

I. Scripture says, ". . . its blood" [thus excluding such a case].

J. Then I shall concede the case of a mixture of the blood of a valid burnt offering with the blood of beasts that had suffered an invalidation, which blood is not valid to be presented at all.

K. But how do I know that if such blood were mixed with the blood deriving from beasts set aside as sin-offerings to be offered on the inner altar [it is not to be offered up]?

L. I can concede that the blood of a burnt offering that has been mixed with the blood deriving from beasts set aside as sin-offerings to be offered on the inner altar is not to be offered up, for the one is offered on the inner altar, and the other on the outer altar [the burnt offering brought as a free will offering, under discussion here, is slaughtered at the altar ". . . that is at the door of the tent of meeting," not at the inner altar].

M. But how do I know that even if the blood of a burnt offering was confused with the blood of sin-offerings that are to be slaughtered at the outer altar, it is not to be offered up?

N. Scripture says, ". . . its blood" [thus excluding such a case].

In place of the rejecting of arguments resting on classifying species into a common genus, we now demonstrate how classification really is to be carried on. It is through the imposition upon data of the categories dictated by Scripture: Scripture's use of language. That is the force of this powerful exercise. No. 1 sets the stage, simply pointing out that the use of the word "blood" twice encompasses a case in which blood in two distinct classifications is somehow confused in the process of the conduct of the cult. In such a case it is quite proper to pour out the mixture of blood deriving from distinct sources, e.g., beasts that have served different, but comparable purposes. We then systemically work out the limits of that rule, showing how comparability works, then pointing to cases in which comparability is set aside. Throughout the exposition, at the crucial point we invoke the formulation of Scripture, subordinating logic or in our instance the process of classification of like species to the dictation of Scripture. I cannot imagine a more successful demonstration of what the framers wish to say.

The reason for Scripture's unique power of classification is the possibility of polythetic classification that only Scripture makes possible. Because of Scripture's provision of taxa, we are able to undertake the science of *Listenwissenschaft*, including hierarchical classification, in the right way. What can we do because we appeal to Scripture, which we cannot do if we do not rely on Scripture? It is to establish the possibility of polythetic classification. We can appeal to shared traits of otherwise distinct taxa and so transform species into a common genus for a given purpose. Only Scripture makes that initiative feasible, so our authorship maintains. What is at stake? It is the possibility of doing precisely what the framers of the Mishnah wish to do. That is to join together masses of diverse data into a single, encompassing statement, to show the rule that inheres in diverse cases. In what follows, we shall see an enormous, coherent, and beautifully articulated exercise in the comparison and contrast of many things of a single genus. The whole holds together, because Scripture makes possible the statement of all things within a single rule. That is, as we have noted, precisely what the framers of the Mishnah proposed to accomplish. Our authorship maintains that only by appeal to The Torah is this fete of learning possible. If, then, we wish to understand all things all together and all at once under a single encompassing rule, we had best revert to the

Torah, with its account of the rightful names, positions, and order, imputed to all things.

PARASHAT VAYYIQRA DIBURA DENEDABAH
PARASHAH 11

XXII:I.1A. **[With reference to M. Men. 5:5:] There are those [offerings that require bringing near but do not require waving, waving but not bringing near, waving and bringing near, neither waving nor bringing near: These are offering that require bringing near but do not require waving: the meal offering of fine flour and the meal offering prepared in the baking pan and the meal offering prepared in the frying pan, and the meal offering of cakes and the meal offering of wafers, and the meal offering of priests, and the meal offering of an anointed priest, and the meal offering of gentiles, and the meal offering of women, and the meal offering of a sinner. R. Simeon says, "The meal offering of priests and of the anointed priest—bringing near does not apply to them, because the taking of a handful does not apply to them. And whatever is not subject to the taking of a handful is not subject to bringing near,"]** [Scripture] says, "When you present to the Lord a meal offering that is made in any of these ways, it shall be brought [to the priest who shall take it up to the altar]:"

B. What requires bringing near is only the handful. How do I know that I should encompass under the rule of bringing near the meal offering?

C. Scripture says explicitly, "meal offering."

D. How do I know that I should encompass all meal offerings?

E. Scripture says, using the accusative particle, "the meal offering."

2.A. I might propose that what requires bringing near is solely the meal offering brought as a free will offering.

B. How do I know that the rule encompasses an obligatory meal offering?

C. It is a matter of logic.

D. Bringing a meal offering as a free will offering and bringing a meal offering as a matter of obligation form a single classification. Just as a meal offering presented as a free will offering requires bringing near, so the same rule applies to a meal offering of a sinner [brought as a matter of obligation], which should likewise require bringing near.

E. No, if you have stated that rule governing bringing near in the case of a free will offering, on which oil and frankincense have to be added. will you say the same of the meal offering of a sinner [Lev. 5:11], which does not require oil and frankincense?

F. The meal offering brought by a wife accused of adultery will prove to the contrary, for it does not require oil and frankincense, but it does require bringing near [as is stated explicitly at Num. 5:15].

G. No, if you have applied the requirement of bringing near to the meal offering brought by a wife accused of adultery, which also requires waving, will you say the same of the meal offering of a sinner, which do not have to be waved?

H. Lo, you must therefore reason by appeal to a polythetic analogy [in which not all traits pertain to all components of the category, but some traits apply to them all in common]:

I. the meal offering brought as a free will offering, which requires oil and frankincense, does not in all respects conform to the traits of the meal offering of a wife accused of adultery, which does not require oil and frankincense, and the meal offering of the wife accused of adultery, which requires waving, does not in all respects conform to the traits of a meal offering brought as a free will offering, which does not require waving.

J. But what they have in common is that they are alike in requiring the taking up of a handful and they are also alike in that they require bringing near.

K. I shall then introduce into the same classification the meal offering of a sinner, which is equivalent to them as to the matter of the taking up of a handful, and also should be equivalent to them as to the requirement of being drawn near.

L. But might one not argue that the trait that all have in common is that all of them may be brought equally by a rich and a poor person and require drawing near, which then excludes from the common classification the meal offering

of a sinner, which does not conform to the rule that it may be brought equally by a rich and a poor person [but may be brought only by a poor person,] and such an offering also should not require being brought near.

M. [The fact that the polythetic classification yields indeterminate results means failure once more, and, accordingly,] Scripture states, "meal offering,"

N. with this meaning: all the same are the meal offering brought as a free will offering and the meal offering of a sinner, both this and that require being brought near.

The elegant exercise draws together the various types of meal offerings and shows that they cannot form a classification of either a monothetic or a polythetic character. Consequently, Scripture must be invoked to supply the proof for the classification of the discrete items. The important language is at H-J: these differ from those, and those from these, but what they have in common is. . . . Then we demonstrate, with our appeal to Scripture, the sole valid source of polythetic classification, M. And this is constant throughout Sifra. So the pseudo-debate proves integral to the program of the document, and its rules of construction and articulation particular to the purpose for which the pseudo-debate is invoked.

The Debate in the Talmud of Babylonia

The Bavli's debates take two forms, the conventional and the dialectical. The conventional debate replicates the model of the Mishnah's debate: both sides are given positions in a dispute, then reasons for their positions are articulated in a debate. The dialectical debate involves an unfolding argument that moves from point to point in directions not limited to the initial precipitating issue but always continuous with it.

Let me give one example of discourse that moves forward through rhetorical questions and answers but does not demand classification as dialectical, in that the movement proves superficial, the basic argument static and narrowly propositional. In the following case we see how a dialectical or moving debate-form conceals a perfectly standard exchange of information, nothing more. Italics signal Aramaic, plain type, Hebrew; the indentations mark secondary and tertiary components of the composite.

Bavli Berakhot 3:4 I.6/21b

I.6A. Said R. Huna, "He who enters the synagogue and finds the community saying the Prayer, if he can begin and complete the Prayer before the leader of the community in his repetition, reaches the blessing, 'We acknowledge . . .,' should say the Prayer, and if not, he should not say the Prayer."

B. And R. Joshua b. Levi said, "If he can begin and complete the Prayer before the leader of the community in his repetition reaches the Sanctification, he should say the Prayer, and if not, he should not say the Prayer."

C. *Concerning what principle do they differ?*

D. *One master [A] takes the view that* an individual may say the Sanctification-prayer [by himself].

E. *The other [B] takes the view that* the individual may not say the Sanctification-prayer [by himself].

F. So too [B] did R. Ada bar Ahba say, "How do we know on the basis of Scripture that an individual [praying by himself] does not say the Sanctification-prayer? As it is said, 'And I shall be sanctified among the children of Israel' (Lev. 22:32). Every matter involving sanctification may be conducted among no fewer than ten men."

G. *How does the besought proof derive from the cited verse?*

H. *It accords with that which Rabbinai, brother of R. Hiyya bar Abba, taught on Tannaite authority,* "An analogy is drawn on the use of the word 'among.'"

I. "Here it is written, 'And I shall be sanctified among the children of Israel' (Lev. 22:32), and elsewhere it is written, 'Separate yourselves from among this congregation' (Num. 16:21). Just as, in the latter instance, 'among' involves ten men, so here ten are required."

J. *Both authorities concur, in the end, that one does not interrupt [the Prayer. If a person has begun to recite the Prayer, when the congregation comes to recite the Sanctification, the person does not interrupt his prayer to recite the Sanctification with the congregation.]*

What we have is little more than a first-rate exposition of the point at issue in a dispute, followed by a secondary datum, which shows how a proposition emerges from a proof-text. Merely presenting a dispute in a fair and balanced way, utilizing the form of question and answer, does not lead us into the realm controlled by authentic dialectics. We cannot confuse the deft presentation of conflicting propositions, along with required information, with the rich intellectual movement, hither and yon, that dialectics involves.

Here is a second case in which the formal utilization of questions and answers masks a quite static argument, in which set-piece positions are intertwined, compared and contrasted, without a trace of movement from one point to some other:

BAVLI ERUBIN 6:3–4 VI.2/70A

VI.2A. *Abbayye asked Rabbah*, "Five tenants lived in a single courtyard, and one of them forgot and did not participate in the fusion meal—when he renounces his rights of access, does he have to renounce it in favor of each and every tenant or does he not have to do so?"

B. He said to him, "He has to renounce his right in favor of each and every tenant."

C. *An objection was raised:* One party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal; two persons who participated in the fusion meal assign their right to one who didn't, and two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal or to one who did not participate in the fusion meal. But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate, and two who participated in the fusion meal do not abrogate their right in favor of two who didn't participate, and two who didn't participate in the fusion meal don't abrogate their right in favor of two who didn't participate in the fusion meal. *Now the Tannaite formulation in any event states at the outset*, one party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal. *Now how are we to imagine the case? If there is no other with him, then with whom might he have joined in the fusion meal? So it must follow, there must have been another tenant alongside, and yet it is stated*, one party who did participate in the fusion meal*!* [Slotki: How could Rabbah maintain that renunciation must be made in favor of each and every tenant individually?]

D. And Rabbah?

E. *Here with what situation do we deal? It is a case in which there was a tenant with whom the fusion meal was made, but who died* [Slotki: by the time the third party presented his share; so there were only two tenants in the courtyard, and one may renounce in favor of the other].

F. *Well, then, what about what follows:* But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate*? Now, if he had been there but died, why shouldn't it be permitted* [for the survivor to renounce his share (Slotki)]*? So it's obvious that the tenant with whom the meal was prepared was still around, and, since the final clause takes for granted that he was still around, the initial clause also deals with a case in which he was still around [and Rabbah's got a problem]!*

G. *What makes you see things that way? The one clause deals with its case, the other deals with its situation. You may know that that is the case, for the concluding part of the opening formulation says*, two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal. *So to two they may do so, but not to one.*

H. And Abbayye?

I. *He may say, what is the meaning of* "to two"*? It is*, "to one of the two."

J. *If so, why instead of* "two" *wasn't it said*, "To one who joined in the fictive fusion meal or to one who did not" [Slotki: since one tenant cannot join in a fictive meal with himself, it would then be obvious that the sense was, to one of two]?

K. *Well, that's a legitimate problem.*

L. . . . one party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal—

M. *in Abbayye's view*, this speaks of a case in which the other tenant [who joined in the fiction meal with the one mentioned] was still alive, *and so we are informed that* it is not necessary to renounce one's rights in favor of each and every tenant.

N. *In Rabbah's view, it is a case in which he was around but then died, and so we are informed that no precautionary decree is enacted to deal with the possibility that someone may yet be around [and yet the same procedure might be followed].*
O. . . . two persons who participated in the fusion meal assign their right to one who didn't—
P. *So that's pretty obvious.*
Q. *What might you otherwise have imagined? That since he did not participate in the fusion meal, an extra-judicial penalty is to be imposed on him? So we are informed that that is not the case.*
R. . . . and two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal—
S. *In Rabbah's view, the Tannaite formulation of the concluding clause was meant to clarify the sense of the opening clause. To Abbayye, it was necessary to include the clause concerning two who didn't participate in the fusion meal. For it might have entered your mind that we should make a precautionary decree, to cover the possibility that they may come and renounce in their favor [which is forbidden], but so we are informed that that is not the case.*
T. . . . or to one who did not participate in the fusion meal—
U. *What do I need this item for?*
V. *What might you otherwise have supposed? That the rule applies to a case in which some of the tenants participated in the fusion meal and some didn't, but in a case in which all of them didn't, we impose a penalty, so that the rule of the fusion meal should not be forgotten? So we are informed that that is not so.*
W. But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate—
X. *From Abbayye's perspective, the Tannaite formulation of the concluding clause serves to explain the sense of the opening one. From Rabbah's perspective, since the opening clause was set forth, the closing clause was put in to match it.*
Y. . . . and two who participated in the fusion meal do not abrogate their right in favor of two who didn't participate—
Z. *So for what do I need to be told this again?*
AA. *It was necessary to cover the case in which one of them renounced his share in favor of the other [of those who didn't share in the fusion meal]. What might you have supposed? That the latter should then have the right to use the courtyard? So we are informed that that is not the case, since at the time the former renounced his share, he had no right to use the courtyard.*
BB. . . . and two who didn't participate in the fusion meal don't abrogate their right in favor of two who didn't participate in the fusion meal—
CC. *So for what do I need to be told this again?*
DD. *It was necessary to cover even the case in which they said to him, "Acquire our share on the stipulation that you transfer them."*

Here is a superb exercise in fair and equitable presentation of two positions; but the positions stand still and the argument leads nowhere; without motion, the dialectic or movement proves merely formal but in no way substantive, the basic point at issue being made manifest but not made to move. Time and again, a closer look at what appears to be a moving argument shows us that all we have is a rhetorical device to secure the proper and orderly balance between two contradictory positions.

What we have seen is how the Halakhic compositions and composites have augmented the dispute with the debate to make possible a balanced exchange of views, inclusive now of reasons to sustain those positions. To effect a thorough-going, balanced exposition of the law in a compelling exchange of views, the debate proves integral to the Halakhic process and its outcome. In that picture, the pseudo-debate of Sifra serves to underscore the rationality and proportion and balance of the authentic debates of the Mishnah, Tosefta, and Bavli. But the Bavli would carry the debate beyond its established limits, showing the unity of the law, not merely its rationality.

JACOB NEUSNER

Deuteronomy in Judaism

The book of Deuteronomy reaches Judaism through Sifre to Deuteronomy, attributed to Tannaite authors, a commentary to Deuteronomy completed ca. 300 C.E. Out of cases and examples, sages seek generalizations and governing principles. Since in the book of Deuteronomy, Moses explicitly sets forth a vision of Israel's future history, sages in Sifre to Deuteronomy examined that vision to uncover the rules that explain what happens to Israel. That issue drew attention from cases to rules, with the result that, in the book of Deuteronomy, they set forth an account of Israel's future history, the key to Israel's recovery of command of its destiny. Like Sifra (on Leviticus), Sifre to Deuteronomy pursues a diverse topical program in order to demonstrate a few fundamental propositions. The survey of the topical and propositional program of Sifre to Deuteronomy dictates what is truly particular to its authorship. It is its systematic mode of methodical analysis, in which it does two things. First, the document's compilers take the details of cases and carefully re-frame them into rules pertaining to all cases. The authorship therefore asks those questions of susceptibility to generalization ("generalizability") that first-class philosophical minds raise. And it answers those questions by showing what details restrict the prevailing law to the conditions of the case, and what details exemplify the encompassing traits of the law overall. These are, after all, the two possibilities. The law is either limited to the case and to all cases that replicate this one. Or the law derives from the principles exemplified, in detail, in the case at hand. Essentially, as a matter of both logic and topical program, our authorship has reread the legal portions of the book of Deuteronomy and turned Scripture into what we now know is the orderly and encompassing code supplied by the Mishnah. To state matters simply, this authorship "mishnaizes" Scripture. We find in Sifre to Numbers no parallel to this dominant and systematic program of Sifre to Deuteronomy.

But in other aspects, the document presents no surprises. In the two Sifres and Sifra we find a recurrent motif, intense here, episodic there, of how the written component of the Torah, that is, revelation in written form, serves as the sole source of final truth. Logic or reason untested against Scripture produces flawed or unreliable results. Reason on its own is subordinate. For their search for the social rules of Israel's society, the priority of the covenant as a reliable account of the workings of reality, and the prevailing laws of Israel's history decreed by the terms of the covenant, their fundamental claim is the same. There are rules and regularities, but reason alone will not show us what they are. A systematic and reasoned reading of the Torah—the written Torah—joined to a sifting of the cases of the Torah in search of the regularities and points of law and order—these are what will tell the prevailing rule. A rule of the Mishnah and its account of the here and now of everyday life rests upon the Torah, not upon (mere) logic. A rule of Israel's history, past, present, and future, likewise derives from a search for regularities and points of order identified not by logic alone, but by logic addressed to the Torah. So there are these modes of gaining truth that apply equally to Mishnah and Scripture. There is logic, applied reason and practical wisdom, such as sages exhibit; there is the corpus of facts supplied by Scripture, read as sages read it. These two together form God's statement upon the world today.

The topical program of the document intersects at its fundamental propositions with programs of other authorships—beginning, after all, with those of Scripture itself. The writers and compilers and compositors of Deuteronomy itself will have found entirely familiar such notions as the conditional character of Israel's possession of the land of Israel, the centrality of the covenant in Israel's relationship with God and with the other nations of the world, and the decisive role of the covenant in determining its

own destiny, and the covenantal responsibilities and standing of Israel's leadership—surely a considerable motif in the very structure of the book of Deuteronomy itself, beginning and end in particular. The reader may well wonder how we may treat as a distinctive authorship a group of writers who simply go over ground familiar in the received literature. In some important ways the authorship of Sifre to Deuteronomy makes a statement that is very much its own. That fact becomes clear when we consider the document's rhetorical, logical, and topical characteristics.

Four principal topics encompass the document's propositions, of which the first three correspond to the three relationships into which Israel entered: with heaven, on earth, and within. These yield systematic statements that concern the relationships between Israel and God, with special reference to the covenant, the Torah, and the land; Israel and the nations, with interest in Israel's history, past, present, and future, and how that cyclic is to be known; Israel on its own terms, with focus upon Israel's distinctive leadership. The fourth rubric encompasses not specific *ad hoc* propositions, that form aggregates of proofs of large truths, but rather, prevailing modes of thought, demonstrating the inner structure of intellect, in our document yielding the formation, out of the cases of Scripture, of encompassing rules.

Israel and God: The Implications of the Covenant

The basic proposition, spelled out in detail, is that Israel stands in a special relationship with God, and that relationship is defined by the contract, or covenant, that God made with Israel. The covenant comes to particular expression, in our document, in two matters, first, the land, second, the Torah. Each marks Israel as different from all other nations, on the one side, and as selected by God, on the other. In these propositions, sages situate Israel in the realm of heaven, finding on earth the stigmata of covenanted election and concomitant requirement of loyalty and obedience to the covenant.

First comes the definition of those traits of God that our authorship finds pertinent. God sits in judgment upon the world, and his judgment is true and righteous. God punishes faithlessness. But God's fundamental and definitive trait is mercy. The way of God is to be merciful and gracious. The basic relationship of Israel to God is one of God's grace for Israel. God's loyalty to Israel endures, even when Israel sins. When Israel forgets God, God is pained. Israel's leaders, whatever their excellence, plead with God only for grace, not for their own merit. Correct attitudes in prayer derive from the need for grace, Israel having slight merit on its own account. Israel should follow only God, carrying out religious deeds as the covenant requires, in accord with the instructions of prophets. Israel should show mercy to others, in the model of God's merciful character.

Second, the contract, or covenant, produces the result that God has acquired Israel, which God created. The reason is that only Israel accepted the Torah, among all the nations, and that is why God made the covenant with Israel in particular. Why is the covenant made only with Israel? The gentiles did not accept the Torah, Israel did, and that has made all the difference. Israel recognized God forthwith; the very peace of the world and of nature depends upon God's giving the Torah to Israel. That is why Israel is the sole nation worthy of dwelling in the palace of God and that is the basis for the covenant too. The covenant secures for Israel an enduring relationship of grace with God. The covenant cannot be revoked and endures forever. The covenant, terms of which are specified in the Torah, has duplicate terms: if you do well, you will bear a blessing, and if not, you will bear a curse.

That is the singular mark of the covenant between God and Israel. A mark of the covenant is the liberation from Egypt, and that sufficed to impose upon Israel God's claim for their obedience. An important sign of the covenant is the possession of the land. Part of the covenant is the recognition of

merit of the ancestors. In judging the descendants of the patriarchs and matriarchs, God promised, in making the covenant, recognition of the meritorious deeds of the ancestors. The conquest of the land and inheriting it are marks of the covenant, which Israel will find easy because of God's favor. The inheritance of the land is a mark of merit, inherited from the ancestors. The land is higher than all others and more choice. All religious duties are important, those that seem trivial as much as those held to be weightier.

God always loves the people Israel. That is why Israel should carry out the religious duties of the Torah with full assent. All religious duties are equally precious. Israel must be whole-hearted in its relationship with God. If it is, then its share is with God, and if not, then not. But Israel may hate God. The right attitude toward God is love, and Israel should love God with a whole heart. The reason that Israel rebels against God is prosperity. Then people become arrogant and believe that their prosperity derives from their own efforts. But that is not so, and God punishes people who rebel to show them that they depend upon God. When Israel practices idolatry, God punishes them, e.g., through exile, through famine, through drought, and the like. Whether or not Israel knows or likes the fact, it is the fact that Israel therefore has no choice but to accept God's will and fulfill the covenant.

The heaven and the earth respond to the condition of Israel and therefore carry out the stipulations of the covenant. If Israel does not carry out religious duties concerning heaven, then heaven bears witness against them. That centers on the land of Israel in particular. Possession of the land is conditional, not absolute. It begins with grace, not merit. It is defined by the stipulation that Israel observe the covenant, in which case Israel will retain the land. If Israel violates the covenant, Israel will lose the land. When Israel inherits the land, in obedience to the covenant and as an act of grace bestowed by God, it will build the Temple, where Israel's sins will find atonement. The conquest of the land itself is subject to stipulations, just as possession of the land, as an act of God's grace, is marked by religious obligations. If Israel rebels or rejects the Torah, it will lose the land, just as the Canaanites did for their idolatry.

The land is not the only, or the most important, mark of the covenant. It is the fact that Israel has the Torah which shows that Israel stands in a special relationship to God. The Torah is the source of life for Israel. It belongs to everyone, not only the aristocracy. Children should start studying the Torah at the earliest age possible. The study of the Torah is part of the fulfillment of the covenant. Even the most arid details of the Torah contain lessons, and if one studies the Torah, the reward comes both in this world and in the world to come.

The possession of the Torah imposes a particular requirement, involving an action. The most important task of every male Israelite is to study the Torah, which involves memorizing, and not forgetting, each lesson. This must go on every day and all the time. Study of the Torah should be one's main obligation, prior to all others. The correct motive is not for the sake of gain, but for the love of God and the desire for knowledge of God's will. People must direct heart, eyes, ears, to teachings of the Torah. Study of the Torah transforms human relationships, so that strangers become the children of the master of the Torah whom they serve as disciples. However unimportant the teaching or the teacher, all is as if on the authority of Moses at Sinai. When a person departs from the Torah, that person becomes an idolator. Study of the Torah prevents idolatry.

Israel and the Nations: The Meaning of History

The covenant, through the Torah of Sinai, governs not only the ongoing life of Israel but also the state of human affairs universally. The history of Israel forms a single, continuous, cycle, in that what happened in the beginning prefigures what will happen at the end of time. Events of Genesis are reenacted both in middle-history, between

the beginning and the end, and also at the end of times. So the traits of the tribal founders dictated the history of their families to both the here and now and also the eschatological age. Moses was shown the whole of Israel's history, past, present, future. The times of the patriarchs are reenacted in the messianic day. That shows how Israel's history runs in cycles, so that events of ancient times prefigure events now. The prophets, beginning with Moses, describe those cycles. What happens bears close ties to what is going to happen. The prophetic promises too were realized in Temple times, and will be realized at the end of time.

The periods in the history of Israel, marked by the exodus and wandering, the inheritance of the land and the building of the Temple, the destruction, are all part of a divine plan. In this age Rome rules, but in the age to come, marked by the study of the Torah and the offering of sacrifices in the Temple cult, Israel will be in charge. That is the fundamental pattern and meaning of history. The Holy Spirit makes possible actions that bear consequences only much later in time. The prefiguring of history forms the dominant motif in Israel's contemporary life, and the reenacting of what has already been forms a constant. Israel therefore should believe, if not in what is coming, then in what has already been. The very names of places in the land attest to the continuity of Israel's history, which follows rules that do not change. The main point is that while Israel will be punished in the worst possible way, Israel will not be wiped out.

But the cyclical character of Israel's history should not mislead. Events follow a pattern, but knowledge of that pattern, which is provided by the Torah, permits Israel both to understand and also to affect its own destiny. Specifically, Israel controls its own destiny through its conduct with God. Israel's history is the working out of the effects of Israel's conduct, moderated by the merit of the ancestors. Abraham effected a change in God's relationship to the world. But merit, which makes history, is attained by one's own deeds as well. The effect of merit, in the nation's standing among the other nations, is simple. When Israel enjoys merit, it gives testimony against itself, but when not, then the most despised nation testifies against it.

But God is with Israel in time of trouble. When Israel sins, it suffers. When it repents and is forgiven, it is redeemed. For example, Israel's wandering in the wilderness took place because of the failure of Israel to attain merit. Sin is what causes the wandering in the wilderness. People rebel because they are prosperous. The merit of the ancestors works in history to Israel's benefit. What Israel does not merit on its own, at a given time, the merit of the ancestors may secure in any event. The best way to deal with Israel's powerlessness is through Torah-study; the vigor of engagement with Torah-study compensates for weakness.

It goes without saying that Israel's history follows a set time, e.g., at the fulfillment of a set period of time, an awaited event will take place. The prophets prophesy concerning the coming of the day of the Lord. Accordingly, nothing is haphazard, and all things happen in accord with a plan. That plan encompasses this world, the time of the messiah, and the world to come, in that order. God will personally exact vengeance at the end of time. God also will raise the dead. Israel has overcome difficult times and can continue to do so. The task ahead is easier than the tasks already accomplished. Israel's punishment is only once, while the punishment coming upon the nations is unremitting. Peace is worthwhile and everyone needs it. Israel's history ends in the world to come or in the days of the Messiah. The righteous inherit the Garden of Eden. The righteous in the age to come will be joyful.

God acts in history and does so publicly, in full light of day. That is to show the nations who is in charge. The Torah is what distinguishes Israel from the nations. All the nations had every opportunity to understand and accept the Torah, and all declined it; that is why Israel was selected. And that demonstrates the importance of both covenant and the Torah, the medium of the covenant. The nations even had a prophet, comparable to Moses, who was

Balaam. The nations have no important role in history, except as God assigns them a role in relationship to Israel's conduct. The nations are estranged from God by idolatry. That is what prevents goodness from coming into the world. The name of God rests upon Israel in greatest measure. Idolators do not control heaven. The greatest sin an Israelite can commit is idolatry, and those who entice Israel to idolatry are deprived of the ordinary protections of the law. God is violently angry at the nations because of idolatry. As to the nations' relationships with Israel, they are guided by Israel's condition. When Israel is weak, the nations take advantage, when strong, they are sycophantic. God did not apportion love to the nations of the world as he did to Israel.

Israel at Home: The Community and Its Governance

A mark of God's favor is that Israel has (or, has had and will again have) a government of its own. Part of the covenantal relationship requires Israel to follow leaders whom God has chosen and instructed, such as Moses and the prophets. Accordingly, Israel is to establish a government and follow sound public policy. Its leaders are chosen by God. Israel's leaders, e.g., prophets, are God's servants, and that is a mark of the praise that is owing to them. They are to be in the model of Moses, humble, choice, select, well-known. Moses was the right one to bestow a blessing, Israel were the right ones to receive the blessing.

Yet all leaders are mortal, even Moses died. The saints are leaders ready to give their lives for Israel. The greatest of them enjoy exceptionally long life. But the sins of the people are blamed on their leaders. The leaders depend on the people to keep the Torah, and Moses thanked them in advance for keeping the Torah after he died. The leaders were to be patient, honest, give a full hearing to all sides, make just decisions, in a broad range of matters. To stand before the judge is to stand before God. God makes sure that Israel does not lack for leadership. The basic task of the leader is both to rebuke and also to console the people.

The rulers of Israel are servants of God. The prophets exemplify these leaders, in the model of Moses, and Israel's rulers act only on the instruction of prophets. Their authority rests solely on God's favor and grace. At the instance of God, the leaders of Israel speak, in particular, words of admonition. These are delivered before death, when the whole picture is clear, so that people can draw the necessary conclusions. These words, when Moses spoke them, covered the entire history of the community of Israel. The leaders of Israel address admonition to the entire community at once. No one is excepted. But the Israelites can deal with the admonition. They draw the correct conclusions. Repentance overcomes sin, as at the sin of the golden calf. The Israelites were contentious, nitpickers, litigious, and, in general, gave Moses a difficult time. Their descendants should learn not to do so. Israel should remain united and obedient to its leaders. The task of the community is to remain united. When the Israelites are of one opinion below, God's name is glorified above.

The Laws and Law: The Structure of Intellect

The explicit propositional program of our document is joined by a set of implicit ones. These comprise repeated demonstrations of a point never fully stated. The implicit propositions have to do with the modes of correct analysis and inquiry that pertain to the Torah. Two implicit propositions predominate. The first, familiar from other compilations, is that pure reason does not suffice to produce reliable results. Only through linking our conclusions to verses of Scripture may we come to final and fixed conclusions. The implicit proposition, demonstrated many times, may therefore be stated very simply. The Torah (written) is the sole source of reliable information. Reason undisciplined by the Torah yields unreliable results. These items may occur, also, within the rubrics of the specific propositions that they contain. Some of them moreover overlap with the

later catalogue, but, if so, are not listed twice.

The second of the two recurrent modes of thought is the more important. Indeed, we shall presently note that it constitutes the one substantial, distinctive statement made by our authorship. It is the demonstration that many things conform to a single structure and pattern. We can show this uniformity of the law by addressing the same questions to disparate cases and, in so doing, composing general laws that transcend cases and form a cogent system. What is striking, then, is the power of a single set of questions to reshape and reorganize diverse data into a single cogent set of questions and answers, all things fitting together into a single, remarkably well-composed structure. Not only so, but when we review the numerous passages at which we find what, in the logical repertoire I called methodical-analytical logic, we find a single program. It is an effort to ask whether a case of Scripture imposes a rule that limits or imparts a rule that augments the application of the law at hand.

A systematic reading of Scripture permits us to restrict or to extend the applicability of the detail of a case into a rule that governs many cases. A standard repertoire of questions may be addressed to a variety of topics, to yield the picture of how a great many things make essentially a single statement. This seems to me the single most common topical inquiry in our document. It covers most of the laws of Deut. 12–26. I have not catalogued the laws of history, which generalize from a case and tell us how things always must be; the list of explicit statements of the proposition that the case at hand is subject to either restriction or augmentation, that the law prevailing throughout is limited to the facts at hand or exemplified by those facts, would considerably add to this list. The size, the repetitious quality, the obsessive interest in augmentation and restriction, generalization and limitation—these traits of logic and their concomitant propositional results form the centerpiece of the whole.

In a few units of thought I discern no distinctive message, one that correlates with others to form a proposition of broad implications. Perhaps others can see points that transcend the cases at hand. These items would correspond to ones we should expect from an authorship that remained wholly within Scripture's range of discourse, proposing only to expand and clarify what it found within Scripture. Were our document to comprise only a commentary, then the messages of Scripture, delivered within the documentary limits of Scripture—that is, verse by verse, in a sustained statement solely of what Scripture says restated in paraphrase—would constitute the whole of the catalogue of this chapter. We now see that that is far from the fact. Relative to the size of the document as a whole, these items do not seem to me to comprise an important component of the whole. They show that had our authorship wished only to amplify and restate the given, without presenting their own thought through the medium of Scripture (as through other media), they had every occasion and means of doing so. But they did so only in a limited measure. Here is a sample passage.

Sifre to Deuteronomy Pisqa I:I

1.A. "These are the words that Moses spoke to all Israel in Transjordan, in the wilderness, that is to say in the Arabah, opposite Suph, between Paran on the one side and Tophel, Laban, Hazeroth, and Dizahab, on the other" (Deut. 1:1):

B. ["These are the words that Moses spoke":] Did Moses prophesy only these alone? Did he not write the entire Torah?

C. For it is said, "And Moses wrote this Torah" (Deut. 31:9).

D. Why then does Scripture say, "These are the words that Moses spoke"?

E. It teaches that [when Scripture speaks of the words that one spoke, it refers in particular to] the words of admonition.

F. So it is said [by Moses], "But Jeshurun waxed fat and kicked" (Deut. 32:15).

2.A. So too you may point to the following:

B. "The words of Amos, who was among the herdsmen of Tekoa, which he saw concerning Israel in the days of Uzziah, king of Judah, and in the days of Jeroboam, son of Joash, king of Israel, two years before the earthquake" (Amos 1:1):

C. Did Amos prophesy only concerning these [kings] alone? Did he not prophesy concerning a greater number [of kings] than any other?

D. Why then does Scripture say, "These are the words of Amos, [who was among the herdsmen of Tekoa, which he saw concerning Israel in the days of Uzziah, king of Judah, and in the days of Jeroboam, son of Joash, king of Israel, two years before the earthquake]"?
E. It teaches that [when Scripture speaks of the words that one spoke, it refers in particular to] the words of admonition.
F. And how do we know that they were words of admonition?
G. As it is said, "Hear this word, you cows of Bashan, who are in the mountain of Samaria, who oppress the poor, crush the needy, and say to their husbands, 'Bring, that we may feast'" (Amos 4:1).
H. ["And say to their husbands, 'Bring, that we may feast'"] speaks of their courts [of justice].
3.A. So too you may point to the following:
B. "And these are the words that the Lord spoke concerning Israel and Judah" (Jer. 30:4).
C. Did Jeremiah prophesy only these words of prophecy alone? Did he not write two [complete] scrolls?
D. For it is said, "Thus far are the words of Jeremiah" (Jer. 51:64)
E. Why then does Scripture say, "And these are the words [that the Lord spoke concerning Israel and Judah]"?
F. It teaches that [when the verse says, "And these are the words that the Lord spoke concerning Israel and Judah"], it speaks in particular of the words of admonition.
G. And how do we know that they were words of admonition?
H. In accord with this verse: "For thus says the Lord, 'We have heard a voice of trembling, of fear and not of peace. Ask you now and see whether a man does labor with a child? Why do I see every man with his hands on his loins, as a woman in labor? and all faces turn pale? Alas, for the day is great, there is none like it, and it is a time of trouble for Jacob, but out of it he shall be saved'" (Jer. 30:5–7).
4.A. So too you may point to the following:
B. "And these are the last words of David" (2 Sam. 23:1).
C. And did David prophesy only these alone? And has it furthermore not been said, "The spirit of the Lord spoke through me, and his word was on my tongue" (2 Sam. 23:2)?
D. Why then does it say, "And these are the last words of David"?
E. It teaches that, [when the verse says, "And these are the last words of David"], it refers to words of admonition.
F. And how do we know that they were words of admonition?
G. In accord with this verse: "But the ungodly are as thorns thrust away, all of them, for they cannot be taken with the hand" (2 Sam. 23:6).
5.A. So too you may point to the following:
B. "The words of Qohelet, son of David, king in Jerusalem" (Ecc. 1:1).
C. Now did Solomon prophesy only these words? Did he not write three and a half scrolls of his wisdom in proverbs?
D. Why then does it say, "The words of Qohelet, son of David, king in Jerusalem"?
E. It teaches that [when the verse says, "The words of Qohelet, son of David, king in Jerusalem," it refers to words of admonition.
F. And how do we know that they were words of admonition?
G. In accord with this verse: "The sun also rises, and the sun goes down . . . the wind goes toward the south and turns around to the north, it turns round continually in its circuit, and the wind returns again—that is, east and west [to its circuits. All the rivers run into the sea]" (Ecc. 1:5–7).
H. [Solomon] calls sun, moon, and sea "the wicked" for [the wicked] have no reward [coming back to them].

The focus is upon the exegesis of the opening word of Deuteronomy, "words. . . ." The problem is carefully stated. And yet, without the arrangement within what is going to be a commentary on Deuteronomy, we should have no reason to regard the composition as exegetical at all. In fact, it is a syllogism, aiming at proving a particular proposition concerning word-usages. Standing by itself, what we have is simply a very carefully formalized syllogism that makes a philological point, which is that the word "words of . . .," bears the sense of "admonition" or "rebuke." Five proofs are offered. We know that we reach the end of the exposition when, at 5.H, there is a minor gloss, breaking the perfect form. That is a common mode of signaling the conclusion of discourse on a given point.

Sifre to Deuteronomy Pisqa I:II

1.A. ". . . to all Israel:"
B. [Moses spoke to the entire community all at once, for] had he admonished only part of them, those who were out at the market would have

said, "Is this what you heard from the son of Amram? And did you not give him such-and-such an answer? If we had been there, we should have answered him four or five times for every word he said!"
2.A. Another matter concerning ". . . to all Israel:"
B. This teaches that Moses collected all of them together, from the greatest to the least of them, and he said to them, "Lo, I shall admonish you. Whoever has an answer—let him come and say it."

We proceed to the next word in the base verse, but now our comment is particular to the verse. The explanation of why Moses spoke to everyone is then clear. On the one hand, it was to make certain that there was no one left out, so No. 1. On the other, it was to make certain that everyone had a say, so No. 2. These two points then complement one another.

Sifre to Deuteronomy Pisqa I:III
1.A. Another matter concerning ". . . to all Israel:"
B. This teaches that all of them were subject to admonition but quite able to deal with the admonition.
2.A. Said R. Tarfon, "By the Temple service! [I do not believe] that there is anyone in this generation who can administer an admonition."
B. Said R. Eleazar b. Azariah, "'By the Temple service! [I do not believe] that there is anyone in this generation who can accept admonition."
C. Said R. Aqiba, "'By the Temple service! [I do not believe] that there is anyone in this generation who knows how to give an admonition."
D. Said R. Yohanan b. Nuri, "I call to give testimony against me heaven and earth [if it is not the case that] more than five times was R. Aqiba criticized before Rabban Gamaliel in Yavneh, for I would lay complaints against him, and [Gamaliel therefore] criticized him. Nonetheless, I know that [each such criticism] added to [Aqiba's] love for me.
E. "This carries out the verse, 'Do not criticize a scorner, lest he hate you, but reprove a wise person, and he will love you' (Prov. 9:8)."

Nos. 1 and 2 are quite separate units of thought, each making its own point. Shall we say that all we have, at I:I-III, is a sequence of three quite disparate propositions? In that case, the authorship before us has presented nothing more than a scrapbook of relevant comments on discrete clauses. I think otherwise. It seems to me that in I:I-III as the distinct and complete units of thought unfold we have a proposition, fully exposed, composed by the setting forth of two distinct facts, which serve as established propositions to yield the syllogism of No. 3. But the syllogism is not made explicitly, rather it is placed on display by the (mere) juxtaposition of fact 1 and fact 2 and then the final proposition, I:III.1, followed by a story making the same point as the proposition. The exegesis now joins the (established) facts [1] that Moses rebuked Israel and [2] that all Israel was involved. The point is [3] that Israel was able to deal with the admonition and did not reject it. No. 2 then contains a story that makes explicit and underlines the virtue spun out of the verse. Aqiba embodies that virtue, the capacity—the wisdom—to accept rebuke. The upshot, then, is that the authorship wished to make a single point in assembling into a single carefully ordered sequence I:I-III, and it did so by presenting two distinct propositions, at I:I, I:II, and then, at I:III, recast the whole by making a point drawing upon the two original, autonomous proofs. Joining I:I, and I:II, then led directly to the proposition at which the authorship was aiming. We have much more than an assembly of information on diverse traits or points of verses, read word by word. It is, rather, a purposeful composition, made up of what clearly are already-available materials.

Sifre to Deuteronomy Pisqa I:IV
1.A. "On the other side of the Jordan" (Deut. 1:1):
B. This teaches that he admonished them concerning things that they had done on the other side of the Jordan.

Sifre to Deuteronomy Pisqa I:V
1.A. "In the wilderness" (Deut. 1:1):
B. This teaches that he admonished them concerning things that they had done in the wilderness.
2.A. Another matter concerning "In the wilderness:"
B. This teaches that they would take their little sons and daughters and toss them into Moses's bosom and say to him, "Son of Amram, 'what ration have

you prepared for these? What living have you prepared for these?'"
C. R. Judah says, "Lo, Scripture says [to make this same point], 'And the children of Israel said to them, "Would that we had died by the hand of the Lord in the land of Egypt [when we sat by the fleshpots, when we ate bread . . . for you have brought us forth to this wilderness to kill the whole assembly with hunger]" (Exod. 16:3).'"
3.A. Another matter concerning "In the wilderness" (Deut. 1:1):
B. This encompasses everything that they had done in the wilderness.

Sifre to Deuteronomy Pisqa I:VI
1.A. "In the Plain" (Deut. 1:1):
B. This teaches that he admonished them concerning things that they had done in the Plains of Moab.
C. So Scripture says, "And Israel dwelt in Shittim [and the people began to commit harlotry with the daughters of Moab" (Num. 25:1).

Sifre to Deuteronomy Pisqa I:VII
1.A. "Over against Suph [the sea]" (Deut. 1:1):
B. This teaches that he admonished them concerning things that they had done at the sea.
C. For they rebelled at the sea and turned their back on Moses days.
2.A. R. Judah says, "They rebelled at the sea, and they rebelled within the sea.
B. "And so Scripture says, 'They rebelled at the sea, even in the sea itself' (Ps. 106:7)."
3.A. Is it possible to suppose that he admonished them only at the outset of a journey? How do we know that he did so between one journey and the next?
B. Scripture says, "Between Paran and Tophel" (Deut. 1:1).
4.A. "Between Paran and Tophel" (Deut. 1:1):
B. [The word Tophel bears the sense of] disparaging words with which they disparaged the manna.
C. And so does Scripture say, "And our soul loathed this light bread" (Num. 21:5).
D. [God] said to them, "Fools! Even royalty choose for themselves only light bread, so that none of them should suffer from vomiting or diarrhea. For your part, against that very act of kindness that I have done for you, you bring complaints before me.
E. "It is only that you continue to walk in the foolishness of your father, for I said, 'I will make a help meet for him' (Gen. 2:18), while he said, 'The woman whom you gave to be with me gave me of the tree and I ate' (Gen. 3:12)."

The words of admonition, now fully exposed, apply to a variety of actions of the people. That is the main point of I:IV-VII. The matter is stated in a simple way at I:IV, V.1 (with an illustration at I:V.2), I:V.3, I:VI, I:VII. After the five illustrations of the proposition that the admonition covered the entire past, we proceed to a secondary expansion, I:VII.2, 3, which itself is amplified at I:VII.4. The main structure is clear, and the proposition is continuous with the one with which we began: Moses admonished Israel, all Israel, which could take the criticism, and covered the entire list of areas where they had sinned, which then accounts for the specification of the various locations mentioned by Deut. 1:1. When we realize what is to come, we understand the full power of the proposition, which is syllogistic though in exegetical form. It is to indicate the character and encompassing program of the book of Deuteronomy—nothing less.

Sifre to Deuteronomy Pisqa I:VIII
1.A. "And Hazeroth" (Deut. 1:1):
B. [God] said to them, "Ought you not to have learned from what I did to Miriam in Hazeroth?
C. "If to that righteous woman, Miriam, I did not show favor in judgment, all the more so to other people!"
2.A. Another matter: now if Miriam, who gossiped only against her brother, who was younger than herself, was punished in this way, one who gossips against someone greater than himself all the more so!"
3.A. Another matter: Now if Miriam, whom when she spoke, no person heard, but only the Omnipresent alone, in line with this verse, "And the Lord heard . . .," (Num. 12:2), was punished, one who speaks ill of his fellow in public all the more so!"

The basic point is made at the outset and the case is then amplified. The sin concerning which Moses now admonished the people was that of gossiping, and the connection to Miriam is explicit. The argument that each place-name concerns a particular sin thus is carried forward. The entire discourse exhibits remarkable cogency.

SIFRE TO DEUTERONOMY PISQA I:IX

1.A. "And Dizahab (Deut. 1:1):
B. [Since the place name means, "of gold," what he was] saying to them [was this:] "Lo, [following Finkelstein] everything you did is forgiven. But the deed concerning the [golden] calf is worst of them all." [Hammer: "I would have overlooked everything that you have done, but the incident of the golden calf is to me worse than all the rest put together."]
2.A. R. Judah would say, "'There is a parable. To what may the case be compared? To one who made a lot of trouble for his fellow. In the end he added yet another. He said to him, 'Lo, everything you did is forgiven. But this is the worst of them all.'
B. "So said the Omnipresent to Israel, 'Lo, everything you did is forgiven. But the deed concerning the [golden] calf is worst of them all.'"

The place-name calls to mind the sin of the golden calf. This is made explicit as a generalization at No. 1, and then, No. 2, Judah restates the matter as a story.

SIFRE TO DEUTERONOMY PISQA I:X

1.A. R. Simeon says, "There is a parable. To what may the case [of Israel's making the calf of gold] be compared? To one who extended hospitality to sages and their disciples, and everyone praised him.
B. "Gentiles came, and he extended hospitality to them. Thieves came and he extended hospitality to them.
C. "People said, 'That is so-and-so's nature—to extend hospitality [indiscriminately] to anyone at all.'
D. "So did Moses say to Israel, '[Di zahab, meaning, enough gold, yields the sense]. There is enough gold for the tabernacle, enough gold also for the calf!'"
2.A. R. Benaiah says, "The Israelites have worshipped idolatry. Lo, they are liable to extermination. Let the gold of the tabernacle come and effect atonement for the gold of the calf."
3.A. R. Yose b. Haninah says, "'And you shall make an ark cover of pure gold' (Exod. 25:17).
B. "Let the gold of the ark cover come and effect atonement for the gold of the calf."
4.A. R. Judah says, "Lo, Scripture states, 'In the wilderness, in the plain.'
B. "These are the ten trials that our fathers inflicted upon the Omnipresent in the wilderness.
C. "And these are they: two at the sea, two involving water, two involving manna, two involving quails, one involving the calf, and one involving the spies in the wilderness."
D. Said to him R. Yose b. Dormasqit, "Judah, my honored friend, why do you distort verses of Scripture for us? I call to testify against me heaven and earth that we have made the circuit of all of these places, and each of the places is called only on account of an event that took place there [and not, as you say, to call to mind Israel's sin].
E. "And so Scripture says, And the herdsmen of Gerar strove with the herdsmen of Isaac, saying, 'The water is ours.' And he called the name of the well Esek, because they contended with him' (Gen. 26:29). 'And he called it Shibah' (Gen. 26:33)."

I:X.1–3 carries forward the matter of DiZahab and amplifies upon the theme, not the proposition at hand. No. 4 then presents a striking restatement of the basic proposition, which has been spelled out and restated in so many ways. It turns out that Judah takes the position implicit throughout and made explicit at I:X.4. There is then a contrary position, at D. We see, therefore, how the framers have drawn upon diverse materials to present a single, cogent syllogism, the one then stated in most succinct form by Judah. The contrary syllogism, that of Yose, is not spelled out, since amplification is hardly possible. Once we maintain that each place has meaning only for what happened in that particular spot, the verse no longer bears the deeper meaning announced at the outset—admonition or rebuke, specifically for actions that took place in various settings and that are called to mind by the list of words (no longer place-names) of Deut. 1:1.

SIFRE TO DEUTERONOMY PISQA I:XI

1.A. Along these same lines [of dispute between Judah and Yose:]
B. R. Judah expounded, "'The burden of the word of the Lord. In the land of Hadrach, and in Damascus, shall be his resting-place, for the Lord's is the eye of man and all the tribes of Israel" (Zech. 9:1):
C. "[Hadrach] refers to the Messiah, who is sharp [*had*] toward the nations, but soft [*rakh*] toward Israel."

D. Said to him R. Yose b. Dormasqit, "Judah, my honored friend, why do you distort verses of Scripture for us? I call to testify against me heaven and earth that I come from Damascus, and there is a place there that is called Hadrach."
E. He said to him, "How do you interpret the clause, 'and in Damascus, shall be his resting-place'?"
F. [Yose] said to him, "How do we know that Jerusalem is destined to touch the city-limits of Damascus? As it is said, 'and in Damascus, shall be his resting-place. And 'resting place' refers only to Jerusalem, as it is said, 'This is my resting place forever' (Ps. 132:14)."
G. [Judah] said to him, "How then do you interpret the verse, And the city shall be built upon its own mound' (Jer. 30:18)?"
H. [Yose] said to him, "That it is not destined to be moved from its place."
I. [Yose continued,] saying to him, "How do I interpret the verse, 'And the side chambers were broader as they wound about higher and higher; for the winding about of the house went higher and higher round about the house, therefore the breadth of the house continued upward' (Ezek. 41:7)? It is that the land of Israel is destined to expand outward on all sides like a fig tree that is narrow below and broad above. So the gates of Jerusalem are destined to reach Damascus.
J. "And so too Scripture says, 'Your nose is like the tower of Lebanon, which looks toward Damascus' (Song 7:5).
K. "And the exiles will come and encamp in it, as it is said, 'And in Damascus shall be his resting place' (Zech. 9:1).
L. "'And it shall come to pass in the end of days that the mountain of the Lord's house shall be established at the top of the mountains and shall be exalted above the hills, and all nations shall flow into it, and many peoples shall go and say . . .' (Is. 2:2–3)."

Sifre to Deuteronomy Pisqa I:XII

1.A. Along these same lines [of dispute between Judah and Yose:]
B. R. Judah expounded, "'And he made him to ride in the second chariot which he had, and they cried before him, "Abrech"' (Gen. 41:43):
C. "[Abrech] refers to Joseph, who is a father [*ab*] in wisdom, but soft [*rakh*] in years."
D. Said to him R. Yose b. Dormasqit, "Judah, my honored friend, why do you distort verses of Scripture for us? I call to testify against me heaven and earth that the meaning of Abrech pertains to knees and is simply, 'I shall cause them to bend their knees' [appealing to the causative applied to the root for knee].
E. "For everyone came and went under his authority, as Scripture says, 'And they set him over all of Egypt' (Gen. 41:43)."

I:XI-XII simply lay out further instances of the same hermeneutical dispute between Judah and Yose. All three items—I:X-XII—form a single cogent dispute on its own terms. Then the composite establishes a distinct statement, which concerns figurative, as against literal, interpretation. Once worked out, the whole found an appropriate place here, at I:X.4.

Jacob Neusner

Dialectics in Judaism

A dialectical argument is a give and take in which parties to the argument counter one another in a progression of exchanges (often, in what seems like an infinite progress to an indeterminate conclusion). The dialectical argument addresses not the problem and the solution alone but the problem and the various ways by which a solution may be reached. It is not a set-piece of two positions, with an analysis of each, such as formal dialogue exposes with elegance; it is, rather, an unfolding analytical argument, explaining why this, not that, then why not that but rather this; and onward to the other thing and the thing beyond that—a linear argument in constant forward motion. A dialectical argument is not static and merely expository, but dynamic and always contentious. It is not an endless argument, an argument for the sake of arguing, or evidence that important to the Talmud and other writings that use the dialectics as a principal mode of dynamic argument is process but not position. To the contrary,

the passage is resolved with a decisive conclusion, not permitted to run on.

An Example of a Dialectical Argument

This passage occurs at B. B.M. 5B–6A, concerning M. B.M. 1:1–2. Our interest is in the twists and turns of the argument, on which the comments focus. The Mishnah-passage is the text that is being analyzed. The Talmud is in two languages, Hebrew and Aramaic; Aramaic is in italics. That is where we find ourselves in the heart of the argument, at the dialectical center of things.

The Talmud deals with a case of two claimants to an object each claims to have found. M. B.M. 1:1 is as follows:

A. Two lay hold of a cloak—
B. this one says, "I found it!"—
C. and that one says, "I found it!"—
D. this one says, "It's all mine!"—
E. and that one says, "It's all mine!"—
F. this one takes an oath that he possesses no less a share of it than half,
G. and that one takes an oath that he possesses no less a share of it than half,
H. and they divide it up.

The problem recalls the two women fighting before Solomon about the disposition of an infant child, but the law of the Mishnah and the decision of Solomon scarcely intersect. The issue now is addressed by the Talmud. What we wish to notice is how the Talmud forms a script that permits us to join in the discussion; if we don't read it out loud, we miss the compelling power of the passage, especially its systematic resort to applied reason and practical logic. And, we must not forget, we want to see precisely how a dialectical argument is written down as a text but provokes us to talk, engage in dialogue, with the text B. B.M. 5b–6a):

IV.1. A. This one takes an oath that he possesses no less a share of it than half, [and that one takes an oath that he possesses no less a share of it than half, and they divide it up]:

The rule of the Mishnah, which is cited at the head of the sustained discussion, concerns the case of two persons who find a garment. We settle their conflicting claims by requiring each to take an oath that he or she owns title to no less than half of the garment, and then we split the garment between them.

Now how does the Talmud undertake its sustained analysis of this matter? Our first question is one of text-criticism: analysis of the Mishnah-paragraph's word choice. We say that the oath concerns the portion that the claimant alleges he possesses. But the oath really affects the portion that he does not have in hand at all:

B. *Is it concerning the portion that he claims he possesses that he takes the oath, or concerning the portion that he does not claim to possess?* [Daiches, *Baba Mesia* (London, 1948) ad loc.: "The implication is that the terms of the oath are ambiguous. By swearing that his share in it is not "less than half," the claimant might mean that it is not even a third or a fourth (which is 'less than half'), and the negative way of putting it would justify such an interpretation. He could therefore take this oath even if he knew that he had no share in the garment at all, while he would be swearing falsely if he really had a share in the garment that is less than half, however small that share might be].
C. *Said R. Huna,* "*It is that he says*, 'By an oath! I possess in it a portion, and I possess in it a portion that is no more than half a share of it.'" [The claimant swears that his share is at least half (Daiches, *Baba Mesia, ad loc.*)].

Having asked and answered the question, we find ourselves in an extension of the argument; the principal trait of the dialectical argument is now before us in three keywords:

1) but!
2) maybe the contrary is the case, so—
3) what about?

The argument is conducted by the setting aside of a proposition in favor of its opposite. Here we come to the definitive trait of the dialectic argument: its insistence on challenging every proposal with the claim, "maybe it's the opposite?" This pestering question forces us back upon our sense of self-evidence; it makes us consider the contrary of each position we propose to set

forth. It makes thought happen. True, the Talmud's voice's "but"—the whole of the dialectic in one word!—presents a formidable nuisance. But so does all criticism, and only the mature mind will welcome criticism. Dialectics is not for children, politicians, propagandists, or egoists. Genuine curiosity about the truth shown by rigorous logic forms the counterpart to musical virtuosity. So the objection proceeds:

> D. *Then let him say*, "By an oath! The whole of it is mine!"

Why claim half when the alleged finder may as well demand the whole cloak?

> E. *But are we going to give him the whole of it?* [Obviously not; there is another claimant, also taking an oath.]

The question contradicts the facts of the case: two parties claim the cloak, so the outcome can never be that one will get the whole thing.

> F. *Then let him say*, "By an oath! Half of it is mine!"

Then—by the same reasoning—why claim "no less than half," rather than simply, half.

> G. *That would damage his own claim* [which was that he owned the whole of the cloak, not only half of it].

The claimant does claim the whole cloak, so the proposed language does not serve to replicate his actual claim. That accounts for the language that is specified.

> H. *But here too is it not the fact that, in the oath he is taking, he impairs his own claim?* [After all, he here makes explicit the fact that he owns at least half of it. What happened to the other half?]

The solution merely compounds the problem.

> I. *[Not at all.] For he has said*, "The whole of it is mine!" [And, he further proceeds,] "And as to your contrary view, By an oath, I do have a share in it, and that share is no less than half!"

We solve the problem by positing a different solution from the one we suggested at the outset. Why not start where we have concluded? Because if we had done so, we should have ignored a variety of intervening considerations and so should have expounded less than the entire range of possibilities. The power of the dialectical argument now is clear: it forces us to address not the problem and the solution alone, but the problem and the various ways by which a solution may be reached; then, when we do come to a final solution, we have reviewed all of the possibilities. We have seen how everything flows together, nothing is left unattended.

What we have here is not a set-piece of two positions, with an analysis of each; it is, rather, an unfolding analytical argument, explaining why this, not that, then why not that but rather this; and onward to the other thing and the thing beyond that—a linear argument in constant forward motion. When we speak of a moving argument, this is what we mean: what is not static and merely expository, but what is dynamic and always contentious. It is not an endless argument, an argument for the sake of arguing, or evidence that important to the Talmud and other writings that use the dialectics as a principal mode of dynamic argument is process but not position. To the contrary, the passage is resolved with a decisive conclusion, not permitted to run on.

But the dialectical composition proceeds—continuous and coherent from point to point, even as it zigs and zags. That is because the key to everything is give and take. We proceed to the second cogent proposition in the analysis of the cited Mishnah-passage, which asks a fresh question: why an oath at all?

> 2. A. [It is envisioned that each party is holding on to a corner of the cloak, so the question is raised:] Now, since this one is possessed of the cloak and standing right there, and that one is possessed of the cloak and is standing right there, why in the world do I require this oath?

Until now we have assumed as fact the premise of the Mishnah's rule, that an oath is to be taken. But why assume so? Surely each party now has what he is going to get. So what defines the point and effect of the oath?

B. Said R. Yohanan, "This oath [to which the Mishnah refers] happens to be an ordinance imposed only by rabbis,
C. "so that people should not go around grabbing the cloaks of other people and saying, 'It's mine!'" [But, as a matter of fact, the oath that is imposed in our Mishnah-passage is not legitimate by the law of the Torah. It is an act taken by sages to maintain the social order.]

We do not administer oaths to liars; we do not impose an oath in a case in which one of the claimants would take an oath for something he knew to be untrue, since one party really does own the cloak, the other really has grabbed it. The proposition solves the problem, but hardly is going to settle the question. On the contrary, Yohanan raises more problems than he solves. So we ask how we can agree to an oath in this case at all?

D. *But why then not advance the following argument: since such a one is suspect as to fraud in a property claim, he also should be suspect as to fraud in oath-taking?*

Yohanan places himself into the position of believing in respect to the oath what we will not believe in respect to the claim on the cloak, for, after all, one of the parties before us must be lying! Why sustain such a contradiction: gullible and suspicious at one and the same time?

E. *In point of fact, we do not advance the argument: since such a one is suspect as to fraud in a property claim, he also should be suspect as to fraud in oath-taking, for if you do not concede that fact, then how is it possible that the All-Merciful has ruled*, "One who has conceded part of a claim against himself must take an oath as to the remainder of what is subject to claim"?

If someone claims that another party holds property belonging to him or her, and the one to whom the bailment has been handed over for safe-keeping, called the bailee, concedes part of the claim, the bailee must take an oath in respect to the rest of the claimed property, that is, the part that the bailee maintains does not belong to the claimant at all. So the law itself—the Torah, in fact—has sustained the same contradiction. That fine solution, of course, is going to be challenged:

F. *Why not simply maintain, since such a one is suspect as to fraud in a property claim, he also should be suspect as to fraud in oath-taking?*
G. *In that other case, [the reason for the denial of part of the claim and the admission of part is not the intent to commit fraud, but rather,] the defendant is just trying to put off the claim for a spell.*

We could stop at this point without losing a single important point of interest; everything is before us. One of the striking traits of the large-scale dialectical composition is its composite-character. Starting at the beginning, without any loss of meaning or sense, we may well stop at the end of any given paragraph of thought. But the dialectics insists on moving forward, exploring, pursuing, insisting; and were we to remove a paragraph in the middle of a dialectical composite, then all that follows would become incomprehensible. That is a mark of the dialectical argument: sustained, continuous, and coherent—yet perpetually in control and capable of resolving matters at any single point. For those of us who consume, but do not produce, arguments of such dynamism and complexity, the task is to discern the continuity, that is to say, not to lose sight of where we stand in the whole movement.

Now, having fully exposed the topic, its problem, and its principles, we take a tangent indicated by the character of the principle before us: when a person will or will not lie or take a false oath. We have a theory on the matter; what we now do is expound the theory, with special reference to the formulation of that theory in explicit terms by a named authority:

H. This concurs with the position of Rabbah. [For Rabbah has said, "On what account has the Torah imposed the requirement of an oath on one who confesses to only part of a claim against him? It is by reason of the presumption that a person will not insolently deny the truth about the whole of a loan in the very presence of the creditor and so entirely deny the debt. He will admit to part of the debt and deny part of it. Hence we invoke an oath in a case in

which one does so, to coax out the truth of the matter."]

I. For you may know, [in support of the foregoing], that R. Idi bar Abin said R. Hisda [said]: "He who [falsely] denies owing money on a loan nonetheless is suitable to give testimony, but he who denies that he holds a bailment for another party cannot give testimony."

The proposition is now fully exposed. A named authority is introduced who will concur in the proposed theoretical distinction. He sets forth an extra-logical consideration, which of course the law always will welcome: the rational goal of finding the truth overrides the technicalities of the law governing the oath.

Predictably, we cannot allow matters to stand without challenge, and the challenge comes at a fundamental level, with the predictable give-and-take to follow:

J. But what about that which R. Ammi bar. Hama repeated on Tannaite authority: "[If they are to be subjected to an oath,] four sorts of bailees have to have denied part of the bailment and conceded part of the bailment, namely, the unpaid bailee, the borrower, the paid bailee, and the one who rents."

K. *Why not simply maintain, since such a one is suspect as to fraud in a property claim, he also should be suspect as to fraud in oath-taking?*

L. *In that case as well, [the reason for the denial of part of the claim and the admission of part is not the intent to commit fraud, but rather,] the defendant is just trying to put off the claim for a spell.*

M. *He reasons as follows: "I'm going to find the thief and arrest him." Or: "I'll find [the beast] in the field and return it to the owner."*

Once more, "if that is the case" provokes yet another analysis; we introduce a different reading of the basic case before us, another reason that we should not impose an oath:

N. *If that is the case, then why should one who denies holding a bailment ever be unsuitable to give testimony? Why don't we just maintain that the defendant is just trying to put off the claim for a spell. He reasons as follows: "I'm going to look for the thing and find it."*

O. *When in point of fact we do rule*, He who denies holding a bailment is unfit to give testimony, *it is in a case in which witnesses come and give testimony against him that at that very moment, the bailment is located in the bailee's domain, and he fully is informed of that fact, or, alternatively, he has the object in his possession at that very moment.*

The solution to the problem at hand also provides the starting point for yet another step in the unfolding exposition. But enough has passed before us to make the main point.

What we have accomplished on our wanderings is a survey of opinion on a theme, to be sure, but opinion that intersects at our particular problem as well. The moving argument serves to carry us hither and yon; its power is to demonstrate that all considerations are raised, all challenges met, all possibilities explored. This is not merely a set-piece argument, where we have proposition, evidence, analysis, conclusion; it is a different sort of thinking altogether, purposive and coherent, but also comprehensive and compelling for its admission of possibilities and attention to alternatives. What we shall see, time and again, is that the dialectical argument is the Talmud's medium of generalization from case to principle and extension from principle to new cases.

The Role of Dialectics in the Talmud

The Talmud translates Pentateuchal narratives and laws into a systematic account of Israel's entire social order. In its thirty-seven topical presentations of Mishnah-tractates, the Talmud portrays not so much how people are supposed to live—this the Mishnah does—as how they ought to think, the right way of analyzing circumstance and tradition alike. That is what makes encounter with the Bavli urgent for the contemporary situation. To a world such as ours, engaged as it is at the dawn of a new century by standard reckoning, in a massive enterprise of reconstruction after history's most destructive century, old systems having given way, new ones yet to show their merit and their mettle, the Talmud presents a considerable resource.

The Bavli shows not only a way of reform, but, more valuable still, a way of thinking and talking and rationally arguing about reform. When we follow not only what the

sages of the Talmud say, but how they express themselves, their modes of critical thought and, above all, rigorous argument, we encounter a massive, concrete instance of the power of intellect to purify and refine. For the sages of the Talmud, alongside the great masters of Greek philosophy and their Christian and Muslim continuators, exercise the power of rational and systematic inquiry, tenacious criticism, the exchange of not only opinion but reason for opinion, argument, and evidence. They provide a model of how intellectuals take up the tasks of social criticism and pursue the disciplines of the mind in the service of the social order. And that, I think, is what has attracted the widespread interest in the Talmud as shown by repeated translations of, and introductions to, that protean document. Not an antiquarian interest in a long-ago society, nor an ethnic concern with heritage and tradition, but a vivid and contemporary search for plausible examples of the rational world order, animate the unprecedented interest of the world of culture in the character (and also the contents) of the Bavli.

The Talmud embodies applied reason and practical logic in quest of the holy society. That model of criticism and reason in the encounter with social reform of which I spoke is unique. The kind of writing that the Talmud represents has serviceable analogues but no known counterpart in the literature of world history and philosophy, theology, religion, and law. That is because the Talmud sets forth not only decisions and other wise and valuable information, but the choices that face reasonable persons and the bases for deciding matters in one way rather than in some other. And the Talmud records the argument, the constant, contentious, uncompromising argument, that endows with vitality the otherwise merely informative corpus of useful insight. "Let logic pierce the mountain"—that is what sages say.

Not many have attained the purity of intellect characteristic of this writing. With the back-and-forth argument, the Talmud enlightens and engages. How so? The Talmud sets forth not so much a record of what was said as a set of notes that permit the engaged reader to reconstruct thought and recapitulate reason and criticism. Indeed, the Talmud treats coming generations the way composers treat unborn musicians: they provide the notes for the musicians to reconstruct the music. In the Talmudic framework, everything is in the moving, or dialectical argument, the give and take of unsparing rationality, which, through our own capacity to reason, we are expected to reconstitute the issues, the argument, the prevailing rationality. The Bavli makes enormous demands upon its future. It pays a massive compliment to its heirs.

In that aspect, the Talmud recalls the great philosophical dialogues of ancient and medieval times. Readers familiar with the dialogues of Socrates as set forth by Plato—those wonderful exchanges concerning abstractions such as truth and beauty, goodness and justice, will find familiar the notion of dialectical argument, with its unfolding, ongoing give-and take. But, still, they will be puzzled by the chaos of the Talmudic dialectic, its meandering and open-ended character. And they will miss the formal elegance, the perfection of exposition, that characterize Plato's writings. So too, the Talmud's presentation of contrary positions and exposition of the strengths and weaknesses of each will hardly surprise jurisprudents. But the inclusion of the model of extensive exposition of debate surprises. Decisions ordinarily record the main points, but not the successive steps in argument and counter-argument, such as we find here. And, more to the point, we expect decisions, while much of the Talmud's discourse proves open-ended.

The very character and the style of the Talmud's presentation certainly demand a kind of reading not ordinarily required of us. But it is one that class room teachers undertake all the time: reconstructing thought from notes, turning a few words into a whole presentation. What we are given are notes, which we are expected to know how to use in the reconstruction of the issues under discussion, the arguments under exposition. That means we must make ourselves active partners in the thought-processes that the document. Not only is the argument open-ended, so too the bounds of participation

know no limits. Indeed, it is the very reticence of the Talmud to tell us everything we need to know, the remarkable confidence of its compilers that generations over time will join in the argument they precipitate, grasp the principles they embody in concrete cases, find compelling the issues they deem urgent—it is that remarkable faith in the human intellect of age succeeding age that lifts the document above time and circumstance and renders it immortal. In transcending circumstances of time and place and condition, the Talmud attains a place in the philosophical, not merely historical, curriculum of culture. That is why every generation of its heirs and continuators found itself a partner in the on-going reconstruction of reasoned thought, each adding its commentary to the ever-welcoming text. To a discussion of how we know the world through the discourse of the class room, the Talmud has a formidable contribution to make. It is a piece of writing that does more than define an entire civilization. Rather, it demonstrates how education, properly carried on, recapitulates the highest rationality of the civilization that sustains the school and is sustained by it.

JACOB NEUSNER

Disabilities, Judaism and

JUDAISM defines disabilities as the inability to hear and speak, the inability to learn because of mental illness, mental disability, or immaturity and, to a lesser extent, the inability to see, and physical disabilities. Priests are considered disabled if they are physically blemished in some way or have impure bloodlines. Judaism does not define impure bloodlines and physical blemishes, such as an irregularly shaped head, as disabilities in regular Israelites.

The basic theory of disabilities depends, in the main, on an individual's ability to receive knowledge, communicate verbally, and act upon his intentions. In Rabbinic literature, these qualities are known as *da'at*. One who has *da'at* is not disabled. One who does not have *da'at* is disabled. The source for this theory lies in a general theology found in Rabbinic literature that imputes perfection to ritually pure, full-grown, healthy, fully-sensate, free, educated, morally-upright, visibly-male men (e.g., men with beards). However, each person, no matter how disabled, was seen as precious; created in God's image.

This group of persons who epitomizes disabilities is embodied in the category *cheresh, shoteh v'katan* (a deaf-mute person, a person with mental illness or mental disability, and a pre-verbal minor; e.g., M. Yeb. 18, M. B.Q. 4:4). Such persons were stigmatized, spoiling their social identity and discrediting them in society. One of the greatest aids we have in understanding the category *cheresh, shoteh v'katan* is another category, that of women, slaves, and minors. If the former category epitomizes stigmatization, then the latter embodies liminality. Women, slaves and minors clearly had *da'at*. They were, however, unable to act on that *da'at* because they were not male, free, or mature enough and were, therefore, unable to consistently actualize their intentions. This caused women, slaves, and minors to be consigned to a liminal position in the sages' society.

The minor who is like the *cheresh* and *shoteh* is an infant who, while having his own will, did not have *da'at* in the sages' understanding of that word. The minor who is like women and slaves was an older, verbal minor who could gradually become capable of acting as a full participant in Jewish life. The ideal Jewish participant in the sages' system—a grown, free male with functioning *da'at*—begins life as a stigmatized person, moves into a liminal position, and finally grows into a full participant. In this sense, everyone was deemed disabled at some point in his life.

Blindness and physical disabilities, such as lameness or a malformation of the hands, compromised participation only in certain, limited aspects of the sages' system. With regard to most activities, blind and physically disabled persons are not even consid-

ered to be liminal: they are visibly marred, but functionally satisfactory. They are fully credited participants in the sages' system, except in those limited areas where vision or mobility are absolutely necessary. For example, three times a year, Israelites were to come to the Temple and appear before God (this is the mitzvah named *r'ayon*; Deut. 16:16, Exod. 23:8). With regard to this commandment, blind and physically disabled persons were deemed disabled. Though women, slaves, and minors (and presumably others) came to Jerusalem during the festivals (Deut. 16:11, 14), only males were required to appear with an offering.

The festivals of Passover, Shavuot, and Tabernacles are intimately linked to the agricultural cycle of harvesting and planting. It is on these holidays that the Israelites must appear in the Temple with an offering. If, at these moments, God is "inspecting the troops," as it were, and determining if they are worthy of further support and agricultural bounty, it is logical that, at such a moment of transition, all Israelites who appeared at the Temple for "inspection" would be required to be as close to the ideal as possible.

> The makeup of the congregation at these moments had symbolic significance. Calendrical rites . . . almost always refer to large groups and quite often embrace whole societies. Often, too, they are performed at well-delineated points in the annual productive cycle and attest to the passage from scarcity to plenty (as at first fruits or harvest festivals) or from plenty to scarcity (as when the hardships of winter are anticipated and magically warded against). To these also one should add all rites de passage, which accompany any change of a collective sort from one state to another, as when a whole tribe goes to war, or a large local community performs a ritual to reverse the effects of famine, drought, or plague. Life-crisis rites and rituals of induction into office are almost always rites of status elevation; calendrical rites and rites of group crisis may sometimes be rites of status reversal. At such a moment, when the entire community goes through a liminal, i.e., intrastructural, phase, apparently only the best representatives of the group participate in the ritual which reinforces the society's structure.[1]

The list of those exempt from performing this commandment is extraordinary in its completeness. It effectively eliminates anyone who is not a blemishless, full-grown, free male with *da'at* (M. Hag. 1:1):

> All are obligated to appear [at the Temple on the festivals] except a *cheresh*, *shoteh v'katan*, an hermaphrodite or an androgen or women and slaves who have not been freed or the lame [man] or the blind [man] or the sick [man] or the old [man] or the one who cannot go up [to the Temple Mount] on his feet. Who is [considered] a *katan*? Anyone who cannot ride upon his father's shoulders and go up from Jerusalem to the Temple Mount. This is the opinion of the House of Shammai. But the House of Hillel say, "Anyone who is unable to hold his father's hand and go up from Jerusalem to the Temple Mount, as it is written, "Three pilgrimages" (Exod. 23:14).

"Pilgrimages" in Hebrew is *regalim*, which also means "legs." The House of Hillel takes this to mean that one must appear on his own two legs. The Tosefta to M. Hag. 1:1 adds ritually impure persons to the list of those exempt from this *mitsvah*. In its discussion of the obligation to appear at the Temple on the festivals, Y. Hag. 1:1, 76a provides a rationale for the exclusion of selected groups of people:

> . . . the lame: Since it is written, "pilgrim-festival" [*r'galim*, "feet" and they cannot walk on theirs].
>
> The sick: Since it is written, "And you will rejoice" (Deut. 16:14).
>
> The old: Since it is written, "*r'galim*" [and the aged cannot come by foot].
>
> Said R. Yose: The intent of both exclusions is to impose a lenient ruling. If one can rejoice [being in good health] but he cannot walk, I cite in his regard the reference of Scripture to pilgrim festivals. If he can walk but cannot rejoice [being sick] I cite concerning him the reference of Scripture to rejoicing. [None of them need make the trip.]

This is an innovation. Until now, our sources have excluded groups of persons from the obligation to perform this commandment without an explicit rationale. Here, the Talmud labels its motivation as leniency: the journey is arduous and those who are lame, sick, or old need not make the trip.

At B. Hag. 2b–3a, the sages emphasized an emotional aspect associated with the festivals: the obligation to rejoice, which does not require physical perfection but only *da'at*.

> Likewise it is also taught: All are obligated to appear [at the Temple] and to rejoice except a *cheresh* who can speak but not hear, [or] hear but not speak, who is exempt from appearing. But even though he is exempt from appearing he is obligated to rejoice. But [a *cheresh*] who can neither hear nor speak and the *shoteh v'katan* are exempt even from [the obligation of] rejoicing, since they are exempt from all the precepts stated in the Torah.

The Bavli divides the *r'ayon* into component parts: (1) appearing, which requires physical and mental perfection, and (2) rejoicing, which requires *da'at*.

Some of the most important discussions of disabilities are connected to the issue of separating the agricultural gift called heave-offering (*terumah*). The act of separating *terumah* is an excellent example of accomplishing something through intention, blessing, and action. The whole nature of the act of separating *terumah*, that is, differentiating one thing from another, is the epitome of having *da'at*: one has the intention to differentiate, can verbalize this intention, and has the wherewithal, physically and materially, to act upon it.

Terumah was produce separated from the harvest and given to the priests as a gift. The amount of *terumah* to be set aside was anywhere from 1/60th to 1/40th of the crop (M. Ter. 4:3). A blessing was said upon separating *terumah*, and, ideally, the person reciting the blessing should be able to hear himself say it. Once it was separated, *terumah* could only be consumed by priests and their families in a state of ritual purity, and this food could not revert to the status of *hullin*, i.e., food fit for consumption by ordinary folk or by priests in a state of ritual impurity.

Since the *cheresh, shoteh v'katan* were thought to lack *da'at*, they were excluded from this mitzvah (M. Ter. 1:1):

> Five [sorts of persons] may not separate *terumah*, and if they did separate *terumah*, that which they have separated is not in the status of *terumah*: (1) *hacheresh*, (2) *v'hashoteh* (3) *v'katan*, and (4) one who separates *terumah* from [crops] that are not his own, and (5) a non-Jew who separated *terumah* from [crops] of a Jew, even by permission—that which he has separated is not *terumah*.

Who, then, may separate *terumah*? First of all, they must have *da'at* as the first exclusion of this passage makes clear. The *cheresh, shoteh v'katan* were thought not to have *da'at*, and, thus, their separation of *terumah* is not considered valid, even when this might seem illogical, e.g., when the physical act is performed correctly. This passage is followed by a definition of a *cheresh's* disability (M. Ter. 1:2):

> A *cheresh* who speaks but cannot hear may not separate *terumah*, but if he did separate, that which he has separated is valid *terumah*. The *cheresh* of whom the sages spoke in all cases is one who can neither hear nor speak.

There seem to be two meanings that can be attributed to the term *cheresh*. It can refer to one who cannot hear but can speak (e.g., one who has lost the ability to hear in old age) or to one who can neither speak nor hear. The general rule is that when the Mishnah speaks of a *cheresh*, it refers to the latter, not the former.

T. Ter. 1:1–4 fleshes out the definitions and historical conditions behind the Mishnah's ruling that the *cheresh, shoteh v'katan* do not validly separate *terumah*, even *ex post facto*.

> R. Isaac says in the name of R. Eleazar: "[That which has been separated as] *terumah* by a *cheresh* does not enter the status of *hullin* [even though it is not valid *terumah*] because it is a matter of doubt whether or not he has understanding.
>
> "What do they do for him? The court appoints for him administrators [and] he separates *terumah* and they validate it on his behalf. [If the *cheresh* has understanding, the sanctity of the *terumah* depends on him alone. If not, the action of the administrators is sufficient to make the *terumah* valid.]. . . ."
>
> [One who] hears but does not speak—that is a mute. [One who] speaks but does not hear is a *cheresh*. And each of these is equivalent to a person of sound senses (*pikeiach*) in every respect.
>
> Who is a *shoteh*? One who goes out alone at night, and who sleeps in a graveyard, and who rips his clothing, and who loses what is given to him. [If he is] at times a *shoteh* [and] at times lucid, this is the general principle: Whenever he is a *shoteh*, behold, he is [considered] a *shoteh* in every respect; [but whenever he is] lucid, behold, he is [considered] a person of sound mind (*k'pikeiach*) in every respect.
>
> R. Judah says: "A *katan* whose father left him in a [cucumber] field, separates [*terumah*] and his father says on his behalf: 'That which he has separated is [valid] *terumah*.'"

> They said to him: "It is not he [the *katan*] who separated *terumah* but his father [who] validates it after him."

The Tosefta expresses doubt whether the *cheresh* has *da'at* or not, and this throws the *cheresh's* separation of *terumah* into doubt, as well. Is it discredited or not? Because the Tosefta appears to be unable to decide one way or another, it is decreed that an executor validates the *cheresh*'s separation. This is a "belt and suspenders" solution: if the *cheresh* has *da'at*, then his intention is not discredited, and his separation is valid; if he does not have *da'at*, the validation of the executors will make it valid *terumah*.

According to T. Ter. 1:3, a *shoteh* is, in short, one who behaves in an insane manner. The Tosefta recognizes that mentally ill persons may experience periods of rationality and that mentally disabled persons may exhibit adequate functioning in selected areas of behavior. The Tosefta validates actions taken by these persons during those periods and in those areas.

The *katan* who might separate *terumah* is old enough to help his father with the harvest. This is a child of perhaps five or six, certainly not one of two or three. Like the *cheresh*, this child's *terumah* is validated by a person with recognized, valid intention.

In the matter of separating *terumah*, blind persons are considered impaired, but not completely so (M. Ter. 1:6):

> Five [sorts of persons] may not separate *terumah*, but if they have separated it, that which they have separated is valid *terumah*: The mute person or the drunk person or the naked person or the blind person or the person who is in a state of ritual impurity because of a seminal emission may not separate *terumah*; but if they have separated it, that which they have separated is valid *terumah*.

Each of the listed persons is disqualified because he lacks a requisite skill or condition for the proper separation of *terumah*. The mute person cannot say the blessing. A drunk person would neither be able to say the blessing correctly nor set aside the best of his crops. A naked person and one who is impure because of a seminal emission are prohibited from reciting the blessing. Blind persons were deemed unable to select the best of their crop. However, if such persons did separate *terumah*, that which they have separated is valid *terumah*. In other words, a blind person may not set aside the best produce, but since he is understood to be able to formulate the intention—*da'at*—required to carry out the act of separation, that which he has separated nonetheless is in the status of *terumah*; because they were performed with proper intention, his actions are valid. Again, the blind person does not occupy a liminal position, i.e., an intrastructural position, but merely a position within the sages' structure that is blemished. Once accomplished, the blind person's deeds are considered completely valid (as are the mute person's).

B. Shabbat 153a-b further analyzes the category *cheresh, shoteh v'katan*. (This passage is in Aramaic, except for the terms and the quotations from earlier sources.)

> *M. Shab. 24:1: If darkness falls [on the evening of the Sabbath] upon a person on a road, he entrusts his purse to a gentile, but if there is no gentile with him, he places it on an ass. . . .*
>
> *Gemara*: [If there is] an ass and a *cheresh, shoteh v'katan*, he [should] place it on the ass and not give it to the *cheresh, shoteh v'katan*. What is the reason? These [persons] are human beings, and this [ass] is not [human].
>
> [In the case of] a *cheresh* and a *shoteh*, [he should give it] to the *shoteh*. [In the case of] a *shoteh* and a *katan*, [he should give it] to the *shoteh*.
>
> The [sages] were asked: What [if the choice is between] a *cheresh* and a *katan*? According to R. Eliezer there is no question, for it was taught: R. Isaac said in R. Eliezer's name: "The *terumah* of a *cheresh* does not revert to an unconsecrated status, because there is doubt [whether the *cheresh* has *da'at* or not; T. Ter. 1:1]. The question concerns the anonymous sages' view. For we learned: *Five [sorts of persons] may not separate terumah, and if they did separate terumah, that which they have separated is not in the status of terumah: hacheresh, v'hashoteh v'katan . . .* (M. Ter. 1:1).
>
> What [should be done about our original question]? [Should] he give it to the *cheresh* since the *katan* will arrive at understanding (*da'at*)? Or perhaps he should give it to the *katan*, because a *cheresh* may be confused with an adult of sound senses (*pikeiach*)? Some say: He [should] give it to the *cheresh*. Some [others] say: He [should] give it to the *katan*.

This passage responds to the Mishnah's categorization of a Jew, gentile, and ass. The

Bavli fills in the intermediary categories, adding the logical justification it perceives necessary. It develops a continuum that spans a range from "more like an animal" to "more like a 'normal' human being." The entries in the continuum are in this order: ass, *shoteh*, *cheresh*/*katan*, sensate Jew.

The *shoteh*, *cheresh*, and *katan* are unambivalently stigmatized. Since they lack *da'at*, it is preferable for them to violate the law by carrying on the Sabbath than for a Jew who has *da'at* to do so. The issue is one of appearance for the sages. The sages here assume that a *shoteh*'s disability is visible and that a *cheresh*'s is not. If the *cheresh* carries the purse on the Sabbath, it appears that a person with *da'at* is violating the law, which would be demoralizing and shocking. Poised against this is the argument that the *katan* is developing *da'at*, and it would be harmful to start the child on a sinning path by having him carry on the Sabbath. The issue is left undecided.

The role of a blind person or a *katan* or a person in rags in a synagogue service reveals the specific nature of each one's disability (M. Meg. 4:6):

> A *katan* may read the Torah and translate [its text for the congregation], but he may not [spread a cloak over his head and recite the prayers preceding and following the] Shema, nor go before the ark, nor lift his hands [in the priestly blessing].
>
> One who has holes in his clothes [may spread a cloak over his head and recite the prayers preceding and following the] Shema and translate [the text of Torah for the congregation], but he may neither read the Torah nor go before the ark nor lift his hands [in the priestly blessing].
>
> A blind person may [spread a cloak and recite the prayers preceding and following the] Shema and translate [the text of the Torah for the congregation but he may not read from Torah, since he cannot see].

Someone inappropriately dressed, or one whom other members of the congregation feel is unqualified to recite a prayer, must be dealt with in a way that preserves the honor of the congregation. Presumably, one could lead the Shema and translate Scripture from one's seat. The blind man and the one in rags are permitted to perform these functions since they do not require that these persons move from their places, which might be disruptive to the service.

The honor of the congregation and the solemnity of the service must not be impaired. However, if the inappropriately dressed or blind person can participate without offending the community's sensibilities, they are permitted to do so. The Torah, however, could not be read from one's seat, nor could the priestly blessing be offered except from the *bimah*; hence the person in rags and the blind person are not allowed to participate in these rituals. The *katan* here is certainly competent in many ways: he can read and could lead prayers; but permission is not granted to him to lead the Shema, since he is not yet subject to this commandment.

Sometimes, to achieve a predetermined outcome, the sages use disabilities to make rulings that go beyond the sphere of logic. For example, they mandate that parents of a stubborn and rebellious son (Deut. 21:18–21) may not testify against him if one of them has an amputated hand or foot. Ordinarily, such a condition would not prevent a person from testifying. But because the sages wanted to limit the application of the death penalty, especially in this case, they used any means possible to disqualify witnesses to it (M. San. 8:4, Sifre Deut. Piska 219).

The passage about absolving the community of guilt regarding an abandoned corpse (Deut. 21:1–9) is juxtaposed, in the Torah, with the one about the stubborn, rebellious son (Deut. 21:18–21). In fact, they are mirror images of each other. In one, a guilty party is taken outside the city and killed. In another, an innocent person is discovered, slain, outside the city. In one, the person is accused by parents, who are certainly authority figures. In the other, the collective "parents" of the town, the elders, communally proclaim their innocence of this blood. Y. San. 8:5, 26b, explicitly draws the parallel between the parents of the stubborn, rebellious son and the elders of the city:

> Just as you expound about his father and mother, so you should expound about the elders of the court, as it is said,

> "And they shall go out"—to exclude the lame.
>
> "And they shall say"—to exclude the mute.
>
> "Our hands have not spilled"—to exclude those with maimed hands.
>
> "And our eyes have not seen"—to exclude the blind.
>
> The Scripture tells [us] that just as the elders of the court must be whole in righteousness, thus they must be whole in their limbs.

