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Judaism's Story of  
Creation

Scripture, Halakhah, Aggadah

*by Jacob Neusner*

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# JUDAISM'S STORY OF CREATION

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# JUDAISM'S STORY OF CREATION

*Scripture, Halakhah, Aggadah*

BY

JACOB NEUSNER



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## PREFACE

Religion is story, story before it is anything else, story after it is everything else, story born from experience, coded in symbol, reinforced in the self, and shared with others to explain life and death...Religious stories are elemental religion, religion pure and simple, religion raw and primordial.

ANDREW M. GREELEY<sup>1</sup>

Judaism's story of Creation sets forth the tale, jointly told in the Halakhah (law) and the Aggadah (lore), that in the rereading of Scripture by the Rabbinic sages of the formative age of Judaism, the first seven centuries C.E., conveys God's plan for world order. Here I show how Judaism tells the Creation-story through Scripture as recapitulated in the law and lore of Judaism, the Halakhah and the Aggadah, respectively. At issue here is how Judaism's two media of discourse, each conveying, in its own native category-formations, its distinctive corpus of information, join together with Scripture in that common narrative. In the mythic terms of Rabbinic Judaism, which speaks of the revelation at Sinai of a Torah in writing and a Torah in memory, the written and the Oral Torah, we here see how the written Torah and the two components of the Oral Torah join together in a common presentation of the fundamental narrative of Judaism: how things came to be, what they mean, where are they heading.

The native categories of Rabbinic Judaism in its formative age and writings divide all discourse into the specified parts, Halakhah, analytical discourse concerning norms of behavior, and Aggadah, narrative, exegetical, or hortatory discourse concerning norms of belief. That explains the purpose of this project, to tell as a single tale, as much as possible in the Rabbinic sages' own words, that tripartite story, Scripture's the Halakhah's, and the Aggadah's. Here, then, I show that it is a tale embodied jointly and continuously in the Halakhic prescriptions of right action and the Aggadic rules of right attitude. Both respond to Scripture's account, Each finds its own points of emphasis and imparts its own proportions to the whole. Together the Halakhah and the Aggadah reconfigure Scripture's narrative into the paradigm that sages perceive in that narrative.

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<sup>1</sup> Andrew M. Greeley, *Religion as Poetry* (New Brunswick & London, Transaction Publishers, 1996), p, 40.

Through these two modes of discourse, each with its own class of facts, the sages made their statement, generally called “the Oral Torah,” in dialogue with Scripture, “the written Torah.” Thus, in partnership with Scripture but in their distinctive modes of discourse and their selection of their own particular bodies of information, the sages told the single story of all Mankind<sup>2</sup> from Creation to the end of days.

The reconfiguration of Scripture’s narrative into the Halakhic and the Aggadic paradigm forms the center of interest. For the paradox is, while Scripture takes a narrative form to record Creation, the Halakhah and the Aggadah do not. Recapitulating the received, written Torah, the Rabbinic sages read Scripture philosophically: systematically and critically. They elicited from Scripture governing principles, deemed implicit in Scripture’s stories and ad hoc rules. They sought generalizations and subjected them to tests of coherence, universalizability, and cogency: laws derived from cases, a system and a structure from examples and details. Through applied reason and practical logic they articulated an account of holy Israel’s world order, its politics and culture. In their legal and exegetical literature in response to Scripture, they set forth the way of life (Halakhah) and world view (Aggadah) of that Israel that had come into being by reason of the Torah and that was subject to the divine imperative of Sinai. That account was comprised by politics and culture that all together cohered. The sages came up with not bits and pieces of this and that but a cogent account of the normative action and attitude. These are to come to realization in the kingdom of priests and the holy people that God had told Moses Israel was to constitute as his abode. But the sages presented their political structure and cultural system only in its components, choosing a given medium for the expression of a given body of information.

In the two media of discourse, Halakhah and Aggadah, the result of the Rabbinic reading of Scripture was set forth as a religious structure and system, one that was purposive and coherent, proportionate and balanced. This account of theirs derived from Scripture read whole and in perspective. The sages framed their design for the human condition within a dynamic narrative, corresponding to that of Scripture, with a beginning, middle, and end. It was a generative recapitulation, not a mere reiteration, retelling and amplification. It was capable of encompassing the long future as much as the norma-

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<sup>2</sup> “Mankind” refers to all of humanity. “Man” with a capital M serves in the same way. Adam and Eve cover men and women.

tive past. In their view, encompassing cases and rules, episodes and exhortations, the Torah of Moses demanded that very labor of generalization and systematization that they undertook. This they provided out of the resources of their intellect and imagination. The Pentateuch, continued by the Prophets (Joshua through Kings, Isaiah, Jeremiah, Ezekiel, and the Twelve), accordingly, was to be reworked. It was to be reformed into a system of coherent guides to the construction of society animated by a structure of cogent convictions. That is what the Rabbinic sages accomplished in linking politics to culture, Halakhah to Aggadah, the whole woven through a narrative of Mankind's story, start to finish.

But how, in fact, do this way of life and the world view—those native categories, the Aggadah and the Halakhah—cohere? It is where they intersect. This takes place by each component's telling portions of a single story. Each mode of discourse and corpus of data takes up its share in the common narrative. Here, through their own words, I show how they accomplished a mighty act of intellect: the formulation of politics and culture within a single continuous, narrative-statement. The formulation rested on the story-line of Scripture properly rendered, meaning, what sages deemed critical in Scripture's tale. In the Halakhah, then, the Rabbinic sages formulated rules that respond to Scripture's narrative. In the Aggadah they framed their reworking of that same narrative in quite other terms of exhortation and exposition, as we shall see. Scripture then did not dictate, but rather formed the occasion for, the recapitulation of matters, here in the Aggadah in terms of principles of belief and there in the Halakhah in the setting of norms of behavior.

How did the sages accomplish this remarkable feat of generalization and universalization? I shall demonstrate in this book that it was by appeal to an implicit, continuous story that proceeds from Creation (for which "Eden" stands) through Revelation ("Sinai") to Redemption ("the world to come," the restoration of Man to Eden/Paradise for eternal life). The whole is portrayed as not an occasion—a one-time event to be remembered—but a condition to be recapitulated: the generative condition of humanity. Persons exemplify virtues or vices, incidents embody the working of rules, and laws transcend their particular topics to realize abstract principles in concrete form. It is a quality of attitude and action that Israel in the here and now [1] through the Halakhah realizes, and [2] through the Aggadah perceives. As to discourse, the sages in their own, not Scripture's Hebrew, worked out their own modes of discourse, not imitating Scripture's. They moreover preserved the discursive autonomy of the Halakhah and of the Aggadah, respectively. This they

did by assigning to each mode of discourse its distinctive task in the progress of the transformation of narrative: the one responsible for law to shape practical behavior, the other for lore to influence attitude, sentiment and emotion. That is why, in my view, spelled out here, the Rabbinic sages tell the single, continuous story in two modes of discourse, furthermore utilizing two distinct types of information. In these pages, by retelling the story partly in their words, partly in mine, I shall uncover the unity and the continuity of the two media and their data in conveying that single narrative message.

What was to follow Creation is not our problem in this book, but it suffices briefly to allude to the future-history sages would contemplate. That is because that future-history framed their response to Scripture's Creation-story. As was their way in general, so when they addressed Creation, the Rabbinic sages read the story of beginnings in full knowledge of their outcomes: Adam, to Noah, to Abraham. What happened after Creation was the progressive corruption of humanity, over ten generations from Adam to the Flood, ending with God's judgment: "The Lord saw that the wickedness of Man was great on the earth and that every imagination of the thoughts of his heart was only evil continually. And the Lord was sorry that he had made Man on the earth, and it grieved him to his heart" (Gen. 6:5-6). From the Flood, ten more generations disappointed God by reason of arrogance. But then God identified Abram and promised him a Land: "Go from your country and your kindred and your father's house to the Land that I will show you" (Gen. 12:1). So from the beginning of Adam and Eve, through the fresh start with Noah, not much better than Adam, God came ultimately to Abraham: the first in a new line, in a Land that was counterpart to Eden. Thus, the sages deemed parallel the stories of Adam and Eve in Eden and of Israel in the Land of Israel. The actors in the story, Adam and Eve on the one side, Israel, on the other, were then alike and not alike, analogical but subject to contrast, and so too Eden and the Land were deemed comparable, the one lost by Adam and Eve, the other by Israel. The two tragedies came about for the same reason, the willful failure to carry out God's will for Creation, Eden in the one case, the Land in the other. Here we address the way in which the Halakhah and the Aggadah explored the implications of the comparison and contrast: Man and Israel.

What is at stake in this book? First, it is understanding how, in forming Judaism as we know it, the Rabbinic sages succeeded in transforming the Pentateuch and Prophets of Scripture from a one-dimensional, sequential narrative of singular episodes into a grand,

dense design of all-time paradigms.<sup>3</sup> Second, it is explaining how the two modes of discourse and bodies of information coalesce. For only if we can explain their coherence can we define the single religious structure and system, Judaism, that invokes the two to make its single statement. The key to the task is simply stated. Guided, but not limited, by Scripture, we are to recover the one story told in the two media of Rabbinic Judaism. In the Halakhah and the Aggadah we deal with the realization, the embodiment in coherent details, of that design that sages discerned at the foundations of the Torah. Then our task is to move backward *to* the design *from* its actualization in the narrative and law of Rabbinic Judaism. That defines the present program of interrogation directed to that Judaism's foundation-documents of the formative age, the Mishnah, Talmuds, and Midrash-compilations of the first through the seventh centuries of the Common Era.

Why should anyone concerned with contemporary sensibility take an interest in the problem at hand? The reason is, the sages solved a problem that confronts the framers of any literary culture, that is, a culture that is preserved and conveyed in well-crafted documents, books and their equivalents. Linking politics to culture, Halakhah and Aggadah, defines a problem of analysis best explained through a simile: to what is this enterprise comparable? It is as if we were trying to show the links between the Declaration of Independence, the statement of ideals and normative attitudes ("We hold these truths to be self-evident: that all men are created equal...") comparable to the Aggadah, and the Constitution, comparable to the Halakhah ("in order to form a more perfect union"). Here are the initial, authoritative documentary formulations of America's culture and its politics. Our working hypothesis is that the sages, Rabbi Alexander (Hamilton), Rabbi James (Madison), and their co-workers in the Philadelphia session or Yeshiva undertook to translate the Declaration of Independence of 1776 into the Constitution of 1787. We then wish to retrace the steps of thought that they took in doing so.

Now, to complete the metaphor, the one—the Declaration of Independence—sets forth an account of occasions, attitudes, and events that precipitated heroic action. The other—the Constitution—defines abstract institutions and their competent jurisdiction. The one gives the reason, the other, the result, comparable to the

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<sup>3</sup> I explain this matter at some length in *The Presence of the Past, the Pastness of the Present. History, Time, and Paradigm in Rabbinic Judaism*. Bethesda, 1996: CDL Press, on which I draw in Chapter Seven section ii.

Aggadah and the Halakhah in sequence. How move from one to the other? We here undertake the daunting task of retracing those now-obscure steps that led the men of the Constitutional Convention from 1787 to 1776 and therefore, in our American sages' view, showed the path from 1776 to 1787. The steps then carry us from the culture of the USA defined in attitudes and aspirations (1776) to its politics, set forth in institutions of government and politics (1787) — the whole fully realized in the Bill of Rights of 1791 (to which I cannot think of a Rabbinic counterpart, though the paradigm of prayer (the liturgy as portrayed by the sages) and tractate Abot (wise sayings of the sages) would present themselves as candidates). This somewhat elaborate metaphor captures what I aim to do, in these pages, for the Rabbinic Judaism of the formative age.

The difference is, this is done not in sequence, historically, treating the Halakhah and the Aggadah in documentary order, for example. Rather it is done in accord with the sequential narrative's own logic. By that I mean, the sequence of the story-line that governs topics for recapitulation and connection makes all the difference. These are defined by Scripture's own construction viewed whole: Creation, Revelation, Redemption, first Mankind's, then Israel's. Then the issue is, how do the Halakhah and the Aggadah, each in its own mode of discourse, undertake severally and jointly to participate in that continuous narrative? The answer is spread out in these pages: the story, told by other-than-narrative discourse, that these other-than-narrative media discern in Scripture itself—discern and propose to rework, each in its own way.

For the Halakhah and the Aggadah as autonomous components of a single religious structure and system, the reconstruction of their continuous narrative has long been postponed. Though it is a commonplace that they cohere, no one has shown, in a systematic labor of restoration, precisely how they join together.<sup>4</sup> And here, in particular, begins the effort to convey out of their respective parts — chapters, their native category-formations, to be exact — a unitary, continuous tale. That is what I shall do in these pages. And, with the required exposition to sustain my case, I shall do it in not only my, but also, so far as I am able, their own words.

While the approach in context is original, mine is not the first approach to the matter that resorts to the narrative framework to ac-

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<sup>4</sup> In *The Unity of Rabbinic Discourse I-III and Dual Discourse, Single Judaism. The Category-Formations of the Halakhah and of the Aggadah Defined, Compared, and Contrasted*, cited below, I tried to show how they intersect and ended up demonstrating that they do not intersect.

count for the unity of a system set forth in diverse media of discourse. Formidable precedents validate the approach through narrative to the problem of defining a religious structure and system — a religion. My model is Moses.<sup>5</sup> In the Pentateuch he supplies the pattern, the precedent for the narrative recapitulation in a single statement both of politics and of culture, law and theology, Halakhah and Aggadah. Viewed within the framework of the finished Scripture itself, Moses in his Five Books (so sages saw matters) showed them the way. This he did in imposing upon the revelation of Sinai a narrative form, giving to his Five Books the quality of a continuing tale, Genesis through Numbers, repeated by Deuteronomy. Within the tale he found the right position and proportion for law and lore alike. The sages of the Midrash and Mishnah, Tosefta, and Talmuds then recast that story into the philosophical-expository and exegetical media that permitted them to accomplish their goals of generalization and abstract recapitulation. Here I undertake to identify, within the results of their massive effort of seven centuries duration — the first to the seventh century C.E. — the main lines of the story implicit in their Halakhah and Aggadah, the law and lore they set forth as the other, the Oral, part of the Torah.