What does wholeness of limbs have to do with complete righteousness? There is no obvious reason why a person who has a maimed hand could not be wholly righteous and function quite well as an elder. These requirements for physical wholeness involve a metaphor and its logical corollary:

> physical perfection > perfect righteousness
>
> physical imperfection > imperfect righteousness

The state of a person's body may serve as a metaphor for his inner state. Physical wholeness and blemishlessness metaphorically testify to a person's utter, moral wholeness. Conversely, any physical blemish or disability may attest to a person's intellectual or moral imperfection. That these extensions may be in error, i.e., that a beautiful, blemishless person may be utterly evil and that a person with disabilities may be completely righteous, is obvious. Nonetheless, these metaphors are validated by passages such as this one.

Priests are considered disabled if they are physically blemished in some way or have impure bloodlines. Lev. 21:16–24 explicates the details of priestly disability with a long list of imperfections that disqualify a priest from officiating in the cult:

> And the Lord spoke to Moses, saying: Speak to Aaron, saying, A man of your lineage, for [all] their generations, who has a blemish shall not come near to offer the bread of his God. For any man who has a blemish shall not come near: [whether he] is a blind man or a lame man or [has] a flat nose or any extra [limb or growth] or a man who has a broken leg or a broken hand or a crooked back or [is] a dwarf or has obscured sight in [even one] eye, has scurvy or scabs or has crushed testicles. Any man of Aaron's lineage who has a blemish shall not draw nigh to offer the fire [offerings] of God. He has a blemish; he shall not come near to offer the bread of his God. He shall eat the bread of his God, [both] of the most holy, and of the holy. But he may not go [in]to the veil [before the ark], nor come near to the altar, because he has a blemish. Let him not profane My holy [places]: for I the Lord [Myself] sanctify [these places]. And Moses spoke [these words] to Aaron and to his sons and to all the children of Israel.

A priest with any of the disabilities mentioned here would not be able to officiate in the Temple cult. The priest mediates between heaven and earth; between holy and profane. To survive in such a dangerous position, the priest had to be fit for the company of angels: blemishless, pure of lineage, and ritually pure. Priests with blemishes were barred from officiating in the cult, but they could still eat the priestly emoluments (e.g., *terumah*, Lev. 21:22). They also served in the Temple's Wood Chamber, sorting wood for the altar (M. Mid. 2:5). A priest could also blow the trumpet (a lame priest was observed doing so; T. Sot. 7:16) and bestow the priestly blessing from the Temple *ulam* if he had no visible defects on his face, hands or feet (T. Sot. 7:8). M. Bek. 7 elaborates on the Torah's descriptions of physical blemishes that disqualify priests from officiating in the cult.

Blemishes in one's bloodlines were just as disabling as physical defects to priests. When it was discovered that a priest's mother had been a divorcee, that priest dressed himself in black and left the Temple (M. Mid. 5:4). If a priest married a divorcee, he underwent the humiliating ritual of *k'tsatsah*. The members of his family would bring a barrel of fruit to the town square, break the barrel open, then announce that their brother had married inappropriately and that his seed would not be mingled with their seed (B. Ket. 28b).

One of the most salient passages for understanding the Torah's theology of disabilities arises when Moses protests to God that he cannot lead the Israelites from slavery to freedom because he has a speech impediment (Exod. 4:10–11):

> And Moses said unto the Lord: My Lord, I am not a man of words, neither yesterday

> nor the day before nor ever since you have spoken to your servant, for I am slow of speech and slow of tongue. And God said to him, "Who puts a mouth in a person? And who makes him mute or deaf or seeing or blind? Is it not I, the Lord?

The first part of God's retort directly addresses Moses' concern. Just as God has made Moses "slow of speech," God can cure him, too. But the second part of God's reply does not bear directly on Moses' case and may be taken as a general statement that God is the provider of *all* the faculties.

Obviously, physical perfection was important to the priests. How could this concept be applied to lay Israelites? By requiring Israelites to respect and treasure all human bodies. Gratuitously inflicting bodily harm would incur severe penalties (Lev. 24:15–22, Exod. 21:22–27):

> And you shall speak to the children of Israel, saying: Whosoever curses his God shall bear his sin. And he that blasphemes the name of the Lord shall surely be put to death; all the congregation shall certainly stone him, likewise the stranger and the homeborn [shall stone him] when he blasphemes the Name shall he be put to death. And whoever [fatally] smites any person shall surely be put to death. And whoever [fatally] smites a beast shall make it good: life for life. And whoever blemishes his neighbor; as he has done, so shall it be done to him: a break [in a limb] for a break [in a limb], an eye for an eye, a tooth for a tooth: as he has blemished a man, so shall he be blemished. And whoever kills an animal shall make it good and whoever kills a man shall be put to death. You shall have one manner of law, as well for the stranger, as for the homeborn for I am the Lord your God.

There are many similarities between the priestly attitude toward physical blemishes and the attitudes expressed here. First of all, the same word for blemish, *mum*, is used here as it was used in Lev. 21:17 and 22:20 to describe blemishes in priests and sacrificial animals. Here, too, animals and humans are paired, and the death of one is likened to the death of the other. The maiming of a person is paired, in this passage, with the cursing of God. The implication is clear: human bodies are not to be harmed as God is not to be defied. Either transgression will yield separation from the community, up to and including being executed. Blaspheming God, denying God's existence and singularity, is the equivalent of killing God, and it merits death.

God is perceived to be responsible not only for the proper functioning of the body, but for those aspects that mark it as living and sensate (B. Nid. 31a, B. Qid. 30b):

> Our rabbis taught: There are three partners in a person, the Holy One, blessed be he, his father, and his mother. His father sows the white [substance, i.e., semen] out of which [come the child's] bones and sinews and nails and the brain in his head and the white in his eye. His mother sows the red [substance, i.e. blood] out of which [come the child's] skin and flesh and hair and blood and the black of the eye. And the Holy One, blessed be he, gives him spirit and breath and beauty of face and seeing eyes and hearing ears and walking legs and understanding and insight. When the time comes for him to depart from the world approaches, the Holy One, blessed be he, takes away his portion and leaves the portions of his father and mother with them.

God is an integral partner with man and woman in the genesis of a human being. What God contributes are the faculties—the ability to see, hear, speak, walk and understand—in other words, what makes a human being unique among God's creatures.

Disabled persons, or persons who simply have a distinctive appearance, are considered part of God's creation. Blessings were to be said on seeing persons with remarkable physical constitutions or persons who have become disabled or are afflicted with disease (T. Ber. 6:3):

> One who sees an Ethiopian, or an albino, or [a man] red-spotted in the face, or white spotted in the face, or a hunchback, or a dwarf says: Blessed [are you Lord our God, ruler of the universe, who creates such] varied creatures.
>
> [One who sees] an amputee, or a lame person, or a blind person, or a person afflicted with boils, says: Blessed [are you Lord our God, ruler of the universe] the true judge.

The implication is that all these persons are part of God's creation and that any feeling experienced upon seeing them should be consecrated with a blessing. One whose condition makes him or her physically distinctive

is not considered judged by God. Such a person is one of the wide variety of creatures created by God. However, one who is visibly disabled or ill, i.e., one to whom the "true judge" blessing applies, *is* deemed adjudged by God.

Each person's body, regardless of its state of disability, is to be honored and protected. Cursing a person with hearing disabilities or putting a stumbling block before a person with impaired vision is forbidden (Lev. 19:14). Even if persons with hearing disabilities would never know they'd been cursed, and even if persons with seeing disabilities, presumably stumbling anyway, would not be more greatly harmed by a stumbling block, *God* knows, and such actions are offenses before the deity. This is even true when a person is seen as barely alive, as is the case for a person with hearing disabilities (Sifra, Kedoshim 3:13–14, B. Tem. 4a, B. Shev. 36a):

> "Do not curse a deaf person." I have here nothing but a deaf person. From whence [do I know] to augment [the verse to refer to] every person? Scripture says, "[Judges you shall not curse] nor a prince of your people shall you revile" (Exod. 22:27). If so, why is it said, "a deaf person"? A deaf person is distinctive in [that he is] alive. This [phrasing of the verse] excludes the dead person who is not alive [and there is no prohibition against insulting the dead].
>
> "And before a blind person do not place a stumbling block." Blind in a thing [i.e., a blind spot]. [If] a man came and said to you: The daughter of so and so, how is she [with regards to eligibility to marry into] the priesthood? Do not say to him: She is fit, and she is unfit. If he would take advice from you, do not give advice to him that is not fit for him. . . . This matter [of giving honest advice] is transmitted to the heart [i.e., only known to the heart], as it is said, "And you shall fear the Lord your God, I am the Lord" (Lev. 19:14). [Because only God knows whether you were sincere or not.]

The difference between the way a person with hearing disabilities and one with visual disabilities is viewed is dramatically displayed in this exposition. The person with hearing disabilities demonstrates that no living person should be cursed. From this, it is learned that a person with hearing disabilities was especially mentioned because he is the lowest form of living humanity. He is living, but, otherwise, he is so far outside the realm of everyday life that he is closer to death than to life (Mekhilta Nezikin 5, on Exod. 21:17 and 22:27, B. San. 66a).

Persons with visual disabilities, on the other hand, are not even considered as a literal image! The concept "stumbling block before the blind" is immediately taken as a metaphor for vulnerability of any sort that impairs a person in a specific way (e.g., lack of good judgment). Persons with visual disabilities are a symbol for someone who functions with some impairment but who operates validly in society. (See B. A.Z. 6a–6b, B. B.M. 75b, B. Qid. 32a for more examples of "stumbling blocks before the blind.")

Israel is sometimes characterized as a person with a disability. Isaiah 42:18–20 chastises Israel for willfully disabling herself:

> Hear, deaf ones and look [in order] to see, blind ones! Who is blind but my servant? Or deaf, as my messenger whom I sent? Who is blind as the one I send, and blind as God's servant? Seeing much but observing nothing; [having] hearing hears but not attending.

Israel's deafness and blindness are not due to any lack of properly functioning organs. It is specifically stated: God's servants have eyes and ears which operate but they are too stubborn and willful to see and understand the truth of God's message with those organs. When they stop being recalcitrant, "blinding themselves" to the reality of God's presence, they will become a "light to the nations" who "open the eyes of the blind" (Is. 42:6–7). Here, the "blind eye" is clearly meant as a metaphor for bringing knowledge of God to those who lack it. Sight stands for insight.

In the powerful prophetic image of Isaiah's Suffering Servant (52:13–53:5) we find an explicit linking of sin, disabilities, suffering, and atonement. The Suffering Servant is clearly disabled and wounded. His wounds, like the sacrifices in the Temple, make an expiation for sin:

> Behold, my servant shall prosper, he shall be exalted and extolled, and be very high. As many were astonished at you, saying,

> Surely his visage is too marred to be human, and his form, to be from humanity['s mold]: so shall he startle many nations; kings shall shut their mouths: for that which they had not been told them shall they see; and that which they had not heard they shall comprehend. Who [would have] believed our report? and to whom is God's arm revealed? For he grew up before him as a tender plant, and as a root out of a dry ground: he had no form nor comeliness, that we should look at him, and no countenance, that we should desire him. He was [the most] despised and rejected of men; a man of pains, and knowing sickness: and we hid (as it were) our faces from him; he was despised, and we considered him not. But he has borne our sicknesses and endured our pains; yet we considered him stricken, smitten of God, and afflicted. But he was wounded because of our transgressions, bruised because of our iniquities: his sufferings were that we might have peace, and by his injury we are healed.

If the Suffering Servant is a symbol of Israel, then Israel is depicted as a person with disabilities. The Servant's strengths come not from his physical perfection but from his intellectual and spiritual qualities.

Disabilities can atone for sin, embodying the principle "With the measure that a person measures shall they mete [out] to him" or, more colloquially, *midah k'neged midah*, simply, "measure for measure." This principal may be seen in our earliest sources. The life story of Jacob is shaped by disabilities in some of its characters. Jacob is able to steal his brother's birthright because his father Isaac's eyes have grown dim (Gen. 27:1). Poor eyes will then set Jacob up, almost immediately, for a fall. Jacob flees his angry brother Esau and goes to his uncle, Laban. Jacob, looking at Laban's daughters, disdains the elder daughter because of her poor eyes (Gen. 29:17). Jacob, who disregarded the rights of an elder sibling (his brother), now attempts to disregard them again, wanting to marry Rachel before her elder sister Leah. Laban, Leah, and Rachel collude to marry Jacob off to Leah. As Jacob tricked his father and sibling, exploiting the opportunity of his father's poor vision, so Jacob is tricked by a father and a sibling because of his distaste for Leah's poor eyes. Jacob's lust for the birthright and for Rachel made him "blind."

The Mishnah is well aware of this biblical principle of symmetry. Only two passages in the entire Mishnah speculate on the causes of disabilities, and they both utilize the idea of "measure for measure." Samson sins with his eyes (Jdgs. 16:1) and is therefore blinded (M. Sot. 1:8, Mekhilta, Shirata 2, on Exod. 15:1).

This principle of "measure for measure" is applied explicitly to disabilities in the other passage from the Mishnah that speaks of the causes for disabilities. This passage addresses the question, "Who is entitled to help themselves to *peah* (the corners of the fields that are to be left unharvested so that the poor might glean them" (Lev. 19:9–10, 23:22))? Persons with disabilities are allowed to avail themselves of this aid (M. Pe. 8:9, Mekhilta Kaspa 3 on Exod. 23:8, Sifre Deut. 144, B. Ket. 105a–b):

> And anyone who is not lame or blind or limping and makes himself [appear to be one of these] will not die of old age until he becomes like one of them, as it is said, ("And he who seeks evil, it shall come to him;" and it is [further] said,) "Justice, justice shall you pursue" (Deut. 16:20). And any judge who takes bribes and perverts justice will not die of old age before his eyes have grown dim, as it is said, "And a bribe you shall not take, for the bribe blinds the seeing" (Deut. 16:19).

The cause of disabilities, suggests this passage, can be found in the principle of *midah k'neged midah*. Trying to abscond with public charity through the ruse of pretending to have disabilities leads one eventually to develop such disabilities. Similarly, injustice, "turning a blind eye" to the truth, eventually leads one to become blind. The correspondence is clear.

Sexual impropriety was also seen as a source of disabilities; specifically, birth defects (B. Ned. 20a–b):

> R. Yohanan ben Dahavai said: "The Ministering Angels told me four things: 'People are born lame because [their parents] overturned their table [during intercourse]; mute because they kiss "that place; deaf, because they converse during intercourse; blind, because they look at "that place.'" . . .
>
> R. Yohanan said: These are the words of R. Yohanan ben Dahavai. But the sages said: The halakhah is not according to

> R. Yohanan ben Dahavai. Rather, each person may do what he wishes with his wife [regarding intercourse]. It is like meat that comes from the butcher shop. If he wishes to eat it salted, he eats it; broiled, he eats it; cooked, he eats it; boiled, he eats it. And [it is just] so with fish that comes from the fish shop.

Some hold that sexual intercourse conducted without proper decorum results in disabled children. This is certainly as strong a sanction as one could imagine against a behavior considered to be undesirable. While the sages could not assure the most decorous behavior during sexual intercourse, they could encourage it by this most strenuous of means.

The Modern Period

Stigmatization of persons with disabilities continues in contemporary Judaism, though it is becoming less and less prevalent. Indeed, modern authorities seem intent on being as inclusive as possible where persons with disabilities are concerned. Isaac Herzog, chief rabbi of Israel until 1959, mandated a creative, inclusive stance toward persons with hearing disabilities:[2]

> Those [rabbis] who remain in the ivory tower and say the schools [for the deaf] are not good enough do not realize the techniques that have been developed in the schools. . . . You have got to do so and then remove all limitations that still exist surrounding the technically deaf-mute.

Indeed, new definitions of deafness and muteness have made the category of the *cheresh* all but irrelevant:[3]

> The ability to speak, no matter how acquired and even if the speech acquired is imperfect, is yet sufficient to establish full competence in all areas of Halakhah.

Inclusiveness toward persons with visual disabilities is also part of contemporary Jewish ethics, even when no explicit textual basis can be found for such a stance. For example, while blind persons are still not allowed to ritually read from Torah, they may participate in the central rite of the Bar or Bat Mitzvah ceremony: the recitation of the Haftarah selection from the prophets:[4]

> A blind child [is permitted] to read the Haftarah from memory or from a Braille text. . . . Reading from a printed text [the practice almost all contemporary congregations follow] is in any event tantamount to reading without any text at all but, nevertheless, is permissible in the case of the Haftarah because of the reason cited in Gittin 60a: "At a time when it is necessary to work for the Lord, make void thy law."

The possibility of participating in Bar or Bat Mitzvah ceremonies is made available to almost all children today, regardless of their mental, visual, or auditory disabilities. Women and children still occupy liminal roles in some Jewish communities. However, in many Jewish movements (Conservative, Reform, Reconstructionist, and Renewal) women have become complete participants in Jewish life.

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Notes

[1] Victor Turner, *The Ritual Process: Structure and Anti-Structure* (Ithaca, 1969), p. 168.

[2] Jerome D. Schein and Lester J. Waldman, eds., *The Deaf Jew in the Modern World* (New York, 1986), p. 17.

[3] J. David Bleich, "Survey of Recent Halakhic Periodical Literature: Status of the Deaf-Mute in Jewish Law" in *Tradition* 16:5 (1977), p. 80.

[4] J. David Bleich, *Contemporary Halakhic Problems, Volume II* (New York, 1983), pp. 32–33.

Diseases in Jewish Sources

There are many ways to approach the subject of biblical and talmudic medicine. One method is to study the Bible sequentially and identify medical passages and diseases. For example, in Genesis, the Bible relates that when Abraham came to Egypt he told Pharaoh that Sarah was his sister and not his wife. As a result, Pharaoh took her, and God afflicted Pharaoh and his family with a mysterious disease (Gen. 12:17). What was this sickness?

Later in the book of Genesis we are told that Sarah, at the age of ninety years, gave birth to Isaac. How was this possible? Did her menses return? Was this event purely a miracle? What were the medical circumstances surrounding the birth? Another incident concerns the Patriarch Abraham's nephew, Lot, who protected two angels in Sodom against physical harm at the hands of the inhabitants of that city. The angels afflicted the wicked people with blindness (Gen. 18:11). What kind of blindness was this? Was it trachoma? Was it physical, mental, or psychological blindness? Was it temporary or permanent?

Some illnesses are clearly stated. For example, when God came to visit Abraham following his surgery (Gen. 18:1), it is clear that the operation was a circumcision. Not so clear, however, is the meaning of the disease *tzara'at* to which large sections (chap. 13:1ff.) of the book of Leviticus are addressed. Although commonly translated as leprosy, there is serious doubt in the minds of many as to the validity of this interpretation. Some consider *tzara'at* to be elephantiasis; others syphilis, and yet others "a malignant disease of the skin." At least two biblical commentators consider *tzara'at* to be a social disease and not a medical condition at all. To fully examine such a subject requires an in-depth investigation of the medical, historical, and linguistic aspects of *tzara'at*, with a search of citations in the Bible, the writings of ancient and medieval Jewish and non-Jewish scholars, and perhaps even the paleontological evidence, if any.

A chronological methodology of the study of biblical and talmudic medicine represents only one approach. Another approach is to seek information in the Bible and Talmud concerning specific topics, subjects, or disease entities. For example, the ophthalmologist interested in Jewish medical history may ask himself: Where are eye illnesses discussed in the Bible and/or Talmud? Which eye illnesses are described? What is stated about them in terms of diagnosis, treatment, cause, prevention, etc.? Or, one can seek information about diabetes, gallstones, jaundice, anemia, arthritis, or a variety of specific disease entities or symptoms. What do the Bible and/or Talmud say about each of these?

Another approach is to seek material in the Bible and Talmud about individual body organs, such as the heart, the brain, the kidney, and others. A variety of broader subjects, such as air pollution, legal medicine, dietetics, anesthesia, general surgery, and many more can also be looked for in the Bible and Talmud. Finally, the Talmud contains sayings and teachings by sages who were physicians as well as talmudic scholars.

This essay presents a selection of medical conditions and diseases and briefly cites the pertinent biblical, talmudic and other classic sources. The conditions and diseases are presented in chronological order and do not reflect any sequence of importance. Since the subject of biblical and talmudic medicine is so vast, the author made arbitrary selections of topics. The interested reader is referred to more in depth presentations of these and many other diseases in several widely available books and monographs, listed in the bibliography.

A few general comments about illness in ancient Jewish sources will introduce the reader to the subject. Abraham introduced the world to old age, Isaac to suffering, and Jacob to illness (Gen. Rabbah 65:9 and 97:1). Until Jacob there was no illness (Gen. 48:1; B. B.M. 87a; B. San. 107b). Until Elisha, no sick person ever recovered (B. B.M. 87a). Elisha died of his third sickness (2 Kings 13:14; B. San. 107b). Six

things help the sick to recover from illness: cabbage, beets, dry sisin herbs, tripe, womb, and liver. Some also say small fish (B. A.Z. 29a). Six things are a good prognostic sign for a sick person: sneezing, perspiration, open bowels, seminal emission, sleep, and a dream (B. Ber. 57b). Ten things cause exacerbation of illness: eating beef, fat roast meat, poultry, roast egg, pepperwort, cress, milk, or cheese; shaving; and bathing (ibid.). Some add nuts and large cucumbers (B. A.Z. 29a).

Eighty-three sicknesses depend on the gall, and all can be rendered ineffectual by eating one's morning bread with salt and drinking a jugful of water (B. B.M. 107b). Morning bread is an antidote against heat and cold, winds, demons, and the evil eye. The most common cause of illness and death is a cold, which may result from one's own negligence (ibid.). Some sages say that most people have themselves to blame for their illness and death (Lev. Rabbah 16:8; Y. Shab. 14:14). A change in one's diet or lifestyle is the beginning of sickness (B. B.B. 146a). One may become ill from eating onions (B. Erub. 29b). Garlands or plants cure illness (B. Shab. 66b). Hot blankets are used to relieve chills and cold compresses to relieve fever (B. Nid. 36b).

A sick person requires guarding (B. Ber. 54b). Visiting the sick is a meritorious act and a religious obligation. For a dangerously ill patient the Sabbath may be desecrated (B. Bes. 22a). If one is deathly ill, one recites the *viduy*, or confession prayer (B. Shab. 32a). A sick person recovers from illness when his sins are forgiven (B. Ned. 41a). If a person falls ill, he should not tell anyone the first day so that he does not have bad luck (B. Ber. 55b). One should not inform a sick person of the death of a close relative (B. M.Q. 26b).

A diagnostic test using a hard-boiled egg is described (B. Ned. 50b) and was used by the physician Mar Samuel on himself (B. Yeb. 116b). Divine healing of illness (Psalms 103:3) is desirable, but many illnesses have a fatal outcome. A person who recovers from illness recites a special blessing of thanksgiving (B. Ber. 54b).

Amputees

When the Jews received the Torah at Mount Sinai, all physical defects were healed and there were no amputees (Tanhuma, Exod. 19:8). Legend relates that the Jews exiled to Babylon after the destruction of the first Temple cut off their thumbs so that they would not have to sing songs of Zion and play musical instruments before Nebuchadnezzar (Midrash Psalms 137:4; Yalkut Shimoni, Psalms 137). Bar Kokhba had two hundred thousand soldiers, each of whom cut off one of his fingers to demonstrate his courage (Lam. Rabbah 2:5; Y. Ta. 4:8). The captured King Adoni-Bezek had this thumbs and toes cut off by Judah and Simeon just as he had done to his enemy kings (Judges 1:6–7). Amputation of limbs does not exist as a punishment in Jewish law. The biblical verses "And thou shalt cut off her hand" (Deut. 25:12) and "a hand for a hand" (Exod. 21:24 and Deut. 19:21) are interpreted to refer to monetary compensation (B. San. 29a and B. B.Q. 83b). The command of King David to amputate the hands and feet of the murderers of Ish-Boshet was after their deaths (2 Sam. 4:12).

The Talmud speaks of surgical amputations (B. Git. 56a), women amputees (B. Yeb. 105a), and amputation of the hand as a life-saving measure (Y. Naz. 9:58). Lepers used to bury their arms in small earthen mounds near cemeteries (B. Ket. 20b). An amputation that includes the knee joint is said to be fatal (B. Nid. 24a). Nahum Gamzu was a quadruple amputee, probably secondary to leprosy (B. Ta. 21a). A procedure is described for someone who needs a limb amputated on the eve of Passover and wishes that both he and the physician remain ritually clean by not handling the amputated limb, which is unclean (B. Ker. 15b).

In talmudic law, someone who cuts off the hand of his fellow man must pay a variety of penalties including pain, damages, medical treatment, enforced idleness, and humiliation (B. B.Q. 85a). Anesthesia or analgesia for amputations is also described (B. B.M. 83b). A handless person cannot function as a judge (Y. San. 8:26) nor can he offer testimony as a witness (B. San.

45b). If a man or woman is handless, the prescribed procedure for a suspected adulteress cannot be carried out (B. Sot. 27a). If one sees an amputee, one should say "Blessed be the true Judge" (B. Ber. 58b). A person missing some fingers cannot spin flax or silk (Song of Songs Rabbah 8:11), even if only one finger is missing (Midrash Psalms 8:2).

Askara

Askara (diphtheria) affects primarily children (B. Ta. 27b), but also adults (B. Sot. 35a; B. Yeb. 62b), causing death by asphyxiation (Lev. Rabbah 18:4), the hardest death of the 903 types that exist. The death throes are vividly portrayed in the Talmud (B. Ber. 8a and 40a) and may represent diphtheritic croup. The biblical *magepha* (Num. 14:36) is said to refer to *askara* or epidemic croup (B. Sot. 35a). During Temple times, the priestly divisions fasted every Wednesday so that the *askara* should not attack children (B. Ta. 27b). *Askara* is punishment for the sin of slander and therefore afflicts the mouth and throat (B. Shab. 33a). Preventive measures include eating lentils, salting all foods, and diluting all beverages with water (B. Ber. 40a).

Baldness

Anterior baldness is called *gabe'ach*, and posterior baldness is called *ker'ach* (Lev. 13:40–41; T. Neg. 4:9; B. Neg. 10:10). A bald-headed man was the subject of ridicule in antiquity (B. Sot. 46b) as was the case with the prophet Elisha (2 Kings 2:23). Immorality of women may be punished by the divine infliction of baldness (Is. 3:17). Sorceresses are referred to as bald-headed (B. Pes. 110a). "Baldheaded buck" is an abusive term for a castrate (B. Shab. 152a). A curse is to wish baldness on someone (Y. Shab. 20:17). A bald-headed priest is disqualified from serving in the Temple (B. Bek. 7:2) because of his unsightly appearance (B. Bek. 43b). A bald man, on the other hand, does not have to worry about dust or sand flying into his hair (Gen. Rabbah 65:15). A treatment for baldness is discussed in the Midrash (Ecc. Rabbah 1:8). For men to pluck out their white hairs, as was practiced by some women, is forbidden (B. Shab. 94b), since it might eventually lead to baldness (B. B.Q. 60b). Female war captives shaved their heads as a sign of mourning for their relatives killed in the war (Deut. 21:12). The prophet Micah exhorts the people to shave their heads as a sign of mourning for their children taken into captivity (Micah 1:16).

Causes of baldness include illnesses such as leprosy (Lev. 13:42); an act of God; the use of a depilatory caustic substance (B. Neg. 19:10); severe emotional trauma such as fright upon seeing a snake (Exod. Rabbah 24:4); shearing off the scalp hair as a sign of mourning, an act prohibited to Jews (Deut. 14:1), especially priests (Lev. 21:5), as a heathen custom; or the forbidden plucking out of one's hair as a sign of mourning (Ezra 9:3).

Birth Defects

Cohabitation with a menstruating woman was thought to result in malformed or leprous infants (Lev. Rabbah 15:5). Babies born circumcised need to be carefully examined for true congenital absence of the foreskin (B. A.Z. 27a; B. Yeb. 71a). Half-human, half-goat-like newborns are cited in the Talmud (B. Nid. 23b), as well as newborns with facial disfigurements, anencephaly (ibid., 24a), webbed hands and feet (ibid.), absence of the lower half of the body, or fusion of the lower limbs (ibid.). A newborn child with wings or with very long hair (B. Nid. 24b; B. Erub. 100b), with two backs or spinal columns (B. Nid. 24b), or with a hunchback (B. Bek. 43b) or crooked spine (B. Nid. 24a) can survive into adulthood.

The Bible speaks of a giant with six fingers and six toes (2 Sam. 21:20). A thirty-day-old child with two heads is the subject of a talmudic legal discussion (B. Men. 37a). A *sandal* is a flat "squashed" fetus, or fetus papyraceus, that resembles a flat sole fish (B. Nid. 25b) and is delivered together with a normal newborn child (ibid., 26a). It was thought that superfetation, whereby

a pregnant woman became pregnant again and the younger fetus was squashed by the earlier one (T. Nid. 2:6), is possible. To prevent this occurrence, a pregnant woman should use an absorbent tampon during cohabitation (B. Yeb. 12b).

Boils

The biblical *shechin* and *ababuot* (Exod. 9:8–11) may represent boils, blisters, or perhaps a form of eczema. The moist form is curable; the dry one is not (B. Bek. 41a). Other biblical skin afflictions (Deut. 28:27) may also refer to boils. Different types of boils, quick flesh, burning, and their like are described in the Talmud (B. Neg. 1:5ff.). A boil and a burning are obviously different (B. Hul. 8a).

Nahum was blind and his body was covered with boils because he once postponed giving food to a poor person and the latter died of hunger (B. Ta. 21a). A man was once healed of his boils and scabs by a "magical" formula (B. Qid. 39b). A levir was once afflicted with boils (B. Yeb. 4a). A man with boils may be forced to give his wife a divorce (B. Ket. 77a). A folk remedy for boils is described at B. Shab. 67a.

Childlessness

Infertility is a curse, and fertility is a blessing (Exod. 23:26; Deut. 7:14). A person without children is considered as if excommunicated by heaven (T. Pes. 113b). A barren woman might prefer death to childlessness (Gen. 30:1). A childless man is regarded as dead (B. Ned. 64b; B. A.Z. 5a; Gen. Rabbah 71:6; Exod. Rabbah 5:1). The key to childbirth is one of three keys that God himself administers and does not entrust to an emissary (B. Ta. 2a; B. San. 113a). A number of barren women are described in the Bible, all of whom eventually had children: Sarah (Gen. 11:30), Rebecca (Gen. 25:21), Rachel (Gen. 29:31), the wife of Manoach (Judges 13:2), Hannah (1 Sam. 1:2), the woman from Shunam (2 Kings 4:14), and Ruth (Ruth Rabbah 7:13). The sages say that these women were at first barren because God desires the prayers of the righteous (B. Yeb. 64a). A number of additional reasons for the matriarchs' barrenness are also cited (Song of Songs Rabbah 2:21). Male barrenness is also recognized (B. Ned. 91a).

Abraham used to pray for barren women and they conceived (Gen. Rabbah 39:11). God remembers barren women as he did for Sarah (Lev. Rabbah 27:14), Hannah (Num. Rabbah 14:1), and the woman from Shunam (Deut. Rabbah 10:3). God blesses the Jews (Deut. 7:14) by saying there shall be no male or female barren among them (Deut. Rabbah 3:6). The Lord also opens his good treasure (Deut. 28:12), which means he will keep the key to barrenness locked up (Deut. Rabbah 7:6). Just as God makes barren women fertile, so the righteous can make barren women fertile (Song of Songs Rabbah 1:4:2). The prophet sings about barrenness (Is. 54:1), although one weeps and mourns for a person who died childless (B. M.Q. 27b). Childless women are like prisoners in their houses because of the disgrace they feel to be so afflicted (Gen. Rabbah 71:1). Childless couples may have marital relations even in years of famine to help them overcome their childlessness (B. Ta. 11a). If a man lives with a wife for ten years and she bears him no children, he should take another wife (B. Yeb. 64a), although male infertility could be the cause; polygamy was then allowed. Manoach and Hannah disagreed among themselves as to who was the infertile partner in their childless marriage (Num. Rabbah 10:5). Some Rabbinic scholars became impotent because of long scholarly discourses (B. Yeb. 64b). The wife of a man who dies childless must be married by the deceased husband's brother in a levirate marriage to preserve the name of the deceased (Deut. 25:5–6).

Diarrhea

A person with diarrhea is ill in his intestines and needs to treat it before it worsens (B. Sot. 42b). Some patients also have fever and swollen abdomens (Avot de Rabbi Nathan 41:1). The disease may be very painful (B. Shab. 11a) and even bring one to tears (Lam. Rabbah 2:15; B. Shab. 151b).

Because of the pain, patients with diarrhea are forgiven for their sins and do not see the face of Gehenna (B. Erub. 41b). Thus, diarrhea may be a good omen (B. Ket. 103b) in that righteous people die of diarrhea. Judah the Prince suffered from diarrhea (ibid., 104a), as did King Belshazzar (Song Rabbah 3:4). Yose wished diarrhea upon himself (B. Shab. 118b). The expression *gava* for "he died" refers to diarrhea (Gen. Rabbah 62:2). Such people die suddenly while fully conscious (B. Erub. 41b). King Jehoram is said to have suffered from severe dysentery so that his "bowels fell out" and he died (2 Chron. 21:14–18).

Priests in the Temple who walked barefoot on the marble floors and ate a lot of sacrificial meat suffered from diarrhea and had a special physician to care for them (B. Sheq. 5:2). Another cause of diarrhea is a change in one's lifestyle or eating habits (B. Ned. 37b). Eating rich foods may spoil one's festival joy because of diarrhea (B. San. 101a), which is called an evil affliction (Prov. 15:15). Eating without drinking can also lead to diarrhea (B. Shab. 42a). Thus, one should drink one cupful of water with each loaf of bread or other food (B. Ber. 40a). Also to prevent diarrhea one should eat bread immersed in vinegar or wine in both summer and winter (B. Git. 70a). Wheatbread, fish brine, and beer can cause diarrhea (B. Shab. 108a). So, too, coarse bread, fresh beer, and raw vegetables (B. Pes. 42a), as well as certain types of wine (B. B.B. 97b). White bread, fat meat, and old wine, however, do not cause diarrhea (B. Pes. 42a).

Remedies for diarrhea include the external rubbing of the abdomen with oil and wine (B. Shab. 134a) or the application of heat (ibid., 40b). An Egyptian concoction of barley, safflower, and salt is a binding potion (B. Shab. 110a; B. Pes. 42b). Also helpful is old apple wine (B. A.Z. 40b), old grape juice (B. Ned. 9:8), lemonade (Lev. Rabbah 37:2), dates (B. Ket. 10b), and various compounded medications (B. Git. 69b).

Diarrhea is a favorable prognostic sign in sick patients provided it is not dysentery (B. Ber. 57b). Hydrops or leukophlegmesia is cured if the patient develops diarrhea (B. Yeb. 60b). One should not visit patients with diarrhea because of embarrassment or in order not to contract it (B. Ned. 41a). A perfume pan was placed near patients with diarrhea (B. M.Q. 27b).

Dislocations

Jacob dislocated the head of his femur when he wrestled with an angel (Gen. 32:26). Legend relates that when Noah emerged from the ark, a lion pushed him so that he limped (Lev. Rabbah 20:1). Job speaks about a dislocated shoulder (Job 31:22). Mephiboshet was lame in his feet (2 Sam. 4:4), perhaps because of dislocated vertebrae sustained in a fall. Belshazzar may have had a dislocated hip (Dan. 5:6). If a person's jaw is dislocated, "the ear should be raised to its proper position" (B. A.Z. 28b).

Dislocation of the jaw in an animal renders it unfit to be offered in the Temple (B. Bek. 6:10). If most of an animal's ribs are dislocated or fractured the animal's life is in danger (B. Hul. 57a). Not so for birds (ibid.).

Dropsy

Dropsy or *hydrakon* (hydrops) is a divine punishment for immoral sexual behavior (B. Yeb. 60b) and other sins, such as the golden calf (B. Yom. 66b). Dropsy also occurs as a result of withholding one's bowels (B. Ber. 62b; B. Tam. 27b); therefore, the maxim: "Much feces, much dropsy; much wine, much anemia" (B. Bek. 44b). Dropsy is said to be caused by an abnormal mixing of water and blood in the body (Lev. Rabbah 15:2). The sages describe three types of dropsy: the thick one is punishment for sin, the swollen one is caused by hunger (hypoproteinemia or nephrotic syndrome?), and the thin one is caused by magic (B. Shab. 33a). Several famous talmudic sages suffered from it (B. Shab. 33a), probably due to hunger. A person afflicted with dropsy may die suddenly (B. Erub. 41b). It is not clear whether the abdominal swelling of a suspected adulteress after she drank the bitter waters represents dropsy.

Dwarfism

Nebuchadnezzar, king of Babylon, is said to have been a midget or dwarf (Gen. Rabbah 16:4). A male dwarf should not marry a female one, lest their offspring be a dwarf of the smallest size (B. Bek. 45b). According to Ibn Ezra and Targum Jonathan, the biblical term *dak* (Lev. 21:20) refers to a midget or dwarf.

A dwarf is described in the Talmud in relation to violation of Sabbath laws (B. Shab. 5a). Bald-headed people, dwarfs, and the bleary-eyed are unfit for the priesthood because "they are not like the seed of Aaron" (B. Bek. 43b). The suggestion that Abba Saul was a dwarf is rejected in the Talmud (B. Nid. 24b).

A woman whose son was a dwarf saw him in her imagination as "tall and swift" (Gen. Rabbah 65:11) but everyone else saw him only as a puny dwarf (Song Rabbah 2:15:2).

Epilepsy

The biblical term "fallen down" probably refers to epilepsy. Hence, Balaam (Num. 24:16) and King Saul (1 Sam. 19:24) are said to have suffered from epilepsy (Maimonides' Mishnah Commentary, M. Git. 7:5). Body humors and gases play a role in the causation of epilepsy (Ibid., Git. 7:1). Demons may also play a role (B. Git. 70a; B. R.H. 28a; Lev. Rabbah 26:5). Hereditary factors were also recognized in that a person should not take a wife from a family of epileptics (B. Yeb. 64a). Immoral sexual behavior is strongly discouraged in Judaism and may be the basis for several talmudic statements about epilepsy: A woman who copulates in a mill will have epileptic children (B. Ket. 60b). He who copulates immediately after defecation (B. Git. 70a) or by the light of a lamp will have epileptic children (B. Pes. 112b). He who stands naked in front of a lamp or who cohabits in a bed in which a baby is sleeping will become epileptic (B. Pes. 112b). Cohabitation after bloodletting may also lead to the birth of epileptic children (Lev. Rabbah 16:1). Some post talmudic Rabbinic decisors consider epilepsy to be an infectious disease, but most agree with modern medical knowledge that it is not. The talmudic sages know that certain epileptics have seizures at specified times (B. Ket. 77a).

The diagnosis and treatment of epilepsy was carried out by competent physicians, not by priests or exorcists (Lev. Rabbah 26:5). Amulets were used both to prevent and to treat epilepsy (B. Shab. 61a; T. Shab. 4:9). One also recited incantations (B. Shab. 67a). The condition known as *kordiakos* (B. Git. 7:1) is interpreted to refer to withdrawal seizures in the course of delirium tremens secondary to alcoholic intoxication. Some rabbis rule that a single convulsive episode defines a person as an epileptic, whereas other rabbis require three episodes. Controversy exists as to whether or not epilepsy is life-threatening.

Legally, an epileptic is unfit to serve as a priest in the Temple even if he only had a single seizure (M. Bek. 7:5). An epileptic may serve as a cantor in the synagogue if his epilepsy is dormant or controlled (Responsa *Chatam Sofer, Yoreh Deah* #7). Similarly he may serve as a ritual slaughterer (ibid.). Undisclosed epilepsy may be grounds for divorce. An epileptic can testify in a legal proceeding while he is well, provided his mind is clear (B. Ket. 20a; Maimonides' *Mishneh Torah*, Edut 9:9).

Eye Diseases

The Rabbinic sages describe various stages of eye inflammation (B. Bes. 22a; B. A.Z. 28b; B. Bek. 44a). *Techila uchla* is the first sign of eye inflammation. *Rira* is a discharge of pus (conjunctivitis). *Diz* refers to shooting or sharp pain in the eyes. *Dama* refers to bloodshot eyes. *Dimata* means excessive tearing. *Kadachta* means local inflammation. *Meridah* is said to be protrusion of the eye (Rashi, B. A.Z. 28b) or the flow of infectious pus from the eye (Rashi, B. Neg. 6:8). *Sof uchla* is the final stage of eye inflammation. When the infectious secretion dries on the eyebrows, it becomes like a membrane called *liflufi* (B. Miq. 9:2; B. Nid. 67a). *Zabalgan* (B. Meg. 26b) is one from whose eyes tears flow (Rashi, B. Meg. 24b).

The eyes of a man afflicted with a *raatan* (B. Ket. 77b) tear because of inflammation and his vision is defective as a result. Also beware of contagion from flies near him (ibid.). A *tziran* (B. Bek. 44a) is said to be a person with tearing eyes (Maimonides' *Mishneh Torah, Biyat Mikdash* 8:6) or with round eyes. Eyes that are *terutot* (B. Shab. 31a; B. Ta. 24a, B. Sot. 47a; B. San. 107b; B. Bek. 44a) are round (Rashi, B. Shab. 31a) and the eyelids are only partially open (Maimonides, *Biyat Mikdash* 8:5). *Simuka* (Y. Shab. 14:4) is a person with redness of the eyes as a sign of a dangerous eye ailment. *Pekiat ayin* (B. A.Z. 28b) refers to perforation of the eye as the final stage of a serious infection. *Barkit* or *barka* (B. Bek. 38b; B. B.M. 78b; B. Shab. 78a) is a white tissue that protrudes from the eye and is compatible with a corneal inflammation (keratitis). *Atzev* or *einav* (B. Bek. 38a) is a protrusion of part of the uveal layer secondary to corneal inflammation (Maimonides' *Mishnah Commentary*, M. Bek. 6:2). This condition may be the same as *barkit*.

Chavarvar (B. Bek. 38b) refers to sudden blindness from nerve weakness (Maimonides, M. Bek. 6:3), blindness (*Mishneh Torah, Issurei Mizbeah* 2:7), or cataract (*Aruch*, s.v. *eever*). Some authors consider it to refer to white spots on the eye and so to be a condition resembling *barkit*. The rabbis distinguish permanent from temporary or transient *chavarvar* by repetitive examinations of the eye during an eighty day period (B. Bek. 38b). Water in the eye (ibid.) refers either to constant tearing (*Rashi*, B. Bek. 38b) or the flow of water within the eye (Maimonides, M. Bek. 6:3), which, according to some authors, refers to the development of a cataract.

Causes of eye ailments and diseases are extensively discussed in the Talmud. A woman who eats cress has bleary-eyed children; if she eats small fish she has children with small or blinking eyes; if she eats eggs, her children have large eyes (B. Ket. 60b-61a). Drinking water from rivers or pools at night is dangerous and may lead to blindness (B. Pes. 112a). Drinking water in a pot is harmful and may cause *barkit* (B. Pes. 11b; B. Git. 89a). Living in a dark house causes one's eyes to blink (B. Ber. 59a). Prolonged weeping causes the eyelashes to fall out (Gen. 29:17; B. B.B. 123a). People who live in sandy places have eyes that are *terutot* (B. Shab. 31a).

Fever

Kadachat (Lev. 26:16), *daleket*, and *charchur* (Deut. 28:22) are all types of fever. A fever in the winter is severer than in the summer (B. Yom. 29a). A furuncle called *simta* sometimes causes fever (B. A.Z. 28b). For a bee sting or eye ailment associated with fever, bathing is dangerous (ibid.). One should visit a sick patient only after the fever subsides (B. Ned. 41a). Circumcision is postponed for a baby with fever (B. Yeb. 70a). Patients with fever often go for days without eating; hence the hypothesis that "fever nourishes" (B. San. 108b). If fever is not life threatening, it is salutary to the body, but one sage said: "I want neither the fever nor the theriac" (B. Ned. 41a).

Numerous folk remedies are discussed for fever (B. Shab. 67a; B. Git. 67b). Radishes are good for a patient with fever (B. A.Z. 28b). A fever present for two days is an indication for bloodletting (B. Git. 67b). The nail from the gallows of an executed person is efficacious against the febrile illness *ababita* (Y. Shab. 6:8). One sage with fever was cured by an incantation (Song Rabbah 2:16). When Rav died people took dirt from his grave as a remedy for quotidian fever (B. San. 47b). Assi died of pyemia with high fever (B. Ned. 36b). Burning fevers are considered life-threatening (B. A.Z. 28a). Fig juice was rubbed on one such patient (B. Pes. 25b). Another was treated with exorcism (B. Shab. 67a).

Gigantism

Giants existed in biblical times (Gen. 6:4; Gen. Rabbah 31:12). The spies whom Moses sent to explore the promised land claimed they saw giants (Num. 13:33). Og, king of Bashan, was the only giant remaining in his kingdom (Deut. 3:11). His bed was nine cubits long and four cubits wide, and his thigh bone was more than three parasangs long (B. Nid. 24b). Josephus describes giants

in Hebron (*Antiquities*, Book 5, Chap. 2:3). The Philistine Goliath was a giant (1 Sam. 17:4), and his exploits are described in the Talmud (B. Sot. 42b). Whether or not any of these giants were acromegalics cannot be established with any degree of certainty.

The biblical term *sarua* (Lev. 21:18) is interpreted to refer to excessive growth and size of one limb, disqualifying such a priest from serving in the Temple (B. Bek. 3b). Ben Batiach is said to have had an unusually large hand or fist (B. Kel. 17:12). A certain R. Ishmael is also said to have had huge hands and was able to grasp four *kabs* in one of them (B. Yom. 47a). Tall stature (gigantism?) was thought to be hereditary, in that the offspring of a tall man who marries a tall woman are tall children (B. Bek. 45b). The terms *kippuach* (T. Ber. 7:3; Y. Ber. 9:13) and *kippeach* (B. Bek. 7:6; B. Ber. 58b) refer to a very tall person or a giant (B. Bek. 45b). A series of very tall rabbis is enumerated in the Talmud (B. Nid. 24b).

Gonorrhea

A male with flux from his genitalia (Lev. 15:2ff.) is called a *zav* (Lev. 15:1–18), and a woman with intermenstrual flux is called a *zava* (Lev. 15:25–28). After the first emission, the man is called a *baal keri* and is ritually unclean for the day. After the second emission, he is unclean and has to count seven days, wash his garments, immerse in a ritual bath, and wait for sunset. After the third emission, he also has to bring sacrifices on the eighth day (B. Ned. 43b). If a woman observes a flux after her menses, she is unclean until evening. From then on, she is "on the wait" and, if there is a flux on the second day, she becomes unclean for seven days. A third day certifies her as gonorrheic, and she must then bring a sacrifice after ritual purification (B. Zab. 2:3).

Excessive eating and drinking was thought to be a cause of gonorrhea (B. Yom. 18a; B. Qid. 2b). A sufferer from gonorrhea who has a seminal emission requires ritual ablution (B. Ber. 26a). He or she may take the bath during the day (B. Yom. 6b), even in swiftly running waters (ibid., 78a), and even on Yom Kippur (ibid., 88a). A man with gonorrhea causes defilement by touching or carrying (B. B.Q. 25a). He cannot eat the paschal lamb (B. Bek. 33a). His spittle is the direct cause of levitical impurity (Lev. 15:18; B. Bek. 38a). He must examine himself to determine the number of emissions he has had (B. Nid. 13a). A woman can have gonorrhea before or after she gives birth (B. Ker. 9b).

When Israel stood at Mount Sinai, there were none among them with gonorrhea or leprosy (Lev. Rabbah 18:4). In the desert, however, people with gonorrhea were sent out of the camp (Num. 5:2). Gonorrheal flux and sperm emission differ in that the former resembles incubated egg whites and is pale, whereas sperm is "bound" and resembles the white of eggs (T. Zab. 2:4). Sperm issues from an erect penis whereas flux issues from a flaccid penis.

Gout

King Asa of Judah (915–875 B.C.E.) reigned for over forty years. In his old age he suffered from a disease in his feet considered to be gout (1 Kings 15:23). The Talmud (B. San. 48b, B. Sot. 10a) describes his illness as podagra, which feels "like a needle in the raw flesh." R. Nahman also suffered from it. Rashi (B. San. 48b) states that the name of this illness, podagra, "is the same even in our language," i.e., French, Rashi's native tongue. The expression "like a needle in the raw flesh" is used elsewhere in the Talmud (B. Ber. 18b, B. Shab. 13b, and 152a). Further mention of Asa's illness is found in 2 Chr. 16:12.

Another pertinent reference to gout is at M. Shab. 6:6, which describes a foot ailment called *tzinit*. The Jerusalem Talmud interprets this word to mean podagra or gout (Y. Shab. 6:8). The Babylonian Talmud, however, considers *tzinit* to refer to a corn or bunion (B. Shab. 65a).

Headache

The famous talmudic sage Rab said that he can tolerate any pain except headache (B. Shab. 11a). Another famous rabbi suffered

from headaches for seven weeks following his drinking of the four prescribed cups of wine on the first night of Passover (Ecc. Rabbah 8:1; B. Ned. 49b). Yet another talmudic sage was unable to wear the head phylactery during the summer because his head was heavy from the heat (Y. Ber. 2:4). The final illness of Titus, in which a gnat flew into his nose, ascended into his head, and gave him incessant headaches, is vividly depicted in the Talmud (B. Git. 56b). An eminent rabbi cried out that the generation of the deluge brought headaches on humankind (Gen. Rabbah 34:11). A king once reminded his son about the place where the latter had a headache (Num. Rabbah 23:3).

One cause of headaches is the blowing away of the froth or foam of beverages such as beer or mead (B. Hul. 105b). Divinely induced headaches require repentance and the performance of good deeds (B. Shab. 32a). When Jabez prayed to the Lord to keep evil away from him (1 Chr. 4:10), he was referring to headache (B. Tem. 16a). Another remedy for headache is to study Torah (B. Erub. 54a), because the words of Torah are an ornament of grace on one's head (Prov. 1:9). The standard medical therapy for headache was to rub the head with wine, vinegar, or oil (T. Shab. 12:11; Y. M.S. 2:53). A person with a headache should imagine that he is being put in irons (B. Shab. 32a).

Someone with a headache is exempt from living in a *sukkah* (booth) on the Festival of Sukkot (B. Suk. 26a). One should not visit patients with headache because speech is said to be harmful to them (B. Ned. 41a). Perhaps they prefer to lie quietly without speaking. The name of King Ahasuerus, associated with the holiday of Purim, is interpreted to mean headache inducer (Hebrew: *chash berosh*) (Esther Rabbah 1:3; B. Meg. 11a).

Plethora or an excess of blood is the cause of many illnesses (B. B.B. 58b) including migraine or hemicrania of the ancients. People or animals with congestion or plethora were placed in cold water to cool off (B. Shab. 53b). Once such an animal cools off, its flesh is not harmful for human consumption (T. Hul. 3:19). A variety of folk remedies are detailed in the Talmud to treat blood rushing to the head and migraine (B. Git. 68b). Animals with plethora were also treated with phlebotomies (T. Bek. 3:17). Leprosy is said to be caused by plethora (Lev. Rabbah 15:2; B. Bek. 44b).

Hemophilia

The sex-linked transmission of hemophilia was recognized by the talmudic sages (B. Yeb. 64b). Females carry the defective gene but are clinically healthy, and affected males suffer from this bleeding disorder. The key passage in the Talmud states (B. Yeb. 64b):

> For it was taught: "If she circumcised her first child and he died [as a result of bleeding from the operation], and a second one also died [similarly], she must not circumcise her third child." These are the words of Rabbi [Judah the Prince]. Rabban Simeon b. Gamaliel, however, said: "She may circumcise the third child but must not circumcise the fourth child."

Judah and Simeon do not differ on the question of the maternal transmission of the disease but on the number of repetitive events required to establish a pattern and to remove a subsequent similar event from the category of chance. This is a technical point of talmudic law. Although, in general, three repetitive events are necessary to establish a pattern, in matters of life and death, the view of Judah is upheld that two suffice. No other form of diagnosis was then available. The codifiers of Jewish law including Alfasi (loc. cit.), Maimonides (*Mishneh Torah, Milah* 1:18), Karo (*Shulhan Aruch, Yoreh Deah* 263:2, 3), and others all rule according to the opinion of Judah. Some Rabbinic authorities thought that males can also transmit this genetic bleeding disorder.

Hemorrhoids

The Lord smites his enemies with hemorrhoids (Ps. 78:66), as he did the Philistines (1 Sam. 5:6–12). Israelites would be similarly stricken if they sin (Deut. 28:27; B. Meg. 26b). The Talmud lists ten things that lead

to hemorrhoids: eating the leaves of reeds or vines; eating unsalted animal palates, fish spines, or insufficiently cooked salted fish; drinking wine lees; or wiping one's anus with lime, clay, or pebbles previously used by others (B. Ber. 55a; B. Shab. 81a). Fresh grass should not be used to wipe oneself, because it may tear hemorrhoids (B. Shab. 82a). He who sits too long without walking (B. Ket. 11a) or who squats to defecate without sitting down may also develop hemorrhoids (B. Ber. 55a; B. Shab. 81a). Bleeding hemorrhoids may lead to collapse (B. Ned. 22a). Dates are helpful to treat hemorrhoids (B. Ket. 10b).

Melancholy

According to Josephus (*Antiquities*, vol. 10. Chap. 2:1), King Hezekiah was afflicted with a deep depression when he became ill because he was childless. The Talmud states that he voluntarily refrained from procreating because he foresaw that his children would be wicked (B. Ber. 10a). Both Nebuchadnezzar (Dan. 4:29–34) and Saul (1 Sam. 16:14) may have suffered from melancholy.

Dates are helpful for melancholy or bad thoughts (B. Ket. 10b). Heaviness of the heart (*yukra de libba*), for which remedies are prescribed (B. Shab. 140a; B. Git. 69b), may refer to depression or melancholy.

Mental Deficiency

Although deaf people may have normal intelligence, deaf-mutes are usually mentally deficient (B. Hag. 2b). They have weak understanding (B. Yeb. 113a) and cannot reflect well (B. Mak. 6:1). The term *shoteh* for fool or imbecile means "to roam about," i.e., "absent-minded." Imbeciles are considered mentally deficient but not insane. They do not have full adult intellect and are legally equated with minors and deaf-mutes. Intermittent loss of intellect can occur in an intoxicated person suffering from *kordiakos* (B. Git. 7:1), who is temporarily confused. One's intellect weakens with advancing age (2 Sam. 19:36; B. Shab. 152b). One cannot cite proof from the action of imbeciles (B. Nid. 30b), as was once attempted in a case in which a child was found dead and the mother was suspected (B. Ket. 60b). A person can be sane at times and mad at other times (B. R.H. 28a).

Mental Illness

Mental illness or insanity (*shiga'on*) is divine punishment for wrongdoing (Deut. 28:28, 28:34; Zech. 12:4). A madman who claims he is a prophet is a false prophet (Jer. 29:26). King Nebuchadnezzar was mad in that he ate grass like oxen, and his nails grew long like bird's claws (Dan. 4:30). King Saul was terrified (1 Sam. 16:16), raved in his house (1 Sam. 18:10), stripped off his clothes, and lay naked (ibid., 19:23–24). Kind David feigned madness (ibid., 21:14).

The mentally ill go out at night alone, spend the night in the cemetery, and tear their garments and other things (B. Hag. 3b; B. San. 65b; B. Nid. 17a). A fool repeats his folly like a dog who returns to its vomit (Prov. 26:11; Lev. Rabbah 16:9). A person does not transgress unless a spirit of folly enters him (B. Sot. 3a). This includes immoral sexual behavior by wife or husband (B. Bek. 5b). A lunatic may have periods of clear or sound state of mind (B. Yeb. 31a). An intoxicated person behaves like a madman (B. Meg. 12b), because when wine enters the body, understanding leaves (Num. Rabbah 16:9). The Aramean army suffered from auditory hallucinations (2 Kings 7:6).

Mad people were put in prison (Jer. 29:26). The Talmud says that there are no medications for madmen (B. Git. 70b). A woman who killed a baby in order to remarry was said to be mad (B. Ket. 60a–b).

Paralysis

Breaking the neck of an animal causes paralysis (B. Hul. 113a). Alcimus became paralyzed before he died of apoplexy (1 Macc. 9:55). Philapator was also paralyzed and aphasic as a result of divine punishment (3 Macc. 2:22). Nabal became drunk at a

feast, "became as a stone," and died (1 Sam. 25:38). The Talmud relates that he who feigns an illness such as lameness or paralysis will actually suffer from it (Y. Pe. 8:9; B. Bek. 45b).

Several instances of hand "paralysis" or incapacity include the cases of Eleazar (2 Sam. 23:10), Benjaminite soldiers (Judges 20:16), Ehud (Judges 3:15), and Jeroboam (1 Kings 13:4).

Puerperal Illness

Puerperal bleeding is considered part of normal birthing (B. Nid. 21b) and renders the parturient woman ritually unclean. Such a woman's limbs are disjointed and her natural strength does not return for two years (B. Nid. 9a). The puerperal illness known as *kuda* (B. A.Z. 29a) is, according to the commentaries, a cold that the woman caught on the birth stool. A herbal potion is prescribed for its treatment (ibid.). Death during childbirth is frequently mentioned in the Talmud, sometimes as punishment for not fulfilling religious precepts (B. Shab. 2:6). The death of a woman in confinement (B. Erub. 41b) may have been due to puerperal sepsis. Rachel (Gen. 35:18), the wife of Phinehas (1 Sam. 4:20), Michael, wife of King David (2 Sam. 6:23; B. San. 21a), and Queen Esther (B. Meg. 13a) all died during childbirth.

Rabies

Rabies (hydrophobia) is a disease of great antiquity, having been described in the pre-Mosaic Eshnuna Code of ancient Mesopotamia about four thousand years ago. Regarding bites of a rabid dog, M. Yom. 8:6 states: "If one was bitten by a mad dog, he may not be given the lobe of its liver to eat, but R. Matia b. Cheresh permits it."

The therapeutic use of parts of the rabid animal, particularly the liver, for individuals bitten by such an animal, was recommended by many ancient physicians. In the Talmud, only Matia b. Cheresh, who lived in Rome, advocates and permits this type of therapy, since he believed in its curative values, perhaps a forerunner of modern homeopathics). The other sages deny its curative value and hence prohibit its use, since it is derived from a non-kosher animal.

The Talmud describes the behavior of a mad dog and cautions against even only rubbing against it, lest one develop symptoms of hydrophobia. One talmudic sage recommends that one kill the rabid dog and avoid any direct contact with it (B. Yom. 83b). From these talmudic statements, it is obvious that the etiology of rabies was not understood, although the symptomatology was correctly recognized. Folk remedies for the treatment of someone bitten by a mad dog are presented in some detail (B. Yom. 84a).

The Y. Yom. 8:5 relates that Judah the Prince gave "liver" to his Germanic servant, who had been bitten by a mad dog, but in vain. The patient died, from which the Talmud concludes: "let no man tell you that he was bitten by a mad dog and lived." This statement is also found elsewhere in the Jerusalem Talmud (Y. Ber. 8:5).

A final statement dealing with the bite of a mad dog is found in B. Shab. 121b: R. Joshua b. Levi said: "All animals that cause injury [i.e., kill] may be killed [even] on the Sabbath." R. Joseph objected. "Five may be killed on the Sabbath, and these are they: the Egyptian fly, the hornet of Nineveh, the scorpion of Adiabene, the snake in the land of Israel, and a mad dog anywhere." This ruling is codified by Maimonides (*Mishneh Torah,* B. Shab. 11:4) and Karo (*Shulhan Aruch, Orach Chayim* 316:10). Other animal bites are mentioned in the Talmud (B. Yom. 49a, B. Hul. 7b, B. B.Q. 84a), but the wound inflicted was probably not associated with rabies.

Sciatica

The Patriarch Jacob wrestled with the angel of God and was wounded in his sciatic nerve and limped (Gen. 32:26ff.). Since then the consumption of this nerve is prohibited to Jews by divine decree (Gen. 32:33). The Talmud gives instructions about how to remove the sciatic nerve from freshly slaughtered animals (B. Hul. 89b). The removal

of this nerve and its tributaries is quite difficult and requires considerable skill.

The talmudic term *shigrona* (B. Git. 69b) refers to sciatica. A ewe who dragged its hind legs was found at autopsy to be suffering from this malady (B. Hul. 51a, 59a). The treatment for this condition is to rub fish brine sixty times on each hip (B. Git. 69b). A person with pain in the loins was told to rub them with wine and vinegar or with oil, especially rose oil (B. Shab. 14:4).

Scurvy

A disease called *tzafdinah* is described in the Talmud in which gum bleeding is the major symptom. *Tzafdinah* in most Jewish sources, in both the classic German and English versions of the Talmud, as well as in modern Hebrew dictionaries is translated as scurvy. Yohanan suffered from *tzafdinah* and went to a Roman matron seeking a remedy (B. Yom. 84a). The symptoms of this disease are that if one puts anything between the teeth, the gums bleed. The story of Yohanan's scurvy and the remedy provided by the Roman matron is found elsewhere in the Talmud (B. A.Z. 28a) with minor variations.

Another talmudic passage states the following: R. Matia b. Cheresh said: "If one has pain in his throat, he may pour medicine into his mouth on the Sabbath, because there is a possibility of danger to human life, and every danger to human life suspends the laws of the Sabbath" (M. Yom. 8:6). Some talmudic commentators, notably Alfasi and Asheri, interpret this passage literally. Others, however, notably *Tur*, Bertinoro, and *Tosafot Yom Tov*, change the phrase "pain in the throat" to "pain in the teeth so that the gums begin to rot and the palate and throat become secondarily involved." Also supporting the latter viewpoint is Maimonides, who states in his commentary on the Mishnah, that "pain in the mouth means the gums, which are rotting, and if nothing is done, the palate will also rot." Whether Matia b. Cheresh described scurvy or another malady of the mouth, teeth, gums, and throat cannot be answered with certainty.

Another sage who suffered from presumed scurvy is Judah the Prince (B. B.M. 85a). He observed that Eleazar b. Simeon had submitted to much suffering for which he was divinely rewarded, in that his body remained intact, defying decomposition and decay, for many years. Thereupon Judah the Prince undertook to suffer likewise for thirteen years, six through stones in the kidneys or bladder and seven through scurvy. The talmudic word for scurvy here is *tzipparna*, which is a variation of *tzafdinah*. Nathan b. Yechiel states that the manuscript versions of the Talmud in fact have the word *tzafdinah*. The English translation of the Talmud also renders *tzipparna* as scurvy.

That *tzafdinah* is an affliction of the teeth that is a potential hazard to life because it begins in the mouth but spreads to the intestines is also evident from the Jerusalem Talmud (Y. A.Z. 2:2, 10b). Whether *tzafdinah* represents true scurvy, as appears to be the opinion of most talmudic commentators and translators, or whether it is another ailment, such as pyorrhea, thrush, tooth abscess, or the like, as the medical description in the Talmud would appear to indicate, is a problem that may never be resolved.

Sterility

A hornet sting in the testicles (B. Sot. 36a), other serious injury to the testicles (B. Yeb. 75b), or severe brain injury can produce sterility (B. Hul. 45b). An oral potion used to treat jaundice may produce sterility (B. Shab. 109b–110b; 109b–110b; B. Yeb. 65b). A eunuch and an *aylonit* are obviously sterile. Famous barren women in the Bible are discussed elsewhere [see under Childlessness, above]. Men may be the infertile partner in some sterile marriages (Num. Rabbah 10:5). Isaac is said to have been infertile at first (B. Yeb. 64a). Some Torah scholars become impotent because of long talmudic discourses during which they hold back their micturition (B. Yeb. 64b). The sickness *raatan* (leprosy?) may interfere with potency (Lev. Rabbah 16:1). Illness in a man may lead to impotency (ibid.), as may psychic causes (Y. Ned. 11:42) and severe hunger (B. Ket. 10b). A man with hypospadias is sterile (B. Yeb. 76a) unless it is surgically corrected.

Sunstroke

Elisha the prophet promised the birth of a son to a barren woman from the town of Shunam who showed him hospitality. The prophecy was fulfilled but was followed by the tragic death of the boy from sunstroke (2 Kings 4:17–20). The child's revival by Elisha is then described (ibid., 34–35).

Some interpret this incident as of purely miraculous connotation. Radak, however, states that Elisha attempted to breathe on the child in order to provide warmth from the natural body heat that emanated from his mouth and eyes. Radak further states that most miracles are performed with direction and guidance from worldly and natural actions. *Metzudat David* states that Elisha tried to pour some of the life of his own body into the limbs of the child. Ralbag gives an identical interpretation but adds that "he [Elisha] did this after he prayed." Ralbag and Radak thus seem to consider a combination of natural and miraculous events as having contributed to the child's revival.

The type of illness that afflicted the child is clearly enunciated in the Jerusalem Talmud: "R. Manna stated that at harvest time accidents happen, because the sun only blazes on a person's head at harvest time, as it is written: 'And when the child was grown, it happened on a day, that he went out to his father to the reapers'" (Y. Yeb. 15:2).

The talmudic commentary *Korban Ha'-Edah* explains that at harvest time, a person may faint from the scorching sun and die. Another talmudic commentary, *Penei Moshe*, states that sickness or even death occurs at harvest time, because of the torrid sun, as in the case of the Shunammite boy. The same two commentaries interpret the phrase "who hast protected my head in the day of battle" (Ps. 140:8) to refer to sunstroke. The "day of battle" is thought to be the "day when winter kisses the summer;" thus, when summer ends and winter begins, one should cover one's head to avoid sunstroke in accordance with the aphorism, "The end of the summer is worse than the summer."

Another incident, nearly identical to that of Elisha and the Shunammite woman's child, is described in 1 Kings 17. Elijah, the predecessor of Elisha, warns King Ahab of Israel (reigned ca. 875–853 B.C.E.) of a drought that would last for several years. To escape the drought, Elijah traveled to Zarephath, where he received hospitality from a widow who had an only son who fell sick and died because "there was no breath left in him" (I Kings 17:17–22). This phrase is interpreted by Josephus to mean that he appeared to be dead (*Antiquities* 8, 13, 3). Most biblical commentators, however, including Rashi, Ralbag, *Metzudat David*, and Radak, believe that the boy actually died.

Whether or not this boy also died of sunstroke is impossible to state, nor do the commentaries shed any light on the question. Although the precise clinical picture of heatstroke is not described in the Bible and Talmud, there seems little doubt that this medical entity was recognized at that time and was the cause of death in the case of the Shunammite boy.

Surgery

In talmudic times, the surgeon wore a leather apron (M. Kel. 26:5), strapped the patient to the table (T. Sheq 1:6), and used his knife (Exod. Rabbah 26:2) or other instruments that he kept in a special box (M. Kel. 16:8). Eleazar was given a sleeping potion (anesthetic?), taken into a marble chamber (operating room?), had his abdomen opened (laparotomy), and a lot of fat was removed (adiposectomy) (B. B.M. 83b–84a). An operation to "smooth" a fissured penis (hypospadias repair?) is described (B. Yeb. 75b). Operations to undo circumcision were performed in ancient times for social and personal reasons (epispasm). Surgical removal of the spleen was carried out without fatal results (B. San. 21b). Needles were used for extracting thorns (ibid., 84b). A surgeon who operates to save a person's life is not liable for the "wound" he inflicts (ibid.).

Wounds

Self-wounding (1 Kings 18:28) is biblically prohibited (Lev. 21:5, 19:28). Inflicting wounds on another (Lev. 24:19) or a pregnant woman (Exod., 21:22) is a punishable offense (B. Shab. 106a). A child is forbidden to wound a parent (B. San. 84b). Nevertheless, Abner pierced Asahel (2 Sam. 2:23), and Joab pierced Abner (ibid., 3:27). Spear wounds are often fatal (B. Yeb. 114b). Perforation of the aorta is a fatal wound (B. Hul. 45b). A hole in the trachea may not be fatal (B. Hul. 44a). Perforation or cutting of the esophagus is a life-threatening wound (B. Hul. 43a; B. Yeb. 120b). Heart wounds (B. Hul. 45b) are discussed. Severed sinews or arteries usually result in death (B. Yeb. 16:3), although cauterization of the wound may prevent death (ibid., 120b). Defloration is considered to be a wound (B. Nid. 10:1). He who feigns a wound will eventually suffer from one (T. Pe. 4:14).

Wounds can sprout and granulate (Is. 1:6) or be flabby and atonic (Jer. 14:17, 15:18). The wound heals when flesh heaps up (ibid., 30:13) but does so differently in various people (B. B.Q. 84a) and more rapidly in children (B. Shab. 134b). Scraped cynodon root brings on flesh (B. A.Z. 28a). In biblical times, wounds were treated by pressing, bandaging, and oil fomenting (Is. 1:6). The balm of Gilead (wound balsam) was a famous wound healing salve (Jer. 8:22; B. San. 77b). Cotton or lint cloths and sponges, as well as garlic and onion peels, are bandaged and tied on the would (T. Shab. 5:3–4). The sponge acts as a wound protector (Lev. Rabbah 15:4). Rushes or reeds were also used and wrapped around an injured finger (B. Erub. 103b). Flocks of wool were also applied to the wound (B. Shab. 50a), with or without emollients or plasters (B. Yeb. 114b). The plasters were replaced when necessary (B. Erub. 102b). Chewed wheat kernels (B. Ket. 103a) and caraway (B. Shab. 19:2) are also healing in their effect. Wounds are anointed with oil and hot water even on the Sabbath (B. Shab. 128a), because they are considered dangerous if not promptly treated.

People also used manure from dung heaps as bandaging material (B. A.Z. 28a). Cauterization of arterial cuts (T. Yeb. 14:4), leprous lesions (B. Neg. 7P4), and compound bone fractures (T. Hul. 3:6) was also practiced in talmudic times. Cress in vinegar was used as a hemostatic (B. A.Z. 28a). Vinegar also heals wounds on the teeth or gums (B. Shab. 111a). Medicine was applied to the thigh wound of Abbahu (B. A.Z. 28a). Ashi sustained a wound when a donkey trod on his foot. He rubbed it with oil of roses (B. Shab. 109a).

An animal with a wound from rubbing against a wall or from a heavy saddle is treated with honey (B. Shab. 8:1; B. B.M. 38b) or squashed snails (B. Shab. 77b) applied to the wound. It is also given honey to eat (ibid., 154a). In humans, however, ingestion of honey and other sweets is harmful to wounds (B. B.Q. 85a).

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Disputes on Law in Rabbinic Judaism

In the Halakhic documents, the Mishnah, Tosefta, Yerushalmi, and Bavli, Rabbinic sages ubiquitously record disagreements on matters of law. But disputes reinforce the unity of the law at its fundamental levels. Conflicts between authorities underscore the prevailing consensus about fundamental truth. Indicators of concurrence in deep structures of thought abound even—or especially—in the context of disputes, properly

situated in perspective and proportion. Conflict concerns detail, consensus, governing principle. Seen in proportion to the entire repertoire of rulings, moreover, disputes form a modest proportion of the entire corpus of laws and theology and exegesis. The dispute forms a necessary component of the statement of the law and of theology, it bears within itself signals in no other way set forth in that statement. When we decipher those signals, we gain access to the full and complete program of the framers of Rabbinic discourse. To that program, the dispute was an integral component. But what it signaled is consensus not conflict. It forms an integral part of the normative message, clarifying, imparting nuance to, the presentation of that coherent statement.

So the dispute defines a principal part of the Rabbinic discourse in law and theology. That priority accorded to disputes as media of clarification and boundary-setting comes to expression in the sages' invention of a literary form for preserving disputes: *statement of an issue, X says . . . Y says . . .* and variations. That form is absolutely unique, in the context of the diverse Judaic systems and their writings, to the Rabbinic canon. And that is a form that transcends documentary lines that distinguish one component of the Rabbinic canon from another, doing so in a manner in which in that setting few fixed forms do. It moves from the Mishnah and the Tosefta through both Talmuds and finds a comfortable and capacious place also in the classical Midrash-compilations. That same insistence registers when the Rabbinic documents not only preserve conflicting opinion but do so, in general, without resolving the conflict in a systematic, determinate fashion. Indeed, without distinguishing the norm from the anomaly, the Rabbinic disputes appear to open the way to confusion and chaos at the very heart of the law, all the more so, in the interior spaces of the theology, of Rabbinic Judaism. But, in context, what is subject to dispute underscores what sustains an iron consensus. The indeterminate triviality highlights the unstated but implicit dogma of theology and law alike. These facts characterize the Halakhic documents.

First, disagreements concern secondary and tertiary issues. They therefore reinforce the norm by identifying as moot only trivial details. Thus the generative propositions of the law, tractate by tractate, as well as those of theology, composite by composite, are never called into question by named parties to a dispute or subjected to conflicting opinion; when we reach the foundations of a tractate, its principles and problematics, we encounter an iron consensus beyond all dispute.

Second, alternatively, disputes articulate unresolved conflict over generative principles. Sometimes, in the presentation of topics of the law, disputes not only indicate the range of consensus but bring to expression conflicting alternatives, theories that claim equal validity but contradict one another. In that case, disputes form a medium for the hermeneutics of the topic, not only outlining what lies beyond all conflict but also legitimating conflicting readings of it.

Third, as yet another trait of disputes, in some presentations of the law and theology they simply gloss details in the application of accepted principles. They form a part of the exercise of legal or theological exegesis, filling in gaps with alternative facts. Where the consensus of the law is firm and its articulation determinate, there disputes serve only to clarify minor matters indeed.

The first theory of disputes is set forth through Makhshirin, on which we concentrate our attention.

Conflict Underscores Consensus

Disputes are so set forth in the Rabbinic writings as to underscore the underlying consensus on fundamental propositions. They address details but never challenge generative conceptions. It follows that the function of the dispute in the Halakhic documents is to signal what is *not* subject to dispute at all. That corpus of laws beyond all dispute points to the consensus of the sages and the norm of the law. When we can say with certainty that the disputes in a given document over secondary issues show all parties in concert upon the primary ones, we see what it means to allege that contention underscores consensus.

That proposal requires a systematic account of the propositions of a given topical exposition and their logical relationships. I therefore have to define the generative principles of the Mishnah's exposition of a legal topic (tractate). Once we have defined the foundations of the law and demonstrated that disputes enter in at a second or third layer of exposition but never concern those foundations, we establish a context for assessing the pertinence of disputes in the presentation of the law. Do the disputants contend about what is fundamental or what is subsidiary, and how do we know the difference?

This is not a historical exercise, but one of applied reason and practical logic. So the attributions of points in conflict to named sages play no probative role. At issue is not a judgment concerning temporal sequences in which opinions are framed, a judgment resting on attributions of statements in ordinal sequence to named authorities. Rather, at issue is the identification of what questions had to have been resolved in order to sustain what I deem a secondary amplification or refinement of the law. As it happens, the secondary developments in a given tractates logical unfolding match the sequence in the sages to whom sayings are attributed, what is primary going to an earlier authority, what is secondary to a later one (ordinarily: primary to the master, secondary to the disciple).

The Law of Makhshirin

Mishnah-Tosefta Makhshirin forms an essay on the centrality of human intentionality in inaugurating the process by which the sources of contamination take effect upon the foci and loci of contamination: the persons, things, and locations that can be affected by uncleanness. Only deliberate action by man renders a utensil or food susceptible to uncleanness. The Rabbinic system of uncleanness defines a particular role for man. Nature alone can produce that which contaminates, and nature alone can produce that which purifies. But man by action made consequential by intention renders susceptible to uncleanness that which he values, finds useful, deems worthwhile, whether utensils or food. Specifically, human agency inaugurates the processes of contamination, so the system is activated by the work of thinking man, which renders susceptible to uncleanness that which man values. Natural sources of uncleanness, natural media of purification—these await the pleasure of man to do their work. So much for the Halakhic context of tractate Makhshirin.

Here we deal, specifically, with the role of man in imparting susceptibility to uncleanness to foodstuffs. Man's intentionality is what renders food susceptible. The context is defined by sages' reading of the law of the written Torah that food that is dry is insusceptible to uncleanness, but food that is wet is susceptible. That notion cannot puzzle sages, who, after all, understand corpse-uncleanness as a viscous liquid that flows in the dimensions of a square handbreadth. If corpse-uncleanness is the model of other uncleanness, then sages will deem quite routine the notion that uncleanness of other classifications, e.g., that which exudes from the dead creeping thing, will correspond; now, it is to what is wet that that same viscous liquid flows, so it would seem.

But what has all this to do with man's intentionality? The premise on which all else in tractate Makhshirin rests is, man's intention in wetting down produce is required for the produce to be susceptible to uncleanness. If man does not intend to add, e.g., water to flour and yeast to make bread, the accidental wetting down of the flour and yeast bears no consequence; the flour is as insusceptible to uncleanness as it was before it was wet down.

The halakhic exposition of Makhshirin takes as fact that if produce is wet down by man's deliberate action, that is, by an informed intentionality confirmed by a concrete deed, then it is susceptible to uncleanness. But if produce is wet down naturally, on the one side, or by some action not initiated by man, on the other, then the produce is not rendered susceptible to uncleanness—even though it is wet. Then the Halakhah of Makhshirin will find its problematics in the nature and meaning of intentionality, and problem after problem will explore the concrete implications of

conflicting positions on one issue: is intentionality without action effective, or do we require a deed to confirm the attitude that we impute to a person? But not a single dispute calls into question the generative principle of the tractate.

Before proceeding let me clarify the matter by giving a concrete case. A householder takes flour, which is dry and has not been deliberately wet down. Why not? Because once wet down, the flour molders. The householder further takes yeast. And, putting the two together, the householder adds water. At that moment, when the process of kneading dough to bake bread commences with the irrigation of the yeast and the dough, the moment at which the dough congeals and the yeast buds and ferments, producing its sugar, its carbon dioxide, and its ethanol—at that exact moment, the instant of animation, at which the bread begins to live, the householder goes on the alert for dangers to the bread—and so throughout. So in a cuisine based on bread (not potatoes, not rice, for example) what is at stake in "wetting down seed," based on the analogy of adding water to dry flour and yeast, is the point at which vegetation begins the process by which it becomes maximally edible and useful to the householder.

Then—at that moment—the state of sanctification, which inheres and is normal for the Israelite household, comes under threat from the source of uncleanness, such as corpse—uncleanness and its analogues, that the Torah has identified. The moment of wetting grain down defines the hour of conflict between life and death—and this in concrete ways. No wonder that, then, at the very time, the act done with deliberation precipitates the conflict. But that is only if the householder cares. If the householder does not intend the dough to congeal and the yeast to rise, nothing of consequence happens. It is the Israelite's will and intention and the act that realizes them that endow with consequence what by nature happens willy-nilly. No named sage calls into question that basic conception of the Halakhah, and no anonymous formulation of the Halakhah contradicts it either.

Scripture contributes the facts, sages the problematics concerning intentionality and its articulation. That is to say, sages understand Lev. 11:34, 37, to hold that produce that is dry is unaffected by uncleanness from any source and falls outside of the system. Only when produce is wet down is it susceptible. They further take as a fact what Scripture does not announce, which is that produce that is wet down by the intent of the owner is affected, but that wet down inadvertently, under duress, or by third parties is not. We look in vain for the Scripture's recognition of that fact. Bu the entire exposition of the Halakhah consists in refining and developing the implications of the condition of intentional wetting down. The pertinent verses are these:

> Lev. 11:29–34, pass.: "And these are unclean to you among the swarming things that swarm upon the earth . . . These are unclean to you among all that swarm; whoever touches them when they are dead shall be unclean until the evening. And anything upon which any of them falls when they are dead shall be unclean. . . . And if any of them falls into any earthen vessel, all that is in it shall be unclean, and you shall break it. Any food in it that may be eaten, upon which water may come, shall be unclean; and all drink that may be drunk from every such vessel shall be unclean."
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> Lev. 11:37: "And if any part of their carcass falls upon any seed for sowing that is to be sown, it is clean; but if water be put on the seed and any part of their carcass falls on it, it is unclean to you."

The predicate that is yielded, for the formulation of the law, by the pertinent verses is, "If water be put . . .," meaning, if the farmer deliberately wets down seed or produce, then the produce is susceptible to uncleanness and is made unclean by any source of uncleanness (not just a dead creeping thing), a detail of the process of homogenization, as to effect, of the sources of uncleanness to which reference is made in the preceding chapter.

The Problematics of the Topic, Makhshirin

Some categories of Halakhic problematics encompass diverse Halakhic topics. Problems common to many topics and not distinctive to any one of them involve questions of

mixtures and matters of doubt in connection with mixtures and issues of probability. Others fit into a variety of Halakhic categories but come to expression with special clarity in one category rather than in some other. The Halakhah of Makhshirin provides a remarkably comfortable home for one of them.

Specifically, the Halakhah before us forms a sustained essay on the problematics inherent in the theme, human intentionality. The opening question is, what happens if I change my mind? If I want something but then decide I do not want it, does that change of attitude affect the outcome? No, the Halakhah maintains, it does not. That is expressed in a simple way: Any liquid which in the beginning is acceptable, even though at the end it is not acceptable, or which at the end is acceptable, even though at the beginning it is not acceptable—lo, this is under the law, "If water be put." Concomitantly, do I have the power by an act of will to overcome a physical actuality? If liquid is unclean, can the fact that I do not want the liquid to wet down my produce prevent contamination of my produce? Predictably, since uncleanness works ex opere operato, uncleanness takes effect at the very moment of contact with the produce, and my will that the produce stay draw is null: Unclean liquids impart uncleanness [whether they are] acceptable or not acceptable.

Neither rule presents any surprises. Intention is temporally indivisible. Liquid gains but never loses the capacity to impart susceptibility to uncleanness and to render that on which it falls susceptible. Then if I want the liquid to fall in a given place and some of it does and some does not, then the liquid that has fallen other than where I want it is not deemed capable of imparting susceptibility to uncleanness (the Hillelite view being normative as usual). The contrary position is that all of the liquid has been subject to intentionality, while the normative view is that only part of the liquid has conformed to my intention.

The really critical and generative question asks about the relationship of action to intentionality. You did it, therefore you wanted to do it, the action confirms the prior intention. That is one view. The other asks, Do we decide on the basis of what one has done the character of his prior intention, that is, of what he intended to do? Maybe, maybe not. If I take up water in order to pour it out, does my ultimate action in pouring out the water govern the interpretation of my original plan for the water? If it does, then even though for a time I might have wanted the water in its present location, by my final disposition of the water, I have defined that original intention and determined that the water never was wanted; therefore, retrospectively it does not impart susceptibility to uncleanness.

We have a variety of positions. They are identified with particular authorities, all of them disciples of the sages in whose names primary positions are set forth, especially Aqiba. The first is, [1] intention without action is null; [2] action is retrospectively determinative of the character of intention—we judge the intention by the result. A further view is that prior intention plays a balancing role in the interpretation of the status of the water. We do not decide solely by what one has done, by the ultimate disposition of the water. So if one's action never was intended to bring down water, the water is not utilized intentionally and does not impart susceptibility to uncleanness. Or the deed dictates the character of the intent, and the result is paramount in interpreting the means. Or what one wanted has to be balanced against what has happened. If one wants the water to fall, that is not the end of the matter; he wants it to fall in a particular place, and it falls both there and elsewhere; then what has served his purpose imparts susceptibility, and what does not serve one's purpose does not. What is incidental to one's main purpose is not taken into account, and that is without regard to the ultimate consequence of one's deeds. And then there is the possibility of distinguishing immediate from ultimate result, primary from subordinate outcome, and so on.

In applying the principle that water drawn ("detached") and used with approval imparts susceptibility to uncleanness, the Halakhah raises these secondary issues: do various substances absorb liquid, does someone intend

that the liquid be absorbed; and, of greatest interest, is intention signified solely by confirming action? Then the source of water forms a variable. If wheat absorbs water that was sprinkled, it is susceptible; but if it is moistened through the moisture of a rock—floor, then it is not. Then again, we ask about primary and subsidiary intentionality. If one gathers grass in the morning, the dew on the grass does not impart susceptibility to uncleanness to wheat. The man's primary intent was to gather not dew but grass. If he wanted the dew to dampen the wheat, then the wheat has been rendered susceptible. Further, one sage takes the view that we assess one's attitude toward a situation solely in terms of what he actually does. If rain falls on grain, he is glad to have the grain wet down. But unless he does some deed that serves to wet the grain down, that attitude alone is of no effect. An action then retrospectively indicates one's original attitude. Secondary disputes underscore that primary position. Finally, we take account of the status of sequences of "wetting down," so that water that is wanted and imparts susceptibility to uncleanness is washed away by water that is not wanted and removes susceptibility. This is expressed in the case of the two rivers: He who immersed in a river, and there was before him another river—the water of the second river renders insusceptible [the water of the first. If his fellow in drunkenness pushed him in to the second river, and so his beast, the water of the second river renders insusceptible the water of the first. So too water that is incidental to the utilization of a utensil is not detached with approval and does not impart susceptibility to uncleanness.

The relevance of these theoretical issues to our inquiry cannot be missed. The disputes that mark the exposition of the law of Makhshirin by the Mishnah and the Tosefta invariably address these third-level issues. The primary principle that liquid that is wanted imparts susceptibility to uncleanness to formerly dry product but liquid that is not wanted does not do so is never subjected to dispute. It is that upon which everyone agrees. But that concurrence is what has revolutionized the reading of Scripture at Lev. 11:34, 37.