This, then, is a study of Rabbinic Judaism viewed whole: how the parts fit together, where they join, how they cohere. It contributes to the on-going task of the history of religion, the definition of (a) religion, in this case, Judaism in its classical, formative writings. My thesis is simple: Judaism's story *is* Judaism. Telling the tale is Judaism's way, therefore, both in the Written Torah and in the Oral Torah committed to writing in the Rabbinic documents. Accordingly, in the conviction that — as the Torah requires — the life of the enduring tradition requires the telling and retelling of the story that the tradition sustains, I propose here to tell the tale as it has not yet been put forth. Then what is at stake? It is the unity of the principal parts of Rabbinic Judaism, the Halakhah and the Aggadah, frequently alleged, seldom established through comprehensive demonstration of a concrete order. I take a necessary next step in the study of Judaism. For until now Scripture's tale in Rabbinic hands has been taken in the two indicated paths, even though it is one story that Moses told. Of that fact Deuteronomy, in its recapitulation and con-

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<sup>5</sup> Contemporary scholarship will prefer a circumlocution such as, "those who put the whole together." Since I address Scripture as read by the Rabbinic sages, however, it is more appropriate to speak of "Moses" than of "JEPD read all together."

tinuity, leaves no doubt. But even Deuteronomy divides the Halakhah, Dt. 12-26, from the Aggadah, fore and aft. Improving, then, on Moses in the Written Torah and on sages in the Oral Torah, this third telling—beyond the thesis, Scripture's and beyond the antithesis, Rabbinic sages'—synthesizes. It takes up a particular challenge, to allow the Aggadah and the Halakhah to find places in a single line of narrative. I propose to show in detail how each in its particular way participates in the advancement of one and the same tale. It is the story of humanity, variously told but of a single, continuous plot. This requires enterprise that is both original and recapitulative.

The intellectual-autobiographical context in which this work finds its place is easily explained. From 1973 to 1993, beginning with the first Rabbinic document, the Mishnah along with the Tosefta, systematically compared, ending with the last, the Talmud of Babylonia, I studied each of the Rabbinic documents and identified its indicative traits of rhetoric, topic, and logic of coherent discourse. From the mid 1980s to the mid 1990s I further compared and contrasted one document with another and groups of documents, e.g., *Leviticus Rabbah* and *Pesiqta deRab Kahana*, *Mishnah* and *Tosefta*, *Yerushalmi* and *Bavli*, the group of writings that reached closure before Constantine and those that concluded afterward, and the like. Having described the documents of Judaism one by one and then analyzed them in their subsets, the whole worked out comparatively, I turned in the early 1990s to the problem of synthesis. My question has been and remains, how do all of the distinctively-Rabbinic documents of formative Judaism in late antiquity make a single statement all together and all at once. This required interpreting the entirety of the corpus to show how they participate all together in making a single coherent statement. So I asked how the documents relate beyond documentary lines, forming Judaism in its initial normative statement. That is a question to be answered in more than a single discipline. It is a problem of theology, hermeneutics and literature.

This work of the study of text, context, and intellectual matrix, thus was carried out through a process of description, analysis, and interpretation. The third stage, the labor of identifying the synthesis of the whole, likewise has required three distinct stages, theological, hermeneutical, and what I call "restorative." I identified the theology that animates the whole, the hermeneutics that dictates the exegesis of the whole. Now I finally investigate the connections that unite the distinct native category-formations of the literature,

Aggadah and Halakhah. That is the work of restoration represented by the items listed at the end of the catalogue above. In that same setting I further pursued the question of how the Rabbinic documents, particularly the native category-formations of the Halakhah, relate to Scripture. Here, as I have explained, I take the logical next step. So the entire enterprise is cogent and follows a single line, start to present. In all, I have systematically proposed to reconstruct the whole by stages, examining each of the parts, the documents, one by one, in groups, and now all together, each item as a component of a single encompassing structure and system: Judaism.

The projects to come therefore are readily predicted: further work on the interplay of the Halakhah and the Aggadah, the privileged category-formations (for reasons spelled out in this book) being those of the Halakhah, the arena of analysis being those documents that encompass both media of thought and expression.

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## INTRODUCTION

### I

The Rabbinic sages of the formative age of Judaism, the first seven centuries C.E., thought deeply about beginnings in light of endings. Each event in the unfolding story of Israel they read in light of the end of the story. Reading Scripture, they took account of the entirety of the Scriptural account of humanity's and the people Israel's history down into their own times—beyond the second destruction and exile of 70 C.E. They read forward from Scripture but looked backward from the age beyond the destruction of the Temple in 70, a perspective I call “the interim-end.” In that way they imposed upon their sequential reading of each passage the accumulated results of their reflection about all passages. The parts then are seen in light of the whole. What has happened from Creation to the day at hand and the age to come as well defines their perspective. That is why, at no point, either in the Aggadic or in the Halakhic media of thought and expression, did the sages simply retell and embellish the tale of Eden, Revelation, and Redemption. Nor did they merely gloss details. Rather, they reworked Scripture's parts in light of the whole, identifying their own foci and imposing their own proportions.

The Rabbinic sages encompassed in their vision the entirety of the record, including the record of events of and after 586 B.C.E., the first Temple's destruction, *and* 70 C.E., the second Temple's destruction. They therefore imposed upon the great themes of Scripture, whether those of Creation or Revelation or Redemption, their own distinctive vision. That perception of matters is formed out of the choices they made, within Scripture's complex story: the themes or events they deemed generative. These, through the Halakhah and the Aggadah alike, they reshaped into a paradigmatic narrative. By that I mean, a narrative that encompassed the unknowable future within its pattern. They discerned out of detail what they deemed to form Scripture's main lines of structure and order. And that is how in a labor of extrapolation out of Scripture's narratives and prophecies, they told Judaism's generative story. They encompassed Scripture, so as to describe the world as God had intended it to be. So their statement of matters conveyed Israel's beginning, middle, and end in a single tableau, the whole embodying, in the eternal present tense, Israel's social order.

That is to say, the Rabbinic sages read Scripture independently, critically, philosophically. They proposed generalizations and tested them against evidence—Scripture's facts—and argument, looking for cogency and coherence. Through the exercise of applied reason and practical logic they articulated, out of Scripture's cases, stories, and exhortations, a systematic and comprehensive account of politics and culture. This they offered as the Torah's design for world order, with the focus upon Israel's social order. In their legal and exegetical literature in response to Scripture, they set forth the way of life (law, Halakhah) and world view (lore, Aggadah) of the Israel they proposed to educate. That account was comprised by an utterly coherent corpus of norms of behavior and norms of belief. Rigorous thinkers, the sages came up with not bits and pieces of this and that. Rather, they produced a cogent account of the normative action and attitude of the kingdom of priests and the holy people that God had told Moses Israel was to constitute.

## II

That brings us to the work at hand. Through their own words and my exposition thereof, I show how they accomplished this mighty act of intellect. It consisted in uniting into a single continuous statement resting on Scripture's historical narrative the documentary results of two distinct, ahistorical media of thought and expression, the two massive bodies of information. The Halakhah concerned itself with action and law, analyzing rules to show their harmony. The Aggadah occupied itself with attitude, synthesizing values to show their ubiquity. The two now joined. Of them the sages formed a single, unitary statement. This they did in constant dialogue with Scripture. They accomplished their goal while preserving the distinctive mode of discourse that served each, respectively, the one a free-standing, legal, the other a subordinated, exegetical, rhetoric. But they nowhere articulated the unity of that statement. They left that work to us. But implicit throughout their writings is a coherent account. This cogency, the formation of a single message out of dual media of discourse, they effected—so I shall show—by appeal to an implicit, continuous story. It is one that, categorically, proceeds from Creation through Revelation to Redemption, one to which each mode of discourse contributes, in its particular manner, its distinctive information.

Two modes of discourse and two distinct types of information—the one concerning conduct, the other, character and conscience

— therefore come into play at each point in the categorical exposition. It is my task to uncover the unity of the two media of discourse and their respective bodies of data in explaining how they convey a single message in dialogue with Scripture's continuous narrative. The construction of that narrative the sages accomplished in conversation with Scripture, which supplied the story line. In forming Judaism as we know it, however, the sages did more than retell the story. Rather, the sages succeeded in transforming the Pentateuch and Prophets from a one-dimensional, sequential narrative into a grand and dense design: a paradigm of the human condition. They turned a case into an example, a rule into a pattern transcending the circumstance to which the rule pertained.

To show how sages did so, I move backward from the articulated story to the broader narrative contained within the story. In that way I mean to meet the challenge at hand: to show the coherence of two distinct bodies of foundation-writings, each with its own mode of discourse and corpus of data. Among possible approaches to the problem of cultural coherence and its media, I have chosen the logic of narrative to link the distinct parts. That is the way not yet taken. No one to my knowledge has shown how through narrative sages join together to convey a unitary, continuous tale their two media of discourse, their two bodies of data. The Halakhah concentrates on the opening component of Scripture's Creation-story, the Aggadah on the middle and final components of the same story. That is what I shall show, for Creation, in these pages.

But the idea of correlating Scripture's narrative with the Halakhic and the Aggadic media of thought and expression is hardly new; it is natural to the system. In asking narrative to bear the burden of politics and culture, Halakhah and Aggadah, I follow the model of Moses himself.<sup>1</sup> That is the way dictated by the very character of the Torah. There, to show how Israel is to form God's abode (Ex. 29:38), a society worthy of God's perpetual presence, Moses tells the story of God's quest for Man and discovery of Israel. He further instructs Israel annually to tell the critical story of its existence. This medium of culture and politics he chooses in preference to resorting to a variety of available, other media for the presentation of the divine self-manifestation to Israel.

In his Five Books, law is conveyed in the framework of narrative, so too, theological convictions are rendered in the medium of narra-

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<sup>1</sup> I remind readers that I speak of Scripture as sages read it, thus Moses as author of the whole. For the history of Judaism, as distinct from the history of the Scriptures, that is absolutely required.

tive, and norms of attitude and sentiment are embodied in exemplary narrative. The privileging of narrative as the medium of cultural formulation and transmission, moreover, is made explicit. The Torah commands that, in response to great events, generations to come retell the tale of what happened. One may say that, to be Israel is to tell Israel's story. So, in Moses' account, the life of the enduring tradition requires the telling and retelling of the story that the tradition sustains, just as Moses did in Deuteronomy. That is why I propose here to tell the tale. But to solve the problem I have taken for myself, I do the telling as it has not yet been put forth. I show how the Aggadah and the Halakhah combine to form a continuous story.<sup>2</sup>

Two hundred years of historical-analytical labor of deconstruction—of taking things apart to see how they work—including forty years of my own, invite precisely such an exercise of synthesis and reconstruction, hence the renewed encounter with the work of Moses our Rabbi. That is not only to respond to the character of what is studied, the Halakhah and the Aggadah viewed whole in Scriptural context that formed their matrix. It is also to accommodate the present state of learning on the relationship of the Rabbinic documents of the formative age. I have now shown that they relate in three ways, ways of autonomy, connection, and continuity. Each exhibits traits of autonomy of rhetoric, topic, and logic of coherent discourse. No document is like any other. Comparison and contrast of documents show connections between and among them. Some documents fall into the same classification as others. The whole corpus furthermore claims continuity, between and among the Rabbinic documents. All documents assume for themselves a position in a single structure and system. So the various documents of Rabbinic Judaism stand on their own, each a coherent message unto itself. Various documents relate to one another. Some are connected to others, e.g., the Mishnah and the Tosefta and the Talmuds; Leviticus Rabbah and Pesiqta deRab Kahana, and the Rabbah-Midrash-compilations. A tiny proportion of the whole of a given document circulates in more than that document; there is a modest corpus of sayings and stories that moves from document to document. These two connect the documents. These facts are everywhere acknowledged. But what of continuities?

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<sup>2</sup> *The Unity of Rabbinic Discourse*, I-III and *Dual Discourse, Single Judaism. The Category-Formations of the Halakhah and of the Aggadah Defined, Compared, and Contrasted*, cited in the Bibliography.

Now, in works on theological and literary problems, I take a necessary next step in the study of Judaism. It is to explore the continuities between and among all documents. The next step requires establishing the cohabitation of the Halakhah and the Aggadah. Until now Scripture's tale in Rabbinic hands has been taken in the two indicated paths, the Aggadic and the Halakhic. That is so even though Moses told the whole as one story—Halakhic and Aggadic together. Of that fact Deuteronomy, in its recapitulation and continuity of exhortation, narrative, and law, leaves no doubt. But even Deuteronomy divides the Halakhah, Dt. 12-26, from the Aggadah, fore and aft. Improving, then, on Moses, this third telling—beyond Scripture's and beyond the Rabbinic sages'—takes up a particular challenge. It is to allow the Aggadah and the Halakhah to take places in a single line of narrative, each in its particular way participating in the advancement of one and the same tale: the story of humanity, variously told but of a single, continuous plot. This requires enterprise that is at once original and recapitulative.

### III

Our starting point is dictated by the great division, the documents' own separation of Halakhah and Aggadah, politics from culture. They undertake the presentation of norms of behavior in Halakhah in isolation from that of norms of belief in Aggadah. That bifurcation of Halakhah from Aggadah moreover characterizes the formative documents of Rabbinic Judaism, whether propositional or exegetical. The division of behavior from belief affected the medium, not the message. For the Rabbinic sages put forth a well-constructed paradigm to define Israel's social order and its cultural norms, its way of life and world-view. The whole they systematically expounded in philosophical category-formations, producing a theological system of considerable proportions.

To do so, however, in their philosophical reading of generalization and systematization, the Rabbinic sages found it necessary to distinguish Halakhah from Aggadah. Each component of the whole system imposed its own demands of form and logic, the one expository and analytical, the other exegetical and synthesizing. Required for the sake of clarity, proportion, balance, and order, that drastic act of separation of the political design for the social order from the paradigm of culture, conduct from conviction, reopened a gap that Moses had bridged. For in the Five Books of Moses, as I said, he had moved smoothly from Aggadic narrative to Halakhic legislation,

never allowing the two media of discourse totally to part company. This he had done through the sustaining narrative. From Exodus through Deuteronomy, a continuous narrative of Israel in the wilderness closed the gap between laws defining how people are supposed to behave and narratives showing how they are encouraged to think. He persistently linked action and attitude. Specific laws represented the one, exemplary events the other. No one can miss the organic link between Exodus 1-11 and Exodus 12, the commencement of Pentateuchal Halakhah, for instance.