Generative and Subsidiary Principles of Makhshirin

What Scripture treats as a matter of fixed and final classification—something is either wet or dry—is transformed by the Halakhah of the Mishnah as amplified by the Tosefta into a matter that is relative and contingent. What results is that the consideration of whether or not something is wet down in the end is subordinated to attitude and circumstance. To state matters simply: in the present context, as in Kelim and Tohorot, for utensils and food alike, the householder has the power to inaugurate the working of the system. The susceptibility to uncleanness of utensils and food is relative to the attitude and will of the householder. What is wet is not necessarily susceptible to uncleanness. The matter is relative, not absolute, extrinsic and contingent, not material and inexorable; it is dependent on circumstance and intention, not uncontingent. It would be difficult to state more explicitly, or radically, the position that all things are relative to intentionality than in the Halakhah that differentiates in connection with the same bundle of leeks water that imparts susceptibility to uncleanness from water that does not. The entire corpus of Halakhah at hand celebrates the primacy of human wishes: water that has in its history conformed to a man's wishes—at some point man has lifted it up and shown that he wants it for some purpose—has the capacity to impart susceptibility to uncleanness, and water that has not remains neutral in the system. The upshot of the Halakhah may be stated very simply:

1. Liquids impart susceptibility to uncleanness only if they are useful to man, drawn with approval, subject to human deliberation and intention.
2. Liquids that can impart susceptibility to uncleanness do so only if they serve a person's purpose, are deliberately applied to produce, irrigate something through human deliberation and intention.

What then does the Halakhah say about the sacralization and desacralization of the household? It introduces the notion that the

householder bears responsibility in a realm of reality other than the interpersonal, the concrete, and the material. The household finds its definition, also, in the formation of an intangible world, an impalpable reality of analogies and metaphors, to which the householder and every person in his ménage must remain sentient. The sanctions and consequences of interpersonal relationships, actions and events, take place in a realm of morality and duty. Not stealing, not committing adultery, not envying—these define the issues and dictate what is at stake: a moral society.

But what matters in the realm of sanctification and uncleanness, in that domain of imagination, to form the counterpart? The issue is not righteousness and goodness, as the written Torah commands, but sanctification and aspiration to form a sanctuary, diminished by comparison to the one now in ruins to be sure, to the Lord. Moral acts of restraint—self-abnegation, abstinence, not of aggression through murder or overreaching—these find their counterpart in cultic acts of perpetual alertness for what can contaminate the holy. Preserving the cultic purity of food, including clothing and utensils, so that the household may take its place upon that continuum that the indelible sanctification of holy Israel establishes by its very presence, defines what is at stake. Remembering what one has done and what has happened, remaining ever alert to the dangers of pollution and the opportunities of sanctification represented by one's own restraint—these too derive from the Torah as the sages read it. Noting well one's own intentions and acting in full responsibility therefor—these constitute the counterpart to the moral imperatives.

In legislating for the cultic purity of the Israelite household in the model of the tabernacle and establishing rules to protect the moral order of the Israelite society—these represent sages' reading of the revealed, written Torah, which they privileged as God's word in God's own words, spoken to Moses. In Moses' record of what God had told him at Sinai, sages found concern for the holy, not only for the ethical and moral, and they identified in the facts of Scripture the building blocks of the holy, and also the just society. One may be responsible for an action involving another human being, which then falls into the category of a moral or immoral act and in the latter case produces guilt. One may be responsible for an action involving an unseen world of intangible relationships, which then falls into the category of an act of sanctification or contamination, neither one of them pertaining to one's moral condition, e.g., innocent or virtuous, on the one side, guilty on the other. But God, sages held, takes up a presence in this world in Israel, and, within Israel, in the tabernacle of Israel, with the tents of Israel arrayed round about. The consensus underscored by conflict over details bears weighty propositions.

The Halakhah emerges in that consensus as a vast construction for the sanctification of Israel in relationship to the one, the holy God. Sages found in the Torah of Moses the definition of sanctification, with its three foci: the household of Israel, sanctified in the model of the tabernacle, as God's tent and Israel's tents formed dwellings in neat array, the one in the analogue of the other; the social order, the polity of Israel, sanctified in line with the Torah's and the prophets' insistence that God takes to heart how people treat one another, responding to acts of justice and compassion and their opposite; and the realm of nature, the Land of Israel sanctified through the disposition of the abundance of gifts of the Holy Land.

The Disputes of Mishnah Makhshirin

So much for the range and depth of the Halakhic consensus, never subjected to contention within the Halakhic documents, but everywhere reinforced by those matters that are subject to contention. With these facts in hand, let us now address each dispute of Mishnah-tractate Makhshirin and ask whether what is at issue reinforces what is beyond all contention and what also forms part of the foundation of the tractate.

1:2A. He who shakes the tree to bring down from it fruit,
B. or [who shakes the tree to bring down from it] that which is unclean—

C. it is not under the law, If [water] be put.
D. [If one shakes the tree] to bring down from it liquids—
E. The House of Shammai say, "Those [drops] which fell and [those] which [remain] on it are under the law, If water be put."
F. The House of Hillel say, "Those which fall are under the law, If water be put. And those which [remain] on it are not under the law, If water be put,
G. "because [the man] intends that they should fall from [the tree in] its entirety."

1:3A. He who shakes the tree, and it fell on its fellow—
B. or [if he shakes] a bush and it fell on another [bush],
C. and under them are (1) seeds or (2) vegetables which are attached to the ground—
D. The House of Shammai say, "[They are] under the law, If water be put."
E. The House of Hillel say, "They are not under the law, If water be put."
F. Said R. Joshua in the name of Abba Yosé Holi Qofri of Tivon, "Be surprised if there is a liquid in the Torah which is unclean before a person actually intends [to make use of it] and puts it on, as it is said, And if water be put on seed (Lev. 11:18)."

1:4A. He who shakes a bunch of herbs, and they [drops of water] fell from the topside to the bottom—
B. The House of Shammai say, "[They are] under the law, If water be put.
C. The House of Hillel say, "They are not under the law, If water be put."
D. Said the House of Hillel to the House of Shammai, "And is it not so [that in the case of] one who shakes off the stalk [of a plant], do we take thought of whether they dropped from leaf to leaf?"
E. Said to them the House of Shammai, "For the stalk is one, but the bunch [of vegetables] is [made up of] many stalks."
F. Said to them the House of Hillel, "Lo, he who brings up [from the river] a sack full of produce and puts it on the bank of the river—do we take thought of whether they descend from the topside to the bottom?
G. "But: If he brought up two and put them one on top of the other, the bottom one [indeed] is under the law, If water be put."
H. And R. Yosé says, "The bottom one is insusceptible to uncleanness."

I.3F does not state but clarifies the premise of the entire exposition, insisting on the intention of the person to make use of it and the action of doing so as conditions for the capacity of the liquid to impart uncleanness. Joining the intention to the deed that confirms it is the key.

As explained above, all parties concur that water that is subjected to man's will imparts susceptibility to uncleanness. At issue here between the Houses as represented by the mid-second-century authorities is the interstitial situation, e.g., water sometimes wanted, sometimes, not; or water part of which is wanted, part not; or water part of which has conformed to the householder's intention, part not. I cannot imagine a more exact example of a secondary dispute upon a primary principle on which all parties concur.

1:5A. He who rubs [the wetness off] the leek—
B. and he who wrings out his hair [with] his garment—
C. R. Yosé says, "Those that exude are under the law, If water be put.
D. "And those that remain in it are not under the law, If water be put,
E. "because he intends that they exude from [the leek in] its entirety."

One's will is divisible, so Yosé. That forms a detail of the governing principle.

1:6A. He who blows on lentils to test whether they are good—
B. R. Simeon says, "They are not under the law, If water be put."
C. And sages say, "They are under the law, If water be put."
D. He who eats sesame with his [wet] finger—
E. liquids which are on his hand—
F. R. Simeon says, "They are not under the law, If water be put."
G. And sages say, "They are under the law, If water be put."

Simeon's position is that what is incidental to one's main purpose is not subject to the rule of intentionality. Sages incorporate the secondary within the primary intentionality, in the theory that one cannot accomplish his goal without dampening the produce.

2:4A. He who plasters his roof [with dirty water and clay]

B. and he who launders his garment—
C. and rains fell on them—
D. if the greater part is from the unclean [water], it is unclean.
E. And if the greater part is from the clean [rain], it is clean.
F. Half and half—it is unclean.
G. R. Judah says, "If [the rains] continued dripping."

2:5A. A city in which Israelites and gentiles dwell,
B. and in which was a bathhouse heated on the Sabbath,
C. if the majority is gentiles, one washes in it forthwith [at the end of the Sabbath].
D. And if the majority was Israelite, one must wait a sufficient time for the water to be heated.
E. Half and half—one must wait a sufficient time for the water to be heated.
F. R. Judah says, "In the case of a small bath, if there is in it [a gentile of high] estate, one washes in it forthwith."

2:7A. [If] one found in it an abandoned child,
B. if the majority is gentile, it is deemed a gentile.
C. And if the majority is Israelite, it is deemed an Israelite.
D. Half and half—it is deemed an Israelite.
E. R. Judah says, "They follow the status of the majority of those who abandon babies."

2:8E. [If] one found a piece of bread in it [the city in which were both Israelites and gentiles],
F. they follow the status of the majority of the bakers.
G. And if it was a piece of bread made out of pure flour, [with reference to tithing] they follow the status of the majority of those who eat bread made out of pure flour.
H. R. Judah says, "If it was a piece of bread made out of coarse meal, they follow the status of the majority of those who eat bread made out of coarse meal."

Judah refines matters, he glosses, he does not introduce a secondary principle of his own. In matters of mixture, we are guided by the status of the greater part, that is uncontested.

2:10E. A storage bin into which Israelites and gentiles put their produce—
F. "if the majority is gentiles, [produce found in the bin] is certainly [untithed].
G. "And if the majority is Israelite, it is demai.
H. "Half and half—it is certainly [untithed," the words of R. Meir
I. And sages say, "Even if all of them are gentiles, but a single Israelite puts [his produce] into it [the storage bin], [the whole is deemed] demai."

The assigned opinions form glosses that concern the particular law at hand, not the general principle that animates the whole. They refine, they do not overturn.

3:1A. A sack which is full of pieces of fruit and which one placed on the side of the river,
B. or over the mouth of the cistern,
C. or over the steps of the cave,
D. and they [the pieces of fruit] absorbed [water]—
E. all [the fruit which] absorbed [water] is under the law, If water be put.
F. R. Judah says, "Whatever is over against the water is under the law, If water be put.
G. "And whatever is not over against the water is not under the law, If water be put."

Judah differentiates within the body of liquid the part that conforms to the householder's wishes from the part that does not. The anonymous sages take the contrary view and do not differentiate. No party rejects the basic principle in play.

3:2A. A jar which is full of pieces of fruit and placed into liquids,
B. or one which is full of liquids and placed among pieces of fruit,
C. and they absorbed [water]—
D. whatever they absorbed is under the law, If water be put.
E. About what sort of liquids did they rule?
F. [They ruled] about water, wine, and vinegar.
G. But [in the case of] all other liquids, [the pieces of fruit] are clean.
H. R. Nehemiah declares clean in the case of pulse [moistened by water, wine, or vinegar], since pulse does not absorb [moisture].

Nehemiah glosses a detail, for a reason particular to the case.

3:3A. He who took hot bread [from the side of the oven] and put it over a jar of wine—
B. R. Meir declares it susceptible to uncleanness.

C. And R. Judah declares it insusceptible to cleanness.
D. R. Yosé declares clean in the case of bread made of wheat, and declares unclean in the case of bread made of barley,
E. because barley absorbs [liquid].

At issue between Meir and Judah is whether the householder wanted the bread to absorb fumes from the wine. D glosses a detail for the stated reason.

3:5A. He who dampens [wheat] with dry clay—
B. R. Simeon says, "If there is dripping moisture in it, it is under the law, If water be put.
C. "And if not, it is not under the law, If water be put."
D. He who sprinkles his threshing floor does not scruple lest he put in it grains of wheat and they grow damp.
E. He who gathers blades of grass when the dew is on them to dampen wheat in them—it [the moisture] is not under the law, If water be put.
F. If, however, he intended thus, lo, this is under the law, If water be put.
G. He who brings his grain to the mill and rain fell on them—
H. if he was happy on that account, it is under the law, If water be put.
I. R. Judah says, "It is not possible not to be happy on that account, But if he stood."
3:6A. [If] his olives were located on the roof and rain fell on them
B. if he was happy, it is under the law, If water be put.
C. R. Judah says, "It is not possible not to be happy on that account.
D. "But if he stopped up the waterspout,
E. "of if he shook the olives in it [the rain]."
3:7A. The ass drivers who were crossing the river and their sacks fell into the water—
B. if they were happy, it is subject to the law, If water be put.
C. R. Judah says, "It is not possible not to be happy. But if they turned over [the sacks it is under the law, If water be put."
D. [If] one's feet were full of mud—
E. and so the hooves of his beast—
F. he crossed the river—
G. if he was happy, it is subject to the law, If water be put.
H. R. Judah says, "It is not possible not to be happy.
I. "But if he stood [the animal] still and rinsed off [its fee. in the case of man
J. "and in the case of an unclean beast, it is always unclean."

Simeon clarifies a special case. Judah rejects the distinction made in the Mishnah's application of the established rule.

4:4A. A jug into which water leaking from the roof came down—
B. The House of Shammai say, "It is broken."
C. The House of Hillel say, "It is emptied out."
D. And they agree that he puts in his hand and takes pieces of fruit from its inside, and they are insusceptible to uncleanness.
4:5A. A trough into which the rain dripping from the roof flowed—
B. the drops [of water] that splashed out and those that overflowed are not under the law, If water be put.
C. But the water that is in it falls under the rubric, "and if water be put" [since that water is wanted].
D. [If] one took it to pour it out—
E. The House of Shammai say, "It is under the law, If water be put."
F. The House of Hillel say, "It is not under the law, If water be put."
G. [If] one left it out so that the rain dripping from the roof would flow into it—the drops that splashed out and those that overflowed—
H. The House of Shammai say, "They are under the law, If water be put."
I. The House of Hillel say, "They [the drops which splashed or overflowed] are not under the law, If water be put."
J. [If] one took it in order to pour it out, these and those agree that (both kinds of water] are under the law, If water be put.
K. He who dunks the utensils and he who washes his clothing in a cave—
L. the water that comes up on his hands is under the law, If water be put.
M. [And the water that comes up] on his feet is not under the law, If water be put.
N. R. Eleazar says, "If it is impossible for him to go down [into the water] unless his feet become muddy, even [the drops of water] which come up on his feet are under the law, If water be put."

The issue of A–D is this: a jug containing fruit has been left in such a position that water leaking from the roof fills the jug. We want to empty the fruit from the jug, but to do so in such a way that the water in the jug does not receive the capacity to

impart susceptibility to uncleanness to the fruit in the jug. The water where located is insusceptible, because it did not fall into the jug with approval. If we break the jug we accomplish the purpose of treating the water as unwanted. If we empty the fruit, we stir the water with approval, the fruit is wet down and susceptible. The Hillelites say we simply pour out the fruit. The man wants the fruit, not the water. His action shows his intent. The issue rests upon the premise of the tractate.

4:9A. He who draws water with a swape pipe—
B. up to three days it [the water] imparts susceptibility to uncleanness.
C. R. Aqiba says, "If it was dried off, it is forthwith incapable of imparting susceptibility to uncleanness, and if it was not dried off, even after thirty days it continues to impart susceptibility to uncleanness."

Aqiba rejects the distinction of B, because the man's action states his will. If he draws off the water, it does not impart susceptibility, because the man's action shows he did not want the water.

5:3A. Pieces of fruit into which rain dripping from the roof fell and which one mixed together for drying—
B. R. Simeon says, "It is under the law, If water be put."
C. And sages say, "It is not under the law, If water be put."

We repeat the Houses' dispute of M. 1:2–4, cited above. The man mixes the fruit up so that it will dry more rapidly. In so doing, he wets some of it. His ultimate purpose is that the fruit dry. What happens in the interval is null. Simeon, like the House of Shammai, stresses that once the man has stirred up the water and wet down the dry fruit, his ultimate intention is of no consequence. What is intentionally done imparts approval upon the water, even though later on the water is not wanted. Sages never wanted the water, which is going to be removed. What is done to remove it is classified by its ultimate purpose.

5:4A. He who measures the cistern—
B. "whether for depth or for breadth—
C. "lo, this [water that is on the measuring rod] is under the law, 'If water be put,'" the words of R. Tarfon.
D. R. Aqiba says, "[If he measured it] for depth, [the water on the measuring rod] is under the law, 'If water be put.' And [if he measured it] for breadth, [the water on the measuring rod] is not under the law, If water be put."

The water on the rod is susceptible because it is needed to measure the depth of the water in the cistern. In measuring the breadth, by contrast, water on the rod is immaterial. That that is what is at stake is shown in the amplification of Tosefta Makhshirin 2:14:

A. He who measures the cistern
B. "whether [to find out] its depth or [to find out] its breadth—
C. "[water which comes up on the measuring rod], lo, it is under the law, If water be put," the words of R. Tarfon.
D. R. Aqiba says, "[If he did so] to measure its depth, [the water which comes up on the rod] is under the law, If water be put. [If he did so to measure] its breadth, [the water which comes up on the measuring rod] is not under the law, If water be put."
E. Said to him R. Tarfon. "What difference does it make to me whether he measured it to find out its depth or whether he measured it to find out its breadth?"
F. He said to him, "When he measured it to find out its depth, he wants the liquid that is on the mark [of the measuring rod].
G. "When he measured it to find out its breadth, he does not want the liquid which is on the mark [of the measuring rod]."
H. He said to him, "If so, let the liquid on the mark [of the measuring rod] be unclean. [Let the liquid on the measuring rod] below the mark be clean."
I. He said to him, "Do you not agree that: he who draws water in a jug—the water which goes up [on its outer parts] and on the rope that is bound about its neck and on the rope which is needed for using the bucket—that the liquid is subject to the law, If water be put?
J. "For it is not possible for the water to pour into it until it touches its outer parts.
K. "If so, it is not possible for the liquid [to be] on the mark until it will

be below the mark [of the measuring rod]."
L. R. Tarfon reverted to teach in accord with the opinion of R. Aqiba.

The exposition of the dispute by the debate underscores the subsidiary standing of the dispute between Aqiba and Tarfon.

5:6A. He who beat upon [a wet] pelt—
B. [if he beat on it] outside the water—
C. [what is splashed from it] is subject to the law, If water be put.
D. [If he beat] in the water [itself], [the water that is beaten out] is not under the law, If water be put.
E. R. Yosé says, "Even [if he beat] in the water, [what is splashed out] is under the law, If water be put, because he intends that it flow out together with the excrement."

Yosé's clarification underscores the basic area of consensus; his stated reason is the key.

5:10A. He who empties (from) hot [clean water] into hot [unclean water],
B. and (from) [clean] cold into [unclean] cold,
C. and (from) hot into cold—
D. it [the remaining upper, clean liquid] is clean.
E. [He who empties] (from) cold into hot [water]—
F. it is unclean.
G. R. Simeon says, "Also: He who empties (from) hot into hot,
H. "and the force of the lower was stronger than that of the upper—
I. "it is unclean. "

A jet of liquid does not serve to connect the liquid from top to bottom; what is on top remains clean. The exception is at E-F, because the steam rises and mixes with the water. Simeon glosses, differing from A.

5:11A. The woman whose hands were clean,
B. and who stirred the unclean cooking pot
C. if her hands sweated,
D. they are unclean.
E. [If] her hands were unclean,
F. and she was stirring the clean cooking pot,
G. if her hands sweated,
H. [what is in] the pot is unclean.
I. R. Yosé says, "If they dripped."

Yosé does not regard the sweat on the hands to be joined to the contents of the pot unless there is actual dripping of liquid from the unclean hands into the clean liquids in the pot. He differs from Simeon and concurs that if there is pouring from hot to hot, there is no connection. Steam is not liquid, he wants congealed steam, that is liquid itself.

6:2A. He who brings up bundles [of vegetables] and blocks [of figs] and garlic to the roof
B. so as to keep them fresh—
C. they are not under the law, If water be put.
D. All bundles [of vegetables] in the marketplaces are susceptible to uncleanness.
E. R. Judah declares insusceptible to uncleanness in the case of those that are fresh.
F. Said R. Meir, "And on what account have they been declared unclean. But because of the liquid of the mouth."
6:3A. All eggs are assumed to be insusceptible to uncleanness,
B. except for those of dealers in liquids.
C. And if they were selling along with them dry produce, they are insusceptible to uncleanness.
D. All kinds of fish are assumed to be susceptible to uncleanness.
E. R. Judah says, "A piece of the Iltith fish, Egyptian fish which comes in a basket, and Spanish mackerel, lo, these are in the assumption of being clean."
F. All kinds of brine are assumed to be susceptible to uncleanness.
G. And in the case of all of them, an *am haares* is believed to testify, "They are insusceptible to uncleanness,"
H. except for that of [small] fish,
I. because they are stored with an *am haares*.
J. R. Eliezer b. Jacob says, "Insusceptible brine into which fell any amount at all of water is deemed susceptible to uncleanness."

M. 6:2A–C go over the familiar ground that liquid that is not wanted does not impart susceptibility to uncleanness. At M. 6:3E Judah glosses, as does Eliezer b. Jacob.

6:5A. [These are the kinds of liquids which are] subspecies of water:
B. [liquids which] exude from (1) the eye, (2) the ear, (3) the nose, (4) from the mouth, (5) urine, whether of adults or children, whether [excreted] knowingly or unknowingly.

C. [These are liquids which are] subspecies of blood:
D. (1) blood from the slaughtering of cattle and beast and fowl that are clean, and (2) blood let out from the veins for drink.
E. Whey is like milk.
F. And sap is like oil,
G. "for the sap is not wholly freed from particles of oil," the words of R. Simeon.
H. R. Meir says, "Even though there is no oil with it [it is like oil]."

The dispute glosses a detail. Simeon says the olive oil sap contains particles of oil, explaining F. Meir says that it is in the classification of oil even without particles thereof.

6:6A. These impart uncleanness and impart susceptibility to uncleanness:
B. (1) the flux of the Zab, (2) his spit, (3) his semen, and (4) his urine;
C. (5) and the quarter-log [of blood] from the corpse;
D. (6) and the blood of the menstruating woman.
E. R. Eliezer says, "Semen does not impart susceptibility to uncleanness."
F. R. Eleazar b. Azariah says, "The blood of the menstruating woman does not impart susceptibility to uncleanness."
G. R. Simeon says, "The blood of the corpse does not impart susceptibility to uncleanness.
H. "And if it fell on the gourd, one scrapes it off, and it is deemed insusceptible to uncleanness."

6:7A. These do not contract uncleanness and do not impart susceptibility to uncleanness:
B. (1) sweat, (2) stinking pus, (3) excrement, (4) blood which exudes with them, and (5) liquid [which is excreted with a stillborn child] at the eighth month.
C. R. Yosé says, "Except for its blood."
D. (6) And [the discharge from the bowels of him who drinks Tiberian waters, even though it comes out clean;
E. (7) blood from the slaughtering of cattle and beast and fowl which are unclean;
F. and (8) blood from bloodletting for healing.
G. R. Eliezer declares unclean in the case of these.
H. R. Simeon b. Eleazar says, "The milk of the mate is insusceptible to uncleanness."

The point is already familiar: liquids that issue from unclean persons whose liquids are primary source of uncleanness convey uncleanness, and the liquid is not first rendered susceptible, for the uncleanness and its being made susceptible to uncleanness coincide. The named authorities gloss the list.

6:8A. The milk of the woman imparts susceptibility to uncleanness whether it is subject to approval or not subject to approval.
B. But the milk of the beast imparts susceptibility to uncleanness only [when it is detached] with approval.
C. Said R. Aqiba, "The matter produces an argument from the less to the greater.
D. "Now, if the woman's milk, which is intended for infants alone, imparts uncleanness whether [detached] with approval or not with approval, the milk of cattle, which is intended for both infants and adults is it not logical that it imparts susceptibility to uncleanness whether [detached] with approval or not with approval?"
E. They said to him, "No. If milk of the woman imparts uncleanness when [it is detached] without approval, [the reason is] that the blood of her wound is unclean. But will the milk of cattle when [it is detached] without approval impart uncleanness, since the blood of its wound is clean?"
F. He said to them, "I rule more stringently in the case of milk than of blood,
G. "for he who milks [a cow] for healing—it is susceptible to uncleanness.
H. "But he who draws blood for healing—it is deemed insusceptible to uncleanness."
I. They said to him, "Baskets of olives and grapes will prove the case.
J. "For liquids which exude from them with approval are susceptible to uncleanness, [and those which exude] not with approval are insusceptible to uncleanness."
K. He said to them, "No. If you have so stated in the case of baskets of olives and grapes, which in the beginning are solid food and at the end become liquid, will you say so in the case of milk, which both in the beginning and at the end is liquid?"
L. To this point is [the] reply.
M. Said R. Simeon, "From this point we should reply before him:
N. "Rain will prove the matter, for in the beginning and at the end it is

liquid, and it imparts susceptibility to uncleanness only when it falls with approval.

O. "He said to us, 'No. If you have said so in the case of rain, in which instance most of it is only for lands and trees and not for man,

P. "'will you say so in the case of milk, in which instance most of it is for the use of man?"

The dispute and debate concern analogies, milk and blood, olives and grapes, and rainwater, all of them serving Aqiba's position. The premise of the dispute is the familiar one that what is detached with approval imparts susceptibility, what is detached without approval does not.

Conclusion

How then do disputes form a medium of expressing coherence? The case of Makhshirin yields an obvious answer. All parties concur on the meaning of Scripture and pursue subordinate issues implicit in that consensus. How important a role in the presentation of the law is taken by disputes? In the case of Makhshirin, disputes bear the burden of the articulation of possible positions on the law, in other topical tractates they bring to the surface conflicting givens of the law. The issues subject to dispute prove fundamental in the structure of thought of Makhshirin.

No other corpus of law and theology in Judaic or Christian antiquity exceeds in clarity and certainty that of the Rabbinic system, properly grasped. What is required is knowledge of what makes the system systematic. A proper understanding of the context and significance of Rabbinic disputes shows Rabbinic Judaism to have been as explicit about correct belief and behavior as its catholic Christian counterpart. What catholic Christianity achieved in Church councils and expressed in creeds Rabbinic Judaism accomplished in the composition of its counterpart formulations in law and theology: the elaborate execution of secondary analysis of the implications of the primary principles of faith and order, which lay entirely beyond dispute.

The Rabbinic sages constructed discourse in the certainty that they would be understood. That is why they did not think they had to say what was self-evident and could focus on the refinement of what was subject to legitimate difference of opinion. They called no councils and composed no creeds because they found what they conceived to be a better way to set forth the Torah's truth. That was the way of consensus attained through reasoned contention: conflict over everything but the main thing. That, to them, was self-evident.

Jacob Neusner

E

Eastern Europe, Practice of Judaism in

Eastern Europe—Poland and Lithuania in particular—was, for many centuries, the domain of the largest and most important Jewish settlement in the world, a community that fashioned a distinctive and particularly intense form of traditional Jewish learning and religious practice. Jews first settled in Poland and the Grand Duchy of Lithuania in the twelfth century. From the second half of the fifteenth century until the Second World War, the Jewish population of Eastern Europe rose steadily and produced many of the most important and influential Jewish religious and educational institutions. On the eve of the Nazis' invasion in 1939, more than 3.4 million Jews lived in Poland, and another four million lived in Lithuania and Russia (including Ukraine and Belarus), the vast majority of whom were exterminated in the Holocaust.

Origins—Khazars and Karaites

There is some uncertainty regarding the religious and racial origins of the first Jews to settle in Poland and the Grand Duchy of Lithuania. Included among the earliest adherents of some form of the Jewish faith to reside in the region (as early as the first half of the twelfth century) were not only "Ashkenazic" Jews of Western European origin but Khazars and Karaites as well. The Khazars were a conglomerate of nomadic Turkic tribes from central Asia. Around the year 740 c.e., a Khazar king, Bulan, converted to Judaism, together with some elite members of Khazar society. Over the course of the next three centuries, many of the Khazar tribes migrated northwest into Russia.

The Karaites were a Jewish religious sect originating in North Africa that broke with normative Judaism in the eighth century, rejecting the rabbinical interpretations of the Bible contained in the Talmud and codes of Jewish law. Some Karaites migrated from the orient to Russia during the eleventh and twelfth centuries and from there apparently moved westward into Poland. The destiny of the Khazars in Eastern Europe, the extent of their representation in the subsequent Polish-Jewish population, and their influence on its religious practices are to this day debated by historians. The views on this matter range from the great nineteenth-century historian Heinrich Graetz's insistence that the Khazar conversion to Judaism had almost no effect on subsequent Jewish practice in Eastern Europe to Arthur Koestler's controversial book, *The Thirteenth Tribe*, which argues that a majority of Ashkenazic Jewry is descended from the Khazars. The latter claim notwithstanding, it is clear to scholars today that, over the course of the fourteenth and fifteenth centuries, most of the Khazars were assimilated into Poland's dominant Jewish community, which was overwhelmingly of Ashkenazic (Franco-Germanic) origin. The consensus among contemporary Jewish historians regarding the Khazars then generally follows Salo Baron's view that, while the conversion of the Khazar king and some members of his nobility was a significant event in medieval Khazar history, it had at the very most a marginal impact on the subsequent religious and ethnic identity of the Jewish population of Eastern Europe.

As for the Karaites, they gradually separated themselves entirely from the Ashkenazic Jews and maintained their own communities, traditions, and religious institutions. During the Nazi occupation of Eastern Europe, the Karaites successfully saved themselves from persecution by asserting that they were not Jews at all. A tiny Karaite community, with a synagogue and cultural center, remains today in the village of Trokai, near Vilnius, Lithuania.

Ashkenazic Judaism

The beginnings of a significant Ashkenazic Jewish community in Eastern Europe can be traced primarily to several major waves of immigration from Western and Central Europe. In the late thirteenth and fourteenth centuries, Jews, mostly fleeing intense anti-Jewish persecutions and a series of expulsions, migrated eastward from Germany and Bohemia into Poland and the Grand Duchy of Lithuania. There was a sharp rise in massive Jewish migrations to Eastern Europe over the course of the fifteenth century, largely in response to another wave of expulsions of Jews from more than a dozen cities and towns in Bohemia.

These Jews brought with them the distinctive form of Ashkenazic, or Franco-German, Judaism. Both culturally and spiritually, East European Jews remained Ashkenazic in nature until their extermination during the Holocaust. The liturgy and particular religious traditions of the Jews of Poland, Lithuania, and, later, Russia and Ukraine, followed those of the medieval Franco-German Jewish communities from which the majority of Polish Jewry had originated. Moreover, until the sixteenth century, most of the leading rabbis of Poland were émigrés from the west who had trained in the Ashkenazic rabbinical academies of Germany and Bohemia.

Unlike the Sephardic Jews (i.e., those of Spanish origin) who flourished in Spain, North Africa, and the Ottoman Empire, and who were profoundly influenced by the surrounding Islamic society and culture, Ashkenazic Jewish religion and culture were deeply insular, based almost entirely on the study of Rabbinic texts and adherence to the norms of Talmudic law. There was precious little interest in, or knowledge of, any aspects of the surrounding European culture. Among the main characteristics of the religion was its devotion to and reliance upon the Talmud, its commentaries, and the Rabbinic legal codes based on them as virtually the sole sources for religious practice, theology, and spirituality. Unlike the Sephardic Jews of Spanish and Portuguese origin who, in the more religiously tolerant and culturally open Iberian Muslim society, developed varied and sophisticated philosophical and mystical interpretations of Judaism as well as belletristic traditions, Ashkenazic Jews—largely because of their intellectual and cultural isolation from a hostile Christian society—focused almost solely on the extant Rabbinic literature in shaping their religious beliefs and practice.

Despite their profound alienation from the gentile culture and societies of Eastern Europe, Jews initially found far greater security in Poland and Lithuania than they had enjoyed in the Western European lands, thanks in large measure to a succession of *privilegia*, or charters, issued to them by the Polish and Lithuanian monarchs. The motive for the promulgation of these charters, which guaranteed the Jews basic rights and privileges, was clearly economic; they were intended to attract Jewish traders to Poland and Lithuania in order to bolster these young countries' infirm monetary resources and were not motivated by any spirit of religious tolerance or pluralism. The first of the "Jewish charters" was granted in 1264 by Prince Boleslav the Pious of Great Poland and Kalisz. This charter—known as the statute of Kalisz—was confirmed by Kazimir the Great in 1364 for the Jews of Poland and in 1367 for the Jews of Cracow, Sandomierz, and Lwow. In only slightly altered form, these charters were again confirmed by King Ladislas Jagiellow in 1387.

The basic content of the Jewish charters was to guarantee the Jews the rights of residence, physical protection from assault, the freedom to worship in their own traditions, and almost complete autonomy for their municipal governments and religious courts and other institutions. By the mid-sixteenth

century, the Jews of Poland had developed an autonomy unprecedented in Jewish history. Jewish communities were well-organized, highly structured, and almost totally self-governing. Each major Jewish community, or *Kehillah*, had its own city council as well as both lay and religious court systems. The Kehillah governed virtually all aspects of Jewish civic life, such as taxation, the regulation of settlement and demographics, the adjudication of legal disputes, the maintenance of law and order, and the management of relations with the monarch and other gentile authorities. The kehillah also exercised much authority over the smaller Jewish communities in the surrounding villages. Regional, inter-kehillah synods, the largest and most important of which was known as the "Vaad Arba Aratzoth" (Council of Four Lands), met regularly in the larger cities, such as Cracow and Lublin, to govern relations and settle any religious or civil disputes between the various Jewish communities.

From the very beginning, the leading rabbis of Eastern Europe were intimately connected with the powerful kehillah leadership. Not only did the kehillah appoint rabbis for the Jewish communities in cities and towns across Eastern Europe; it was very common for the sons and daughters of the rabbinate to marry into the wealthiest and most powerful families in the Jewish community. While the rabbinate and the kehillah leaders had differing responsibilities and authority, the intricate connections between the two often rendered them indistinguishable.

This extensive communal autonomy and Rabbinic influence, unprecedented in the history of the Jewish diaspora, secured Jewish life for centuries. But such autonomy also had the long term effect of radically separating Jews both socially and culturally from the larger society. As a consequence of this separation, Jewish learning and religious practice in Eastern Europe remained for centuries ingrown and almost entirely immune to outside intellectual and spiritual influences. Perhaps the most overt sign of this was the East European Jews' almost exclusive use of the Yiddish vernacular in daily life—a cognate of German written in Hebrew characters and incorporating a very large number of Hebrew and Talmudic-Aramaic terms. Even during the period of European enlightenment, when the Jewish intelligentsia strove to acclimatize the Jews to the larger European society and culture, the Jewish masses of Poland, Russia, Ukraine, and Lithuania largely remained culturally, linguistically, and religiously secluded.

While the royal privileges, particularly when compared to the dreadful conditions of Jewish life in Germany and Bohemia, rendered Poland an attractive place for Jews to settle, there was, from the beginning, significant anti-Jewish hostility in Polish society, particularly on the part of the Church. Anti-Jewish persecution was particularly fierce during the fifteenth century, largely due to the efforts of Cardinal Zbigniew Olesnicki, whose intense anti-Jewish agitations resulted in the Nieszawa statute of 1454, repealing all of the charters and privileges that had previously been granted the Jews. But despite these setbacks, by the first decade of the sixteenth century, most of the Jewish privileges in Poland had been re-instated by the king. There was, indeed, a constant tension generated by conflicting attitudes towards the Jews between the Church and the Polish monarchy. The Church preached that the Jews ought to be condemned to a life of perpetual poverty, subjugation, and serfdom, as a punishment for the crime of "deicide" (that is, the murder of Christ, for which medieval Christianity held the Jews responsible), while the Polish monarchs generally favored protecting the Jews and granting them basic freedoms.

Though originating in opposing attitudes to the Jews, the Church's antisemitism and the monarchs' protection of the Jewish community's autonomy converged in their impact on the nature of Eastern European Judaism. Communal separation and religious antagonisms combined to intensify the profoundly particularist quality of East European Judaism. Alienated from the larger society, deeply distrustful of gentiles, autonomous in their self-government, and excluded from general European learning and culture, East European Jews remained for centuries virtually untouched by outside, non-Rabbinic influences. Only the Talmud, its Rabbinic commentaries, and the codes of Jewish law were

studied in the Jewish elementary schools and rabbinical seminaries. While this produced a population that was uniquely steeped in Rabbinic literature and culture, and a Rabbinic elite with unprecedented Talmudic erudition, with regards to any and all forms of non-Rabbinic knowledge, the masses of East European Jews were functionally illiterate until the twentieth century. The daily lives of the Jewish masses—particularly those living in the shtetls (small towns) and villages were almost completely governed by the norms and customs of Jewish law.

The Golden Age

The sixteenth century is usually described as the golden age of Polish Jewry. During this period, thecommunity began to produce great educational and cultural institutions of its own. Perhaps the most important development was the creation of important Polish yeshivas (rabbinical schools), which eventually became famous for a distinctively complex and casuistic method of Talmudic study known as "pilpul." By the mid-seventeenth century, Poland had become the international center of rabbinical scholarship, and—in a dramatic reversal of earlier trends—Jewish communities in other countries, such as France and Germany, became dependent on the Polish yeshivas to provide them with religious leaders.

The founder of the first great rabbinical school in Poland was Jacob Polak of Lublin. Polak was born and educated in Bavaria and served as Chief Rabbi of Prague before moving to Poland. In 1492, he established Poland's first advanced talmudic academy in Cracow. His most distinguished student, Shalom Shakhna, established Poland's second great yeshiva in Lublin. For almost three centuries, Lublin and Cracow remained the most important centers of rabbinical scholarship in the world. Lublin was widely known as the "Jerusalem of Poland," and on the eve of the Second World War was the home of the most eminent yeshiva in Poland, "Hakhmei Lublin," founded by Meyer Shapiro in 1931.

One of the most distinguished disciples of Shalom Shakhna was Moses Isserles (1520–1572), who became known as the "Maimonides of Poland." Isserles, who became Chief Rabbi of Cracow after studying in the Lublin Yeshiva, was a distinguished Jewish theologian and a leading authority on Jewish law. His most important and influential work was a series of glosses to the Shulkhan Arukh Code of Jewish Law, which remain the authoritative basis for Jewish religious observance for orthodox Ashkenazic Jews to this day. Among the major Rabbinic authorities of this period were Solomon Luria, author of the Talmudic legal compendium *Yam Shel Shelomo*, and Mordechai Jaffe, author of the ten volume encyclopedia of Judaism, *Asara Levushim*.

Along with the precipitous growth of Poland's Jewish population, Jewish religious life and talmudic scholarship continued to deepen and flourish in the seventeenth century. In this period, significant numbers of Jews moved eastward however, following Poland's colonization of the Ukraine and the unprecedented economic opportunities this expansion afforded.

Persecution and Religious Decline

Many of the Jews who settled in eastern Poland and the Ukraine served as leaseholders, tax farmers, shopkeepers, and tavern managers for the Polish landowners, thus finding themselves in the uncomfortable role of economic middlemen between the Polish nobility and Ukrainian peasantry. Combined with their total religious, linguistic, and cultural alienation from the peasants, this engendered tremendous resentment of the Jews on the part of the Ukrainian masses. That anti-Jewish hostility exploded during the Cossack rebellions against the Poles of 1648–1649, led by the Ukrainian nationalist, Bogdan Chmielnitski. Along with the Polish Catholic clergy and nobility as well as members of the Uniate church, Jews were among the principal targets of the marauding Cossack warriors, who managed to devastate entire Jewish communities on both sides of the Dniepr River. Aside from the tens

of thousands of Jews who were killed, many thousands were forced to accept Christianity. The ferocity and scope of the destruction inflicted on the Jewish population was unprecedented in Jewish history and left the Jewish communities across the region severely traumatized. Several Jewish authors of the period wrote chilling chronicles depicting the horrors of the Ukrainian revolt, the most extensive and accurate of which is *Abyss of Despair*, by Nathan Nata Hanover. Hanover documented in particular the eradication of the great Jewish religious and educational institutions, which had flourished during the sixteenth century "golden age" of Polish Jewry. He also provides the most vivid, if nostalgic, description of the rich Jewish religious life and institutions that flourished before the massacres.

Despite these tragic setbacks, the Jewish community continued to grow demographically, and Jewish religious life began once again to thrive during the eighteenth century. The population increase during this period was particularly dramatic. According to the census of 1764 (the year of the abolition of the Council of Four Lands), there were almost 600,000 Jews in Poland, more than sixty percent of whom were living in the eastern regions of the country and the Ukraine.

Superstition and Messianism

Despite the dramatic demographic resilience of East European Jewry, the educational and religious institutions that had shaped Jewish life during the golden age never fully recovered from the trauma of the Ukrainian pogroms. With the numbers of yeshivas greatly diminished and the terrible memories of the pogroms still vivid, two very different forms of Judaism that deeply divided the Jewish community began to emerge: an effete, scholarly religious culture based exclusively on Talmudic erudition but restricted to an aristocracy of rabbis and the very wealthy members of the kehillah elite and an ignorant, intellectually unsophisticated and heavily superstitious faith of the hoi polloi, whose Judaism became increasingly dominated by a variety of primitive folk-beliefs and superstitions. The popularity of moralistic books of popular mysticism replete with superstitious belief in demons, magical amulets, the powers of curses, and a deep distrust of gentiles, such as *Yesod Yosef* and *Kav ha-Yashar*, both of which were translated into Yiddish for mass readership, reflects this phenomenon.

The intensification of antisemitic persecution and successive waves of Ukrainian pogroms in the seventeenth and eighteenth centuries not only deepened the isolation and religious primitiveness of Eastern European Jews. It also led to a rise in messianic expectations and a susceptibility to false messianism. The infamous messianic pretender, Shabbetai Zevi (1626–1676), gained a mass following in Poland and Ukraine. And Poland produced the most notorious messianic figure in Jewish history, Jacob Frank (1726–1791), who transformed the messianic doctrine into a bizarre antinomian faith, whose central teaching was that the ritualistic violation of the tenets of Jewish law would hasten the redemption. In 1759, after wreaking havoc in many Polish Jewish communities and participating in the public burning of the Talmud, Frank converted to Christianity. Sabbatean and Frankist believers subsequently concealed their faith in East European Jewish society because of fear of excommunication but persisted secretly in their beliefs and practices well into the nineteenth century.

Hasidism

In the context of such deepening superstition and perverse messianism, the populist-mystical Hasidic movement originated in the heavily Jewish populated southeastern regions of Podolia and Volhynia. Founded by a school of charismatic kabbalists and faith healers, Hasidism spread rapidly throughout Eastern Europe during the last decades of the eighteenth century, gaining hundreds of thousands of adherents and thereby transforming the spiritual life of Polish Jewry.

Although the mystical spirituality associated with hasidism developed in Eastern

Europe during the late eighteenth and early nineteenth centuries, the actual founding of the movement is commonly identified with the personality of Israel b. Eliezer (1700–1760) of Mezibozh (a small town in Volhynia, in southeast Poland) and his circle of close disciples. Israel was a charismatic mystic popularly known as the *Besht*, an acronym for the Hebrew honorific, Baal Shem Tov (master of the divine name), a title he earned thanks to his reputed powers as a kabbalistic faith-healer. The Besht was part of a small coterie of religious pneumatics in Podolia and Volhynia, who, though never renouncing Jewish law, favored religious spontaneity and the ecstatic practice of the kabbalah over the more conventional Rabbinic disciplines of intense Torah study and traditional halakhic observance.

As the Besht's reputation as a charismatic mystical teacher and faith-healer spread across Poland and the Ukraine, he attracted an impressive cadre of disciples, many of whom had previously held distinguished rabbinical positions but were apparently attracted to the spiritual passion and personal magnetism of the Besht. According to the hasidic hagiography of the Besht, *Shivhay ha-Besht* (In Praise of the Baal Shem Tov), many of these rabbis were weary of the dry and perfunctory regnant Rabbinic culture and found the religious ecstasy promoted by the Besht to be a refreshing alternative to the arid and emotionless practice of conventional Talmudic Judaism.

The two most eminent of these Rabbinic disciples of the Besht were Jacob Joseph of Pollnoe (d. 1782) and Dov Ber of Mezeritch (d. 1772), both of whom were distinguished rabbinical figures before being attracted to his mystical teachings. Jacob Joseph was hasidism's first major literary figure. His biblical commentary, *Toledoth Yaakov Yosef*, which was the first hasidic work ever published (1780), created a storm of controversy in Eastern European rabbinical circles. This book is of singular theological importance because it contains dozens of teachings received first-hand from the Besht, who did not himself record his ideas. *Toledoth Yaakov Yosef* is also of tremendous historical significance since it includes a sustained critique of the rabbis of Jacob Joseph's generation, whom the author refers to using the shocking term "*Shaydin Yehudain*," or Jewish demons. Jacob Joseph's major complaint against the rabbis was their scholarly elitism and distance from the Jewish masses. He complained that they were far more interested in the fine points of Talmudic discourse and the minutiae of Jewish law than in the actual lives and daily spiritual struggles of the Jewish masses. In his writings, we find the first formulation of an alternative model of religious leadership, that of the hasidic *zaddik* (righteous man), or *rebbe*. Whereas the religious and communal authority of the Eastern European rabbis had always derived from their scholarship—specifically their mastery of the Talmud and the codes of Jewish law—the hasidic rebbes were primarily charismatic leaders whose authority derived from their personal holiness and reputed spiritual powers. And, unlike the establishment rabbis who remained isolated and divorced from the Jewish masses in their Talmudic ivory towers, the hasidic rebbes dedicated their spiritual energies to helping the many simple Jews who did not enjoy the advantages of advanced Talmudic training.

At the very heart of hasidic life in Eastern Europe was the intimate relationship that developed early on in hasidic history between the masses and the *zaddikim*, or rebbes. The influence of the hasidic rebbes and their total command over the lives of their followers was, in fact, unprecedented in Jewish history. Unlike the traditional non-hasidic rabbis, the rebbes' domain of authority was not limited to matters of Jewish law and religious ritual. The rebbe was the final arbiter of every imaginable personal problem and predicament facing his flock.

While Jacob Joseph formulated an elaborate theology to advance the religious authority and vital social role of the rebbe, it was the other major disciple of the Besht, Dov Ber of Mezeritch (best known as the *Maggid*, or preacher, of Mezeritch), who put this theory into practice by preparing the members of his own circle themselves to serve as rebbes. The Maggid of Mezeritch was a highly charismatic cleric who created the model of a hasidic "court," from which the zaddik ruled the lives of his hasidim,

or adherents, in truly regal fashion. This model of hasidic leadership has continued virtually unchanged since then and—successfully transplanted from Eastern Europe to hasidic communities in America and Israel—can be observed to this day. The Maggid not only trained a significant number of disciples in the ways of hasidic spiritual leadership; he strategically dispensed them throughout Eastern Europe to establish courts of their own. Among the most important of Dov Ber's disciples were Levi Isaac of Berditchev, Nahum of Tchernobil, Elimelekh of Lyzansk, Hayyim Haykel of Amdur, Aaron of Karlin, Shneur Zalman of Ladi, and Menahem Mendel of Vitebsk.

Beyond directing a revolution of sorts against the established Rabbinic order, Dov Ber inculcated in his disciples a deeply monistic mystical faith in divine immanence, the thorough omnipresence of God in the created world. Classical hasidism's conviction that "God is all" and that "there is no place uninhabited by his presence" constituted a rejection of the dualism that characterized earlier schools of Jewish mysticism as well as the conventional Rabbinic belief in, and legal reverence for, distinct realms of the pure and impure. This hasidic faith in the pervasive presence of God remains hasidism's central doctrine and still guides many aspects of hasidic life today.

Charged with the mystical enthusiasm of their mentor, Dov Ber's disciples in turn established hasidic courts of their own in Ukraine, Poland, Russia, Lithuania, Belarus, and Palestine. Thanks to their spiritual enthusiasm and inherently popular and optimistic religious message, hasidism spread and quickly became a major spiritual force in virtually every Ashkenazic Jewish community in the world—even in Lithuania, where hasidism was most vociferously opposed by the Rabbinic leadership. One of the most important and charismatic leaders in the history of hasidism was the mystic Jacob Isaac of Lublin, best known as the "Seer" of Lublin, whose many disciples ultimately became the spiritual leaders of more than one million Polish Jews before the Holocaust. One of the more subtle, but highly repercussive, effects of the hasidic revolt against the Rabbinic establishment was the decentralization of religious authority in Eastern Europe. Although the courts of hasidic rebbes were based in towns after whom each sect became known, their authority far transcended these locales. One could be a follower of Levi Isaac of Berditchev, for example, and live hundreds of miles from his Ukrainian town. Since the authority of each rebbe derived from his personal charisma rather than his formal appointment as a Chief Rabbi by the elected community elders, hasidim would flock from dozens of places across Eastern Europe to visit and receive the teachings, advice, and blessings of their chosen rebbes. At the same time, the allegiance of hasidic Jews to local rabbinical authorities declined precipitously.

By the third generation of the movement, then, hasidism had spread very rapidly as a revolutionary, populist alternative to traditional Rabbinic Judaism. Despite the reality that over the course of the nineteenth century Hasidism became, and remained, the most reactionary religious movement in Judaism, one must keep in mind that it itself began as a rebellion against the ossification of the Jewish faith by the Rabbinic oligarchy and kehillah authorities. The chief goal of that revolution was to restore spontaneity and spiritual enthusiasm to the alienated Jewish masses, and its net effect was the disengagement of those masses from the established Jewish community.

Aside from its break with the traditional Rabbinic leadership of the day, Hasidism's most important and revolutionary religious message centered around the concept of "*devekuth*," or mystical communion with God. Whereas, in Jewish spiritual life, any mystical activity had hitherto always been the exclusive provenance of a highly restricted, elite cadre of kabbalistic initiates, hasidism promulgated a popularized form of religious ecstasy, intended to be easily accessible to each and every Jew. Toward that end, the hasidic leaders broke ranks with the institutional religious life, establishing independent prayer houses where a kabbalistic variation of established liturgy was introduced and in which the prayers were performed with great mystical enthusiasm, marked feverish swaying, song, and dance. On account of its essential optimism and

populism, the hasidic movement attracted many followers particularly among the least educated and most disenfranchised sectors of East European Jewish society, further exacerbating the rift between the wealthy learned elite and the untutored masses.

The hasidim also instituted a variety of new rituals and standards for religious observance. The most notable and socially repercussive of such ritual changes was the introduction of a stricter method of *shekhita*, the kosher method for the slaughter of animals. The creation of autonomous synagogues and the enactment of distinct dietary standards effectively disengaged the hasidic community from the rest of Ashkenazic Jewish society.

In the course of the nineteenth century, hasidism spread very rapidly throughout Poland and Galicia and from there made significant inroads into Hungary, Romania, and Czechoslovakia. Although never formally repudiating the religious and social radicalism of the movement's founders, over the course of the century, hasidism tended to grow increasingly conservative, largely in response to the spread of the Jewish enlightenment to Eastern Europe. While the radical mystical ideals of the Besht and the Maggid were officially preserved in the rhetoric and theoretical writings of the later hasidic masters, for all practical purposes, they became the most religiously conservative and politically reactionary of Jewish leaders in Europe. This conservatism was first reflected in the violent opposition of the hasidic rebbes to the changes in Jewish religious practice advocated by the enlightenment and reform movement and, later, in their hostility to the emergence of modern Jewish political ideologies, Zionism and the varieties of Jewish socialism in particular.

The very nature of hasidic leadership also eventually contributed to the internal degeneration and spiritual ossification of the movement. The early hasidic leaders were religious charismatics who rebelled against an ensconced Rabbinic elite that had become too powerful and alienated from the life and daily spiritual needs of the average Jew. However, by the middle of the nineteenth century, hasidic leadership had become almost exclusively dynastic, with rebbes bequeathing the mantel of leadership to their sons, regardless of their competence or qualifications for the challenges of religious leadership. The inherited nature of hasidic leadership, combined with the absolute authority granted by hasidim to the rebbe, led to much abuse and, in many sects, precisely the kind of exploitation of rabbinical power against which hasidism had originally revolted.

By the end of the nineteenth century, the hasidim accounted for almost half of the world's orthodox Jews. There were hundreds of hasidic societies, large and small, to be found throughout Eastern Europe. Among the largest and most important hasidic sects at the turn of the century were: Ger, Aleksander, and Rizhin in Congress Poland; Habad (or Lubavitch) in White Russia (today, Belarus); Bobov, Belz, and Vishnitz in Galicia; and, Munkacz, Sighet, and Satmar in Hungary and Carpathian Ruthenia (today, northern Romania). Though suffering some attrition as a result of the modernization of Jewish life in Europe and the seductions of the enlightenment, these important groups—along with many other minor hasidic sects—flourished until the eve of the Second World War.

The hasidic world was absolutely devastated by the Holocaust. While some of the most prominent rebbes managed to escape to Palestine, the overwhelming majority of their followers was completely wiped out by the Nazis. In fact, hasidim account for more than thirty percent of Hitler's Jewish victims. The hasidic rebbes' rejection of Zionism and their resistance to the emigration of their followers to America only made matters worse. For, on the eve of the war—aside from a few thousand hasidim in Jerusalem and New York City—hasidic life was restricted almost exclusively to Eastern Europe.

The Mitnagdim

Despite the rapid spread of the hasidic movement across Eastern Europe, Lithuania remained a bastion of traditional Rabbinic culture and was largely unreceptive to hasidism. This was largely due to the profound antagonism displayed towards hasidism by

the greatest Talmudist of the time, Elijah ben Solomon of Vilna (1720–1797), commonly referred to as the Vilner Gaon ("the genius of Vilna"). He was the single most important figure in the formation of a distinctive Lithuanian form of Judaism. Although the Vilner Gaon was, for most of his life, a reclusive scholar who refused to accept any official post, in his last years he channeled all of his energies to lead the Rabbinic resistance to the spread of the hasidic movement. The Vilner Gaon directed an energetic campaign across Lithuania and Belorussia to block the hasidic rabbis from attaining any religious influence or communal authority. He even went so far as to declare meat slaughtered by hasidic rabbis as unkosher and to ban "intermarriage" between hasidic Jews and members of his own community.

The basis for the Vilner Gaon's hostility towards hasidism was ostensibly the movement's emphasis on religious ecstasy and mysticism at the expense of the Torah scholarship that had hitherto been the supreme value in Jewish religious life. As an antidote to hasidism's anti-intellectual spirituality, the Lithuanian disciples of the Vilner Gaon further elevated the role of Talmudic scholarship to the very epicenter of religious life.

One of the Vilner Gaon's most distinguished students, Hayyim ben Isaac (1749–1821), established a talmudical academy for advanced rabbinical students in the small town of Volozhin, near Vilnius, in 1802. Although numerous yeshivas had existed in Eastern Europe since at least the sixteenth century, the academy at Volozhin set new standards for scholarship and raised the prestige of yeshiva students to unprecedented levels. Through its graduates, the yeshiva in Volozhin generated similar elite rabbinical academies in such Lithuanian and Belorussian cities as Paneviecz, Kaminiecz-Litovsk, Slobodka, Telsiai, Kletsk, Mir, and Slutsk. The most important academic innovation of this network of Lithuanian yeshivas was the rejection of the old convoluted method of Rabbinic casuistry, *pilpul*, in favor of a more rational, conceptual approach to the Talmudic text.

Though this impressive network of Lithuanian Talmudical academies, which comprised a kind of "Ivy League" in the world of Jewish academia, was decimated by the Nazis, many were reestablished after the war in the United States and Israel and still bear the names of their Lithuanian towns of origin. To this day, the orthodox Jewish world is divided between hasidim, whose leaders are charismatic mystical rabbis mostly of Polish and Hungarian origin and their descendants, and the *mitnagdim*, led by the deans of the Lithuanian yeshivas and their disciples.

One particularly important offshoot of the Lithuanian yeshivas was the emergence of the "Musar" movement, a religious revivalist faction of Lithuanian orthodox Judaism founded by Israel Lipkin of Salant (1810–1883), which emphasized rigorous moral introspection and ethical perfection along with Talmudic scholarship. By fashioning an intense Jewish spirituality rooted in study and ethical excellence, the Musar movement also served to obstruct the spread of hasidism as well as the Jewish enlightenment to Lithuania.

Largely as a result of the influence of the Vilner Gaon and his followers—the mitnagdim—Lithuania became famous as the home of one of the world's most learned and intellectually vibrant Jewish communities. The intensity of Jewish learning and the high level of Rabbinic scholarship in Lithuania were legendary. According to one tale, when Napoleon entered the Jewish quarter of the Lithuanian capital, Vilnius, he was so impressed by the plethora of Jewish religious and cultural institutions, that he declared: "This is the Jerusalem of Lithuania." Whatever the actual origins of that appellation, thanks to the unparalleled tradition of eminent Jewish scholarship that had developed there, Vilnius was widely known as the "Jerusalem" of Eastern Europe until the Nazis' liquidation of the Jewish ghetto there in 1943.

Aside from hasidism's derogation of Torah scholarship in favor of more mystical and spontaneous forms of Jewish spirituality, the mitnagdim maintained a more traditional, dualistic understanding of the Jewish faith. They rejected hasidism's popularization of the notion of divine immanence and its

celebration of the earthly existence and its physical pleasures as the theater for spiritual experience, maintaining instead a more ascetic approach to religious life.

The social and theological divisions between hasidim and mitnagdim effectively divided East European traditional Judaism into two very distinct religious camps, through the modern period. Due to the enduring legacy of the Vilner Gaon, the vast majority of traditional Lithuanian Jews defined themselves as mitnagdim and remained the sober, dualistic, and ascetic opponents of hasidism's mystical enthusiasm right up to the eve of the Holocaust. The center of their spiritual universe was the yeshiva, which played a role equivalent to that of the rebbe's court in hasidic life.

In discussing Lithuanian Jewry, it is important to keep in mind that this historic community is neither defined by nor limited to those Jews who actually resided in the territory that finally came to be defined as Lithuania after the country achieved independence in 1918. In Jewish history and culture, Lithuanian Jews were distinguished from their Polish, Russian, and Ukrainian brethren by certain well-defined religious, linguistic, and social characteristics that transcended politics and national borders. These distinctive features, which defined Jews as "*Litvaks*" (Yiddish for Lithuanian Jews, as opposed to "*Litviner*," the Yiddish term for Lithuanian gentiles), included a particular Yiddish dialect, a rational, anti-mystical and anti-hasidic approach to Jewish religion and an intense intellectualism, reflected in the traditions of the great Lithuanian yeshivas. These religious and cultural distinctions were shared with the Jews of Lithuania by virtually all of the Jews of Belarus, or White Russia, which had a prewar Jewish population of more than 400,000, as well as the culturally Lithuanian regions under Russian, and later Polish, rule, such as Vilnius, Bialystok, Novogrudek, and Pinsk, whose combined Jewish populations totaled about 550,000. Therefore, although no more than 175,000 Jews actually resided in the independent Lithuanian Republic in 1938, there were actually more than 1,000,000 "*Litvaks*" living in Eastern Europe on the eve of the Second World War. All but a few thousands were liquidated in the Holocaust.

Religious Responses to Modernity

The influence of the Vilner Gaon's intellectualism not only fostered a unique religious culture in Lithuania. It is also credited by many scholars with creating an environment conducive to the spread of rationalism and the ideals of the Jewish enlightenment. Indeed, while the Vilner Gaon himself was a rigid traditionalist who strongly opposed the infiltration of secularism into Poland and Lithuania from Western Europe, many of his disciples were attracted to the enlightenment and helped facilitate its spread in Lithuania and White Russia. Unlike Western Europe and Galicia however, where the Enlightenment often led to the radical reform of Jewish law and rituals, national self-denial and assimilation, in Lithuania—and later in Russia—it took on a particularly intense Jewish character. This was especially manifest in the eventual rise in Lithuania of the two most important movements of secular Judaism: Zionism and Yiddish culture.

The most significant distinction between Eastern and Western European Jewries' respective religious responses to modernity is the fact that it was only in Germany and the Austro-Hungarian empire that the liberalization of the Jewish religion—as manifest in the emergence of reform Judaism—developed over the course of the nineteenth century. The religious denominationalism that characterized modern Jewish life in Germany (and later in America) never took root in Poland or Russia. In Eastern Europe, largely because of the blatantly antisemitic nature of the Czars' attempts to control and "modernize" Jewish life, no accomodationist reforms of Jewish ritual and practice emulating the majority religion ever developed. Instead of transforming Judaism itself, the Jewish enlighteners—maskilim—of Eastern Europe developed distinctly secular alternatives to Jewish religious practice. A variety of secular Jewish cultural and political movements, expressing themselves in either Yiddish or Hebrew, flourished throughout

Eastern Europe from the mid-nineteenth century. This tendency culminated in the establishment, in 1897, of the two largest secular Jewish political movements, Zionism and the Jewish Labor Movement, known as the Bund. Both the Zionists, who fostered the creation of a secular, modern Hebrew culture and literature, and the Bundists, who promoted secular Yiddish culture, were equally opposed by the hasidim and the mitnagdim, who came closer together as a consequence of their shared opposition to all forms of modern, secular Judaism.

The type of organized, self-conscious orthodox Judaism that developed in Germany and Hungary—which was largely a reactionary response to the reformation of religious practice in Central and Western Europe—therefore also never emerged in the east. In general, the East European rabbis and the masses of their followers opposed the politicization of Jewish life and rejected newfangled social organizations and political parties that were established by the more secular Jews. They preferred to be governed solely by the norms and mores of Talmudic Judaism, as interpreted by the rabbis.

Despite the traditional Jewish leaders' disdain for the conventions of modern political life and its institutions, by the beginning of the twentieth century they found it virtually impossible to remain immune to the forces of modernization. In 1912, the first orthodox Jewish political party—Agudath Israel—was formed, largely in opposition to the emergence of a religious Zionist movement, known as Mizrachi. After World War One, Agudath Israel functioned in Poland as a political party, elected delegates to the Seim (Polish Parliament), and strenuously opposed the platforms of the secular Jewish parties, such as the Bund and various Zionist movements. Agudah eventually became a major force in Jewish political life in interwar Poland. The leadership of Agudah spanned the traditional ideological spectrum, further uniting hasidim and mitnagdim in their battle against modernity. So, for example, two of the party's towering figures were Abraham Mordechai Alter (1866–1948), the hasidic rebbe of Ger (the single largest hasidic sect in Poland) and Hayyim Ozer Grodzinski (1863–1940), the mitnagdic Chief Rabbi of Vilna. In addition to its political work, the Agudah established a network of schools and published newspapers in the larger Jewish communities.

Still, despite the political and social changes that invaded even the most traditional segments of East European Jewry, Judaism, as practiced by the Jewish masses of Eastern Europe during the previous centuries, remained essentially unchanged, particularly in villages and small shtetls, in which the norms of halakhah and the authoritative rulings of the local rabbis continued to dominate all aspects of Jewish behavior and to define Jewish life. While in a few of the largest cities of Eastern Europe, a form of aestheticized, enlightened Judaism developed, practiced in majestic "choral synagogues" and presided over by official, Czarist-government-sanctioned rabbis, its impact on the great majority of East European Jews remained minimal until the eve of the Holocaust.

The most significant contribution of this modernized, but still halakhic, East European enlightenment Judaism was the development of the elaborate liturgical art of East European cantorial music, which borrowed heavily from the European classical and operatic traditions. Still, the popularity of this liturgical form was actually greater among the Russian Jewish émigrés to America than among the Jews who remained in Eastern Europe.

The Traditional Life of the Shtetl

The traditional Jewish life of the shtetl has been captured in vivid, but highly nostalgic and romanticized, terms in literature, theater, music, and film. Perhaps the most popular rendition of the life of the shtetl is the depiction found in the award-winning Broadway musical (and later the film) "Fiddler on the Roof." While—like all artistic recreations of a lost world—there are many problems and inaccuracies with these depictions, the central, salient feature of shtetl

life that is described is incontrovertible: the extent to which Jewish law and custom permeated every aspect of Jewish behavior. The Judaism of the shtetl was thoroughly mimetic; it completely governed, indeed saturated, the lives and conduct of the shtetl Jews. Probably the most vivid and accurate of the nostalgic descriptions of the spiritual life of the shtetl is Abraham Joshua Heschel's famous essay *The Earth is The Lord's*. This lost world has also been vividly described through the letters and documentary and oral history that survived its destruction in several anthologies, edited by Heschel, Dawidowicz, and Herzog.

Despite its insularity and endurance, however, the Judaism of the shtetl—whether hasidic or mitnagdic—began rapidly to disintegrate during the latter part of the nineteenth century. Aside from the inroads being made by secular Russian Jewish culture, the two external events that most threatened the old forms of traditional Ashkenazic Judaism were the rapid urbanization of Jewish life and the massive emigration to America that had been spawned by waves of increasingly brutal, government-sanctioned pogroms, beginning in 1881 and continuing to the 1920s. Since the small shtetls were most vulnerable to the pogroms, the depletion of their population was most pronounced. During the interwar period, the shtetls were rapidly disappearing and with them the thoroughly traditional Jewish life that had made them the last, unique representations of traditional East European Jewish religious life.

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Ecology in Ancient Judaism

ANCIENT Israel is a well documented example of a sustained society. Archaeological records show that the Israelites were the first example in world history of a society that succeeded in managing a sustained management of their environment for about thousand and seven hundred years. After the beginning of Iron Age II (about the twelfth century B.C.E.), the oscillating pattern of settlement, recorded from the late Chalcolithic period throughout the Bronze Age,[1] was replaced by a continuous settlement at a high population density of the region until the seventh century C.E. that was, at least during the Talmudic time, twice as high as at the beginning of the twentieth century.[2] This success of a sustained settlement under semi-arid conditions for more than one millennium is unparalleled in world history.

LIVING CONDITIONS WITH LIMITED RESOURCES

Since the much more fertile plains of Palestine were occupied by the technically far more advanced Philistines, the Israelites had to be content with the hilly lands of the Judean Hills. The geology of the land of Israel, especially the Judean Hills, is rather simple: the bedrock that can be found almost everywhere is calcareous.[3] That means the soils are extremely vulnerable, especially in the hilly regions. As long as good agricultural practice is employed the soils are fertile, but as soon as they are overused, they turn to karstlands. The climate in the region was also marginal and favored desertification.[4]

With regard to the ecological basis, the people who started to settle down on the Judean Hills some 3,400 years ago were

actually living on the extreme edge of their possible existence. They settled in a region in which the climatic conditions changed over short distances and where desert-like conditions, such as extremely vulnerable soil, prevailed. Thus, the physical survival of a large population with a high standard of living depended on their ability to make the best use of their resources and to establish an advanced sustained yield form of agriculture. The colonization of the Judean Hills was possible only through conversion of the forests (cf., Josh. 17:14–18) and macchia to good fertile land by clearing the area and terracing the slopes.[5] They were then forced to develop a high standard of agriculture, since they had neither the fertile soils of the river oasis like the Egyptians and Babylonians nor the solutions to population problems that the Greeks and Romans had.

In contrast to other advanced cultures of the antique world, the Jews were forced to rely on intelligence, creativity, and experience to increase the productivity of the land without destroying its resources. From the beginning of the era of the Judean kings, the pressure under which the Israelites stood with their growing population was so great that, until the Babylonian exile, even the Negev was used for farming.[6] Someone who decides to start farming in the Negev must have very good reasons; otherwise that person would settle in a less hostile place nearby.

Metaphors Used by the Israelites to Describe the Vulnerability of Their Land

The metaphor "milk and honey" is used several times in the Torah to refer to the promised land. The most indicative pericope is Deut. 11:8–15:

> and that you may live long in the land which the Lord swore to your fathers to give to them and to their descendants, a land flowing with milk and honey. For the land which you are entering to take possession of it is not like the land of Egypt, from which you have come, where you sowed your seed and watered it with your feet, like a garden of vegetables; but the land which you are going over to possess is a land of hills and valleys, which drinks water by the rain from heaven, a land which the Lord your God cares for; the eyes of the Lord your God are always upon it, from the beginning of the year to the end of the year. And if you will obey my commandments which I command you this day, to love the Lord your God, and to serve him with all your heart and with all your soul, he will give the rain for your land in its season, the early rain and the later rain, that you may gather in your grain and your wine and your oil. And he will give grass in your fields for your cattle, and you shall eat and be full.

In two ways, the authors of this pericope reveal the fragility of the land and the dependency of its fertility on the people's obedience to God's Torah. First, at the center is the statement about the quality of the land. Only if the Torah is obeyed, can there be fertility and well-being in the land of "milk and honey." Second, the land is compared to Egypt, from where the Israelites have come. The key expressions are "watering with the feet" and "garden of vegetables." Vegetable gardens are the most fertile ground in the world. They are tilled much more intensively and yield much higher harvests than normal agricultural fields. So this comparison is a good indicator of the fertility of Egyptian soil. Throughout in antiquity, Egypt was an agricultural paradise. Herodotus, who traveled all over the antique world, states that there was no region where "the fruits of the field were obtained with less trouble" (Historiae II. 14). Egypt was the granary of the Roman Empire, the country with the best soil and biggest harvests. "Watering with the feet" indicates furrow irrigation as a means of getting water into the fields. The fields of the Israelites in the Judean Hills were not vegetable gardens. Intensive high yield agriculture thus was not possible in the Judean Hills the way it was in the Nile Delta. In all, the land of "milk and honey" is not a paradise; it will be fertile only if the people carefully obey the Torah.

Unlike modern interpretations of the phrase, which more or less takes it to indicate conditions close to paradise, it meant that the lands available to the immigrants were far from being well suited for agriculture. "Milk" meant that these lands were visited regularly by nomads who let small cattle graze there. "Honey" indicated that bees found plenty of food there from wild flowers, whose honey could be collected by the people. Translated into modern plant sociology and knowledge of succession, this land was a macchia, a region of Mediterranean hard scrub, downgraded land with plenty of wildflowers that only careful management could convert to fertile, arable land.[7]

This interpretation of a land of "milk and honey" was absolutely clear to Isaiah, as shown by 7:14–16 and 21–25:

> Therefore the Lord himself will give you a sign. Behold, a young woman shall conceive and bear a son, and shall call his name Imman'u-el. He shall eat curds and honey when he knows how to refuse the evil and choose the good. For before the child knows how to refuse the evil and choose the good, the land before whose two kings you are in dread will be deserted.
>
> In that day a man will keep alive a young cow and two sheep; and because of the abundance of milk which they give, he will eat curds; for every one that is left in the land will eat curds and honey. In that day every place where there used to be a thousand vines, worth a thousand shekels of silver, will become briers and thorns. With bow and arrows men will come there, for all the land will be briers and thorns; and as for all the hills which used to be hoed with a hoe, you will not come there for fear of briers and thorns; but they will become a place where cattle are let loose and where sheep tread.

The first passage is extremely important to both Christianity and Judaism. It is one of the few prophecies in the Bible that deals with the messiah. Isaiah makes a clear statement about the conditions prevailing in the land when the messiah comes: downgraded and desertified, therefore, a land of "milk (curd is a milk product) and honey." In the following passage, the conditions are further clarified: because of the sins of the people, i.e., the misuse of nature by the farmers, a macchia has been established.

The relationship between land degradation and the appearance of milk and honey, which was by no means a blessing for people that employed advanced agriculture, is blatantly evident in these prophecies. Isaiah declares what happens when people do not take care of the land. It will be turned back into a macchia, a land of "milk and honey." Even more important is that Isaiah connects the coming of the messiah with downgraded ecological conditions. Thus one can expect he will take care of this situation. In the first pericope, it says explicitly that the bad conditions of the land will prevail while the messiah is still young, before he can distinguish good from bad.

In any case, the prophecies of Isaiah make it clear that a "land of milk and honey" is not a paradise but a land that is principally suited for agriculture. Its conversion to fertile soil requires great care and good tillage. This land is unstable and vulnerable. If it is not properly cared for, or if it is overexploited, it will rapidly revert to the stage of milk and honey.

How unstable, vulnerable, and how utterly dependent on the blessing of the Lord agriculture was in this region becomes evident from a characterization of the land at Deut. 8:6–8:

> So you shall keep the commandments of the Lord your God, by walking in his ways and by fearing him. For the Lord your God is bringing you into a good land, a land of brooks of water, of fountains and springs, flowing forth in valleys and hills, a land of wheat and barley, of vines and fig trees and pomegranates, a land of olive trees and honey.

B. B.B. 147a explains:

> The northern wind is beneficial to wheat when it has reached a third of its ripening and is damaging to olive trees when they have blossomed. The southern wind is damaging to wheat when it has reached a third of its ripening and is beneficial to olives when they have blossomed. This was symbolized by the table in the north and the menorah in the south.

Two ecologically different groups of crop plants, both staples of human nutrition in ancient Israel, are listed to characterize the

nature of the land: wheat and barley on the one side, the other five on the other (in the Bible, honey is not always the product of bees as we understand it today, but the term is also used for dates, a very important crop of that region).[8] For both groups, the weather between Passover and Pentecost (Shavuot), i.e., the period from roughly the end of March until the middle of May, determines the size of the harvest in that season. For wheat and barley, there must be at least some rainy days to allow the ears to ripen and to have full grains. Too much rain and cold weather, however, is detrimental to the five crops listed in the second group, which need warm weather while they are flowering. The rain is brought by the northern wind, the hot weather by the southern wind. To remind the people of this crucial fact for their survival as peasants, two items were always present on the altar in the Temple: showbreads and candles. The showbreads, which are made of grain, are placed on the northern part of the altar, and the candles, which stand for the second group of crops, on the southern part. These things symbolize the northern and southern winds, which are both necessary to achieve good and diverse harvests.

Thus the ancient Israelites developed a level of environmental sensitivity. They were aware of the fact that they had settled in an area with a fragile ecology. They knew that their land would be fertile only if it was managed with proper care. To them, this sense of vulnerability and dependency on nature was so important that, in the Talmud's much later understanding, they put symbols of their situation on the altar of the Temple.

Gen. 1:28: What Does *Dominatio Terrae* Really Mean?

Gen. 1:28 is the most misunderstood verse in the Hebrew Bible. In numerous incidents Western (i.e., Christian) civilization has apparently taken this passage to permit destruction of the environment. This has happened to such an extent that in 1970, at a conference on "Theology of Survival," a group of Protestant theologians went as far as to assert "that any solution to the current environmental crisis would require major modifications of current religious values."[9] On the other hand, this is also the basis for a recently developing trend that ascribes the global crisis to "the Judeo-Christian tradition."[10]

Without regard for this one verse, the basis for a proper use of natural resources is laid down in the first chapter of Genesis. Examining this chapter, we realize that humanity's domination of the earth in fact is rather limited.

- The command "be fruitful and multiply" was also given to the animals, suggesting that people must populate the earth in the same manner as animals.
- Humans rule over the animals but do not feed on them. Plants are excluded from humanity's general dominion.
- The use of plants is restricted to the use of their fruits as food. This concession is the same that was given to the animals.

Translated into the language of ecology, this means that humanity has a special rank in the order of nature. People are allowed to use nature properly. This use, however, is restricted. They are not permitted to kill animals or touch plants in such a way that their basic existence is endangered.

Deeper insight is found in the pertinent commentaries, particularly Rashi. The most important point in Gen. 1:26–28 is the exact meaning of the words used to describe the relationship between humanity and the rest of creation, especially the two verbs: "have dominion" and "subdue." For Rashi, the first of these verbs cannot be as defined as it normally appears in English translation:

> The expression *wredu* may imply dominion as well as declining—if he is worthy, he dominates the beasts and cattle; if he is not worthy, he will sink lower than them, and the beasts will rule over him.

This interpretation is breathtaking, and one wonders whether Rashi knew how revolutionary his analysis was. He states, in essence, that the same philosophy of conditional ruling applies here as in the Germanic concept of kingship. A king obtains his mandate, the Königsheil, from heaven on the condition

that he is worthy. As long the king has this mandate, his rule is sacrosanct. However, if it becomes evident that he is not worthy, and so has lost his Königsheil, a person who is able to prove that the Königsheil has been transferred to him may rise up and take over the kingship. In assuming that rules similar to these are relevant to the relationship between humanity and nature, Rashi reveals a very modern concept of nature. Before the middle of the nineteenth century, the prevalent view was of a static world system that was basically unchanged since the beginning of creation and that would not undergo any basic changes in the future. Indeed, one of the four pillars of the so-called Christian Weltanschauung of that time, which made Darwin's theory so difficult to accept, was this very dogma.[11] Rashi, by contrast, envisions a world that can change even to the extent that the circumstance of control might be completely reversed. The next important word is *wekabsh(u)ha*, "subdue." Rashi states:

> The word is written without the expected *waw* after the *shin*, so that it may be read as meaning: and subdue her (i.e., the woman), thereby teaching you that the male controls the female in order that she may not become a gad-about. . . .

For Rashi, it is self-evident that nature has its own right to develop in harmony. This is so basic for him that he states the relationship between humans and nature as a model of the partnership between man and woman in marriage. Since humanity must permit nature to develop in harmony, a husband has to treat his wife in such a way that she does not develop into a gad-about.

The last expression important in our considerations is the ending of the sixth day (Gen. 1:31). Rashi states:

> The letter *he*, the numerical value of which is five, is added to the word *shishi* when the work of creation was complete to imply that he [God] made a stipulation with them that [creation] endures only upon the condition that Israel should accept the five books of the Torah. (B. Shab. 88a)

The part of the Talmud to which Rashi refers is as follows:

> It is written: "And it was evening and it was morning, day the sixth." Why is the superfluous *he* [= "the"] necessary? This teaches that the Holy, praised be he, made an agreement with his work of creation and said to him: If the Israelites accept the Torah, than you [the creation] will flourish, if not, I will turn you back into desert and emptiness.

The pericope, referred also at B. A.Z. 3a, states that nature can only survive if humankind keeps the Torah. So for the Talmud, and of course for Rashi, the Torah is not just a book of instructions on relationships between humans and between humans and God. It also details how to treat creation. If this advice is not followed, God will turn creation into desert and emptiness.

A second interpretation given by Rashi for *yom hashishi* is:

> The whole creation (the universe) stood in a state of suspense (moral imperfection) until the sixth day—that is the sixth day of Sivan that was destined to be the day when the Torah would be given to Israel (B. A.Z. 3a).

According to this explanation, the words "the sixth day" must be read together with the opening words of the next verse (Gen. 2:1), so that the passage as a whole reads: "On the sixth day of Sivan the heavens and the earth were perfected." This reading is actually present in the introductory verses of the Jewish Friday-evening prayer at the start of the Sabbath celebration.

Overall, Rashi's perspective on the meaning of Gen. 1:28–31 is as follows:

1) Humanity has a mandate to dominate the world, but this mandate is given on the condition that people show themselves worthy of it.
2) From the verb "subdue," Rashi deduces that a man must allow his wife to develop into a full, mature person. His freedom to dominate creation is again limited.
3) Creation was only completed when the Torah was given, and it can only survive if Israel keeps the Torah.

Rashi makes a further important point that deserves attention: The verbs "dominate" and "subdue" describe a general ethical attitude according to which nature has to be dealt with benevolently. The general rules implied by these verbs are made concrete in the Torah, which provides precise rules on how to treat nature.

The lists of forbidden animals occur in Leviticus and in Deuteronomy. Certain animals are clean and fit for human consumption, and others are unclean and not fit for consumption. To understand the full meaning of such a taboo, we have to keep in mind that these rules were imposed on a community that consisted mainly of peasants living in a densely populated area. In such an economy, there is always a shortage of dietary protein, and any available source of protein that humans could procure and that was allowed for consumption was used for food. We have ample evidence both from the Hebrew Bible (e.g., Prov. 6:5, 7:22) and the New Testament (Matt. 10:29) that even very small birds were caught and eaten.

In view of these considerations, the lists in Lev. 11 and Deut. 14 served two purposes. They laid down the rules for animal husbandry and were forerunners of today lists of species of wild animals that are allowed to be hunted in the wild.

Animals Allowed for Husbandry

Of all the mammalian species known by the Israelites, only ruminants were suitable for eating except for the camel and the hyrax. This means that only ruminants, i.e., those animals able to make the most efficient use of vegetation were allowed to be raised for human consumption.

To appreciate this ruling, one has to take a short look into the nutritional physiology of the animals that were domesticated and could be kept by farmers for different reasons: the horse, ass, and camel for transportation and work on the fields; the cow used both for work and for milk and meat; the sheep and goat for milk, wool, and meat; and, finally, the pig, which was raised for meat only. With regard to nutritional physiology, these animals can be divided into three classes. The first is represented by the horse, a grazing animal with no rumen: it therefore needs rather high quality food, mainly grass with a high proportion of cereals, such as oats. Horses were used for military purposes, transportation, and work. The pig falls into the second class, it is an omnivore that has almost the same dietary requirements as humans (note that the pig is quite frequently used as a scientific model for human nutrition today). In animal husbandry, pigs cannot be used only for production of meat. From the carbohydrates present in their food, horses and pigs, like humans, can digest in their stomach only those compounds that are either low molecular sugars or starch. Therefore, they need a high proportion of grain or other materials with starch in their fodder.

The ruling on animals forbidden for husbandry therefore forces farmers to make the best use of available resources and protects rich people from gluttony. Even people who had the resources to feed pigs with first-rate food, in order to produce much juicier meat than that of old goats or cows, were not allowed to do so.

Animals in the Water

Of all animals in the sea, rivers, lakes, and brooks, only those with fins and scales, i.e., fish, were considered fit for eating. This means that, excluded from consumption, frogs, toads, and newts were protected by the law. Once again, we have to bear in mind that frog-legs and whole frogs and toads are part of the usual diet of many millions of humans today. But wherever they are harvested on a large scale, the ecosystem is deprived of the most important antagonist to mosquitoes, resulting in a higher rate of malaria infection. In several subtropical and tropical countries, the export of frogs is now prohibited for this reason. It can be assumed that the authors of Deuteronomy and Leviticus included this precept for exactly the same reason. There is no other good reason imaginable that would convince a protein-starved society to accept deprivation of an abundant and easily available source of protein, except care for the health of society as a whole.

The Lists of Forbidden Birds

Due to the close cultural contact with Egypt, Jews were familiar with the special treatment

given to particular birds as part of Egyptian religious practice. Their approach, however, was very different from the Egyptian one and reveals a profound knowledge of ecological laws. This can be seen from the list of protected birds in the Torah.

1) The carrion eaters and "sanitation police" birds. Not only the conspicuous vultures are included in this list of birds that are very important for the health of cities, but, also, unlike all other similar practices in the East, ravens, crows, and magpies. This shows that the ancient Jews were excellent observers and had a thorough knowledge of the succession of birds that feed on carcasses. They protected not only the first very spectacular consumers of carrion, vultures, but also the less showy "secondary" consumers, the Corvidae, which take care of vultures' leftovers.

2) All birds of prey, including owls. It is a fact that birds of prey and owls are still traded as food at rural markets, for instance, in China. This stringent protection of all birds of prey as practiced in ancient Israel is unique to the ancient world. Once again, it reveals a detailed knowledge of the function of these birds in the maintenance of ecological balances.

3) All storks, ibises, and herons. We know from biblical evidence (e.g., Ps. 104:17) that at that time birds of this group were common in Palestine and even nested there frequently. Today we know that this group of birds fishes in ponds, thus keeping the numbers of diseased fish in check. In addition we know that they represent, together with the hoopoe and the bee-eater, the most efficient biological control of locusts,[12] which still are a menace in this part of the world. By protecting these birds, the Israelites established the best possible defense available at that time against an invasion of locusts. It was the most efficient protection available for their crops.

4) The bee-eater, the hoopoe, and all species of bats. Once again we can see a very precise logic behind the selection of birds and bats, which were put together with birds because they could fly so well, that were allowed to be eaten and those that were protected. There are several bird species in the same size class as bee-eaters and hoopoes, which are still very common in Israel today: the two big kingfishers, Smyrna kingfisher and grey kingfisher, the roller, the bulbuls, and Tristrams' grackle, to mention only the most common species. Of all these very conspicuous birds, the Israelites protected only the bee-eater and the hoopoe, knowing very well that these two species were extremely important in keeping down insect pests. These birds, in addition to bats, were the best antagonists to insects up to the size of locusts.

The only bird on this list that eats mainly grain and other parts of plants is the female ostrich, a very conspicuous bird, for which no purely "ecological" reason can be given. Overall, the list of birds forbidden to be eaten included by no means all birds inhabiting Palestine at that time. In general, birds were allowed to be touched and eaten. Only those species that were most valuable in maintaining the ecological equilibrium and that served as the most efficient biocontrol agent of insects, especially locusts, were carefully selected and protected from human predation.

Insects

These two passages illustrate the dire need people had for protein at that time. The agricultural society could not disregard any significant protein source, not even locusts and crickets. This is still true today in some regions of the world. I have seen hornet nests with the larvae and the developing imagines sold at markets in Yunnan, South China. These animals were offered as food in local restaurants, after they had been thrown into boiling fat.

Since large insects were obviously a desirable food and valuable protein source, some kind of answer had to be given in the Torah about their state of purity. The answer was very specific. All sizeable types of locusts were allowed to be eaten, all other insects were not. This regulation is ecologically wise. It permitted the collection of invading insects (locusts) and those obviously eating leaves and grass (crickets), thereby competing with the farm animals. All other insects, including their larvae, were protected.

The message thus seems to be clear: people should harvest resources that cause ecological harm but otherwise leave nature as intact as possible.

Wild Mammals, Snakes, and Lizards

(Lev. 11:26–31) Here it is again stated that among all quadrupeds only ruminants are allowed for human consumption (with the exceptions stated above); all other animals are not allowed to be hunted or eaten. Thus, groups of wild animals that provided very popular food in similar cultures of that time were excluded for human consumption. Cats and dogs, for instance, were and still are eaten all over rural Asia and are considered a delicacy. Bear meat was and is eaten by hunters all over the world. By forbidding the consumption of these animals of prey, the authors of the Torah acknowledged the important role of these animals in ecosystems. They take care of the natural equilibrium and prevent overpopulation of herbivores, which are a store of diseases of domesticated cattle.

We know from archeological evidence that during pre-Israelite times all kinds of snakes and lizards, even mice and rats, were eaten by people living in Palestine.[13] The Jews were forbidden to eat any of these animals, in spite of their abundance in the Holy Land. As in the case of birds, two lines of arguments can be advanced to explain the protection of these animals:

1) Sanitary reasons, which forbade the eating of mice, rats, and similar animals that transmit diseases; and

2) Ecological considerations, which protected all raptors because of their role in maintaining the biological equilibrium. In this group we also find lizards, which are biocontrol agents of insects, and snakes, which feed on mice and rats.

Interpretation of These Lists in Later Exegesis: Mishnah and Talmud

In the exegesis of the Hebrew Bible, there is a long-standing discussion about the criteria distinguishing clean and unclean animals. Already the sages of the Mishnah felt compelled to introduce additional criteria (M. Hul. 3:6):

> A. The tokens [by which we know whether or not animals are deemed clean or fit] of cattle and wild beasts have been stated by the Torah. [Lev. 11:3].
> B. And the tokens of fowl have not been so stated.
> C. But sages have ruled: "Any fowl that seizes is unclean. Any [fowl] that has an extra talon [the hallux] and a craw, and the skin of the stomach of which [can] be stripped off is clean."
> D. R. Eleazar b. Sadoq says "Any bird that parts its toes evenly [two in front and two in back] is unclean" [Lev. 11:3].

These new criteria for birds are of paramount interest, since they give a clear statement about the doubtful birds not directly mentioned in the list, specifying that raptors (which seize) are unclean and those that eat seeds (which have a craw and easily removable stomach skin) are clean. As outlined above, these criteria strongly support the ecological significance of these precepts. Especially in arid and semi-arid regions seeds are designed by plants for a long survival, and rotting is prevented by a very low moisture content of the seeds and a slow rate of water absorption. They are intended to germinate only after considerable wetting of the soil takes place in a long rain. This is why the desert starts to bloom only after sizeable rainstorms. Seeds are thus very dry food and not easily digested. Seed-eating birds have two means of coping with this situation. They have a craw in which the food is mixed with water and allowed to swell. In addition, they have very strong stomachs with a tough inner wall, wherein they even grind the seeds with small stones they have collected from the ground. So it is a clear indication that the bird is a seed eater and, therefore, clean for consumption, if a very strong inner skin can easily be peeled off from the stomach muscle beneath.[14]

Protection of Biotopes

The authors of the Hebrew Bible did not only protect animals and birds. They knew that protection was futile without the provision

of niches and reserves in which birds and animals could live. This is evident in Is. 5:8–10:

> Woe to you who add house to house and join field to field till no space is left and you live alone on the land. The Lord Almighty has declared in my hearing: "Surely the great houses will become desolate, the fine mansions left without occupants. A ten-yoke vineyard will produce only five gallons of wine, a *homer* of seed only an *epha* of grain."

If land is overused, no refuge is left for the birds and animals that control the many pests, and no place is left where they can build nests or hide under bushes or stones. In addition, fields on terraces that leave no space for bushes are much more prone to destruction by floods caused by heavy winter rainstorms. Hedges and bushes between the fields absorb the force of the water and protect the fields from erosion, and the seeds and seedlings from being washed away. For a certain time, there will be good harvests, and the owner will become rich because he has more land under cultivation. Therefore, he will be able to live in "great houses" and "fine mansions." In the long run, however, nature will fight back. In winter, the danger of erosion is much higher and in the case of any insect calamity that can be expected in this situation anyway, the lack of biocontrol agents will result in a destruction of his entire harvests.

Soil Care and Land Use

The "conquest" of the Judean hills by the Israelites in the early Iron Age is characterized by the change from an oscillating to a permanent pattern of settlement.[15] This was the start of a highly successful agriculture that was the economic foundation of the prosperous period of Iron Age II: the Israelite and Judean Kingdoms.[16] This change from an unstable to a sustained and high yield form of agriculture did not leave any marks that can be traced by archaeology. Terracing and other methods of land use thought to be the reason for this surprising success were already employed in the late Bronze Age.[17] Therefore it might be worthwhile to look for other reasons for this development. The hypothesis outlined here is that the high standard of Israelite biology and the development of rules that prevented over-exploitation of the soils were the reasons for this success.

The Sabbatical Year

The precept of the sabbatical year appears at Exod. 23:10–11 and Lev. 25:1–7. This concept was unique in the region. There are no records of similar laws either in Babylonia or in Egypt, the dominating civilizations east and west of Palestine. These laws are a counterbalance to humanity's tendency to abuse its power over the rest of creation.[18] The precept as outlined in Leviticus clearly shows that its main intention is to protect the soil, i.e., to give the soil a rest. The concomitant rest for the people is a minor matter and not the primary goal of the law. This can be seen from several facts. The law was valid only in the countryside; the cities had no sabbatical year. In addition, it was not only forbidden to practice agriculture but also to utilize any of the possible crops which might grow spontaneously. This means that the whole net production of organic matter, including the parts to be removed from the plot during harvest, seeds and fruits together with the leaves and stalks attached to them, remains in the fields and is subsequently incorporated into the terrestrial carbon cycle.

Such an increase in organic matter in the soil has two beneficial effects. The first is an activation of the soil microflora. This leads to an enhanced weathering of the soil, which results in an increase in available nutrients. Those parts of the litter that are not readily degraded and the moiety of stable organic matter that is formed during the action of the micro-organisms finally enter the humus fraction of the soil. This part of the soil plays a decisive role in water retention. Humus has a high water storage capacity. The water status of soils, i.e., the ability to absorb and retain the water and make it available for plants, mainly depends on its humus content. Thus the sabbatical

year made important contributions to the fertility and water status of the soil. This was especially important in calcareous soils, which make up the majority of the Judean hillsides.

Such a special care of the soils was imperative for the maintenance of soil fertility in the Judean Hills. Israelite agriculture at that time was probably among the most advanced in the ancient world. This can be shown by the yields in grain which were achieved in ancient Israel (Table 1).

Table 1: Yields of wheat in Palestine (kg/ha)[19]

		Bad years	Good years
Israel	200 C.E.	500	1,000
Italy	100 C.E.	434	1,085
Jordan	1948–63	440	730
Egypt	100 C.E.	average: 1,750	
Palestine	1910		
Arabic Sector		538	761
Jewish Sector		546	2,750

Although the fields in Israel get only about half as much rain as they do in Italy and in spite of the fact that the stress caused by evapotranspiration is twice as high in Israel as compared to the conditions in the fertile ranges of Italy, the yields in ancient Israel were comparable to those obtained in ancient Italy. Such a high standard of agriculture in this region was not achieved again before the foundation of the State of Israel. The figures make it obvious that in spite of the fact that the Israelites settled in marginal lands, by no means comparable to the big river fed oases of Egypt and Babylonia, they were most successful farmers who achieved a very high yield.

Such an intensive use of arable land must have inevitably resulted in a deterioration of the soil, leading to a decrease in overall fertility within a few years. To prevent this degradation of the soil, the Israelite farmer had two major means: the sabbatical year and the continuous fertilization of the soil. The sabbatical year was similar to the three-fallow system developed in Central Europe fifteen hundred years later. The authors of the Bible observed the exhaustion of the soil after intensive use; they saw the need for a "rest" of the soil; consequently they treated it the same way as human beings, giving it a complete rest every seventh year.

The commandment of the sabbatical year is the only example in the Torah in which Israelites express severe doubts whether the law could be tenable (Lev. 25:20–22):

> And if you say, "What shall we eat in the seventh year, if we may not sow or gather in our crop?" I will command my blessing upon you in the sixth year, so that it will bring forth fruit for three years. When you sow in the eighth year, you will be eating old produce; until the ninth year, when its produce comes in, you shall eat the old.

The blessing that comes after the grand concept of soil care (and restoration of property, not dealt with here) more or less summarizes what was outlined above with regard to the favorable effect of the sabbatical year. It may not have always worked exactly as promised, but in principle it is absolutely clear that the extreme care the Israelites took to keep their soil fertile was the main basis for sustainable agriculture. Without such extreme care, the soil would have quickly deteriorated. Therefore the overall yield of the soil indeed did justify this rather bold promise.

The Rule of Diverse Kinds

Deut. 22:9 states: "You shall not sow your vineyard with two kinds of seed, lest the whole yield be forfeited to the sanctuary, the crop which you have sown and the yield of the vineyard." The prohibition of sowing annual crops in stands with perennial crops such as wine, olives or fruit trees, is very important. It prevents the soil from being overexploited. The roots of grapevines or fruit trees are allowed to make full use of the soil in which they have been planted. The possible short time profit of growing wheat or other grain in addition to the trees or grapes is prohibited because this would destroy and degrade the soil in the long run. The Mishnah states very clearly that a distance of sixteen *amot* (about seven

meters) must be kept between the vine or olive tree and the closest field of annual plants (M. Kil 4:1).

Orlah—The Restriction of Using the First Fruits of Trees

Lev. 19:23–25 states:

> When you come into the land and plant all kinds of trees for food, then you shall count their fruit as forbidden; three years it shall be forbidden to you, it must not be eaten. And in the fourth year all their fruit shall be holy, an offering of praise to the Lord. But in the fifth year you may eat of their fruit, that they may yield more richly for you: I am the Lord your God.

The prohibition of harvesting any fruits for three years means simply that the entire organic matter produced by a tree during this time returns to the carbon cycle of that very soil. Not only the leaves but also the fruits, which can amount to up to 40% of the net production of organic matter, are not removed from the plot of land where the tree grows. This is a significant contribution to the humus fraction of the soil and has a positive impact on several soil parameters, as outlined above. In view of this background, the blessing at the end of this pericope, which promises higher yields after the fifth year, is understandable. Due to an input of organic matter equivalent to three consecutive sabbatical years, the fruit trees had a much better start and were bound to grant a higher yield.

The Ban on Small Cattle

M. B.Q. 7:7 prohibits raising small cattle in the land of Israel. This is an addition to Jewish law, implemented immediately after the destruction of the Temple, when the Sanhedrin had established itself as the supreme authority of Jewry.[20] As far as written records reveal, it is the first and only law ever given in the history of humankind that severely limits the rights of people to pursue the most attractive economic activity in order to save the ecology of a country from decline and disaster.

After the massive destruction of the country during the Jewish War and the confiscation of fertile land by the Romans,[21] the economic situation of the Jewish population was disastrous. Once again they were confined to the less fertile hilly lands that were not attractive for the Roman agricultural system. In such a situation, the best economic activity would have been to raise small cattle, sheep and goats, in a semi-nomadic way. This transition from sedentary farmers to semi-nomadic herdsmen is the almost inevitable first step from degraded formerly arable soils to deserts; the farmland again becomes a land of "milk and honey." At present this is happening almost everywhere on the edge of the huge desert belt that ranges from Mauretania across Arabia, Iraq, Iran, Afghanistan, to the Chinese deserts. This switch from farming to herding is the most decisive event in the desertification of this part of the world.[22] For the Jewish farmers after the Jewish War, it would have been, however, the most profitable activity possible. Even the Talmud states: "If you want to get rich, go into the small cattle business" (B. Hul. 58b; this appears in a list of behaviors and actions considered by the sages to be wrong.)

The only way to implement this law was to outlaw a transgressor. The Talmud gives a vivid example of how far this ostracism went. Not even a sick person who needed goat milk as a cure for his disease was allowed to keep small cattle (B. B.Q. 80a):

> The rabbis taught: A pious person suffered once from pain in the chest and the physicians declared that there was no other way treatment than to suck every morning warm milk. A goat was fetched and tied to the pedestal of his bed, and he sucked from it every morning. One day, his colleagues visited him. When they saw the goat tied to the pedestal of his bed, they turned back, saying: "An armed robber is in his house, and we shall go to him?" They made an investigation about his way of living and did not find any sin, except the sin concerning this goat. On his deathbed he said: I know that I did not commit any other sin, except the one concerning the goat, because I did not follow the words of my colleagues.

The sages knew perfectly well the ecological background of this law (ibid.):

> R. Ishmael said: "My ancestors belonged to the householders of Upper Galilee, and the only reason why they were destroyed was because they let small cattle graze in their forests."

This ruling, which severely impeded the economic activities and the freedom of choice of their followers, was the basis for the country's ecological recovery. This became a flourishing region until the Arab conquest in 640.

This part of the Mishnah has become the subject of intense discussions among historians. There are convincing arguments at hand to show that the law was quite strictly adhered to by the vast majority of the Jews.[23] The intense discussion of the law in the Talmuds can rightly be taken to indicate that it was tough on the population but that, in spite of the hardship, it was implemented and never revoked. The small cattle ban in the Mishnah is flanked by additional rules in the Talmud that have the same goal, preservation of the land's fertility. If, for instance, an animal nipped off the growth of a young tree, the owner of the animal had to pay a high fine to the tree's owner (B. Ket. 105a, B. B.Q. 58b). As another example, a fruit tree had to be preserved after it reached a certain stage (M. Sheb. 4:10).

The move of the sages and the boldness of the Sanhedrin, which decided in favor of the most efficient way to save endangered nature, reveals the high standard of ecological knowledge and conscience in ancient Israel. Humankind has a long way to go until it again reaches this level of environmental consciousness and willingness to take necessary actions in order to protect natural resources.

ALOYS HÜTTERMAN

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NOTES

[1] Finkelstein, I., "The Great Transformation: The 'Conquest' of the Highland Frontiers and the Rise of the Territorial States," in Th.E. Levy, ed., *The Archaeology of Society in the Holy Land* (London, 1988), pp. 349–365. This oscillation in population resembles the pattern that was observed in the South-West of the United States for the Anasazi, the Pueblo Indians, during the last millennium before the white settlers came (R. McGuire, et al., eds., *Hohokam and Patayan, Prehistory of Southwestern Arizona* (New York, 1982), p. 657. After all other hypotheses were ruled out as causes for the periodical decline of the settlements, the current view is that the Indians failed to establish sustained agriculture, leading them, from time to time, to move on to a new location. Such a practice would have been impossible for the Israelites. There simply was no other place to which they could have gone.

[2] A. Ben-David, *Talmudische Ökonomie* (Hildesheim, 1974), p. 46, considers a population of 1–1.5 million inhabitants in Israel in talmudic times realistic. Others suggest much higher numbers.

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[5] O. Borowski, *Agriculture in Iron Age Israel* (Winona Lake, 1987).

[6] M. Evenari, L. Shanan, N. Tadmor, *The Negev. The Challenge of a Desert* (Boston, 1971).

[7] N. Hareuveni, *Nature in Our Biblical Heritage* (Kyriat Ono, 1980), p. 11.

[8] Loc. cit.

[9] Quoted in the New York Times, May 1, 1970, from E.G. Freudenstein, "Ecology and the Jewish Tradition," in *Judaism* 19, 1970, pp. 408–414.

[10] The discussion started in the late 1960s in the United States. See L. White, "The Historical Roots of our Ecologic Crisis," in *Science* 155, 1967, pp. 1203–1207, and many others.

[11] E. Mayr, *One Long Argument: Charles Darwin and the Evolution of Modern Evolutionary Thought* (Boston, 1991).

[12] Mauersberger, loc. cit., p. 84.

[13] B. Bender, *Farming in Prehistory: From Hunter-Gatherer to Food-Producer* (London, 1977).

[14] This interpretation is in contrast to the view of Mary Douglas, who considers means of locomotion as the most crucial feature for distinguishing clean and unclean animals. See her *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London, 1966), p. 188, and *Implicit Meanings: Essays in Anthropology* (London, 1975), pp. 249–318.

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[16] J.S. Holladay, Jr., *The Kingdoms of Israel and Judah: Political and Economic Centralization in the Iron IIA–B (ca. 1,000–750 B.C.E.)*, in ibid., pp. 367–398.

[17] Finkelstein, loc. cit.

[18] D. Fink, "Shabbat and the Sabbatical Year," in E. Bernstein, ed., *Ecology and the Jewish Spirit: Where Nature and the Sacred Meet* (Woodstock, 1998), pp. 112–120.

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[20] G. Alon, *The Jews in Their Land in the Talmudic Age* (Cambridge, 1989).

[21] Ibid.

[22] It is obvious to everybody familiar with or doing research in these areas that over-grazing is the most crucial factor in the deterioration of pasture land. See, among many others, K.M. Leisinger, and K. Schmitt, *Überleben im Sahel* (Basel, 1992), p. 38; W.D. Swearingen and A. Bencherifa, *The North African Environment at Risk* (Boulder, 1996), pp. 36, 77, 99, 100, 181, 188; L.P. Bharara, *Man in the Desert. Drought, Desertification and Indigenous Knowledge for Sustainable Development* (Jodphur, 1999), pp. 210–214; especially in the Eastern Mediterranean: A.J. Conacher and M. Sala, "The Causes of Land Degradation. 2. Vegetation Clearing and Agricultural Practices," in A.J. Conacher and M. Sala, eds., *Land Degradation in Mediterranean Environments of the World*, pp. 285–307.

[23] Alon, op. cit.

Economics, Judaism and

In the opening passage of an essay on the relationship between economics and religion, Jacob Katz writes,[1] "Economics in its widest sense, i.e., efforts to satisfy human material needs, and religion as an expression of the spiritual, the metaphysical meaning of human life, require, prima facie, two separate arenas, and it is not inevitable that any contact between them evolve." Katz, for his part, rejects such a simplistic notion of the discontinuity between economics and religion for all but some very unique circumstances, for instance, prior to the expulsion from the Garden of Eden or in the wilderness following the Exodus from Egypt, when God's daily provision of manna saved the Israelites from the toil and trouble of working for their living.

Yet economists must reject the notion that even in such distinctive cases economics and religion are truly separate. The Garden of Eden was given to Adam "to till it and to keep it" (Gen. 2:15), interpreted by the medieval commentator Ibn Ezra as meaning that Adam was obligated "to water it and guard it from the wild beasts." And in exchange for the manna in the desert, the Israelites were expected to perform scores of acts with economic significance, from specific business and familial obligations to the offerings of sacrifices at the Sanctuary.

There are several possible ways of analyzing the relationship between religion and economics. The two most important are:

1. The harmonic view, which sees the two as centered in distinct but in some ways complementary poles of human activity, representing the two major foci of human life, the spiritual and the material. Religion and economics thus are both expected to contribute to the total welfare of the individual and the society, and one may even assume a kind of causal complementarity between them, whereby material contributions promote objectives of the religious institutions, and religious spirit and zeal enhance aspects of productivity.
2. The oppositional view, which argues that religion and economics are contradictory forces. By the nineteenth century, classical as well as Marxist schools of economic thinking both regarded religion as irreconcilable with, and therefore detrimental to, rational thinking (classical/neo-classical school) or to the promotion of proletarian self-consciousness (Marxism). Consequently religion undermines the objective function of the economic endeavor to maximize the material welfare of society. By contrast, many religious institutions, which strive to elevate society above what they call purely materialistic objectives, consider the ideology of "market oriented rationalism" a menace to the human spirit and social justice.

Religion is a complex and multifarious phenomenon, with different religions accentuating different idiosyncrasies of human behavior and social norms. Even for the case of Judaism alone, one must bear in mind the variety of dimensions that illuminate different yet vital angles of the Jews' worldview. Judaism is a set of philosophical postulates that constitute a comprehensive theological system of faith. It encompasses

a body of prescribed behavioral and social norms, reflecting a value system, principles for interpersonal relationships, and a clear-cut pattern of rites and rituals. Finally, it comprises a network of institutions manned by officials and functionaries, clergy and laymen, who work to maintain and shape the Jews' behaviors, attitudes, and perspectives.

Since all of these dimensions have a direct or indirect relevance to economics, Judaism represents an economically analyzable phenomenon, in which religious behavior appears as one of many individual or group activities that confer utility—in this case, mainly of a spiritual nature—upon the rationally behaving religious individual. Importantly, since Judaism focuses upon human behavior more than upon the claims of theology and faith, it should be regarded more as a code of conduct than as a statement of belief. Therefore, within Judaism we are bound to encounter many more connections with economic realities than the routine performance of religious rituals would present. This is the case even though Judaism provides no broad economic guidelines detailing how people should treat economic life, and no ancient or medieval Jewish sage produced any encompassing work that can be considered an economic treatise.

Judaism and the Economics of Religion

The economics of religion has only recently drawn the interest of scholars. Until the 1960s religion was viewed as merely of historical importance and hence as the domain only of economic historians. Besides, due to the rapid process of worldwide secularization, economists considered religion's future significance to be minimal.

The last quarter of the twentieth century has witnessed some religious revival, seen not only in so-called fundamentalist movements but also among intellectuals in Europe and the United States. In the United States, contributions to religious organization are consistently about 50% of all charitable donations, reaching, in the late 1980s, $60 billion. Empirical studies conducted in recent years discovered no negative correlation between religiosity and education, suggesting that earlier hypotheses about religion's being the asylum of the ignorant should be rejected. Furthermore, those same studies discovered that religion is not an "inferior good," that is, that levels of religiosity have no tendency to decline with rising income. Here we find that another common belief, that "God is the comfort and salvation of the poor," tends to fall.

Statistics seem, therefore, to disprove the view that in modern times only the *victims* of modernization, the unlearned and the poor, cling to religion.[2] Economists, instead, have embarked upon attempts to model religious behavior with the accepted tools and assumptions of mainstream economic analysis. Their underlying hypothesis is that "widespread and/or persistent human behavior can be explained by a generalized calculus of utility maximizing behavior."[3] This hypothesis proposes that families maximize utility not only from the goods and services they buy but also from what they produce with the skills, time, and human capital at their disposal. According to this theory people or households chose to allocate their scarce resources in such a manner that their utility is maximized.

The extension required to encompass religion in such a routine economic paradigm is the inclusion of spiritual satisfaction into the utility function of the individual and the addition of religious activities to the "commodities" that compete for the individual's scarce resources. We thus can rephrase the basic statement and suggest that people allocate their scarce resources (time and money) between religious and other commodities to maximize their spiritual and material utility. For an observant Jew the concept of sacrificing commodities, time, and money for the acquisition of religious "goods" is an everyday reality. Time for prayers, extra money for kosher food, forsaken income for the observance of the Sabbath are just three examples. Donations to causes with ritual or social objectives are also sacrifices with religious significance.

Within this theoretical framework, the religious behavior of the individual or family is quite analogous to behavior in economic matters. In general, people who face

monetary constraints tend to reduce the acquisition of high price commodities. Similarly few observant Jews wake up nightly for midnight prayers (*Tiqqun Hatzot*) or insist on consuming only the high priced milk certified as *halav yisrael*. Religious behavior also encounters income constraints, so that individuals who are very short of time will probably seek to express devotion by monetary contributions rather than by time consuming ritual activities, and vice versa.

It bears noting that this is perhaps one explanation for the fact that in most countries in which Orthodox, Conservative, and Reform Jewish communities function alongside each other, the membership of the Conservative and Reform communities tends to be economically better to do, on average, than the members of the Orthodox communities. The daily rites and demands of Orthodox Judaism are much more time consuming and are much less substitutable by money than those of the Conservative or Reform communities. For these very reasons elderly people tend to yield much more of their time, and also of their money, for the acquisition of religious goods and have, probably, higher expectations for "afterlife consumption" than the young, who are at the peak of their economic vigor.

The organizational framework within which religious life takes place may also be examined through various models. One such model is the Institution—Consumer relationship, which holds that the church and its officials produce and sell religious goods, while the laity consumes them. Another, more democratic pattern, closer to the concept of the Jewish community in the west, can be presented within the Club Theory, which views the community as a club-like institution in which families and individuals combine the roles of production and consumption in order jointly to perform functions of worship, charity, and social activity. The club hires officials (rabbis, cantors) and finances its operations through membership dues. Since the present western religious communities are voluntary bodies, and the commodity they produce and consume is of a spiritual nature, they enjoy positive economies of scale; that is to say, the more members come and join their activities, the greater the utility for all members.

Economists analyze religious phenomenon using variants of neo-classical rational actor perspectives. That is, they treat religion under value-neutral assumptions and attribute, for analytical purposes, motives to the religious action that are comparable to the motives under which all other actions are interpreted. Yet religions are not value-neutral. They profess ideologies and have clear criteria for good and evil. This leads to the problem of conducting value-neutral inquiries on a phenomenon that is, by its very substance, value-loaded. Nevertheless, this approach is of great benefit in examining the impact of religious behavior on a person's daily functioning, as well as in comprehending the effect of religion on interactions with other persons, believers or not, in the social, economic, and demographic arenas of society.

Religiosity, because of its normative expectations, affects the daily behavior of its adherents, influencing the relative importance given to the spiritual vis-á-vis the mundane. Therefore, religiosity influences occupational preferences, income aspirations, and consumption and savings patterns. It also affects sociological and demographic attributes that have crucial economic implications: fertility, single parenthood, educational ambitions, intensity of criminal activities, and the like. In personal and business interactions, religion may also reduce what economists call "transaction cost." People of faith who internalize the values and the ideologies of their religion and believe in the trustworthiness of their neighbors and business partners often act without resorting to expensive and time-consuming external material enticements. Under such circumstances human interaction becomes more efficient, and business is conducted with low transaction cost.[4] Thus, for instance, in the diamond industry, which has been predominantly in Jewish hands, contracts are sanctioned by mutually binding handshakes, saving complex and expensive paperwork.

On the other hand, allegiance to the economic interest of other members of the congregation may *reduce* cost efficiency by

granting a measure of monopolistic power to club members who are suppliers of goods and services. In Judaism this is the economic manifestation of the principle *kol yisrael arevim ze baze* ("all Israel are sureties one for another;" B. Sheb. 39a), which was the ancient way of expressing the idea of mutual assurance. In a close knit community, members may prefer to utilize each others' economic services, even at the expense of higher cost, in order to reduce each other's level of economic uncertainty.

The modern welfare state took upon itself to provide social safety nets to all citizens, so that many particularistic economic guarantee plans through "clubs" became redundant and were utilized only by very coherent communities. However, the present tendency of welfare states to replace the model of the social safety net by a "swim or sink" competitive rationality may revive community oriented mutual assurance models.

While mainstream economists understood that their positive economic analysis had nothing to contribute to the issue of religious preferences, religious groups may argue that their reticence was tantamount to a sanctioning of the social order that emerged from the unbridled capitalism of the 1980s. They hold that religious values are relevant within the modern world, since, the claims of economists to the contrary, the social and distributional wrongs that emanate from unrestrained competition in the marketplace are themselves not value neutral. So long as welfare states responded to issues of social policy with a normative philosophy of social justice the distinctive messages advocated by religious institutions seemed irrelevant. By the end of the century, spokesmen of major religions, including Judaism, have taken more active stances in matters of social policy with direct economic implications.

Aspects of Jewish Law—Theory of Wealth

Jewish religious tradition relates extensively to economic concerns. Scripture is replete with references to economic issues, including strife over wells and water in the drought stricken Negev during the patriarchal period, the detailed reporting about the prudent inventory and macro-economic measures of Joseph, the Egyptian viceroy, and instructions regarding the remuneration of workers. The Talmud devotes two out of its six divisions (Agriculture and Damages) to matters that are basically economic. Medieval and post-medieval legal thinkers (Maimonides, Ben Asher, Caro, and others) dealt extensively with the application to their own times of inherited economic principles. Finally, in the course of close to a thousand years, the vast responsa literature dealt with a myriad of economic issues raised by people who desired to know how to harmonize their business interests with the expectations of Jewish law.

Despite an extensive treatment of these matters, ancient as well as later Rabbinic sources evidence an ambivalence towards economic subjects. The first and probably the best known example is Judaism's attitude towards work. Is work an unavoidable necessity and a curse, or is it a blessing? The famous expression at Gen. 3:19 states, "In the sweat of your face you shall eat bread." Here work is a curse, the punishment imposed on Adam for his transgression. Yet virtually the same statement recurs at Ps. 128:2, with the addition, "you shall be happy, and it shall be well with you," indicating that work was intended to be a blessing.

The same ambivalence is shown when the views of the great Talmudic sage Simeon bar Yohai are contrasted with those of others, among them the equally distinguished Ishmael. Simeon reportedly claimed that work, i.e., the cultivation of land, is an inferior occupation and should be subordinated to the sacred calling of life, service to God through the study of Torah. The economic cost to be paid for such a way of life is explicitly spelled out in M. Ab. 6:4: "This is the way that is becoming for the study of the Torah: a morsel of bread with salt you must eat, and water by measure you must drink; you must sleep upon the ground and live a life of trouble as you toil in the Torah."

In contrast to this feverishly austere Puritanism, Ishmael advocated a balanced division

of time between work for the sustenance of worldly needs and study of Torah. Another outstanding sage, Eleazar b. Azariah, went so far as to suggest that a reciprocal dependence exists between the mundane and the spiritual, rejecting thereby the totalistic asceticism of Simeon bar Yohai. Eleazar is quoted at M. Ab. 3:21: "Where there is no flour there is no Torah; where there is no Torah there is no flour." The Talmud sums up the controversy pragmatically, recalling that those who tried to imitate Simeon bar Yohai failed, while those who followed the practice of Ishmael succeeded.

This summary of the attitude of traditional Judaism towards the acquisition of material wealth is clearly expressed by Maimonides, whose philosophy of moderation became a leitmotif in mainstream Jewish theology. Moderation, or in Maimonides' words "the middle road," meant dividing the day equally into three parts: household (meals and resting), work (material needs), and study (the spiritual). The complementarity between these activities is made clear by Maimonides' disproving totally of the idea of making Torah learning one's profession.

Following the guidelines of Ishmael and the ideas of Maimonides, mainstream Jewish theology has never made poverty an accepted path for devout piety and has rejected asceticism as a desirable expression of faithful religiosity. Nevertheless, Judaism also regards excessive preoccupation with the acquisition of riches as undesirable, since primacy is due the spiritual domain of life. Consequently, ostentation and wasteful consumption are not condoned, even when materially they can be afforded.

Obligations to the Poor

The Judaic norms of behavior impose upon the wealthy members of the community obligations and responsibilities to support materially the operation of communal institutions. In this respect Judaic values belie the assumptions of economists who consider all human actions to be motivated by the rational choices of purposive actors, and stand closer to social norm theories, which assume that behavior is determined by norms that constitute that portion of the social organization that tells people what to do and what not to do. Such norms are not mere constraints, as claimed by the rational choice economists, but are internalized by the devout members of the community, who modify their utilities by the norms, which "express what action is right and what action is wrong."[5]

In ancient times the well-off social class, usually independent farmers in a basically classless society, supported the clerical institutions through a wide assortment of offerings, including various tithes, which were the main public vehicles for the maintenance of the clergy. Alongside these liabilities to the clerical establishment, other social service and infrastructural obligations imposed on farmers were also called tithes and accorded religious significance. These included the poor tithe, a direct transfer payment paid twice in a cycle of seven years to the poor at the donor's discretion. The other major social imposition, characteristic of the agrarian economy, was the sharing of a part of the harvest with the landless poor by allowing them to gather the marginal crop: an edge on the field unreaped, the gleaning of the harvest, and forgotten sheaves.

All tithes were proportional to the volume of the crop and obligatory to the extent that the new harvest was not permitted for consumption until all the deductions were paid. Besides the liabilities to clerics and the poor, four times in a cycle of seven years a second tithe with a unique economic character was imposed. It was consumed by the donor and his family, with the single stipulation that the act of consumption had to take place in Jerusalem, with the explicit intention to strengthen the city's economy by enhancing consumers' demand for the city's goods and services. This second tithe aimed at improving the socio-economic infrastructure of the city and manifested the principle of direct responsibility of each family in the ancient Jewish peasant society for the prosperity of their principal public good, their spiritual center, without imposing a special "spiritual center tax."

Beyond the obligatory direct financial liabilities ordered by the Torah, other

normative instructions existed of a more general, non quantitative nature, loaded with messages of social justice. They intended to support sectors of society that could not defend themselves in the open, competitive marketplace, including groups such as widows and orphans, slaves and day laborers, aliens, and the disoriented. These groups required active social intervention to avoid, or at least reduce, exploitation and abuse. Some injunctions were explicit and unequivocal, such as the instruction to behave with compassion to destitute debtors or to the day laborers who, living from hand to mouth, need their wage by the end of each day. Controlling behavior towards the widow and orphan, the poor, slaves and aliens, the blind, and simpletons, other commandments are more in the nature of moral exhortations, with or without promises of specific retributions.

Theories of the Market

The ancient socio-economic codes laid down in the overwhelmingly rural environment of biblical times became the theological pillars of the vast legal system that, during the Mishnaic and Talmudic periods, crystallized into the Jewish behavioral code, the Halakhah. Generally speaking, the doctrines conveyed in this literature indicate an economic system based on freedom and competition, strongly respecting private ownership. Such deference towards property rights shows a profound understanding of human nature, a sense of market realities, a rational approach to the business interaction of the participants in the marketplace, and a grasp of the positive effect a well functioning market has on the welfare of society.

This attitude is well demonstrated by the Talmudic concept of market price. In a poignant contradiction to the notion of "Just Price," held by Christian theologians up to the time of Thomas Aquinas and beyond, the Talmud determines prices by the market at the approximated level of equilibrium between demand and supply (see, e.g., T. Dem. 4:13).

The main enemy of competition is the monopolistic accumulation of economic power. Its damaging effect on social welfare is today a commonplace. Scripture apparently predicted the hazards of land accumulation in an agrarian society and so introduced the Jubilee, which requires that every fifty years all land be returned to its original owner. When enforced this is an effective anti-monopolistic institution, a fact of which the later sages were very well aware. Thus Sefer Hahinnuch (Mitzvah 330) explains that God ". . . desired to convey to his people that everything is his and ultimately everything will return to whomever he wished to give it originally. . . . Then . . . people will keep well away from seizing the land of their fellowman."

Jewish law utilizes highly institutional requirements to safeguard a congenial atmosphere for efficient business conduct. Besides the absolute divine sanction given to the fundamental rules of the social order—the prohibitions against killing, stealing, robbing, and perverting justice—numerous special injunctions enhance efficiency. Thus, while Judaism distinguishes among different causes of torts—the ox, pit, crop-destroying beast, and conflagration—the single principle that unites the four is plain. These things "customarily do damage, so that taking care of them is your [the owner's] responsibility." The owner of that which in fact causes damage "must pay compensation out of the choicest of his land" (M. B.Q. 1:1–2).

Another distinction in tort law reveals the tension between the draconian imposition of liabilities, which could be prohibitively costly for the one whose property caused the tort, and economic efficiency. The shadow of excessive liability may impede entrepreneurship. Therefore, when an ox (the major source of mobile energy in ancient economies) damaged, a distinction was made between an innocuous ox, which had no reputation for goring, pushing, biting, or the like, and a noxious ox, already notorious on these accounts. Since oxen were crucial to efficient farming, differences existed between the liability carried for an innocuous ox's actions, calculated at one half the damage and limited by the value of the ox, and those for a noxious ox, which incurred full damages.

Many more instances of realistic analytical

treatment of circumstances with economic bearing occur, such as pricing in inflation or the practical exchange rates of diverse moneys with different liquidities. However, it would be misleading to claim that ancient and later economic models of Judaism are capitalistic in the way the term is interpreted at the threshold of the twenty-first century. Indeed, Judaism favors an economic system that is close to capitalism, even as it rejects some of the premises of capitalism's theoretical model. Most important, Judaism rejects the notion of "Perfect Knowledge," that is, the assumption that every participant in the marketplace has all relevant information about the price, quality, and availability of every commodity and service and makes buying or selling decisions in view of that information. This theory holds that nobody will buy anything at a price above the known one and that neither is anyone in a position to buy anything below that price. The same applies to sellers, who cannot sell above the market price and will not sell below it. Thus there is by definition one price for all. Likewise, in this theory, no monopolistic abuse can emerge when people behave rationally and their knowledge is perfect.

Judaism does not subscribe to these beliefs, for sages comprehended the economic reality as imperfect: knowledge is always incomplete and, without some central control, the market is inclined to fail. Therefore unbridled capitalism may lead to market distortions and social injustice. Although Judaism does not like price fixing, it does provide special rulings against fraud, which can result simply from imperfect knowledge. Thus Jewish law deems overcharging by one sixth the accepted market price or underpaying by a similar amount (about 17%) to be fraud. "Relief from overreaching is available both to the buyer and the seller" (M. B.M. 4:3). Such fraud is not punishable—the sages were aware of human nature—but the defrauded party was permitted to retract from the deal during a period of time sufficient to consult a relative or expert on the price paid or obtained.

Similarly, to prevent dishonesty in the use of weights and measures, Scripture did not rely on the effectiveness of the market. The Torah draws, rather surprisingly, an analogy between weights and court judgments. "You shall do no wrong in judgment, in measures of length or weight or quantity. You shall have just balances, just weights, a just ephah, and a just hin" (Lev. 19:35–36). Rashi, the great twelfth century commentator, explains: ". . . one who has to do with measuring is termed 'a judge' so that if he gives false measure he is like the judge who perverts justice," that is, undermines social stability. For their part, talmudic sages, aware of human nature, appointed market inspectors to check weights and to impose a profit margin that did not exceed one sixth, particularly on essential food.

Another manifestation of distrust in the unregulated market is the precept not to mislead the disoriented simpleton. The Torah's language is brief: "You shall not curse the deaf or put a stumbling block before the blind" (Lev. 19:14). The sages expand the term "blind" to include any person who is "blind about some matter," with the explicit purpose of improving society and communal life (Sefer Hahinnuch, Mitzva 232).

Probably the most profound evidence to attest the Jewish notion that market mechanisms alone are insufficient in matters of social policy is the case of income redistribution to help the poor. Judaism deems charity to be not merely an act of benevolence or philanthropy. It is, rather, an obligation, since, despite the expressed support of property rights, all riches belong to God, who gave them to the rich with the stipulation that they take responsibility for the sustenance of the poor. Charity, in Hebrew "Tzedakah," originates from the same root as "Tzedek," meaning justice. This provides the moral as well as legal justification for imposing on well-to-do members of the community taxes used to sustain the poor, sick, and disabled.

Judaism enforces charity, which means that it considers it a public good needed to rectify a socio-economic imbalance. Charity thus is like education, aimed to raise the level of human capital in the community. In this regard, it is also not unlike the maintenance of the synagogue and other religious

services dedicated to the community's spiritual welfare, similarly seen as public goods. For this reason, Jewish concepts of charity do not conform to the modern welfare state's imposition of a "means test" upon those who apply for public help. The Judaic maxim is, "He who opens his palm (asking for alms)—open your (purse/heart) for him."

Because of trust in the impact of public shame, Jewish law has no concern that people might abuse such an open approach. To the contrary, recipients of charity are assumed to be sensitive to the loss of their dignity, and those responsible for the distribution of charity therefore must do their utmost to preserve it. Indeed, the nineteenth century rabbi Hatam Sofer considered shame to be the price paid by the poor for the assistance they receive.[6]

Monopolies

Rabbinical authorities' handling of economic matters may have deviated from the capitalistic postulates not only because of their rejection of assumptions concerning a perfect market and knowledge. For the rabbis also had fundamental disagreements with capitalism concerning the objective function of the market. Capitalist doctrines maintain that the best available state of affairs is obtained when conditions referred to as Pareto optimum are reached. These conditions safeguard maximum economic efficiency, and their essence is that every factor of production and every commodity receive their due reward. Under such conditions, material welfare reaches its optimum. The basic dictum of the system is, using the words of Joan Robinson, "the more the better."

This approach, however, overlooks questions of distribution and ignores the fate of the weak, who are unable successfully to fight for a position in the economy or who are victims of technological changes. Judaic thought often is willing to sacrifice efficiency for the sake of economic equality or even to preserve the livelihood of some inefficient yet powerless producers. Such is the spirit of the halakhic injunction against "landmark circumvention" (*hasagat g'vul*), in which the actions of one person or group infringe on other peoples' livelihood, for example, by competing in a manner than puts them out of business. In such cases, against capitalist economic wisdom, Rabbinic courts may pass verdicts to help the inefficient.

Still, as a rule, Talmudic law favors competition among producers and merchants. For instance, a series of statutes from Talmudic times through the sixteenth century assures the right of free entry of immigrants into the Jewish community. These immigrants acquired the right to open businesses and to use all public facilities on the sole condition that they shared with the rest of the community the financial cost of this right.

Free entry was an accepted custom throughout the Jewish diaspora. Only changing circumstances led to the emergence of a new attitude towards such liberal benefits to outsiders. When persecution shrank economic opportunities and made earning a livelihood difficult, the desire to preserve opportunities for existing residents overruled the customs and even the laws of free entry. Now communities introduced monopolistic practices and, in extreme cases, refused altogether to allow entry to immigrants. These monopolistic tendencies often developed into notions of entrenched rights of possession (*hezkat hayishuv*), with all the shortcomings of monopolies, such as opposition to change and innovation and rigid business practice.

Under similar conditions, the concept of rights of possession was widespread in the surrounding feudal economies of most of Christian Europe. Yet within the Jewish community, even as the eagerness to survive persecution proved stronger than previous custom and law, so a sense of solidarity with others in great danger from expulsion or pogroms proved even more powerful. Thus provisions of *hezkat hayishuv* often were suspended in order to save Jewish refugees of pogroms or persecution.

The Impact of Religious Law

Rituals and the observance of religious precepts invariably involve material loss. For

the economist these are constraints to be taken into consideration in the course of utility maximization. To the observant Jew, however, they are limitations that govern day-to-day life and behavior. Rabbinical authorities comprehended and worked to address conflicts that emerged between market considerations and the requirements of daily existence. Their general approach was to search for careful compromises through which they could circumvent problems without repealing the Halakhah itself. While numerous cases required attention, following the analysis of Jacob Katz,[7] we shall relate to three major issues: the price charged for money, the Sabbath, and kashrut.

The Prohibition Against Usury

Modern economics considers interest the price paid for the utilization of capital, which, along with labor, is one of the two principal factors of production. Interest compensates the owner of capital either for losses realized in not investing it in an alternative enterprise or for the loss of pleasure attendant upon the failure to consume its value today.

This understanding of interest reflects today's capital intensive economy. But Scripture refers to interest in totally different circumstances: "And if your brother becomes poor, and cannot maintain himself with you, you shall maintain him; as a stranger and a sojourner he shall live with you. Take no interest from him or increase, but fear your God; that your brother may live beside you" (Lev. 25:35–36). Two of the main features of the reality in which loans were given are apparent here. First, a loan was used as relief for one who is poor. Second, the term translated "interest" (*neshekh*) in fact signifies "usury," a value loaded expression indicating exploitation.

Rashi contributes to the understanding of these circumstances by noting: "man's thoughts are greatly attracted by the idea of taking interest . . . on account of the fact that his money will otherwise remain unemployed." This accurately depicts the circumstance of an agrarian society with virtually no capital requirements, in which impoverished peasants, when in excessive distress, borrowed money *that otherwise would have stayed idle*. In such an economic setting, Scripture considered the charging of interest a very grave transgression.

Already during the period of the Mishnaic sages, conditions changed and the issue of loans and interest had to be reconsidered. In a rather complex marketplace with international trade and joint ventures involving active and inactive partners participating with different and changing shares of capital not all loans were granted to peasants in distress. An urgent need emerged to meet the capital requirements of such new types of enterprises.

Instead of repealing the prohibition of interest on loans, the rabbis allowed many financial transactions to be reshaped into business ventures (*iskah*) in which even the inactive creditors participated in risks and profits, as though they were part owners of the enterprise. In this circumstance, the capital they provided was not viewed strictly as a loan, and no violation of the prohibition against interest occurs. Another solution was to involve gentile intermediaries, to whom the prohibition against interest does not pertain.

The important point is that the more pressing the economic need became, the more receptive Rabbinic authorities were to halakhic adjustments. At the same time, the demand for consumption oriented loans to debtors increasingly was met by benevolent funds that granted small, interest free loans. Thousands of such usually small funds existed and exist, often associated with synagogues, schools, and charitable institutions.

The Economics of Kashrut

Thanks to the various devices of authorized circumvention, prohibitions on interest ceased to be a pressing limitation on orthodox businessmen. The issues of kashrut and Sabbath observance are different, since these obligations are not equally subject to circumvention. Nevertheless, in these matters too, as the conditions of Jewish life have changed, rabbis have sought viable compromises.

Kashrut involves an economic cost. Due

to the special care taken in slaughtering, the prohibition on consuming various animals, parts of animals, and ingredients, and the need for separate utensils for dairy and meat products, kosher food is expensive. Additionally, the overall market for kosher food is limited, and, in light of technologies that increase economies of scale, production cost for such a small market is high.

In response to this issue, whenever and wherever possible, Rabbinic authorities made efforts to avoid excessive economic losses. They were and are cautious not to deem meat non-kosher as a result of a minor technical flaw. Toleration was even greater in the case of slaughtered poultry or a deficiency in Passover-kashrut if the victim of the possible loss was poor. Overall, the level of strictness in the application of the laws of kashrut depended on the magnitude of the potential loss. Slaughtered cattle found not to meet the requirements of kashrut, for instance, may be sold to producers of non-kosher meat. When prices for this meat were high, rabbis strictly enforced the criteria for kashrut; otherwise they were not so strict. Thus, within a permissible range of tolerance, rabbis used their judgment to minimize the economic costs of kashrut.

At the same time, the scrupulous preservation of the kashrut laws by the vast majority of Jews provided community authorities with a powerful financial vehicle. Virtually all communities in which ritual slaughtering facilities operated imposed on kosher meat an indirect tax, usually called the "gabelle." This tax signified an awareness of the very inelastic demand for kosher meat, that is, the knowledge that even as prices went up because of the tax, there were only relatively small declines in the quantity of meat demanded.

In order to prevent price competition between kosher slaughtering facilities of different communities, which would jeopardize a major source of tax and personal income in communities that operated economically inefficient slaughter houses, a ban was imposed on out-of-town kosher slaughtering. This ruling was widely accepted, and the utilization of the Rabbinic prerogative to withhold kashrut certificates solely for the preservation of the monopolistic privilege of the community was taken for granted. Defense of this financial resource of the community was considered more important to individual member's overall welfare than the availability of cheaper meat. Notably, similar Rabbinic authority was used to withdraw a license of kashrut when a cartel of fishmongers raised the price of fish above the level deemed fair. From this one can see that, even within the constraints of Halakhah, kashrut was an integral component in considerations about the material welfare of the community.

The Economics of the Sabbath

The economic implications of Sabbath rest are of tremendous importance. The prohibition against doing constructive work is sweeping, set out in detail in the fourth commandment: "but the seventh day is a sabbath to the Lord your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the sojourner who is within your gates" (Exod. 20:10).

In periods of subsistence agriculture, the overall rest of all people and animals of the household was tenable. Centuries later, the problem became more complex, as the Sabbath restrictions led to the forfeit of many sources of livelihood and limited the economic activities Jews were able to pursue. The Jewish farmer's approach was that so long as he and his family did no physical work, there was no Sabbath desecration. However the requirement of Sabbath rest for gentile employees and animals was explicitly spelled out in Scripture. But other problems soon arose. For instance, when long maritime journeys in boats under non-Jewish control became a business necessity, was a Jew permitted to embark on a weekday for a journey that included the Sabbath?

In the northern and central parts of Europe, the strict preservation of ancient traditions regarding employees' Sabbath rest was impossible, for the short daylight and cold weather in the winter required lighting and heating of homes and synagogues on the Sabbath. Might the gentile employee be instructed to light candles and set fire

in the oven? With the gradual sophistication of the economy and the increasing involvement of Jews in new business activities, closing on the Sabbath, as well as on Sunday, required for all, would have rendered businesses uncompetitive and nonviable. Could gentile employees operate Jewish businesses on the Sabbath? These are just some examples of the dilemmas facing Rabbinic courts in their efforts to solve the grave economic problems facing Jews in their struggle to survive in an in all events hostile social and economic environment.

Rabbinic responses, which also had to take into consideration the possibility that excessive strictness would lead to massive disobedience, varied. Some rabbis preferred not to be asked such questions, as it was preferable that, in the absence of an explicit Rabbinic pronouncement, the people transgressed inadvertently rather than deliberately. Most rabbis, however, searched actively for practical solutions, using the pretext that prohibitions that cause excessive damage to the congregation and that are rejected by the majority may be amended; only precepts with which the public can live may be imposed. Compromises sought in particular to relax the severity of the mandate of Sabbath rest for gentile employees and animals. This was accomplished by temporarily or permanently changing the gentile employee into a business partner, who was then charged with operating the business on the Sabbath. This is the foundation of the medieval institution of the "Shabbes goy."

The emergence of the concept of the Shabbes goy, extensively discussed by Jacob Katz,[8] sheds light on the historic debate on the long term expediency of passing permissive rulings in questions of Sabbath injunctions. Permissiveness contributed, no doubt, to improvements in the material welfare of Jews. Still, in the nineteenth and twentieth centuries, this approach's long term effects raised heated controversy. Orthodox circles generally agree that the post-emancipation Jewish population in central and western Europe as well as in North America is an "Unruly Generation," widely disregarding the halakhic rules of behavior. The appropriate response to this state of affairs is, however, debated. The strict Rabbinic school advises uncompromising rulings in matters of the Sabbath, and, if the result is mass desertion from the orthodox way of life, so be it. Moderate thinking proposes the opposite, that "unruliness" should be met by understanding and by efforts to accommodate demands emanating from the requirements of modern times.

Modern times, defined by the Jews' achieving of full rights of citizenship, brought fundamental changes. The new, liberal atmosphere and increasing cosmopolitanism and secularism brought the Jews many economic and social opportunities. But the rules for survival in capitalist and industrial economies are quite different from those of the old days and the old countries. In the hearts of millions of Jews, the combined effect of the spiritual and the material created a new equilibrium between ritual precepts and participation in the joys and struggles of modern life. The result was that ". . . most immigrants deserted the traditional way of life, driven by their desire to find a livelihood for their family in their new environment."[9] As a result, in our day, for a large portion of the Jewish people, much of the discussion of the economic impact of the Sabbath and kashrut is mainly of theoretical interest.

The Public Sector

The Judaic value system is community oriented. Consequently, it must address issues concerning the public sector, comprising the tools and institutions that foster allegiance to the social and cultural norms of Judaism. This requires financing, which lies within the responsibilities of the lay leadership. For the Mishnah, the king symbolized the lay leadership, and it was understood that he had the right to confiscate private property in order to construct roads, passages, etc. (M. San. 2:4). Later, committees of lay leaders functioned under different names in different times and places. Descending from the national level to the town and its infrastructural and social service needs, the legal definition of the body of tax paying

citizens was of basic importance. M. B.B. 1:5 writes:

> One [who dwells in a town] is compelled [to contribute towards the cost of building] a wall for the town [and towards the cost of] double doors and a bolt. . . . How long must one be in a town to be deemed a citizen, [required to pay taxes]? Twelve months. If one bought a dwelling house therein, he is immediately considered as a citizen of the town.

The period of residency after which one participates in the municipal social burden ranges from thirty days, for charity, to nine months, for contributing to the cost of burying the poor. The obligation to help support the poor is almost immediate, while physical defense of the town is required only after the immigrant has shown a direct, long term interest in dwelling there.

Taxation models presented in the Talmud and responsa are astonishingly comprehensive. B. B.B. 7b examines various principles for financing a city wall. If the wall's principle objective is to save life, it is fair to divide the cost equally among all households. But if the wall is meant primarily to protect wealth, the amount of tax imposed on the wealthy should be greater, in line with their greater risk. A third consideration in the distribution of the tax burden is the distance of the citizen's house from the wall. The closer it is, the more he pays, because the more he needs its protection. The principle is clear, as summarized by the medieval sage Rashbah: in a system of earmarked taxes, payment ought to accord with the utility of the service to each particular taxpayer.

This is an amazingly modern tax concept, which, though not particularly progressive, accords with the principles of Pareto optimum. It is, therefore, supplemented by a list of exceptional cases, including charity and social services, in which different principles apply. Thus, over the centuries, what was included in the tax base reflected the changing economic realities of Jewish communities. In periods and places in which farming and vineyards were considered high risk enterprises, they were exempted from taxation; when regarded as low risks, such exemptions were removed. The same applied to outstanding debts when money lending was widespread. When debt abrogation was not frequent, outstanding debt was a taxable asset. Yet, in times and places in which debt repudiation to Jews was common, outstanding debt to gentiles was no basis for tax. As long as gold was used as jewelry, it was not an economically active asset. When, however, it became a vehicle for hoarding wealth, it also was deemed a basis for taxation.

Again, the principle is clear. Only potential or actual income-generating wealth was considered as tax base. But, since systematic application of this principle could have violated some of the basic social and spiritual norms upon which the community's economy rested, ideologically and socially motivated exemptions from tax impositions were rather sweeping. Among the exempted sectors were 1) producers of merit goods (Torah scrolls, religious items, and learning), 2) rabbis and the clergy, 3) contributors to the land of Israel, 4) the poor. Notably, this method of general taxability, on the one hand, and exemptions motivated by merit considerations, on the other, is a widely accepted principle of the modern Value Added Tax.

The very same behavioral standards that served as guidelines for the public sector were expected to apply in business interactions. In a perfect market, under conditions of Pareto Optimum, no ethical considerations, per se, would be necessary, since perfect competition and perfect knowledge should suffice as safeguards against corrupt transactions. But, as we have seen, Jewish business ethics are not based upon a theory of a perfect market and do rely on value loaded principles.

The crucial underlying maxim is at Lev. 19:2: "You shall be holy; for I the Lord your God am holy." The obligations that emerge from this general notion are set out in the verses that follow: compassion to the poor (9:10), honesty in business (9:11), decency to employees (9:13), integrity in dealings with the uninformed and the simpleton (9:14), emphasis on the impartiality of justice (9:15), sincerity in human relations

(9:16–17), and the principle that epitomizes Judaic social ethics, "you shall love your neighbor as yourself " (9:18). Aqiba, among the greatest of the Mishnaic sages, maintained that this verse is a fundamental principle of the Torah.

To reinforce the validity of these exhortations, five verses in this brief passage conclude: "I am the Lord." This means that, in Judaism, the application of an ethical approach to business conduct is not based simply on a theory of reciprocity. Judaic business ethics therefore do not rely primarily on the judgment of the merchant, for instance, to maintain right scales for his own benefit. Neither does Judaism assume that the customers' vigilance will suffice. The free market theory puts the weight of alertness on the prudent customer: "let the buyer beware." Judaic ethics, by contrast, removes much of the buyer's burden, not for reasons of expediency but in line with the socio-religious claim that cheating in prices is ethically wrong. Business ethics thus are an integral part of the overall value system of the Judaic legacy.

The Role of the Jew in the Modern Economy

The economic behavior of the Jews in their pursuit of a livelihood within a gentile majority was shaped by their own human capital and the internal constraints of their religious precepts, on the one hand, and the opportunities offered or refused by the outside world, on the other. Is there "any common repeatedly observed feature in the economic life of the Jews?" asked Simon Kuznets in his seminal work on this topic.[10] If the answer is indeed affirmative, should the similarities be attributed to factors specific to the Jews, their faith, culture, and historical heritage, or to their racial/genetic characteristics?

In the nineteenth and twentieth centuries, this question was asked by numerous historians and sociologists. Outstanding among them were Marx, Weber, and Sombart, who witnessed and studied the socio-economic and political movements that arose in the course of the first half of the nineteenth century: emancipation, industrial revolution, and modern capitalism. These movements had a dramatic impact on the fortunes of the Jews in Europe. Following their release from the ghettos, many Jews swiftly integrated into the rapidly growing economies, particularly in Western and Central Europe and in the United States, and occupied a visibly important role in many sectors. Social analysts, among them the three above mentioned scholars, searched for theories to explain the close correlation between the emergence of capitalism and the integration of the Jews into European economy, comprehended as "the role of the Jews in the development of capitalism."

A major essay of Karl Marx, "On the Jewish Question," written in 1843, in the early days of his career, was the only one he addressed solely to this topic. It was a vicious attack on Jews and Judaism, viewed as the perfect substantiation of capitalism and the capitalist ethos. The Jews were said to desire nothing more than to reap profit by manipulating the financial markets. The ultimate force behind this aspiration was the Jewish religion itself, from ancient times the supreme expression of rational, unscrupulous bourgeois spirit and thinking.

Admittedly, noted Marx, modern capitalism was not "created" by the Jews. However, due to the close spiritual kinship between them and capitalism, they internalized it and became some of the most important agents of social and economic modernization. Notably, Marx changed his position towards the Jews in his later writings, which were less saturated with rabidly anti-Jewish expressions. Now he reduced the Jews' role to that of hostile outsiders within authentic industrial capitalism. But posterity always quotes the early rather than the late Marx.

The great German sociologist Max Weber, in his analysis of the origins of capitalism (*The Protestant Ethic*, 1904, and *The Spirit of Capitalism*, 1905) as well as in his essay on the sociology of the Jewish religion, published post-mortem (*Das antike Judentum*, 1923), dealt extensively with the role of the Jews in the emergence of modern capitalism. Weber considered the Protestant ethic, principally in Calvinistic interpretation, through its ascetic discipline, modest consumption patterns,

and rational as well as liberal attitude to industrial organization and work, to be the initiating spirit of modern capitalism. He saw capitalism, especially its industrial manifestation, as a positive phenomenon.

In his theory, constrained by the Jewish religion's precepts, the Jews in the diaspora were confined to a self-imposed isolation. This made them a "guest nation," fulfilling in various national economies only marginal functions, such as trade and finances. At the same time, through industrialization and technological change, modern capitalism stimulated genuine processes of structural transformation. As the direct corollary of their socio-economic status, Jews—the "pariahs" (a term coined by Weber) of the western economies—inevitably drifted to "pariah capitalism," that is, to activities at the fringes. Consequently, they cannot be regarded as a leading force in the evolution of western capitalism at all. Weber's empirical proof of his thesis was his statistical observation that the vast majority of the Jews, in his time at least, dwelled in the pre-capitalistic regions of the world, namely, in eastern Europe and the Muslim world.

The well known opponent of Weber on the issue of the Jews and capitalism was another German social economist, Werner Sombart. The long lasting controversy between them became a thought stimulating topic for many, particularly Jewish, social scientists. A common denominator for the two, and also for Marx, was contempt for trade and finance. Yet, in sharp contradiction to Weber, the very essence of Sombart's comprehension of capitalism was that it severed man's economic activity from toil for sustenance and converted it into a profit generating device (another idea learned from Marx).

Sombart conceived that the birth of capitalism was around the turn of the fifteenth century, when the Jews were expelled from Spain and Portugal and found refuge in the Netherlands and then in England. By Sombart's observations, wherever Jews settled in Europe the economy prospered, and when they were expelled, it declined. This proved that the Jews were the primary stimulators of modern capitalism. This empirical statement was invigorated by a theory supplied in Sombart's book, written as a reply to Weber, *Die Juden und das Wirtschaftsleben* (1911).

In Sombart's theory the main culprits in the commercialization and monetarization of European society were, apart from the unique economic conditions of the Jews prior to their full emancipation, the Jewish religion and the Jewish race. He argued that Judaism contains strong elements of self restraint and rationality. It contains no mystery, no indulgence, and no licentious creativity. Every interaction is based on contracts; even the relationship between the Jewish God and the Israelite people is founded on reciprocal contracts. Further, in his view, Judaism is an authentic reflection of the genetic characteristics of the Jews. They lean towards abstract and quantifiable notions and prefer logical reasoning over passionate affections. These features easily accommodate the universalistic character of capitalism and go perfectly well with the theoretical concept of the classical school of economics, the "homo economicus."

Contemporary research respects Marx and Weber as important scholars, while many criticize not only Sombart's theories but also the depth of his analysis and reliability of his sources. Nevertheless, recurrent quotations of his work, even today, attest to the considerable influence his writing has had on students of Jewish social and economic history. At the same time there is little doubt about his antisemitic inclinations and about the fact that Sombart lent his expertise and scholarly reputation to the service of the Nazi regime in Germany.

The Jews in Contemporary Economic Theory

Recent studies of the economic behavior of Jews have had no need for such grand theories as were conceived by the nineteenth century scholars. The contributions of S. Kuznets and G. Becker to a theory of "Economics of Minorities" enable modern students to study the economic functioning of Jews as a permanent or temporary minority. They are to be identified as a minority because, to use Kuznets' categories:

1. They possess a common history that looks back to their original ancestry in the land of Israel.
2. They share the same religion, which is not shared with others.
3. They have a feeling of belonging to a specific group and care more about the fate of others in that group than about the fate of members of other groups.
4. They feel distinct from other groups in part because of recollections of past or present antisemitic discrimination.

Kuznets' model relates to small minorities that constitute less than one-tenth of the overall population and do not live together in a single territory over which they claim to have historical privileges. The model contends that the economic features of Jewish minorities in their countries of settlement (excluding Israel, where Jews are the majority) have the following characteristics:

1. The Jews' occupational composition differs from that of the population at large, with Jews concentrating in a narrower range of vocations. The closer the occupational composition of the minority to that of the general population, the faster the process of assimilation, leading ultimately to a loss of the minority's distinct identity.
2. Jews tend to gravitate to relatively new or rapidly expanding economic sectors because: 1) employment opportunities in these areas are better, as the acquisition of the needed skills takes longer for the majority, entrenched in old industries; and 2) such industries are more profitable than slow growing, stagnant ones.
3. Jews had an "economic heritage," the legacy of their countries of emigration and of their experiences prior to emancipation. This heritage constituted an historically accumulated human capital and played an important role in the initial process of occupation selection after emancipation or in their new countries.
4. As a result of past discrimination or apprehension about present discrimination, Jews tend to converge in industries already preferred by Jews. Since a Jewish presence in an industry is of expedience for new Jewish entrants, this pattern is likely to continue, unless the industry becomes stagnant. It may lead to a domination in certain niches of some industries. If these niches are visible, the situation may be exploited as an excuse for economic antisemitism.
5. For three reasons, in many countries the economic rise of the Jewish minority, expressed as an increase in per capita income, was larger than that of the general population: 1) Jews had a tendency to enter fast growing industries; 2) as immigrants, they received very low initial wages, so their progress was relatively rapid; 3) as a rule, urban minorities are more mobile and exploit new opportunities more easily than members of a ruling majority, firmly established in old positions.
6. The extent of economic inequality within Jewish communities tends to be smaller than among the general population.

Bearing in mind recent experience, one may add to these characteristics suggested by Kuznets that the pace and extent of the Jews' economic adjustment to their host countries has depended on the relative weight of the Jewish minority—the smaller it is, the easier its adjustment—and the "Jewish policy," that is, the general attitude of the host country and its government to minorities. Liberal governance eased economic integration. In this respect, Jews owe a debt to liberal capitalism with its main feature of competition, in which only performance counts and monopoly is viewed as discriminatory.

Examining these and other features, we may depict as follows the observable singularities of Jewish economic functioning in the twentieth century:

1. The absence of Jews from agriculture. Historically, the ownership of land was the most conspicuous target for economic discrimination. Beginning in the feudal period, Jews in most countries and in most ages had no right to owe land. When, in the nineteenth century, this limitation was removed, agriculture became a stagnant and later a declining industry. Jews had no "economic heritage" in agriculture, and they had no rational reason to enter it.

2. Jews have a demonstrated preference for urban life, and whenever permitted to choose their dwelling location, chose the city. This preference was paralleled in the late nineteenth and twentieth centuries by much of the non-Jewish population, particularly in developed countries. The Jews, forerunners in many fields of modernization and also in early urbanization, sought economic, hygienic, and cultural improvements

in the cities. Cities also provided advantageous conditions for maintaining community institutions at a sustainable cost. Finally, the big city was an ideal environment in which to find anonymity, a haven against antisemitic harassment.

3. Statistical calculations suggest amazingly high similarities between the occupational distributions of Jews in various European countries, pointing to the existence of a Jewish occupational pattern. Even so, it is difficult to generalize about Jewish occupations. For, contrary to the stereotype of Jews in banking and finance, after emancipation and the massive waves of Jewish migration, in much greater numbers they entered manufacturing, so that in many European countries, as well as in Canada, the ratio of Jewish industrial labor in the pre-World War II years was higher than that of non-Jewish, non-agricultural labor. The share of Jews in banking and finances decreased in part as a result of significant integration in the financial sector and the occupation of its more important positions by the privileged classes. In the era of finance capitalism, the traditional functions of Jews in pre-industrial finances—money lending and petty banking—became of marginal significance.

4. Regarding the manufacturing sectors preferred by Jewish entrepreneurs, two interdependent features should be mentioned. First, the great majority of Jews are in the production of final consumer goods, sold directly, in competitive markets, to non-institutional consumers. Such plants are moderately capital intensive, of relatively small size, and operated with intermediate technology. Second, relatively few Jewish entrepreneurs are found in steel, heavy engineering, and mining.

5. Similarly, Jews in commerce primarily operate retail businesses. They prefer to trade in consumer goods, such as clothing, footwear, food, and drink, much less in raw material and industrial inputs. The reason, as Kuznets argues, is that Jews seek projects with rapid capital turnover, which demand much ingenuity but small investment. They have a strong propensity for hard work, complemented with inventiveness. This substitutes for a lack of political leverage and connections, needed to do business in the public sector and in many of the basic industries.

6. Developments after World War II favored large scale and capital intensive enterprises and increased the economic share of the public sector, adversely affecting the economic equilibrium of the Jews. The viability of small private businesses declined, while the public sector became a dominant factor in production, commerce, and the labor market. Yet in most western countries the share of Jewish employees in the public sector remains lower than their percentage in the labor force. This is because, in the face of the declining profitability of small businesses, the Jews' stubborn preference for an independent status in the private, competitive market led many young Jews to enter the liberal professions as medical doctors, lawyers, engineers, and scientists.

Conclusion

From the point of view of economic position and status, active or passive belonging to the Jewish religion rendered the Jew a member of a minority within a national economy. In the past, being a Jew had a profound influence upon economic behavior and prospects. Although the liberal governmental policies pursued in the west have removed most formal limitations and allowed Jewish youths to choose careers of their liking, the legacy of the past continues to leave a meaningful imprint upon even their present occupational composition.

From quite an unexpected angle, higher standards of living and modern technology have affected the connection between Judaism and economic life. The reduction of the work week to five days removed a significant obstacle from Sabbath observance. No longer do synagogues sponsor early Sabbath morning worship services for those who need to hurry to work after Sabbath prayers. Longer annual holidays and flexible employment policies also have facilitated the observance of Jewish festivals that fall on weekdays. These changes have increased the pool of employment opportunities for observant Jews.

Additionally, recent technology has created possibilities for the reintroduction of cottage type industries, involving jobs such as programming, computerized accountancy, and the like. Offering tasks that can be done in the employees' homes and at their convenience, this has created new opportunities to productivize a potential labor force, including orthodox Jewish women with families, who heretofore kept away from the labor market. Modern technology also has enabled the production of kosher food at lower costs and in a vastly enlarged selection. Maintaining a kosher diet thus has become more affordable in terms both of economic and culinary cost.

Higher real income per capita and shorter working hours also have greatly expanded the options available for modern people to enrich their cultural and spiritual experience. More leisure time and higher real income have reduced the subjective cost of engagement in religious activities. For the modern person in the west, economic factors have become less of an obstacle in the pursuit of a way of life that accords with Judaic principles than at any time in the last two centuries.

YEHUDA DON

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[5] J.S. Coleman, "Norms as Social Capital," in G. Radinzky and P. Bernholz, eds., *Economic Imperialism* (N.Y., 1987), p. 135.

[6] Jacob Katz, *The Shabbes Goy* (Philadelphia, 1989), p. 249.

[7] Ibid.

[8] Ibid.

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Election of Israel

FEW can dispute the accuracy of Jon D. Levenson's statement: "There is probably nothing in Judaism that has attracted so much attention and generated so much controversy as the biblical idea that the Jews are the chosen people."[1] Praised and despised, reinterpreted and misunderstood—this doctrine remains central in the minds of both Jews and non-Jews. For many Jews it has been, and still is, the cornerstone of their identity. As Rabbi Arthur Hertzberg put it: "The essence of Judaism is the affirmation that the Jews are the chosen people; all else is commentary."[2] For anti-Semites it has been the ultimate evidence that the Jews are chauvinists who look down on all other peoples.[3] For many friends of the Jews and for many Jews themselves, it has been a source of embarrassment.

THE BIBLE

In the biblical narrative, the idea of election is first expressed in the story of Abraham, who was elected and called by God to leave his people and settle in Canaan. And God promised to bless him and to make him a blessing (Gen. 12:2f.). The universalistic tendency is seen already here when it is said that "all peoples on earth will be blessed through you" (Gen. 12:3b).[4] God made a covenant with Abraham, promising him the land of Canaan as an everlasting possession

and pledging to make a great people of his offspring (Gen. 15:5, 17:2–22; cf., Neh. 9:7f.). An interesting fact is that in the Bible, and especially in the Psalms, the election of Israel is more often connected with Jacob than with Abraham (see, e.g., Ps. 78:71, 105:6, 135:4).

After the exodus from Egypt, the idea of an elected people is an important feature in the covenant.[5] Israel is to be for God "a kingdom of priests and a holy nation" (Exod. 19:6). This idea is especially important in the Deuteronomistic tradition.[6] Israel is called "the people of his [the Lord's] inheritance" (Deut. 4:20; cf., 1 Kings 8:51), "his treasured possession" (Deut. 7:6, 14:2, 26:18), and "a people holy to the Lord your God" (Deut. 7:6, 14:2, 26:19). Israel is said to have been chosen "out of all the peoples on the face of the earth" (Deut. 7:6, 14:2), "above all the nations" (Deut. 10:15), and God is said to have declared that he will set Israel "in praise, fame and honor high above all the nations he has made" (Deut. 26:19; cf., 28:1).

But why was Israel elected? The Bible does not tell. The revelation to Abraham was sudden and unanticipated. But Deut. 7:7–8 is very explicit on what was not the reason of election:

> The Lord did not set his affection on you and choose you because you were more numerous than other peoples, for you were the fewest of all peoples. But it was because the Lord loved you and kept the oath to your forefathers that he brought you out with a mighty hand and redeemed you from the land of slavery, from the power of Pharaoh king of Egypt.

In other parts of the Bible, the idea of the elected people is not a frequent theme. In the Psalms, God is praised for what he has done for his people, including the election. The psalmist says that "the Lord has chosen Jacob to be his own, Israel to be his treasured possession" (Ps. 135:4), "the people he chose for his inheritance" (Ps. 33:12, cf. 78:71). Another metaphor for the same claim calls Israel "the sheep of his [God's] pasture" (Ps. 100:3, cf., 79:13; 95:7). And about God's revelation of his word and his laws it is said: "He has done this for no other nation; they do not know his laws" (Ps. 147:20).

The only passage in the Prophets that uses the expression "my treasured possession" is futuristic (Mal. 3:17). The relation between election and responsibilities is clearly expressed in Amos 3:2: "You only have I chosen of all the families of the earth; therefore I will punish you for all your sins." Other passages mention the election (e.g., Jer. 7:23, 11:4; Ezek. 20:5), and some predict a new covenant when Israel again will be the people of God (e.g., Jer. 24:7; 31:33; 32:38, Ezek. 11:20; 36:28; cf., Is. 14:1). The only prophet for whom the concept of election is very important is Deutero-Isaiah (see, e.g., Is. 41:8f., 43:10, 20f., 44:1f., 45:4). In the latest biblical books there is no mention of the election of the people—except for the quotation of a psalm in 1 Chron. 16:13—only of the election of Jerusalem, a descendant of David, and the Levites.

A notable, and for twentieth century politics important, fact is that the concept of the election of the people is connected with the promise of the land. Abraham was promised that his offspring would inherit the land of Canaan, and the words declared after the exodus strongly reiterate the same sentiment (Deut. 4:37f.; cf., Ps. 473f., 105:43f., 135:10–12):

> Because he loved your forefathers and chose their descendants after them, he brought you out of Egypt by his Presence and his great strength, to drive out before you nations greater and stronger than you and to bring you into their land to give it to you for your inheritance, as it is today.

The Rabbinic Literature

The idea of election is central in the Rabbinic period. "Over and over again in the Talmud stress is laid upon the intimate and unique relationship which exists between God and His people."[7] This is not unexpected. During this period the Jews experienced many difficulties—the Temple had been destroyed, the state had ceased to exist, and the people had been dispersed—so that the belief that God has a special relationship

to the people must have been an important source of strength. The rabbis also emphasized the election with such strength because the political reality—the Jewish state had perished and the Jews were dispersed and weak—was totally contrary to such a belief. The unhappy state of the Jews became one of the main arguments in the anti-Jewish polemics in the Christian Church. It was considered to prove that God had turned away from the Jewish people.[8]

According to some rabbis, the election of Israel was predestined before the creation of the world (Gen. Rabbah 1:4). This idea made election absolute and independent of any circumstances. It meant that no failure of the Jewish people whatsoever could alter the fact that they were the chosen ones, the children of the one and only God for ever (Sifre to Deut. 32:5–6; B. Kid. 36a). Other rabbis, however, expressed a different opinion. They described the election of Israel as having happened not before creation but in history. Furthermore, it was conditional. ". . . if you are holy then you are mine" (Mek. to Exod. 22:30; cf., Sifre to Deut. 14:1–2, B. Kid. 36a). As Ephraim Urbach put it: "First Israel must sanctify themselves and only thereafter do they merit to be called a holy people."[9]

One popular thought in the Talmud and midrashim is that chosenness is a burden. "Because God loved Israel, he multiplied sufferings for him" (Exod. Rabbah 1:1).[10] Chosenness means responsibility, requiring one to guard, preserve, and obey the Torah. A tradition that now enters Judaism is the notion that the Torah was offered to many people but that Israel alone accepted it (Num. Rabbah 14:10; Sifre to Deut. 33:2–6), or, to put it in other words, chose God and his Torah. Thus the chosen people becomes the choosing people.

The idea of belonging to a chosen people and the animosity and oppression from the surrounding world sometimes led to chauvinistic statements about other peoples. The harshest utterance is Simeon ben Yohai's "Kill the best of the gentiles! Crush the head of the best of snakes" (Mek. to Exod. 14:7).[11] He also states that gentiles are not classified as men (B. Yeb. 60b-61a). An exhortation to utter a curse when passing by a cemetery of gentiles appears at B. Ber. 58b. What must be remembered is that this nationalistic-chauvinistic tendency, which undeniably exists in the Rabbinic literature, is counterbalanced by a more universalistic one. One also has to distinguish between what can be read in a text and what the consequences of that statement have been. Thus, in the words of Bernard J. Bamberger, "there are, indeed, some brutal and bloody pages in our ancient texts; we would be happier if they did not exist. Yet such passages have had surprisingly little impact on Jewish theology or even on popular Jewish thought."[12]

The Rabbinic literature also expresses the idea that Israel was chosen and given the Torah because of its merit. Israel is as strong among the nations as the dog is among animals and the cock among birds (B. Bes. 25b). In Num. Rabbah 3:2, an interesting analogy is used: just as a person chooses the good figs from a basket, so God makes choices. But other passages state that the fact that the Israelites were persecuted was the reason for their election (Lev. Rabbah 27:5). Overall, however, the great majority of the rabbis say nothing about merits; instead they attribute the election of Israel to a mere act of grace on the part of God.

The idea that the election of Israel meant Israelites' moral superiority finds some support in the literature. In B. Shab. 145b-146a, the lust of gentiles is explained: "For when the snake had sexual relations with Eve, he dropped into her a filthy drop [of lust]. When the Israelites stood at Mount Sinai, their lust came to an end, but since the gentiles did not stand at Mount Sinai, their lust did not come to an end."[13] While human wickedness is hereditary, Israelites are liberated from it because of a miracle connected to the giving of the Torah. There is thus a clear difference between Jews' and gentiles' nature, a view that can be called essentialist, because it claims that there is some mystical or metaphysical essence that inheres in a Jew and makes him different from non-Jews.[14] Even the acts of charity and mercy of gentiles could be explained by the claim that they were made with wrong motives (e.g., B. B.B. 10b).

That the concept of the chosen people

was not in general understood in any biological or otherwise hereditary way is shown by the fact that proselytes were accepted. Although it is possible to find criticism of proselytes—"Proselytes are as hard on Israel as a scab"[15] (Yeb. 109b; Qid. 70b; cf., Yeb. 47b)—the common opinion is one of total acceptance and equality with other Jews (see, e.g., Mek. to Exod. 22:20; B. Yeb. 47b, B. Ber. 28a).[16] B. Pes. 87b declares that God's intention with the diaspora was to increase the number of proselytes. A gentile who takes up the study of the Torah as his occupation is equaled to the high priest (Sifra to Lev. 18:5; B. A.Z. 3a; B. B.Q. 38b).[17] For the Torah is not the Torah of the priests, Levites, or Israelites, but the Torah of Man, *Torat ha-Adam* (Sifra to Lev. 18:5).

All gentiles were expected to follow a moral code, called the seven commandments of the sons of Noah. These commandments, in the later Jewish tradition connected with the biblical story of God's covenant with Noah after the flood, were considered God's first covenant made with the whole of mankind. While the covenant with Israel contains 613 commandments, this covenant contains only seven, concerning "setting up courts of justice, idolatry, blasphemy, [cursing the Name of God], fornication, bloodshed, thievery, and cutting a limb from a living beast"[18] (B. San. 56a).[19] Gentiles who follow these commandments will earn divine approval and will have a portion in the world to come (see T. San. 13:2, where different opinions on this issue are expressed). The concept of the Noahide covenant is one reason Jews have been so uninterested in proselytizing. "Those who think outsiders can have a proper relationship with God as they are will feel less of an impulse to make them into insiders."[20]

In sum, the Rabbinic literature—true to its character as a multifaceted work—presents various and also contradictory statements concerning the nature of the election of Israel.[21] The universalistic tendency—most clearly expressed in the concept of the Noahides—does not change the fact that the election of Israel is viewed as something self-evident. Although the rabbis readily acknowledged the universality of God, that did not diminish in any way his particular loving relationship with his chosen people.[22]

Medieval Jewish Thought

When the Christian Church became a powerful force in Europe, the situation for the Jews changed dramatically. The Jewish self-understanding of being the people chosen by God and singled out among the nations was challenged by the majority religion. The Church claimed that the covenant with Israel had been replaced by the new covenant in Christ, that the Church was the new Israel, and that Christians were the chosen people.[23] Although medieval Judaism softened its attitude towards Christians, e.g., by stating that the Talmud did not include Christians, who worshiped the living God,[24] in the category of idolaters—it was absolute in its conviction that the election of Israel had not been cancelled and that the Jews were the chosen people. But the question is: what does that chosenness mean?

Two towering figures within medieval Jewish thought represent two different interpretations of the election of Israel. Judah Halevi (1075–1141) affirms an essentialist understanding of the election, whereas Maimonides (1135–1204) interprets the election in a different way.

In his famous work *Sefer ha-Kuzari*, Halevi based the pre-eminence of Israel on God's election. From Adam onwards, God only chose individuals until he chose the whole people of Israel. The election of Israel was not an arbitrary act, for God had prepared the people for a long time so that they "became worthy of having the divine light and providence made visible to them" (1:95; cf., 1:47).[25] The sons of Jacob are said to have been "distinguished from other people by Godly qualities, which made them, so to speak, an angelic caste" (1:103). For Judah Halevi, chosenness means privilege (5:20). There is in the world a clear hierarchy, a decisive difference between Jews and gentiles as well as between human beings and animals:

> The lowest plant occupies a higher rank than the noblest mineral, the lowest animal is higher than the noblest plant, and the

> lowest human being is higher than the noblest animal. Thus the lowest follower of the divine law occupies a higher place than the noblest heathen. For the divine law confers something of the nature of angels on the human mind, a thing which cannot be acquired otherwise. . . . A monotheist is, therefore, preferable to the pagan, because the divine law empowered him to lead an angelic life and to reach the degree of angels, though it has been sullied and defaced by his frowardness. Some traces will always remain, and the fire of his longing for it is not quite extinguished (5:20).

There is, thus, a higher quality also in those members of the chosen who are disobedient. They remain part of the elected "on account of their descent and nature" (1:95). God rested his divinity on *all* of them. It "even descended on their women." Judah Halevi even talks about Israel as a "perfect fruit" and about "the purity of their lineage" (ibid.).

We have here both the idea of merit as the basis for election and of election as an essentialistic notion of the nature of the Jews. Halevi explains the fact that the preeminence of the Jews is not apparent in the concrete world through reference to the diaspora. Dispersed among the nations, the Jews are scattered limbs, dry bones. But even in this state of degradation, they still possess spiritual life, contrary to the other nations who are bodies of marble and plaster, in which neither spirit nor life has ever dwelled (2:30). Therefore the Jewish accomplishments are of the highest standard within many fields: astronomy and music (2:64f.; cf., 4:29), science (2:66), and language (2:67–81).

Judah Halevi's essentialist view of the Jewish people naturally made him suspicious of proselytes. If election was based on heredity and blood, no conversion could make a non-Jew a real part of the chosen people. But he was not totally negative towards converts; "any gentile who joins us unconditionally shares our good fortune, without, however, being quite equal to us" (1:27). The status of different people is not based on creation but on the Torah and on God's revelation in history. And God led the people of Israel out of Egypt and gave the Torah to them, because "we are the pick of humankind" (ibid.). By converting, a gentile is drawn closer to God, but he is not equal to a Jew from birth, because he will never be able to reach the highest level of religious attainment, i.e., becoming a prophet (1:115).[26]

In his principal philosophical work, *The Guide of the Perplexed*,[27] Maimonides touches on the concept of chosenness in passing. When emphasizing the supremacy of the prophecy of Moses over other prophecies, he states that the understanding of Moses is different from what was discerned by those who came later in Israel, and further removed from the prophecy within other religious communities (2:35). With this statement, Maimonides not only declares the supremacy of the prophecy of Moses but also the absolute supremacy of the prophecy of Israel.[28] For him, the Jews are superior to non-Jews, a superiority that derives from possession of the Torah.

When Maimonides discusses the importance of proper language, he mentions the obscene language of the songs and stories of ignorant and sinful gentiles, "suitable for them but not for those to whom it has been said: And ye shall be unto Me a kingdom of priests, and a holy nation" (3:8). In the same context, Maimonides declares why Hebrew is called the Holy Language: it does not contain any words for the male and female genitals or for copulation. The words used to express these things are expressions deriving from other words. The interesting thing is not Maimonides' prudish attitude but his conviction that the people chosen by God is morally on a higher level than other peoples. He also quotes with emphasis the passage at B. Shab. 146a, about how lust was taken away from the Israelites but not from the nations (2:30).

We thus notice that Maimonides did not dwell on the idea of chosenness, but that he considered the Torah to be superior to all other laws, and that he expected a morally better behavior from Jews than from other peoples. Because he considered almost all non-Jews to be idolaters, he prescribed strict separation between Jews and gentiles and also urged discrimination against gentiles (see, e.g., *Mishneh Torah* I, iv, ix and x; XI, v, iv, 11).[29]

Although Judah Halevi and Maimonides

agree on the superiority of the Jews, they differ concerning the foundation of this superiority. For Maimonides, it has nothing to do with descent, as his attitude towards converts shows. Potential converts should be informed of the "heavy weight of the yoke of the Torah" in order to induce them not to convert (*Mishneh Torah* V, i, xiii, 14). If they still want to convert "they should be accepted" (ibid.) and should be "regarded as Israelites in every respect" (*Mishneh Torah* V, i, xii, 17). Thus Maimonides in his famous letter to Obadiah the proselyte assured the confused convert that he could join even in prayers and blessings that talked about what the Lord has done for "us," because there "is no difference whatever between you and us."[30]

Maimonides was proud of Judaism and the Jewish people, but he did not consider their superiority to be innate. For him Jewish identity was a matter of religious commitment, not descent. He denied that the Jews were in character and nature essentially different from other people. Their superiority was founded entirely upon the Torah. By accepting the Torah, any person could become part of Israel, and in the messianic age this would happen with all human beings. In the meantime, God protects all the righteous according to their righteousness, non-Jews as well as Jews.[31]

If we compare these two great Jewish thinkers from the Iberian peninsula we can say, in the words of David Novak, that Halevi "sees the people of Israel as being a unique entity, having all the excellences of human nature plus excellences that could not have come from human nature," while Maimonides sees the difference between the Jewish people and the nations as "one of degree, not one of kind."[32] Or we can say, in the words of Baruch Frydman-Kohl, that Maimonides holds "that *Judaism* is a philosophical community with common beliefs that entails common practices and hence, open to all who wish to join, while Halevi will be seen to describe the *Jews* as a unique ethnic group which others may join, but in which converts are still distinct."[33]

The view of Maimonides represents the mainstream of Judaism, but there has been support also for the essentialist interpretation of Judah Halevi. The famous Judah Loew of Prague, known as Maharal (1512–1609), claimed that the difference between the Jewish people and other nations was not one of belief and practice but of inner nature. The people of Israel had by nature a unique predisposition to the Torah, and it was because of this that they accepted it. The election of Israel was collective (not individual); it was based on the principle of grace rather than merit, and it was metaphysical and not ethical, i.e., it was unconditional, not dependant on the behavior of Israel.[34] All persons and nations differ from each other. The people of Israel was, according to Maharal, of a superior religious and moral caliber. Contrary to other nations, Israel has an inclination for the absolute, a tendency towards the holy, and a disposition for prophetic inspiration.[35]

Jewish mysticism, Kabbalah, held an extremely essentialist view of the Jewish people, making a pronounced distinction between Jews and non-Jews, as can be seen from the kabbalistic classic *The Zohar*.[36] The nature of the immortal souls of Jews and gentiles was different, i.e., the soul of the Jew originated from the realm of holiness, while "the spirit which is found in the idolatrous nations issues from the realm of uncleanliness and is not, properly speaking, 'man;' therefore it is not covered by this name and has no portion (in the future world)" (Bereshit 20b; cf., Emor 104b, Jethro 86a). Novak has rightly commented that in "the kabbalistic literature the distinction between Israel and the nations was elevated to an ontological principle."[37]

This can also be seen in the kabbalistic view of proselytes. When a gentile converted to Judaism, it was believed that a new soul descended upon him from heaven, but it was not a soul of the same high spiritual caliber as the souls of those born as Jews. On the contrary, it was "a great humiliation for the holy soul to enter into a 'stranger,' namely, into a proselyte" (Mishpatim 95b). Therefore "you cannot compare one who comes from the holy root and the stock of truth to one who comes from an evil stock and from an abhorrent root" (Vayikra 14a-b).[38]

Modern Jewish Thought

In the nineteenth century, Judaism saw the birth of organized non-Orthodox Judaism, and since then there has been a growing heterogeneity. One can, therefore, find not only different but very divergent interpretations of the election of Israel.