But in the Rabbinic recapitulation in the cause of reconstruction, the Halakhah generalizes the Pentateuchal Halakhah upward. By contrast, the Rabbinic Aggadah particularizes the Pentateuchal Aggadah downward. The one takes specific laws and makes of them governing principles. That is what I mean by generalizing "upward." The other reads the narratives verse by verse, dismantling the flow of narrative and taking up each constituent piece in turn, thus particularizing "downward." Consequently, they are not commonly understood to tell a single continuous story. They are rarely viewed as writing, each its own chapters in its own modes of discourse, while collaborating in a common, continuous story. But, I cannot overstress, that is the path that Moses took. He clearly intended the two modes of discourse and bodies of data to cohere through that narrative. Now it is time to retrace his steps.

Moses undertook what his task demanded that he accomplish. That is to explain the whole of God's program for Mankind, embodied by Israel's undertaking at Sinai. The Rabbinic sages did what their modes of thought required them to do. That is, in a philosophical enterprise, to differentiate in a labor of classification and hierarchization. They engaged in investigating, in the manner of natural history, the facts concerning God's plan for the world that the Torah set forth. The synthesis between the two approaches, Moses' thesis, the sages' antithesis, dictates the next step. Here I propose to use the sages' own words in reverting to Moses' method — the method of narrative — for holding together the two constituents of the social order. Sages certainly deemed one the distinct realms of politics and culture, broadly construed: Halakhah and Aggadah. But that is not how they portrayed matters. Not bound by their model, then, but respectful of it, for Creation I join the two as a continuous story. It is the tale that, read whole and together, the system of conduct, and the system of character and conscience, in my judgment together are meant to comprise.

## IV

How did the Rabbinic sages uncover in Scripture God's plan for the world? The answer to that question accounts for the bifurcation of politics from culture. The work was done in two parallel ventures. In Scripture's stories they discerned paradigms for right action (Halakhah) and also for right thought and right attitude (Aggadah). At the foundations of Scripture's cases and laws they identified the principles of jurisprudence for the shaping of an entire society. These matters—attitude, action—for philosophical clarity they classified each as a genus unto itself, and therefore, in the nature of the labor, they kept them distinct. Then they speciated the respective genera, the Halakhah in its way, the Aggadah in its manner. To underscore that distinction they even devised quite different modes of discourse for the discussion of the respective categories of information. The former speaks in cases and the rules they exemplify, conducting its inquiry through analysis of principles and dialectical argument. The latter utilizes narrative, exhortation, and exegesis of Scripture, to set forth its propositions about its topics. The discourse of the Halakhah takes as its task the translation of narrative into social norm, so that Israel will embody, in its actualities, the lessons of Eden. The entire theology of this Judaism then is embodied in the Halakhah. The discourse of the Aggadah defines as its assignment the recapitulation, through exegesis, of the narrative of Scripture, but now in a generalizing, systematic reading of the tale.

In constant dialogue with Scripture the Rabbinic sages through the dual media, Halakhah and Aggadah, retell Scripture's tale of Creation and much else. The actions of the patriarchs, for example, are deemed to define patterns of behavior for their descendants. Cases in Moses' law adumbrate principles to transcend the specifics of the cases. That is how the narrative is turned into the foundations for a design for the social order. Working through Scripture's law and lore, the Rabbinic sages thus defined the way of life and the world-view of their Israel's social being. All was to be in accord with well-examined principles, constituted by generalizations of the particulars of Scripture. Thereby, the sages implicitly set forth a two-part claim. First, from their recapitulation and reframing of matters, one may recover the paradigm that Scripture conveys through its details. Second, by following their patterns of attitude and action, Israel will embody in its everyday life that set of imperatives that realize God's intent when he told Israel, "You shall be holy, for I the Lord your God am holy" (Lev. 19:2). So the Aggadah and the Halakhah represent modes of mediation, media of transformation and regeneration.

What are these modes and media? The Halakhah, addressing Scripture's laws and transforming them into general rules, is expository, propositional, and analytical. The Aggadah, devoted to stories, is exegetical and hortatory, treating a tale as exemplary in its own way. Why did the sages find it appropriate to accomplish their goals by dividing matters as they do. To translate Scripture's episodic stories of the Aggadah into exemplary rules, exegesis of details defined the way forward. To turn Scripture's singular cases of the Halakhah into general principles of public conduct, analysis and generalization dictated the right approach. And modes of reading that served for the Aggadah cannot yield the besought results for the Halakhah and vice versa. Each body of writing responds to the particular qualities of the scriptural evidence subject to its discourse. That is why each exhibits its own distinctive formal traits. Together, viewed whole, these writings in two modes of discourse concerning two distinct bodies of information render the Torah's account into an encompassing social philosophy: a way of life, a world-view, for the Israelite social order they contemplated. The Israel they conceived would form God's dominion in Creation. Accordingly, the Halakhah and Aggadah, law and theology, state systematically and coherently those very principles in theology and law that the Torah had set forth in cases and rules and tales, all of them episodically.

But *how* do the Halakhah and the Aggadah join? They meet at Scripture. Finding the key to the single system, Judaism, in the unity of its two distinct modes of discourse and their respective bodies of information, depends upon recovering the single story told in the two media and out of two types of data. There is no other way of joining the two, because the category-formations of the one rarely intersect with the category-formations of the other.<sup>3</sup> But the story-line conveyed by Scripture accommodates them both.<sup>4</sup>

That, however, is not the sole consideration. Scripture's own character enters in. The message of Scripture is this: tell and retell the story, here this way, there that way, always preserving the main line of the enduring, classical narrative. Diverse discourse through a single story-line, such as I impute to the Halakhah and the Aggadah, follows the pattern of Scripture itself. There the diverse sources of which the Pentateuch is initially composed<sup>5</sup> are made to hold together by reason of forming a continuous narrative. Accordingly, in

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<sup>3</sup> That is the outcome of *Unity of Rabbinic Discourse*.

<sup>4</sup> That is the outcome of *Dual Discourse, Single Judaism*.

<sup>5</sup> We need not enter the matter of the documentary hypothesis to recognize that different modes of expression characterize different sections of the Pentateuch; of these differences the sages themselves were entirely cognizant.

the retelling, forever renewing the vitality of the tale, the Rabbinic sages adopted the model of Scripture's own method itself, not only its message.

Knowing Scripture, we cannot find that judgment surprising. Story-telling is labeled by Scripture itself as the medium of religious discourse. Moses in Deuteronomy provides the model. And Scripture itself maintains the centrality, to the religious encounter, of narrative in its insistence that people tell the coming generations the story of God's liberating Israel from Egyptian bondage. Even more: Scripture, as God's self-manifestation to Mankind and to Israel, takes the form of a sustained narrative, to Genesis through Kings, to which law and the bits and pieces of lore contribute. So conveying the paradigm through a story and repeating the story from age to age represents a principal mode of Judaic religious experience and expression. In the beginning the sages saw things whole and read the parts in such a way that many things said the same thing, which is, the message of the whole.

That the Aggadah works through Scripture's own stories in Scripture's order and context hardly requires demonstration or exposition. It is, by definition, what the Aggadah promises to do in its reading of Genesis, Exodus, Leviticus, Numbers, and Deuteronomy, as well as in the Rabbah-Midrash-compilations and in the large composites of narrative-exegesis set forth in the two Talmuds.<sup>6</sup> How the Halakhah does the same forms part of the burden of the shank of the book, Chapters Two through Four, how the Aggadah does, in Chapters Five and Six. In that way I portray Judaism's story of Creation as I maintain the Halakhah and the Aggadah tell it.<sup>7</sup> The challenge of this project, then, is to allow the Halakhah and the Aggadah to tell their parts of what is a single continuous story in their own words, with a bit of help from me. All together, the Halakhic and the Aggadic readings of Scripture will be shown to work through Scripture's story in such a way as to transform and renew that story.

That outcome embodies the power of their recapitulation of Scripture, and it is what makes their corpus, called in the language of the faith "the Oral [part of the] Torah,"<sup>8</sup> necessary to the en-

<sup>6</sup> This I demonstrate in *The Theology of the Oral Torah*.

<sup>7</sup> I lay this out systematically in *The Theology of the Halakhah*, then correlate the Aggadic with the Halakhic narratives in *Dual Discourse*.

<sup>8</sup> We need not be detained by the characterization of the Rabbinic documents as "oral Torah." What sages meant by that mythologoumenon is spelled out in my *What, Exactly, Did the Rabbinic Sages Mean by "the Oral Torah"?* *An Inductive Answer to the Question of Rabbinic Judaism*. Atlanta, 1999: Scholars Press for South Florida Studies in the History of Judaism.

counter with Scripture. In their philosophical reading of Scripture, through their quest for general principles, subject to universalization, what did they find there? In Scripture's account of Creation forward, the sages found the story of Mankind, start to finish, past, present, future. That conclusion hardly surprises. What marks the Rabbinic sages' reading as particular is the outcome. It is that that story conveyed reliable rules, which accounted for the condition of humanity and told people what they have to do and what to expect in the future as well.

Within that story and subject to those rules they positioned Israel, identifying its cosmic task. Reading forward from Scripture's Creation to their own present and thence to the coming age, they moreover turned into a design for world order what they found in Scripture: the continuous narrative of Man and his counterpart, Israel. This grand design—the architectonics of Creation yielding world order—they found implicit in the details of the Torah's narratives, exhortations, and laws. The identification of the rule implicit in the case, then, yielded their structure and system. The result of their quest for world-order they recast in a literature strikingly different from Scripture yet—we cannot overstress—in constant dialogue therewith. So they turned the tale told by Scripture into the design God had in mind for Man, a massive account for the formation of a social order. This system was meant to realize God's plan in creating the world and Mankind. Out of Scripture's stories, they told Judaism's story.

## V

From these matters of theory, let us turn to concrete facts. In precisely what writings do we find the Halakhah and the Aggadah of Judaism in its formative age? To set forth that cosmic conception that Scripture yielded to their reading, the Rabbinic sages produced a score of books, which comprise a massive library, many times greater in volume, far more elaborate, dense and complex in intellectual character, than the library found at Qumran. The Rabbinic classics fall into three classes: Halakhic and analytical, Aggadic and exegetical, and Halakhic but exegetical.

The Halakhah is presented in the Mishnah, ca. 200 C.E., the initial and complete statement; the Tosefta, ca. 300 C.E., complementary and supplementary formulations of the Halakhah that the Mishnah conveys; the Yerushalmi (Talmud of the Land of Israel), ca. 400 C.E., and the Bavli (Talmud of Babylonia), ca. 600 C.E.

The two Talmuds are devoted to the analysis of the Halakhah of the Mishnah and the Tosefta and of certain legal formulations not encompassed by those documents. The Halakhah, then, reaches us in a corpus of continuous documents, incorporated in the Mishnah-Tosefta-Yerushalmi-Bavli. But the first and the largest, most encompassing statement of the Halakhah is the Mishnah's. The two Talmuds' principal tasks rarely encompass the presentation of fresh Halakhah, lacking foundations in the Mishnah-Tosefta.

The Aggadah takes shape mainly in systematic exegesis of the books of Scripture that are read in synagogue liturgy. The Aggadic compilations of antiquity are devoted in the main to the Pentateuch and most of the Five Scrolls. That work yielded a dozen compilations of exegesis of Scripture called Midrash, the reading of Scripture in accord with Rabbinic interpretation. That involves the sages' perspective upon Scripture seen whole, and read philosophically. These (with the conventional date of closure) include Genesis Rabbah, ca. 400 C.E., Leviticus Rabbah, ca. 450 C.E., Pesiqta deRab Kahana, ca. 500 C.E., and, of indeterminate date but likely of the period of the Bavli, Lamentations Rabbati, Song of Songs Rabbah, Ruth Rabbah, and Esther Rabbah I. In addition, the Bavli contains a massive component of Aggadah, approximately 40% of the whole in the longer tractates. That brings us to the Halakhic-exegetical compilations. Most Halakhah is declarative in form analytical in program. Most Aggadah is exegetical or narrative. But a set of compilations of exegesis treat both legal and narrative passages of the Pentateuch, encompassing both Halakhic and Aggadic exposition, each by itself as the basic text requires. This joining in single documents of Aggadah and Halakhah, the one segregated from the other, is comprised by documents of the period after the closure of the Mishnah and the Tosefta, thus ca. 300 C.E.: Sifra, to Leviticus, Sifré to Numbers, Sifré to Deuteronomy, and Mekhilta Attributed to R. Ishmael, to Exodus.

All together, these documents, with some minor ones as well, record the literary culture of the Rabbinic sages. They constitute the formative statement of Rabbinic Judaism, the Judaism that defined the norm from antiquity to our own day. From their closure to the present times the masters of the Torah have referred to these documents for authoritative teachings.