The essentialist interpretation maintained by Judah Halevi and the mystical tradition has been preserved within Hasidism. The father of Hasidism, Israel Baal Shem Tov, known as the Besht (1700–60), subscribed to the same essentialist view of the Jew as in the Kabbalah and saw a spark of holiness in every Jew, even in the unfaithful. There is, thus, an innate holiness in the Jew that no wicked behavior can destroy. This view has been carefully developed and given mystical kabbalistic features in Habad Hasidism, as can be seen in the classic work of this branch of Hasidism, *Tanya*, by the father of Habad Hasidism, Schneur Zalman of Lyady (1745–1813).[39] Roman A. Foxbrunner summarizes Rabbi Schneur Zalman's view of Jews and gentiles thus: "Gentile souls are of a completely different and inferior order. They are totally evil, with no redeeming qualities whatsoever. . . . All Jews were innately good, all gentiles innately evil."[40] Present day Habad Hasidism follows in the footsteps of its founder and believes that each and every Jew has a Jewish soul of divine nature. Even if a Jew ignores God's will, his or her inner, objective Jewish identity is greater than the external, subjective will. "The inwardness of a Jew . . . remains intact in every Jew, regardless of his outward status and whatever the outward circumstances may be."[41]

Modern thought with its emphasis on reason and universalism does not accept essential differences between ethnic groups. Distinctions that exist are said to be the result of natural or social phenomena. In mainstream modern Jewish thought, however, one can find a more subtle form of essentialism. Especially in Reform Judaism, there was initially a more liberal version of the idea of the innate quality of the Jewish people. When the distinguishing quality of Judaism was no longer seen in a rigorous observance of mitzvot and in the following of Jewish tradition, it was seen in the "ethical monotheism" brought to the world through the religious genius of the Jews. Abraham Geiger (1810–1874) stated that, as the Greeks had a special talent for art and science, so the Jews had a religious genius, a gift of prophecy that made them the people of revelation.[42] This claim is an expression of the biological interpretation that there is a unique quality given to the Jewish people. This is not racism, but it is an example of the *Völkerpsychologie* so much in fashion in nineteenth century Germany.[43] The Reform rabbi Frederic A. Doppelt declared in the 1940s that "Israel chose God not as a matter of voluntary choice but as a matter of spiritual determinism. . . . It was not the result of trial and error . . . but of his native character and the natural bent of his spirit."[44]

The most common way of interpreting the concept of election is, however, to see it as a purely religious, not biological, fact, connected to the covenant between God and Israel. This election is not a privilege but imposes a greater burden of responsibility. This greater responsibility is shown by the essence of the two covenants, the one with the Jews and the one with all other nations. Every individual Jew has traditionally been obliged to follow 613 commandments. A non-Jew, on the other hand, is considered to be righteous—and thus to have a portion in the world to come—if he follows the seven commandments of the sons of Noah. The SinaiCovenant is, thus, a heavier burden to carry than the Noahide Covenant, although the faithful naturally do not experience it as a burden but as a blessing.

This has normally been the Jewish defense against the accusation of superiority. Contrary to traditional Christianity (*nulla salus extra ecclesiam*), Judaism has never taught that there is no salvation outside itself. Judaism is thus a more tolerant religion. The Jewish preference is one of greater responsibility. More is asked of a Jew than of a non-Jew. But this interpretation also claims a uniqueness for the Jews that, while not making them into a *Herrenvolk*, does place them on a higher level. In the words of Rabbi Bernard J. Bamberger:

> One who accepts a hard task, a heavy responsibility, an arduous office, can hardly be unaware that this is an honor and a distinction; to pretend that it is not would be both dishonest and silly.[45]

Modern non-Orthodox forms of Judaism do not emphasize the keeping of mitzvot as the crucial feature of Judaism. The early Reform movement, in particular, claimed that the unique Jewish contribution to world history was the faith of the prophets, often called "ethical monotheism." The election of the Jews was seen as a means of spreading this message. The fact that the Jews lived dispersed throughout the world facilitated the "mission of Israel" in the spread of ethical monotheism. Therefore, in the beginning, the Reform movement did not consider the diaspora a catastrophe, and vigorously rejected Zionism. To enhance the establishment of peace, justice, and righteousness among all people was seen as the right way to be faithful to the vocation to be a holy people. This is well expressed in the phrase: to be in the messianic vanguard. World events in the twentieth century decisively weakened hopes for an immediate fulfillment of the messianic dream, a universal brotherhood of humankind as a result of Jewish influence. Modern Reform Judaism has, therefore, returned to Jewish traditions and now increasingly combines religious observance and mending the world (*tiqqun olam*). As Rabbi Eric H. Yoffie, President of the Union of American Hebrew Congregations, has said:

> God has commanded us and needs us to study Torah, engage in prayer, and observe the rituals of our tradition. Most of all, the Eternal One needs us to resuscitate in the world the fundamental values of Torah—that human life is sacred, that justice is a supreme value, and that freedom is the touchstone of civilization—and to bring repair, wholeness, and sanctity to all of humankind.[46]

Whether the election of Israel is interpreted as a vocation to a Torah-true life or to the spreading of ethical monotheism or to both, the essence of the concept lies in the notion that God chose Israel for a special purpose and that, Israel therefore is unique, different from other nations.

In modern times, most Jewish concepts have been challenged, re-interpreted, and sometimes rejected. That is also the case with the notion of election. The interpretation of the doctrine of election is, naturally, connected to one's notion of God. A person who does not believe in a personal God, can self-evidently not believe in divine election, there being no God who chooses.[47] Today, many Jews are atheists or agnostics. Also many religious Jews have a view of God that differs substantially from traditional theism. As a consequence their view of election is also different. "It is we who proclaimed ourselves chosen, not God."[48]

Whether there is a God or not, and whether this God has chosen any people or not, are questions of belief. That the Jews have considered themselves chosen is, however, not a question of belief. It is an undisputable fact. The lowest common denominator concerning the election of Israel is the fact that this doctrine has been central for Judaism through the ages.

But if there is no God or if God did not choose Israel, this doctrine is false. But the fact that a doctrine is false does not mean that it is harmful or negative. On the contrary, most Jews who do not believe in divine election still appreciate the doctrine. It has kept the Jews together, it has given them strength and self-respect especially in difficult times, and it has challenged them to live in an exemplary way. But this is not enough for continuing to proclaim the doctrine. "While one can understand the psychological value of such belief during years of isolation and humiliation, one cannot on such pragmatic grounds justify its morality and truth."[49]

The modern rejection of the doctrine of election is connected with Mordecai M. Kaplan (1881–1983), founder of Reconstructionism, who, throughout his long career, fought all attempts to defend the traditional doctrine. According to Kaplan, the doctrine of chosenness had a value during the times of humiliation and oppression, but today it cannot be upheld because it is ethically dubious. It implies—despite all claims to the contrary—Jewish superiority. There are so many other ways of developing self-respect—ways that look to the future instead

of to the past, to personal accomplishment rather than to collective pride—that there is no need of inviting the undesirable consequences of belief in the superiority of one's people, whichever people that be.[50]

Kaplan rejects all apologies for the traditional doctrine of election. The claim that the Jews are not better than other people but that they *ought* to be better he considers chauvinism. "We ought to be better than we are. But to say that we ought to be better than others implies that we regard ourselves as being inherently superior to them."[51]

The doctrine of election is not only immoral. For Kaplan it is impossible because God is not one who chooses. Kaplan's God was an impersonal force. Because people very much like to believe that there is something special about their nation or group, Kaplan introduced the term "vocation." Every nation and every individual has a vocation, a calling to fulfill some purpose, to contribute in its own way to the common good of mankind. Kaplan sees the Jewish vocation as to "promulgate, by its way of life, the truth of the universal presence of God in all religions, and the universal obligation of every man to use his traditional *sancta* for glorifying not merely his own people or church, but mankind as a whole."[52] This cannot be seen otherwise than as a modification of the doctrine of election and of a universal mission of Israel, cleared of all self-elevation (like thanking God "for not having made us like the other nations"). Arnold M. Eisen comments about this: "Chosenness, ushered unceremoniously out the front door, was in more modest dress smuggled in through the back."[53]

If the concept of divine election is reduced to the idea of vocation, it can easily be universalized. Like the Jews, every other nation can view its relation to God through a perspective of calling and vocation: God has chosen us to fulfill some specific purpose, and others for some other purpose. ". . . in affirming the chosenness of Israel, I am not denying that other peoples, nations, groups, and creeds have their vocation, their dignity, their worth," as Bamberger has stated.[54] A belief in a literal, divine election does not exclude this kind of universalism, but it preserves an important distinction between, on the one hand, the election of Israel, which is of divine origin or superior to all other divine callings, and, on the other hand, all other concepts of national uniqueness and vocation, which are human in origin or at least inferior to the election of Israel and the revelation connected to it.

Today it is not unusual to interpret the concept of election as a way for the Israelites to respond to God and to express their love for him and, similarly, to consider all nations and persons to be called to hear the divine address and to respond in love and learn that they also are chosen. Rabbi Dudley Weinberg writes:

> Every beloved knows himself to be chosen; nor does his awareness of election require that no other should be elected. Faithful love rejoices that others are also beloved. If this means that God 'makes covenants' with other peoples, then that is what it means. A doctrine of multiple covenants would in no way damage the uniqueness of the covenant with Israel. Every covenant, every relationship of mutual trust and love, is unique.[55]

But the tendency nowadays to universalize the concept of election, and to see all individuals and nations as potentially chosen, has one important condition, as expressed by Rabbi Max J. Routtenberg: "I would regard all nations with a formulated purpose as 'chosen,' provided the various national purposes are 'for the sake of Heaven' "[56]

The problem is that so many ideas of uniqueness and vocation are not "for the sake of Heaven" but are born out of nationalistic and egoistic aspirations. Some of these ideas have been disastrous for humankind. Because only a few Jews have interpreted the idea of the election of Israel in a chauvinistic manner, Judaism cannot be accused of having invented the concept of national superiority. But it is a fact that the Jewish concept sometimes has constituted a model or a prototype for perverted ideas of superiority. Rabbi Emmanuel Rackman has commented as follows:

> That various theories of national and racial superiority derive from a Jewish idea troubles me. But I cannot abandon a conviction because of its perversion by others, any more than I would outlaw sex because some men practice sodomy.[57]

It is to be noted that Judaism is not more self-centered or intolerant than any other monotheistic religion. On the contrary, Judaism is, as we have seen, more tolerant when it comes to the issue of salvation. And, as the legendary leader of German Reform Judaism, Leo Baeck (1873–1956), has pointed out, exclusivity is a logical consequence of any belief: professing one faith means holding another to be wrong, walking one way means rejecting the other ways.[58]

That a person believes that he or she is part of a group that is chosen, loved by God, and special is unproblematic as long as he or she does not consider that all other people have not been chosen, are not as much loved, and are therefore inferior. In the words of Rabbi Jacob B. Agus:

> We may call ourselves chosen, "set apart," "called," or what have you—providing always that we do not draw the negative inferences from this doctrine and apply them to the non-Jewish peoples, as if they were "un-chosen," "undistinguished," or "uncalled." Our affirmation of "chosenness" is our way of appreciating the peculiar gifts of our past and of our destiny. In other traditions there are other ways.[59]

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NOTES

[1] Jon D. Levenson, "The Universal Horizon of Biblical Particularism," in Mark G. Brett, ed., *Ethnicity and the Bible* (Leiden, New York, Köln, 1996), p. 143.

[2] *The Condition of Jewish Belief. A Symposium Compiled by the Editors of* Commentary *Magazine* (New York, London, 1966), p. 90.

[3] In German, as in some other languages, it is possible to establish a connection between the Jewish concept of election and theories of racial superiority through a simple play on words: The *Volk des Herrns* becomes the *Herrenvolk*.

[4] Unless otherwise noted, biblical quotations are from *The New International Version (NIV)*. How the verb *nivreku* should be translated in this verse is not evident. *NIV*'s version "will be blessed" is one alternative, another is "shall bless themselves." See, e.g., E.A. Speiser, *Genesis. Introduction, Translation, and Notes* (Garden City, 1964), p. 85.

[5] According to Hans Wildberger, *Jahwes Eigentumsvolk. Eine Studie zur Traditionsgeschichte und Theologie des Erwählungsgedanken* (Zürich and Stuttgart, 1960), pp. 36f., the connection between the concept of election and the covenant is secondary.

[6] Th.Z. Vriezen, *Die Erwählung Israels nach dem Alten Testament* (Zürich, 1953), p. 47, calls the deuteronomistic theology a "Erwählungstheologie." Cf., Klaus Koch, "Zur Geschichte der Erwählungsvorstellung in Israel," in *Zeitschrift für die Alttestamentliche Wissenschaft* 67 (1955), pp. 214–217.

[7] A. Cohen, *Everyman's Talmud* (New York, 1975), p. 59. Solomon Schechter, *Aspects of Rabbinic Theology* (New York, 1961), pp. 46f., writes that "there is not a single endearing epithet in the language, such as brother, sister, bride, mother, lamb, or eye, which is not, according to the Rabbis, applied by the Scriptures to express this intimate relation between God and his people."

[8] The fact that the chosen people of God lived in a state of submission to the nations was difficult for many Jews to accept, as can be seen from the complaint in 4 Ezra 6:55–59.

[9] Ephraim Urbach, *The Sages. Their Concepts and Beliefs* (Jerusalem, 1975), p. 529. A lengthier discussion of who chose whom first—did God chose Jacob or did Jacob chose God—is found in Sifre to Deut. 32:7–9.

[10] This is how A. Cohen translates the statement (op. cit., p. 60). S.M. Lehrman, *Midrash Rabba Exodus* (London and New York, 1983), p. 3, translates: ". . . because of his love for Israel . . . doth he heap upon them chastisement" and gives the alternative reading, "He chastises them with suffering."

[11] This is how Cohen translates this statement (op. cit., p. 66). Jacob Z. Lauterbach, *Mekilta deRabbi Ishmael I* (Philadelphia, 1933), p. 201, translates: "The nicest among the idolaters—kill. The best of serpents—smash its brains." The word for gentiles is sometimes translated "idolaters" to stress that the bad thing with these people was not their being non-Jews but that they worshiped idols. Cohen claims (op. cit., p. 66) that the reason for this harsh utterance was personal experiences of oppression that Simeon b. Yohai had, while Benjamin W. Helfgott, *The Doctrine of Election in Tannaitic Literature* (New York, 1954), pp. 97f., suggests that this statement was a battle-cry of the Bar Kokhba revolt, quite normal for times of war hysteria.

[12] Bernard J. Bamberger: "The Concept of Israel," in Bernard Martin, ed., *Contemporary Reform Jewish Thought* (Chicago, 1968), p. 126.

[13] J. Neusner's translation: *The Talmud of Babylonia II.E* (Atlanta, 1993), p. 94.

[14] That gentiles, despite their nature, could become proselytes is in the same passage explained

by the fact that even though they were not at Mount Sinai "their stars were there."

[15] J. Neusner's translation: *The Talmud of Babylonia XIII.D* (Atlanta, 1992), p. 124. Maimonides interpreted this statement as condemning those who become proselytes for ulterior motives (*Mishneh Torah* V, i, xiii, 18).

[16] For a discussion of the relationship between conversion to Judaism and the original election by God, see David Novak, *The Election of Israel. The Idea of the Chosen People* (Cambridge, 1995), pp. 177–188.

[17] But, cf., B. San. 59a, which holds that a gentile who occupies himself with Torah deserves death. This opinion is most probably anti-Christian (Cohen, op. cit., p. 63).

[18] J. Neusner's translation: *The Talmud of Babylonia XXIII.B* (Chico, 1984), p. 154.

[19] The other passages containing the seven commandments of the sons of Noah—T. A.Z. 8:4; Gen. Rabbah 34:8; Seder Olam Rabbah 5—contain the same commandments with slightly different words. Other passages—Gen. Rabbah 16:6; Pesikta de-Rab Kahana 12; Song Rabbah 1:2; Deut. Rabbah 2:25—states that these universal commandments were given to Adam. Still another tradition talks about thirty commandments of the sons of Noah (e.g., Gen. Rabbah 98:9; B. Hul. 92a). For an analysis of the Rabbinic concept of the Noahide laws and its later interpretation, see David Novak, *The Image of the Non-Jew in Judaism. An Historical and Constructive Study of the Noahide Laws* (New York and Toronto, 1983).

[20] Levenson, op. cit., p. 148.

[21] "Both the Bible and Rabbinic literature say so many things about what it means to be 'a peculiar people' that almost any view will find its support in the sources." Dow Marmur, *Beyond Survival. Reflections on the Future of Judaism* (London, 1982), p. 176.

[22] Helfgott, op. cit., p. 2.

[23] This challenge arose with the birth of Christianity, but became more difficult when Christianity rose to power in Europe. A thorough study of the early rabbis' way of handling this challenge is B. Helfgott, op. cit. Jacob Neusner, *Judaism and Christianity in the Age of Constantine. History, Messiah, Israel, and the Initial Confrontation* (Chicago and London, 1987), deals with how Judaism responded to the challenge of Christianity with respect to Israel's history, the messiah, and the identification of Israel.

[24] Gustaf Marx, *Die Tötung Ungläubiger nach talmudisch-rabbinischem Recht. Quellenmässig dargestellt* (Leipzig 1885), pp. 33–47; Jacob Katz, *Exclusiveness and Tolerance. Studies in Jewish-Gentile Relations in Medieval and Modern Times* (Oxford, 1961), pp. 106–128. Maimonides explicitly stated that Christians were idolaters (*Mishneh Torah* I, iv, ix, 4). G. Marx, op. cit., p. 12, states that Maimonides without doubt was "ein Christenhasser." On Maimonides' view of Christianity, see David Novak, *Jewish-Christian Dialogue. A Jewish Justification* (New York and Oxford, 1989), pp. 57–72. The issue of the Jewish definition of the Christians as idolaters and other related issues were the objects of a heated discussion in Germany in the 1880s. A position between the anti-Semites and the Jewish apologists was that of Gustaf Marx, whose *Jüdisches Fremdenrecht, antisemitische Polemik und jüdische Apologetik. Kritische Blätter für Antisemiten und Juden* (Leipzig, 1886) is a good introduction to the discussion.

[25] This and other quotations are from Hartwig Hirschfeld's translation: Judah Halevi, *The Kuzari (Kitab al Khaxari). An Argument for the Faith of Israel* (New York, 1964).

[26] See Daniel J. Lasker, "Proselyte Judaism, Christianity, and Islam in the Thought of Judah Halevi," in *Jewish Quarterly Review* 81 (1990), pp. 75–91. Jochanan H.A. Wijnhoven, "The Zohar and the Proselyte," in Michael A. Fishbane and Paul R. Flohr, eds., *Texts and Responses* (Leiden, 1975), p. 121, characterizes Judah Halevi's view as follows: "There is a metaphysical *super additum* in the Israelite, to whom the gift of prophecy alone belongs, which is lacking in the proselyte, and *a fortiori* in the gentile."

[27] I cite the English translation of Shlomo Pines, Moses Maimonides, *The Guide of the Perplexed* (Chicago and London, 1963).

[28] Maimonides considered it, if not theoretically, then at least in practice, impossible for non-Jews to reach the level of real prophecy. Not even Aristotle did that. See Menachem Kellner, *Maimonides on Human Perfection* (Atlanta, 1990), p. 30. Cf., Jakob Levinger, "Die Prophetie als gesamtmenschliche Erscheinung nach der Lehre des Moses Maimonides," in *Judaica* 42 (1986), pp. 80–88.

[29] For a description of Maimonides' view of gentiles in general and Christians in particular, see Marx, *Die Tötung Ungläubiger nach talmudisch-rabbinischem Recht*, pp. 16–32.

[30] Quoted from Isadore Twersky, ed., *A Maimonides Reader* (New York, 1972), p. 476.

[31] This non-chauvinistic view of Jewish superiority by Maimonides has been emphatically stressed by Menachem Kellner, concerning Maimonides' views of ethics, prophecy, immortality, the messianic age, proselytes, the definition of a Jew, and the nature of Torah in his book *Maimonides on Judaism and the Jewish People* (Albany, 1991), and concerning Maimonides' view of the Jewish people in his article "Chosenness, Not Chauvinism: Maimonides on the Chosen People," in Daniel H. Frank, ed., *A People Apart. Chosenness and Ritual in Jewish Philosophical Thought* (New York, 1993), pp. 51–75.

[32] Novak, *The Election of Israel*, p. 226.

[33] Baruch Frydman-Kohl, "Covenant, Conversion and Chosenness: Maimonides and Halevi on 'Who Is A Jew?'" in *Judaism* 41 (1992), p. 66.

[34] Benjamin Gross, *Le Messianisme juif. "L'eternité d'Israël" du Maharal de Prague (1512–1609)* (Paris, 1969), pp. 115–125; Ben Zion Bokser, *From the World of the Cabbalah. The Philosophy of Rabbi Judah Loew of Prague* (New York, 1954), pp. 165–167.

[35] Katz, op. cit., pp. 138–142; Gross, op. cit., pp. 103–106.

[36] I have used the translation of Harry Sperling,

Maurice Simon, and Paul P. Levertoff: *The Zohar* (London, 1956).

[37] Novak, *The Image of the Non-Jew in Judaism*, p. 267.

[38] There are more passages, some not so negative, in the *Zohar* about proselytes, but the dominant attitude is very negative, well represented by these quotations. See Wijnhoven, op. cit., pp. 120–140.

[39] In the first two chapters of *Tanya*—and frequently repeated later on—it is explained how the souls of the Jews are derived from the divine whereas the souls of the nations are derived from the evil. Therefore, even the apparently good that non-Jews do is in fact not good: ". . . all the good that the nations do is done from selfish motives . . . all the charity and kindness done by the nations of the world is only for their own self-glorification." In chaps. 18 and 19 (cf., chaps. 25 and 41), it is emphasized that even in the lowest Jew there is a spark of the divine, which can be seen in the fact that he rather sacrifices his life than deny the Holy One. Quoted from Schneur Zalman, *Likutei Amarim—Tanya* (London, 1973).

[40] Roman A. Foxbrunner, *Habad. The Hasidism of R. Schneur Zalman of Lyady* (Northvale and London, 1993), pp. 108f.

[41] Menachem M. Schneerson, *Letters by the Lubavitscher Rebbe 1956–1980* (Brooklyn, 1981), p. 13.

[42] Abraham Geiger, *Das Judentum und seine Geschichte bis zur Zerstörung des zweiten Tempels* (Breslau, 1865), pp. 33–36. Similarly, e.g., Kaufmann Kohler, *Studies, Addresses, and Personal Papers* (Philadelphia, 1931), p. 178.

[43] One of the prominent figures of nineteenth century German *Völkerpsychologie* was the Jewish philosopher Moritz Lazarus (1824–1903), who co-operated with Geiger. Lazarus served, e.g., as the president and Geiger as the vice president of the synod in Leipzig in 1869, and Lazarus was the first head of the board of trustees of the *Hochschule für die Wissenschaft des Judentums*, the Reform Seminary in Berlin, where Geiger was a teacher (Michael A. Meyer, *Response to Modernity. A History of the Reform Movement in Judaism* (New York and Oxford, 1988), pp. 189–191).

[44] Quoted from Arnold M. Eisen, *The Chosen People in America. A Study in Jewish Religious Ideology* (Bloomington and Indianapolis, 1983), p. 58. Similarly the Conservative rabbi Robert Gordis, *Conservative Judaism. An American Philosophy* (New York, 1945), p. 54, who claimed that although genius was rare, a spark of the prophetic spirit "dwells in nearly every Jewish heart, waiting to be fanned to a mighty flame."

[45] Bamberger, op. cit., p. 130.

[46] "What Do American Jews Believe?" in *Commentary* August, 1996, p. 93.

[47] It is to be remembered that a faith is not always logically consistent. Eisen has, thus, claimed that a generation of Conservative rabbis accepted a traditional concept of chosenness although they did not profess a God who could choose. "Reaffirming chosenness, they left the nature of the Chooser ill-defined" (Eisen, op. cit., p. 114).

[48] Arthur Green in "What Do American Jews Believe?" p. 43.

[49] Harold M. Schulweis in *The Condition of Jewish Belief*, p. 218.

[50] Mordecai M. Kaplan, *Judaism as a Civilization. Toward a Reconstruction of American-Jewish Life* (Philadelphia and New York, 1981), pp. 43f. After the Holocaust, Kaplan stated that those who interpret the doctrine of election as if the Jews possess hereditary traits that qualify them to be superior in the realms of the religious and the ethical assent "to the most pernicious theory of racial heredity yet advanced to justify racial inequality and the right of a master race to dominate all the rest of mankind" (*The Future of the American Jew* (New York, 1948), pp. 215f.)

[51] Kaplan, *Judaism as a Civilization*, p. 254. But, cf., what he wrote fourteen years later: "If we wish to foster Jewish group solidarity, we must live up to a higher ethical standard than the average. No other justification for our remaining an identifiable minority will avail" (*The Future of the American Jew*, p. 55, italics removed).

[52] Kaplan, *The Future of the American Jew*, p. 230; see pp. 228–230.

[53] Eisen, op. cit., p. 86. A similar criticism of Kaplan's view of vocation is found in Ze'ev Levy, "Judaism and Chosenness: On Some Controversial Aspects from Spinoza to Contemporary Jewish Thought," in Frank, ed., *A People Apart*, p. 103.

[54] Bamberger, op. cit., p. 130.

[55] *The Condition of Jewish Belief*, p. 249.

[56] *The Condition of Jewish Belief*, p. 188. Similarly Norman Solomon, *Judaism and World Religion* (London, 1991), pp. 166f.: ". . . any nation whose self-awareness involves a relationship with God is to the extent that it does so an embodiment of the messianic idea—it is an 'Israel.'"

[57] *The Condition of Jewish Belief*, p. 182.

[58] Leo Baeck, *Das Wesen des Judentums* (Wiesbaden, 1983), p. 64.

[59] Jacob Agus, *Jewish Identity in an Age of Ideologies* (New York, 1978), p. 324.

Emotions, Doctrine of, in Judaism

RABBINIC Judaism specifies the emotions and attitudes the faithful are to cultivate, favoring humility and the attitudes of conciliation and accommodation, not aggression. Israelite virtue was so formulated as to match Israel's political circumstance, which,

from the first century, was one of defeat, alienation, and exile. Sages' Judaism for a defeated people prepared the nation for a long future. The vanquished people, the brokenhearted nation that had lost its city and its Temple, that had, moreover, produced another nation from its midst to take over its Scripture and much else, could not bear too much reality. That defeated people, in its intellectuals, as represented in the Rabbinic sources, found refuge in a mode of thought that trained vision to see things otherwise than as the eyes perceived them. Among the diverse ways by which the weak and subordinated accommodate to their circumstance, the one of iron-willed pretense in life is most likely to yield the mode of thought at hand: things never are what they seem. The uniform tradition on emotions persisted intact because the social realities of Israel's life proved permanent, until, in our own time, they changed. The upshot was that Rabbinic Judaism's Israel was instructed on how to tame its heart and govern its wild emotions, to accept with resignation, to endure with patience, above all, to value the attitudes and emotions that made acceptance and endurance plausible.

Humility, Patience, Endurance, and Hope—The Right Feelings

The sages of Rabbinic Judaism taught not only what Israel was supposed to do or not do, but also what Israel is supposed to feel. And that was how they accomplished their most difficult task, the transformation of the Jews to conform to the picture of "Israel" that the sages set forth and proposed to bring into being. From beginning to end, the documents of Rabbinic Judaism set forth a single, consistent, and coherent doctrine: the true Israelite was to exhibit the moral virtues of subservience, patience, endurance, and hope. These would translate into the emotional traits of humility and forbearance. And they would yield to social virtues of passivity and conciliation. The hero was one who overcame impulses, and the truly virtuous person was the one who reconciled others by giving way before their opinions.

All of these acts of self-abnegation and self-denial, accommodation rather than rebellion, required to begin with the right attitudes, sentiments, emotions, and impulses, and the single most dominant motif of the Rabbinic writings, start to finish, is its stress on the right attitude's leading to the right action, the correct intentionality's producing the besought decision, above all, accommodating in one's heart to what could not be changed by one's action. And that meant, the world as it was. Sages' prepared Israel for the long centuries of subordination and alienation by inculcating attitudes that best suited people who could govern little more than how they felt about things.

The notion that sages teach feelings is hardly puzzling. Since Israelites are commanded to love God, it follows that an emotion, love, becomes holy. If it is holy when the affection of love is directed to God, then, the same emotion, love, may become not only profane but sinful when it is directed to the wrong objects, self or power, for example. Accordingly, the definitive holy books of Judaism make plain the sages' conviction that feelings too come to the surface as matters of judgment. Emotions constitute constructions for which, they hold, we bear responsibility.

The repertoire of approved and disapproved feelings remains constant through the half-millennium of the unfolding of the canon of Judaism from the Mishnah through the Talmud of Babylonia. The emotions that are encouraged, such as humility, forbearance, accommodation, a spirit of conciliation, exactly correspond to the political and social requirements of the Jews' condition in that time. The reason that the same repertoire of emotions persisted with no material change through the unfolding of the writings of the sages of that formative age was the constancy of the Jews' political and social condition. In the view of the sages at hand, emotions fit together with the encompassing patterns of society and culture, theology and the religious life.

So the affective rules form an integral part of the way of life and world-view put forward to make sense of the existence of a social group. For sages it follows that how I am supposed to feel in ethos matches what I am expected to think. In this way, as an

individual, I link my deepest personal emotions to the cosmic fate and transcendent faith of that social group of which I form a part. Emotions lay down judgments. They derive from rational cognition. The individual Israelite's innermost feelings, the microcosm, correspond to the public and historic condition of Israel, the macrocosm.

Private Feelings, Public Policy

What Rabbinic Judaism teaches the private person to feel links her or his heart to what that same Judaism states about the condition of Israel in history and of God in the cosmos. All form one reality, in supernatural world and nature, in time and in eternity wholly consubstantial (so to speak). In the innermost chambers of deepest feelings, the Israelite therefore lives out the public history and destiny of the people, Israel. The genius of Rabbinic Judaism, the reason for its resilience and endurance, lies in its power to teach Jews to feel in private what they also must think in public about the condition of both self and nation. The world within, the world without, are so bonded, that one is never alone. The individual's life always is lived with the people.

The notion of the centrality of human feelings in the religious life of Israel presents no surprises. Scripture is explicit on both sides of the matter. The human being is commanded to love God. In the biblical biography of God, the tragic hero, God, will despair, love, hope, feel disappointment or exultation. The biblical record of God's feelings and God's will concerning the feelings of humanity—wanting human love, for example—leaves no room for doubt. Nor does the Judaism that emerges from late antiquity ignore or propose to obliterate the datum that "the merciful God wants the heart." The Judaism of the rabbis of late antiquity makes explicit that God always wants the heart. God commands that humanity love God with full heart, soul, mind, and might. That is the principal duty of humanity.

So without the Rabbinic canon and merely on the basis of knowledge that that canon begins in the written Torah of Scripture, the facts about the critical place of religious affections in Israel's religion would still prove clear and one-sided. Just as the sages framed matters of the Written Torah in a fresh and original way, all the time stating in their own language and categories the teachings of the Written Torah, so here too, we ask where, when, how, and for what purpose, did rabbinical authorships draw upon the legacy of the Written Torah, in concluding, as they did, "the Merciful God wants the heart."

Emotion as Tradition

An epitome of the sages' treatment of emotions yields a simple result. From the first to the final document, a single doctrine and program dictated what people had to say on how Israel should tame its heart. So far as the unfolding components of the canon of Judaism portray matters, emotions therefore form part of an iron tradition. That is, a repertoire of rules and relationships handed on from the past, always intact and ever unimpaired, governed the issue. The labor of the generations meant to receive the repertoire and recipe for feeling proved one of only preserving and maintaining that tradition. As successive documents came to closure, we see each one adding its improvements, while leaving the structure basically the same. Like a cathedral that takes a thousand years to build but, through the construction and not only at the end, always looks uniform and antique, so the view of the affective life over centuries remained not only cogent but essentially uniform.

The sources, read sequentially, do not. So while the formative centuries of the history of Judaism overall mark a period of remarkable growth and change, with history consisting of sequences of developments in various substantial ideas and generative conceptions, here, in the matter of emotions, it does not. The single fact emerging from a canonical survey is that the sages' doctrine of affections remained a constant in an age of change. Early, middle, and late, a single doctrine and program dictated what people had to say on how Israel should tame its heart.

Emotions in the Mishnah

While the Mishnah casually refers to emotions, e.g., tears of joy, tears of sorrow, where feelings matter, it always is in a public and communal context. For one important example, where there is an occasion of rejoicing, one form of joy is not to be confused with some other, or one context of sorrow with another. Accordingly, marriages are not to be held on festivals (M. M.Q. 1:7). Likewise mourning is not to take place then (M. M.Q. 1:5, 3:7–9). Where emotions play a role, it is because of the affairs of the community at large, e.g., rejoicing on a festival, mourning on a fast day (M. Suk. 5:1–4). Emotions are to be kept in hand, as in the case of the relatives of the executed felon (M. San. 6:6). If one had to specify the single underlying principle affecting all forms of emotion, for the Mishnah it is that feelings must be kept under control, never fully expressed without reasoning about the appropriate context. Emotions must always lay down judgments.

We see in most of those cases in which emotions play a systemic, not merely a tangential, role, that the basic principle is the same. We can and must so frame our feelings as to accord with the appropriate rule. In only one case does emotion play a decisive role in settling an issue, and that has to do with whether or not a farmer was happy that water came upon his produce or grain. That case underlines the conclusion just now drawn. If people feel a given sentiment, it is a matter of judgment, therefore invokes the law's penalties. So in this system emotions are not treated as spontaneous but as significant aspects of a person's judgment. It would be difficult to find a more striking example of that view than at M. Makh. 4:5 and related passages, where the framers judge the farmer's feelings to constitute, on their own and without associated actions or even conceptions, final and decisive judgments on what has happened.

The reason that emotions form so critical a focus of concern in Rabbinic Judaism is that God and the human being share traits of attitude and emotion. They want the same thing, respond in the same way to the same events, share not only ownership of the Land but also a viewpoint on the value of its produce. This conception takes concrete form in the notion that man's and God's intentions are the same, so that if a farmer values produce, God, the farmer's partner in the holy land, values the produce too. So attitudes and emotions come to full exposure in the matter of intentionality.

For example, in the law of tithing, the produce becomes liable to tithing, such that a share of the crop of the Holy Land must be given to one of God's surrogates, when the farmer deems the crop to be desirable. Why is that so? When the farmer wants the crop, so too does God. When the householder takes the view that the crop is worthwhile, God responds to the attitude of the farmer by forming the same opinion. The theological anthropology that brings God and the householder into the same continuum prepares the way for understanding what makes the entire Mishnaic system work.

It is the matter of the intention and will of the human being as we move from theological to philosophical thought in the Mishnah's system. "Intention" stands for attitude, and, as we have already noted, there is no distinguishing attitude from emotion. For the discussion on intention works out several theories concerning not God and God's relationship to humanity but the nature of the human will. The human being is defined not only as sentient but also as a volitional being, who can will with effect, unlike beasts and, as a matter of fact, angels (who do not figure in the Mishnah at all). On the one side, there is no consideration of will or attitude of animals, for these are null. On the other side, will and attitude of angels, where these are represented in later documents, are totally subservient to God's wishes. Only the human being, in the person of the farmer, possesses and also exercises the power of intentionality. And it is the power that intentionality possesses that forms the central consideration. Because a human being forms an intention, consequences follow, whether or not given material expression in gesture or even in speech. The Mishnah and the law flowing from it impute extraordinary power to the will and intentionality of the human being.

How does this bear practical conse-

quences? The attitude of the farmer toward the crop, like that of the Temple priest toward the offering that he carries out, affects the status of the crop. It classifies an otherwise-unclassified substance. It changes the standing of an already-classified beast. It shifts the status of a pile of grain, without any physical action whatsoever, from one category to another. Not only so, but the attitude or will of a farmer can override the effects of the natural world, e.g., keeping in the status of what is dry and so insusceptible to cultic uncleanness a pile of grain that in fact has been rained upon and wet down. An immaterial reality, shaped and reformed by the householder's attitude and plan, overrides the material effect of a rainstorm.

The Doctrine of Emotions in Tractate Abot

Tractate Abot presents the single most comprehensive account of religious affections. The reason is that, in that document above all, how we feel defines a critical aspect of virtue. The issue proves central, not peripheral. The doctrine emerges fully exposed. A simple catalogue of permissible feelings comprises humility, generosity, self-abnegation, love, a spirit of conciliation of the other, and eagerness to please. A list of impermissible emotions is made up of envy, ambition, jealousy, arrogance, sticking to one's opinion, self-centeredness, a grudging spirit, vengefulness, and the like. People should aim at eliciting from others acceptance and good will and should avoid confrontation, rejection, and humiliation of the other. This they do through conciliation and giving up their own claims and rights. So both catalogues form a harmonious and uniform whole, aiming at the cultivation of the humble and malleable person, one who accepts everything and resents nothing. Here are some representative sentiments:

2:4.A. He would say, "Make his wishes into your own wishes, so that he will make your wishes into his wishes.
B. "Put aside your wishes on account of his wishes, so that he will put aside the wishes of other people in favor of your wishes."
3:10.A. He would say, "Anyone from whom people take pleasure—the Omnipresent takes pleasure.
B. "And anyone from whom people do not take pleasure, the Omnipresent does not take pleasure."
4:1.A. Ben Zoma says, "Who is a sage? He who learns from everybody,
B. "as it is said, From all my teachers I have gotten understanding (Ps. 119:99).
C. "Who is strong? He who overcomes his desire,
D. "as it is said, He who is slow to anger is better than the mighty, and he who rules his spirit than he who takes a city (Prov. 16:32).
E. "Who is rich? He who is happy in what he has,
F. "as it is said, When you eat the labor of your hands, happy will you be, and it will go well with you (Ps. 128:2).
G. ("Happy will you be in this world, and it will go well with you in the world to come.")
H. "Who is honored? He who honors everybody,
I. "as it is said, 'For those who honor me I shall honor, and they who despise me will be treated as of no account' (I Sam. 2:30)."
4:18.A. R. Simeon b. Eleazar says, "Do not try to make amends with your fellow when he is angry,
B. "or comfort him when the corpse of his beloved is lying before him,
C. "or seek to find absolution for him at the moment at which he takes a vow,
D. "or attempt to see him when he is humiliated."
4:19.A. Samuel the Small says, "Rejoice not when your enemy falls, and let not your heart be glad when he is overthrown, lest the Lord see it and it displease him, and he turn away his wrath from him (Prov. 24:17)."

True, these virtues, in this tractate as in the system as a whole, derive from knowledge of what really counts, which is what God wants. But God favors those who please others. The virtues appreciated by human beings prove identical to the ones to which God responds as well. And what single virtue of the heart encompasses the rest? Restraint, the source of self-abnegation, humility, serves as the antidote for ambition, vengefulness,

and, above all, for arrogance. It is restraint of our own interest that enables us to deal generously with others, humility about ourselves that generates a liberal spirit towards others.

So the emotions prescribed in tractate Abot turn out to provide variations of a single feeling, which is the sentiment of the disciplined heart, whatever affective form it may take. And where does the heart learn its lessons, if not in relationship to God? So: "Make his wishes yours, so that he will make your wishes his" (Abot 2:4). Applied to the relationships between human beings, this inner discipline of the emotional life will yield exactly those virtues of conciliation and self-abnegation, humility and generosity of spirit, that the framers of tractate Abot spell out in one example after another. Imputing to Heaven exactly those responses felt on earth, e.g., "Anyone from whom people take pleasure, God takes pleasure" (Abot 3:10), makes the point at the most general level.

Virtue in the Tosefta and the Yerushalmi

When the authors or compilers of the Tosefta finished their labor of amplification and complement to the Mishnah, they had succeeded in adding only a few fresh and important developments of established themes. Striking, first, is the stress upon the communal stake in an individual's emotional life. Still more striking is the Tosefta's authors' explicit effort to invoke an exact correspondence between public and private feelings. In both realms emotions are to be tamed, kept in hand and within accepted proportions. Public sanctions for inappropriate, or disproportionate, emotions depend themselves on emotions, for instance, shame. It need hardly be added that feeling shame for improper feelings once again underlines the social, judgmental character of those feelings. For shame is public, guilt private. People are responsible for how they feel, as much as for how, in word or deed, they express feeling. Hence an appropriate penalty derives from the same aspect of social life, that is, the affective life.

There is no more stunning tribute to the power of feeling than the allegation, surfacing in the Tosefta, that the Temple was destroyed because of vain hatred. That sort of hatred, self-serving and arrogant, stands against the feelings of love that characterize God's relationship to Israel. Accordingly, it was improper affections that destroyed the relationship embodied in the Temple cult of old. Given the critical importance accorded to the Temple cult, sages could not have made more vivid their view that how a private person feels shapes the public destiny of the entire nation. So the issues came to expression in a context in which the stakes are very high. But the basic position of the authors of the Mishnah, inclusive of their first apologists in Abot, seems entirely consistent. What Tosefta's authors accomplished is precisely what they claimed, which was to amplify, supplement, and complement established principles and positions.

A survey of this topic in the Yerushalmi confirms the one dominant result throughout. Emotions not taken up earlier now did not come under discussion. Principles introduced earlier enjoyed restatement and extensive exemplification. Some principles of proper feelings might even generate secondary developments of one kind or another. But nothing not present at the outset drew sustained attention later on. The system proved essentially complete in the earliest statement of its main points. Everything that followed for four hundred years served to reinforce and restate what to begin with had emerged loud and clear. What then do the authors or compilers of the Yerushalmi contribute? Temper marks the ignorant person, restraint and serenity, the learned one. In general, we notice, where the Mishnah introduces into its system issues of the affective life, the Yerushalmi's authors and compilers will take up those issues. But they rarely create them on their own and never say much new about those they do treat. What we find is instruction to respect public opinion and cultivate social harmony.

What is most interesting in the Yerushalmi is the recognition that there are rules descriptive of feelings, as much as of other facts of life. These rules tells us how to dispose of cases in which feelings make a difference.

The fact is, therefore, that the effects of emotions, as much as of opinions or deeds, come within the rule of law. It must follow, in the view of sages, the affective life once more proves an aspect of society. People are assumed to frame emotions, as much as opinions, in line with common and shared judgments. In no way do emotions form a special classification, one expressive of what is private, spontaneous, individual, and beyond the law and reason.

The Bavli's Doctrine of Emotions

The Bavli carried forward with little change the now traditional program of emotions, listing the same ones catalogued earlier and no new ones. The authors said about those feelings what had been said earlier. A leader must be someone acceptable to the community. God then accepts him too. People should be ready to give up quarrels and forgive. The correspondence of social and personal virtues reaches explicit statement. How so? The community must forbear, the individual must forgive. Communal tolerance for causeless hatred destroyed the Temple; individual vendettas yield miscarriages. In both cases people nurture feelings that express arrogance. Arrogance is what permits the individual to express emotions without discipline, and arrogance is what leads the community to undertake what it cannot accomplish.

A fresh emphasis portrayed in the Bavli favored mourning and disapproved of rejoicing. We can hardly maintain that that view came to expression only in the latest stages in the formation of the canon. The contrary is the case. The point remains consistent throughout. Excessive levity marks arrogance, deep mourning characterizes humility. So many things come down to one thing. The nurture of an attitude of mourning should mark both the individual and the community, both in mourning for the Temple, and also in mourning for the condition of nature, including the human condition, signified in the Temple's destruction.

A mark of humility is humble acceptance of suffering. This carried forward the commonplace view that suffering now produces joy later on. The ruin of the Temple, for example, served as a guarantee that just as the prophetic warnings came to realization, so too would prophetic promises of restoration and redemption. In the realm of feelings, the union of opposites came about through the same mode of thought. Hence God's love comes to fulfillment in human suffering, and the person who joyfully accepts humiliation or suffering will enjoy the appropriate divine response of love.

Another point at which the authors of the Bavli introduce a statement developing a familiar view derives from the interpretation of how to love one's neighbor. It is by imposing upon one's neighbor the norms of the community, rebuking the other for violating accepted practice. In this way the emotion of love takes on concrete social value in the norms of the community. Stories about sages cover the themes of humility, resignation, restraint, and perpetual good will. A boastful sage loses his wisdom. A humble one retains it. Since it is wisdom about which a sage boasts, the matching of opposites conforms to the familiar mode of thought.

The strikingly fresh medium for traditional doctrines in the Bavli takes the form of prayers composed by sages. Here the values of the system came to eloquent expression. Sages prayed that their souls may be as dust for everyone to tread upon. They asked for humility in spirit, congenial colleagues, good will, good impulses. They asked God to take cognizance of their humiliation, to spare them from disgrace. The familiar affective virtues and sins, self-abnegation as against arrogance, made their appearance in liturgical form as well. Another noteworthy type of material, also not new, in which the pages of the Bavli prove rich, portrayed the deaths of sages. One dominant motif is uncertainty in face of death, a sign of humility and self-abnegation.

The basic motif—theological as much as affective—encompassing all materials is simple. Israel is estranged from God, therefore should exhibit the traits of humility and uncertainty, acceptance and conciliation. When God recognizes in Israel's heart, as much as in the nation's deeds and deliberation, the proper feelings, God will respond

by ending that estrangement that marks the present age. So the single word encompassing the entire affective doctrine of the canon of Judaism is alienation. No contemporary, surviving the Holocaust, can miss the psychological depth of the system, which joins the human condition to the fate of the nation and the world, and links the whole to the broken heart of God.

We therefore find ourselves where we started, in those sayings that state that if one wants something, he or she should aspire to its opposite. Things are never what they seem. To be rich, accept what you have. To be powerful, conciliate your enemy. To be endowed with public recognition in which to take pride, express humility. So too the doctrine of the emotional life expressed in law, scriptural interpretation, and tales of sages alike turns out to be uniform and simple. Emotions well up uncontrolled and spontaneous. Anger, vengeance, pride, arrogance—these people feel by nature. So feelings as much as affirmations and actions must become what by nature they are not.

So the life of the emotions, in conformity to the life of reflection and of concrete deed, will consist in the transformation of what things *seem* into what they *ought* to be. No contemporary psychologists or philosophers can fail to miss the point. Here we have an example of the view—whether validated by the facts of nature or not—that emotions constitute constructs, and feelings lay down judgments. So the heart belongs, together with the mind, to the human being's power to form reasoned viewpoints. Coming from sages, intellectuals to their core, such an opinion surely coheres with the context and circumstance of those who hold it.

Virtuous Modes of Thought

This theory of the emotional life, persistent through the unfolding of the canonical documents of Judaism, fits into a larger way of viewing the world. We may call this mode of thought an *as-if* way of seeing things. That is to say, it is *as if* a common object or symbol really represented an uncommon one. Nothing says what it means. Everything important speaks symbolically. All statements carry deeper meaning, which inheres in other statements altogether. So too each emotion bears a negative and a positive charge, as each matches and balances the other: humility, arrogance, love, hate. If natural to the heart is a negative emotion, then the individual has the power to sanctify that negative, sinful feeling and turn it into a positive, holy emotion. Ambition then must be tamed, so transformed into humility; hatred and vengeance must change into love and acceptance.

What we see is an application of a large-scale, encompassing exercise in analogical thinking—something is like something else, stands for, evokes, or symbolizes that which is quite outside itself. It may be the opposite of something else, in which case it conforms to the exact opposite of the rules that govern that something else. The reasoning is analogical or it is contrastive, and the fundamental logic is taxonomic. The taxonomy rests on those comparisons and contrasts we should call parabolic. In that case, what lies on the surface misleads. What lies beneath or beyond the surface—there is the true reality. People who see things this way constitute the opposite of ones who call a thing as it is. Self-evidently, they have become accustomed to perceiving more—or less—than is at hand. Perhaps that is a natural mode of thought for the Jews of this period (and not then alone), so long used to calling themselves God's first love, yet now seeing others with greater worldly reason claiming that same advantaged relationship.

Not in mind only, but still more, in the politics of the world, the people that remembered its origins along with the very creation of the world and founding of humanity, that recalled how it alone served, and serves, the one and only God, for hundreds of years had confronted a quite difference existence. The radical disjuncture between the way things were and the way Scripture said things were supposed to be, and in actuality would some day become, surely imposed an unbearable tension. It was one thing for the slave born to slavery to endure. It was another for the free man sold into slavery to accept that same condition.

The vanquished people, the brokenhearted nation that had in 586 B.C.E. and again in 70 C.E. lost its city and its Temple, that had, moreover, in the fourth century produced another nation from its midst to take over its Scripture and much else, could not bear too much reality. That defeated people, in its intellectuals, as represented in the sources we have surveyed, then found refuge in a mode of thought that trained vision to see other things otherwise than as the eyes perceived them.

Among the diverse ways by which the weak and subordinated accommodate to their circumstance, the one of iron-willed pretense in life is most likely to yield the mode of thought at hand: things never are, because they cannot be, what they seem. The uniform tradition on emotions persisted intact because the social realities of Israel's life proved permanent until our own time. The affective program of the canon, early, middle, and late, fits tightly in every detail with this doctrine of an ontological teleology in eschatological disguise. Israel is to tame its heart so that it will feel that same humility within that Israel's world-view and way of living demand in life at large. Submit, accept, conciliate, stay cool in emotion as much as in attitude, inside and outside—and the messiah will come.

Forbearance, Aggression

The profound program of emotions, the sages' statement of how people should feel and why they should take charge of their emotions remained quite constant. No one can imagine that Jews in their hearts felt the way sages said they should. The repertoire of permissible and forbidden feelings hardly can have defined the broad range of actual emotions, whether private or social, of the community of Israel. In fact, we have no evidence about how people really felt. We see only a picture of what sages thought they should, and should not, feel. Writings that reveal stunning shifts in doctrine, teleology, and hermeneutical method form from beginning to end the one picture of the ideal Israelite. It is someone who accepts, forgives, conciliates, makes the soul "like dirt beneath other peoples' feet." These kinds of people receive little respect in the world we now know; they are called cowards. Self-assertion is admired, conciliatory attitudes despised. Ours is an age that admires the strong-minded individual, the uncompromising hero, the warrior whether on the battlefield or in the intellect. Courage takes the form of confrontation, which therefore takes precedence over accommodation in the order of public virtue.

Why sages counseled a different kind of courage we need hardly ask. Given the situation of Israel, vanquished on the battlefield, broken in the turning of history's wheel, we need hardly wonder why wise men advised conciliation and acceptance. Exalting humility made sense, there being little choice. Whether or not these virtues found advocates in other contexts for other reasons, in the circumstance of the vanquished nation, for the people of broken heart, the policy of forbearance proved instrumental, entirely appropriate to both the politics and social condition at hand. If Israel had produced a battlefield hero, the nation could not give him an army. If Jewry cultivated the strong-minded individual, it sentenced such a person to a useless life of ineffective protest. The nation required not strong-minded leadership but consensus.

The social virtues of conciliation moreover reinforced the bonds that joined the nation lacking frontiers, the people without a politics of its own. For all there was to hold Israel together to sustain its life as a society would have to come forth out of sources of inner strength. Bonding emerged mainly from within. So consensus, conciliation, self-abnegation and humility, the search for acceptance without the group—these in the literary culture at hand defined appropriate emotions because to begin with they dictated wise policy and shrewd politics.

Vanquished Israel therefore would nurture not merely policies of subordination and acceptance of diminished status among nations. Israel also would develop, in its own heart, the requisite emotional structure. The composition of individuals' hearts would then comprise the counterpart virtues.

A policy of acceptance of the rule of others dictated affections of conciliation to the will of others. A defeated people meant to endure defeat would have to get along by going along. How to persuade each Jew to accept what all Jews had to do to endure? Persuade the heart, not only the mind. Then each one privately would feel what everyone publicly had in any case to think.

That accounts for the persistence of the sages' wise teachings on temper, their sagacious counsel on conciliating others and seeking the approval of the group. Society, in the canonical writings, set the style for the self's deepest sentiments. So the approved feelings retained approval for so long because emotions in the thought of the sages of the canon followed rules. They formed public, not personal and private, facts. Feelings laid down judgments. Affections therefore constituted not mindless effusions but deliberate constructions. Whether or not the facts then conformed to the sages' view (or now with the mind of psychology, philosophy, and anthropology) we do not know. But the sages' view did penetrate deeply into what had to be. And that is so, whether or not what had to be ever would correspond with what was.

The sages of the formative age of Judaism proposed for Israel the formation of exactly that type of personality that could and did endure the condition and circumstance of the exile. The doctrine of the messiah makes this point as well. In rejecting the heroic model of Bar Kokhba for the messiah-general's arrogance and affirming the very opposite, the sages who defined Judaism in the first seven centuries C.E. and whose heirs expanded and developed the system they had defined made the right choice. Living in other peoples' countries and not in their own land meant for Israel a long span of endurance, a test of patience to end only with the end of time. That required Israel to live in accord with the will of others. Under such circumstances the virtues of the independent citizen, sharing command of affairs of state, the gifts of innovation, initiative, independence of mind, proved beside the point. From the end of the second revolt against Rome in 135 to the creation of the State of Israel in 1948, Israel, the Jewish people, faced a different task.

The Hero of Judaism

The human condition of Israel therefore defined a different heroism, one filled with patience and humiliation. To turn survival into endurance, pariah-status into an exercise in Godly living, the sages' affective program served full well. Israel's hero saw power in submission, wealth in the gift to be grateful, wisdom in the confession of ignorance. Like the cross, ultimate degradation was made to stand for ultimate power. Like Jesus on the cross, so Israel in exile served God through suffering. True, the cross would represent a scandal to the nations and foolishness to some Jews. But Israel's own version of the doctrine endured and defined the nation's singular and astonishing resilience. For Israel did endure and endures today.

If, then, as a matter of public policy, the nurture of the personality of the Israelite as a person of forbearance and self-abnegation proved right, within the community too, the rabbis were not wrong. The Jewish people rarely enjoyed instruments of civil coercion capable of preserving social order and coherence. Governments at best afforded Jews limited rights over their own affairs. When, at the start of the fifth century, the Christian Roman government ended the existence of the patriarchate of the Jews of the land of Israel, people can well have recognized the parlous condition of whatever Jewish authorities might ever run things. A government in charge of itself and its subjects, a territorial community able routinely to force individuals to pay taxes and otherwise conform where necessary—these political facts of normality rarely marked the condition of Israel between 429 and 1948. What was left was another kind of power, civil obedience generated by force from within. The stress on pleasing others and conforming to the will of the group, so characteristic of sayings of sages, the emphasis that God likes people whom people like—these substitutes for the civil power of political coercion imparted to the community of Israel a different power of authority.

Both sources of power, the one in relationship to the public world beyond, the other in respect to the social world within, in the sages' rules gained force through the

primal energy of emotion. Enough has been said to require little explication of that fact. A system that made humility a mark of strength and a mode of gaining God's approval, a social policy that imputed ultimate virtue to feelings of conciliation, restraint, and conformity to social norms had no need of the armies and police it did not have. The heart would serve as the best defense, inner affections as the police who are always there when needed. The remarkable inner discipline of Israel through its exacting condition in history from the beginnings of the sages' system to today began in those feelings that laid down judgments, that construction of affections, coherent with beliefs and behavior, that met the match of misery with grandeur of soul. So the vanquished nation every day would overcome the one-time victors. Israel's victory would come through the triumph of the broken heart, now mended with the remedy of moderated emotion. That union of private feeling and public policy imparted to the Judaic system of the dual Torah its power, its status of self-evidence, for the long centuries during which Israel's condition persisted in the definition imparted by the events of the third crisis in the formation of Judaism.

The Judaic Doctrine of Emotions

In the view of the sages of the dual Torah, attitudes or virtues of the heart, e.g., emotions, fit together with the encompassing patterns of society and culture, theology and the religious life. That accomplishment of Rabbinic Judaism accounts for its power not only to respond to, but itself to define and shape, the condition of Israel, the Jewish people. What the dual Torah taught the private person to feel linked the individual's heart to what Judaism stated about the condition of Israel in history and of God in the cosmos. In successfully joining psychology and politics, inner attitudes and public policy, sages discovered the source of power that would sustain their system. The reason that Judaism enjoyed the standing of self-evident truth for so long as it did, in both Islam and Christendom, derives not from the cogency of its doctrines, but principally from the fusion of heart and mind, emotion and intellect, attitude and doctrine—and the joining of the whole in the fundamental and enduring politics of the nation, wherever it located itself.

In Christendom and Islam, Israel could survive—but only on the sufferance of others. But those others ordinarily accorded to Israel the right of survival. Judaism endured in Christendom because the later fourth century legislators distinguished Judaism from paganism. Judaism lasted in Islam because the Muslim law accorded to Judaism tolerated status. Israel therefore would nurture not merely policies of subordination and acceptance of diminished status among nations. Israel also would develop, in its own heart, the requisite emotional structure.

Jacob Neusner

Ethics of Judaism

The word ethics is used and understood in many different ways. This being the case, before describing Jewish ethics in particular, we begin by defining ethics in general. Questions of ethics are, broadly speaking, questions of value. The province of ethics within the commonwealth of evaluative issues is determined by the particular values it seeks to understand, define, and elucidate. These are generally accepted to be good and evil, right and wrong. Ethics, that is, deals with 1) the ends that truly fulfill human personality, 2) the character of moral agents, and 3) the nature of moral obligation.

Generally speaking, statements of or about ethics are divided into three groups: descriptive, normative, and meta-ethical. Descriptive ethics simply describes actual moral behavior (i.e., behavior that may appropriately be described as good or evil, right or wrong) and actual moral reasoning. It does not attempt to prescribe or to judge such behavior.[1] Normative ethics, by contrast, purports

to evaluate moral behavior or to establish moral principles, to determine the norm or norms of moral behavior. Meta-ethics takes the judgments of normative ethics as its subject. It seeks not to make moral judgments but to analyze their nature. Judgments of meta-ethics describe and analyze words—such as "good" or "bad"—and judgments—such as "murder is wrong" or "one ought always seek to maximize the greatest good for the greatest number."

Traditionally, philosophers concerned with ethics sought to give general moral guidance. Such philosophers were not usually concerned with the details of moral behavior so much as with its basic principles and their justification. Since World War II, however, and until very recently, moral philosophers have increasingly given up the task of normative ethics in favor of pursuing the more purely philosophical questions of meta-ethics. The field of normative ethics was largely left to religious thinkers (often called "ethicists"), who had always been active in it.

The field of religious ethics is rather more difficult to define and describe than that of philosophical ethics. Broadly speaking, it may be construed as the study of the ethical teachings of the various religious traditions. In this sense it is purely descriptive. In the United States, however, in most academic contexts, "religious ethics" really means "Christian ethics," and it is most definitely normative (or sometimes meta-ethical) as opposed to descriptive. To characterize Christian ethics thus construed, we may say that it is primarily concerned with translating the general moral/religious teachings of the Christian faith into general principles of moral conduct and into specific moral injunctions. It is further characterized by the fact that almost all systems of Christian ethics seem to presuppose some single overarching norm (often agape, or love). There is frequently disagreement over what the norm is or how to interpret it, but there is usually agreement that some such norm exists.

The situation in Christian ethics is conditioned by the fact that Christianity and its basic texts are fundamentally concerned with questions of faith. Thus, while no one could deny that the Christian religion is concerned with moral behavior, its specific teachings with respect to such behavior must be derived from the basic teachings of faith and are often a matter of dispute.

Jewish ethical teaching, on the other hand, is conditioned by the fact that Judaism as a religion emphasizes human behavior over general claims of theology and faith. It is, in the eyes of those who derogate its consistent concern with actions more than faith, a religion of pots and pans. Since Jewish tradition contains minutely detailed teachings regulating behavior, the problem facing the Jewish ethicist is not that of deriving moral obligations from general theological teachings. It is, rather, to justify his or her own undertaking in the face of the all-embracing Jewish law (halakhah), which seems to leave no room for supra-legal ethics as such. To characterize Jewish ethics provisionally, we may say that it attempts to show what Judaism, either in the guise of halakhah, or in some other form, teaches about moral issues.

The very concept "Jewish ethics" raises a number of problems, some of them inherent in the notion of any parochial ethic (be it Christian, Navajo, Marxist, or whatever) and some of them unique to Jewish ethics. With respect to the former, a fundamental assumption of contemporary ethical discourse since the time of Kant is that ethical principles must apply consistently and generally. Normative ethical statements on this view must be universal, applying across the board in every relevantly similar situation. This being the case, if Jewish ethics deserves the designation ethics (consistent, general, universal) at all, in what sense can it be (narrowly) *Jewish*, and if it is Jewish, in what sense can it be *ethics*? Even if we assume that this problem is soluble—by rejecting or modifying Enlightenment conceptions of morality, for example—another raises its head. Can Jewish ethics satisfy another condition of Kantian moral discourse, that ethical actions be done for their own sakes and not in order to avoid punishment, earn reward, or for any other "heteronomous" reason? After all, if Jewish ethics is *commanded* by God, then those who feel themselves bound by those commands fulfill

them in order to earn reward, avoid punishment, or, on a more sophisticated level, in order to express their love of God. In any event, they are not behaving in what Kant called "autonomous" fashion. Jewish thinkers have only recently begun to take account of these questions.[2] These issues, as noted above, are not unique to Jewish ethics but to any parochial ethic.

There are also questions of a programmatic nature unique to Jewish ethics. Some of these issues will be raised below after an historical description of the field of Jewish ethics. The rest of this entry, then, is divided into two parts, 1) describing that body of literature ordinarily denoted by the term "Jewish ethics," and 2) delineating some of the problems raised by the very notion of Jewish ethics.

The History of Jewish Ethics—The Bible

We may conveniently divide the literature of what has been called Jewish ethics into four main periods: Biblical, Talmudic, Medieval, and Modern. Strictly speaking, the Bible and Talmud do not fall under our view here: they are the sources of Jewish ethics but do not in any systematic sense devote themselves to that subject. While permeated with moral concern, they contain almost no texts specifically given over to ethics. Certain recent scholars[3] have maintained that the Hebrew Bible is self-consciously aware of a distinct area of human activity parallel to what we call ethics. But, while the Bible is surely suffused with ethical concern, it does not see the laws mandating ethical behavior as being in any significant sense distinct from its laws governing civil, criminal, and ritual matters: they all *are given from one Shepherd* (Eccl. 12:11). Biblical Hebrew does not even have a word for "ethics" in our sense of the term. The Bible, then, teaches ethics, but not self-consciously. As such, it is a *source* of Jewish ethics while not seeing itself, so to speak, as an ethical text.

This said, the question remains, what are the ethical teachings of the Bible? The question presupposes that the Bible is, at least in moral and theological terms, a single unit. While that assumption may be rejected by historians of the Bible, it reflects the traditional Jewish approach to the text and will be adopted here. Perhaps the best-known of the ethical teachings of the Bible is the so-called Ten Commandments ("so-called" because there are many more than ten specific commandments in this passage), found in Exodus 20. Of the ten discrete statements in this text at least six have direct ethical import: 1) honor thy father and thy mother, 2) thou shalt not murder, 3) thou shalt not commit adultery, 4) thou shalt not steal, 5) thou shalt not bear false witness against thy neighbor, and 6) thou shalt not covet thy neighbor's possessions. The remaining four ("I am the Lord thy God . . .," that God alone may be worshipped, that God's name must not be taken in vain, and the observance of the Sabbath) relate to matters of theological and ritual importance.

The distinction between commandments that have ethical significance and those of theological and ritual importance reflects a division that later rabbis read out of (or into) the Bible. They distinguished obligations between one human and another from obligations between humans and God. Much of biblical legislation involves the first group, and herein may lie one of the basic contributions of Judaism to the Western religious tradition, that one worships God through decent, humane, and moral relations with one's fellows. (As the later rabbis were to put it at M. Ab. 1:2, the continued existence of the world depends upon three things: study of Torah, sacrifice and prayer, and acts of lovingkindness.) In other words, whatever morality might be, its basis is in God's will. Plato in the Euthyphro to the contrary, God is as relevant to morality as to religion itself.

The theological basis for God's demand that we treat each other properly is apparently the biblical teaching that humans are created in the image of God (Gen. 1:27). It is obvious from this that one achieves the highest possible level of perfection or self-realization by becoming as similar to God as humanly possible. This is the basis for what may be the single most important ethical doctrine of the Hebrew Bible, that

of *imitatio Dei*, the imitation of God. That humans are created in the image of God makes it possible for the Torah to command that Jews walk in God's ways, i.e., practice the imitation of God. It should come as no surprise that when Judaism, which emphasizes the practical over the metaphysical, introduces a doctrine that seems so clearly to beg for a metaphysical interpretation, it immediately insists on interpreting it in practical terms. The imitation of God is thus not treated in the Talmud as a metaphysical issue but as a practical, moral one. Jews are not commanded literally and actually to transcend their normal selves and to become in some sense *like* God; rather, they are commanded to act in clearly delineated God-like ways. Through the achievement of practical, moral perfection Jews imitate God and thus fulfill their destiny as individuals created in the image of God.

Ethics in the Rabbinic Literature

As noted above, the Hebrew Bible is not self-consciously aware of morality as a distinct religious or intellectual category. This is also true of the corpus of Rabbinic writings that centers on the Mishnah and its ancillary texts. Here, too, we find no distinct text dealing with ethics in an explicit fashion and no apparent recognition of ethics as a department of thought that must be treated independently of other concerns. This is even true of the well-known Mishnaic tractate Abot, often called in English "Ethics of the Fathers," a compilation of maxims and homilies, many of which embody what we call ethical teachings. As the point of this treatise appears to be to describe the ideal human personality envisioned by the Mishnah, it is much more concerned with piety than with ethics.

Even more than the Bible, the vast corpus of Rabbinic writings is basically concerned with one issue: how human beings ought to live their lives so as to fulfill the commandment to make themselves holy by walking in God's ways. The Rabbinic response to this was the delineation of a body of detailed law designed to govern every aspect of behavior. That body of law, called Halakhah (homiletically if not etymologically derived from the Hebrew word for "the way" and thus taken as the specification of how one walks in God's ways), includes, but by no means is limited to, moral concerns.

Fully aware that no specification of legal obligations can cover every moral dilemma, to demand supererogatory behavior from the Jews, the rabbis of the Mishnah and Talmud point to a number of broad biblical commands. These include *Righteousness, righteousness, shalt thou pursue* (Deut. 17:20), *Thou shalt do what is right and good in the sight of the Lord* (Deut. 6:18), and one of their own devising, the *obligation* to go beyond the letter of the law in the fulfillment of God's will. Such a demand may be justified on the grounds that one never fully satisfies the obligation to imitate God.

The centrality of the doctrine that human beings are created in the image of God (the basis, as noted above, for the commandment to imitate God) is emphasized in the well-known debate between two Mishnaic rabbis, Aqiba and Ben Azzai. Their debate (Sifra 7:4) centers on the question, "What is the great[est] maxim of the Torah?" Aqiba said, *Thou shalt love thy neighbor as thyself* (Lev. 19:18), while Ben Azzai insisted on, *This is the book of the generations of man, in the image of God created he him* (Gen. 5:1).[4] The important point for our purposes is that there is here no actual debate. Both Aqiba and Ben Azzai agree that the doctrine of humanity's having been created in the image of God is the central teaching of the Torah. Ben Azzai cites the doctrine itself, Aqiba, its clearest moral implication. Given the Jewish tradition's preference for practice over preaching, it is no surprise that in the popular Jewish mind at least, Aqiba is thought to have won the argument. This emphasis on the respect for others based on their having been created in the image of God also finds expression in what may be the best-known Rabbinic moral teaching, Hillel's so-called "Golden Rule." When a non-Jew asked Hillel to teach him the entire Torah while the non-Jew stood on one foot, Hillel replied, "What

you dislike do not do to others; that is the whole Torah. The rest is commentary. Go and learn" (B. Shab. 31a).

But, despite the importance of moral teachings in the Bible and Talmud, these texts know of no self-consciously worked-out moral system; they are not even aware of ethics as a distinct religious, intellectual, or human category. As sources for subsequent developments in Jewish ethics, they are, however, crucial. In an important sense, all Jewish ethics that takes halakhah seriously is Talmudic, not only because the Talmud is *the* source of halakhah, but because any attempt to determine a halakhic position on virtually any issue must begin with an analysis of the relevant Talmudic data. Still, while the study of Jewish ethics cannot ignore the Talmud, for the reasons explained above, we cannot speak of a Talmudic ethics as such.

Medieval Jewish Ethics

The situation changes radically in the medieval period with the rise of a distinct Jewish ethical literature that seeks systematically to expound upon morals and human conduct. The literature of the period seems to fall rather naturally into four different and widely recognized categories: philosophic, Rabbinic, pietistic, and Kabbalistic. Joseph Dan points out[5] that medieval Jewish ethics appeared in many literary forms beyond what might be called the classical ethical literature of books and treatises on specific ethical issues. Among the many forms that ethical literature took, we find homiletical works, ethical wills and letters, moralistic storybooks and collections of ethical fables, poetry, and commentaries on the biblical book of Proverbs and on Tractate Abot. There were also concrete and specific manuals of behavior, the so-called *hanhagot*.

Jewish philosophy in the medieval period was deeply concerned with the question of the proper relationship between faith and reason. The literature of the Jewish philosophical ethics of the period reflects this concern in its emphasis on the problem of the proper relationship between religious and ethical perfection. The earliest of the Jewish philosophers to write on ethics, Saadia Gaon (Baghdad, 892–942) and Solomon ben Judah ibn Gabirol (Spain, 1021–1058), appear to have simply taken over systems of secular philosophic ethics whole, without making any serious attempt to root them in Judaism. Gabirol is the author of *On the Improvement of the Moral Qualities* (trans. S.S. Wise, New York, 1902) and *Choice of Pearls* (trans. A. Cohen, Ann Arbor, 1982). The situation was considerably changed by the appearance of *Duties of the Heart* by Bahya ben Joseph ibn Paquda, a Spanish thinker of the eleventh century (trans., M. Mansoor, London, 1973). Bahya sought not only to instruct the Jew in religious and moral behavior, but to develop an ethical system rooted in Judaism. In his book, Bahya distinguishes between the (halakhic) obligations of the body, which directly involve behavior, and inner obligations, the "duties of the heart" of his book's title. There are many halakhic works, he says, devoted to an elucidation of the outward duties of the Jew, but none devoted to his inward obligations, and it is this gap that he seeks to fill. Bahya's emphasis on inward disposition (*kavanah*) was perhaps the first expression of a motif that was to characterize and even dominate much of Jewish ethical literature and was to blossom much later in the Musar movement. This is the idea that proper moral behavior could best be attained through the religious perfection of the individual. This may possibly reflect the fact that the availability of halakhic guidelines for most moral problems made their analysis by ethicists superfluous. Whatever the reason, however, it is certainly the case that Jewish ethical texts tend to emphasize character development and personal virtues over social ethics. The latter are seen as depending upon the former.

Moses Maimonides and Jewish Ethics

The greatest medieval Jewish philosophic ethicist was the most outstanding of the medieval Jewish philosophers, Moses Maimonides (1138–1204). Maimonides' general

position was that faith and reason do not conflict, and this attitude is reflected in his ethics. He adopts the basic outline of Aristotle's golden mean, rooting it, however, in Judaism and modifying it to meet the exigencies of the tradition as he understood it.[6]

Maimonides is the author, among other things, of three major works: *Commentary on the Mishnah, Mishneh* Torah, and the *Guide of the Perplexed*. The first two of these contain material directly relevant to Jewish philosophical ethics, while the *Guide* can be read as a work of which the ultimate end is ethical. The introduction to Maimonides' commentary to Tractate Abot is a self-contained ethical treatise, called *Eight Chapters*.[7] In this text in particular he develops his ideas on the golden mean. The commentary to Abot itself is obviously also important here. Maimonides' code of Jewish law, the *Mishneh Torah*, contains a number of texts in which ethics plays an important role. In particular, two parts of the first section of the work, the *Book of Knowledge*, are important: "Laws of Ethics" and "Laws of Repentance."[8] Maimonides' discussion of messianism at the end of the *Mishneh Torah* contains material that played an important role in Jewish ethics in the modern period.

Throughout his writings, Maimonides presents a highly intellectualist version of Judaism, according to which individuals fulfill themselves as human beings only through intellectual perfection. Moral perfection is a necessary prerequisite for perfection of the intellect, but not an end in itself. At the very end of the *Guide of the Perplexed*, however, Maimonides teaches that the truly perfected individual will go beyond intellectual perfection and imitate God through the doing of "lovingkindness, justice, and righteousness" in the land. This turnabout has been interpreted in various ways,[9] but here Maimonides seems to be attributing a higher role to practical perfection than in his other writings.

Mention should be made here also of the philosophical commentary to the Pentateuch of Levi ben Gerson (Gersonides, 1288–1344). At the end of each Torah portion, Gersonides listed those *to'aliyot* or "advantages" to be derived from the portion. Many of these are explicitly mentioned as having an ethical character.

The tradition of medieval Jewish philosophy reached its apogee with the work of Maimonides; its descent thereafter was quick and precipitous. Certainly none of the philosophers who followed Maimonides, Gersonides included, had anything significant to add to his philosophic analysis of Jewish ethics. Indeed, given the general opposition to Jewish philosophy that followed the apostasy of so many Jews in Spain and Portugal in the fourteenth and fifteenth centuries (which was blamed, in part, on their devotion to philosophical pursuits), it is hardly surprising that there arose a trend in Jewish ethics directly opposed to philosophical ethics. Writers identified with this category of Jewish ethical literature sought to demonstrate that Rabbinic Judaism and its texts provided all that one required in order to generate a full-fledged ethical system. There was no need, they felt, to turn to the Greeks for ethical instruction. This literature contains little innovation and seeks rather to apply Rabbinic ethics directly to the conditions of the medieval world. The two most influential texts in this genre are Jonah ben Abraham Gerondi's *Gates of Repentance* (thirteenth century; trans., S. Silverstein, Jerusalem, 1967), and Isaac Aboab's *Candelabrum of Illumination* (fourteenth century).

Medieval Pietism and Jewish Ethics

The third generally recognized category of medieval Jewish ethical literature is that associated with the Hasidei Ashkenaz, a pietistic movement in twelfth and thirteenth century Germany. The major work in this category is the *Book of the Pious*, an extensive compilation attributed to Judah ben Samuel he-Hasid of Regensburg (d. 1217). German pietistic literature is concerned largely with specific problems and actual situations. It is marked by deep piety and superstition and by an emphasis on the effort involved in a deed; the more difficult an action, the more praiseworthy it is judged. The *Book of the Pious* introduces the distinction between the law of the Torah and the much stricter

law of Heaven. The pietist is marked by his adherence to the law of Heaven, which demands greater devotion and involves more difficulty than the law of the Torah, which applies to all. This attitude was greatly to influence the development of European Jewry, and its effects are still felt strongly today.

Two other works in the tradition of German pietism deserve mention. These are the anonymous *Ways of the Righteous* (trans., S.J. Cohen, New York, 1974) and Asher ben Jehiel's *Ways of Life* (trans., K.S. Orbach, Jerusalem, 1968). The *Ways of the Righteous* was probably composed in Germany in the fifteenth century. Extremely influential, it has been published over eighty times. Although its author was clearly influenced by Jewish philosophic ethics, there is no doubt that the book was written by one of the German pietists, as it is pervaded with the attitudes and values of that movement. Asher ben Jehiel (Asheri or Rosh), c. 1250–1327, was one of the leading halakhists of his generation. A refugee from Germany (where his father, his first teacher, was active in the pietist movement and was himself a student of Judah ben Samuel), Asher settled in Spain. His *Ways of Life*, often called *Ethical Manual of the Rosh* or *Testament of the Rosh*, consists of ethical sayings arranged for daily recitation.

Kabbalistic Ethics

One of the major developments in the history of medieval Judaism was the rise of Kabbalah, Jewish mysticism. This had a clear impact on Jewish ethics, stimulating the development of a fairly well-defined class of kabbalistic-ethical texts. This literature is permeated with the kabbalistic idea that the actions of human beings have a profound impact on the very structure of the universe. There is a definite interdependence between the deeds of human beings and the mystical development of the world.

Of the many works in this category two of the most important are *Palm Tree of Deborah* (trans., L. Jacobs, London, 1960) by Moses ben Jacob Cordovero (1522–1570), and *Beginning of Wisdom* by Elijah ben Moses de Vidas (sixteenth century), a student of Cordovero's. Cordovero's work is a detailed guide to ethical behavior, relating moral perfection to mystical union with aspects of the deity. He seeks to unfold the mystical and ethical significance of God's thirteen attributes of mercy (enumerated in Exod. 34:6–7 and Mic. 7:18–20) and to explain how it is possible to imitate them, as the halakhah demands. De Vidas makes explicit use of kabbalistic texts and develops the idea that the cosmic struggle between good and evil is affected by the moral behavior of individual human beings.

What may be the most important work in the field of kabbalistic ethics, *The Path of the Upright* (trans., M. Kaplan, Philadelphia, 1964), is rarely considered to be in that category at all. This may simply reflect the fact that by the close of the Jewish middle ages (mid-eighteenth century), Kabbalah had so permeated all aspects of Jewish life that no one took special notice of a kabbalistic-ethical work. In addition to this, and more importantly, this work of Moses Hayyim Luzzatto made relatively little use of explicit kabbalistic texts, while still being overwhelmingly kabbalistic in tone. Luzzatto (1707–1746), an Italian mystic, playwright, and ethicist, leads the reader of his book along the path of the upright, which begins with the forsaking of sin and culminates in mystical contact with God. *The Path of the Upright* develops the Mishnaic concept of the world as a corridor leading to the world to come; human life must be devoted to preparation for the ultimate end. Luzzatto's book became enormously influential and popular; to this very day it is considered by many traditionalist Jews to be the Jewish ethical text *par excellence*.[10]

The Musar Movement

Before turning to a discussion of contemporary developments in Jewish ethics, we must consider one important and still-influential outgrowth of medieval Jewish ethics, the Musar movement. At the end of the Jewish middle ages, Jewish life in Eastern Europe

(specifically Poland and Russia) was characterized by a marked religious, cultural, and social decline. Eastern European Jewry suffered what can only be called a "failure of nerve" as a consequence of the Chmielnicki massacres of 1648, the collapse of effective government in Poland, which followed shortly thereafter in the face of the Ukrainian and Swedish wars, and the remarkable and pervasive despair and degradation of spirit engendered by the apostasy of the false messiah, Shabbetai Zevi (1666). In the face of these calamities, Jewish education suffered terribly; Talmud study became cold, rigid, and formalistic; the democracy and sense of mutual responsibility that had formerly characterized the Jewish communal organizations degenerated, and there arose a huge mass of ignorant and only nominally observant Jews.

The best known reaction to this circumstance is the Hasidic movement, which sought to regenerate Jewish life and spirit. The Hasidic teachers, evangelical and charismatic religious leaders, tried to inject mysticism into everyday life and emphasized, as did the earlier pietists of medieval Germany, the importance of inwardness and intention as opposed to the formalistic obedience to law. The Musar (ethical reproof) movement may be seen as a non-Hasidic response to the same degradation of spirit that engendered Hasidism. Its followers sought to bridge the gap between Rabbinic training on the one hand and religious-ethical fervor on the other. The Musar movement was founded for the training of Jews in strict ethical/religious behavior. It emphasized character development (echoing one of the earliest and most consistent themes in medieval Jewish ethics) and concerned itself strongly with the psychological health of the individual. Followers of the Musar movement often organized themselves into small groups that met regularly to read ethical texts and to engage in mutual criticism and spiritual strengthening. By the early years of the present century, the *musar* ideal had been adopted by most of the great European rabbinical academies (yeshivot), almost all of which set aside a portion of each day for the study of ethical texts and many of which had individuals on their staffs specifically devoted to the ethical guidance of the students.

Modern Jewish Ethics

The distinction between contemporary and medieval Jewish ethics reflects the great difference between pre-modern and contemporary Judaism. Up until the end of the eighteenth century, no country in Europe (and, outside of the United States, no country in the world at all) recognized its Jews as full-fledged citizens possessed of normal civil rights. The spread of Enlightenment ideals, however, led to the gradual emancipation of European Jewry. But the call of emancipation was often couched in terms such as, "To the Jew as Frenchman, everything; to the Jew as Jew, nothing!" Emancipation thus was predicated in almost every case upon assimilation. The Jews of Western Europe were faced with a situation unique in their experience and were confronted with a wholly new problem: how to remain Jewish while simultaneously participating in Western civilization. It was largely by way of response to this problem that the various religious movements of contemporary Judaism—Orthodoxy, Conservatism, Reform—developed and defined themselves.

Contemporary Judaism is distinguished from medieval Judaism, therefore, in that it is faced with an entirely new problematic and in that it presents a multiplicity of answers to that complex of problems. With respect to the subject at hand, we may say that contemporary Jewish ethics is distinguished from medieval Jewish ethics in that the problems it faces are largely those it shares with the surrounding culture (e.g., the problem of relating morality and religion and specific questions such as political obedience and medical ethics). In short, Jews and Judaism have become part of the modern world, and, to a significant degree, the modern world has become a factor that cannot be ignored by both Jews and Judaism. Contemporary Jewish ethics is further distinguished from its medieval counterpart in that it speaks with a divided voice. One must not ask today, "What is the Jewish

position on such and such?" but, rather, "What is the Orthodox, Conservative, or Reform interpretation of the Jewish position on such and such?" Although many writers persist in presenting what they depict as *the* contemporary Jewish position on various subjects, it most often ought more correctly to be characterized as *a* Jewish position.

In order to understand fully the differences between Orthodox, Conservative, and Reform Judaism one ought to examine them in terms of their historical developments. For our purposes, however, it is sufficient to sketch out their basic theological differences. This can be done conveniently by examining their varying conceptions of revelation. Briefly put, Orthodoxy follows the traditional Rabbinic claim that the Torah represents the direct, conclusive revelation of God's will. Halakhah, which derives directly from that revelation, is the will of God. It is normative for all Jews in all places and at all times. Although Orthodoxy recognizes the fact of halakhic change, it insists that such change has come about and may come about only within the context of well-recognized halakhic mechanisms. The basic Orthodox contention with respect to the halakhah is that it is a divine, not a human system, and that as such it is not subject, in essence, to the sort of historical development that characterizes human institutions.

Reform Judaism, on the other hand, in both its classic and modern positions, entirely rejects the claim that the halakhah represents the revealed will of God. Revelation, it maintains, is progressive, akin to inspiration, and is ultimately concerned with ethics. This emphasis is summed up in the famous motto of early Reform, that Judaism is nothing more than ethical monotheism. While contemporary Reform thinkers have largely given up the classic Reform claim that Judaism took a quantum leap from the time of the prophets (in whose call for social morality early Reform thinkers saw God's revelation most clearly embodied) to the nineteenth century and the rise of Reform, it is still the case that Reform Judaism rejects the halakhah as a norm and still looks to the prophetic tradition for the "essence" of Judaism. Reform is further distinguished from most expressions of Orthodoxy by its insistence on seeing human autonomy as a central Jewish value.

The Conservative position is roughly midway between that of Orthodoxy and Reform. Conservative Judaism does not view revelation as God "talking" to the Jewish people, as it were, revealing to them exactly what it is they ought to do. Rather, Conservative Judaism maintains that the Jewish people have had what may be called "revelatory" experiences of God, to which they reacted by creating the Torah. Halakhah, then, is the way Jews have sought to preserve their experiences of God. Although taking its source in the Jews' experience of God, it is basically a human institution and undergoes change and historical development like all human institutions. It is normative in the conditional sense that one ought to obey the halakhah if one wants to preserve the insights and experiences of the Jewish people as a whole and of those Jews in particular who have confronted God directly in their own lives. Conservative Judaism thus sees the halakhah as the Jewish vocabulary for approaching God. But it does not see the halakhah as normative in the absolute sense that implies that obedience to it is explicitly demanded by God of every Jew.

These three different interpretations of revelation and halakhah give rise to different emphases within Jewish ethics. Generally speaking, Orthodox thinkers approach questions of ethics by seeking to determine the teachings of the halakhah on the issues at hand. That is not to say that they cannot recognize a super-halakhic realm of Jewish ethical teaching. But no Orthodox thinker will admit the possibility of there being a Jewish ethical teaching that might contradict halakhah. That possibility, by contrast, is explicitly stated by at least one important Conservative thinker, Seymour Siegel. "It is my thesis," he writes, "that according to our interpretation of Judaism, the ethical values of our tradition should have power to judge the particulars of Jewish law. If any law in our tradition does not fulfill our ethical values, then the law should be abolished or revised."[11] This position

would most likely be rejected by Orthodox thinkers on the grounds that it sets human beings up as judges of God's law.

Generally speaking, at least until very recently, the Reform approach to ethics has been to identify Jewish ethics with prophetic teachings that, in turn, are interpreted in terms of contemporary liberalism. Of late, however, Reform thinkers have shown a new sensitivity to the teachings of the post-Biblical Jewish tradition and generally seek to ground their ethical judgments in the Jewish tradition as a whole.

Summing up, we may say that the contemporary Jewish approach to ethical problems is distinguished from the medieval approach in at least two important ways. It is no longer informed by the basic unanimity of spirit that underlay medieval Jewish ethics in all its various styles and forms. Further, and as a result of the Jew's unprecedented level of integration into the surrounding world, Jewish ethics today faces an entirely new complex of problems. Although there are elements of continuity between medieval and modern Jewish ethics, the discontinuities are more important. This is one of the many ways in which the wrenching changes that accompanied the Jewish entry into the modern world are reflected.

Problematics of the Term "Jewish Ethics"

It is immediately evident, then, that no one definition of Jewish ethics is possible, since there are so many varieties of Judaism. But, even assuming that we know what the term "Jewish" means in the expression "Jewish ethics," fundamental problems still need clarification. While much of halakhah is given over to what we would today call religious or ritual law, it encompasses civil, criminal, and moral law as well. The moral component, however, is not distinguished in any way from the other components of halakhah and, at least from within the system, is seen as drawing its authority, as does the rest of the Torah, from God's command. Since halakhah contains an ethical component, we must ask whether "the Jewish tradition recognizes an ethic independent of Halakhah."[12] Can there be, that is, significantly *Jewish* ethical norms not included in halakhah?

This is a thorny problem. If Judaism recognizes the existence of two authentically Jewish yet independent realms, one of halakhah and one of ethics, how do they interrelate? Can halakhah be corrected on the basis of Jewish ethical considerations? This possibility is abhorrent to those Jews who maintain that halakhah is the unchanging expression of God's will on earth. Can ethics be corrected on the basis of halakhic considerations? This possibility would probably be unacceptable to those Jews who see halakhah as an expression of an early stage of God's dynamic and ongoing revelation. This issue may be rephrased as follows: if halakhah and Jewish ethics are both authentically Jewish, is one superior to the other? If not, what do we do when they conflict? If they never conflict, in what sense are they different?

And there are yet further problems: if a supra-halakhic Jewish ethic exists, what is its relationship to non-Jewish civil law (both in Israel and in the diaspora)? What is the obligation of the Jew with respect to imposing that ethic upon or offering it to non-Jews? Jews have always argued that halakhah applies to Jews only and have not generally sought the secular enforcement of halakhic norms. In other words, halakhah is parochial. Is supra-halakhic Jewish ethics parochial also? If it is, does that commit one to a form of relativism, to recognizing many different parochial moralities? Such a position seems inconsistent with a view of ethics rooted in revelation. But, on the contrary, if this Jewish ethic is universal, then we must indeed raise the question of "law and morality" and ask, to what extent must this "universal Jewish ethic" be imposed upon non-Jews? These questions are more than idle chatter in a period in which Jewish religious leaders (of all trends) regularly involve themselves, *as representatives of Judaism*, in ongoing public debates on issues like abortion and capital punishment.

More questions arise: if morality must be universally recognizable then not only must

Jewish ethics apply to all human beings, but it must be available to them as well. If a supra-halakhic Jewish ethic exists, is it really universally available, and, if it is, what is specifically *Jewish* about it?

Until very recently discussions of Jewish ethics showed little in the way of the historical and philosophical self-consciousness that lie at the heart of the questions raised here. For many writers, wide-ranging erudition in halakhic sources and sophistication in the manipulation of Rabbinic texts were considered the appropriate and sufficient tools for a discussion of Jewish ethics. Rarely did they stop to ask themselves any methodological, historical, or philosophical questions.

This situation has changed dramatically in the last few years. Philosophical questions are being asked of the halakhic method of applying ancient texts and analyses to contemporary issues, and the philosophical presuppositions of classic texts are being laid bare. Louis Newman, for example, has been raising the question of what makes Jewish ethics Jewish and has raised important methodological questions about the possibility of applying considerations drawn from ancient discussions to problems raised by new medical technology in the fairly simple minded way in which it is often done in recent discussions of medical issues in halakhah and ethics.[13] In a series of studies, Avi Sagi and Daniel Statman have demonstrated that Jewish thinkers through the ages have (surprisingly) rejected the idea that divine command gives ethical imperatives their special force and have analyzed this historic datum for its contemporary implications.[14] Steven Schwarzschild, Marvin Fox, and David Novak have argued the place of natural law in Jewish ethics.[15]

At the end of the twentieth century, then, Jewish ethics seems poised to enter into a new phase. Thinkers steeped in ancient texts and traditions but also manipulating sophisticated new literary and philosophical tools are asking new questions and finding new answers.

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NOTES

[1] I use the terms "ethics" and "morals" interchangeably here, even though there are some differences between them. The term "ethics" seems to have more of a practical, actional connotation than does "morals." Thus we say "medical ethics," for example, not "medical morals."

[2] See Menachem Kellner, "Reflections on the Impossibility of Jewish Ethics," in M. Hallamish, ed., *Moshe Schwarcz Memorial Volume* (Ramat Gan, 1987), pp. 45–52; and D. Statman and A. Sagi, *Religion and Morality* (Amsterdam, 1995).

[3] See Israel Efros, *Ancient Jewish Philosophy* (Detroit, 1964), and Shubert Spero, *Morality, Halakhah, and the Jewish Tradition* (New York, 1983).

[4] On this text, see Chaim Reines, "The Self and Other in Rabbinic Ethics," in Menachem Kellner, ed., *Contemporary Jewish Ethics* (New York, 1978).

[5] "Ethical Literature," in *Encyclopedia Judaica* (Jerusalem, 1972), vol. 6, cols. 922–932.

[6] On how to understand Maimonides, see Marvin Fox, *Interpreting Maimonides* (Chicago, 1990), pp. 3–92; on Maimonides' ethics, pp. 93–228.

[7] See Eliezer Schweid, *Studies in Maimonides' "Eight Chapters"* (Cambridge, 1991).

[8] For these and others of Maimonides' ethical works, see R.L. Weiss and C. Butterworth, eds., *Ethical Writings of Maimonides*(New York, 1975).

[9] See Menachem Kellner, *Maimonides on Human Perfection* (Atlanta, 1991).

[10] On ethics in Kabbalah in general, see Joseph Dan, *Jewish Mysticism and Jewish Ethics* (Seattle, 1986).

[11] See Seymour Siegel, "Ethics and the Halakhah," in *Conservative Judaism* 25 (1971), pp. 33–40.

[12] This is the title of an article by Aharon Lichtenstein in Kellner, *Contemporary Jewish Ethics.*

[13] See his "Woodchoppers and Respirators: Interpretation in Jewish Ethics," in Elliot Dorff and Louis Newman, eds., *Contemporary Jewish Ethics and Morality: A Reader* (New York, 1995).

[14] For an English language study, see their "Divine Command Morality and Jewish Tradition," in *Journal of Religious Ethics* 23 [1995], pp. 39–67.

[15] See the latter's "Natural Law, *Halakhah*, and the Covenant," in *Contemporary Jewish Ethics and Morality: A Reader.*

Ethiopia, Judaism in

The history and practice of Judaism in Ethiopia presents a unique chapter in the history of Judaism throughout the world. The Beta Israel (Falasha), the vast majority of whom resided in Ethiopia until the early 1990s, preserved a form of non-Talmudic Judaism well into the second half of the twentieth century. Since their immigration to Israel, this religious system has undergone radical changes. The bulk of this article is devoted to the description and analysis of their religious life in Ethiopia. The changes that have taken place since their arrival in Israel are also discussed. However, no discussion of Judaism in Ethiopia can ignore the fact that the Ethiopian Orthodox Church has, more than any church in the world, remained faithful to the letter and spirit of the Old Testament, preserving a long list of biblical customs and traditions. As we shall see, the specific nature of Beta Israel Judaism can only be fully understood within the larger context of Ethiopian Judaism as represented by the Beta Israel themselves, the Church, and several smaller groups.

The Origins of Ethiopian Judaism

According to some Ethiopian traditions, half the population of the ancient Ethiopian kingdom of Aksum was Jewish prior to the introduction of Christianity in the third and fourth century. While there can be little doubt that this is a considerable exaggeration, the overwhelming impact of biblical and Hebraic patterns on traditional Ethiopian culture is undeniable. Indeed well into the twentieth century, much of Ethiopia remained embedded, as Ullendorff put it, in "attitudes, beliefs, and a general quality of life . . . forcefully reminiscent of the Old Testament world."

Numerous biblical customs have survived in the practice of Ethiopian Christians. Thus, for example, male children are circumcised on the eighth day after birth. The Saturday Sabbath long held sway in Ethiopia and figured prominently in the ritual, liturgy and theological literature. Traditional Ethiopian dietary laws conform closely to those of the Old Testament, including the prohibition of pork. The three-fold division of churches in Ethiopia clearly replicates the architectural structure of the Temple in Jerusalem. On the literary level, the biblical ethos of Ethiopian Christian culture is epitomized in the country's national epic, Kebrä Nagast (The Glory of Kings), which depicts the rulers of Ethiopia as descendants of Menilek I, the putative son of King Solomon, and Makedda, the Queen of Sheba.

While some scholars have contended that these elements derive not from direct Jewish *influences* but primarily or even exclusively from the imitation of the Old Testament, this approach does not appear satisfactorily to explain all the available data. In particular, it does not account for the existence of numerous Jewish-Aramaic or Hebrew loanwords, such as *tabot* (ark), *ʿorit* (Torah), *haymanot* (faith) and *ʿarb* (eve, Friday) in the Ethiopic version of the Bible. It is generally agreed that these Aramaic words were not introduced by Syriac-speaking missionaries or other Christians. Rather, they belonged to a pre-Christian Jewish leaven in Ethiopian culture.

Scholars remain divided as to the provenance of these Jewish influences. Some, relying on Ethiopian legends, contend that Judaism was already brought to Ethiopia in the time of King Solomon, by either the Queen of Sheba or her son, Menilek. Others drawing on Rabbinic tradition, contend that it arrived via the Ten Lost Tribes, especially the Tribe of Dan. More firmly based, is the claim that Jews from Egypt, perhaps from the military garrison of Elephantine, brought a priestly hierarchy, temple worship, and sacrifices to Aksum. However, the bulk of the evidence would seem to support the idea that Jewish immigrants from South Arabia (around the area of modern Yemen), were the primary carriers of Judaism and Jewish influences to Ethiopia.

On the basis of the cultural elements and loanwords, it appears that the first carriers of Judaism reached Ethiopia between the

rise of the ancient kingdom of Aksum at the beginning of the Common Era and its conversion to Christianity in the fourth century. They used Aramaic for religious purposes and probably brought texts in that language, and perhaps Hebrew, with them. Given the predominantly literary and linguistic (as opposed to archaeological) evidence for their presence, there appears to be no reason to assume that they were as numerous as Ethiopian legend suggests. Initially they settled in the Aksumite region of Eritrea and northern Ethiopia and mingled with their pagan and later Christian neighbors. Thus they had an important impact on Ethiopian culture in its formative period.

Until the 1970s, most scholars described the history of Christianity and Judaism in Ethiopia as a small scale recapitulation of the history of those two religions elsewhere in the world. According to this view, a small ancient Jewish population was supplanted by a later Christian community, leaving behind only a small residual Jewish population. The Beta Israel, it was claimed, were an archaic group, religious and cultural survivors from pre-Christian Aksum.

Since the mid-1970s, a new scholarly consensus has emerged, which, although conceding the existence of early Jewish influences on Ethiopian culture and civilization, questions the survival of a distinct Jewish group culturally and socially separate from the surrounding population. Rather, it suggests the existence of a spectrum of groups that differed with regard to the emphasis they put on Christian and Judaic elements. According to this perspective, the Beta Israel must be understood first and foremost as an Ethiopian ethnic group, and their ethnogenesis should be dated to the fourteenth to sixteenth centuries. During this period, a combination of political, economic, religious, and social factors led to the emergence of a group known to others as "Falasha" and calling themselves the Beta Israel or Isra'elawi.

Religious Life In Ethiopia[1]

As this brief historical discussion suggests, the Judaism of the Beta Israel consisted of a combination of beliefs and practices that drew upon biblical and pan-Ethiopian elements. Historically, scholars have been divided as to which of these are most important to an understanding of their tradition. While some scholars and the Beta Israel themselves contend that Beta Israel religion is essentially an archaic form of Judaism, others view it as primarily Ethiopian in its origins, form, and content. Although the first of these hypothesis cannot be totally excluded, the influence of the Ethiopian surroundings would appear to be predominant. Most of the "Jewish" elements in Beta Israel religion can be shown to be the product of Ethiopian Christian influence or the deliberate imitation of practices found in Old Testament and biblical texts. In particular, it is possible to demonstrate that numerous elements of Beta Israel religion, including its literature, liturgy, and clerical hierarchy, developed in Ethiopia during the course of the past five centuries.

Whichever of these views we choose to adopt, it must be stressed that with few exceptions sources on Beta Israel religion date from the middle of the nineteenth century onward. Accordingly, the historical depth of the reconstruction presented below should not be exaggerated. While much of the Beta Israel religious system certainly predates the nineteenth or perhaps even the fifteenth century, the antiquity of individual elements should not be assumed.

Finally, it must be noted that although the Beta Israel were literate and possessed a number of religious texts (see below), theirs was primarily an oral tradition. Not only did they not possess until comparatively recently written calendars, but more importantly their religious doctrines and practices were neither preserved nor transmitted in a written form. Ritual experience, word of mouth, and community consensus were all far more important than formal codification. Regional variations in religious practice were common and the norms of observance flexible. Accordingly, the synthesis presented below is far more systematic and rigid than anything that existed in Ethiopia, where the flow of events and the exigencies of history took priority over any written canon.

Belief System

In reconstructing the beliefs of the Beta Israel, it must be remembered that they do not possess any explicitly theological texts. Thus their doctrines must be reconstructed from scattered references in literature, prayers, and literary works as well as interviews with informants conducted in recent years. In this context, it must also be stressed that few if any Beta Israel were able to produce a systematic account of their belief system.

The belief system of the Beta Israel had at its core the belief in one God, the Lord of Israel, creator of heaven and earth. He is the God of the Biblical patriarchs, who spoke to Moses and revealed himself on Mount Sinai. He was usually referred to in their liturgy by the Ge'ez terms Egzi'abeher or Amlak. However, the Hebrew terms Adonay or Elohe as well the Agaw (Cushitic language) terms Adara and Heziga were also used. None of these terms are unique to the Beta Israel: the Ge'ez and Hebrew names are used by Ethiopian Christians, and the Kemant, a neighboring Ethiopian people, use those from Agaw. Some Beta Israel texts also include various "magical" names of God.

Although the Beta Israel did not accept such Christian ideas as the trinity or devotion to Mary and the saints, both angels and demons figured prominently in their cosmology. Gabriel, Mikael, Rafael, Rufel, and Fanuel are a few of the angels whose names appear in Beta Israel literature. Mikael was particularly important and was commemorated on the twelfth day of each month by a holiday in his honor.

The Beta Israel shared with both Christian and Muslim Ethiopians as well as other people of northeast Africa a belief in hostile spirits known as *zar*. The numerous zar spirits were believed to possess individuals, particularly women, adolescent girls, and other marginal figures. In some cases, attempts were made to exorcize the zar, but often the spirit would be appeased with gifts or other favors to it through the possessed individual. In Ethiopia, zar "doctors" would assist the possessed, usually in the context of a cult group comprised of other similar individuals. The zar cult flourished in Ethiopia and has continued in Israel as well.

Despite their belief in a very detailed and multi-leveled cosmology, the Beta Israel did not believe divine intervention to be a regular occurrence and situated it primarily in the distant past. In contrast, they believed that all people are judged after their death. Indeed, the judgment of souls forms one of the major themes in their literature (see below), and confession played a prominent role in their religious practice. The souls of those who have been faithful to God and obeyed his commandments are conducted to paradise by the angels. Sinners, idolaters, blasphemers, thieves, etc. are consigned to Sheol.

They also believed in a final judgment at the end of days. They shared with Christian Ethiopians a belief in a Davidic messiah named Tewodros. Indeed, it was this belief that led a large group of Beta Israel to embark on a failed journey back to the promised land during the reign of the Ethiopian Tewodros (1855–1868). Some Beta Israel texts also assign important precursor roles in the messianic drama to the prophet Elijah and the angel Mikael. The latter is said to be responsible for the resurrection of the dead.

Religious Hierarchy

The clerical structure of the Beta Israel like most aspects of their religious life in Ethiopia was markedly different from that of other Jewish communities. Rather than a Rabbinic hierarchy trained in the intricacies of a halakhic system, they possessed a priestly heritage that claimed to be modeled on a biblical pattern. In fact, its overall structure, which in the past included monks, priests, deacons, and clerics known as *debtarotch*, showed a marked resemblance to that of their Christian neighbors.

From the middle of the fifteenth until the end of the nineteenth century, monks (*manokse*, *malokse*) were the principal religious leaders of the Beta Israel. According to Beta Israel tradition, monasticism was introduced to the community by Abba Tsabra, a Christian monk who initially reached them as a

missionary seeking to convert them. Instead he is said to have joined their community and assisted in the articulation of their unique religious identity. His most important disciple is believed to have been Tsaga Amlak, a son of the powerful emperor Zar'a Ya'eqob (1434–1468). Abba Sabra is credited not only with the introduction of monasticism, but also with the composition of the religious liturgy and certain religious texts. One of his disciples is believed to have introduced the Sa'atat (Horologium). Later monks are said to have led religious revivals in the nineteenth century.

Although some Beta Israel monks were hermits, most lived in monasteries. Horharwa, the largest monastery, is said to have held two hundred monks. Young boys from ten or twelve years of age were educated in monasteries. At around age eighteen or twenty, they would decide whether to remain as monks in the monastery or return to the world and raise a family. Individuals who left the monastery often became married priests (*Kahenat, Qessotch*). Celibacy, poverty, fasting, and other forms of mortification were characteristics of Beta Israel life. Despite its clear relationship to Christian monasticism, Beta Israel institutions clearly served not to assimilate them to their surroundings but to define their religious identity as a separate non-Christian community.

The decline and virtual disappearance of Beta Israel monasticism during the twentieth century appears to be related to a number of factors including a disastrous famine (1888–1892) and criticisms from both Christian missionaries and representatives of world Jewry, most notably Jacques (Ya'acov) Faitlovitch. Following the famine in which over a third of all Beta Israel perished, the community could no longer afford a celibate clerical elite. Moreover, external critics denigrated Beta Israel monasticism as being non-biblical and non-Jewish in both its form and content.

Among the Beta Israel, the priesthood was not hereditary, nor was it limited to a particular family or clan. In principle, any male born to a family with an unblemished history and possessing the necessary means could be educated for the position. However, since early education was usually the responsibility of the family, the priests tended to be clustered in certain extended families. In contrast to the monastic clergy, the priest (*Kahen, Qes*) married, raised a family, and lived with his secular neighbors in a village. A widowed priest can remarry, but only to a virgin.

The Beta Israel priests fulfilled numerous tasks. They recited prayers during the week and on the Sabbath and holydays. They also performed sacrifices and officiated at rites of passage, such as circumcisions, naming ceremonies, funerals, and memorials for the dead. (However, purity laws prohibit them from having contact with a corpse or personally performing a circumcision.) In each region, the local priests were responsible for determining the precise day on which holidays were observed. Although they did not usually engage in healing through charms and amulets, they did recite prayers for the sick. Every Beta Israel had a priest who was his or her confessor. Confession was not performed at specific times, but most Beta Israel sought absolution at least once a year and performed a final act of contrition before dying. The priests were also important communal leaders, who along with the elders regulated communal behavior and mediated disputes. In each region, one priest was designated as the high priest. In the nineteenth century, there were four such high priests, but by the middle of the twentieth century this number had shrunk to two, in Gondar and Tegre. In exchange for these services, the priest received gifts of money, salt, grain, fruits, and livestock. Nevertheless, most priests supported themselves as farmers or craftsmen.

During his period of training, a candidate for the priesthood served as a deacon (*diyaqon*). In this position he assisted in the prayers, carried firewood and water, and cared for animals destined for sacrifice. He also learned to read and write, studied the Bible and other texts, and familiarized himself with the liturgy and ritual practice.

The term *debtara* (pl.: *debtarotch*) literally means a "tent" or "tabernacle." It is applied to unordained or defrocked clergy who assist the priest in conducting the liturgy. Often the *debtara* is a priest who has divorced, or an individual who is unfit for the priesthood.

The *debtarotch* are often skilled in the performance of sacred music. They are, moreover, educated and often served as scribes. During the twentieth century, the *debtarotch*, like the monk, practically disappeared. Traditionally, they occupied an ambiguous position in society. Despite their role in the religious system, they were also associated with less socially acceptable activities, such as magic and healing. The *debtara* not only copied religious texts but also wrote amulets and charms.

Ritual and Liturgy

Beta Israel religious life was centered around the prayer house (*salota bet*), which is also called a *masgid* (from the root *sagada*: to bow) or *beta maqdas* (sanctuary). A prayer house was constructed in any village that had a priest and/or a significant Beta Israel population. Although the precise details of construction varied from case to case, there were certain common features. The prayer house was usually constructed at the highest place in the village. Moreover, like Ethiopian Orthodox churches, it had a tripartite structure that recalled the threefold division of the biblical Temple.

Sacred objects such as the Orit, priestly garments, books, and ritual vessels where kept in the holy of holies of the prayer house. Entry into it was strictly regimented. Not only were there separate entrances for priests, secular men, and (mainly older or celibate) women, but lepers, slaves, and those rendered impure through sexual intercourse, contact with a corpse, etc. were excluded.

The recitation of prayers was the central activity of Beta Israel practice. Prayers were recited on all holidays and at major stages in an individual's life cycle. Although on occasion recited in the open air, prayers were most commonly chanted in the prayer house. The performance of the prayers was often accompanied by the beating on a drum (nagarit) and the sounding of a gong (*qaccel*). In addition, the priests held staffs (*maqwamiya*), which supported them during long hours of standing in prayer. Prayers were at times accompanied by ritual dances in which priests moved in a circle, waving these staffs in the air. The music of the prayers was known as *zema*, and although a theoretical distinction existed between the words of the liturgy and the melodies, in practice the two were practically inseparable.

Most Beta Israel prayers were in Ge'ez, although there were also some portions in Agaw, a Cushitic language. Neither of these languages has been spoken by the Beta Israel in recent times, and hence most prayers could not be understood by community members.

The Beta Israel classified their prayers in several ways. On the one hand, they were categorized according to the holiday on which they were recited. More broadly, passages that recurred in the liturgy of several annual festivals (see below) were designated as such: annual festival prayers. Prayers recited on fast days, for penance at funerals, and in commemoration of the deceased were known as absolution (*fethat*). Alongside these classifications, the Beta Israel also distinguished day and night prayers and divided these further with regard to the time of day they were recited.

Another major feature of Beta Israel religious practice was the performance of sacrifices (*Qwerban, Maswa't*). Until middle of the nineteenth century, sacrifices were offered by the Beta Israel on many holidays, during rites of passage, as well as at times of trouble or distress, such as illness or drought. During the twentieth century, however, there was a sharp decline in the frequency of sacrifice due to both economic distress and criticisms voiced by foreign representatives of Judaism and Christianity. Thus, with the exception of Passover (*Fasika*), New Years, and commemoration ceremonies, the institution all but disappeared.

Traditionally, sacrifices were offered in the open air on an altar or other site designated for the purpose. Sacrifices were not performed in the prayer house unless it was built of stone. Only whole unblemished animals could be offered as sacrifices. In addition to animal sacrifices, the Beta Israel brought offerings of bread and beer to the prayer house on Sabbaths and other festivals. There a member of the clergy accepted the offering and blessed them, turning to face Jerusalem.

The Liturgical Cycle

In their daily lives, the Beta Israel used the standard Ethiopian calendar, which consisted of twelve months of thirty days each and an additional month of five or six days. However, for the computation of feasts (*ba'al*) and fasts (*tsom*), they used a lunar calendar composed alternately of thirty or twenty-nine days. Every four years, an additional month was added. Although this calendar drew from written sources, including the Pentateuch, Enoch, Jubilees, and a computus of Egyptian origin known as Abushaker, there was no written calendar. The beginning of each month and the precise day for the commemoration of each festival was based on observation of the moon. Thus the date of the new moon was crucial for the correct calculation of other holidays. Since each priest determined the calendar in his village or villages, periodic meetings were necessary to correct any discrepancies that had emerged. In addition, the frequent observance of monthly festivals assisted in the proper computation of holidays each month and over the course of the year.

Among the most important Beta Israel holidays and fasts were:

Sanbat (Sabbath)

Whether considered in the context of Rabbinic Sabbath observance or traditional Ethiopian Orthodox Christian respect for the Saturday Sabbath, Sabbath observance is one of the major themes of their literature (see below) and had a central place in their religious life. The Sabbath was perceived of as a semi-divine female figure who offers respite to the sinners in hell and intercedes on the behalf of those who honor her. Not surprisingly, the Beta Israel themselves at times compare their devotion to the Sabbath to Christian devotion to Mary.

Preparations for the Sabbath began on Friday with washing of clothes, bathing, and preparation of food. However, the beginning of the holiday was usually delayed until well after sunset. A special bread known as *Berkweta* or *Maswa't* was baked and eaten. Sabbath observance was particularly strict: no work was done, no fires were lit (including Sabbath candles), no food cooked, no journey undertaken. Sexual relations were forbidden. The Beta Israel did not fast on the Sabbath unless it coincided with the Day of Atonement. Circumcisions were not performed on the Sabbath until after sunset.

The Beta Israel treated every seventh Sabbath with particular respect and viewed it as a day particularly suited for confession and the absolution of sins. The fourth week of the fifth month was the traditional date of a festival known as Yasanbat Sanbat (the Sabbath of Sabbaths) or Langato (seven). Selections from the liturgy for this day include selections from Arde'et (see below), the song of Moses (Deut. 32), and passages from Exodus.

In addition to the Sabbath, the Beta Israel observed every Monday and Thursday as fast days. On such days they ate no food from sunrise to sunset.

Monthly Celebrations

Traditionally the Beta Israel observed a number of monthly celebrations. The first day of each month was celebrated in keeping with biblical custom, marked by prayers and a communal meal of bread and beer. The tenth, twelfth and fifteenth of each month served as monthly reminders of annual holidays. The tenth of each month commemorated the day of Atonement (Astasreyo), celebrated on the tenth day of the seventh month; the twelfth of each month of marked Ma'rar, which fell on the twelfth day of the third month; this was also the day on which the angel Mikael was honored each month. The fifteenth of each month was commemorated as a reminder of Fasika (Passover) and Tabernacles, which fell of the fifteenth of the first month and the seventh month respectively. Finally, the twenty-ninth of each month served as a preparation for the new moon and commemorated Sigd, which fell on the twenty-ninth day of the eighth month. Over recent years, the observance of lunar holidays lapsed in Ethiopia.

Annual Holidays

Most of the annual holidays observed by the Beta Israel are based on biblical precedents and have parallels in the celebrations of other Jewish communities. However, prior to the twentieth century they did not observe festivals such as Shemini Aseret, Simhat Torah, Hanuukah, Purim, Lag Ba'omer, the fast of Gedaliah, or Tu b'shevat. Moreover, they did observe one unique annual holiday, Sigd, which they attributed to biblical precedent from the time of the return from the first exile. Fast days usually involved abstinence from food throughout the day and from animal products during the evening as well.

The Beta Israel celebrated Fasika or Qwerban in commemoration of the exodus from Egypt from the fifteenth to twenty-second days of the first month. The day before the holiday was observed as a fast day (Tsoma Fasika). On the eve of Fasika, the Beta Israel sacrificed a sheep and recounted the story of the exodus. However, they did not have a Passover Seder or text of the Haggadah. The Beta Israel observed Fasika with tremendous strictness. New clay cooking vessels were prepared each year. All food was prepared daily to prevent leavening over night. The usual pancake-like Ethiopian bread known as *enjara*, which is made with fermented batter, is replaced by a flat cake known as *qitta*.

The fast of Tomos (Tsoma Tomos) is observed from the first to tenth days of the fourth month. The exact reason for this observance is not clear. Both rabbinical Jews (seventeenth day) and Karaites (ninth day) observe fasts during the (tenth) month, Tammuz, commemorating the breach of the walls of Jerusalem by the Romans. It is not clear if there is a connection between these customs and those of the Beta Israel or if this is connected to the biblical custom of a fast of the fourth month (Zech. 8:19).

The fast of Ab (Tsoma Ab) is observed from the first to the seventeenth day of the fifth month in commemoration of the destruction of the first Temple. In the past, the holiday ritual included the ascent of a mountain and prostration similar to that observed on Sigd. When questioned on the length of their fast, Beta Israel priests explained that in Ethiopia they were still mourning the exile.

The eighteenth day, Asartu wasamantu, of the sixth month commemorates the deaths of Abraham, Isaac, and Jacob.

Berhan Saraqa (The light appears) was celebrated on the first day of the seventh month and coincided with the New Year, Rosh Hashanah. Like its pan-Jewish counterpart, it was associated with the patriarch Abraham. Indeed it was sometimes called Tazkara Abreham (the commemoration of Abraham), and the Testament of Abraham was read. The sacrifice of Isaac was also commemorated through the sounding of a ram's horn.

Astasreyo (to forgive) was celebrated on the tenth day of the seventh month. Like Yom Kippur, it was the most important fast of the year and the only one celebrated even if it coincided with the Sabbath. Before the observance began, community members requested forgiveness from each other for sins committed during the year. Many Beta Israel also confessed to their father-confessor on this day. Prayers for the forgiveness of sin were recited throughout the night of the ninth and all of the tenth.

One of the most interesting Beta Israel observances on Astasreyo was the ritual known as *emen*, in which millet was scattered on stones in an act of repentance. Yet another occurred during the afternoon prayers. Midway through the ritual, members of the community jumped up and down, ululating and hissing. Only after several minutes, when the dust raised made it hard to breathe, was the service resumed. The jumping is said to have purged people from sin.

Ba'ala Matsallat was celebrated from the fifteenth to the twenty-second of the seventh month, coinciding with Sukkot (Tabernacles). The Beta Israel did not build booths, nor did they make use of the four species (palm, myrtle, willow, citron). However, the holiday was associated with the wanderings in the desert. Fresh leaves were scattered on the floor of the prayer house. Although in the past the entire holiday may have

been observed as a period of rest, more recently only the first and last days were so honored.

Sigd (from the Ge'ez term *sagada*, to bow) is a pilgrimage festival celebrated by the Beta Israel on the twenty-ninth day of the eighth month, on the fiftieth day after Astasreyo. There are several interpretations of its significance. Some associate the holiday with the renewal of the covenant during the period of Ezra and Nehemiah (Ezra 8–10), and passages from these texts were part of the holidays liturgy. However, the scriptural texts concerning the revelation at Sinai (Exod. 19–20) and the Decalogue were also read and associated with the holiday. In many aspects, Sigd recalled the pattern of supplication and confession that characterizes Christian observances known as Mehella (Supplication). Indeed, the holiday was sometimes referred to by this name.

Sigd was celebrated on the summit of a mountain that was not contaminated by tombs, non-Jews, or animal remains. On the day of the festival, the Beta Israel ascended the mountain carrying stones on their heads as a sign of submission. These stones were then used to create a circle within which the ritual was conducted. The clergy brought various ritual objects, including a copy of the Orit. In addition to the texts already mentioned, the liturgy included sections from the Astasreyo ritual as well as three repetitions of the *emen* ceremony. During the first part of the holiday people, fasted; however, when they descended the mountain in the afternoon, a festive meal was held.

Although the Beta Israel did not celebrate Purim with a reading of the megillah and other ceremonies, they did observe the fast of Esther (Tsoma Aster) in commemoration of the queen's fast, as recounted in the Esther 4:16. There appears to be some confusion regarding the precise day of this observance, because the name of the third Ethiopian month, Hedar, is similar to the Hebrew month of Adar. However, the fast has usually been observed between the eleventh to the thirteenth of the eleventh month.

The holiday of Ma'rar (Harvest), which corresponds to Pentecost (Shavuot), was celebrated on the twelfth day of the third month, seven weeks after the last day of Fasika (and not seven weeks after the second day, as in other Jewish communities). Grain or bread were brought to the prayer house, where they were blessed by the priest. This ceremony was followed by a communal meal. Some Beta Israel informants report that prayers regarding the giving of the law at Sinai were recited. Another Ma'rar was celebrated on the twelfth day of the ninth month, seven weeks after the festival of Sukkot (Ba'ala Matsallat). This date was chosen to better coincide with the actual harvest in the Ethiopian agricultural cycle.

Ritual Purity and Rites of Passage

Ritual purity played a central role in Beta Israel, both in the regulation of internal communal relations and defining their differences from their mainly Christian neighbors.

The Beta Israel were particularly devoted to the laws that governed female purity during menstruation and after giving birth. Even when the observance of other purity laws began to decline, these rituals were maintained with a special tenacity. Unlike Rabbinic laws of *niddah* as interpreted today, these rules applied not only to married women but to single women, widows, and even servants residing with the Beta Israel. According to Beta Israel practice, a menstruating woman left her house and entered a menstrual hut known as a *yamargam gojo* (the hut of the curse) or *yadam gojo* (the hut of blood), where she remained for seven days. This hut was located at the edge of her village and demarcated by a border of stones. Only her children and other women, who brought her food, were allowed to enter. At the completion of seven days, the woman immersed herself and washed her clothes before returning home.

Often a pregnant woman, especially in the case of a first child, traveled to her mother's village to give birth. When she went into labor, she entered the menstrual hut along with two midwives. (They were rendered impure through their contact with her and had to purify themselves before

returning to the community.) When the child was born, the woman of the village emitted twelve cries if it was a boy and nine if a girl.

For Beta Israel boys, circumcision (*gezrat*) took place on the eighth day after birth, unless this fell on the Sabbath, in which case the ceremony was delayed until after sunset. Prayers were recited by a priest, but either a man or a woman could perform the circumcision. In either case, the circumciser had to be purified before returning to the community. After circumcision, the mother and infant entered the *yaras gojo* (birth hut), where they remained thirty-nine days.

Female circumcision was practiced by the Beta Israel in Ethiopia. The custom appears to have been in decline throughout the twentieth century. Unlike male circumcision this ritual had no fixed day and minimal religious content. Female circumcision was only performed by women. Two weeks after the birth of a girl, the mother and child entered the birth hut where they remained for sixty-six days.

Forty days after the birth of a boy and eighty days after the birth of a girl, the mother and child ended their isolation. A priest gave the baby its name and immersed it in water. Despite the obvious similarities to Christian baptism, which also takes place on the fortieth or eightieth day, the Beta Israel prefer to emphasize the biblical mandate for the separation and purification of the mother. The Ethiopic text known as the book of the disciples (Arde'et) was read as part of this ceremony.

The Beta Israel believed it to be of the utmost importance that the dead receive a proper burial and be properly commemorated. A person who felt death approaching, would offer a final confession to his or her spiritual guardian. If possible, a person was buried on the day of death or the following day. However, funerals were not performed on the Sabbath or Day of Atonement. Cemeteries were located at the outskirts of villages and divided into sections for priests, elders, wives of priests and elders, ordinary people, and children. Suicides were not buried in the cemetery.

Priests recited psalms, prayers of absolution (*Fethat*) at the funeral. For seven days after the funeral, close kin of the deceased abstained from work. One the seventh day, a sheep or goat was sacrificed, and a feast was prepared. The *tazkar* is observed annually on the anniversary of the death.

Throughout history the number of people who converted in order to join the Beta Israel community was probably small. The major exceptions to this rule were servants and slaves, who had to be converted, or at least ritually purified, in order to live with the Beta Israel. Beta Israel conversions to Christianity and in some cases Islam were much more common. Converts or those rejoining the Beta Israel after having joined other religious communities were (re)integrated in similar ceremonies. The candidate brought a bar of salt to the priest and was given chickpeas and water to sustain him during a seven day period of exclusion. During this period, he or she was taught the main points of the faith, particularly the Ten Commandments. This was naturally much more intensive for a new convert than for those rejoining the community. After seven days, candidates washed themselves and their clothes, had their head shaved, and then rejoined the community. A brief ceremony was performed during which the candidate prostrated before the priest and was given bread to eat.

Literature

Any consideration of Beta Israel literature must begin with the Bible. Their version of the Old Testament, known as the *Orit*, is identical to that of the Ethiopian Orthodox Church. Not only was it translated primarily, perhaps exclusively, from the Septuagint, but it also included such apocryphal and pseudepigraphical works as Tobit, Judith, Ben Sira, and most importantly Enoch and Jubilees. The last of these is especially important to the Beta Israel and appears to have had an important influence on their religious life and calendric system. Owing to the expense of preparing handwritten parchment manuscripts in Ethiopia, copies of the *Orit*

were comparatively rare in Ethiopia. Often the Beta Israel acquired a manuscript that had been written by Christian scribes. In Ethiopia, copies of the *Orit* existed in book (codex) rather than scroll form. The Beta Israel are not familiar with the Talmud or later Rabbinic literature. There is, moreover, no evidence that the Beta Israel were ever familiar with Hebrew or possessed any Hebrew literature.

In addition to the aforementioned biblical works, the Beta Israel possessed a number of non-canonical works. Almost without exception, the literature of the Beta Israel did not originate within their community, nor did it reach them directly through Jewish channels. Rather, the majority of Ethiopian "Jewish" texts reached the Beta Israel through the mediation of Ethiopian Christian sources. With one or two exceptions, the Beta Israel appear to have chosen works whose Christian versions already displayed a clear biblical-Jewish tone. Thus the Christian versions could be adapted for Beta Israel use without the necessity of major rewriting.

Mota Muse (The Death of Moses), Mota Aron (The Death of Aron), and the Gadlat (Testaments) of Abraham, Isaac, and Jacob all relate the deaths of biblical figures. Arde'et (The Disciples) contains Moses' secret teachings to his disciples (the leaders of the twelve tribes). This book, which is recited at the purification ceremony of a woman after she gives birth, also exists in a Christian version, in which Jesus teaches his disciples. Nagara Muse (The Conversation of Moses) contains a dialogue between Moses and God, in which the divine essence and the punishment of the dead are explained.

The importance of the Sabbath forms the focus of works such as Te'ezaza Sanbat (The Commandments of the Sabbath), Nagara Sanbat (The Teachings of the Sabbath) and, to a large extent, the homiletic work Abba Elijah.

The fate of the soul after deal is yet another central theme of Beta Israel literature. In addition to Nagara Muse, it is discussed in several other works. Matshafa Mal'ekt (The Book of Angels) describes a struggle between the angel of light and the angel of darkness over the souls of the deceased. In the Apocalypse of Baruch, the angel Sutu'el shows Baruch the heavenly Jerusalem and the different levels of Hell as well as a vision of the end of times. In Matshafa Gorgoryos, the angel Mikael shows the prophet Gorgoryos the glories of paradise and the punishments of Hell.

Other Beta Israel works include Baqadami Gabraigzi'abeher (In the Beginning God Created), Weddase Tebab (The Praise of Wisdom), Gadla Sosna (The History of Susanna), and numerous prayers.

At least seven of the Beta Israel texts were translated into Ge'ez from Arabic sources. Since such translations did not begin until the later thirteenth or early fourteenth century, none of these works can predate this period. Indeed, it appears likely that most of these texts reached the Beta Israel in the fourteenth or fifteenth century. However, one of them, *Nagara Muse*, dates to the eighteenth century. Given the ritual-cultic importance of books such as the Arde'et, *Mota Muse*, and *Gadla Abreham*, which are read respectively at purification ceremonies, funerals, and on the New Year, this dating has a significance beyond the realm of literature, since it confirms a comparatively late dating for these elements of the religious system.

As noted above in the discussion of ritual and liturgy, the recitation of prayers played a major role in Beta Israel religious life. Although many such prayers have been preserved in manuscript form, there is no complete written text of the liturgy. Many prayers appear to have never been committed to writing and were passed from generation to generation in oral form. Similarly, the musical performance was transmitted orally. Most prayers are recited in Ge'ez, but there are some passages in Agaw. From a textual point of view, the texts draw heavily on the Bible, particularly the Orit and the Psalm of David (Mazmura Dawit). Certain texts such as Deut. 6:5 or Isa. 6:3 recur in many points in the liturgy.

Although most scholars have focused on the written literature of the Beta Israel, in recent years, their oral traditions have received long overdue attention. This corpus

includes historical traditions, ritual practices, and interpretations of and commentaries on written texts. While most Beta Israel have only a passing familiarity with this material, clergy and other elders often serve as vital repositories of communal memories. More broadly, though somewhat removed from religion in the narrow sense, the Beta Israel also preserve a body of proverbs, folktales, and popular songs. Most of these are secular in character and reflect the folk wisdom that accumulated over generations. Some, however, concern or reflect the Beta Israel's special circumstances as Jews living as a minority among a powerful, largely Christian population.

External Influences and Recent Changes

Although Beta Israel religious practice developed and evolved throughout its history, changes became particularly obvious during the past hundred years as a result of contact with representatives of World Jewry.

As noted above, both linguistic and cultural evidence support the idea that there were early Jewish influences on Ethiopian civilization. However, there is no comparable evidence for Jewish influences in later periods. Despite the proximity to Egypt and Yemen, the Jewish populations of those countries do not appear to have had any direct cultural influence on Ethiopia following the rise of Islam. Thus it was only in the second half of the nineteenth century that the Beta Israel came into contact with other Jewish populations. In the wake of the efforts by European missionaries to convert the Beta Israel to Protestant Christianity, Jewish groups in Europe decided to investigate this distant and threatened Jewish community. In 1867, Joseph Halévy became the first practicing Jew to visit the Beta Israel in Ethiopia. His travel reports are one of our earliest detailed descriptions of their society and religious life. Halévy was not pleased by much of what he saw in Beta Israel religious life, and he made no effort to hide his displeasure. However, he spent only a few months in their presence, and his impact on their daily life was very limited.

The arrival in Ethiopia in 1904 of Halévy's student, Jacques (Ya'acov) Faitlovitch, marks a turning point in the relationship between the Beta Israel and the outside Jewish world. The "normalization" of Beta Israel religious life was an important part of Faitlovitch's agenda. Like the Christian missionaries who preceded him, he was very critical of such features as animal sacrifice, monasticism, and ritual purity. Although he was not as successful as he hoped in reforming the Beta Israel, and his impact varied tremendously from region to region, his introduction of external Jewish elements began a process that has continued to this day. At the same time, general social changes and patterns of modernization, including modern education and in a few cases urbanization, also altered some aspects of traditional Beta Israel life.

Faitlovitch's activities were cut short by the Italian Fascist invasion of Ethiopia. In his absence, the Italian scholar Carlo Alberto Viterbo retained contact, but was less intrusive in his attitude towards Ethiopian Judaism. Following the restoration of Imperial rule in Ethiopia, Jewish contacts resumed and pressures for change renewed. Purim was first celebrated in some Ethiopian villages in 1953, the same year that Hebrew prayer books (Nusach Ashkenaz) were distributed and a Jewish Agency school was opened in Asmara. In the 1950s, two small groups of Ethiopian youths were taken to Israel and educated by Youth Aliyah. Upon their return they began to introduce such elements as Hebrew prayers, Hanukah, and the lighting of candles on Sabbath eve. In 1959, Rosh Hashanah (two days), Yom Kippur, and Sukkot were observed in their standard Jewish form for the first time in Ambober, the Beta Israel village most exposed to outside influences. In 1961, 1,500 copies of an Amharic booklet on holiday and Sabbath observance were distributed by the Jewish Agency. Elements of "normative" Jewish practice, such as the use of Torah scrolls, began to be introduced in the celebration of *Sigd*.

Perhaps the clearest testimony to the

impact of outside influences was found in the prayer house in the village of Ambober, as observed in the 1970s, just prior to the beginning of emigration to Israel. A stone building built in a square shape, it had a tin roof with a Star of David. In additional to parchments of the Orit, it also had a small donated Hebrew Torah scroll. Hebrew prayer books and prayer shawls were found side by side with such traditional Ethiopian objects as umbrellas, drums, and gongs.

Changes in Israel

Beginning in the 1970s, hundreds of Beta Israel began to arrive in Israel. By the end of 1985 and the completion of two airlifts from the Sudan ("Operation Moses" and "Operation Sheba"), over fourteen thousand Ethiopian immigrants had come on *aliyah*. By the completion of Operation Solomon in May, 1991, this number had risen to over forty thousand. A decade later, over fifty thousand Ethiopian immigrants had reached Israel. When these are coupled with the children of Ethiopian descent born in Israel, their total number is close to eighty thousand. Although contacts with representatives of world Jewry had brought about certain changes in Beta Israel belief and ritual in Ethiopia, these pale in comparison to what occurred in Israel.

Although the Beta Israel was recognized as a Jewish community by Israel's religious and secular authorities, serious questions existed regarding the personal status of individual community members. While most Beta Israel immigrants were recognized as Jews under Israel's Law of Return, Rabbinic authorities were concerned that non-halakhic conversions and divorces performed in Ethiopia had resulted in a large number of Ethiopians who were not halakhically Jewish or should be designated *mamzerim* (of impaired status). In the early 1980s, all Ethiopians entering the country were required to undergo a conversion or "reunification" ceremony that included ritual immersion, acceptance of the *mitzvot*, and (in the case of men) symbolic recircumcision (*hatafat dam brit*). Later the demand for circumcision was dropped, and, following a protest in 1985, only couples wishing to marry were expected to undergo the other rituals. Demands for such ceremonies have declined in recent years. However, the arrival in Israel of large numbers of "Falas Mura," descendants of Beta Israel who had converted to Christianity, has meant that many immigrants who arrived after 1991 have had to undergo a complete or partial conversion to Judaism.

Given the monopoly that Orthodox religious groups enjoy over religious services in Israel, it is not surprising that Beta Israel clergy were not allowed to retain their clerical status. Under Israeli law, they are not recognized as clergy and do not have the right to perform rituals such as weddings, circumcisions, or funerals. Moreover, the dissolution of communal life in the course of *aliyah* and the resettlement of immigrants with no regard for prior village associations inevitably resulted in a disruption of ties between priests and their followers. Most priests (*qessim*, as they are known in Israel) have continued to perform some religious duties and to participate in ritual gatherings. Moreover, some attempts have been made to recognize the existence of the priests as a corporate group. A council of priests, for example, advises the Israeli rabbinate on the status of Ethiopian couples wishing to marry.

A small number of younger priests have undertaken studies that enable them, at least in theory, to exercise some formal religious functions, and some priests are among the Ethiopians who have been trained as rabbis. However, the number of Ethiopian rabbis remains small, and not even all of these actually serve as rabbis. Ethiopian synagogues have been established in a small number of communities, but, unlike other Israeli immigrant populations, these are the exception rather than the rule.

Not surprisingly, the move to Israel has produced a clear generational division among the Ethiopian population with regard to observance. As a rule, elders have tended to be more faithful to traditional Ethiopian practice. Youngsters, who are much more exposed to both secular and religious Israeli lifestyles, usually favor one of these options

at the expense of their parents' form of Judaism. Nowhere is this clearer than in the case of marriages, in which the traditional Ethiopian prohibition against intermarriage within seven generations has tended to be replaced by five generations or even less for young people marrying today.

In Ethiopia, the different religious communities (Jews, Muslims, Christians) were distinguished not only by doctrines and ritual but also by strict rules of social separation. Members of one community did not consume meat slaughtered by and for members of the other communities. It is significant therefore to note that in Israel many elderly Ethiopians do no consume meat prepared by the state approved ritual slaughterers. Rather, they prefer to purchase an animal and have it slaughtered and prepared for consumption by their own officials, ideally a priest.

Ethiopian traditions of ritual purity have also weakened seriously since their arrival in Israel. Israeli authorities made a conscious decision not to facilitate the observance of menstrual separation. Separate rooms or buildings were not provided for immigrant women while they resided in absorption centers or other forms of public housing. Moreover, Rabbinic demands for ritual immersion as part of a conversion ceremony discouraged Beta Israel women from going to the *mikveh*, lest this be interpreted as submission to this dictate. The comparatively late age of marriage of Beta Israel women in Israel, as well as their unprecedented presence in the educational system and workforce, are yet other factors that discourage traditional menstrual observances.

Although it is still possible for women to observe the days of separation after the birth of children, this custom has also changed dramatically. Most Ethiopians visit a woman after she gives birth, and some will kiss and touch a post-partum woman and her baby. Others will enter her room, but refrain from contact, and the most traditional will not even enter the room. Whatever the form of observance, purification and naming ceremonies, forty or eighty days after birth, remain popular and, in the case of male children, are often celebrated with more fervor than the circumcision.

Funerals continue to be among the largest and most important gatherings of the Ethiopian community. Although the burial itself is controlled by the official Israeli rabbinate's *hevra kadisha* (burial society), the mourning rituals with their pubic laments and *tazkar* commemoration ceremonies remain largely unchanged.

Most Beta Israel holidays that parallel pan-Jewish observances have been assimilated to their non-Ethiopian equivalents. In a few cases, some distinctive Ethiopian practices remain. Thus, some families still sacrifice or slaughter a sheep on Passover. Sabbath observance often begins well after sunset. Astasreyo observances remain far less somber than the equivalent Yom Kippur observances. Lunar celebrations and other monthly celebrations that had already declined in Ethiopia have all but disappeared except among some elders. At the same time, many families, particularly those with children in the Israeli school system, have begun to celebrate Purim, Hanukah, Simhat Torah, and other festivals unfamiliar to them in Ethiopia.

The Ethiopian's unique pilgrimage-covenant holiday, Sigd, continues to be celebrated in Israel with a central national ceremony conducted in Jerusalem. Israeli dignitaries, politicians, and religious officials join with the pilgrims, who usually number several thousand. In the spring of every year, on Jerusalem day, which celebrates the reunification of the city in 1967, the Ethiopian community holds a ceremony in memory of those who perished in an attempt to reach Israel.

Epilogue

During the twentieth century, Beta Israel Judaism ceased to exist in its customary form. Initially, contact with representatives of world Jewry led to changes in Ethiopia of an indigenous tradition that had existed for hundreds of years. However, in the last decades of the century, the move to Israel of virtually all practicing Beta Israel put an end to Jewish communal life in Ethiopia. Moreover, the pressures on Ethiopian immigrants to adopt lifestyles similar to those of either their religious or secular Israeli

neighbors have led to a large-scale abandonment of Ethiopian customs and practices. At the dawn of a new millennium it appears unlikely that much more than remnants and scattered elements of Ethiopian Judaism will survive beyond the next few decades.

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NOTE

[1] With the emigration of virtually the entire Beta Israel population to Israel by 1991, their religious system ceased to be a functioning reality. Accordingly, all discussions of religion in Ethiopia have been worded in the past tense.

Evil Eye in Judaism

THE concept of the Evil Eye is based upon the notion that an individual has the potential, voluntarily or involuntarily, to influence other individuals or objects by merely gazing at them. The belief in the Evil Eye is found throughout the ancient cultures that came into contact with Judaism, and in a substantial portion of Rabbinic literature the existence of the Evil Eye is acknowledged. The manifestations of the Evil Eye in Judaism generally do not differ from those in other cultures. An Evil Eye may obtain its evil character from a person's own inclination, which is defined by the system of religious teachings surrounding the Evil Eye. The Evil Eye can be prevented from working. One may devise objects, words, or rites to protect against the Evil Eye. These protective devices require religious congruity within the sphere of Rabbinic thought.

Belief in the Evil Eye can be explained by different systems of analysis, for example, using psychoanalysis, which views the Evil Eye as an institutionalized psychological embodiment of harm. For the occurrence of envy and aggression in Rabbinic literature, it has been suggested that the rabbis could be viewed in the role of therapists (Shrut). However, people who are naturally empowered with an Evil Eye are not always envious; they affect other people in a harmful way, but they do not intend to do so since they use the Eye without malice. In anthropology the stare is related to responses of dominance and submission (Maloney). The human glance can be understood as an act of engagement preceding interaction on other levels such as speech. The reduction of the stare to one eye—the usual way an Evil Eye works—is considered to increase the focusing and the intensity of it; however, in Rabbinic literature the Evil Eye is operated by one or by both eyes. The Evil Eye was used as a device to explain in part the reality the rabbis encountered as well as the scriptural passages they interpreted. Subsequent to the formative period of Judaism the Evil Eye belief is found in later Jewish folklore, in the superstitious world of the medieval Ashkenazi communities, in the Sephardic communities in the Mediterranean countries, as well as in the particularly strong superstitions prevalent in Hasidic circles in Eastern Europe. The Evil Eye plays a major role in Jewish literature and life until today.

The idea of the Evil Eye as an independent power is not prevalent in the Hebrew Bible; an active use of the eye, meaning an intense look, is found in 1 Sam. 18:8–9. In Talmudic literature, the usual terms employed to denote the Evil Eye are *ʿeyn ha-raʿ* or *ʿeyna bisha*. In a wider sense of its meaning the Evil Eye has a counterpart in *ʿayin tovah*, a Good Eye, also a benevolent eye, which expresses goodwill or generosity and the acceptance of the commandments in

the Rabbinic texts. The Evil Eye is also a value concept in which a person's ethical behavior is concentrated. Moses had a Good Eye because he shared the Torah with Israel; consequently, the Torah should be taught with a Good Eye (Tanhuma, printed edition, *Wezot Ha-Berakhah* 1). Moses and his Good Eye are mentioned in reference to bestowing blessings upon Israel. This is contrasted with Balaam who cursed Israel; however, Balaam was prevented by God from using his Evil Eye (Pesikta de-Rav Kahana, *Zot Ha-Berakhah*). Compare Zohar III, 63b: "There are people who are specially fitted to bestow blessings, such a person has a Good Eye. And there are people who are especially fitted to bestow curses, and curses burn wherever they set their eyes."

A gift presupposes that the donor acted with a Good Eye (B. B.B. 71a). In respect to the Good Eye, women have been given a special status in some Rabbinic texts. The Good Eye of women grants them the right even on a festival to measure flour and to separate *hallah* for the priestly share (B. Bes. 29a).

The Evil Eye as the Major Cause of Death

Some sources claim that the Evil Eye is the major cause of death (Y. San. 10:5; Y. Shab. 14:3; Lev. Rabbah 26:8; Zohar III, 206a). B. B.M. 107b explains that the Evil Eye is the essential cause for all illness. The Tosafot mention in this context that Joseph's offspring lived long because the Evil Eye had no power over them. The Evil Eye concept served as a *modus explicandi*; however, this hermeneutical procedure was firmly based on religious convictions of the rabbis. Since the midrashic reading of Deut. 7:15 emphasizes that the Eye is the real cause of "all sickness," the expectation inherent in this verse, that God will remove "all sickness," can refer to the Evil Eye God will remove from Israel. A variant of the idea that the Evil Eye causes sickness is the presumed causal relationship between the Evil Eye and leprosy, which is just another expression of the harm caused by the Eye (Tanhuma, printed edition, Metzorah 4).

The Evil Eye of the Rabbis

Some rabbis possessed powers pertaining to the Evil Eye. They are depicted as using their eyes in disapproval, killing with their look people guilty of violating certain mitzvot. One such instance of Rabbinic disapproval concerns the utterance of the Divine Name in vain, which results first in poverty and ultimately in death (B. Ned. 7b):

> . . . mentioning the Divine Name [in vain] always leads to poverty. Poverty leads to death, as it is written: *For all the men are dead* (Exod. 4:19). And it was taught: Wherever the sages cast their eyes, death or poverty results.

It is possible that Rabbinic literature operated under a general assumption that the rabbis were endowed with the power of the Evil Eye (B. M.Q. 17a-b). One text relates this power to an incident in the Hebrew Bible. Elisha looked at and cursed some children who mocked him; these children were later attacked and killed by two bears that emerged from the forests (B. Sot. 46b). 2 Kgs. 2:24 containing the expression "he saw them" is immediately followed by the phrase "he cursed them;" therefore, the verse is understood to refer to an action of cursing that is inherent in Elisha's look. According to the midrash, he saw that the children did not have a trace of the commandments and this ultimately led to the use of his Eye to cause their deaths.

According to B. Ber. 58a, based upon his knowledge of Torah, the blind rabbi, Sheshet, could sense when it was appropriate to recite a blessing. A heretic's astonishment at this capacity led him to attack the rabbi. This needed to be punished, and the Talmud offers two alternate punishments that might have been inflicted. In the first case, he loses his sight and so is left in a similar condition as the rabbi. In the alternative, Sheshet cast his eyes upon the heretic, reducing him to a heap of bones. This punishment would suggest that the blind rabbi cast a "mental eye" or an "internal eye" on the man.

The question of accepting the Torah and the interpretations of the rabbis is raised in another story about a heretic (Pesikta de-Rav Kahana 18).

And your gates of gems hollowed out (Is. 54:12). R. Jeremiah in the name of R. Samuel b. Yitzhak said: From a single pearl the Holy One will hollow out the eastern gate of the Temple together with its two wickets. R. Yohanan was sitting in the great synagogue of Sepphoris and he was preaching: The Holy One will hollow out the eastern gate of the Temple and its two wickets out of one pearl. A certain heretic who was a sailor was there and said: I saw that precious stone and you cannot find a pearl that is even as large as a pigeon's egg and this man who sits here talks like that.

Some time later, as the heretic was sailing across the Great Sea, his ship sank, and he went down to the bottom of the depth and the Holy One, blessed be He, enlightened his eyes and he saw ministering angels hollowing, shaping and carving designs in it. He said: For whom is that? They said: It is the eastern gate of the Temple with its two wickets being made out of one pearl. From there he escaped by a miracle.

A year later the heretic returned and found R. Yohanan sitting and explaining the same verse: The Holy One will hollow the eastern gate of the Temple with its two wickets out of one pearl. The man said: Old man, old man, everything you say, all the glorious things you tell us, if I had not seen them with my own eyes, I would have never believed it. R. Yohanan said: If your eyes had not seen what I was saying when I was teaching the Torah, would you not have believed it? At once [R. Yohanan] lifted his eyes and looked at the man, and the man was instantly turned into a heap of bones.

Parallel texts (B. San. 100a; Midrash Tehillim 87) emphasize that the disrespectful doubt voiced by a disciple includes irreverence of the sages.

> Once a man came to Rav and said to him: What is the case if an idolater or a slave had sexual relations with the daughter of an Israelite? [Rav] said: The child is legitimate. The man said: Give me your daughter. Rav said: I will not give her to you. Shimi b. Hiyya said to Rav: People say that in Media a camel can dance on a *kav*. Here is the *kav*, here is the camel and here is Media, but there is no dancing. Rav said: Even if he had been equal to Joshua b. Nun I would not have given him my daughter. The others said: Had he been like Joshua b. Nun, others would have given him their daughter, if the master had not given him his daughter. But concerning this man, if the master will not give him, others will not give him. As the man refused to go away, [Rav] fixed his Eye upon him and he died (B. Yeb. 45a).

When a man insists on marrying the daughter of Rav, Rav kills him by his look. In other cases the rabbis also punished people for invalid or unworthy arguments.

> A daughter of R. Papa's father-in-law fell to the lot of a levir [brother-in-law] who was unworthy of her. When the levir came before Abayye, he said to him: Submit her to *halitzah* and you will thereby wed her. R. Papa said to him: Does the master not accept the ruling of R. Yohanan? What then could I tell him [to convince him to participate]? He said: Tell him to submit to *halitzah* on condition that she pays him two hundred *zuz*. After [the levir] had submitted to *halitzah* at her hand, [Abaye] said to her: Go and give him the [money]. R. Papa said: She was fooling him. Has it not been taught: If a man escapes from prison and sees a ferry boat and says: Take a *denar* and take me across, he can only claim his ordinary fare? From this it is evident that the one can say to the other: I was fooling you. So here too [it has been said:] I was fooling you. Abaye said: Where is your father? He said: He is in town. Where is your mother?—In town. [Abayye] set his Eye upon them, and they died (B. Yeb. 106a).

According to Papa, no legal obligation is incurred by promising the *levir* an excessive sum for performing a pre-existing duty. However, one should not make empty promises and one should not deceive someone who performs a legal duty. One underlying reason for the punishment was that one who transgresses the words of the sages deserves death (B. Ber. 4b). The rabbis did not spare another rabbi or his family when they set their eyes in order to inflict punishment (B. Hag. 5a–b). The rabbis use their Eye against a rabbi who is overly zealous in his piety. This zealot, Zera fasts for many days and fulfils the commandments more than he is required to do and unnecessarily subjects himself to tests of his endurance.

> When R. Zera emigrated to the Land of Israel he fasted a hundred fasts to forget the Babylonian Gemara, that it should not trouble him. He also fasted a hundred times that R. Eleazar should not die in his lifetime so that the communal care should not be his obligation. And another hundred that the fire of Gehinnom should be powerless

> against him. Every thirty days he tested himself. He heated the oven, ascended and sat in it, but the fire had no power against him. One day, however, the rabbis cast an Eye upon him and his legs were charred. After this he was called "short and leg-charred" (B. B.M. 85a).

Even if the Eye is supposedly used for a moral purpose, there are dangers inherent in this practice that lead to extreme acts of fanaticism. In one such instance, Simeon and his son Eleazar were extremely righteous people who hid in a cave for twelve years from the tyrant Hadrian. Upon the death of Hadrian, they emerged and were outraged by the immoral world they encountered. Their outrage led them to use their eyes to burn down everything they witnessed. At this point, a *bat kol*, a heavenly voice, interrupted their religious zealotry. Apparently, God preferred to allow the world to continue as it was rather than be destroyed. Although the Eye in this case was allegedly used for a moral purpose, the destruction of evil, God intervened to save his world (B. Shab. 33b). In other examples, people use their Eye to carry out their understanding of justice:

> As R. Simeon was leaving [Tiberias], he passed the synagogue of Magdala and heard the voice of Nakhai, Magdala's school-master, call out: Here is the son of Yohai who is said to have purified Tiberias. R. Simeon said to Nakhai: Were you not counted among those who officially declared that Tiberias was purified? He lifted his eyes and looked at him and he instantly was turned into a heap of bones (Pesikta de-Rav Kahana 10).

The city of Tiberias was supposedly founded on top of some old tombs, which would be a reason for impurity. Simeon punishes Nakhai who himself had previously declared Tiberias to be clean.

> A certain old man said: The son of Yohai has purified a cemetery! [Simeon b. Yohai] said: Had you not been with us, or even if you have been with us but did not vote, you might have been right. But now that you were with us and voted with us, it will be said: Whores paint each other, how much more so scholars. [Simeon b. Yohai] cast his Eye upon him and he died. He went out into the street and saw Judah, the son of proselytes. He said: That man is still in the world! He cast his eyes upon him and [the traitor] was turned into a heap of bones (B. Shab. 34a).

One rabbi, Yohanan, was particularly famous for the power of his gaze; his eyes would "boil" at times (B. B.B. 75a). People were careful to avoid his look, as is related in an anecdote about the son of Resh Laqish.

> On another occasion R. Yohanan met the young son of Resh Laqish sitting and reciting the verse: *The foolishness of man perverts his wary; and his heart frets against the Lord* (Prov. 19:3). R. Yohanan said: Is there anything written in the writings to which allusion cannot be found in the Torah? The boy said: Is then this verse not alluded to in the Torah, since it is written: *And their heart failed them and they turned trembling one to another, saying: What is this that God has done unto us?* (Gen. 42:28). R. Yohanan lifted up his eyes and stared at him, whereupon the boy's mother came and took him away and said: Go away from him, that he will not do to you as he did to your father (B. Ta. 9a).

This anecdote presupposes the familiarity with another anecdote in which it is related that Yohanan's Eye was the cause of Resh Laqish's untimely death (B. B.M. 84a). This former incident prompts the mother of a gifted child who is being admired by Yohanan to admonish the boy and remove him from the sphere of influence of the Eye. It is not always possible for the victim of an Evil Eye to realize when he or she is in mortal danger, for even a look of admiration may be a disguise of the Evil Eye; this is a common feature of the Eye belief that is still present in various cultures until today. By using a rabbi as the possessor of the Eye it is implied that the admirer of the child does not necessarily have an evil intention. This is also true for the universal belief in the Eye in the Jewish and non-Jewish world. The notion that the possessor of an Evil Eye may cast the Eye unintentionally is one of the main attributes of the belief in the Evil Eye.

> R. Yohanan was sitting upon seven mats. Whenever he made a statement against which a difficulty was pointed out, one mat was pulled out from under him until he remained seated on the ground. Since R. Yohanan was a very old man and since his eyelashes were hanging over his eyes, he said to them: Lift up my eyes for me

> because I want to see. So they lifted up his eyelids with a silver kohl-stick. He saw that R. Kahana's lips were parted and thought that he was laughing at him. He felt aggravated and consequently R. Kahana's soul went to rest. On the next day R. Yohanan said to our rabbis: Did you notice how the Babylonian was making fun of us? They said to him: This was his natural appearance (B. B.Q. 117a–b).

Yohanan inadvertently used his Eye to punish Kahana, whom he perceived as being disrespectful. However, the other rabbis or disciples tell Yohanan that Kahana had a cleft lip, which made him look as if he were laughing. Only by humbling himself completely is Yohanan able to raise Kahana from a cave. Using the Eye against disrespectful disciples or colleagues was a common occurrence in the anecdotes in the Rabbinic texts. Not only Yohanan was noted for his critical and destructive Eye, but also Eliezer (B. Bes. 15b). In a Talmudic unit of arguments Eliezer is said to have a dispute with his colleagues in which he raised every possible argument but they did not accept any of them. Eliezer challenged the foundation of Rabbinic Judaism itself by advocating through his actions that the rabbis should rely upon new revelations and miracles in order to interpret the halakhah. As a result of his subsequent excommunication Eliezer is in mourning and destroys a third of three critical crops; in a baraita it is taught that he burned everything with his eyes. Gamaliel, who was Eliezer's main adversary in the dispute, is put into danger while traveling at sea (B. B.M. 59b). This story shows the power of the Eye as well as reliance upon miracles in order to prove an argument. The Eye is supported by some cosmic forces, which leads to the destruction of the crops and the creation of huge waves on the ocean. Since the use of an Eye by a rabbi was generally caused by disapproval or criticism, any critical remark by this rabbi could provoke the destructive power of his Eye.

In B. A.Z. 65a, Bar Sheshak, a gentile, is angry at Rava and pronounces a curse that includes the Eye. This curse is superficially a wish that is beneficial for Rava. Any Eye that wants to see evil fall upon him should burst, or as the commentator Rashi remarks, it should be uprooted. The Eye that is mentioned in the curse becomes a self-fulfilling prophecy for the gentile, because Rava responds to it with "Amen." Self-destruction by an Evil Eye is a common fear inherent to the belief in the Eye.

The Evil Eye of the rabbis was used in the legends of later midrashic works that mirror the Talmudic legends (*Otzar Midrashim*, 333b–334a, Maasiyot). Simeon b. Yohai is depicted as a wise man who can cast an Eye and deal effectively with spirits. In this text the power of the rabbi to use his Eye is a tool of survival for the Jewish community. In a more recent midrash, the expression "to set their eyes upon him and he turned into a heap of bones" is said to refer to the first Hasidim, pious men, who would adhere their thoughts onto the upper realms and anything upon which they concentrated at that moment would come to fruition, whether it was good or bad (Midrash Talpiyyot 142a). In this instance the divine power is utilized by the Hasidim in their application of the Eye. The deliberate use of the Eye by the rabbis appears to be related to their power in general. Whereas in folk-belief witches and magicians could make use of an Evil Eye in order to force people to perform according to their arbitrary wishes, the rabbis would use the power of their gaze to make certain people comply with their halakhic and ethical standards. The use of the Eye by the rabbis is generally directed against other people, including heretics, disobedient disciples and zealots. In Rabbinic literature, when the power of the word was not sufficient to prevail, the rabbis could use their Eye to burn and kill.

Biblical Figures and the Evil Eye

The rabbis used the Evil Eye concept to explain certain actions and events in Scripture. The Rabbinic technique is to use parts of the Scriptural narration and construct the midrashic text around this narrative. The Evil Eye is interjected into the Scriptural context in order to explain the real motivations behind the actions of several biblical figures (Sarah, Esther, Balaam, Cain,

and Esau). The Sodomites were considered by the rabbis to be an epitome of sin; they committed the most severe sins—idolatry, adultery and bloodshed—and they rebelled against God. One way to explain the wickedness of the Sodomites was to claim that they "cast an Eye" upon wealthy people (B. San. 109a).

A way to describe Cain's motives that led to the slaughter of Abel is Cain's Evil Eye. The verse *He that has an Evil Eye hastens after riches* (Prov. 28:22) is applied to Cain, who is said to want to possess the whole world (Num. Rabbah 31:17). Thus, the rabbis conclude that the Evil Eye was responsible for the first murder in the history of humanity.

Within the context of the narrative about the burial cave, Mahpelah, Esau is depicted to have had an Evil Eye. When Jacob presents Esau with the choice between his burial place in the cave and a sum of money, Esau takes the money. This is an explanation of Prov. 22:24. Esau, who has an Evil Eye, "hastens after riches" and quickly takes the money. Here "Evil Eye" refers to avarice and a lack of spiritual values. In a midrashic text the verse *eat not the bread of him that has an Evil Eye* (Prov. 23:6) is a warning to Isaac when he asks his son Esau to prepare "savory meat" for him; the passage presupposes that Esau had an Evil Eye (Pirke de-Rabbi Eliezer 32). Other passages that refer to Esau's Evil Eye express his sexual desire (Zohar III, 202b; II, 175a). Only Joseph can protect his mother Rachel from the eyes of Esau, whereas Dinah has to be locked into a chest because of Esau's Eye (Gen. Rabbah 76:9). A midrash on Gen. 32:17 mentions another danger inherent to Esau's eyes. In the biblical narrative, Jacob is afraid of being slain by Esau and gives him a gift of his flocks. The reason he gives the animals in several groups, as described in Scripture, is, according to the midrash, because he wants to satisfy Esau's eyes (Gen. Rabbah 76:8). The explanation of Jacob's presenting gifts in light of the Evil Eye of Esau reveals the same motivation as the Roman custom of gift giving, i.e., avoiding the Evil Eye by appeasing adversaries. In this case, Jacob, the owner of the flocks, perceives a look of admiration and envy and offers his brother some of his flocks with the purpose of counteracting the effect of his gaze.

Another person who is said to have had an Evil Eye is Ephron; Prov. 22:24 is also applied to him. Num. Rabbah 31:17 mentions that the name of Ephron is spelled defectively in the Torah because he cast an Evil Eye on Abraham's possessions. The numerical computation of the letters in the defectively spelled name, Ephr(o)n, and of *Raʿ ʿAyin*, whose Eye is evil, both add up to four hundred.

The Evil Eye of Women in the Bible

The destructive power of a woman's Evil Eye is illustrated in a midrash. Sarah's Evil Eye caused Hagar to miscarry, a typical effect of an Evil Eye. This midrash takes up a discrepancy between Gen. 16:4, which states that Hagar "conceived," and Gen. 16:11, which says "she will conceive." Gen. 16:4 also mentions that Hagar despised Sarah "in her eyes;" the next verse states: *And Sarai said unto Abraham, My wrong be unto you: I have given my maid into your bosom; and when she saw that she had conceived, I was despised in her eyes: the Lord judge between me and you [u-veneikha]* (Gen. 16:5). The last word of this verse is read in the midrash as *binkha*, your son. According to the narrative in Genesis, Sarah deals harshly with Hagar when she is advised by Abraham that she can do as pleases her in the matter: "Do to her as is good in your eyes." The midrashic interpretation implies that the phrase "good in Sarah's eyes" refers to Sarah using her Eye: "Sarah cast an Evil Eye on her and she miscarried" (Gen. Rabbah 45:5). Sarah intervened twice with her Evil Eye in regard to Hagar's offspring. In another midrash, Sarah's Evil Eye was able to inflict an intense fever and desperate thirst upon Ishmael while he and his mother were lost in the desert:

> *And Abraham arose early in the morning and took bread and a bottle of water* (Gen. 21:14). Abraham's household was generous as it is written: *And Abraham arose early in the morning . . . and gave it unto Hagar* (ibid.). This is the custom of slaves; they carry water in

> their pitchers on their shoulder: *He put it on her shoulder and the child* (ibid.), who was twenty-seven years old. And you say: Putting it on her shoulder *and* the child? This teaches that Sarah cast an Evil Eye upon him. This is the reason [Ishmael] became sick. And she set a fever and stomach-cramps unto him. Know that this is what Scripture says: *And the water was spent* (Gen. 21:15)—from the fever (Gen. Rabbah 53:13).

Another example of a woman's using her Evil Eye is found in a midrash concerning Queen Esther, who used her Evil Eye to make the king jealous of her and Haman. The objective of this contrivance was to enrage the king so that he would kill both Haman and Esther. It is implied from the text that the death of Haman and the sacrificial death of Esther would result in the saving of the Jewish people (Midrash Megillah, *Otzar Midrashim* 60b).

Changes in Jewish History Caused by the Evil Eye

In another midrash the reason Haman is destroyed is not Esther's use of the Evil Eye. Rather his destruction is caused by his own use of the Evil Eye.

> The Holy One, blessed be He said: You [Haman] wicked man, you cast an Evil Eye on their festivals. I will overthrow you, and they will observe an additional festival celebrating your downfall; these are the days of Purim, as it is written: *A fool's mouth is his ruin* (Prov. 18:7). (Esther Rabbah 7:12)

Other events that changed the history of Israel are also attributed to the Evil Eye. Joseph's brothers had an Evil Eye, as set forth in an interpretation of the narrative about Joseph's dreams. Gen. 37:8 mentions that the brothers hated Joseph because of his dreams and his contention that he would ultimately rule over them. This reaction of the brothers is interpreted as being the consequence of the Evil Eye. The Evil Eye they cast upon him affected his future progeny. This deleterious effect is not usually attributed to the power of the Evil Eye; in general the belief in the Eye in antiquity maintained that this power could only affect a person, his living children, or any fetus in the womb at the time the Evil Eye was cast. In contrast, a particular practice found in Rabbinic literature is the searching through past events and applying the harmful effect of an Evil Eye to subsequent events in the life of the Jewish people (Gen. Rabbah 84:10).

The idea that Joseph was affected by the Evil Eye is in direct opposition to the far more prevalent Rabbinic perspective that he could protect himself and others against the Evil Eye and, furthermore, that his offspring were naturally protected from the Evil Eye. Jacob and his large family were a cause for envy and gave rise to the Evil Eye. One midrash tells us that Og, the king of Bashan, cast an Evil Eye upon Jacob's family (Deut. Rabbah 1:25). Moses was also a victim of the Evil Eye:

> And when Moses emerged from the camp and went over to the tent [which was pitched outside the camp], all the wicked of the people rose and stood up, everybody at the door of his tent; and they looked with an Evil Eye after Moses until he had entered the tabernacle (Targum Pseudo Jonathan, Exod. 33:8).

Balaam is an ambiguous character; the Scriptural verse *And Balaam lifted up his eyes* (Num. 24:2) is frequently understood by the rabbis to mean that Balaam intended to use his Evil Eye (Tanhuma, printed edition, Balak 6). Balaam, who was a sorcerer and a prophet, was on a mission to curse Israel. However, he was not able to harm Israel: "When he saw that he could not harm them with curses, he wanted to harm them with an Evil Eye and gazed at them" (Midrash Aggadah II, 141). Rashi leaves no doubt that Balaam's intention was to use his Evil Eye: "He wished to cast an Evil Eye upon them. Thus you have his three characteristics: An Evil Eye mentioned here, and arrogance and greed mentioned above" (Rashi on Num. 22:13; 22:19; 24:2). The notion that Balaam possessed an Evil Eye is based on Num 24:3: *And the saying of a man whose Eye is closed*; the singular of "Eye" is understood to refer to the operation of the single Evil Eye (B. Nid. 31a).

The sons of Naomi, Mahlon and Khilion, one of them the husband of Ruth, died in the land of Moab. According to the Rabbinic tradition, this event impacted upon the history of Israel. Naomi left the Moabites and

returned to her own people. Ruth followed her and married a kinsman of Naomi, later becoming the great-grandmother of King David. The famine in Moab is the ostensible reason given in the Bible for Naomi to begin her return journey to Bethlehem ("House of Bread"). The Evil Eye was prevalent in the land of Moab, according to Yalkut Shimoni II, 600.

The three men who escaped from the fiery furnace, Hananiah, Mishael and Azariah, were never mentioned again in the Bible. One rabbi expressed the opinion that they might have been killed because of an Evil Eye after their escape from the furnace (B. San. 93a). In retrospect, the rabbis even suggested that the exile was caused by an Evil Eye. Within a series of questions that Isaac, Jacob and Moses pose to God, the following is found:

> Jacob said to the Holy One, blessed be he: Master of the Universe, where are my sons? He said: The Evil Eye ruled over them and they were exiled to Babylon (Yalkut Simeoni II, 997).

One explanation for the destruction of the First Temple and the subsequent Babylonian exile was that the Evil Eye ruled over the Israelites. However, it is possible that in this late text (twelfth century), which reflects earlier interpretations, the idea that sin that was considered responsible for the exile became intermingled with the notion of the Evil Eye. In another passage, it is mentioned that Jerusalem was destroyed because of the Evil Eye (Yalkut Shimoni I,148). Another instance that implies that the Evil Eye was responsible for exile—in this case in Egypt—is presented in another late text that belongs to the sphere of mystical speculation.

> R. Hiyya read the following verse about the Israelites who went down to Egypt: *Eat not the bread of him that has an evil eye* (Prov. 23:6). He said: The bread or anything else that is being offered by someone who has an Evil Eye is not worth eating or enjoying. If the Israelites had not tasted the bread of the Egyptians they would not have remained there, nor would the Egyptians have oppressed them (Zohar II, 3a).

The Evil Eye concept was employed by the rabbis to explain certain misfortunes or historical twists in the Hebrew Bible. When an unexpected or harsh turn of events transpired, the Evil Eye was a possible explanatory vehicle utilized by the rabbis.

The Evil Eye and Magic

The rabbis conceptualized magic as a force that can be transferred to other entities in the world. Some rabbis were portrayed as having supernatural abilities that derived from God. They are presented as holy men of extraordinary devotion and miraculous healing abilities. Women, by contrast, are often presented in terms of negative charisma. They were thought to have a greater capacity than men to inflict harm by means of the Evil Eye. However, the notion that the Evil Eye could be used for magical purposes is seldom encountered in talmudic-midrashic texts. Generally, the Evil Eye belongs to a particular realm of magic, since its magical force, which is the active agent of sorcery, works by itself. Furthermore, there is no required rite, no special incantations or chants, to accompany use of the Evil Eye.

> One who passes between two menstruant women is affected by witchcraft . . . his life may be placed in jeopardy or he may suffer death. If they are not menstruant the Evil Eye will prevail over him and his money. Once R. Nahum beR. Simlai passed between two women in the city of Caesarea. They looked at him and he was immediately endangered regarding his body and money. What is the reason? Because an evil spirit is in them and they can do harm. What is the remedy? One says: Go, go, be quiet, be quiet, untie the knot which is not tied (for you) and not for me. And after this he commences with *el* and ends with *el* (Midrash Ruth, Zohar Hadash 81c).

As can be seen from the above text an acceptable protection against the Evil Eye was the recitation of the name of God in certain Scriptural quotations. One means considered to be most effective for control of the Eye is a religious device such as displaying knowledge of Torah. The request to untie the knot is counter-magic; it requests to remove the ban or binding instigated by a witch. Others were also suspected of the Evil Eye:

> Our rabbis taught: Ten things were said about a blood-letter: He walks haughtily, is conceited, leans back when sitting, has a narrow Eye and an Evil Eye, he eats much and produces little excrement, he is suspected of adultery, robbery, and bloodshed (B. Qid. 82a).

The phobia of people contaminated by blood may be combined with other fears. The Evil Eye of a blood-letter—or a menstruant woman—is a projection of such fears. Someone who has power over the life-sustaining substance, blood, is feared to have power over other important areas in human life. The other reason a blood-letter is portrayed as having an Evil Eye is that in general someone who interacts with women in order to gaze at them will not be spared from harsh judgment in Gehinnom (B. Ber. 61a).

The close relationship between miracle and magic is expressed in a miracle story in which the victim of an Evil Eye does things that are on the border-line between miracle and magic. In this folktale-type of narrative, some people are accused of having set their Evil Eye on Eliezer b. Simeon. The Evil Eye is combined with a "narrow eye," the people using both types of Eye. In this case, the Evil Eye does not harm the victim of the gaze but rather the people who cast it (Song Rabbah 5:14, 3).

Protection through Blessing

Since the potential harm of the Evil Eye was an ever-present danger the rabbis sought methods of protection. A frequent formula against the Evil Eye was *abaskantos* or *abaskanta*, which could be translated as "Unbewitched!" One Greek term is *ophthalmos baskanos*, the fascinating eye, and a Latin expression is *invidia* (Y. Ber. 4, 13c; Y. A.Z. 1, 40b). The wish for protection from a stare is based upon the assumption that words have the power of healing. Blessing and healing are interdependent and cannot be separated from harming and destroying; their interrelationship is established in the powers of curses and blessings in antiquity. If some curses could be regarded as an Evil Eye that had been transformed into words, the reverse holds true for greetings and blessings. One such instance was the benediction that was uttered by Moses after the building of the Tabernacle.

> *And Moses blessed them* (Exod. 40:43). And which benediction did he use to bless them? May it be [God's] will that the *Shekhinah* will dwell upon the work of your hands. Another interpretation: *And Moses blessed them*—he spoke to them: May it be [God's] will that no Evil Eye may have power over you nor may an enemy have power over the work of your hands. Therefore the Tabernacle was included in the benediction of forgiveness in the Temple (Midrash Aggadah I,191; Tanhuma, printed edition, Pekude, has only the first benediction in the name of Meir).

The idea expressed in this late midrashic work is that the Tabernacle could be the object of an Evil Eye. However, the words Moses spoke contained a blessing. This blessing has two possible frameworks: One of them requests God's presence, *Shekhinah*, and the other protects the Tabernacle from the Evil Eye. The second explanation of the blessing is possibly a later insertion, since it is not found in the earlier versions of this midrash, although there was a connection between the fear of the Eye and the building of Tabernacle. The Evil Eye that was directed against the Tabernacle had no power because positive powers, known as the "right side," dominated the Evil Eye: "Wherever the right side dominates, the Evil Eye has no power" (Zohar II, 225a). In the Zoharic passage the "right side" is derived from the form of the human body. In respect to their work on the Tabernacle, Moses and Bezalel are understood to stand in a certain configuration of this symbolized "body." This configuration symbolizes the "right side," whereas the "other side" is called the Evil Eye in the Zohar. The side that is the sphere of the Evil Eye cannot be reached by human benedictions; however, its emanations can be stopped by human prayer. Bezalel, the primary artisan who built the Tabernacle, was protected from the Evil Eye because he belonged to the same category in the symbolized "body" as Joseph.

The relation between the Evil Eye and blessings is mentioned in *Avodat Ha-kodesh*; anyone who has wisdom, wealth, or children

has to be blessed in order to protect him from the harm of the Evil Eye. The one who talks about a man's wisdom, wealth, or children is obligated to bless him that the Evil Eye may have no influence over him (*Avodat Ha-kodesh*, Tziporen Shamir 11, 172). Praise serves as a catalyst to attract the harm of the Evil Eye and in some cases praise is the precondition for the invocation of the Evil Eye: "Observe that anyone who wants to gaze at anything with an Evil Eye has first to praise and laud the thing he wants to curse with the Evil Eye" (Zohar III, 211b). This observation is related to the intentions of Balaam. Although Balaam did praise Israel this interpretation portrays his conduct as setting the stage for the Evil Eye. If a blessing is supposed to protect against the Evil Eye, a curse may vitiate the power of the Evil Eye. This is mentioned in *Avodat Ha-kodesh* (Tziporen Shamir 12) which refers to a hasidic custom in Jerusalem; someone may even say curses, which are usually forbidden, to the possessor of an Evil Eye.

Some Scriptural passages serve as a protection against the Evil Eye. One of these is the priestly blessing: *The Lord bless you, and keep you. The Lord make His face to shine upon you, and be gracious to you. The Lord lift up His countenance upon you, and give you peace* (Num. 6:24–26). The Evil Eye prevailed over Israel and consequently the first set of tablets containing the Law were broken. By the time the Tabernacle is completed, as stated in Num. 7:1, God has given Israel protection against the Evil Eye—the priestly blessing. One underlying cause for the effectiveness of the Evil Eye may have been the "great festivities," since anything pompous or ostentatious can evoke jealousy and the Evil Eye.

> *And it came to pass on the kallot day* (Num. 7:1). What does Scripture have immediately before the passage we are explaining? The priestly benediction: *The Lord bless you . . .* (Num. 6:24). R. Joshua of Sikhnin said: [A parable of] a king who betrothed his daughter and made great festivities for her betrothal. An Evil Eye, however, prevailed over all. When the king went on to give his daughter in marriage, what did he do? He gave her an amulet and said to her: Wear this amulet that the Evil Eye may no longer prevail over you. The same applies [to the situation] when the Holy One, blessed be he, was about to give the Torah to Israel at Sinai. He made great displays for them, as it is written: *And all the people perceived the thunderings* (Exod. 20:15). This verse refers only to the betrothal, as it is written: *Go unto the people and hallow them* (Exod. 19:10) [through betrothal unto me]. However, the Evil Eye prevailed over the betrothal, and the tablets were broken, as it is written: *Moses . . . broke them beneath the mount* (Exod. 32:19). After some time, when Israel made the Tabernacle, the Holy One, blessed be he, first gave them the blessings that the Evil Eye have no power over them. This is why Scripture says first: *The Lord bless you . . .* (Num. 6:24), and after that: *And it came to pass on the nuptial day* (Num. 7:1) (Pesikta Rabbati 5).

Obviously, the event of a marriage, when joy and happiness were publicly displayed, was also dangerous, since the Evil Eye could negatively influence the ceremony or the marriage itself. One possible explanation for the breaking of the glass at the wedding ceremony is that it is done to show that there is no Evil Eye (*Sefer Ta'ame Ha-Minhagim*, 412).

A prayer for protection against the Evil Eye is found in *Avodat Ha-kodesh* (21), and prayers as a protective measure in general are abundant. Some prayers that became part of the liturgy contain special references to the Evil Eye. The complete "Adon Olam" hymn of the morning prayer has a petition to God to deliver from an evil woman and an Evil Eye; this is inserted before the priestly blessing in the Sephardic Siddur. The Sephardic Prayerbook for the New Year also mentions the Evil Eye in respect to the rescission of vows and curses.

Blessings are accompanied by certain gestures, such as touching the person to be blessed or raising one's hands. The priestly blessing, which is considered to be a protective device against the Evil Eye, was associated with the raised hands of the priest pronouncing the blessing. The hand as a protective symbol has a long tradition. The portable praying hand, symbolizing the Hand of Moses, became an important amulet in its apotropaic function. In antiquity there were numerous amulets against the Evil Eye in the shape of a hand. Some amulets represented gestures that were constantly made

against the Evil Eye; for example the gesture of the blessing hand which lent its form to the shape of amulets called *hamsa* and which is comparable to the amulet "the hand of Fatimah" (Muhammad's daughter) in Islam. The verse: *He that has a Good Eye shall be blessed* (Prov. 22:9) was usually interpreted to read "he shall bless." In the Rabbinic mind this verse related to the Good Eye of Moses, which was used when he blessed Israel and Joshua. Reciting a verse from Scripture could assist in protection against the Evil Eye; the citation of Gen. 49:22 could be combined with a certain gesture of one's hand.

> If a man who enters a town is afraid of the Evil Eye, he should take the thumb of his right hand in his left hand and the thumb of one's left hand in his right hand, and say: I, so-and-so, am of the seed of Joseph over which the Evil Eye has no power, as it is written: *Joseph is a fruitful bough, even a fruitful bough by a well* (Gen. 49:22). . . . If he is afraid of his own Evil Eye, he should look at the side of his left nostril (B. Ber. 55b).

The gesture that accompanies the recital has been compared to the *fica*, an obscene gesture widely used in Roman times. The gesture consists of putting the thumbs between the index and the middle finger in a closed fist, so that the thumb is visibly pointing at the source of the Eye. Making a gesture representing a phallus can be considered on the same level of meaning as spitting, i.e., an act of defiance and making a statement of having greater sources of power.

How to inscribe one's hands against the Evil Eye is discussed in a late text: "Whoever wants to protect himself from [someone's Evil Eye] must write a *yod* on his right hand and in his left hand a *zayin* and open its mouth towards him, pronounce the *yod* the other way round, and he will be protected from him." (Tos. Zohar II, 273b, p. 546)

Amulets or talismans worn on the body might also ward off known and unknown assaults by the Eye. Talismans in general have the power of incantations which are continually recited. Jewish talismans consisted of strips of parchment bearing the name of God or various permutations of its letters and passages from the Bible. Because the name of God was considered to be protective, household articles and furniture were protected by inscribing the name of God upon them. One passage mentions that a king wears the Torah as an amulet on his arm:

> [The king] shall write for himself two copies, one that accompanies him when he goes out, and the other should be placed in his treasure-house. The one that is to accompany him when he goes out, he shall write in the form of an amulet and hang it on his arm, as it is written: *I have set God always before me, surely He is at my right hand, I shall not be moved* (Ps. 16:8) (B. San. 21b).

The most powerful talismans were those worn on the forehead, because they can be considered to directly counter-act the gaze of the Eye. In the Talmudic age women wore some objects called *totafot* on their foreheads.