That the divisions into the Aggadah and the Halakhah form native, not imposed, category-formations, involving their distinctive modes of discourse to take up their respective bodies of data, then is clear from this brief account of matters. That fact, then, defines the challenge to which the present project forms a response. How, as I

have explained, do law and lore work together to make a single coherent statement? The question, self-evidently, presses, for sages kept them separate but composed a coherent system out of them. We know the system coheres, because the Halakhah without the Aggadah or vice versa makes a truncated statement, ignoring a range of critical questions that the system must take up by reason of Scripture's own imperatives, on the one side, and systemic logic, on the other. When, however, the sages set forth norms of behavior, they rarely invoke considerations of belief, and when they rework Aggadic topics and themes, they seldom introduce considerations of normative conduct. So their social culture, their book-religion embodied in rules, and conviction, realized in expositions and amplifications of Scripture shows a massive fault-line. Halakhah and Aggadah undertake essentially distinct tasks within that larger system of belief and behavior that as a matter of principle people in general maintain they together comprise. The challenge, then, is to tell as one story what the Rabbinic sages portray through their two distinct media of discourse, law, Halakhah, and lore, Aggadah.<sup>9</sup>

In the shank of the book, we see in great detail the contrast between the Halakhah (Chapters Two through Four) and the Aggadah (Chapters Five and Six) as distinct modes of discourse. In Chapter Seven I conclude with some encompassing generalizations that result from comparing the two. It suffices here to signal the indicative qualities of expression and thought. In expression, the Halakhah conceals its theological-narrative context, while the Aggadah reveals its reference-point. Identifying the Halakhic reading of Creation requires our going beneath the surface of matters to carry out a labor of mediation not only between concrete law and abstract principle but between the Halakhah and its very point of departure, Scripture's narrative of Creation. In mode of thought, the Halakhah does not articulate its point of intersection with Scripture's picture of Creation. Taking the form of a commentary to Scripture, the Aggadah does not have to. That is why, in the former, we have to find the connections between norms of behavior and the norms of belief and attitude realized therein. And, further, we have to locate the linkages between the Halakhic formulations of matters and the narrative of Creation to which, I contend in Chapters Two through Four, the Halakhic category-formations constituted a *systematic* response. With the Aggadah, spelled out in Chapters Five and Six, everything is the opposite. There, in Genesis Rabbah, the Aggadic representation of Creation systematically cites and amplifies Scrip-

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<sup>9</sup> I refer here to *The Unity of Rabbinic Discourse and Dual Discourse, Single Judaism*.

ture's story. So all is right on the surface. The connection to Scripture's narrative is constant and unbroken, because Scripture is cited in so many words.

## VI

I claimed earlier that the Rabbinic sages took Moses as their model. So I have now to ask, precisely how has Moses, whom the Rabbinic sages called "our Rabbi," in the Pentateuch provided the pattern for the sages' writings, which do not imitate the language or forms of those of Moses? The Rabbinic sages' bifurcation of Halakhah from Aggadah both does and does not replicate how Moses did things. It follows Moses' model, in that Halakhic instruction in the Pentateuch ordinarily stands in its own distinct units of exposition, apart from Aggadic context and explanation, which, even where pertinent, are left implicit. But it does not copy Moses, for Moses held things together in a single composite, the Pentateuch as we know it.

Moses' instruction took the form of a tale told not once but twice. He employed the continuous story to convey Halakhah and Aggadah in a single coherent account from Genesis through Numbers. He then retold the same story, Halakhic and Aggadic alike, in Deuteronomy. Not only so, but even in the most purely Halakhic components of his Torah, Leviticus 1-15, for example, he places law in an implicit, narrative context with the language, "The Lord spoke to Moses saying, speak to the children of Israel and say to them..." which locates the divine imperative of law squarely within the setting of events. Mekhilta, Sifra, and the two Sifrés, devoted to the exegesis of Halakhic passages, all work their way also through the Aggadic ones of Exodus, Leviticus, Numbers and Deuteronomy as well, in a single, continuous discourse. That is because they take as their task the exposition of Moses' Torah.

That fact makes all the more remarkable the sages' choice. As is clear, they chose to retell Scripture's tale in two quite separate modes of expression and of thought. That fact has defined the problem addressed in this book. The Halakhah stands on its own, its documents rarely mixing Aggadic with Halakhic information let alone discourse, and the same is so, with the stated exception, of the Aggadah. To be sure, it is only when brought together that they convey the entire religious structure and system, the Halakhah and the Aggadah, of Judaism. But the systematic exposition of the Halakhah, as I said, is utterly abstracted from the presentation of the Aggadah, and when Aggadic discourse takes over, Halakhah finds a

place only very seldom. Then it occurs episodically, and with little cumulative outcome. This fundamental trait of the literary culture embodied in the Rabbinic documents of the formative age makes troublesome and challenging the retelling of Judaism's story.

## VII

It is time to take up the premise of this work, that in the matter at hand, Creation, the Halakhah and the Aggadah do comprise a single religious system, Judaism. Why begin with the premise that that is so and therefore ask how the Halakhah and the Aggadah work together? The reason is, first, that practitioners of the religion, Judaism, have not for one minute ever doubted that they did; they took for granted that they formed a single statement. But precisely how that statement is made remains to be demonstrated. Second, Scripture's paramount position justifies the effort to find out how the Aggadah and the Halakhah collaborate in a common construction. For the Rabbinic sages found their questions in Scripture. They identified the answers to those questions in Scripture. And they organized and interpreted the contemporary situation of holy Israel in light of those questions and answers. Whether articulated or only implicit, every line of the Aggadah and of the Halakhah engages in a dialogue with Scripture. That explains why we may justifiably say that 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, in the record of God's own self-manifestation. There they found God's plan for the world of perfect justice, the flawless, eternal world in stasis: Eden. There in detail they learned what became of that teaching in ancient times and in their own day, everything seen in the same way.

Now to the substance of matters, to address this story that I claim conveys Judaism's story of Creation. The Halakhah and the Aggadah together tell a single, sublime story, the story of Mankind, Creation through redemption (though here we deal solely with Creation):

- [1] from Creation: God created a perfect, just world and in it made Man in his image, equal to God in the power of will.
- [2] through Revelation: Man in his arrogance sinned and was expelled from the perfect world and given over to death. God gives Man the Torah to purify his heart of sin.

- [3] to Redemption: 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, that characterization jars. In their reading of matters 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 the resolution thereof. As I shall explain in Chapter Seven, the sages engage in paradigmatic thinking, finding in Scripture those patterns that impart shape and structure to human activity and experience. But the patterns yielded by Scripture concern different components of activity and experience, as by now is self-evident. So both Aggadic and Halakhic components of Judaism's story of Creation identify the rule yielded by the case, the structure contained within the occasion. But the pattern is one for both. So when sages distinguished Halakhah from Aggadah, treated by Moses in a unitary way, it was to deal in an orderly manner with the two dimensions of one and the same coherent entity. That is God's teaching through Israel for humanity, in two parts, as I have made clear, the one concerning behavior in concrete terms, the other, belief in abstract ones. It will be seen in these pages, then, that the Halakhah tells part of Scripture's story of humanity in terms of behavior. Aggadah narrates part of Scripture's story of humanity in terms of belief. Each statement, the Aggadic one, the Halakhic one, narrates the tale of Israel's existence, the Aggadic in terms of exteriorities, the Halakhic in terms of interiorities, a matter to which we return in Chapter Seven.

## VIII

Now that I have explained what I hope to accomplish, let me explain how I achieve my goal. I propose to recapitulate in logical, narrative order the principal parts of the Halakhah and the Aggadah. I shall allow them to tell their respective stories, within their distinct native category-formations, in their joint portrait of Judaism's single story. Then the obvious question is, Which of the two media speaks first, Aggadah or Halakhah? And to whose structure of category-formations do we accord priority? At issue is the starting point for the framing of a single Judaic structure and system out of the two media of discourse through which that construction speaks. And the choice determines the logic of exposition that guides the entire work. I privilege the Halakhah, for both negative and pos-

itive reasons, over the Aggadah. In the successive chapters of this book the Halakhah comes first and dictates the program of exposition. In placing the Halakhic component of the story first, I affirm the established conviction of the priority, in the setting of norms, of the Halakhah: action disposes of what attitude proposes. That decision dictates the governing logic of each chapter and imposes its own discipline upon the entire account. Why give priority to the Halakhah?

To answer let me start with the negative, why not commence with the Aggadah? The reason is, by its nature, the Aggadah covers pretty much everything that Scripture does, in Scripture's own order. It represents no formidable challenge to imagination or interpretative resources. The Aggadah's own distinctive emphases prove difficult to discern. As a mode of writing, Aggadah is easy to pick out; as a mode of system-building, it is difficult to organize. Its definitive trait as writing, the organization of data as commentary, also explains its intractability in the matter of systematization for purposes of comparison and contrast and reconstruction, That is to say very simply: if we organize our exposition Aggadically, we simply recapitulate Scripture and amplify its points. Starting with Aggadah, we predetermine the result. And the cost of that result is formidable, for we lose all access to the distinctive framing of matters characteristic of the Halakhah. That is to say, if we follow the program of Scripture as copied by the Aggadah, we then ask the now-subordinated Halakhah with its abstractions and generalizations to find its place within the concrete and particular structures of the Scriptural narrative. This the Halakhah can do only with great difficulty, if at all. The reason is simple. Asking the general and Halakhic to find its place within the particular and the Aggadical will destroy the very character—the integrity—of the abstract medium that speaks in matters of conduct. That consists in its capacity to encompass the concrete and impose thereon proportion and position. So by allowing the Aggadah, which is to say, Scripture speaking through the Aggadah, to take first place, we obscure the distinctive approach of the Halakhah to that same narrative. And since the Halakhah's is an approach that is not articulated and that does not define itself openly, we may miss the opening entirely. From the Halakhah we shall hear only on the terms defined by the Aggadah. And then we miss important components of the Halakhah.

Now let us turn to the affirmative side. What claim on priority does the Halakhah make for itself? Here long centuries echo the answer: the norms of behavior take priority, because what one does presents concrete evidence of how one feels and what one thinks.

Action bespeaks emotion and attitude. Ultimately, Torah-study (here corresponding to Aggadah) finds validation in the deeds that are motivated through study (so B. Qid. 40b: "Study is greater, for study brings about action"). According priority to the Halakhah affirms the Rabbinic system's own repeated theological position that the Aggadah is negotiable, the Halakhah not. Opinions change, actions once done cannot be undone. The Aggadah proposes, the Halakhah disposes. For, as everyone knows, the priority of the Halakhah over the Aggadah defines the systemic principle of governance.

A concrete fact suffices to prove the point. For violating Halakhic requirements, the system provides sanctions; and these requirements are many and detailed and subjected to much differentiation and classification of details. The norms of the Aggadah, concerning attitude and feeling as much as conviction and belief, represent intangibles, not actions. They are comparably enforced only at a very few critical turnings. And then it is by God, and, as a matter of fact, it is in the final judgment in particular. There, and only there, the Rabbinic sages make provision for concrete sanction for improper attitude or conviction. This they do in God's denying eternal life to those who do not believe the Torah comes from God, or the doctrine of the resurrection of the dead from the Torah. So while the two media of discourse share in the task of defining the norms, the concrete and practical of the Halakhah prove definitive and take priority.

But, if treating the Aggadah first, then turning to the Halakhah, obscures the distinctive character of the Halakhah and merge the whole into a recapitulation of Scripture in Scripture's own terms, will the alternative not disrupt? Will according priority to the Halakhah not equivalently distort the Aggadah? By reason of the superior cogency and system of native category-formations that present the Halakhah to us, the answer is negative. If we ask the Halakhah to open the discussion, we commence with its long perspectives, its large-scale generalizations, its capacity for abstraction. These traits of Halakhic discourse by their nature invite particularization such as the Aggadah demands. They logically make a place for detail, whether Halakhic, whether Aggadic. Therein, therefore, the details of the Aggadah readily find their place. Then the Halakhic capacity to take over and make its own the details of cases and rules set forth by Scripture exercises its power.<sup>10</sup>

What of the interplay with Scripture? I said a moment ago that the Aggadah subordinates itself to Scripture, both formally and substantively. The Halakhah for its part preserves its own autonomy. It

recasts the whole while recapitulating the parts. If, therefore, we begin with the Halakhah and its remarkable restatement of matters, we accommodate Scripture in the Rabbinic sages' own formulation of matters. So, when Halakhah speaks first, while Scripture defines the grounds of discourse and provides the data, it does not preempt the entire discussion.

So to conclude: in that context the Aggadah undertakes its distinctive contribution to the Halakhically-founded story without imposing distortion and disproportion upon either the Halakhah or that story itself. All I take for granted without any proof whatsoever is, both the Halakhah and the Aggadah respond to Scripture's story: the premise of all else. That is why to begin with I ask the Halakhah to testify to its reading of Scripture's story and recapitulation thereof. There we find the points, within the larger narrative of Moses, that captured the attention and guided the reflection of the Rabbinic sages who defined Judaism. Only then do I turn to the Aggadah, the Halakhah having had its say.

## IX

How, exactly, do I proceed? Out of the established typology, Creation/Revelation/Redemption, I have selected Creation. That is guaranteed to produce consequential results, because there, we have the two necessities for analytical inquiry. First come the large-scale Halakhic category-formations that intersect with Scripture's Creation-story. Second, we also are presented, in a single document, with a systematic Aggadic reading of that same story. The character of the evidence therefore makes possible precisely the exercise I wished to undertake.

But Creation is the logical starting point for more than formal reasons. In the beginning sages found the explanation for the present and the paradigm that would point toward the future as well. In the story of Creation the sages found God's account of the making of Man, Adam and Eve, "in our image, after our likeness." According to them the power of will but also the possibility of obedience to God's own imperative, God precipitated the crisis of the

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<sup>10</sup> These observations also introduce the next work that I plan, which is a systematic study of the interplay of the Halakhah and the Aggadah in the sages' presentation of the Halakhah. I dealt with this matter peripherally in my *Rationality and Structure: The Bavli's Anomalous Juxtapositions*. Atlanta, 1997: Scholars Press for South Florida Studies in the History of Judaism. Now it is time to deal with the matter on a broad scale and head-on.

human condition. That freedom exercised, they lost Eden and assumed mortality. That represents the challenge of Eden met at Sinai, imposed upon Israel. It is the recovery of Eden, the conquest of the grave and the recovery of eternal life. In the complex story of Israel, the sages picked out the Revelation of the Torah as the critical component. This they read in the context of Eden and its loss through the act of rebellion. God brought Israel into being in his search for the repair of Creation: a corporate community, counterpart to Adam and Eve, rendered capable of entering Eden by the nurture of the will, through commandments and the discipline of a sanctified society.

Sages recognized that Israel carried forward the heritage of Adam and Eve, the possibility of sin through rebellion against God's will as set forth in the Torah. They further compared Israel's loss of the Land to Adam and Eve's loss of Eden. All the more so, then, did sages portray the Torah as the design for the kingdom God had had in mind in making Man in Eden. The tensions implicit in the contrast, but also the comparison, of Israel and Adam come to resolution in the category-formation, Redemption, which I take the Rabbinic sages to read as the realization of God's kingdom. That represents the restoration of Eden and the recovery of eternal life: Judaism's story of Creation, which turns out to encompass Revelation and Redemption as well.



## CREATION: "IN THE BEGINNING..."

"I will make my abode among the people of Israel and will be their God. And they shall know that I am the Lord their God who brought them forth out of the land of Egypt that I might make my abode among them; I am the Lord their God."

Exodus 29:38-46

I. *Where to Start?*

God's quest for an abode with Mankind in Creation forms the theme of Judaism's story: the struggle of the Israelite sector of humanity—those who know God and are not idolaters—to respond to God's search, his failures and his aspirations. The correct starting point for telling Judaism's story, one should anticipate, can only be, "In the beginning God created the heaven and the earth," followed by a close paraphrase of the Rabbinic sages' presentation of Scripture's account. That is precisely how the story of Judaism has been told.<sup>1</sup> But that is not how Judaism embodies its story. In the documents of the Halakhah and the Aggadah, fundamental in the presentation of that religion, the Rabbinic sages do not merely clarify, fill out, and recapitulate, but rather in their own way they retell Scripture's account. They convey the story in its principal parts, not as a single, continuous narrative. And for each component of the story they choose a distinctive mode of discourse. To us they left the task of putting the parts together into a single whole.

That fundamentally original reading characterizes both the Aggadah and the Halakhah. In responding to the Scriptural account, the Aggadah, brings to its reprise of Genesis 1-3 and the other critical components of Scripture's tale a paradigm of its own devising. It does not merely repeat in its own words someone else's

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<sup>1</sup> Compare Louis Ginzberg, *The Legends of the Jews*, (Philadelphia, The Jewish publication society of America, 1909-38), for Creation, Volume 1. Ginzberg paraphrases, rather than citing the original sources in translation. And he ignores the Halakhic corpus. Following the sequence of Scripture, he also conveys little sense for the shape and proportions and distinctive emphases of the particularly-Rabbinic telling of Judaism's story. His is a contribution to the study of ethnic folklore, not of religion.

— the received — version. Nor does it only gloss words and phrases, bits and pieces of information. The larger part of its reading of the story of Creation is systematic and integrated. And as to the Halakhah, that corpus of documents with its distinctive mode of discourse does not conduct a narrative to begin with. But it too embodies a systematic account of matters. As we shall see, the Halakhah takes for granted the presence of the purposive details that are yielded by picking up Scripture's narrative. True, the Aggadah retells not its tale but Scripture's, but it is now in the Aggadic context. While the joint reprise of the Aggadah and the Halakhah is founded upon, and constitutes a systematic response to, Scripture's, it is their own. Our task is to discern precisely where and how they tell it.

The Rabbinic sages did not make that task easy. While the sages conducted a sustained, systematic reflection on Scripture, they did so with a distinctive purpose in mind. They presented their results in a language and idiom all their own. As a matter of fact they produced results without counterpart or parallel in any of the competing readings of Scripture, whether Judaic or Christian. Their writings do not afford ready access to the logic and rationality that animate their thought. No one without instruction can simply open and just read a Halakhic or an Aggadic document. Without the guidance of a teacher, no unlettered person can fully grasp its modes of thought, its message, or even its medium.

But their program for the Halakhah and the Aggadah, as distinct from their recondite medium, bears comparison with other readings of Genesis. For the Rabbinic sages proposed to translate Scripture's narratives, laws, and exhortations, into a grand design for a social order worthy of forming God's abode on earth. Others grasped matters in the same way, Augustine in his *City of God* for example. What set the sages apart is their execution of the matter. Theirs was not a theoretical statement. They spelled out the program in detail, whole and complete, and realized the execution in the social order of an entire society. But that is what Rabbinic Judaism set out to accomplish, and, viewed in its entirety, that is what it achieved in its literary culture. The Halakhah and the Aggadah as media of discourse concerning a particular corpus of information belong solely to Judaism: together, and joined with the Scripture that they mediate, they *are* Judaism on Creation.

To accomplish their goal of presentation and re-presentation, the Rabbinic sages shaped their own distinctive way of expressing their ideas. It is different from Scripture's, and it is one that is hardly so readily accessible as Scripture's. That is in three aspects.

First, their writings rarely speak in generalizations but prefer concrete statements that properly interpreted can be shown to embody generalizations. When the Halakhah, for example wishes to set forth the principle of responsibility for damages one has caused, with special attention to responsibility in the public domain, it does not give a generalization but a case:

He who leaves a jug in the public domain, and someone else came along and stumbled on it and broke it — [the one who broke it] is exempt.

And if [the one who broke it] was injured by it, the owner of the jug is liable [to pay damages for] his injury.

[If] his jug was broken in the public domain, and someone slipped on the water, or was hurt by the shards, he is liable.

MISHNAH-TRACTATE BABA QAMA 3:1

The case yields a rule covering a variety of comparable cases, and the rule produces a generalization about the classifications of types of causation and consequent responsibility. The Aggadah, for its part, wishes to say that the Torah sets forth God’s grand design for Creation. Here is how the Aggadah makes that statement:

I:I.1.

- A. “In the beginning God created” (Gen. 1:1):
- B. R. Oshaia commenced [discourse by citing the following verse:] “‘Then I was beside him like a little child, and I was daily his delight [rejoicing before him always, rejoicing in his inhabited world, and delighting in the sons of men]’ (Prov. 8:30-31).
- 2. A. Another matter:
- B. The word means “workman.”
- C. [In the cited verse] the Torah speaks, “I was the work-plan of the Holy One, blessed be he.”
- D. In the accepted practice of the world, when a mortal king builds a palace, he does not build it out of his own head, but he follows a work-plan.
- E. And [the one who supplies] the work-plan does not build out of his own head, but he has designs and diagrams, so as to know how to situate the rooms and the doorways.
- F. Thus the Holy One, blessed be he, consulted the Torah when he created the world.

GENESIS RABBAH I:I.1-2

Once more, in a passage to which we return presently, we see how the Rabbinic sages resort to a very particular, distinctive mode of discourse to convey their message. They do not set forth the proposition that the Torah constitutes God’s design for the world. Rather,

they engage in an exegetical exercise involving Gen. 1:1 with Prov. 8:30-31, which intersection produces that statement.

In both the Halakhah and the Aggadah, therefore, we address an elliptical way of making statements of a broad, theological character and application. So we must know how to move from the particular to the general. And that the Rabbinic sages never tell us in so many words, though they *show* us over and over gain.

Second, and more succinctly, they seldom frame issues in large, philosophical categories but deal only with exemplary cases. So we have to adduce the principles that govern the cases and are implicit in them.

Third and most important, the sages' category-formations are not the same as Scripture's. Scripture's presentation of law, story, and exhortation bears self-evidence for us in a way in which those of the Aggadah and the Halakhah do not. The Aggadic category-formations, to be sure, correspond in large dimensions to those of Scripture, but on our own we should never have identified the Halakhic ones that intersect with Scripture's organizing counterparts. And only much effort will reveal the interplay of the Aggadic and Halakhic recategorization of Creation with the large components of Scripture's presentation of Creation.

Few of the many religions that inherit Scripture and its mythic (story-telling) monotheism take the view that one can open and make sense of Scripture only with a master. Many of them encourage the faithful to take up and read an unmediated Scripture, meeting God there for the first time in time. So the sages' approach to the recapitulation of Judaism's story as set forth in Scripture marks them as exceptional in the context of the religious worlds built upon the foundations of the common Scripture. Yet for all the recondite character of their writing, the Rabbinic sages evince certainty that, knowing what they know, thinking in the way they think, and understanding their idiom, everyone will reach the conclusions that they reach. That mode of thought, they insist, is logical and systematic and coherent in character. Given these facts and these rules of analytical thought, we can reach no other conclusion than theirs. Then, if we think logically and systematically and coherently, we shall be compelled to come to their reading of matters. Not only so, but they take for granted we shall readily grasp the point they wish to register. If we know the rules of evidence and argument, they assume, we also will find compelling the propositions that they set forth. Taken for granted therefore is not only perfect mastery of Scripture, the Written Torah. Assumed also is the capacity to participate in the particular modes of thought and discourse that guide Rabbinic expression.

That is the case in both Aggadic and Halakhic documents. The Aggadah set forth in the several Midrash-compilations presupposes that we immediately grasp the meaning of the signals that they give, e.g., by citing one verse in commenting on another as in the brief passage cited just now. The impact of the intersecting verse upon the meaning of the base-verse then marks the given, which sages then spell out. How the two engage, the outcome of that engagement—these they deem self-evident. What they bring to the surface are just implications of that given.

For its part, the Halakhah undertakes a dense and difficult discourse, requiring knowledge of the whole of the system of law for making entire sense of each of the parts. All facts are presupposed at the analysis of each case. The Halakhah moreover organizes cases into topical category-formations, the larger number of which ask about the topic under discussion a particular, puzzling question. The whole then is laid out in a language particular to the Halakhic documents, the basic points, the fundamental structures, rarely subject to systematic exposition. We grasp out of the evidence what sages have stated through their formations and formalized language. For the principal category-formations, Scripture bears modest responsibility, providing data for many, but defining the generative problematic for only a few. Knowing Scripture's laws defines a necessary but insufficient foundation for grasping the Halakhah. And to grasp the Halakhah defines the condition for realizing the Torah: forming a social order worthy of God's presence.

So to enter into the discourse underway in the Halakhah and the Aggadah presupposes a considerable education, which in the nature of things is not to be found in books. Rather, it is to be located only with teachers who are themselves educated in a human chain of tradition—all the way back to Moses, whose master was God, as sages explicitly maintain. Contrast the clarity of Scripture's stories, the lapidary character of its laws. Scripture's model portrays a discourse that affirms immediate accessibility and self-evident sense in story and law alike—"this happened," or, "do this, don't do that." In context that mode of discourse bears no counterpart among the writings of the Rabbinic sages, Halakhic or Aggadic. That Scripture's own discourse makes possible the approach to an unmediated text is proved by the history of Scripture's reception. An unmediated Scripture, open to the faithful upon first encounter, confronted and today characterizes a variety of Christian and even some Judaic religious communities today. Not only so, but the entirely secular reading of Scripture as literature and as history (and for a variety of other worldly purposes) commences by dismissing the mediation of tradition.

How do sages explain themselves, their Aggadic and Halakhic writings, in relationship to Scripture? The Rabbinic sages put forth as a companion to Scripture and as necessary to its authentic reading documents that over time they called “the Oral Torah,” in contrast to Scripture, “the Written Torah.” By “the Oral Torah” they meant, God’s instruction to Moses at Sinai that was orally formulated and orally transmitted, ultimately transcribed in the Rabbis’ own writings. The Oral Torah represents a tradition deriving from Sinai but not written in Scripture, one that is distinct from, though correlated with and responsive to, “the Written Torah,” Scripture itself.<sup>2</sup> It was with such an enduring tradition in mind that the sages both in the Halakhah and in the Aggadah presupposed an experienced, informed reader. Mastering the documents classified as Oral Torah requires participation in an oral tradition of learning, handed on from master to disciple. That is what it takes to know how to reconstruct the messages and their intellectual context. The sages’ writings — the documents of the Oral Torah, from the Mishnah through the Bavli — yield not a paraphrase, but the result, of a deep dialogue with Scripture.<sup>3</sup> That on-going dialogue is a very different thing from a mere paraphrase.

The difference between Scripture’s immediate accessibility and the Rabbinic documents’ recondite character responds to the task that the sages took for themselves. Moses wrote for all Israel to obey and do what God commanded. The Rabbinic sages took over that record and undertook a process of rationalization and generalization of the data of Scripture. They did not aim only at the clarification of its givens, its words, phrases, the details of stories and rules. They aimed at discovering the rules yielded by cases, the structures sustained by the rules. That is because they read Scripture whole, responding to its fundamental imperative. They brought to bear upon the parts God’s aspiration to make his abode in holy Israel, his commandment that Israel be holy “for I the Lord your God am holy” (Lev. 19:2). Sages asked how each part of the Scriptural legacy of narrative, law, and exhortation fit together with all other parts into that system of sanctification of the entire social, and ultimately the world-order, that God bore in mind in creating the world.

It follows that while Scripture defines the main beams of Judaism’s story, neither the Halakhic nor the Aggadic documents simply retell Scripture’s story — even as the former amplifies its laws,

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<sup>2</sup> See *What, Exactly, Did the Rabbinic Sages Mean by “the Oral Torah”?*.

<sup>3</sup> I have spelled this out in detail in *Scripture and the Generative Premises of the Halakhah*.

the latter its stories. Out of the givens of Scripture’s account the sages construct their own restatement, now an account of the structure and system that complement Scripture’s. Without this Oral Torah, in the sages’ view, Scripture is incomplete. To make their statement, then, they did not — because they could not — merely repeat matters in their own words. They rather undertook a process of selection and not just paraphrase. Then, putting things together in a fresh way, they stated what they have found Scripture to mean for circumstances and cases akin to, but unlike, those that Scripture itself addresses. A process of analysis and interpretation produced the Rabbinic writings of the Halakhah and the Aggadah. Through that process the sages effect exercises in generalization, extension, amplification, and universalization, of the received law and lore of the Torah.

To examine this process in our quest for Judaism’s story of Creation as retold by the Halakhah and the Aggadah, we must ask, by what criteria did the sages frame this sense for matters’ true meaning—the meaning that transcends the case and realizes it? The obvious answer is, in their search for system and order the sages imposed the whole of Scripture’s unfolding story upon each of its parts. They stood at an interim-endpoint, looking backward. Their perspective on each successive detail in the unfolding story then took shape in their knowledge of where things were heading. That meant, too, upon the parts of the law they brought to bear the entirety of the law. All of the detailed cases and rules they saw whole. Their criterion for the authentic meaning, law and lore alike, invoked the presence of the entire system at every detail subject to exposition. They thereby explored the possibility of saying the same thing about many things. And that is an experienced perspective accessible not on first reading, let alone on one’s own original reading, but only over long spans of time.