> A woman may not go out with bands of wool or bands of flax or with headstraps . . . nor with *totefet* [forehead band] or *sanbutin* [forehead bangles] if they are not sewn [on the head-dress] or with a hairnet to a public place . . . (M. Shab. 6:1).

These female *totafot* were worn as ornaments. However, any ornament has a counter-effect in that the eyes are immediately drawn to the ornament and thus it is also a protective amulet. Any Evil Eye would be diverted from the person wearing jewelry or amulets and fall upon the ornament. Rashi (B. Shab. ad. loc.) explained them as certain knots to ward off the Evil Eye. There is textual evidence that protective devices against the Evil Eye were placed upon domestic animals and even upon trees. One such protective device against the Evil Eye was the fox's tail worn by an animal (B. Shab. 53a) and "a crimson thread between its eyes" (T. Shab. 4:5). The fatal power of the Evil Eye was neutralized by hanging something between the eyes. Furthermore, the red color of these devices served an additional protective function. Certain colors were believed to possess protective values; for example, red and blue. The color red played an important role in the protection of trees as well; this is also attested as a Roman custom. A red dye was applied against the Evil Eye:

> If a tree is losing its fruits, one paints it with *sikra* and loads it with stones. Now as

> for loading it with stones, this is done to reduce its vitality [of overproducing], but painting it with *sikra*, what remedy does one gain? That is that the people may see it and pray for it, as it was taught: *And he shall cry, Unclean, unclean* (Lev. 13:45). He must publicize his grief, so that the public may pray for him . . . (B. Shab. 67a).

The Hebrew root *skr*, in respect to the word *sikra* above, refers to a process of color application and can mean "dying red." Additionally, the same root can mean "gazing." The Rabbinic interpretation of this passage is to discount the protective use of red color against an Evil Eye and instead emphasize that the red should attract prayers on behalf of the tree. Maimonides (Avodah Zarah 12) further comments: "All that pertains to medicine does not pertain to Amorite usage (Bavli, ibid.). They mean by this that all that is required by speculation concerning nature is permitted, whereas other practices are not permitted, such as marking a tree which is dropping its fruit with red chalk which is not required by reasoning, it is Amorite usage."

Joseph Is Protected from the Evil Eye

There were some people who did not need any protection against the Evil Eye because it was powerless over them. Joseph and his descendants were shielded from the Evil Eye because of the blessing Jacob bestowed upon Joseph. This is explained in a midrash on Gen. 49:22, in which the word *'ayin* is interpreted as meaning "eye" rather than "well" (Midrash Ha-Gadol, Gen. 49:22). Yohanan claimed to be a descendant of Joseph (B. B.M. 84a):

> R. Yohanan used to go and sit at the gates of the ritual bath. When the daughters of Israel ascend from the bath let them meet me first, that they may bear sons as beautiful and learned as I. . . . The rabbis said to him: Do you not fear an Evil Eye when you expose yourself to be seen? He said to them: I am of the seed of Joseph against whom an Evil Eye is powerless. It is written: *Joseph is a fruitful bough, even a fruitful bough by a well* (Gen. 49:22). R. Abbahu said: Do not read *by a well [ʿale ʿayin]* but *above [the power] of the eye [ʿole ʿayin]*.

Another avenue of protection falls upon those who are like Joseph and his descendants who were "fruitful" even though they were next to a well/Eye. A literal explanation given by Rashi mentions that the Eye is somewhere at the bottom of the well and that one is protected when one is above the well or emerges from the well. A further explanation concerning the protective power of Jacob's blessing is given by Yose b. Hanina:

> R. Yose b. R. Hanina said it from the following: *Multiply abundantly like the fish in the midst of the earth* (Gen. 48:16). Just as fish in the sea are covered by water and the Eye has no power over them, so also the seed of Joseph—the Eye has no power over them (B. B.M. 84a).

In this midrash the words of Jacob, which were the blessing over Reuben and Manasseh (Gen. Rabbah 97:3), are explained in the context of the biblical text in Gen. 48:16. The term "multiply abundantly" (*we-yidgu*) is referred to as "be like fishes" (*dagim*), which is a protective blessing. Descendants of Joseph cannot be harmed by the Eye because of Jacob's words. Since they could escape the deadly power of the Evil Eye, fishes are not susceptible to the Evil Eye (Zohar III, 187a). Fishes often appear on amulets against the Evil Eye (Lilienthal); the above talmudic passage could be one explanation for this. Furthermore, water can neutralize the evil that emanates from the Eye (Gen. Rabbah 97:3). An additional reason Joseph is protected from the Evil Eye is: "Or, if you prefer, I can say: The Evil Eye has no power over the Eye which refused to feed itself on which was not his" (B. Ber. 20a). This refers to the merit of Joseph, who refused to set an Eye upon Potiphar's wife in his master's house in Egypt. This additional explanation of why Joseph's descendants are protected falls into the category of merits earned by one's ancestors that can help even their remote descendants (Tanhuma, ed. Buber, Naso 34). The descendants of Joseph who were protected from the Evil Eye included his immediate offspring, who entered the land of Israel.

> The children of Joseph complained and did not benefit; their case is contained in Scripture:

> There it was done because Scripture wanted to give us some good advice, that a person should watch out for the Evil Eye. This is indeed what Joshua said to them, as it is written: *And Joshua said to them: If you be a great people, get yourself up to the forest* (Josh. 17:15). He said to them: Go and hide yourselves in the forest so that an Evil Eye have no power over you. They said to him: We are of the seed of Joseph over whom the Evil Eye has no power, as it is written: *Joseph is a fruitful bough, even a fruitful bough by a well* (Gen. 49:22) (B. B.B. 118a–b).

Joshua intended to protect the Israelites from the Evil Eye. When they had to hide in the forest, they became invisible, and the Eye could not harm them. The descendants of Joseph were able to remain on top of the mountain in full view of the Evil Eye (B. Sot. 36b). Not only are his offspring protected, but Joseph could also protect others from the Evil Eye. Joseph protected Rachel from the Eye of Esau. This midrash emphasizes the significance of the sequence in which certain people are mentioned in a Scriptural verse:

> *Then the handmaids came near* (Gen. 33:6). In the case of all the others it states: *Then the handmaids came near, they and their children . . . and Leah also and her children came near* (Gen. 33:7). But in the case of Joseph it is written: *And after came Joseph near and Rachel, and they bowed down* (ibid.). The fact is that Joseph said: This wicked man has an Evil Eye. Let him not look at my mother! At once he pulled himself up to his full height and covered her. Therefore it is written: *Joseph is a fruitful (porat) bough, even a fruitful bough* (Gen. 49:22)—before the Eye. *A fruitful bough* means: You became great, Joseph. *A fruitful bough before the eye*—because you enlarged [yourself] before the Eye [of Esau] and again you became great through the cows [*parot*]. *A fruitful bough before [ale] the eye* (Gen. 49:22)—R. Berekhiah explained in the name of R. Simeon: I must [*alay*] reward you [*para'*] for that Eye (Gen. Rabbah 78:10).

Joseph is said to have protected his mother Rachel by pulling himself up to his full height, understood to mean "elevated," which reiterates the motif of being above the Eye. Although the text of this midrash is somewhat defective, the reading that refers to the cows is based on the word *porat* in Gen. 49:22, which can also be rendered as *parot* (cows). The dictum of Berekhiah explains this word as being connected to *para'* (reward), which God will give to Joseph and implicitly to his progeny. The difficult text of a Biblical passage (Gen. 49:22) is explained in the following manner: Joseph is protected against the Evil Eye; he himself can protect against the Evil Eye; his descendants receive similar protection from the Evil Eye (Gen. Rabbah 99:2). Others who are mentioned in later mystical texts in regard to having protective powers against the Evil Eye are the members of the tribe of Benjamin, and in certain aspects, Rachel herself (Zohar III, 202b).

The pious are naturally protected against the Evil Eye. Whereas it was generally believed that the Evil Eye can easily affect newborn children, these pious people were protected without special devices. In *The Alphabet of Ben Sira*, the unborn child Ben Sira talks to his mother while she is in labor. During this process his mother admonishes him: "Son, don't speak that the Evil Eye may have no power over you!" However, Ben Sira's reply is: "The Evil Eye has no power over me" (*Otzar Midrashim* 44a).

The notion that Joseph is a shield against the Evil Eye because he received a protective blessing was expanded and used in the manufacture of amulets. Furthermore, the protective power of Gen. 49:22 included greater numbers of people who claimed protection by either citing the verse or in the alternative having the verse inscribed upon an amulet.

Exposure

The power of the Evil Eye has one significant limitation as mentioned above. The Evil Eye can only have an impact upon objects or people if they are visible to the Evil Eye. In the Talmud, we find a dictum of Isaac, stating: "A blessing is found only in what is hidden from the Eye" (B. B.M. 42a; B. Ta. 8b). The word *store-houses* in Deut. 28:8 is understood as "hidden things." The rabbis believed that "hidden things" were immune to the power of the Evil Eye. This impotence of the Evil Eye in respect to "hidden things" is summarized in the following:

> R. Isaac said: Blessing is only possible in things hidden from sight, as it is written: *The Lord will command the blessing with you in your store-houses* (Deut. 28:8). In the school of R. Ishmael it was taught: Blessing is only possible in things not under the direct control of the Eye, as it is written: *The Lord will command the blessing with you in your store-houses* (ibid.) (B. Ta. 8b).

The converse of this concept is that the more visible an object the greater jeopardy it had in respect to the Evil Eye (B. Pes. 50b). The explanation for illness and mischief in antiquity is that the air that carries the malign influence of the Evil Eye penetrates the eyes and the breath of the victim. If someone has found an article that someone else has lost and is waiting for the owner to come and claim it, the finder may not spread it out and decorate his home, making it visible. The visibility could attract the Evil Eye, which would destroy it by burning, which is a typical characteristic of the destructive power of the Evil Eye (B. B.M. 30a).

Hiding from visibility was essential and of vital interest if one was to avoid the possibility of encountering an Evil Eye. The darkness of the night can also hide people from the Evil Eye. In a midrash it is asked why Isaac is not mentioned in Gen. 22:19: *So Abraham and his young men. . . .* The answer to this question is that Isaac was sent at night to avoid the Eye. The darkness of the night would make him invisible; consequently, he could not be harmed by the Evil Eye (Gen. Rabbah 56:11).

When Balaam tried to harm Israel, the *Shekhinah* shielded Israel; Noah was also protected from the Eye (Zohar I, 68b). This method of hiding is also implied in the stories about Joseph shielding his mother, or in the conviction that fish in the ocean are sheltered from the Eye. In Near Eastern cultures, one of the ways to hide a beloved person from the gaze of other people was by placing a cloth over them. Obviously, the veiling of women was also considered as a method to protect them from the gaze of the Eye. The veil of Jewish women left both eyes or one eye exposed (B. Shab. 65a; Y. Shab. 7b). Children were hidden by scarves when they had to pass through public places where the Eye might be present.

There is a statement that if a man is taking his son through the street and is afraid of the Evil Eye, he should cover his head with his scarf. In this way he will be protected from the Evil Eye (Zohar III, 211b).

Dinah had to be hidden from the Eye of Esau, as is explained in a midrashic interpretation of Gen. 32:23:

> *And he rose up that night, and took his two wives, and his two handmaids and his eleven children* (Gen 32:23). Where was Dinah? He put her into a chest, locked it and said: This wicked man has an Evil Eye; let him not take her away from me! (Gen. Rabbah 76:9)

Protection against visibility was the main concern in regard to the Evil Eye. People would not take their children to public places or festivities because of the fear of the Evil Eye (B. San. 104a). Children are especially prone to the Evil Eye. What the Evil Eye accomplishes during a festivity is accomplished by the attribute of justice in the battle that Saul is about to fight:

A man who goes to a house where a feast is going on does not take his sons with him, because he is afraid of the Evil Eye. Although Saul knew that the attribute of God's justice was about to strike him, when he went to war he took his sons with him (Midrash Tehillim 7).

The text emphasizes that it is impossible to avoid God's attribute of justice just as it is impossible to avoid the power of the Evil Eye. King Saul was judged by God's Eye as well as another Biblical figure, Hezekiah, King of Judah (Lev. Rabbah 26:7).

Exposing one's family, wealth, or good fortune in a blatantly visible manner was in effect an invitation to the Evil Eye. The sons of Jacob are admonished by their father not to enter through one gate because the Evil Eye might strike them.

> *And Jacob said unto his sons: Why should you make yourselves conspicuous*? (Gen. 42:1) He requested them: Do not go out with bread in your hands, and do not all enter through one gate. Do not go out with bread in your hands in order not to arouse ill-feeling and do not all enter through one gate for fear of the Eye (Gen. Rabbah 91:2).

Jacob's sons should not enter through the Egyptian border posts together because Jacob

would be envied for having ten handsome sons. The envy could arouse the Evil Eye and harm the sons:

> *And Jacob* . . . (Gen. 42:1). He said to them: My sons, you are all strong and united; do not enter through one gate nor stand in the same place because of the Eye (Gen. Rabbah 91:6).

That the brothers heeded Jacob's warning is obvious in the Targum, which describes the way they entered Egypt. It is said that the Israelites dispersed so as not to invoke the Evil Eye (Targum Yerushalmi I, Gen. 42:5). The admonition not to enter through one gate is contextualized in a midrash in which the behavior of entering one by one through different gates leads to further complications when the brothers are to appear before Joseph.

> What is written above from the main [Scriptural verse Gen. 42:3]? *And Joseph's brothers went down* (Gen. 42:3). When they were coming down to Egypt, Joseph was so clever as to issue three prostagmata [decrees]: That no slave should enter Egypt to buy grain; that no person should walk behind two donkeys; and that no one should enter until he had recorded his name, his father's name and his grandfather's name. [Joseph] said to them: Are you brothers? They said to him: Yes!—Then why did you not all enter through one gate?—Because our father ordered us so because of the Evil Eye. He said to them: *By Pharaoh's life you are surely spies* (Gen. 42:16) (Tanhuma, ed. Buber, Miketz 17).

This story reflects the Evil Eye belief prevalent during Rabbinic times. It underlines the fear of visibly displaying one's strength, beauty, and riches. The presence of masses of people can also evoke the Evil Eye (B. B.B. 118a). The fear of the Evil Eye is used as a justification by one of Joseph's brothers, Judah, when the brothers are accused of stealing a silver goblet that had been placed in their sacks. There is no escape from the misfortune caused by the Eye since the brothers transgressed a rule that keeps the Eye from operating.

> *God has found out the crime of your servants* (Gen. 44:16). Do not read: *He has found out* but *He has caused others to find out.* Two brothers never enter a banquet hall together because of the Eye. Now all of us find ourselves in a single garden bed through a single offence which was committed by us . . . (Tanhuma, ed. Buber, Miketz 13).

Judah uses a folk wisdom in his speech—that two brothers never go to the same place because the Evil Eye will harm them. The fear of the Evil Eye affecting siblings who were visibly together in a public setting is also evident in the custom not to call up two brothers immediately following one another for an honor (*Sefer Ta'ame Ha-Minhagim*, 152).

One method of obtaining protection against the Evil Eye is by calling a person by an "ugly" name. This is still prevalent today; some people in Israel call a child a "little monkey" in order not to invoke an Evil Eye over the child. Substituting a different name was thought to be protective on the theory that envy was an underlying cause of the Evil Eye. The first precaution was to elude the Evil Eye by making the source of the Eye believe that there was no cause for jealousy or desire. Counting people was also considered dangerous. In order to avoid it, Rashi (on Exod. 30:12) mentions that substitutes were counted that could not be harmed by the Evil Eye. Since it was assumed that anything visible could be harmed by the Evil Eye, the rabbis discussed whether the act of excessively staring (overlooking) could be harmful.

> But is overlooking not a substantial damage? Come and hear: [The Mishnah says:] Similarly [in regard to] an orchard [where partners may force each other to divide it by means of a wall]. There is a special reason in the case of an orchard, as we find in a dictum of R. Abba, for R. Abba said in the name of Rav: One is prohibited to stand in one's neighbor's field when the wheat is in its ear (B. B.B. 2b).

The Talmud cautions all people against looking at their neighbor's orchard or field in order not to evoke the Evil Eye, which implies an inadvertent use of the Eye. Rashi adds that the act of staring excessively means the Evil Eye. The caution against gazing is reiterated in later texts, where it is mentioned that in order to prevent the Evil Eye, one looks up and thereby avoids looking directly at an object or an infant (*Sefer Ta'ame Ha-Minhagim*, 529). A stare could be reflected and return to the person from whom it

emanated (autofascination) (B. Ned. 9b; B. Ber. 55b).

The term Evil Eye appeared in Jewish amulet inscriptions and tales from the Middle Ages until modern times, among Sephardim and among Ashkenazim. The Yiddish expression *eyne hore*, Evil Eye, is just one example of this wide-spread fear.

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Evil and Suffering, Judaic Doctrines of

FROM the earliest canonical traditions of Israelite religion to contemporary Orthodox Judaism, suffering has been seen as punishment for the wickedness and sins of humanity. The persistence of this connection is evidence of its ability to explain the suffering of the people Israel and to provide comfort to sufferers. But, however powerful the explanation that associates suffering with sin, important questions always remain: Why is there evil in the first place? Why do humans pursue sin with such resourcefulness? Why do the innocent also suffer? These questions and others have repeatedly challenged the religious imagination of Israel to refine or find alternatives to the classical scheme.

The opening chapters of Genesis narrate a series of "falls" that, in combination, explain not only the human condition in general but human sin[1] and suffering in particular. Thus, in the well-known story of the temptation of Eve (Gen. 3), the first humans transgress God's prohibition of eating the fruit of the "tree of knowledge of good and evil" (Gen. 2:17). As a consequence, they are cursed with the pain of childbirth (Gen. 3:16), the sweat and toil of producing food, and death (Gen. 3:19). In the space of this brief chapter, the connection between transgression and punishment, manifested in human suffering, is firmly established. Crucially, so too is the root of human sin in temptation.

The punishment of an evil humanity by the waters of the flood (Gen. 6–7) shows that the cause-and-effect established in the Garden of Eden will oft be repeated. But, in this latter case, the source of human evil is more difficult to discern. According to Gen. 6:5, "the evil of humanity is great . . . for all the inclinations of the thoughts of his heart are evil all the day." Seemingly, there is a quality in the hearts of humans that inclines them to do evil. Why is this so? Though the text provides no clear answer to this question, the juxtaposition of Gen. 6:5's observation with the mythic narrative that precedes it suggests that, in the view of the biblical author, the cause of human evil may be divine beings.

According to the myth only hinted at in Gen. 6:2–4, at some time prior to the flood, "sons of gods" took human women for mates and produced from these couplings "the mighty men of old." There were on earth at the same time "*nephilim*" ("fallen ones"), who may be either the "sons of gods" themselves or their offspring. Whatever the precise meaning of this story, it is notable that the observation concerning human evil follows it immediately. It is difficult, therefore, to escape the conclusion that a transgression of the divine-human boundary by divine creatures was viewed as somehow at the root of human evil.

Abundant evidence throughout the Torah depicts evil and sin as the causes of suffering.

This is especially so in God's promise of blessings and curses found in the penultimate chapter of Leviticus, and, even more, it is fundamental in the covenantal scheme that defines the central ideology of Deuteronomy. Thus, for example, we find at Deut. 28:15 + 25–26:

> If you (that is, Israel) fail to heed the voice of the Lord your God . . . then all of these curses will come upon you. . . . The Lord will allow you to be smitten before your enemies . . . and your corpse shall be food for the birds of the sky and the beast of the earth. . . .

The same explanation for military defeat is repeatedly offered in the Bible's royal history. This is most dramatically illustrated in the justification for the exiles of the kingdoms of Israel (2 Kings 17) and Judah (2 Kings 21).

Alternative Biblical Approaches

But the gravity of these latter catastrophes and the suffering that accompanied them challenged the plausibility of the inherited explanation. Even granting that suffering (such as exile) is punishment for sin, why does Israel not learn the lesson of repeated suffering and, if she does not, will suffering ever end? In response to this dilemma, both Jeremiah (31:30–3) and Ezekiel (36:26–7) propose that the heart of Israel—a heart of stone, in Ezekiel's imagery—must be replaced with a new heart, one inscribed with the Torah of the Lord. Sinful Israel thus was viewed as cursed with a sinful heart; sin was part of the people Israel's essence. This meant that the elimination of sin, and hence of suffering, demanded a fundamental reworking of human (or, at least, Israel's) nature.

In the course of Israel's travails, other understandings of the root of suffering also found their way into the canon. One of the most important of these (by virtue of its place in Christian interpretation) is Second Isaiah's image of a "suffering servant," a servant of the Lord who suffers on account of—and to atone for—the sins of others (Is. 52:13–53:12). In this explanation, suffering continues to be a consequence of sin, but not of the sin of those who themselves suffer.

The book of Job similarly offers an extended critique of traditional explanations of suffering, a critique made explicit in the statement that Job's accusers "do not speak rightly" (42:7). But, as the book of Job has come down to us, the "right" explanation of Job's suffering is the subject of competing redactional understandings. If the narrative introduction is to be granted priority, Job's suffering is a product of Satan's provocations of God (Job 1–2), and Job suffers even though he did not in any way sin. But if the voice of God speaking in response to Job is to be believed (Job 38), there is a reason for Job's suffering; it is simply that this reason is beyond human understanding. Job thus proposes that, in human terms, suffering and the God who brings it cannot be said to be just. But this is evidence of human, not divine, limitations.

Post-Biblical Jewish Literature

The ancient explanations of evil and suffering continued to play an important role in Jewish literature produced during the late second-Temple period (second century B.C.E.-first century C.E.). For example, the author of I Maccabees hints, through narrative juxtaposition, that the suffering of Israel at the hand of Antiochus is a consequence of their abandonment of traditional ways (1 Macc. 1:11–24, 52–4). In 2 Macc. 7:18, one of "the seven brothers" explains their torture at the hands of the Syrian Greeks as punishment for their sins against God.

But alternative explanations of sin and suffering flowered during this same period. The most striking of these, expressed in both 1 Enoch and Jubilees, grew out of the Torah myth spoken of above. In this latter-day version, the "*nephilim*" are fallen angels who rebel against God by leaving heaven, taking human women as mates, and spreading a variety of evil teachings and curses. From these encounters, humans learn temptation and the art of war, among other evils. In addition, according to Jubilees, following the flood, "demons" remained to lead the children of Noah (that is, humanity) astray. And, though Noah beseeched

God to imprison the malevolent creatures forever, Mastema (that is, Satan) prevailed upon God to allow him to remain free and wreak havoc forever. Finally, the apparently suppressed myth has reasserted its power.

The most extreme Jewish expression of the mythical power of evil is offered in a sectarian scroll found near Qumran, known as the Code of Discipline. According to this scroll, God created two spirits—"the spirits of truth and of perversity." Those who follow the spirit of truth are "under the domination of the Prince of Lights," while those "who practice perversity are under the domination of the Angel of Darkness." This world is the battlefield on which the war between these two forces is fought, and all sin is a result of the (temporary) victories of the Angel of Darkness. This is the fate of the humankind "until the final age."

In literal terms, all of these various authors agree that sin leads to suffering. But ultimately, they claim, people are not at fault. They sin because of evil forces more powerful than them. Still, none of these authors, even the most extreme among them, denies Is. 45:7's claim that God "creates evil." Whether evil begins with rebellious angels, Satan, spirits of darkness, or a person's wicked heart, God created them all.

Following Destruction

The deterioration of conditions under Herodian and Roman rule, leading to the destruction of the second Jerusalem Temple, combined to force Jews to seek alternative explanations of the suffering that surrounded them. When he explained the destruction as a product of fate, Josephus (*Jewish War* 6.250, 267–8) was probably reflecting a popular opinion among Hellenized Jews. But even more popular, if the literary record is to be believed, were various imaginations of the apocalypse, assumed by many to be at hand. Nascent Christianity, claiming that the messiah had actually arrived, testifies to this inclination. So too, in different ways, do the Apocalypses of Ezra and Baruch.

According to both of these books, the number of generations of humans was fixed at creation. When the last of these generations was born to life, history would come to an end and the final age would dawn. This dawning would be marked by unprecedented sufferings and catastrophes; much as a woman's labor is most painful immediately before birth, so too would the birth of the World-to-Come follow the most painful period in human history. There would be a final judgment. The wicked would suffer eternally, while the righteous would forever enjoy the rewards of the final era.

The Classical Rabbinic Canon

Writing a generation after the failure of the Bar Kokhba revolt (133–135 C.E.), the early Rabbinic authors could no longer imagine that the messiah would soon arrive. Instead, they turned their attentions to systematizing the law of God and Israel (in a document called the Mishnah), and they explained suffering—in thoroughly traditional terms—as punishment for sin. So, according to Simeon b. Eleazar, the pain humans experience while making a living is a consequence of our evil deeds (M. Qid. 4:14). In another illustrative teaching, women are said to die in childbirth for failure to observe three commandments specifically directed to them (M. Shab. 2:6). The Mishnah's general rule is this: "According to the measure with which a person measures, with it do we measure him" (M. Sot. 1:7). If a person sins, he or she will suffer punishment in kind.

Though rarely straying from this opinion, here and there, the early rabbis gave expression to important expansions or alternatives. According to one tradition, oft-quoted in subsequent Rabbinic compositions, suffering has superior power to atone for sin (second only to death; see T. Y.K. 4:8). Conceptually related, though rhetorically more powerful, is the claim that "sufferings cause God to pardon more even than sacrifices. . . . Because sacrifices are with one's property whereas sufferings are with one's body" (Sifre Deut. 32). Subsequent to the destruction of the Temple, it was surely difficult for Jews to imagine what would take the place of the sacrifices ordained in the Torah. If suffering could perform the

task, one could hardly cavil. It is not surprising, therefore, that the midrash from which this teaching is quoted repeatedly comments, "precious are sufferings."

At the same time the rabbis were extolling suffering—and condemning any who would question the place of suffering in God's system of justice—they maintained a guarded silence concerning the origins of evil. On only a few occasions in their earliest teachings did they speak of the human inclination to do evil (*yetzer hara*), borrowing from the language of Gen. 6:5 to describe the cause of moral failure. From the traditions at hand, it is clear that they understood this inclination to lead to anger and transgression, seducing a person away from Torah and thus leading to his demise. But, at this early stage, the inclination for evil is not viewed as an independent force. Nor does Satan find more than an occasional place in the early Rabbinic tradition, where he serves more as a literary trope than a force to be reckoned with.

The condition just described will change in later Rabbinic literature, where the *yetzer hara* becomes a common reference, a force oft to be reckoned with. In the Babylonian Talmud, the evil inclination is described as speaking to a person, seeking to entice him to worship foreign gods. Not only does it incite a person to do evil in this world, but it also testifies against him in the World-to-Come. Stating matters with directness and clarity, Simeon b. Laqish declares, "Satan, the *yetzer hara*, and the Angel of Death are one and the same" (B. B.B. 16a).

Human suffering and the inclination to do evil are bound together in a massive apologia for God's justice, found in Gen. Rabbah 9. The midrash asks, at least by intimation, this question: Given the reality of human experience, how can we make sense of God's assessment that the created world is "very good" (Gen. 1:31)? In the course of defending this divine evaluation, the midrash argues for the goodness of death, suffering, hell (*gehinnom*), the evil inclination, and the oppressive earthly empire (Rome). Typical of the midrashic strategy is the justification of the evil impulse: if not for the *yetzer hara*, a man would not take a wife, build a house, have children, and engage in business. In other words, the *yetzer*, equated with ambition and sexual lust, has favorable consequences. The force for evil, properly sublimated, yields good.

The only significant heterodox views concerning suffering in the classical Rabbinic canon are preserved in the Babylonian Talmud. At B. Shab. 55a–b, the Talmud concludes that suffering and death can come about without prior sin. The ancient link of sin and consequent suffering (as a result of punishment) is here definitively broken. In a related narrative (B. Hag. 4b–5a), the Talmud illustrates the reality of death by accident, death bearing no relationship to divine justice. And in the Talmud's most extended deliberation on human suffering (B. Ber. 5a–b), we find a repeated rejection of the classical apologia for suffering. Asked whether they find their sufferings "precious" (echoing the midrash quoted above), prominent sages reply: "neither them nor their reward."

The Middle Ages

Exponents of the medieval Jewish philosophical tradition represent a range of opinions regarding suffering and evil. Saadia, writing in the early tenth century, follows a traditional path. Beginning with the uncompromising insistence that humans have free will, he offers that suffering may be either punishment for the few sins a good person commits in this world (assuring his place in the future world) or a test from God, later to be compensated. Judah Halevi likewise writes (early twelfth c.) that a person's troubles serve to cleanse sins, and therefore he recommends a pious attitude of acceptance and joy.

In the *Mishneh Torah* (Laws of Repentance, ch. 5), Maimonides (twelfth c.) polemically insists that God has granted humans complete free will; he will allow no room for the opinion, evidently still popular, that God decrees the course a person will follow from his or her youth. Thus, evil caused by humans must be understood as the result of their freely chosen path. Those who fail properly to repent will, as the tradition suggests, die as a consequence of their sins.

Obviously speaking from a philosophical perspective, Maimonides nevertheless employs the voice of Torah.

But in his *Guide for the Perplexed* (pt. 3, chapters 10–12), Maimonides forges a distinctive philosophical position. He begins with the assumption that God's created world is thoroughly good. Contrary to the claim of Isaiah, then, God cannot have created evil in any of its forms. If not, then how can the obvious evils of creation be explained? He answers that evil is privation, and privation, being not a thing but the absence of some thing or quality, is not created. By his enumeration, there are three species of evil: 1) evils that befall people because they possess a body that degenerates; 2) evils that people, because of their ignorance (that is, the absence of wisdom), cause one another; and 3) evils that people, because of their ignorance, cause themselves. God creates none of these evils or their associated sufferings. According to Maimonides' system, all are caused by natural forces, by essential human failings, or by human ignorance.

The opinions of medieval Jewish mysticism (Kabbalah) regarding evil and consequent suffering are varied and sometimes at odds. Early Kabbalistic texts record the belief that evil is a product of the unchecked growth of divine judgment. Judgment, untempered by mercy, is wicked. The domain of judgment gone awry is called the *sitra ara*, "the other side."

The great classic of the Kabbalah, the *Zohar*, gives credit to the view that evil originates in leftovers (*kelippot*) of earlier worlds that God destroyed. Alternatively, it suggests that evil was contained, *in potentia*, in the Tree of Knowledge (of Good and *Evil*), but was suppressed by the Tree of Life, to which the Tree of Knowledge was bound. When Adam "cut the shoots," separating one tree from the other, he activated the evil the tree had contained.

Perhaps the most enduring contribution of Kabbalah to the Jewish understandings of evil is that of Isaac Luria (sixteenth c.). According to the interpretation of Gershom Scholem, Luria's views, contained in his highly original cosmology, are a response to the great tragedy of the prior generation, the expulsion of the Jewish community from the Iberian peninsula. Struggling to understand why they had suffered so, Jews found unparalleled comfort in the interpretation that Luria promulgated.

According to Luria, in order to create the world, God—the *ein-sof* ("the limitless one")—had to contract into himself, leaving space for creation. In this space remained sparks of the divine light, preserved in special vessels. This light contained concentrated "shells" of stern divine judgment that, when the vessels were shattered (due to a flaw in the plan of creation), were scattered throughout creation. This, in the system of Lurianic Kabbalah, is the root of all evil. The system's popularity lay not only in its explanation of the suffering of Israel but also in its recipe for redemption: Redemption required that the vessels be repaired, and the tools of reparation were the *mitzvot* of the Torah performed even by common Jews.

The most extreme persecutions of these centuries provoked profoundly ambivalent responses, or so the evidence of contemporary liturgical compositions suggests. On the one hand, Jewish poets returned again and again to the notion that suffering is punishment for sin. In one of the most exemplary (and best known) of these poems, the "*Eileh ezkera*" (composed shortly after the first crusade in the late eleventh c.), the author justifies the Roman torture and execution of ten talmudic rabbis as punishment for the sin of Joseph's brothers who had "kidnapped" him and sold him into slavery. Of course, for the author and his readers, this is not history but theodicy; it explains their own suffering as well as that of their Rabbinic ancestors. It is appropriate, therefore, that in liturgical performance the reciter ends each stanza by declaring, "We have sinned . . . forgive us."

On the other hand, this and many similar compositions from the same broad period exhibit a considerable degree of horror and even anger, some complaining against the God who is "mute" or who "hides his face." This is a God who bids his children slaughter their own children on the altar, even as Abraham prepared to do to Isaac so long

before. Still, the act of sacrifice—whether of Isaac or of their own sons and daughters—is justified as "sanctification of God's name." It is an act both meritorious and cleansing.

Crucially, neither the availability of alternatives nor the experience of persecution caused Jews to abandon the ancient formula. Even Gluckel of Hameln, a woman of relative comfort and culture, returns to this piety on several occasions in her memoirs. Writing near the end of the seventeenth century, she clearly believes that sin is punished with suffering, which in turn atones the sin. God's judgment is just, she says, and to be accepted in modesty.

The Turn of Modernity

Jews entered modern culture in fits and starts. But enter they did, and with entrance came modern opinions, dominated by science and humanism. Thus, suffering now would more readily be seen as a consequence of natural law, the product of divine design, perhaps, but surely not of divine intervention. Without punishment, sin was a matter of pure theory, of little import to most but the clergy. The same could be said of the question of evil.

However, the anti-semitic upheavals of modernity—the Russian pogroms followed, less than a half a century later, by the Nazi Holocaust—made it impossible not to ask the question anew. Yiddish and Hebrew writers served as witnesses to the earlier of these crimes, employing the languages of traditional Judaism to critique and even betray that very tradition. H.N. Bialik, the great Hebrew poet, provides powerful examples. He mocks the cowering Jews who "crammed by scores in all the sanctuaries of their shame,/So sanctified my Name!" These pious cowards, crying out, "We have sinned!," do not even believe what they say—so Bialik writes. No God of might is listening; death "for the sanctification of the name" is therefore an obscenity.

If evil is a human quality and suffering the product of natural forces, human and natural, then only the active struggle for human dignity and freedom would suffice as a response. This view, already well-established in the rhetoric of early Zionism, would gain greater power following the Holocaust. For many Jews, the Holocaust meant that all hope in God, if imaginable at all in modernity, was now lost. Secular power was the only power a Jew could have. For some, the turn to the exercise of human power would find theological underpinnings, the Holocaust and the founding of the State of Israel being interpreted according to prophetic paradigms. If God's will is revealed through history, then this history must mean that God will not protect Jews; responsibility for Jewish security must be taken into Jewish hands.

Eliezer Berkovits' *Faith After the Holocaust* remains illustrative of common approaches to the theological problems posed by the Holocaust. Like almost all Jews outside of extreme Orthodoxy, Berkovits categorically rejects the notion that the Holocaust was divine punishment. He calls it, instead, "injustice absolute." The God of the Holocaust is again the silent God, the God who hides His face. Jews are, following Isaiah, servants suffering by divine decree. But, Berkovits adds, "the world is sustained by the suffering of the guiltless." Moreover, there will be "a dimension beyond history in which all suffering finds its redemption through God." Strikingly, for those who insist on faith, tradition contains whatever explanations and promises might be needed.

For modern Jews unfamiliar with the theological tradition, a God whose might is demonstrated through silence, or one who hide's his face, is a cruel God, and thus unacceptable. As the popularity of Harold Kushner's *When Bad Things Happen to Good People* shows, the God these Jews (and non-Jews!) are prepared to consider is a God who is not all-powerful and is therefore not the source of their suffering. This God doesn't punish them. But he may help them, and he will surely provide them with comfort. The appropriate question to address to this God, writes Kushner, is not "Why are you doing this to me?" but "Can you help me?"

David Kraemer

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NOTE
[1] On this, see also SIN.

Exegesis of Scripture, Medieval Rabbinic

UNDERSTANDING the Hebrew Scripture to be the authoritative teachings of God or, at least, the mediated message of God, Jews always have looked to the Bible as the ultimate source of knowledge of the divine will. To clarify and amplify this will, a tradition of analysis and commentary has emerged, stretching from the biblical period itself and continuing into the present day. Producing their works in diverse cultural, philosophical, and historical settings, including times of persecution and great anxiety, commentators on Scripture consistently have brought to their audiences a confidence in God's justice, have argued that all that happens is mandated by God, and have offered the nation a hope for the fulfillment of God's promises and for Israel's ultimate vindication.

These commentators additionally have addressed a number of technical issues that arise from the conception that Scripture has a divine origin. As the word of God, the Bible has been understood to contain neither redundancies nor contradictions. These are imperfections that the divine author could not have permitted. Biblical commentators accordingly have worked, for instance, to reconcile verses that appear to conflict with each other. One frequently cited example of this is the difference between Exod. 12:9, which states that the Passover lamb must not be cooked in water but only roasted on fire, and Deut. 16:7, which says it indeed must be cooked. The author of 2 Chron. 35:13 apparently preserves an ancient biblical commentary that reconciles the apparent discrepancy, using the verb associated with cooking in water in conjunction with the words "with fire." This yielded an amalgam of Exod. 12:9 and Deut. 16:7: "And they cooked the Passover lamb with fire as stipulated."

Especially in the medieval period, Scripture was searched from beginning to end by commentators who sought verses that would validate community practices and beliefs that had emerged over the generations. The model for their commentaries was the classic Rabbinic works of Talmud and Midrash, in which Rabbinic sages analyzed, abbreviated, sharpened, and reworked Scripture's words to meet the specific needs of their readerships. Some of these medieval commentaries came to be deemed so fundamental to properly understanding Scripture that they were assembled and arranged on the pages of Scripture themselves, in Rabbinic Bibles, called *Miqraot Gedolot* ("Expanded Scriptures"), which contain the major commentaries and Targumim alongside the biblical text. These commentaries do more than to transmit the sense of difficult passages in ways that both entertain and stimulate the mind. Rather, these commentaries quickly became the eyes through which Scripture consistently was read and understood, the full word of God of which the books of the Bible are but a laconic summary. Commentary, for the traditional student, thus becomes as divine and authoritative as the document for which it speaks.

We can see from the earliest extant translations and commentaries just how important these works were to Jews. Biblical commentary is present in all of the ancient sources that have survived: the Scriptures themselves, Jewish writings in Greek from the third century B.C.E. to the second century C.E. (primarily Septuagint, Pseudepigrapha, Apocrypha, Philo's and Josephus' works), and Jewish writings in Hebrew and Aramaic of that period (primarily the Dead Sea Scrolls, Targumim, and what is preserved in Rabbinic literature). These literary sources suggest the extent to which, in various communities, the meaning of Scripture

was taught through commentaries. These commentaries identified the literary levels of Scripture, so as to ascertain what is to be taken as literal, as allegorical, or as mystical. They often endeavored to harmonize conflicting notions in Scripture. And in the way of all careful commentary from their day and on, they filled in omissions, elucidated strange wordings or awkward comparisons, and clarified difficult grammatical constructions.

In time the study of both legal (*halakhah*) and narrative (*aggadah*) passages became so refined that specific styles of commentary emerged making use of exegetical principles (*middot*) or alluding to earlier traditions in such ways as to be accessible only to scholars. At that point it became necessary formally to teach exegetical methods and to write super-commentaries. Commentary thus became a subject of study in its own right, and Scripture itself became subordinated to one or another exegetical approach. Three schools of commentary in particular continued the most ancient methods of biblical exegesis: The "midrash school" relied upon earlier Rabbinic commentary; the "*peshat* school" analyzed grammar and philology in order to identify Scripture's clear historical meaning and precise moral instruction; and the "philosophic/Kabbalistic school" elucidated Scripture by recourse to a reading strategy that revealed whole systems of "knowledge." Some commentators blended all three schools into their works.

The techniques of medieval commentary emerged in particular under Islamic rule of the ninth and tenth centuries, when the heads of the Rabbinic academies (Geonim) began to produce translations, dictionaries, and philosophic treaties that elucidated Scripture for the masses and that reacted against the threat of views opposed to mainstream Rabbinic belief, such as Karaism. A leader in these developments, Saadiah Gaon (882–942), the dynamic and fiery leader of the Sura academy, translated many (if not all) biblical books into Arabic. His commentaries revolved around grammatical, philosophical, and polemical points in order to demonstrate the necessity of Rabbinic oral tradition. While he generally focused upon literal meaning, he often utilized homiletic techniques when the literal would contravene the dictates of his reason or of accepted tradition. Saadiah's discussions organized Scriptural interpretation under the rubrics of hard and fast rules. While some of his rivals took exception to his methods, he exercised a vast influence upon future Geonim of Sura (e.g., Samuel ben Hophni.). Thus, as long as the cultural context of Arabic culture existed, with its emphasis upon grammar, rhetoric, philosophy, and science, Saadiah's commentaries and methods formed the foundation of Scriptural inquiry for the students of the Geonim in Kairouan, North Africa, and later in Spain.

During the eleventh century, under the hegemony of Islamic rule, the Spanish exegetes produced commentaries that, alongside elucidating grammar and word meanings, highlighted how historical information and literary motifs meshed aesthetically in biblical writing. Some Spanish rabbis wrote dictionaries and grammars, in which they illustrated their points through commentaries on specific biblical verses. Judah ben David Hayyuj (c. 950–1000) and Jonah ibn Janah (985–1040), who wrote *Sefer Ha-Rikma* and *Sefer Ha-Shorashim*, are foremost in this category. Moses ben Samuel Ha-Kohen ibn Gikatilla (eleventh c.) and Abraham ibn Ezra (1089–1164), by contrast, composed full commentaries utilizing grammatical principles. While these exposed the deep beauty and values of Scripture and occasionally were useful in countering the claims of Christians, Muslims, and Karaites, they did not incorporate the midrashic tradition of the classical sages of the Talmud. In this same period, allegorical interpretations spread, as did, surprisingly, critical approaches that identified the presence of late editorial hands that shaped certain chapters of early books of the Bible.

In France and Germany, under the rule of the Cross, other schools of commentary developed that brought the richness of the Rabbinic lore into the readings of biblical texts. These commentaries presented terse and direct summaries of large tracts of Talmud and midrash, simplified into bold proclamations of claims of definitive meaning.

Their appeal was instantaneous. Soon more involved commentaries developed that no longer directly explained the text but that served, rather, as vehicles for new midrashic insight that went beyond the received corpus of the ancient rabbis. Midway between Spain and France, the two approaches merged in Provence for a brief period in the twelfth and thirteenth centuries. As the Cross pushed out the Crescent in Spain the method of commentary there became more and more like that of Northern Europe, except that the centrality of the philosophy/Kabbalah method became more pronounced than in the past. Thus the triumph of Spanish biblical commentary was the Zohar, a little known work in the fourteenth century, which several centuries later would have profound effects upon Jews.

With the expulsion of Spanish Jewries in 1492 and the re-establishments of their communities in the Ottoman Empire, North Africa, and Northern Europe, the methods of commentary remained stable into the Renaissance period. During and after the Enlightenment, from the middle of the eighteenth century until the middle of the twentieth century, a modern spirit entered the traditional methods of biblical commentary. The goal now was to mold the Jewish community according to the tastes of such modern groups as neo-orthodoxy or Hassidism or to combat the ideas of Protestant biblical criticism or the German Jewish Reform movements. In twentieth century America and Israel in particular, a number of important commentaries—both traditional and "scientific scholarly"—have been written, including ones by Reform and Conservative scholars.

Although in the following we discuss the innovations in biblical commentary introduced in different times and places, we must not be misled to imagine that the significance of any particular commentator results specifically from where or when he wrote. The truth of the matter, rather, is that the classical commentators Rashi and Ramban are read more widely, and have been from the time their works became available, than any contemporary commentators. Missing here as well are the hundreds and hundreds of commentaries that continue to be written that expand upon the ideas of classical commentators, asking questions and proposing solutions in order to develop some thesis that could have been in the back of the minds of the early commentators themselves. Continuing in the traditional schools of exegesis, these works intend to strengthen religious practice even as they call for a renewed dedication to Jewish piety and Torah study in the face of what traditionalists perceive as the perversity of western values. To some extent, the textual and interpretive work of traditional scholars that began with the Italian Renaissance, in such works as Jedidiah Solomon ben Abraham Norzi's *Minhat Shai*, is ignored in modern times even by traditional scholars, who have turned their attention instead to the progressive Enlightenment that threatens orthodox religious values. Notwithstanding all of this, works such as Norzi's are preserved in current editions of Rabbinic Bibles and continue to play an important role in nurturing the continuing tradition of Rabbinic exegesis.

The Major Exegetes: Spain

The continuation of Saadiah's analysis of grammar, philology, and rhetoric appears in the commentaries of Isaac ben Judah ibn Geat (1038–1089), whose *Introductions* were methodical expositions of his approach of deriving ethical guidance from Scripture. Like Saadiah, Isaac was a first rate talmudist and paid careful attention to the traditions of the classical sages. His contemporary, Judah ben Samuel ibn Bilaam, wrote in terse Arabic fashion, glossing Scripture with his insights. Of all the Spanish commentators, however, the most influential throughout the ages has been Moses ben Nahman (1194–1274) of Aragon. He combined prodigious mastery of the classical Rabbinic sources with brilliant sensitivity to the nuance of Scriptural expressions, while, at the same time, alluding to the methods of early Spanish Kabbalah. He did not hesitate to take issue with Maimonides, Rashi, or ibn Ezra when he felt they missed the mark. The second most important Spanish exegete is certainly Abraham ben Meir ibn Ezra. He wrote long and short commentaries to many

of the same books of the Pentateuch. For the most part his short commentaries have been popularized in editions of *Miqraot Gedolot.*

Abraham Ibn Ezra (1089–1164)

A Spanish Jew, Abraham ibn Ezra wandered throughout Christian Europe, writing his commentaries wherever he went. These commentaries aimed to express the intent of the Scriptural authors by explaining grammatical and philological points, even when these yielded interpretations different from those of Talmudic rabbis. Ibn Ezra did not utilize word-plays or any other fanciful exegetical techniques to entertain or to validate post-biblical practices or beliefs. Rather, he rarely wavered from rational, sensible explanations. Additionally, his reliance on scientific ideas of his age informed his commentaries. For instance, he accepted astrology as a legitimate science and sometimes used it to explain biblical verses. This approach helped him explain why following God's commandments is humanly advantageous. At the same time, in line with his rational approach, ibn Ezra rejected Rabbinic reports of miracles not explicitly mentioned in Scripture but involving biblical characters. But he accepted the idea of God's mastery over nature, so as to accept as historical the miracles described in Scripture itself.

Unless absolutely necessary in his eyes, ibn Ezra never allegorized verses, recognizing instead the dangers of making Scripture appear to say anything and everything desired by the exegete. Still, in the case of the Songs of Songs, he appeals to allegorical motifs as had his predecessors. Upon occasion he writes a note to the prudent reader to keep silent about an interpretation that might suggest that prophets after Moses glossed Scripture. For example, he offers a pious interpretation of Gen. 12:6's statement that the Canaanite was "then" in the land, saying this means that the Canaanites arrived "prior" to Abraham. Alongside this interpretation, however, he adds a cryptic phrase suggesting that the verse actually reveals the work of a later hand. Its point is that, while the Canaanites were certainly in the land when Moses lived ("then"), they were not in the land when this glossator lived ("but not now"). At times he seems to propose that later prophets added editorial glosses to edify obscure references in earlier books. To say this outwardly might have been cause for complaint against his piety by the simple masses, and so he alludes to such cases rather circumspectly. At the same time, he generally views prophecies that allude to the future, especially ones that utilize names and events unknown in the period of the prophet himself, as true predictions that even that prophet would not have understood very well.

Despite his propensity for critical thought, ibn Ezra shows great respect for Rabbinic legal tradition and often finds within Scripture's words a basis for Talmudic tradition. Still, what is stated as fact in Scripture, ibn Ezra accepts as fact, while what is stated by ancient rabbis he rejects if it does not match his own critical evaluation of Scripture. Moreover, he has no compunction about laying bare the faults of Scriptural heroes, and in doing this he differed from his predecessors and from Rabbinic tradition. He anticipates a modern understanding of the value of forms and their usages and often compares forms and usages from one passage in Scripture to another.

Editions of his works based on fine manuscripts have appeared over the last century. His comments are utilized by biblical commentators to this very day. Among the most popular of his works are those to the Pentateuch, the minor prophets, Isaiah, Jeremiah, Ezekiel, Psalms, Job, the five scrolls, and Daniel. Moses Kimhi's commentary to Job relies very heavily on ibn Ezra, and Kimhi's commentary to Proverbs was introduced into *Miqraot Gedolot* because it was mistaken for ibn Ezra's. In fact, it is unclear whether a commentary of ibn Ezra to Proverbs ever existed at all.

Moses Ben Nahman (c. 1194–1274)

A native of Gerona in the Spanish province of Catalonia, Nachmanides, or Ramban (his acronym), popularized the dialectic methods of French scholars, which he learned

from Judah ben Yakar and combined with the approaches of classical Spanish talmudists. He was an outstanding legal scholar and Talmudic exegete whose method of Scriptural exegesis involved comparing prior interpretations of Rabbinic statements on the verse at hand. He utilized Targum, Talmud, Midrash, and even Apocrypha to search out the sense of the Bible in the light of Rabbinic teachings. Where called for, he differed from Rashi, ibn Ezra, and Maimonides as well as others. He had no difficulty criticizing biblical heroes when he felt they had acted wrongly.

Ramban steered an even course between presenting the text's plain meaning, which he almost always explains, reporting the more popular meanings the verse had acquired in Rabbinic midrash, and, rarely, mentioning its esoteric meanings (*derech emet*). While he never spells out precisely the esoteric teaching he derives from the verse, he indicates that the verse has some deeper meaning that an adept student might discover along certain specified lines. Throughout this interpretative process, he kept his eye on the most obvious context of the narrative he was explaining, while drawing out moral and ethical teachings and even hinting at future prophecies contained within the rather plain looking narratives. Often, such diverse meanings operate simultaneously.

Ramban also digressed into matters that he thought his audience should know but likely did not. In this, his great erudition still captivates readers. He often reconciles Rabbinic legal pronouncements with verses that seem at odds with them and defends traditional understandings of Scripture against those who would question the truth of Rabbinic commentary. His sense of rhetoric and grammar are typically Spanish in that his exegetical skills aim at combining diverse elements of a narrative to show how they work together to create a concrete, sequenced, unit of discourse. For him, Scriptural rules were not meant merely to accommodate primitive beliefs to a higher sense of monotheism but were in and of themselves means to enable the soul to perfect itself. His commentary to the book of Job, indebted in many ways to the work of Moses Kimhi of Narbonne, still bears his unique imprint in combining piety, mysticism, and rational philosophic inquiry.

In 1263 he was forced to debate the merits of Judaism against those of Christianity. Then, in 1267, to escape Pope Clement IV, who sought to punish him for speaking freely against Christianity during the course of the disputation, he made his way to the Land of Israel, where he completed his commentary to the Pentateuch.

Bahya Ben Asher Ben Hlava (Thirteenth c.)

Of great importance, Bahya's commentary to the Pentateuch simultaneously lists four interpretations of verses: the straightforward meaning, the midrashic interpretation, the rational exegesis, and the mystical explanation. These methods were widely used by Medieval Christian exegetes, and most scholars think they must have originated with some of the Church Fathers. The matter needs more investigation, since the authors Josephus and Philo as well as Rabbinic midrashic texts in general also identify various levels of meaning in textual analysis. The four-fold exegetical method also is prominent in the works of Joseph Gikatilla and Moses de Leon. Through Bahya's work one is able to discover the meaning of Nachmanides' terse hints concerning the Kabbalistic meanings of certain verses.

Jacob Ben Asher (1270–1340)

Although born in Germany, Jacob ben Asher adopted quickly to the ways of his new homeland of Spain. While his legal code reflects the practices of German Jewry, his Scriptural exegesis follows the methods of the Spanish school of Maimonides. His use of numerology (*gematria*) and his innovative interpretations of biblical texts were published separately, under the title "Baal Ha-Turim." Although not prominent in his major work, these methods reflect the entire school of exegesis of the Hassidei Ashkenaz, whose commentaries were highly influential in Germany throughout the Middle Ages.

Don Isaac Abravanel (1437–1508)

Although a native of Portugal, he achieved prominence as a Spanish statesman. His commentaries to the Pentateuch, Prophets, and the Book of Daniel have been printed in many editions. He speculated upon why a biblical book appeared in one section of the bible rather than in another and addressed other historical problems, such as the authorship of specific books. He sought understanding wherever he could find it and did not hesitate to praise a Christian's comments on a certain problem. His style was to ask a series of questions at the beginning of a unit and to proceed to give clear answers that unraveled the problems. His commentary is filled with insights of politics and literary appreciation; he ignored Rabbinic tradition where he found it convenient to do so. For this he did not escape criticism.

France

Not much is known about the roots of French-German biblical commentary. We do know that the Biblical lexicons of Menahem ibn Saruk and Dunash ibn Labrat from Spain had reached there and that the scholarly community did not share the philosophic spirit of Geonic-Spanish commentary. There was a need to encode Jewish tradition within the minute details of Scriptural wording (*derash*) on the one hand and to lay bare the stark literal meanings of the Scriptural narratives (*peshat*) on the other hand.

While some few citations of the commentaries of Menahem ben Helbo were preserved in the biblical commentary of his nephew, Joseph Kara, the compellingly bold-stroked pen of Rashi dwarfed all others from the time of its first appearance until modern times. Rashi attempted to give the reader a sense of the dual *derash*/*peshat* approaches mentioned above. His commentary introduced a style of inquiry and a terse mode of discussion that set the standards for all future exegesis. Read by Jews and non-Jews, his mastery of Rabbinic materials and his brilliant manner of explaining difficult ideas very simply assured his commentary's becoming the standard against which all others would be judged.

The most surprising element in the history of Western European Jewish commentary is the emergence of a school of exegetes who separated the *derash* method represented in the Rabbinic tradition from the straightforward sense of the Bible revealed by the *peshat* method. This bifurcation is evident in the works of Rashbam, Joseph Kara, Joseph Bekhor Shor, and Eliezer of Beaugency, who considered Rabbinic exegesis often to be based on something other than the biblical text itself. The artistry of the French exegetes is best seen in Hezekiah ben Manoah's work, *Hizzekuni*. He combined the best of French exegetical approaches, often citing Rabbinic midrash, and wove the comments of his predecessors into perceptive and illuminating expositions of Scripture. While he reworks the oral tradition of the early rabbis, he does not ignore grammar, ethics, straightforward niceties, or even scientific observations. The medieval schools of exegesis in France and Germany are best represented by the following commentators:

Solomon Ben Isaac (c. 1040–1105)

Shelomo Yitzhaki, known as Rashi, was a native of Troyes, in the area of Champagne. He lived and worked there, but his schooling had been in Germany, with teachers in Mainz and Worms. He composed lucid commentaries on the Talmud and Scripture, which replaced those of his teachers and predecessors. He seemed to know precisely what points of the tradition students would stumble over and addressed those points with precision and authority. The separate statements addressing the traditional, Rabbinic understanding of the verse and his own contextual, straightforward readings were allowed to bear equal weight and to function simultaneously. Where there is a difficulty in knowing why the rabbis embellished Scripture, Rashi pointed out that without such embellishment there would be a difficulty in reading a word or two or understanding why Scripture had omitted certain important details in a key passage.

His grasp of material was such that he could feel free to differ with Targum or midrashic interpretations. Additionally, while he did not reject accepted legal decisions, he often showed how a text's primary meaning differed from the meaning assigned to it by the tradition, within which it validated a particular practice. That latter meaning was integral to the structure of Judaism but was secondary to the plain sense of Scripture. Rashi's extensive use of midrashic passages, which he often abridges, allows his commentary to serve as an entranceway from study of Scripture to study of the Rabbinic literature. While he responds to many different kinds of problems that face the mature reader of the Bible, he does not hide his perplexity at some things, noting simply that he did not know their meaning.

Rashi's commentaries cover all of Scripture with the exception of Ezra, Nehemiah, Chronicles, and the last chapters of Job. The commentary that bear his name on these works are not from his pen. Students of Rashi added their own clarifications as they copied Rashi's commentary and today, despite the evidence of old manuscripts, it is difficult to pinpoint all the additions. Among the super-commentaries to Rashi's commentary on the Torah are some produced in the Sephardic communities, for example, *Sefer Ha-Zikharon* of Abraham Boccarat. The best known super-commentaries are those of Elijah Mizrahi, the *Gur Aryeh* of Maharal of Prague, and the often printed *Siftei Hakhamim*, which was compiled from various sources. Another favorite is *Kli Yakar* by Solomon Ephraim Luntschitz.

Samuel Ben Meir (c. 1080–1165)

Rashbam was born in Northern France (Ramerupt), the grandson and student of Rashi, the brother of the illustrious Jacob Tam. Of his many books concerning Scripture, only his commentary to the Torah remains extant. His reputation as a commentator to Talmud, who supplemented Rashi's commentary to some major tractates, ensures his respect for all time. His Bible commentaries, lucid and penetrating, are meant to be read alongside Rashi's, revealing other facets of Scripture, not discussed by Rashi. These draw the student into an appreciation for an intelligent reading of Scripture created without reference to the plethora of important Rabbinic midrashic passages that inform the meaning of the text. Rashi had aimed to solve problems in the text and to show the connection between the Oral and Written Laws. Rashbam, by contrast, aimed to provide an appreciation of Scripture as a document in its own right. As a result he informs us that his commentary cannot be used to study the legal sense of laws in the Torah, which depend upon the Rabbinic reading, but only the ethical and human dimensions that the legal sense does not have.

Legal readings are informed by many techniques, and Rashbam had mastered the material thoroughly. Nevertheless, the lessons to be derived from such readings were prescriptive, and Rashbam broke new ground in showing that Scripture had more to say about law than the prescriptive aspects. The phrasing of the law often had a moral dimension, irrespective of the tradition's notion of the law's proper observance. It might even happen on rare occasion that the tradition reversed meanings in Scripture, for whatever practical reasons. Rashbam did not suggest that anyone should follow his readings in practice, but in theory they had much to teach about equity and fairness. These natural readings of Scripture were a luxury. So long as Rashbam was free from pressure to engage the meaning of the law, he could think about the holy text as a revelation in and of itself, beyond any other considerations.

Rashbam often opposed Rashi's interpretations (see E.Z. Melamed, *Bible Commentators* [in Hebrew, Jerusalem, 1978, vol. I, p. 458]) and also engaged in polemics against the Church Fathers. Nevertheless, he knew the Apocrypha from Christian sources, which he utilized when it was convenient for him to do so (see, e.g., his comment to Num. 12:1). His knowledge of Hebrew grammar and philology is prodigious, and he was able to make good use of Targumim to discuss such subjects and even to study the precise wordings of the textual tradition he had received. An able

poet in his own right, he was the first to discuss certain facets of biblical poetry, for instance, that what is stated in the first hemistich of a line is embellished in the second. While his method of analysis drew the attention of the greatest minds of his generation who adopted his approach, overall his program was not followed extensively by subsequent exegetes in later generations. We do, however, have at least one supercommentary on the work of Rashbam.

Joseph Kara (Eleventh-Twelfth c.)

This French scholar has been sadly neglected throughout the ages, and only his works on the Prophets and Job are extant. He formulated rules of narrative and literary techniques, for instance, that Scripture foreshadows events by introducing a subject briefly in one episode before elaborating upon it in great detail subsequently. He endeavored to portray Scripture as made up of cohesive units with a tight internal logic that merely had to be exposed by the commentator. He viewed traditional midrash as presenting secondary embellishments to the text rather than strict interpretations, and in many ways his essentialist approach is not much different from Rashbam's, whom he knew well. He had studied with his uncle, Menahem ben Helbo (11c), who himself wrote biblical commentaries.

Joseph Ben Isaac (Twelfth-Thirteenth c.)

Joseph ben Isaac, referred to as Rabbi Yosef Bekhor Shor of Orleans, was as prodigious and productive a talmudist and halakhist as was Rashbam. Like Joseph Kara he considered midrash to be secondary to the primary sense of Scripture, the larger literary structure of which he often explored. For instance, whereas modern scholars are inclined to see the legal exposition of Exod. 34 as divorced from the previous episodes concerning the golden calf, Rabbi Bekhor Shor demonstrates integral connections between the two sections. Unlike Rashi, especially in his exposition of legal passages, he did not rely on Talmudic and midrashic literature, following, rather, the style of Rashbam. He thus deviated from traditional exegeses in cases in which he felt the sense of Scripture was different from that upheld by the oral law, even though he obviously accepted that law as binding. In particular in cases with no practical implication for daily life, he upheld the literal meaning as opposed to that on which the binding, accepted rule was based.

He took pains to explain away anthropomorphic descriptions of God, and, similarly, he tended to rationalize miracles as much as possible, contrary to the midrashic approach. In engaging the literal meaning of texts he reacted bitterly against the figurative interpretations of Christian exegetes and even belittled Christians for the yearly Eucharist rite, in which they understand themselves to partake of the blood and the flesh of Jesus. (There is no reason to emend here the word "yearly." That was the current practice.) Polemics and apologetics were among his major concerns.

Of all the medieval Western European exegetes, the school of Rashi had the most lasting impact. Rashi had been content to speak of straightforward (*peshat*) and derivative (*derash*) meanings, without demeaning either approach. Rashbam and his colleagues, by contrast, had shown a marked preference for a purely straightforward method of exegesis. It remained for the continuators of Rashi's approach, the Baalei Ha-Tosafot of France and Germany, to produce commentaries, collected in many volumes, such as *Da'at Zekenim* and *Hadar Zekenim*, that justified the Rabbinic oral tradition and argued against any other approach, including Rashi's or even that of Targum Onqelos. These works were scholastic, cited others commentaries, and asked penetrating questions that were solved by very ingenious answers. The method now applied to the interpretation of Scripture was the same one used to study the Talmud.

Provence

Joseph Kimhi (c. 1105–1170)

Joseph Kimhi had come to Narbonne in Provence from Spain and established the

methods of ibn Ezra there. His many commentaries (*Sefer Ha-Torah*, *Sefer Ha-Maqneh*, *Perush le-Sefer Mishlei, Perush le-Sefer-Iyov*) have survived, sometimes in partial form, but many have been lost. His work is philological and grammatical, paraphrasing units into the contemporary Hebrew, while often leaving the actual interpretation to the reader. He utilized his knowledge of Arabic to reveal meanings in biblical Hebrew, and his rationalist and occasionally neo-Platonist approach stands in stark contrast to the more romantic currents favored in Germany and France. Scattered throughout his grammatical works, such as *Sefer Hagalui*, one finds many explanations of biblical passages. His approach led him into disputations with Christian exegetes, and his polemics are recorded in his *Sefer Ha-Brit*. He was the teacher of Menahem ben Simeon of Posquières, who composed commentaries to the Books of Jeremiah and Ezekiel.

Moses Kimhi (c. 1120–1190)

Taught by his father, Joseph Kimhi, Moses followed in his footsteps and achieved prominence as a first-rate grammarian. His biblical commentaries to Proverbs and Job have recently appeared in critical editions, and his work on Ezra, Nehemiah, and Proverbs appears in Rabbinic Bibles under the title of Abraham ibn Ezra, whose methods Moses followed. His work is characterized by expositions of grammatical points, with ample examples given from other books of the Bible that illustrate the same matter. He also paraphrases verses to show how the units of Scripture hang together as literary units with substantial inner logic. He utilizes Targumim, reacts against earlier commentators who remain unnamed, borrows from Abraham ibn Ezra, and at times cites Rabbinic ideas. He taught his younger brother David, who was ten years old when their father died.

David Kimhi (c. 1160–1235)

Radak achieved more fame than his brother or his father. He combined their stark philological and grammatical approaches—which exposed the evident sense of verses—with passages from Rabbinic literature, so as to arrive at the essence of each biblical verse's meaning. He introduced both neo-platonic and Aristotelian notions into his commentaries. In the case of descriptions of the world's creation or the features of the heavenly realms, he utilized allegorical methods. Nevertheless, unlike his father and brother, with whom he disagreed in many ways, his work was meant to be popular and not just for scholars. On occasion he included discussions about proper behavior, ethics, and morals, while still clinging as best he could to what he saw as the straightforward meaning of the biblical text.

Among the examples in his grammar (*Mikhlol*) and his lexicon (*Shorashim*) can be found hundreds of interpretations of Scripture, and these are useful even for modern scholars. He traveled widely to look at various manuscripts of the Bible, so that he could free the text from copyists' errors. He wrote commentaries to the Pentateuch, and that to Genesis is still extant. While he may not have written any more than this one on the Pentateuch, some later references may suggest otherwise. Or, perhaps, there was a compilation, now lost, of his comments to the Pentateuch taken his other works. We have his commentaries to all the books of the Prophets, Psalms, Proverbs, and Chronicles. It does not seem that he commented on Job, and a commentary to that book bearing his name is likely that of a student of Moses Kimhi. His influence was pronounced, and the King James Version of the Bible is largely based on his commentaries.

Joseph Ben Abba Mari Ibn Kaspi (1279–1340)

Born in Spain, Joseph moved to Provence later in his life. He produced commentaries to almost the entire Scripture. He named his commentaries with the adjective "silver" (*kesef*), an illusion to the name Kaspi (*Tirat Kesef, Adnei Kesef, Asara Klei Kesef*, etc.). He combined a proto-modern approach to contradictory statements in the Bible, ascribing them to different contemporary accounts of the same incident. He was sensitive to the Masoretic cantillation notations, to grammar, to textual variants, and to ancient reality. It

is of historical note that Kalonymos ben Kalonymos wrote him concerning the appearance of various names of God in one section of Genesis, different names in another section, and combined names in a third section. Kalonymos does not tell us what he made of this, except to intimate that on the surface it had no facile reason. Kaspi's philosophic approach to theological questions was in the framework of the Spanish schools, and of late scholars are recognizing his contributions.

Levi Ben Gershom (1288–1344)

He was well versed in the philosophic and *peshat* methods of his native Provence. His work covers almost the whole of Scripture, save for the Later Prophets, Lamentations, and some of the Hagiographa. He was a thorough rationalist and often reworked sentences that sounded miraculous, so that they seemed more natural. He did not minimize contradictions between various Scriptural books.

Italy

Isaiah Ben Mali di Trani (First Half of Thirteenth c.)

A well known Talmudist, his commentaries on the Prophets and Writings dealt with matters in a modern spirit, posing difficulties in chronology and noting implausible sequencing of narratives. He touched upon matters of theology and philosophy and showed a breadth of understanding detached from the stock answers that might have flowed from his Talmudic commentaries. A prolific writer, he followed the approach of Rashbam, and, like him, his methods were not widely appreciated.

Obadiah Ben Jacob Sforno (c. 1470–1550)

This halakhist and humanist was a true renaissance man, a philosopher, physician, and mathematician. His students were not only Jews but also famous Christians, like Johannes Reuchlin. A spirit of compassion and moral instruction fills his works. He weaves his knowledge of medicine and botany with his literary insights to create an intelligent, discriminating, and very illuminating commentary. He introduces his own insights to elaborate upon the works of his predecessors, in general following the thinking of Maimonides and deviating from his path only at rare times. He utilized passages from the Talmud more frequently than midrashic texts. His commentaries cover the Pentateuch, Song of Songs, Job, Psalms, Ecclesiastes, Habbakuk, Zechariah, and Jonah. His works remain popular to the present day, and his commentary to the Pentateuch is found in Rabbinic Bibles.

The Later Sephardic Tradition

Moses Alshekh (Second Half of Sixteenth c.)

His saintly character is evident throughout his commentaries to the Pentateuch, Prophets, Psalms, Proverbs, Song of Songs, Ruth, Lamentations, Ecclesiastes, Esther, and Job. A contemporary of the famed Kabbalist Isaac Luria, he wrote in the Land of Israel, reading ethical or philosophic insights into a verse by recourse to midrashic and talmudic texts and mystical allusion. The sheer beauty of his thought attracted much attention. It was added to some editions of Rabbinic Bibles and is widely read to this day.

Hayyim Ben Moses Attar (1696–1743)

A prominent Moroccan Kabbalist who founded an academy in the Land of Israel, he wrote an extensive commentary to the Pentateuch, called *Or Ha-Hayyim.* In this work he weaves together midrashic and Kabbalistic themes to develop profound speculations on the biblical text. The Western European Hassidic communities elevated his work to the status of Rashi's commentary, published it in their editions of Rabbinic Bibles, and read it weekly alongside the Biblical weekly portions.

The Dawn of Modernity

Included in current editions of the Rabbinic Bible under the titles *Metzudot David* and *Metzudot Zion*, David and Hillel Altschuler's comments to the Prophets and Writings (seventeenth c.) were copied from the best of earlier exegetes who had focused on the literal sense of verses. Their work stands at a transitional point in biblical commentary. Even as the emerging Hassidic commentaries brought a new midrashic thrust into the texts, the dawn of secularism gave rise to an new interest in philology and ancient history. The blossoming of modernity and its impact on religious life is fully portrayed in the currents of eighteenth, nineteenth, and twentieth centuries commentary.

Elijah Ben Solomon, Gaon of Vilna (1720–1797)

The Gaon was the towering figure of eighteenth century Jewry, there being no area of Rabbinic study that he did not master. He revitalized the study of Scripture in Poland, Germany and Lithuania. When he was dealing with the straightforward sense of Scripture he brought his powerful intellect to delve deeply into the precise sense of word usages, realia of history, geography, mathematics, and grammar; when dealing with esoteric matters he showed Kabbalistic connections in a brief but penetrating manner. His son annotated his *Aderet Eliyahu* on the Pentateuch.

Moses Mendelssohn (1729–1786)

With the figure of Moses Mendelssohn we enter a new stage in Bible commentary. Mendelssohn was thoroughly dedicated to the Age of Reason and its ideals. Active in beginning the Berlin Enlightenment, he translated the Bible into German anew, even working into it the ideas of the medieval commentators and traditional *halakhah*. He organized a project of detailed, rational commentary called the *Beur*, which took several generations to complete. His commentary was meant to stimulate Jewry into an appreciation of the delights of rational, scientific thought on history, botany, textiles, etc., so as to unravel the ancient texts. He wanted to make it possible for Jews to learn proper German and good Hebrew, as opposed to their native Yiddish dialects that had been born in the ghettos. He revitalized the study of grammar as a tool to study Bible, accepted Rabbinic tradition, and followed midrash where the literal sense was too much at odds with the talmudic teaching about a verse, especially in legal matters. Mendelssohn paid close attention to the aesthetics of Biblical poetry and wrote brilliant introductions to many biblical books. Despite his modern and critical approach, his piety was unquestionable, including his belief that the text was divinely given to Moses. His collaborators were S. Dubno, N. Wessely, A. Jaroslaw, and N. Homberg, who based their comments on the works of the classical commentators but added gems of their own. The work in its entirety was called *Netivot Ha-Shalom*. The text was reprinted and expanded upon for a number of years and finally came to include the insights of Samuel David Luzatto and Elijah of Vilna.

As the Jewish Enlightenment in the early 1800s began to develop into a serious threat to religious traditions, and as the leaders of the Enlightenment began to utilize sections of Mendelssohn's translations and commentaries to teach German language and the goals of the Enlightenment to Jewish youth, the most prominent traditional scholars, including Hassidic masters, gathered to condemn the work and Mendelssohn himself. By the end of the century such scholars as Heinrich Graetz were writing German commentaries, suggesting emendations to the traditional text, and departing totally from the ancient traditional understandings. In Italy, Isaac Samuel Reggio (1784–1855), a colleague of Samuel David Luzzatto, did in Italian on a smaller scale what Mendelssohn had done on larger scale, but his work already suggested emendations and departed from tradition more than Mendelssohn would have appreciated.

Samuel David Luzzatto (1800–1865)

A sense of balance was introduced by this eminently pious Italian rabbi. In his piety he worked to demonstrate that the Pentateuch was not a composite work, as the emerging German Protestant scholars were claiming. Still, he was a rationalist in that he adopted the views of the emerging Protestant scholarly approach to the books of the Prophets and the Writings and even emended texts on the basis of ancient versions. Known by the acronym Shadal, he labored to extract the plainest meaning possible and did not shirk from using comparative semitics and acknowledging the corrupt states of certain passages. In sum, what he derived as the proper sense would stand, no matter if it contradicted received tradition. He commented on the Pentateuch and Isaiah, each of which he saw as authored by a single hand. His work on Jeremiah, Ezekiel, Proverbs, and Job shows his dislike of Abraham ibn Ezra's disregard of Rabbinic tradition in his commentary to the Torah. In his lengthy essay on Ecclesiastes, he disregarded Kabbalistic approaches and ignored traditional Jewish philosophical expression in favor of common sense. Shadal was very much part of the Jewish Enlightenment in his Hebrew poems and innovative use of language. But in his theology and his yearning for the Holy Land, he was a disciple of Judah Halevi.

The climate for biblical scholarship, whetted by Shadal, continued into modern times. The works of Moses Isaac ben Samuel Tedeschi (1821–1898) are prolific and densely thought out; Arnold Bogumil Ehrlich (1848–1919) wrote commentaries aiming at philological precision in both Hebrew and Greek; Benno Jacob (1862–1845) totally rejected the biblical criticism of German Protestant scholarship and undertook a detailed philological and grammatical analysis of texts to show the unity of their meaning and message. Ehrlich's approach was utilized by N.H. Tur Sinai (Torczyner) in his *Peshuto shel Miqra* commentary to the Pentateuch and in his commentary to Job, both written in the middle of the twentieth century. His approach was also continued by the Italian scholar Umbretto Cassuto in his commentary to Exodus and parts of Genesis. Also writing in the middle of the twentieth century, Cassuto opposed the use of the documentary hypothesis, which explains textual difficulties by relegating different passages to distinct biblical authorships.

Jacob Zevi Meklenburg of Koenigsberg (1785–1865)

His great work on the Torah, *Ha-Ketav ve-Ha-Qaballah*, delves into the meaning of each word in order to clarify its meaning and to show how much the oral tradition and accepted commentaries can be accommodated by these senses without straining the plain sense.

Naphtali Zevi Judah Berlin (1817–1893)

This Lithuanian master talmudist and head of the great academy of Volozhin had an incisive mind and a mastery of Rabbinic works. His commentary to the Pentateuch, called *Ha'amek Davar*, attempts to show the consistency of Scripture's language and to demonstrate how the oral traditions illuminate the text and clarify difficult problems. In his footsteps it is fair to mention the later commentaries of Baruch Epstein's *Torah Temimah* and Meir Simha Cohen's *Meshech Hochmah*, which attempt to explain the connections between Midrash and Scripture.

Meir Leibush Ben Yechiel Michel (1809–1879)

Revealing wit and acumen, his commentaries are based on the large numbers of rules this Russian rabbi deduced for unraveling Scripture. In the main he wishes to show how Rabbinic interpretation is true to the meaning of the written Scripture, and he maintains the futility of the ideas of the Reform movement, which sought to discredit Rabbinic interpretations. Malbim (his name based on his acronym) also examined biblical poetry to illustrate that parallel stichs are not simply casual poetic redundancies but carry independent meaning and, when looked at closely, reveal deep theological and ethical teachings.

David Zevi Hoffmann (1843–1921)

The products of a quick and critical mind, his German commentaries to Leviticus and Deuteronomy attempted to illustrate the insufficiencies of the documentary hypothesis and to portray the fundamental place of Rabbinic tradition in establishing the authorial meaning of Scripture.

Samson Raphael Hirsch (1808–1888)

The prolific spiritual leader of the Jewish community of Frankfurt-on-Maine, he wrote commentaries to the Pentateuch. His goals and methods are similar to those of Malbim, but his method of writing is quite different. Malbim posed and then answered pointed questions. Hirsch by contrast sermonizes eloquently, while never forgetting that the commentator's goal is to derive lessons from a close reading of the text. He speculates about the emotional and mental motivations of biblical characters, and at times he shows how social influences can determine behavior. The most recurrent technique he uses is creative etymology, which finds unsuspected meanings in words so as to open up new understanding of verses. Since he balances tradition with enlightened views of the value of the human spirit, Hirsch, like Malbim, has remained popular into the twenty-first century.

Judah Aryeh Leib Alter (1847–1905)

A renowned talmudic scholar and author, the Sfas Emes (his pen name) was the chief rabbi of the Gur Hassidim in Poland. His biblical commentaries, unlike his talmudic commentaries, bring together ancient Rabbinic thought, Zohar, and creative Hassidic reformulations of law and lore with some contemporary point he wishes to address to his audience.

Modern Criticism

The first third of the twentieth century saw the publication of the most thorough higher critical commentary on the Bible in Hebrew. Abraham Kahana organized a group of scholars to utilize the newest discoveries in ancient Semitic languages and the findings of scholars who accepted the premises of the documentary hypothesis. Yet this commentary did not have the popular appeal of either the "traditional" or the "enlightenment" methods. While there may or may not be further attempts at scientific commentaries in Hebrew, it is certain that the collecting and analyzing of the works of the classical commentators will continue into the future, and such works appear regularly. Also many of the Jewish biblical commentaries are continuing to be translated into English, among them: Attar's commentary on the Torah, 1995; the commentary of Abraham Ibn Ezra on the Pentateuch, 1986; Samuel ben Meir's commentary on Genesis and Exodus 1989–; Meir Leibush ben Yechiel Michel's commentary on the Torah, 1978; Sforno's *Beur al Ha-Torah*, 1987–1989; Ramban's commentary on the Torah, 1971–76; *Perush Rashi al Ha-Torah*, 1994; and Hirsch's Pentateuch, 1958–1962. Of more significance to scholars are the new Hebrew editions of classical commentators, which are based on manuscript evidence and show how corrupt the current printed editions are.

The Problem of Levels of Meaning in Medieval Interpretation

The study of biblical hermeneutics is a very new field, such that many central questions remain unanswered. One of these questions concerns whether or not there is a continuous tradition of exegetical methodology, so that, for instance, commentators in the eleventh century inherited approaches used by exegetes in the first century or earlier. This is an important issue in particular regarding the origins of the notion that the biblical text can be interpreted on several levels. For while some have argued that medieval Jewish exegetes referred to three or four levels of meaning because this approach was in use in the Christian schools of their time, it should also be clear that a

precedent for this approach exists in the Jewish sources themselves.

The recognition of a tension between the literal meaning and the significant meaning is reflected as early as the first century by Josephus, who begins his *Antiquities of the Jews* (1.24) by noting that Scripture has three modes of writing: 1) the enigmatic veiled allusion that hides esoteric meanings; 2) the metaphoric expression that is meant to be interpreted; and 3) the simple, straightforward meaning. For Josephus, these various levels of meaning did not apply simultaneously to the same words. In the same period, however, Philo (*On the Confusion of Tongues* 183–190) understands words that have allegorical lessons still to bear their straightforward sense. Similarly the opening paragraph of the Rabbinic text Genesis Rabbah (1:1) reflects a threefold exegesis scheme, including the pedagogic, the hidden, and the veiled meaning. In later manuscripts and the printed editions, a fourth, Alexandrian allegorical meaning has been added as well. The Zohar (Midrash Ha-Neelam 83a, end) also holds that all four levels are simultaneously active in all places in Scripture.

The centrality in early Judaism of the question of how Scripture is to be interpreted is reflected in the fact that Talmudic rabbis already saw a certain tension between the literal and the belabored senses. The rabbis, or at least many of them, were unwilling to see a divine document as having been written wastefully. God, in this view, did nothing gratuitously, did not waste a jot or tittle. Everything, including the spellings of words and their numerical values, thus had meaning and needed to be interpreted. In line with this, B. Men. 29b pictures Moses himself as astounded when God shows him a vision of Aqiba interpreting what Moses saw as mere ornamental decorations of certain letters in Scripture. Finding meaning even in these decorations, Aqiba derives teachings from every aspect of the text, a procedure of which God clearly approves.

In presenting a model of this exegetical approach, the influence of the rabbis on medieval commentators was profound. For instance, Rashi explains M. Sot. 9:15's report that after the death of Aqiba the honor of the Torah was impoverished by stating that this is because Aqiba's methods of reading meaning into every jot and tittle was not practiced after he died as thoroughly as when he had encouraged it in his lifetime. Of similar importance was B. Meg. 18a's statement that Scripture itself elevates one who teases meanings out of every hair line in it. Scripture thus was not to be interpreted simply as the product of literary artistry. It comprises, rather, a highly complex structure of meanings to be thoroughly analyzed and processed.

At the same time, Scripture had always been recognized as a work of historical and narrative writing, such that even the Talmuds proclaim that the study of Scripture as a historical document is meritorious (even as the study of its minutiae to derive legal, philosophic, and mystical meaning was of the highest order). The outcome of this dual attitude towards scripture—viewed as artistic narrative, on the one side, and complex structure of meanings, on the other—was the emergence of the medieval notion that Scripture can and must be interpreted on a number of levels.

To appreciate this approach, let us look at Gen. 33:16–20: "And Esau returned on that day on his way to Seir . . . And Jacob traveled to Sukkot . . . And Jacob came to Shechem . . . And he bought a portion of the field . . . And he erected there an altar; and he named it/him, Mighty, the God of Israel."

B. Meg. 18a tells us that one sage, Eliezer, rejected the ostensible meaning that Jacob named "it," that is, the altar, "Mighty, the God of Israel." He holds instead that the verse should be read "and Jacob (was) named it," that is, "and the God of Israel named Jacob, 'Mighty.'" While the Talmud presents no explicit explaination of why Eliezer chose this interpretation, Rashi is aware that Talmudic method requires that one show a problem in the obvious meaning of a verse before straining its sense to produce a creative meaning. Rashi thus understands the Talmud to have rejected the

straightforward sense of the text only in order to present a sermonic meaning. But it is not uncommon for Rashi and others to present exactly such meanings that Talmudic sages rejected as the obvious and accepted sense. Thus Rashi comments:

> And he erected there an altar; and he named it, "Mighty, the God of Israel"—The altar was not called "the God of Israel;" rather in celebration of the fact that God was with him and had saved him [from Esau] he named the altar in celebration of that miracle. In this way praise of God would be conveyed in calling it this name. Specifically, He who is Mighty—being the Holy One blessed be He—is the God of me for my name is Israel. And likewise we find concerning Moses "he called its (his altar's) name "The Lord is my miracle-worker" (Exod. 17:15). The altar was not called "Lord;" rather in celebration of the miracle, he named the altar to convey the praise of God; The Lord, He is my miracle-worker. But the rabbis creatively interpreted it to mean that God called Jacob "Mighty." Now the words of the Torah are like what ensues when the hammer is smashed on a rock in that they become fragmented (Jer. 23:29) into many meanings (B. Shab. 88b). My intention is to settle the straightforward sense of Scripture.

There is no question that Rashi understands the meaning of the text to be that the altar was named "Mighty, God of Israel," that is, "Mighty is the God of Israel." What Rashi must address is why Jacob names his altar at all. Rashi did not find the Talmud's query—"How could Jacob have called his altar 'Mighty'"—to be anything more than a way of introducing a creative, midrashic reading of the text. But this reading was not to be understood as invaliding the explicit, surface meaning of the narrative.

Rashi's reading is not altogether out of line with Targum Onqelos' paraphrase in other places, a point not lost on the Ba'alei Ha-Tosafot, who reject Rashi's waving aside of the seriousness of Eliezer's query in the Talmud. Thus the Tosafists (B. Meg. 18a) explained the Talmud's warning about accepting Gen. 33:20 at face value:

> Perhaps you might imagine that Jacob called his altar "Mighty!" Now although we can object and claim that we find this in line with places where it is written in Scripture that Moses called his altar's name "The Lord is my miracle-worker (Exod. 17:15)," or where Gideon called his altar's name, "God is the peace-worker" (Judg. 6:24), and the Aramaic paraphrase translates that "he offered sacrifices and prayed there," that is not a valid objection. We can say in these cases that they were celebrating the miracle or the peace that occurred to them in those narratives by naming the altars as such. But in the case of Jacob, we cannot find any event that warrants Jacob's naming his altar "Mighty." Had Jacob in fact called it "Mighty," Scripture would certainly have indicated it more clearly.

The Ba'alei Ha-Tosafot object to Rashi's claim, finding his parallels unconvincing. In those other settings, the name of the altar reflects the theme of the narrative, while in the Jacob story, there is no theme in which the concept "Mighty" plays a role. The Talmud's query therefore is taken as definitive and defended at the expense of Rashi's comparative and sensitive reading. The Talmud is giving the only acceptable sense; Rashi is wrong.

One does not sense that the Tosafists simply wanted to defend the Talmud's methods while in reality they might be prepared to grant Rashi's point. As one reads the volumes of biblical exegesis produced in the French academies, one will not find support for such a position. The attempt to read Scripture as a closed document with only one meaning was gaining currency, and even the immense statures of Rashi and the Spanish commentators were not able to stem the strong tide that swept through Provence in the twelfth century. By contrast, the method of reading Scripture as revealing diverse meanings is best seen in the words of Ramban who, after quoting Rashi's comment says:

> All this is the language of Rashi and the Master is correct as far as the straightforward meaning of the verse goes. . . . But Onqelos translated it, "And he worshipped upon it to the Mighty, God of Israel". . . . But the Kabbalistic meaning is like the interpretation of the rabbis in tractate Megillah: From whence do we know that the Holy One, blessed be He, called Jacob "Mighty?" As it is said, "and he named him 'Mighty'—the God of Israel (did)." "Mighty." And there is in this matter a profound mystery which was mentioned elsewhere in Genesis

> Rabbah in different words: Jacob said to him, "You are the Lord of the upper realms and I am the lord of the lower realms." And the rabbis thereby alluded to their constant dictum that "the image of Jacob was engraved on the Throne of Glory" and the sense is that the Shekhina is focused upon the Land of Israel. The Kabbalist will follow the thread.

Here we see the range of simultaneous meanings: Jacob names the altar, he prays upon it, the personage of Jacob is given metaphysical meaning in the Kabbalistic, sefirotic system. These are not competing senses, as the Baalei Ha-Tosafot would see them, but complimentary ones.

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Exodus in Judaism

THE book of Exodus is mediated to Rabbinic Judaism by the midrashic compilation Mekhilta Attributed to R. Ishmael. That is a miscellany, not a coherent and systematic reading of the biblical book.