What does this mean in concrete results? The Rabbinic sages read Scripture knowing the outcome of its story, from the standpoint of the interim-end of the tale.<sup>4</sup> That is to say, Scripture told them how things started — with Creation and the tragedy thereof — but also what happened next, and what would take place then: the prologue of Adam and Eve and their loss of Eden, the main event of Israel and its loss of the Land, forming the burden of Genesis

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<sup>4</sup> I say “interim-end” because from sages’ perspective, the story would end only with the restoration of Eden, meaning, the recovery of eternal life that God had originally afford to Adam and Eve. That would at the end of days accord resurrection and life eternal to all who stand in judgment, meaning, all Israel — defined as those who know God — with a very few exceptions.

through Kings. The sages knew, moreover, that Scripture's story of exile and return had not yet ended, for 586 was followed not only by the return to Zion but also by 70 and the second exile, and as yet, no return and restoration had happened. So that unrealized paradigm —exile, return, exile—shaped their reading of every detail of Scripture.

What made the sages' perspective very much their own? The sages brought to Scripture what Scripture never contemplated. This was *another* destruction, besides the one in 586 B.C.E., to be followed by *another* restoration, as yet—in the first six centuries C.E.—unattained. The prophetic promises of punishment for sin, followed by repentance on Israel's part and God's reconciliation, embodied in the restoration of the Temple rebuilt in the time of Ezra and Nehemiah, did not complete the story. Rather, sages knew about, but Scripture did not hint at, a repetition of that same sequence: sin and punishment and destruction and exile from God's abode in Jerusalem. Their first document, the Mishnah, and all subsequent writings, addressed that age begun in the second Temple's destruction. Then theirs was the labor of bringing about the second, and final, restoration, at the end of days, at the end of the four empires, Babylonia, Media, Greece, Rome, with Israel's fifth and final dominion, under God's rule this time. This they say time and again, in the Aggadah; the Halakhah, for its part, legislates also for the then-ruined Temple and the then-suspended altar and its offerings. In due course, we shall examine the modes of paradigmatic thought that transformed the story into a pattern.<sup>5</sup>

## II. *The Aggadic and Halakhic Engagement with Scripture*

Accordingly, the perspective formed by looking backward from their standpoint to Creation imposed upon Scripture's picture of Creation a set of meanings, emphases and foci quite particular to the sages themselves. They made choices and acted on them. These, in the nature of the account, Scripture's own narrative of Creation could not encompass. Specifically, Scripture in the Pentateuchal and Prophetic books (Genesis through Kings plus the Prophets) recorded the story of God's Creation of, but quick disappointment with, Man; then beyond the false start of Creation, ending with the Flood, Scripture turned to the new start with Noah, leading ultimately to Abraham and the formation of Israel. But Scripture also placed into

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<sup>5</sup> In Chapter Seven, section ii.

that same context the fate of Israel: the possession and loss of the Land, the building and destruction of the Temple where Man and God convened. And, I cannot overstress, the Rabbinic sages, flourishing in the first six centuries C.E., also knew what the Written Torah did not contemplate. That is the restoration of Israel to the Land but Israel's loss of the Land once more, the rebuilding of the destroyed Temple and its destruction once again.

This is the point at which the quest for the governing rule and the prevailing principle envelops and transforms the case and the story. To state the shift simply: what happens once is history, with its beginning, middle, and end. What happens a second time marks out a pattern.<sup>6</sup> In other words, the sages found in Scripture read from the stand-point of their (provisional) end-time not a single, linear, continuous story. They identified in Scripture, rather, the required paradigms for the ordering of the events of Israel's on-going existence. These not only recorded details of but wholly ordered Israel's life with God. The same encompassing paradigms explained Israel's history by finding the governing rules. The sages then discerned for their paradigm the meaning and message of Scripture's own narrative. That is why these paradigms guided their reading of Scripture and dictated the choices, within Scripture, that they would make.

Critical to sages' perspective on Scripture, therefore, is the claim that Scripture itself defines those governing paradigms. These contain the rules of world order, deriving from God and imbedded in Creation. Sages identified these governing patterns in Scripture's own account, now read as norms of belief and behavior, not just one-way sequences of events and *ad hoc* rules. Scripture yielded not narrative, exhortation, and this-worldly regulations, but instruction, Torah. This transformation of Scripture into Torah, of one-time narrative into governing paradigm, took place in a process of intellection—reflection on the implicit design and the realization of that design in rules for the social order, action and attitude alike—in which sages themselves participated. So for them, Torah figures not alone as the medium for the transmission of the story, but—I state with emphasis—as *the model that the story itself is meant to adumbrate*. Stated simply: the story told by the Torah realizes the governing model of existence that the Torah conveys. Through its stories, laws, exhortations, the Torah delivers its message. And we, knowing the modes of systematic, logical thought, open up the Torah and discern its animating principles. The whole then tells what happens by rea-

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<sup>6</sup> Though, for sages, not an eternal cycle! See my *The Presence of the Past*.

son of God's will conveyed to humanity possessed of free will on its own: the conflict of wills and its consequence.

What seeing the parts from the perspective of the whole — reading Scripture knowing the outcome, not only down to 70 but even beyond, as I said — means is simply explained in a single case, a bit of which we have already considered. It answers a simple question. How do the sages respond to Scripture's beginning, its account of Creation? Were the sages' intent to clarify and amplify the received account, we should expect, they would respond to Scripture's declarative statement by parsing its elements, identifying and responding to questions left open by its pronouncement. We should not anticipate that the sages would change the subject, or, rather, redefine the issue of Creation altogether. But in fact when they contemplate Creation, what they wish to know and what Scripture records correspond only in very general terms.

Here is how the Aggadah begins its exposition of Creation in Genesis Rabbah, ca. 450 C.E., the sages' complete, systematic representation of Genesis, a bit of which we examined earlier:

- I:I.1. A. "In the beginning God created" (Gen. 1:1):
- B. R. Oshaia commenced [discourse by citing the following verse:] "Then I was beside him like a little child, and I was daily his delight [rejoicing before him always, rejoicing in his inhabited world, and delighting in the sons of men]' (Prov. 8:30-31).
  - C. "The word for 'child' uses consonants that may also stand for 'teacher,' 'covered over,' and 'hidden away.'
  - D. "Some hold that the word also means 'great.'
  - E. "The word means 'teacher,' in line with the following: 'As a teacher carries the suckling child' (Num. 11:12).
  - F. "The word means 'covered over,' as in the following: 'Those who were covered over in scarlet' (Lam. 4:5).
  - G. "The word means 'hidden,' as in the verse, 'And he hid Hadasah' (Est. 2:7).
  - H. "The word means 'great,' in line with the verse, 'Are you better than No-Ammon?' (Nah. 3:8). This we translate, 'Are you better than Alexandria the Great, which is located between rivers.'"
2. A. Another matter:
- B. The word means "workman."
  - C. [In the cited verse] the Torah speaks, "I was the work-plan of the Holy One, blessed be he."
  - D. In the accepted practice of the world, when a mortal king builds a palace, he does not build it out of his own head, but he follows a work-plan.
  - E. And [the one who supplies] the work-plan does not build out of his own head, but he has designs and diagrams, so as to know how to situate the rooms and the doorways.

- F. Thus the Holy One, blessed be he, consulted the Torah when he created the world.
- G. So the Torah stated, “By means of ‘the beginning’ [that is to say, the Torah] did God create . . .” (Gen. 1:1).
- H. And the word for “beginning” refers only to the Torah, as Scripture says, “The Lord made me as the beginning of his way” (Prov. 8:22).

GENESIS RABBAH I:I.1-2

What we do not find is a replay of Scripture’s own narrative, which is taken for granted but not reprised. What we do find is the introduction of a verse from Proverbs into the reading of the opening verse of Genesis, that intersecting verse meant to impose its own perspective upon the base-verse to which I made reference just now. So the *theme* is that of Genesis 1:1, but the *problem* is particular to the framer of the composition before us. And the ones who selected that composition for opening Genesis Rabbah mediate Genesis 1:1 to us who approach Genesis through their guidance: what is important in this (self-evidently true) statement of Scripture?

The philology pertinent to the cited verse of Proverbs, on which No. 1 focuses, yields the remarkable claim of No. 2, another meaning of the word under discussion, and the main one. Then “I was beside him like a little child” has the Torah speaking, and the Torah is talking about its place and role in Creation. Reading “a little child” as “I was beside him as the work-plan,” we find that the intersecting verse, Prov. 8:30-31, imposes on Gen. 1:1 an unanticipated dimension of meaning. That is articulated at F-H, the climax of the remarkable reading. Then ample evidence from Proverbs 8:22 demonstrates the main point: God looked into the Torah in creating the world. Then, the unstated, self-evident conclusion follows: if people want to understand the principles of Creation, the foundations of existence, they too will look into that initial design.

Now this starting point for the re-telling of the Scriptural Torah bears with it a profound message. But at what cost? The Aggadic reading of Gen. 1:1 omits what we should anticipate, which is a direct encounter with the detailed, word-for-word narrative that Scripture sets forth. What kind of story fails actually to tell the story but only alludes to it? It is the Aggadic encounter at its most particular: Judaism’s reading of the Story of Creation, Judaism’s and not Scripture’s alone. The Aggadic reading before us does not retell Genesis 1 or even paraphrase the story; it takes for granted that we know the story and more than the story but nearly the whole of Scripture’s repertoire of stories, and it reshapes the Scripture’s version of the story to make a profound point about the Torah that me-

diates the story to us. That is the power of introducing Proverbs 8:22 into the reading of Genesis 1:1. But then we begin with a reflection on beginnings, not at *the* beginning at all. Then, if not at Creation, where to begin is not self-evident.

That brings us back to our starting point: where to start telling Judaism's story? Were we to tell Judaism's story beginning here, as logic suggests we ought, what should we do? Should we begin not at Proverbs 8:22 but, "In the beginning..."? That does not do justice to sages' participation in the work. It is to read Scripture in the manner of people who read for the first time, not of those who engage in a centuries-long engagement with the revealed Torah, whole and complete. But if we began with the allegation that "the Holy One consulted the Torah when he created the world," we neither should do justice to the density of the exposition at hand nor make much sense for those who, in the context of Scripture, are hearing our retelling. So the silences of Genesis Rabbah, as much as the message before us, help define the character of Judaism's story.

Here then is an instance of what it means to read the parts in the setting of the whole, to engage in a vast process of rendering the parts coherent and cogent. Creation is a part of the Torah, the doctrine of the Torah itself is yet another part. Here the unique perspective of the Aggadah yields the reading before us. What for the Aggadah is at issue, at the very outset, is the role of the Torah in the Creation of the world. That hardly marks a starting point for the exposition, verse by verse, of the Scriptural account, which, in the nature of the sequential narrative of Scripture, knows of the Torah only much later on.

The issue of Judaism's story as sages reconstruct it clearly is other than systematic exposition of the narrative of Creation. The point with which the sages commence is, God looked into the Torah to create the world. Israel, then, possesses in the Torah the very design of reality that guided God in making things as they are. Anyone who wants to understand the world had best start with the Torah and work outward from there. The Rabbinic sages bring all things to bear on any one thing, and they end up saying the same thing about many things. That forms the work of "commentary" in only the most tenuous sense; it is really a work of philosophy in an unphilosophical medium.

If we turn from the Aggadah back to the Halakhah, how to identify the starting point proves still less easy to anticipate. Here too, identifying the beginning for the exposition of Creation proves equally elusive, as I shall explain in the next section. The Halakhah

takes much for granted, but rarely acknowledges what it knows, so the correlation of the Halakhah to Scripture rarely proves easy.

To conclude: the Rabbinic sages who through the Halakhah and the Aggadah restated as a massive construction for world-order the story of Scripture and in so doing defined Judaism did not begin, “In the beginning.” They began *with* the beginning, a very different thing: explaining the whole by appeal to its origins. They left no visible signposts to guide us to their starting point, because they knew that, if we understood their program, they should not have to. That is why Genesis Rabbah, although organized in accord with the sequence of the verses of the book of Genesis, hardly helps beginners. Its starting point introduces into the matter of Creation the consideration of the Torah, not the sequence of the events of Creation themselves. And, in the nature of things, no Halakhic category-formation takes shape around events, even such weighty moments as Creation or Revelation or Redemption.

So the Rabbinic sages formed a continuous statement out of the respective media of thought and expression of the Halakhah and the Aggadah. The one concerned itself with action and law, analyzing rules to show their harmony. The other was engaged with attitude, synthesizing values to show their ubiquity. Through linking the two in a single, continuous story, spun out along the path of Scripture, the sages formed into a unitary statement the diverse laws, narratives, and exhortations of Scripture, which in their discourse they reworked in their own native category-formations. They turned the whole into a well-proportioned construction of the social order that they proposed to bring about in Israel. This they did while preserving the distinctive mode of discourse that served each body of information, political and cultural, respectively.

It follows that Judaism’s story is told in three media, Scriptures’ and the Rabbinic sages’ dual modes of discourse, Aggadic and Halakhic. That is not to suggest that sages do not go over Scripture’s story in detail. On the contrary, in the Aggadic documents, such as Genesis Rabbah, and even in such Halakhic ones as Sifra and the two Sifrés, sages comment on verses in sequence, thus following a program with a beginning, middle, and end dictated by Scripture’s own order. Nonetheless, paraphrase and gloss of the received text served only as yet another medium for the formulation of the results of their own reflection on Scripture. The point is never conveyed by Scripture on its own, only by Scripture seen from the distinctive perspective of the Rabbinic sages themselves: people who understood what Scripture’s narrative did not accommodate: the restoration was not final, only provisional. Where, then, starting with the Halakhic

statement of matters, are we to find the starting point, since the Halakhah speaks of large and general matters of public conduct, not of beginnings, middles, and endings at all?

### III. *Marks of Judaism's Story in the Halakhah*

Judaism's story is told by Scripture and retold, in terms of social norms, by the Halakhah in its native category-formations. Let me explain.

The Halakhic documents do not announce, nor do the Aggadic writings dictate, the logical starting point of Judaism's story. Each focuses upon its own concerns. Then, beginning with the first corpus, the Halakhic, how are we to identify the points of Halakhic engagement with that story? The privileged position of Scripture dictates the answer. To know where to begin, we consult Scripture, which both the Halakhah and the Aggadah take as a given and upon which each forms a massive construction. Happily, the way to consult Scripture also is shown by Scripture itself, which, as a matter of definition, directs us to ask its question. That question is, how to explain the condition of humanity, from past to future, from whence to whither? So Scripture dictates the Halakhic starting point as well: where and how does the Halakhah respond to the question with which Judaism commences.