The document, seen in the aggregate, presents a composite of three kinds of materials concerning the book of Exodus. The first is a set of *ad hoc* and episodic exegeses of some passages of Scripture. The second is a group of propositional and argumentative essays in exegetical form, in which theological principles are set forth and demonstrated. The third consists of topical compositions—what we might call articles—some of them sustained, many of them well crafted, about important subjects of the Judaism of the dual Torah. The document forms a sustained address to the book of Exodus, covering Exod. 12:1–23:19, Exod. 31:12–13, and Exod. 35:1–3. It comprises nine tractates, Pisha (Exod. 12:1–13:16), Beshallah (Exod. 13–17, 14–31), Shirata (Exod. 15:1–21), Vayassa (Exod. 22–17:7), Amalek (Exod. 17:8–18:27), Bahodesh (Exod. 19:1–20:26), Neziqin (Exod. 21:1–22:23), Kaspa (Exod. 22:24–23:19), and Shabbata (Exod. 31:12–17 and 35:1–3). There are eighty-two sections, subdivided into paragraphs. The division of the book of Exodus has no bearing on the lections read in the synagogue as we now know them. While the date of the document is subject to debate, the consensus of scholarship tends to favor ca. 250–300 C.E. That guess is, though, rejected with sound reason by others, who place the document square in medieval times.

Mekhilta Attributed to R. Ishmael comprises the first scriptural encyclopedia of Judaism. A scriptural encyclopedia joins together expositions of topics, disquisitions on propositions, in general precipitated by the themes of scriptural narrative or the dictates of biblical law and collects and arranges in accord with Scripture's order and program the exegeses—paraphrases or brief explanations—of clauses of biblical verses. The nine authorships of Mekhilta Attributed to R. Ishmael treat as a given, that is to say, a corpus of facts or, more aptly, a body of tradition, what the other authorships or compilers of Midrash-compositions set forth as components of a system that requires defense and demands apologetic exposition. For our authorship, the facts comprise a corpus of information, to which people require ready access. By setting forth an important component of information, that is, the data of revealed truths of the Judaism of the dual Torah, that authorship provides such access. What is needed, then, is an encyclopaedia of things one should know on themes Scripture dictates, and the sequence of topics and propositions, in the order demanded by Scripture, results.

A model for long centuries to come—but for no one in the formative age—Mekhilta Attributed to R. Ishmael in medieval and modern times has attracted imitators and continuators. The conception of collecting information and holding it together upon the frame of Scripture attracted many, so that a vast literature of Midrash-compilation much like this compilation came into being in succeeding periods. Not one but dozens, ultimately hundreds, of Midrash-compilations, interesting, traditional, and, of course, pointless and merely informative, would fill the shelves of the library that emerged from the canon of the Judaism of the dual Torah. Accordingly, Mekhilta Attributed to R. Ishmael stood at the beginning of centuries of work carried on in the pattern set by that authorship. There would be only one Bavli, but many, many Midrash-compilations: Mekhiltas, Yalquts, Midrash-this and Midrash-that, and, in due course, a secondary development would call into being commentaries to Scripture (as to the Bavli) as well. So Mekhilta Attributed to R. Ishmael formed not only a scriptural encyclopedia of Judaism, but, as it turned out, the first of many, many such compilations of revealed, received truth, set forth in the framework of the written Torah.

The sincerest compliment is imitation. We have only one Mishnah, no other writing of its kind; only one Sifra; only one Leviticus Rabbah (with a document that uses some of its materials and copies its style, Pesiqta deRab Kahana, to be sure); only one Talmud of the Land of Israel; and the Talmud of Babylonia is utterly unique. But we have through time dozens of collections and arrangements of information on various scriptural books, and for the long centuries from the closure of the Talmud of Babylonia in the early seventh century to the nineteenth century, people reverently collected and arranged information in that essentially haphazard way, held together only by the book of Scripture at hand, that characterized this document. Whatever people wanted to say for themselves—and even the most unimaginative collector and arranger thinks to make a point, if only one of emphasis and reiteration—they said in the way the framers of Mekhilta Attributed to R. Ishmael did.

Lacking all interest in cogent and sustained argumentation and demonstration of propositions set forth for argument, the authorship of Mekhilta Attributed to R. Ishmael scarcely aspires to make a full and important, well-composed and proportioned statement of its own. The nine tractates of Mekhilta Attributed to R. Ishmael, moreover, prove discrete. We have to take account of a document behind which, even at the end product, stand nine authorships, not one single authorship whose hand is evident through. For in formal and logical traits, all the more so in topical program, the nine tractates are scarcely cogent when seen whole and complete. They make no one point over and over again. They undertake no sustained, methodical analysis that joins bits and pieces of exegesis into a large-scale composition, bearing meaning. They do not pursue a single range of problems in such a way as through discrete results to demonstrate in many ways a single cogent position.

Keenly interested in setting forth what there is to know about a variety of topics, the sages who stand behind Mekhilta. Attributed to R. Ishmael preserve and transmit information necessary for the reader to participate in an ongoing tradition, that is to say, a system well beyond the nascent and formative stage. For framers such as these, important questions have been settled or prove null. For it is a system that is perceived to be whole, complete, fully in place, that the information collected and set forth by our authorship attests. When people present writing in which Scripture supplies information and propositions, but not grammar and syntax of thought, Scripture plays a dominant role at the surface, but none in the substrate of the writing. That is shown here. For when facts serve not for arguing in favor of a proposition but principally for informing a readership of things it must know, then we confront not a systemic exercise expressed through sustained writing by the medium of Scripture but a traditional rite in which Scripture plays a formal role. That is to say, we find merely

the repeating of the received facts so as to restate and reinforce the structure served by said facts. That accounts for our characterizing the document, assuming a provenance in late antiquity, as the first encyclopaedia of Judaism, and our seeing the document as a prime example, for late antiquity, of how people did not write with Scripture but used Scripture in other ways altogether.

It follows that, while the authorship of Mekhilta Attributed to R. Ishmael sets forth propositions, these overall do not serve to organize or impose cogency upon the document as a whole. That is why it is an encyclopedia, cogent in the pieces, but not overall. Only one tractate, Neziqin, clearly does exhibit fundamental cogency, since, in the main, it follows a single program of exegesis, aimed at establishing a set of uniform conceptual results. These, briefly stated, point to the conclusions that [1] cases may be generalized into rules; [2] Scripture does not repeat itself even when it covers the same legal subjects more than once; [3] the categories that make sense of reality derive from Scripture's classification of things, not from the traits of things viewed independently of Scripture. The other eight tractates into which the document is divided present a variety of conclusions.

That miscellaneous character of the whole should not obscure the fact that the parts really do form coherent statements, each on its own. Indeed, what makes the document interesting is the laconic and uncontroversial character of its discourse. Its framers clearly take for granted that what they are telling us are the established, accepted truths of the faith. That is why they can find it appropriate just to collect and present information, certain of the knowledge that everyone knows what they say is so. The main points that this Midrash-compilation makes in its several parts may be conveniently divided into three classifications: [1] generalizations about the character of Scripture, [2] rules for correct conduct, and [3] theological teachings, with special reference to the relationship between Israel and God and the implications of that relationship for the fate of Israel among the nations. The first two are in volume and intellectual dimensions not imposing, the third is enormous and important, bearing the weight of the burden of our document.

1. *Traits of Scripture*

The order in which Scripture sets forth two or more propositions does not necessarily indicate the priority assigned to those items. Scripture itself will dictate priority. Scripture uses euphemistic language. Scripture is not bound by temporal considerations, e.g., of sequence.

2. *The Moral Life in Israel*

When one party pays respect to another, they speak in harmony. With the measure with which one metes out to others is one's own reward meted out. Whoever welcomes a fellow is as if one welcomed the face of the Presence of God. Do not favor either rich or poor in judging a case.

3. *Theological Convictions*

These add up to a great collection of the basic theses of the theology of the Judaism of the dual Torah. Let me simply state the items as they come.

Through doing religious duties Israel was redeemed, and preparation of the rite well in advance was the religious duty to which redemption for Israel would serve as reward. What God says he will do, he does. Wherever Scripture indicates that God has said something, we can find in some other passage precisely where and what he had said. The upshot, of course, is that by carefully reading Scripture, we are able to identify the rules that govern history and salvation. The vindication of Moses's demands turns the demands into prophecies of precisely what would come about. This further is underlined by the careful delineation of the degradation and humiliation of Pharaoh, portrayed as running about. And then comes the striking contrast between the reverence in which Israelites hold the rule of God and the humiliation of the Egyptian ruler. People get what is coming to them. Divine punishment is inexorable, so too divine reward.

When God exacts punishment of the nations, his name is made great in the world. Merit is what saved Israel at the sea. The issue to be pursued is, what sort of merit, e.g., deriving from what actions or persons? The acts of healing of the Holy One, blessed be he, are not like the acts of healing of mortals. The redemption at the sea prefigures the redemption at the end of time. Faith in God is what saves Israel.

God punishes the arrogant person by exacting a penalty precisely from that about which such a person takes pride. With that in which the nations of the world take pride before him he exacts punishment from them. Numerous cases on a long line of instances, based upon historical facts provided by Scripture, serve to demonstrate that proposition. Israel is unique among the nations. Mortals have the power to praise and glorify God. God takes many forms. The Lord is master of all media of war. The Lord needs none of those media. The Lord is a man of war, but the Lord is in no way comparable to a man of war, making war in a supernatural way, specifically by retaining, even while making war, the attributes of mercy and humanity. God is just, and God's justice insures that the worthy are rewarded and the unworthy are penalized. God responds to human actions and attitudes. Those who oppose Israel are as though they opposed God. God is unique and God's salvation at the sea will be repeated at the end of time.

Israel gained great merit because it alone was willing to accept the ten commandments. The Israelites deserve praise for accepting the Torah. The "other gods" are not really gods at all. They are called "other" for various theological reasons. Suffering is precious and will not be rejected. One must not act in regard to God the way the outsiders treat their gods. They honor their gods in good times, not in bad, but Israel, exemplified by Job, honors God in bad time as much as in good. These fundamental principles of faith hardly exhaust the allusions to, or representations of, theological and normative statements in Mekhilta Attributed to R. Ishmael. They represent only those convictions that are spelled out in massive detail and argued with great force, the points of emphasis within a vast fabric of faith.

While familiar, these propositions form a miscellany. The characterization of the propositional message of our authorship(s) strongly suggests that we are dealing with a repertoire of standard and established, normative dogmas of the Judaism of the dual Torah. Nothing in the representation just now set forth points toward controversy or can be shown to contradict convictions contained within other documents. In Mekhilta Attributed to R. Ishmael we deal with a compilation of teachings, not a sustained argument: a systematic presentation of conventions, not a focused argument in behalf of distinct and urgent propositions. Here is a sample passage.

> MEKHILTA. THE SECTION CALLED SHIRATA [SONGS]
> CHAPTER ONE
> XXVI:I.
> 1.A. "Then [Moses and the people of Israel sang this song to the Lord, saying, 'I will sing to the Lord, for he has triumphed gloriously; the horse and its rider he has thrown into the sea]:"
> B. There are cases in which the word "then" refers to times past, and some in which the word "then" refers to times future:
> C. "Then men began to call upon the name of the Lord" (Gen. 4:26); "Then she said, A bridegroom of blood" (Exod. 4:26); "Then sang Moses" (Exod. 15:1); "Then David said" (1 Chr. 15:2); "Then Solomon spoke" (1 Kgs. 8:12)—these are cases in which the word "then" refers to times past.
> D. And there are cases in which the word "then" refers to times future:
> E. "Then you shall see and be radiant" (Is. 60:5); "Then shall your light break forth as the morning" (Is. 58:8); "Then shall the lame man leap as a hart" (Is. 35:6); "Then the eyes of the blind shall be opened" (Is. 35:5); "Then shall the virgin rejoice in the dance" (Jer. 31:12); "Then our mouth will be filled with laughter . . . then they will say among the nations, The Lord has done great things with these" (Ps. 126:2)—these are cases in which the word "then" refers to times future.
> 2.A. Rabbi says, "What is written is not, 'Then Moses sang,' but, 'Then Moses will sing.'
> B. "We turn out to derive from this passage proof on the strength of the Torah for the resurrection of the dead."

3.A. "Moses and the children of Israel:"
B. Moses was equal in weight to Israel,
C. and Israel was equal in weight to Moses,
D. at the moment at which they sang the song.
4.A. Another interpretation of the clause, "Moses and the children of Israel:"
B. This indicates that Moses sang the song before all Israel.
5.A. ". . . this song:"
B. But is it a single song? Are there not ten in all?
C. The first was recited in Egypt: "You shall have a song, as in the night when a feast is sanctified" (Is. 30:29);
D. the second at the sea: "Then sang Moses;"
E. the third at the well: "Then sang Israel" (Num. 21:17);
F. the fourth, said by Moses: "And it came to pass, when Moses had finished writing . . . Moses spoke in the ears of all the assembly of Israel the words of this song, until they were finished" (Deut. 31:24–30);
G. the fifth, said by Joshua: "Then spoke Joshua to the Lord" (Josh. 10:12);
H. the sixth, said by Deborah and Barak the son of Abinoam: "Then sang Deborah and Barak son of Abinoam" (Jud. 5:1);
I. the seventh said by David: "And David spoke to the Lord the words of this song" (2 Sam. 22:1);
J. the eighth, said by Solomon: "A Psalm, a song at the dedication of the house of David" (Ps. 30:1). [The catalogue is now interrupted for an exposition of this matter. It resumes below, No. 10.]
6.A. Now did David build it? Did not Solomon build it, as it is said, "And Solomon built the house and finished it" (1 Kgs. 6:14).
B. So why does Scripture say, "'A Psalm, a song at the dedication of the house of David" (Ps. 30:1)?
C. Since David was prepared to give his life for the project to build it, it was named for him, and so Scripture says, "Lord, remember for David all his affliction, how he swore to the Lord and vowed to the Mighty One of Jacob, Surely I will not come into the tent of my house . . . until I find out a place for the Lord. . . . Lo, we heard of it as being in Ephrath" (Ps. 132: 1–6).
D. And elsewhere: "Now, see to your own house, David" (1 Kgs. 12:16).
E. Accordingly, since David was prepared to give his life for the project to build it, it was named for him.
7.A. And so you find that any matter for which a person is prepared to give his life is named for him.
B. There are three things for which Moses was prepared to give his life, and all are named for him:
C. He was prepared to give his life for the Torah, and it is named for him: "Remember the Torah of Moses, my servant" (Mal. 3:22).
D. But is it not the Torah of God? "The Torah of the Lord is perfect, restoring the soul" (Ps. 19:8)?
E. Why then is it called "the Torah of Moses, my servant"?
F. It is because he was prepared to give his life for it, so it was named for him.
G. And where do we find that he was prepared to give his life for the Torah?
H. "And he was there with the Lord" (Exod. 34:28); "Then I stayed on the mountain forty days and forty nights" (Deut. 9:9).
I. So, since he was prepared to give his life for the Torah, it was named for him.
8.A. He was prepared to give his life for Israel, and it is named for him:
B. "Go, get down, for your people have dealt corruptly" (Exod. 32:7).
C. But were they not the people of the Lord?
D. For it is said, "Yet they are your people and your inheritance" (Deut. 9:29); "in that men said of them, 'These are the people of the Lord'" (Ezek. 36:20).
E. How come Scripture says, "Go, get down, for your people have dealt corruptly" (Exod. 32:7)?
F. Since he was ready to give his life for Israel, they were named for him.
G. And where do we find that he was prepared to give his life for Israel?
H. As it is said, "And it came to pass, at that time, when Moses had grown up, that he went out to his brothers and looked at their burdens . . . and he looked this way and that way . . ." (Exod. 2:11,12).
I. So, since he was ready to give his life for Israel, they were named for him.
9.A. "And he was prepared to give his life for laws, and judges therefore were named for him: 'Judges and officers you shall appoint for yourself' (Deut. 16:18).
B. But is it not the fact that justice belongs to God, for it is said, "For judgment is God's" (Deut. 1:17)?
C. How come Scripture says, "Judges and officers you shall appoint for yourself" (Deut. 16:18)?
D. Since he was prepared to give his life for laws, and judges therefore were named for him.

E. And where do we find that he was prepared to give his life for laws?
F. "He went out the second day . . . and he said, 'who made you a ruler and a judge over us. . . . Now when Pharaoh heard this thing. . . . Now the priest of Midian had seven daughters . . . and the shepherds came and drove them away'" (Exod. 2:13–17).
G. It was from judges that he had fled, and to judging he returned: "He executed the righteousness of the Lord and his judgments with Israel" (Deut. 33:21).
H. Lo, since he was prepared to give his life for laws, and judges therefore were named for him.

10.A. [Resuming the catalogue,] the ninth, said by Jehoshaphat: "And when he had taken counsel with the people he appointed those who were to sing to the Lord and praise in the beauty of holiness, as they went out before the army, saying, 'Give thanks to the Lord for his mercy endures for ever'" (2 Chr. 20:21).
B. Why is this mode of song of thanksgiving differentiated from all other songs of thanksgiving that are in the Torah,
C. in that in the case of all other songs of thanksgiving that are in the Torah it is said, "Give thanks to the Lord for he is good, for his mercy endures for ever," while here we have, "Give thanks to the Lord, for his mercy endures for ever"?
D. But it is as though there were no rejoicing before him in the heights on account of the annihilation of the wicked.
E. If there is no rejoicing before him in the heights on account of the annihilation of the wicked, all the more so in the case of the righteous,
F. one of whom weighs in the balance against the whole world,
G. as it is said, "But the righteous is the foundation of the world" (Prov. 10:25).
H. The tenth, said in the age to come: "Sing to the Lord a new song, and his praise from the end of the earth" (Is. 42:10); "Sing to the Lord a new song and his praise in the assembly of the saints" (Ps. 149:1).

11.A. All the songs that in times past were represented in the feminine form.
B. Just as a woman gives birth, so the acts of salvation in times past were followed by subjugation.
C. But as to the salvation that is destined to come in the future, after it there will be no further subjugation.
D. Therefore in the case just now given, it is represented in the masculine form.
E. For it is said, "Ask now and see whether a man goes into labor with a child" (Jer. 30:6).
F. Just as a male does not give birth, so as to the salvation that is destined to come in the future, after it there will be no further subjugation:
G. "O Israel, saved by the Lord with an everlasting salvation" (Is. 45:17).

12.A. "[Then Moses and the people of Israel sang this song] to the Lord:"
B. "To the Lord" they said it, and they did not say it to mortals:
C. "That the women came out of all the cities of Israel singing and dancing, to meet King Saul" (1 Sam. 18:6); "And the women sang to one another in their play" (1 Sam. 18:7).
D. But here, "To the Lord" they said it, and they did not say it to mortals.

13.A. "[Then Moses and the people of Israel sang this song] to the Lord, saying:"
B. R. Nehemiah says, "The Holy Spirit lighted on Israel, so they recited the song the way people recite the Shema."
C. R. Aqiba says, "The Holy Spirit lighted on Israel, so they recited the song the way people recite the Hallel-Psalms."
D. R. Eliezer b. Taddai says, "Moses would recite the opening words, then the Israelites would repeat them after him and complete the verse.
E. "Moses would begin, saying, 'I will sing to the Lord, for he has triumphed gloriously,'
F. "and the people would repeat that and conclude: 'I will sing to the Lord, for he has triumphed gloriously; the horse and its rider he has thrown into the sea.'
G. "Moses would begin, saying, 'The Lord is my strength and my song,'
H. "and the people would repeat that and conclude: 'The Lord is my strength and my song, and he has become my salvation.'
I. "Moses would begin, saying, 'The Lord is a man of war.'
J. "and the people would repeat that and conclude: 'The Lord is a man of war; the Lord is his name'" [T. Sot. 6:2–3].

14.A. "I will sing to the Lord, for he has triumphed gloriously:"
B. "Greatness is fitting for the Lord, might is fitting for the Lord, glory and victory and majesty are fitting for the Lord."

C. So David says, "To the Lord are greatness, might, glory and victory and majesty" (1 Chr. 29:11).

15.A. "I will sing to the Lord, for he has triumphed gloriously:"

B. When a mortal king comes into a town, everybody gives praise before him, saying that he is mighty, even though he is weak; rich, even though he is poor; wise, even though he is an idiot; merciful, even though he is a sadist; that he is a judge, that he is faithful, even though none of these traits applies to him.

C. Everybody just flatters him.

D. But as to the One who spoke and brought the world into being, that is not how things are.

E. Rather, "I will sing to the Lord," who is mighty: "The Lord, mighty and awful" (Deut. 10:17); "The Lord strong and mighty, the Lord mighty in battle" (Ps. 24:8); "The Lord will go forth as a mighty man" (Is. 42:13); "There is none like you, O Lord, you are great and your name is great in might" (Jer. 10:6).

F. "I will sing to the Lord," who is rich: "Behold the Lord your God owns the heaven" (Deut. 10:14); "The earth is the Lord's and the fullness thereof " (Ps. 24:12); "The sea is his" (Ps. 95:5); "Mine is the silver and mine is the gold" (Hag. 2:8); "Behold, all souls are mine" (Ezek. 18:4).

G. "I will sing to the Lord," who is wise: "The Lord by wisdom founded the earth" (Prov. 3:19); "With him are wisdom and might" (Job 12:13); "For the Lord gives wisdom" (Prov. 2:6); "He gives wisdom to the wise" (Dan. 2:21); "Who would not fear you, O King of the nations? For it befits you, since among all the wise men of the nations and in all their royalty there is none like you" (Jer. 10:7).

H. "I will sing to the Lord," who is merciful: "The Lord, the Lord, God, merciful and gracious" (Exod. 34:6); "For the Lord your God is a merciful God" (Deut. 4:31); "The Lord is good to all, and his tender mercies are over all his works" (Ps. 145:9); "To the Lord our God belong compassion and forgiveness" (Dan. 9:9).

I. "I will sing to the Lord," who is a judge: "For judgment is the Lord's" (Deut. 1:17); "God stands in the congregation of the mighty, in the midst of the judges he judges" (Ps. 82:1); "The rock, his work is perfect" (Deut. 32:4).

J. "I will sing to the Lord," who is faithful: "The faithful God" (Deut. 7:9); "A God of faithfulness" (Deut. 32:4).

K. "Greatness is fitting for the Lord, might is fitting for the Lord, glory and victory and majesty are fitting for the Lord."

16.A. "I will sing to the Lord:"

B. for he is excellent, praiseworthy, and none is like him: "For who in the skies can be compared to the Lord . . . a God dread in the great council of the holy ones" (Ps. 89:7–8); "O Lord, God of hosts, who is a mighty one like you" (Ps. 89:9).

C. What is the sense of "hosts"?

D. He is [Lauterbach:] the ensign among his host.

E. So too: "And he came from the myriads holy" (Deut. 33:3), meaning, [Lauterbach:] he is the ensign among his holy myriads.

F. And so David says, "There is none like you, among the gods, O Lord" (Ps. 86:8), "My beloved is white and ruddy . . . his head is as the most fine gold . . . his eyes are like doves . . . his cheeks are as a bed of spices . . . his hands are as rods of gold . . . his legs are as pillars of marble" (Song 5:10–15).

17.A. R. Yose the Galilean says, "Lo, Scripture says, 'Out of the mouth of babies and sucklings you have founded strength' (Ps. 8:3).

B. "'. . . babies' refers to those yet in their mothers' womb: 'or as a hidden untimely birth I had not been; as infants that never saw light' (Job 3:16).

C. "'. . . sucklings' refers to those who feed at their mothers' breasts: 'Gather the children and those that suck the breasts' (Joel 2:16)."

D. Rabbi says, "'. . . babies' refers to those old enough to be outside: 'To cut off the babies from the street' (Jer. 9:20), 'The babies ask for bread' (Lam. 4:4).

E. "'. . . sucklings' refers to those who feed at their mothers' breasts: 'Gather the children and those that suck the breasts' (Joel 2:16)."

F. R. Meir says, "Even embryos in their mothers' wombs opened up their mouths and recited a song before the Omnipresent: 'Bless God in full assemblies, even the Lord, you who are from the fountain of Israel' (Ps. 68:27).

G. "And it was not Israel alone that recited the song before the Omnipresent.

H. "Even the ministering angels did so: 'O Lord, our Lord, how glorious is your name in all the earth, whose majesty is rehearsed above the heavens' (Ps. 8:2)."

No. 1 is a general proposition, to which our base-verse contributes an example. Nos. 2, 3 both are singletons. The enormous composite, Nos. 5–10, bears a massive interpolation, and, once more, the whole had to have been completed prior to insertion here, since so much of the composite—Nos. 6–9—has no bearing upon the argument that is begun at 5.B. The inclusion of No. 13 seems to me more justified than Nos. 5–10, since the set of discrete sayings bear a clear relationship to our base-verse. The only composition that I find genuinely well-realized is No. 15, which systematically illustrates its parable with proof texts showing how God differs from a mortal king. This proves how the authors of a single essay could realize a simple aesthetic program and do so with enormous effect. No. 16 is included because of Meir's statement, 16.F–H. Clearly, the composition, focused on Ps. 8:1–2, was assembled before the whole was inserted here, since the rest of the materials have no bearing upon our base verse.

Shirata Chapter Two

XXVII:I.

1.A. "[I will sing to the Lord,] for he is highly exalted [RSV: has triumphed gloriously]; [the horse and its rider he has thrown into the sea]:"
B. [The use of the verb, "exalt," two times, translated "highly exalted, yields this meaning:] "He has exalted me and I have exalted him."
C. "He has exalted me:" in Egypt, thus: "And you shall say to Pharaoh, 'Thus says the Lord, Israel is my son, my firstborn'" (Exod. 4:22).
D. "and I have exalted him:" in Egypt, thus: "You shall have a song as in the night when a feast is sanctified" (Is. 30:29).

2.A. Another teaching concerning "for he is highly exalted:"
B. "He has exalted me and I have exalted him."
C. "He has exalted me:" at the sea, thus: "And the angel of God . . . removed" (Exod. 14:19).
D. "and I have exalted him:" at the sea when I sang a song before him, "I will sing to the Lord, for he is highly exalted."

3.A. Another teaching concerning "for he is highly exalted:"
B. "He is exalted and is going to be exalted,"
C. as it is said, "For the Lord of hosts has a day upon all that is proud . . . and upon all the cedars of Lebanon . . . and upon all the high mountains . . . and upon every lofty tower . . . and upon all the ships of Tarshish . . . and the loftiness of man shall be bowed down . . . and the idols shall utterly pass away" (Is. 2:12–18).

4.A. Another teaching concerning "for he is highly exalted:"
B. "He is exalted above all who take pride in themselves."
C. For with that in which the nations of the world take pride before him he exacts punishment from them.
D. For so Scripture says in connection with the men of the generation of the flood, "Their bull genders . . . they send forth their little ones . . . they sing to the timbrel and harp and rejoice" (Job 21:10–12).
E. And what is then stated? "Depart form us, we do not desire knowledge of your ways. What is the almighty that we should serve him" (Job 21:14–15).
D. They said, "Not even for a drop of rain do we need him, for 'There goes up a mist from the earth' (Gen. 2:6)."
E. Said to them the Holy One, blessed be he, "Total idiots! In the very act of goodness which I have done for you do you take pride before me? Through that same act I shall exact a penalty from you."
F. "And the rain was upon the earth forty days and forty nights" (Gen. 7:12).

5.A. R. Yose of Damascus says, "Since they set their eyes both above and below to express their lust. So the Holy One, blessed be he, opened up against them the springs above and below so as to destroy them.
B. "For so it is said, 'All the fountains of the great deep were broken up and the windows of heaven were opened' (Gen. 7:11)."

6.A. And along these same lines, you found in connection with the men of the tower [of Babel], that with that in which they took pride before him he exacts punishment from them.
B. "Come let us build us a city" (Gen. 11:4).
C. What is said in their regard? "So the Lord scattered them abroad from thence upon the face of all the earth" (Gen. 11:8).

7.A. And along these same lines, you found in connection with the men of Sodom, that with that in which they took pride before him he exacts punishment from them.
B. "As for the earth out of it comes bread . . . the stones of it are the place

of sapphires . . . that path no bird of prey knows . . . the proud beasts have not trodden it" (Job 28:5–8).

C. The men of Sodom said, "We have no need for travelers to come our way. Lo, we have food near at hand, lo, we have silver and gold, precious stones and pearls, near at hand. [Let us go and] wipe out the law of [protecting] the wayfarer [so as to remove the wayfarer] from our land."

D. Said to them the Holy One, blessed be he, "Total idiots! On account of the act of goodness that I did for you, you take pride and you want to wipe out the law of [protecting] the wayfarer from among you. I shall wipe out the memory of you yourselves from the world."

E. "He breaks open a shaft away from where men sojourn" (Job 28:4).

F. "A contemptible brand . . . the tents of robbers prosper, and they that provoke God are secure" (Job 12:5).

G. That is what made them rebel, namely, "Whatsoever God brings into their hand" (Job 12:6).

H. And so Scripture says, "And they were haughty and committed abominations before me" (Ezek. 16:48–50).

I. And what did it cause for them? "'As I live,' says the Lord God, 'Sodom your sister has not done . . . as you have done. . . . Behold, this was the iniquity of your sister Sodom . . . neither did she strengthen the hand of the poor and needy, and they were haughty'" (Ezek. 16:48–50).

8.A. "Before the Lord destroyed Sodom and Gomorrah they were like a garden of the Lord in the land of Egypt" (Gen. 13:10).

B. Afterward: "And they made their father drink wine" (Gen. 19:33)."

C. Where did they get wine in the cave?

D. The Holy One, blessed be he, made wine available for them: "And it shall come to pass on that day that the mountains shall drip sweet wine" (Joel 4:18).

E. If that is how he provides for those who anger him, all the more so for those who carry out his will."

9.A. So you find in the case of the Egyptians that with that in which they took pride before him he exacts punishment from them.

B. "And he took six hundred chariots" (Exod. 14:7).

C. Then: "Pharaoh's chariots and his host he cast into the sea, and his picked officers are sunk in the Red Sea."

10.A. So you find in the case of Sisera that with that in which he took pride before him he exacts punishment from him.

B. "And Sisera collected all his chariots, nine hundred chariots of iron" (Jud. 4:13).

C. Then: "They fought from heaven, the stars in their courses fought against Sisera" (Jud. 5:20).

11.A. So you find in the case of Samson that with that in which he took pride before him he exacts punishment from him.

B. "And Samson said to his father, 'Get her for me, for she is pleasing in my eyes'" (Jud. 14:3).

C. Then: "And the Philistines took hold of him and put out his eyes and brought him down to Gaza" (Jud. 16:32).

D. R. Judah says, "The beginning of his corruption was in Gaza, therefore his punishment was inflicted only in Gaza."

12.A. So you find in the case of Absalom that with that in which he took pride before him he exacts punishment from him.

B. "Now in all Israel there was none so admired as Absalom for his beauty . . . and when he cut his hair . . ." (2 Sam. 145:25–26).

C. R. Judah says, "He had taken the oath of a perpetual Nazirite and would cut his hair once every twelve months: 'Now it was at the end of forty years that Absalom said' (2 Sam. 15:7)."

D. R. Yose says, "He was a Nazirite for a specified number of days and would cut his hair every thirty days: 'Now it was after a period of days according to the days after which he cut it' (2 Sam. 14:26)."

E. Rabbi says, "He cut his hair every Friday, for it is the way of princes to cut their hair once a week on Friday."

F. Now what is written thereafter? "And Absalom happened to meet the servants of David, and Absalom was riding upon his mule, and his hair got caught in the terebinth" (2 Sam. 18:9).

13.A. So you find in the case of Sennacherib that with that in which he took pride before him he exacts punishment from him.

B. "By your messengers you have taunted the Lord. . . . I have dug and drunk strange water" (2 Kgs. 19:23–24).

C. Then: "And it happened that night that the angel of the Lord went out and killed in the camp of the Assyrians a hundred eighty-five thousand" (2 Kgs. 19:25).

D. They say that the greatest of them was commander over a hundred eighty-five thousand, and the least was in charge of no fewer than two thousand: "How then can you turn away the face of one captain, even of the least of my master's servants" (2 Kgs. 18:24).
E. "This is the word that the Lord has spoken concerning him, The virgin daughter of Zion has despised you . . . whom you have taunted . . ." (2 Kgs. 19:21–22).
F. "This day he shall halt at Nob" (Is. 10:32).
14.A. So you find in the case of Nebuchadnezzar that with that in which he took pride before him he exacts punishment from him.
B. "And you said in your heart, 'I will ascend to heaven . . . I will ascend above the heights of the clouds'" (Is. 14:13–14).
C. Then: "You shall be brought down to the netherworld" (Is. 27:3).
15.A. So you find in the case of Tyre that with that in which they took pride before him he exacts punishment from them.
B. "You, Tyre, have said, 'I am of perfect beauty'" (Ezek. 27:3).
C. "Behold, I am against you, Tyre, and will cause many nations to come up against you" (Ezek. 26:3).
16.A. So you find in the case of the prince of Tyre that with that in which he took pride before him he exacts punishment from him.
B. "Son of man, say to the prince of Tyre, 'Thus says the Lord God, because your heart is lifted up and you have said, I am a god'" (Ezek. 28:2).
C. Then: "You shall die the death of the uncircumcised by the hand of strangers" (Ezek. 28:10).
17.A. Lo, with that in which the nations of the world take pride before him he exacts punishment from them:
B. "for he is highly exalted."

The use of the duplicated verb, Nos. 1–3, allows a systematic study of the reciprocal acts of exaltation, in Egypt, at the sea, then in the time to come—surely a single, protracted and well-composed demonstration. Then we proceed to a different proposition concerning the same notion of exaltation, namely, self-aggrandizement. This yields the enormous discussion of the proposition, with that in which the nations of the world take pride before him he exacts punishment from them. Numerous cases on a long line of instances, based upon historical facts provided by Scripture, serve to demonstrate that proposition. Once more we have a sustained essay on a single proposition, which is demonstrated through a long sequence of probative cases. The proposition, God exacts punishment through the very thing in which one takes pride, could not be more effectively demonstrated. The fact that, at Sifre Deut. 43, the opening sequence of cases proves a different proposition, has no bearing on the matter before us. It only tells us that the same cases may serve more than a single proposition, and for social science, such as is practiced here, that is hardly surprising.

Jacob Neusner

Figure 1. Bible, Majorca, 1325.

Figure 2. Passover Plate, probably Valencia, fifteenth century, lusterware.

Figure 3. Hanukkah Lamp, Germany, fourteenth century, bronze.

Figure 4. Set of nested beakers, Bohemia, before 1330–1335, silver.

Figure 5. Hanging lamp, Germany, fourteenth century, bronze.

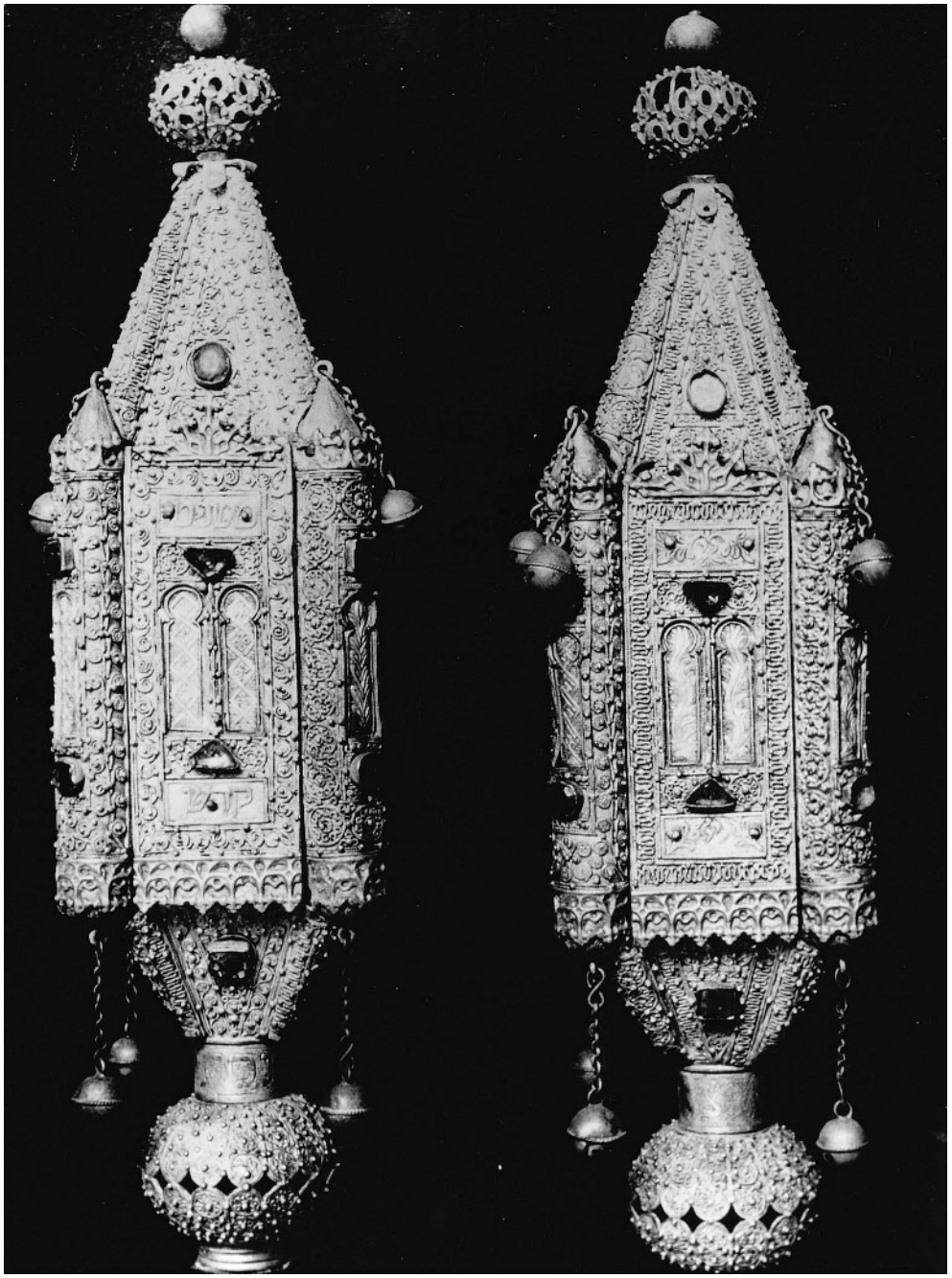


Figure 6. Torah finials, Spain or Sicily, fifteenth century, silver, stones.

Figure 7. Torah shield, Florence, 1747.

Figure 8. Torah shield, Augsburg, ca. 1725, Zacharias Wagner, silver: gilt.

Figure 9. Torah shield, Germany, late eighteenth century, silver.

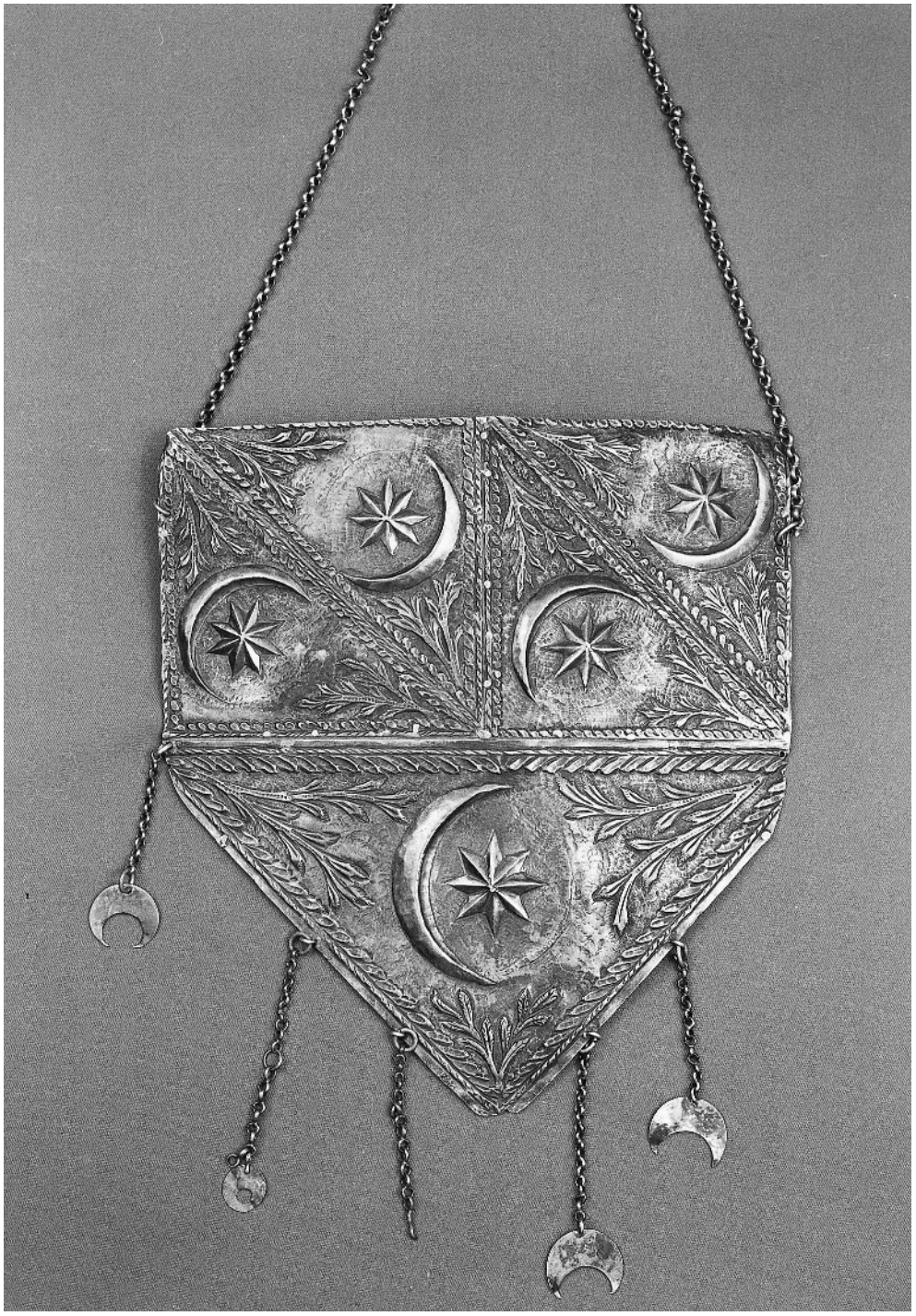


Figure 10. Torah shield, Izmir, nineteenth century, silver.

Figure 11. Torah crown and finials, Istanbul, 1845/1846–1879/1880, silver.

Figure 12. Torah crown, Johann Friedrich Wilhelm Borcke, Berlin, 1821–1839, silver: gilt.

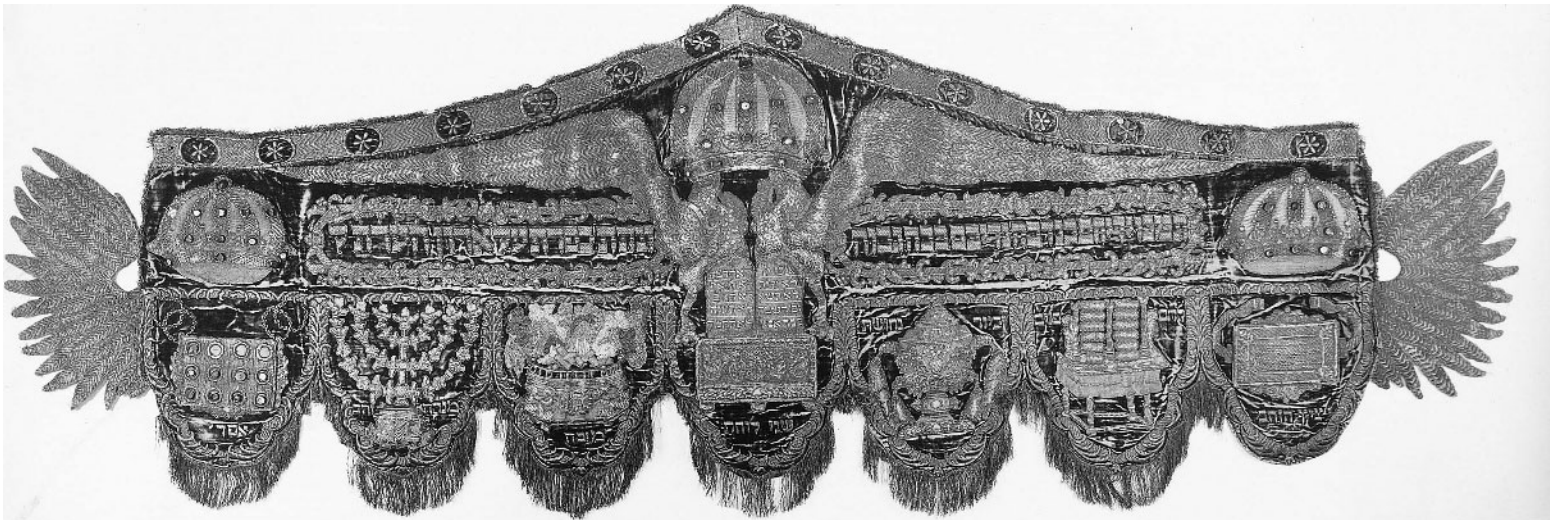


Figure 13. Valance for Torah ark, Prague, 1718/1719, silk and metallic threads.

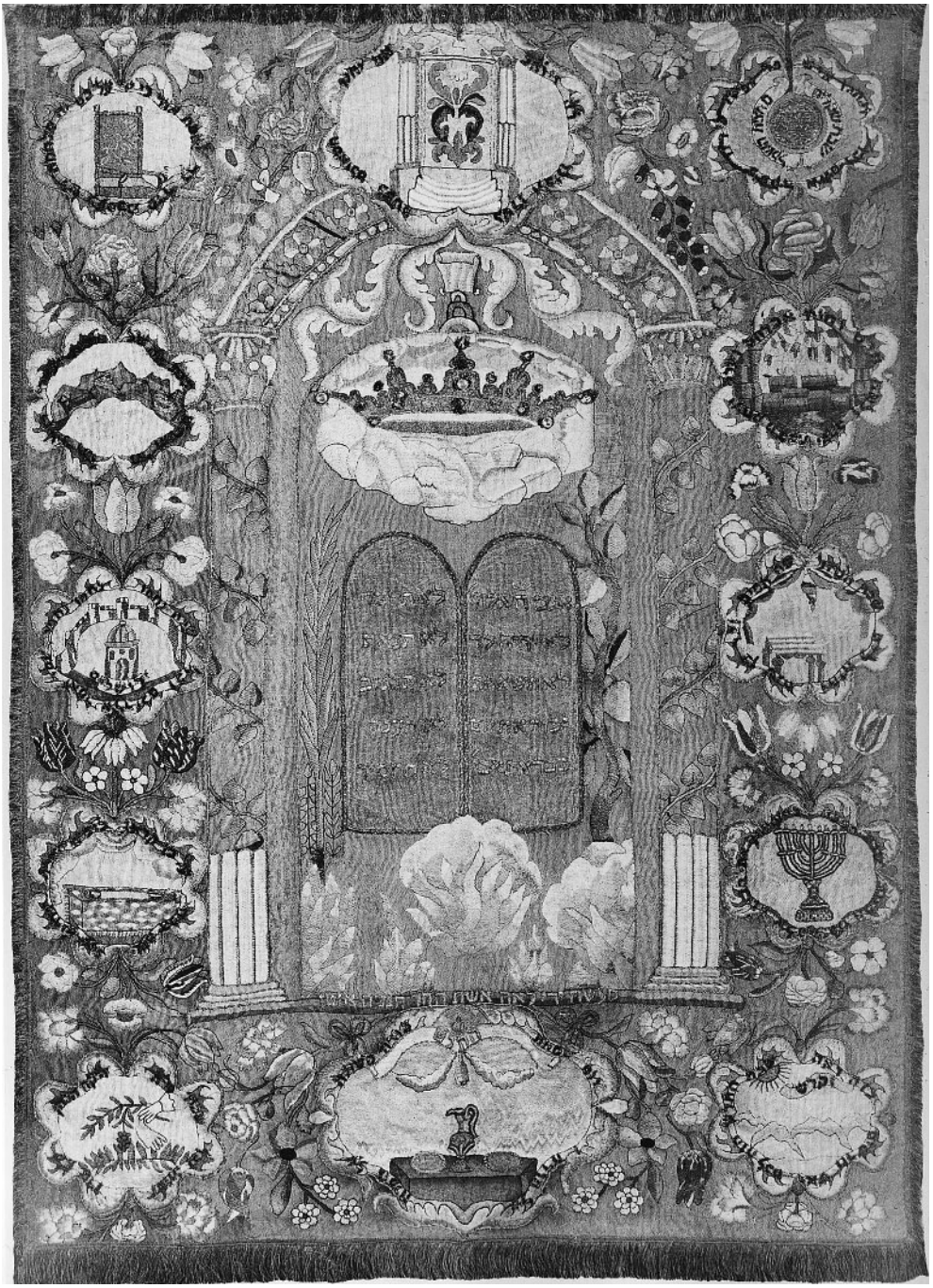


Figure 14. Torah curtain, Venice?, 1698/1699, linen embroidered with silk and metallic threads.

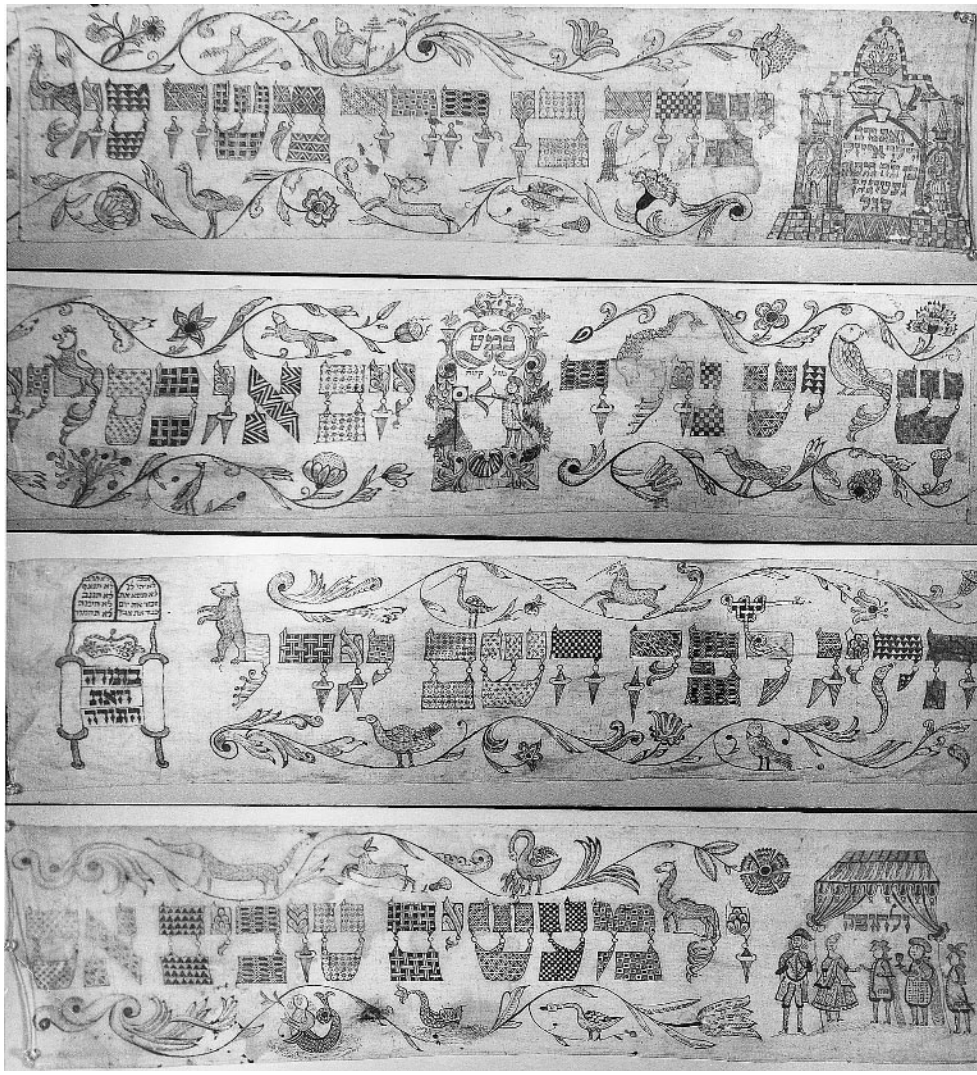


Figure 15. Torah binder, Germany, 1153, linen embroidered with silk threads.

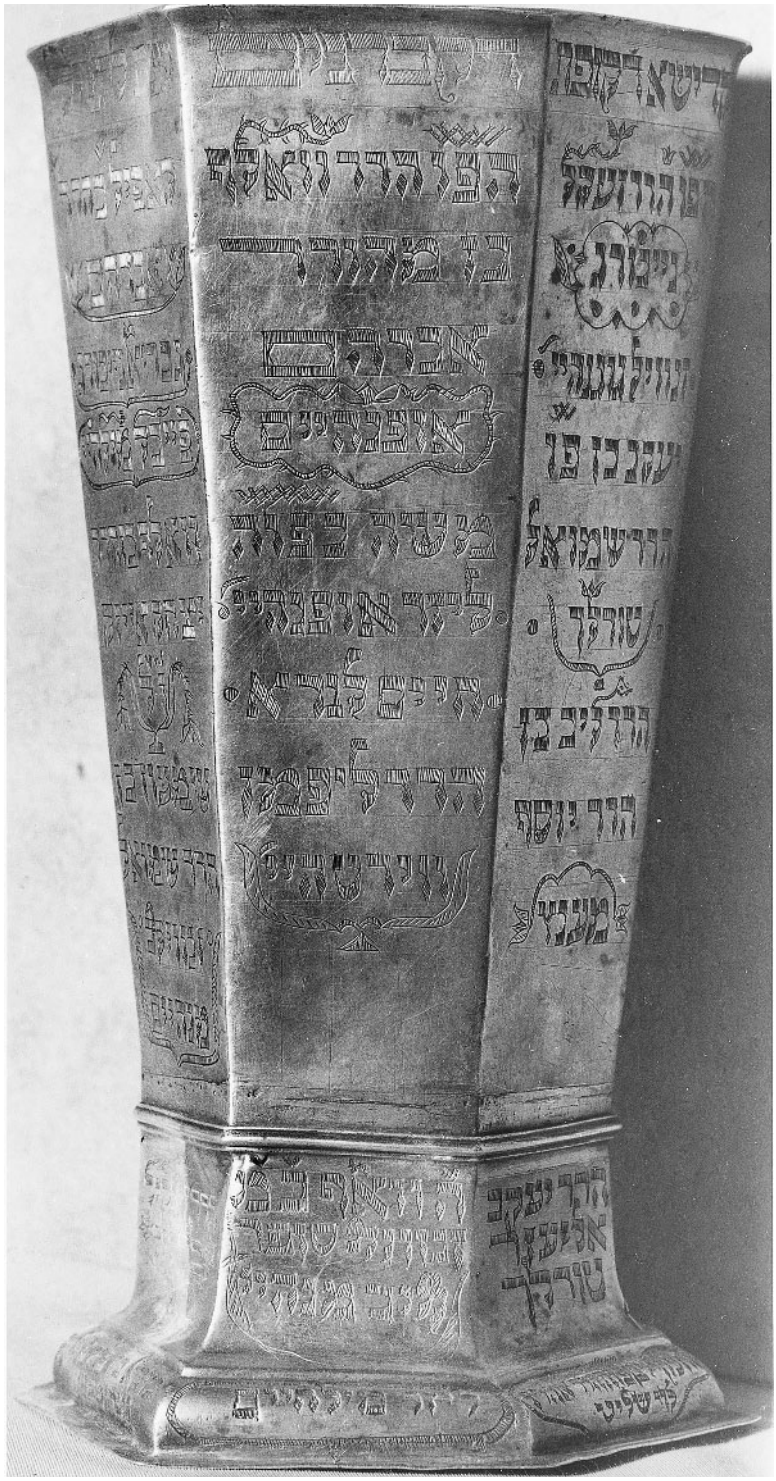


Figure 16. Beaker for the Burial Society of Worms, Nürnberg, 1711/1712, Johann Conrad Weiss, silver.

Figure 17. Tiered Passover plate, Poland, eighteenth century, brass, wood, silk.

Figure 18. Spice container, Frankfurt, ca. 1550, silver.

Figure 19. Hanukkah lamp, Frankfurt, 1710, Johann Michael Schuler, silver.

Figure 20. Purim Megillah case, Galicia, eighteenth century, silver: gilt.

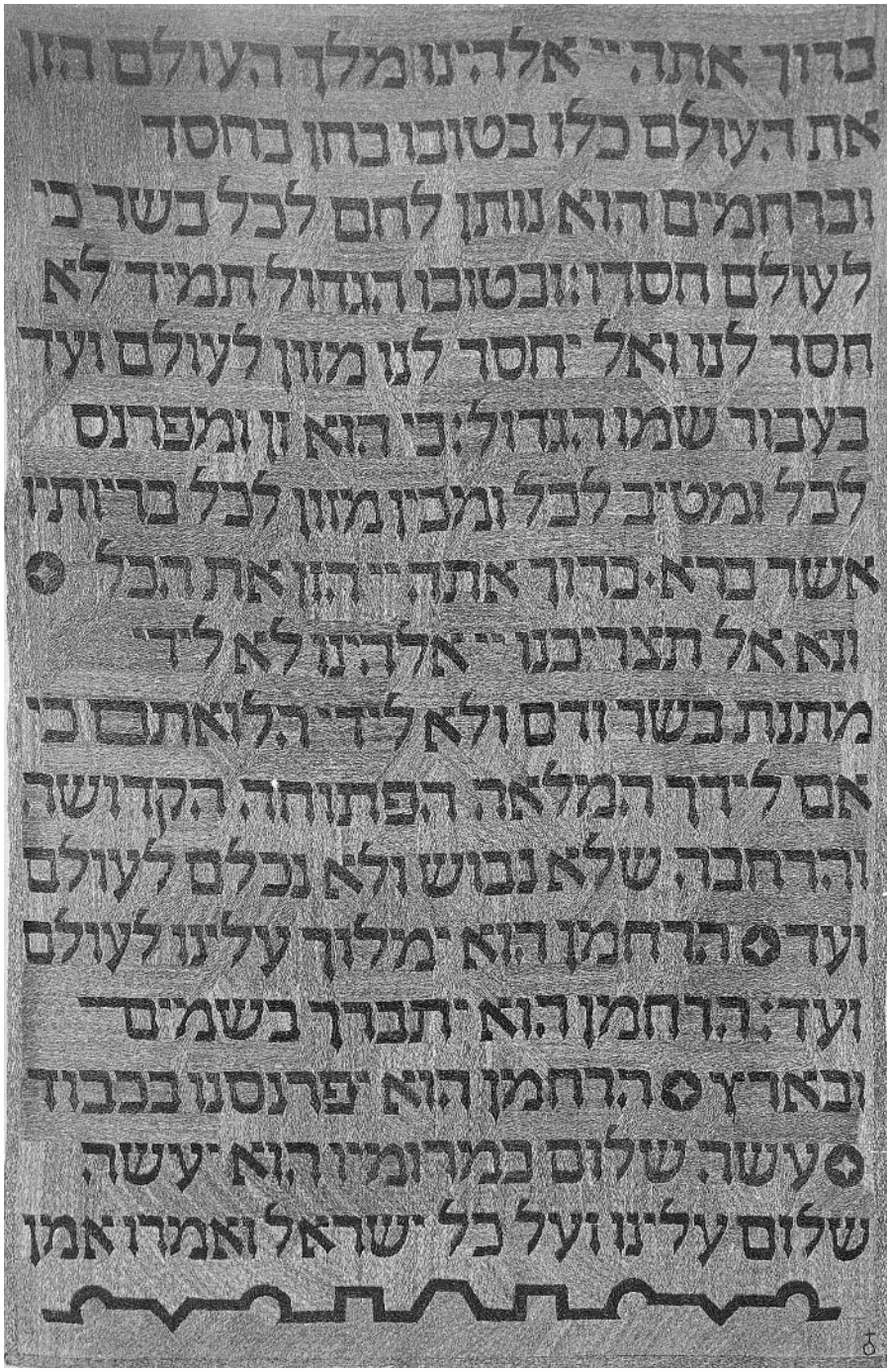


Figure 21. Wall hanging: grace after meals, 1925, Berthold Wolpe, workshop of Rulolf Koch, linen.

Figure 22. Ludwig Wolpert, Passover set, Frankfurt, 1930, silver, ebony, glass.

Figure 23. Moshe Zabari, spice container, 1982, silver, stones.

Figure 24. Mosaic from the synagogue of Beit Aleph, with sun, moon, stars, zodiac, and, in the corners, images of the four seasons. Taken from *Denkmäler der Jüdischen Antike* by Adolf Reifenberg, Berlin, Germany, 1937.

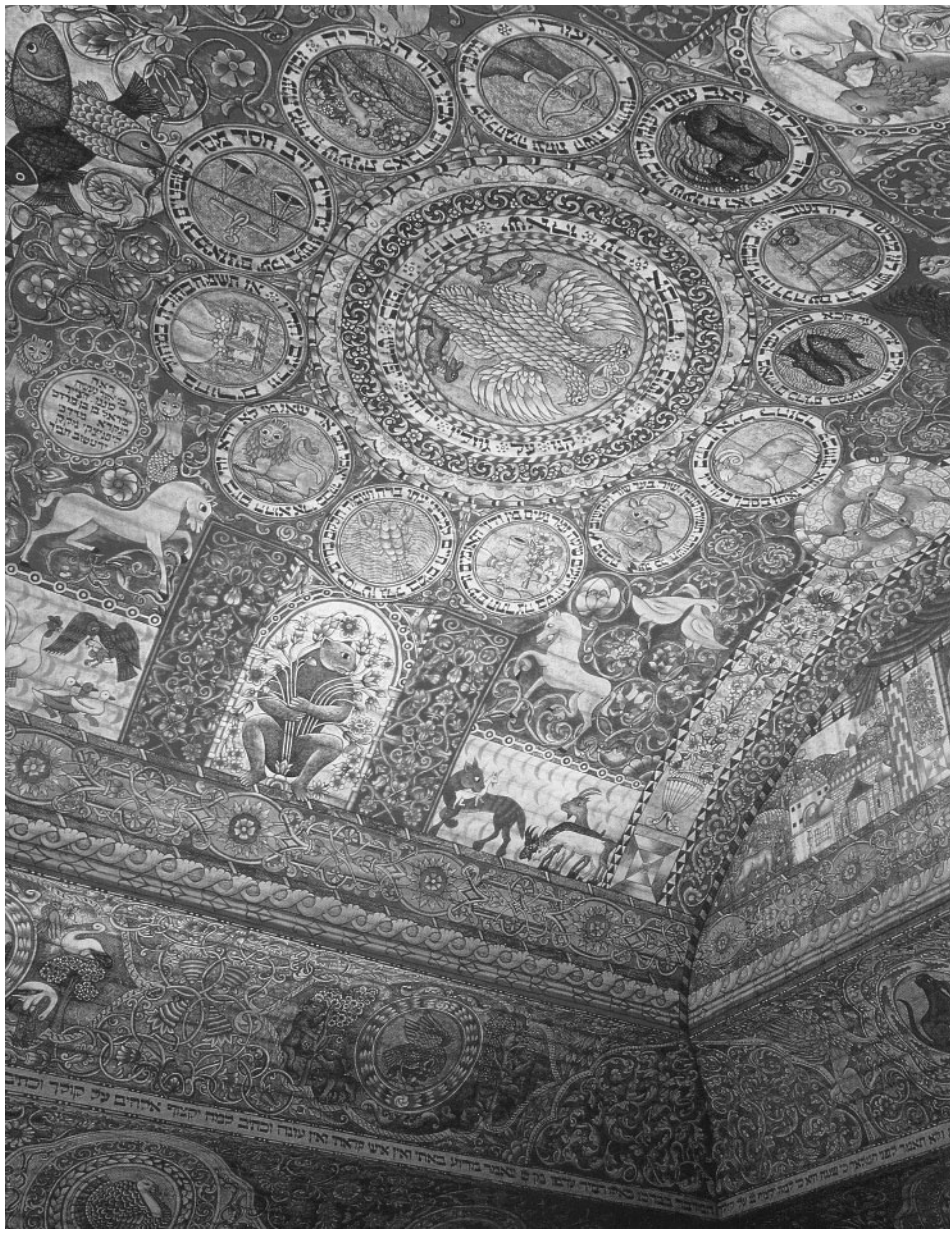
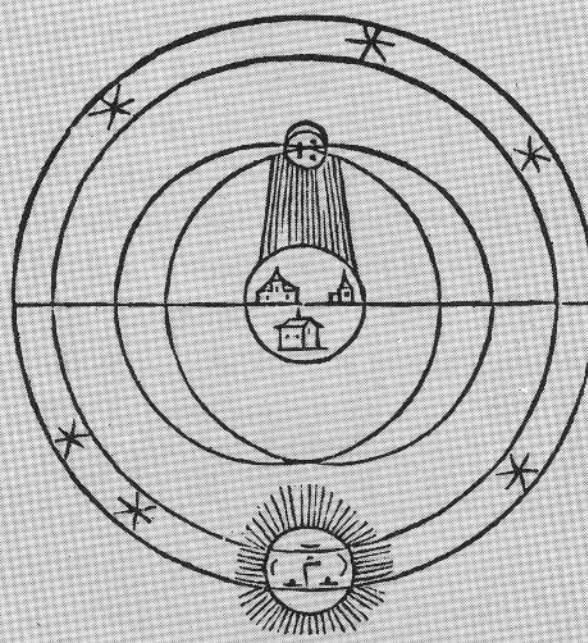


Figure 25. Painted ceiling, Chodorov, Ukraine. By Israel Lisnicki, 1714.

Figure 26. Porcelain wedding cup from Denmark (1856). Hebrew inscription says: "4 Tevet, sign of Capricorn, on the day of his wedding and the day his heart rejoiced; and this is the Torah Moses gave to the children of Israel."

וחבנית חשמים

לקוח תלבנה



Item eclipsis lunæ fit ſecundum uerum oppoſitum ſitum luminarium, ſolis autem deliquium fit iuxta apparentem & non ueram coniunctionem, niſi cõtingeret in nonageſimo gradu ab aſcendente.

In

אֵלּוּ הֵן הָעֲיָנִים אֲשֶׁר הַלְּקוּיוֹת הָאֶחָד
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בְּגוּפָהּ שֶׁחוּא מַאֲבִיר אֶרֶת אוֹרָהּ ו
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מַאֲפִיל וְחֲצִיוֹ מֵאִיר וּבְשָׁעַת הַלְּקוּיוֹת
יִהְיֶה הַמַּחֲצִית הַמֵּאִיר מַאֲפִיל כֻּלּוֹ
ר ג אוֹ

Figure 27. An eclipse of the moon, in *Tzurat ha-Aretz* (Form of the Earth), by Abraham b. Hiyya Ha-Nasi.

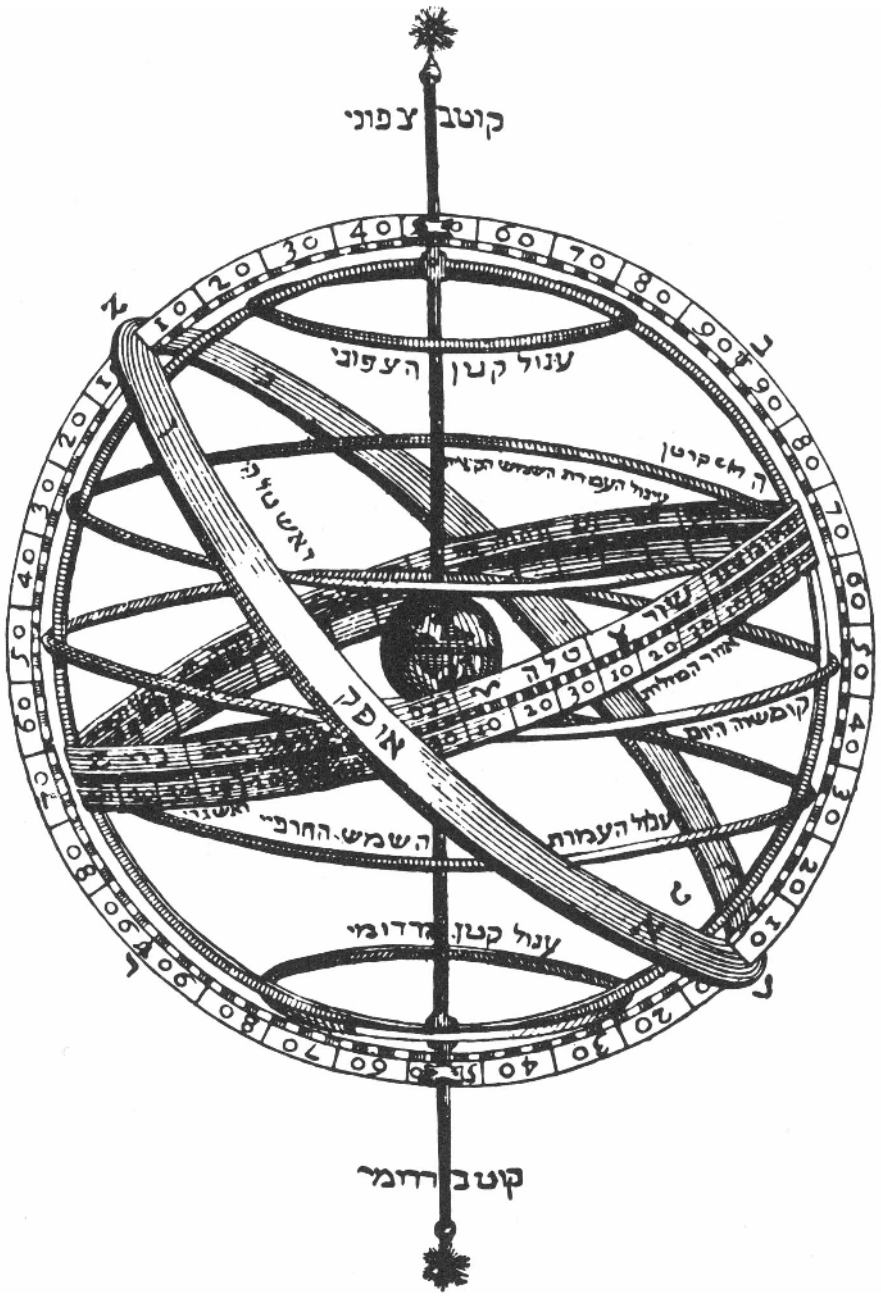


Figure 28. Image of an astrolabe, taken from *Ma'aseh Twiyyah* by Tobias Cohn, Venice, Italy, 1708.

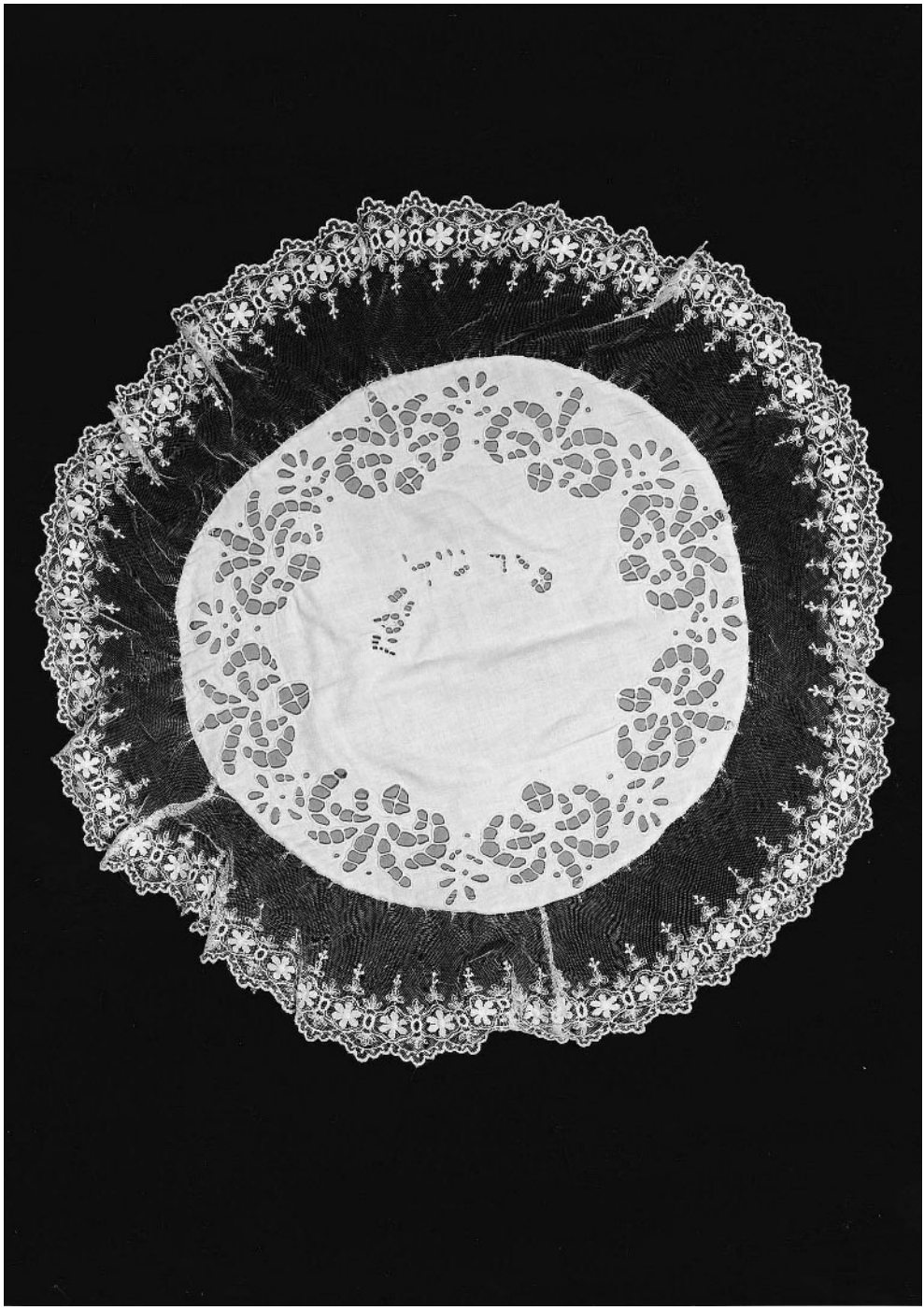


Figure 29. Matzah cover made by Frieda Ruda Kaplansky, Opatow, Poland, 1920s.

Figure 31. This embroidered challah cover was used by Puri and Zisla Marcovitch, Iasi region, Romania.

Figure 32. A silver challah knife with the inscription, "In honor of the holy Sabbath," used by Jonas and Selma Plaut and their sons, W. Gunther and Walter, prior to World War II in Berlin, Germany.

Figure 33. Silver filigree spice box used by Rabbi and Mrs. David Samuel Margules for havdalah, the ceremony marking the transition from the Sabbath to the weekday, Tachov, Czechoslovakia, c. 1920s.

Figure 34. Jewish New Year greeting card for the United States market, made in Germany, c. 1880–1910.

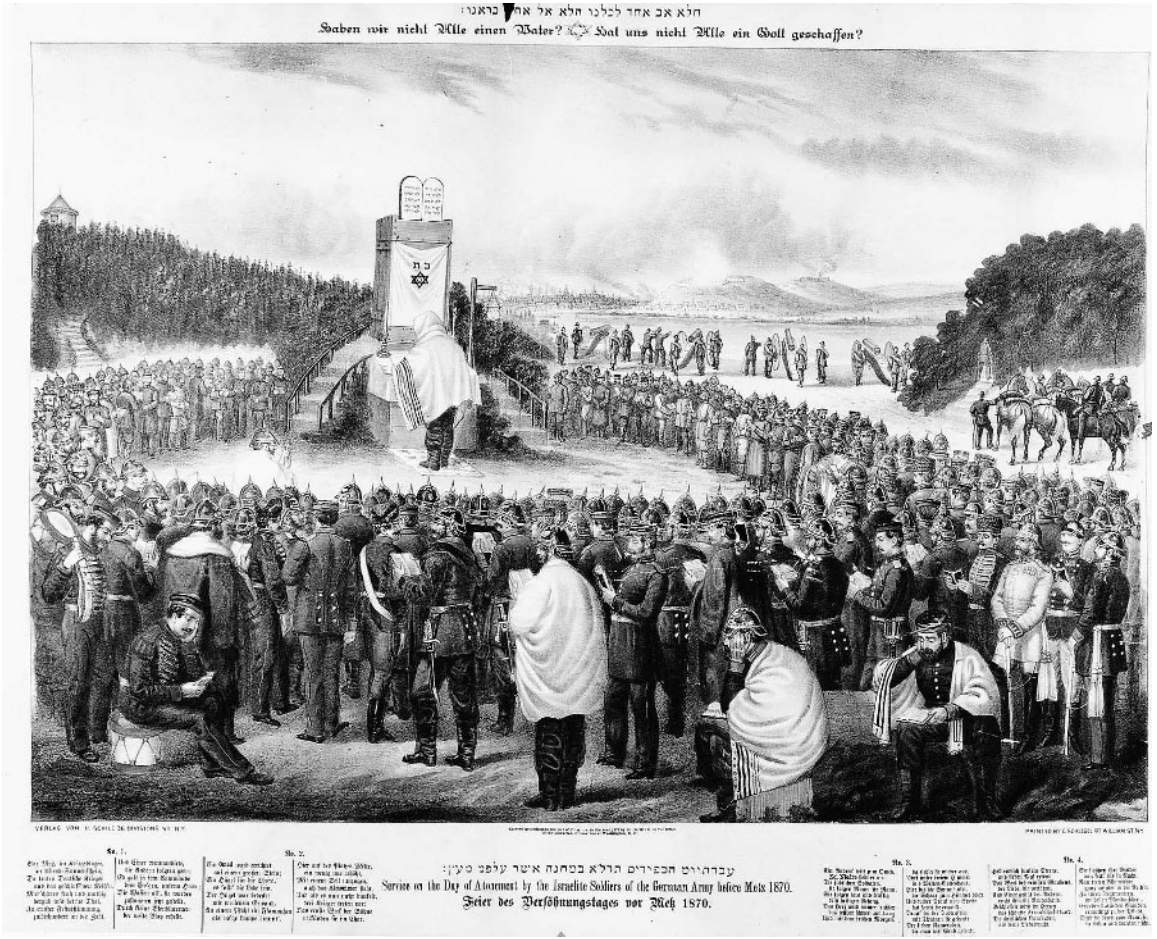


Figure 35. Lithograph published in 1871 in New York depicts an 1870 Yom Kippur service of Jewish soldiers of the German Army. An inscription reads, “Have we not all the same Father? Have we not all been created by the same God?”.

Figure 36. Silver etrog box used by a Hungarian Jewish family, undated.

Figure 37. Members of Congregation Ansche Chesed dance with the Torah to celebrate Simhat Torah, New York City, c. 1982. Photograph by Beryl Goldberg.

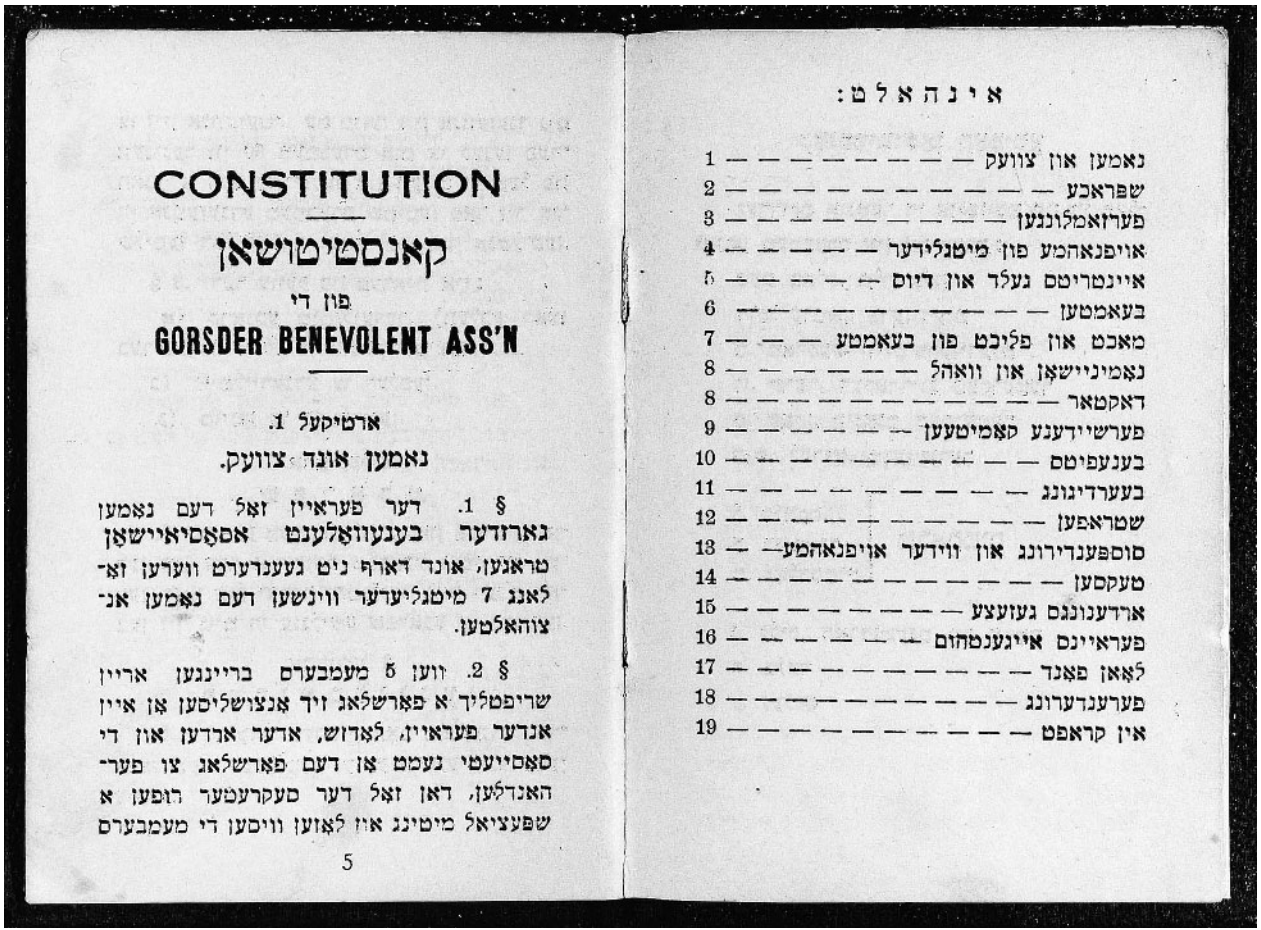
Figure 38. Girls from the Bais Yaacov school celebrating Hanukkah, Bardejov, Czechoslovakia, 1935.

Figure 39. Hanukkah lamp, Flehingen, Germany, 1914–1918. The Heidelberger family lit this oil-burning lamp during World War I, when candles were unavailable. Two rows of eight cups let two families use it at the same time.

Figure 40. Frankenheimer brothers in costume for Purim, Ichenhausen, Germany, c. 1906–1907.

Figure 41. Elsa, Siegmund, and Käte Buxbaum dressed in costumes for Purim, Würzburg, Germany.

Figure 42. Purim party in Jewish elementary school, Pleven, Bulgaria, March 27, 1920.



CONSTITUTION

קאנסטיטושאן

פון די

GORSDER BENEVOLENT ASS'N

ארטיקעל 1.

נאמען אונד צוועק.

§ 1. דער פעראיין זאל דעם נאמען גארזדער בענעוואלענט אסאסיאיישאן טראגען, אונד דארף ניט געענדערט ווערען זאלאנג 7 מיטגליעדער ווינשען דעם נאמען אנצוהאלטען.

§ 2. ווען 5 מעמבערס בריינגען אריין שריפטליך א פארשלאג זיך אנצושליסען אן איין אנדער פעראיין, לאדוש, אדער ארדען און די סאסייעטי נעמט אן דעם פארשלאג צו פערהאנדלען, דאן זאל דער סעקרעטער רופען א שפעציאל מיטינג איז לאזען ווייסען די מעמבערס

אינהאלט:

נאמען און צוועק — — — — — — — — — 1
שפראכע — — — — — — — — — — — — 2
פערזאמלונגען — — — — — — — — — — 3
אויפנאהמע פון מיטגליידער — — — — — — 4
אייגנטריטס געלד און דיוס — — — — — — 5
בעאמטען — — — — — — — — — — — 6
מאכט און פליכט פון בעאמטע — — — — 7
נאמינייישאן און וואהל — — — — — — — 8
דאקטאר — — — — — — — — — — — 8
פערשיידענע קאמיטעען — — — — — — 9
בענעפיטס — — — — — — — — — — 10
בעערדיגונג — — — — — — — — — — 11
שטראפען — — — — — — — — — — — 12
סוספענדירונג און ווידער אויפנאהמע— — 13
טעקסטען — — — — — — — — — — — 14
ארדענונגם געזעצע — — — — — — — — 15
פעראיינס אייגענטהום — — — — — — — 16
לאאן פאנד — — — — — — — — — — 17
פערענדערונג — — — — — — — — — — 18
אין קראפט — — — — — — — — — — 19

Figure 43. The Gorsder Benevolent Association was organized on June 3, 1903. This Constitution, the third revision of the Association's by-laws, was written in 1923.

Figure 44. Philanthropic Society for the Distribution of Food to Orphans, Salonika, Greece, 1925.

Figure 45. Gavel used by the Devenishker Verein of Greater New York, November 20, 1938. Immigrant organizations, known in Yiddish as *landsmanshaftn*, served as mutual aid societies and sent funds to the members' hometown.

Figure 46. Burial society *(chevra kadisha)* membership certificate of Tivadar and Malvin Hammel and their son Laszlo. The illustrated scenes and scriptural verse reflect the roles of the *chevra kadisha*. Budapest, Hungary, April 23, 1916.

Figure 47. Charity box made for a burial society in the Russian Empire, possibly Kiev, in 1864.

Figure 48. Poster for the first Jewish children's lottery in Lithuania. The advertisement announces a lottery at the Jewish bank of Vilna, April, 1918. Jewish communities often raised funds to support their own orphanages, old age homes, hospitals, and schools.

Figure 49. Edmund Schreider was dressed in this gown for his *brit milah* (circumcision ceremony) in Berlin, Germany, in 1896.

Figure 50. The Bloom family during the circumcision of Daniel Herbert Bloom, New York City, March 26, 1925. The Blooms lived on Chrystie Street on the Lower East Side.

Figure 51. Dead Sea scroll fragment with excerpts from one of the oldest Psalm manuscripts, found in a Judean cave in 1956.

Figure 52. Closed Psalm scroll discovered in cave 11 at Qumran, Judean desert.