But if the question, where does it all begin? is blatant, the answer hardly proves obvious. How are we to know where the Halakhah, in its rendering Scripture's laws along with those of oral tradition, speaks of Creation at all? Genesis itself does not direct our attention to Halakhic issues, matters of normative conduct expressed in general rules. The corpus of Scripture's laws—the Pentateuchal Halakhah—for its part addresses questions of a social, not a cosmological, mythic order.<sup>7</sup> With a qualification given in a moment, I cannot point to a single legal category-formation of the Pentateuch that explicitly invokes considerations of Creation in particular. However we define the category-formations of the Pentateuchal law, on the surface Creation is not among them. Nor does the Halakhah make the task any easier. The native category-formations of the Halakhah for their part encompass civil and cultic law, rules for the articulation of Scripture's laws of agriculture and appointed times and purities. They provide no systematic discussion of the six days of Creation, or of the making of Man, or of the drama of Eden, or of the consequences of Man's rebellion against God's commandment.

But the native category-formations of the Halakhah do intersect at numerous points with the facts, whether norms of behavior or norms of belief, established by Scripture. To take a single blatant case, which will take on formidable consequence in this book, Scripture explains the origins of the Sabbath at the Creation of the world, the climactic moment of the perfection and sanctification of Creation. And the Rabbinic-Judaic Halakhic category-formations encompass a principal construction on that very subject. It hardly stretches credulity to ask, whether and how Scripture’s narrative has made its impact on the Halakhic of the Sabbath. If, then, to gain entry into Scripture’s story for the Halakhah, we cannot begin with the Halakhah and its native category-formations and proceed to Scripture, we can begin with Scripture and turn to the Halakhah.

To do so, we must answer the question, what are the components of Scripture’s account of Creation and how should we translate the mythic discourse into Halakhah? We must identify the points at which the story of Creation correlates with the Halakhic category-formations. As I see it, three principal parts comprise the story of Creation (viewing the Scriptural account as a unitary text, as in this context we must do):

- [1] Creation: the six days of Creation, leading to the climax of the Sabbath, the condition of Eden on the Sabbath;
- [2] Man: the Creation of Man (Adam and Eve) on the sixth day and the fall of Man by reason of rebellion; and
- [3] Sin and the Loss of Eden: the condition of Man because of his rebellion and consequent loss of Eden, that is, the advent of hard work and death.

These represent the three acts of the human tragedy: [1] Creation, [2] rebellion, [3] exile. They would be matched by their Israelite counterparts, [1] the formation of Israel, Adam’s counterpart; [2] Sinai, antidote to rebellion; and [3] the return from exile in the restoration of Eden in the end of days.<sup>8</sup>

Now reading the account of Creation in this way, Scripture tells — dictates, really — where, for the Halakhah, we must start our story. That initial step, from story to social norm, will carry us toward the presentation of the Halakhah of the Sabbath. Our expositi-

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<sup>7</sup> But part of my reading of the Halakhah in the context of Creation appeals to Scripture’s, not to the sages’ formulation of the Halakhah.

<sup>8</sup> But I hasten to add, not all details of the story of Adam and Eve figure in the Halakhic response. For example, the particulars of the act of rebellion — eating from the tree of the knowledge of good and evil — do not figure in the Halakhic adaptation.

tion of the details of that law should show the results of sages' reflection on the contrast between the six days of Creation and the seventh day of rest. In the prevailing mode of thought of the Halakhic process, analogical-contrastive reasoning, which emphasizes that things are alike and so follow the same rule, or opposite and so follow a contrary rule, the result is self-evidence. That is, what is permitted on the former, in profane time, ought to be forbidden on the latter, holy time. The generative metaphor of labor, then, should derive from the narrative of Creation: what God did on the six days of labor defines the act of labor that on the Sabbath is not to be carried out. And the character of Eden should register, in the theory that the Sabbath sanctified by Israel models itself after the Sabbath of Eden. So in these ways, we undertake the reading of the Halakhah of Shabbat-Erubin by appeal to the account of Creation in Genesis 1-3.

If we ask once more, where and how does the Halakhah respond to questions of beginnings, the answers of Shabbat-Erubin and in Shebiit, all three tractates focused on the matter of the Sabbath, their Halakhah correlated with the topics of Scripture, prove self-evident. So, as I said, Scripture dictates the point of entry for the Halakhic joining with Judaism's story. Does the Halakhah speak of the Sabbath? Of course it does, in two entire tractates. In yet another the Halakhah further speaks of the Sabbath owing to the Land. Thus, to conclude the exposition of the case, right on the surface our attention is drawn to Shabbat-Erubin and Shebiit. And as to the other principal parts of the Scriptural narrative of Creation, we proceed to ask the same type of question.

Does the Halakhah take up the consequences of Man's propensity to rebel against God and so to sin? It certainly does. The entire division devoted to Holy Things, pays constant attention to offerings that are presented on account of the inadvertent commission of a sin, e.g., sin- and guilt-offerings, precisely as Scripture requires. Nor is the connection of sin to cultic atonement at the division of Holy Things imposed by us in our quest. At tractate Keritot matters are made explicit. The narrative of Eden is equally articulate that with sin, death entered the world: "Because you have done this...in the sweat of your face you shall eat bread, till you return to the ground, for out of it you were taken" (Gen. 3:14, 19). Does the Halakhah deal with death, its causes and its cessation? It surely does, in its presentation of the death penalty and in that same context the resurrection of the dead in the end of days, at tractate Sanhedrin. These two matters — Creation, atonement for willful sin or, in the civil context, crime — do not exhaust the points at which the Halakhah responds

not in general but in detail to the generative metaphor afforded by the story of Creation. But they do allow us to accomplish our goal. That is to explain how, starting at the story of Scripture, we may build a bridge to the Halakhic mode of conveying that same story in its own mode of discourse.

Specifically, we are able to find important components of the Halakhah that intersect with the critical turnings of the Scriptural story. When we interrogate the Halakhah on the program of, the questions precipitated by, the story of beginnings, the Halakhah responds in rich detail. True, by its nature the Halakhah is not going to set forth in its own words the course of Scripture’s narrative. That by definition is not within the power of the Halakhic discourse, which rarely takes the form of a narrative.<sup>9</sup> But what—in accord with the theory of matters set forth in the Introduction—we can anticipate is two traits. First, the Halakhah will take up a theme and work that theme into its system. Second, the Halakhah will systematize all themes and show their profound cogency. It will provide detailed laws that assure Israelite society will conform to implications of Scripture’s story. And it will order those detailed laws in such a way that a coherent picture of the whole emerges. Scripture tells the story in terms of action on a stage. The Halakhah goes over the same story through tableaux of society seen whole, everything in place: a montage. First comes the story, then comes the setting required for its permanent record in patterned deeds. That is why, from the norms of conduct, the requirements of action or restraint from action, we work our way back to the generative tale of Creation and its critical points of tension.

This theory of how from Scripture we reach Halakhah, not in details but in a coherent construction, has to be tested. The case just set forth provides the occasion. The Halakhah of Shabbat-Erubin and Shebiit, I maintain, responds to deep thought about the nature of the Scriptural narrative of the Sabbath of Creation. But Scripture speaks of the Sabbath in another distinct metaphor, the Sabbath of social justice: rest for the slaves and the beasts of the

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<sup>9</sup> That is, for the Mishnah-Tosefta, principally in cultic contexts, in such native-categories of a cultic classification as, e.g., Parah for the preparation of the red cow required at Num. 19, Sheqalim for taking up the sheqel-offering, Menahot for the preparation of the grain for the meal-offering, Negaim for the purification-rite of the person afflicted with the skin-ailment of Lev. 13-14, Sotah for the administering of the bitter water, Num. 5, and the like. These narrative passages have no formal-rhetorical counterpart in other-than-cultic contexts. In general the Halakhic documents, Mishnah-Tosefta, and their continuators do not set forth Halakhah in the form of exemplary narrative but abstract states of norms of conduct: they do this, they do not do that.

holy community. The Ten Commandments of Ex. 20:8-11 sustain my reading of Shabbat-Erubin and Shebiit, and those of Dt. 6:12-15 do not. How do we know that it is to Creation in particular that the identified tractates refer for their generative model, for the Sabbath commemorates not only Creation but liberation from slavery? To allege that the Sabbath of Creation defines the generative metaphor of the Halakhah of Shabbat-Erubin and Shebiit will jar, for in that case a quite separate story of the Sabbath then no longer compels assent.

Accordingly, here an important objection demands a hearing. The invocation of the Sabbath signifies more than the presence of the Creation-myth of Genesis 1. It also is presented by Scripture itself in the setting of the liberation of enslaved Israel from Egyptian bondage. Then a wholly other set of considerations emerges from the governing explanation for the matter. On the one side, Ex. 20:8-11 explains the Sabbath as a recapitulation of the Creation, "For in six days the Lord made the heavens and the earth ... and rested on the seventh day. Therefore the Lord blessed the Sabbath day and sanctified it." But, on the other, Dt. 6:12-15 emphasizes the theme of Sabbath rest, "Remember that you were a slave in the land of Egypt, and the Lord your God brought you out from there by a mighty hand and by an outstretched arm; therefore the Lord your God commanded you to keep the Sabbath day." Cannot tractates Shabbat-Erubin be seen to respond to the Sabbath-story of the freeing of slaves, rather than the one concerning the Creation of the world? Indeed, they cannot: they do not legislate for slaves in particular, for one thing, and they do not invoke the Exodus from Egypt, for another. What makes me certain that the Halakhah of Shabbat-Erubin is formed in dialogue with the Sabbath of creation? Six days of work define the model of work, and the Sabbath day of Creation and only of Creation, that is, the occasion (not the location) of the world perfected, at rest, and sanctified, forms the model for the Halakhah of Shabbat-Erubin.

On what basis, then, does the theme of the Sabbath in the body of the Halakhah, in its native category-formations, signal the presence of the story of Creation in six days, when it could as well invoke the story of the liberation of Israel from Egyptian bondage? The character of the Halakhah in Shebiit and Shabbat-Erubin provides the answer, beginning with Shebiit.

An explicitly enlandised native category-formation, Shebiit concerns itself solely with the Sabbath-rest accorded to the Land, comparable to the Sabbath-rest accorded to Israel. This is made explicit

at Lev. 25:1-8: “When you enter the land that I am giving you, the land shall observe a Sabbath of the Lord. Six years you may sow your field and six years you may prune your vineyard and gather in the yield. But in the seventh year the land shall have a Sabbath of complete rest, a Sabbath of the Lord; you shall not sow your field or prune your vineyard. You shall not reap the aftergrowth of your harvest or gather the grapes of your untrimmed vines; it shall be a year of complete rest for the land. But you may eat whatever the land during its Sabbath will produce—you, your male and female slaves, the hired-hand and bound laborers who live with you, and your cattle and the beasts in your land may eat all its yield.” At issue here is the condition of Creation, the recapitulation of the Creation of Eden in the utilization of the Land of Israel, which, as we shall see, the Aggadah in its way, and the Halakhah in its manner, treat as the counterpart to Eden.

A negative argument also registers. Were slavery to supply the governing metaphor for Shabbat-Erubin, in line with the formulation of the Sabbath in the Deuteronomic Ten Commandments, slavery would have to constitute a category-formation of considerable presence in the Halakhah. But, as a matter of fact, slavery does not define a native category-formation of the Halakhah at all. It is subsumed among a number of fundamental category-formations of Mishnah-Tosefta, e.g., Gittin (for manumission of slaves, comparable to releasing a woman from her status as sanctified to a particular Man) and Qiddushin (for acquisition of a slave, comparable to acquisition of a woman as sanctified to a particular Man), for instance. But on its own it is not a fundamental building block of the system.

Not only so, but as the generative metaphor, slavery ought to dictate the spinning out of Sabbath-Halakhah as pertaining to slaves. We should have a variety of rules and regulations, suitably extended and amplified, governing work that the slave may or may not do for the master on the Sabbath. But at no point does the Halakhah focus on rest in particular *for slaves* in its exposition of the Sabbath. I cannot point to a single legal problem that is generated by the distinctive concern of the Halakhah for the rest of slaves, as distinct from all Israel, of which they form a constituent. If the generative metaphor of Sabbath law were the liberation of Egypt, we should anticipate a categorical focus upon such issues. We should expect a sustained inquiry into the condition of slaves and those like them on the Sabbath day. That is what a generative metaphor accomplishes in a systemic construction. But, as a matter of fact, the Halakhah never identifies acts of labor that are forbidden as defined by the

model of acts of labor ordinarily performed *by slaves in particular*, e.g., carrying the master's clothing to the bath house or showing oneself subordinate to his will in some other demeaning situation.

And there is a more general point to register. As to the interest of Shabbat-Erubin in the condition of slaves, it suffices to say that at no point does the Halakhic repertoire turn to that subject in particular. In the Halakhic definitions of labor that is forbidden on the Sabbath, slaves are no different from other Israelites; the Halakhah does not signal a particular concern with their condition, e.g., by acute differentiation within the category-formation.

Not only so, but there is a positive side to matters. When it comes to defining forbidden acts of labor, the Halakhah can be shown to invoke the traits of God's acts of labor in Creation. Acts that exhibit that character—producing lasting effects, involving a single actor start to finish, who accomplishes a completed act of labor in the normal manner, and the like, for instance—define the model of acts that violate the Sabbath. What is obligatory on six days of Creation is forbidden on the Sabbath. So the foci of the Halakhic discourse of Shabbat-Erubin, I shall demonstrate in due course, prove remarkably congruent with issues of Eden on the seventh day. There is no understanding the details of the articulation of the law against servile labor, for example, without invoking the character of creative labor on the six days of Creation.

The identification of definitions of acts of labor with labor connected with Creation is made in so many words, when we realize two facts. First is that Creation is embodied in the Temple and its sacrificial service, where the produce of the Land is restored to Heaven. Second is that the village forms the counterpart and opposite of the Temple. The law is then simply stated, and the connection between Sabbath-law and the metaphor of the seventh day of Creation follows. It is readily expressed. What may on the Sabbath be done in the Temple defines what may not be done in the village, the mirror-image of the Temple, its counterpart and opposite. The Temple embodies on earth God's abode, counterpart to his dwelling place in heaven: Eden. But the rules of the Temple and those of the household mirror one another, and the household on the Sabbath recapitulates Eden. The household contrasts with the Temple but compares to Eden. The former is stated in so many words in the following:

People are liable only for classifications of labor the like of which was done in the tabernacle. They sowed, so you are not to sow. They harvested, so you are not to harvest. They lifted up the boards from the ground to the wagon, so you are not to lift them in from public to private domain. They lowered boards from the wagon to the ground, so

you must not carry anything from private to public domain. They transported boards from wagon to wagon, so you must not carry from one private domain to another.

BAVLI SHABBAT 4:2 I.4/49b

What may on the Sabbath not be done in Eden may not be done in Israel’s households but may be done in the Temple, the whole forming a set of correlated opposites: household/Eden vs. Temple. There is no room in such a set of category-formations for special consideration for slaves in the Halakhah of Shabbat.

So we do find markers of Judaism’s story of Creation in the Halakhah, and Scripture guides us to them. While, therefore, the Halakhah does not deliver its messages through narrative form and does not retell the tales of Scripture, it most certainly exhibits the indications of the presence of Scripture’s stories, carefully and patiently examined as embodiments in narrative form of governing principles. These here are represented by the Sabbath of Creation. The Creation-story, or selected aspects of that story, will be shown to shape important category-formations of the Halakhah. It is my task, in due course, to show how that is so. In the model of the Sabbath of Creation, moreover, we shall identify other category-formations of the Halakhah that take up critical chapters in Judaism’s story within the outline of Scripture. But, for both the Aggadah and the Halakhah, these re-presentations of Scripture’s account stand for independent choices. The Halakhah, specifically, reworks those elements of the Creation-story that it chooses, for purposes that it defines, and so too does the Aggadah. When the story as re-presented both Halakhically and Aggadically is fully displayed in these pages, we shall look back at what elements of Scripture’s account figure, and which ones do not figure.

#### IV. *Marks of Judaism’s Story in the Aggadah*

The Aggadah also exposes its markers of where Scripture’s account figures. These are blatant. That is because the Aggadah organizes most of its discourse around the themes and detailed expositions of Scripture; so far as it takes narrative form, its narrative reworks Scripture’s. The character of the great Midrash-compilations of Aggadah, *Genesis Rabbah*, for example, leaves no doubt about how the Aggadah reworks, re-presents, Judaism’s story, amplifying Scripture and sustaining constant critical dialogue with it. Indicated right on the surface, in the organization of matters, these markers contrast to the obscure ones of the Halakhah. If the markers of the

Halakhah's affinity have to be uncovered through a process of identifying the critical components of Scripture's account, those of the Aggadah lie right on the surface. If those of the Halakhah prove few, those of the Aggadah are many.

But for that reason, an exercise of taste and judgment is required. That is to say, we have on our part to define the criteria that signal a marker of the presence of the Creation-story in its distinctively Rabbinic-Judaic representation. By that I mean, the formal presence of a fact of Creation drawn from Scripture by itself does not signal a Rabbinic initiative in the telling of Creation within the context of Judaism's story. Amplifying, clarifying, extending, even justifying, a detail does not necessarily signify a systematic reconceptualization of the received account of matters. It is where the Aggadah takes an autonomous standpoint, makes independent decisions on matters of proportion and coherence, that the Aggadah takes up the telling of Judaism's story. Just as the Halakhah makes choices, imparts to the story of Creation a shape and structure of its own devising, so the Aggadah does the same.

By way of illustration, let me give a single, rather ordinary case in which the Aggadic re-reading of Scripture's story identifies a dimension of matters that Scripture does not on its own reveal. The Aggadah here is shown to have its own perspective, which reshapes Scripture's presentation of matters. It concerns the story of Abraham and God in conflict over the future of Sodom and Gomorrah. Here is how Genesis Rabbah lays the matter out:

XLIX:I.1.

- A. "The Lord said, 'Shall I hide from Abraham [what I am about to do, seeing that Abraham shall become a great and mighty nation and all the nations of the earth shall bless themselves by him? No, for I have chosen him that he may charge his children and his household after him to keep the way of the Lord by doing righteousness and justice ... ]'" (Gen. 17:17-19):
- B. R. Isaac opened discussion by citing this verse: "The memory of the righteous shall be for a blessing" (Prov. 10:7).
- C. Said R. Isaac, "Whoever mentions the name of a righteous Man and does not say a blessing for him violates a religious duty of commission. What is the biblical text that indicates it? 'The memory of the righteous shall be for a blessing' (Prov. 10:7). [Hence when one mentions the name of a righteous person, a blessing of that name must be recited.]
- D. "And whoever mentions the name of wicked person and does not curse him violates a religious duty of commission. What is the biblical text that indicates it? 'But the name of the wicked shall rot' (Prov. 10:7)."

2. A. Said R. Samuel bar Nahman, “The names of the wicked are like weaver’s webs. Just as a web, so long as you use it, remains taut, but if you leave it, it becomes slack, so have you ever heard a Man call his son, ‘Pharaoh’? ‘Sisera’? ‘Senacherib’?”
  - B. “But [people commonly call their children] Abraham, Isaac, Jacob, Reuben, Simeon, Levi, and Judah.”
3. A. Rab said, “Cursed is Haman and his sons.”
  - B. Said R. Phineas, “‘Harmboa — of blessed memory’ [is how one should express things].”
4. A. Said R. Samuel bar Nahman, “We have found that the Holy One, blessed be he, mentions the name of Israel and says a blessing for them, as it is said, ‘May the Lord bless the mention of our name’ (Ps. 115:12).”
  - B. R. Huna in the name of R. Aha, “I know that that is the case only for the six hundred thousand [mentioned all at once, that is, the nation as a whole is blessed when God mentions their name]. How do I know that when the Holy One, blessed be he, mentions the name of each and every Israelite, he mentions the name and says a blessing for it?”
    - C. “As it is said, ‘The Lord said, “Shall I hide from Abraham what I am about to do, seeing that Abraham shall become a great and mighty nation [and all the nations of the earth shall bless themselves by him]?”’ (Gen. 18:17). Now it was necessary for him to say only, ‘Because the outcry against Sodom and Gomorrah is great [and their sin is very grave, I will go down to see whether they have done altogether according to the outcry which has come to me, and if not, I will know].’”
    - D. “Said the Holy One, blessed be he, ‘I have made mention of the name of that righteous Man, and shall I not [interrupt my thought only to] say a blessing for him? “Abraham shall become a great and mighty nation [and all the nations of the earth shall bless themselves by him]”’ (Gen. 18:17).”

GENESIS RABBAH XLIX:I

What we see is neither a reworking of the narrative of Genesis nor a close commentary on the cited verse, Gen. 17:17-19, at all. Rather, standing back, viewing matters from their own system, the sages form their own perspective on the narrative of Scripture, and from that perspective, they identify an important theme that is entirely their own. Then, to underscore that new angle, the Aggadic representation selects another passage altogether, Prov. 10:7, and expounds the meaning of *that* passage. Then, the context for the reading of Gen. 17:17-19 having been established, the presentation of the point takes over. Nos. 1-3 work out the exegesis of Prov. 10:7. But the intersecting verse is well chosen and leads us naturally back to the base verse.

What does the Aggadic reconsideration of matters propose to emphasize? The exegete has asked the question of why the text goes into such fulsome praise of Abraham, which breaks up the flow of the narrative with its reference to the nations of the earth blessing themselves by Abraham's name. So the exegete provides a suitable explanation of the matter, drawing on the lesson of Prov. 10:7 to do so. This does represent a case in which the intersecting verse answers an important question in the base verse and the materials in exegesis of the former furthermore illuminate the latter. The upshot for our project is simple. The Aggadah does not simply recapitulate in its own words the narrative of Scripture. It makes its own point, in dialogue with Scripture, and so imposes on Scripture a structure and a proportion of its own devising. That is what I mean when I allege that the Aggadah, as much as the Halakhah, participates in telling Judaism's story.

Now to generalize on the case. How do we identify in the Aggadah the marks of Judaism's story of Creation? The Aggadic documents, on the one hand, do lay themselves out in the order, and along the lines, of Scripture's own account; that is the nature of the Aggadah. But, on the other hand, they also pick out a theme of special interest within Scripture's narrative, and they focus on that theme. They identify a troubling problem in the course of that narrative, a moral issue, a theological puzzle, and they solve that problem or puzzle. When we have identified the indicators of a process of selection, within Scripture's story, of the issues engaging the Aggadic representation of matters, then we can specify the Aggadic component of the total tale. But it follows that if we want to know how the Halakhah and the Aggadah work together in concert with Scripture to tell that story, we find somewhat puzzling data in hand. The Aggadah tells us too much, the Halakhah too little. Were we to approach the Aggadah without some guidance, we should find it necessary to paraphrase the entirety of the Aggadic corpus and claim that that paraphrase of the Aggadah represents the Aggadic paraphrase of Scripture. That is a manifestly unsatisfactory result.

### V. *Reconfiguring Scripture's Account into Judaism's Story*

The simple case of Gen. 17:17-19 hardly suffices to show the full extent of the Aggadic reconfiguring of Scripture's narrative.<sup>10</sup> A more pointed, but also concrete illustration is already in hand. When we

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<sup>10</sup> Chapters Five and Six accomplish that demonstration.

began with the starting point out the Aggadah, the opening unit of Genesis Rabbah's reading of Genesis, we came up with a puzzling result. What we saw in section i was that the Aggadic reading raises its own issues, not Scripture's, e.g., in asking about the role of Torah in the Creation of the world. While a considerable issue, that question does not yield an account of the story of Creation. So as in the case of the Halakhah, so here too, our task is to identify the Aggadic markers of the presence of the story of Creation, not rely only or mainly on the formal indicators provided by the commentary to Scripture's tale. How then are we to proceed, and what criteria will guide our inquiry into the Aggadic contribution to the presentation of Judaism's story?

My general characterization of Judaism's story as told by the Rabbinic sages provides guidance. First, I alleged, and even the modest data already in hand have shown, that Judaism's story does not simply recapitulate in its own word Scripture's account. It conveys its own paradigm. Second, I have argued, the Rabbinic sages undertook to translate Scripture's narratives and laws into a message construction, an account of world-order. Hence Judaism's story in the hands of the sages builds its narrative in cosmic units, translating that of Scripture into grand components indeed. Third, I have insisted that what renders original and striking the Rabbinic sages' rereading of matters is their perspective: looking backward, they brought to bear knowledge of where things were heading upon each point in the unfolding narrative. Fourth, in line with that long, backward-looking angle of vision, they treat the case as exemplary of an encompassing condition, men as embodying Man—humanity all together. They want one dimensional, one-time tales to serve as multi-faceted embodiments of large things, virtue or a paradigm of human events, for instance. The reason they are able to recast matters as they do is that the sages bring to bear the knowledge of the whole in the re-reading of any of the parts of Scripture's own narrative. That is what renders their version of Judaism's tale distinctive and particular to themselves. They work forward from Scripture and backward from their own knowledge of what happened since Scripture.

Rather than continuing with an abstract definition of those markers of the presence, in the Aggadah, of a particular response to Scripture, in the present instance, the Creation-story of Scripture, let me give an example of what I regard as the Aggadic (re)formulation and reformation of a chapter in Judaism's story, then link the case to the generalizations just now set forth. Here is a fine example of what I deem characteristic of the Aggadah's doing its part in the telling of Judaism's story of Creation:

- A. R. Abbahu in the name of R. Yosé bar Haninah: "It is written, 'But they [Israel] are like a Man [Adam], they have transgressed the covenant' (Hos. 6:7).
- B. "'They are like a Man,' specifically, like the first Man. [We shall now compare the story of the first Man in Eden with the story of Israel in its land.]
- C. "'In the case of the first Man, I brought him into the garden of Eden, I commanded him, he violated my commandment, I judged him to be sent away and driven out, but I mourned for him, saying 'How ...'" [which begins the book of Lamentations, hence stands for a lament, but which, as we just saw, also is written with the consonants that also yield, 'Where are you'].
- D. "'I brought him into the garden of Eden,' as it is written, 'And the Lord God took the Man and put him into the garden of Eden' (Gen. 2:15).
- E. "'I commanded him,' as it is written, 'And the Lord God commanded ...' (Gen. 2:16).
- F. "'And he violated my commandment,' as it is written, 'Did you eat from the tree concerning which I commanded you' (Gen. 3:11).
- G. "'I judged him to be sent away,' as it is written, 'And the Lord God sent him from the garden of Eden' (Gen. 3:23).
- H. "'And I judged him to be driven out.' 'And he drove out the Man' (Gen. 3:24).
- I. "'But I mourned for him, saying, 'How ...'." 'And he said to him, 'Where are you'" (Gen. 3:9), and the word for 'where are you' is written, 'How ...'.
- J. "'So too in the case of his descendants, [God continues to speak,] I brought them into the Land of Israel, I commanded them, they violated my commandment, I judged them to be sent out and driven away but I mourned for them, saying, 'How ...'."
- K. "'I brought them into the Land of Israel.' 'And I brought you into the land of Carmel' (Jer. 2:7).
- L. "'I commanded them.' 'And you, command the children of Israel' (Ex. 27:20), 'Command the children of Israel' (Lev. 24:2).
- M. "'They violated my commandment.' 'And all Israel have violated your Torah' (Dan. 9:11).
- N. "'I judged them to be sent out.' 'Send them away, out of my sight and let them go forth' (Jer 15:1).
- O. "'... and driven away.' 'From my house I shall drive them' (Hos. 9:15).
- P. "'But I mourned for them, saying, 'How ...'." 'How has the city sat solitary, that was full of people' (Lam. 1:1)."

GENESIS RABBAH XIX:IX.2

What a remarkable re-reading of Scripture's story! Clearly, an original perspective has responded not merely to details but to the entirety of the story of Creation, Man's tragedy and God's failure: Man in

God’s image has free will and lives forever, but Man uses his freedom willfully, deliberately to violate God’s one commandment. That account, C, elaborated at D-I, then is turned into a paradigm for Israel’s story too, J, elaborated Kff. This is what I mean by the Rabbinic sages’ rereading of the entire story from the perspective of the interim-conclusion of that story: Israel after 70 but before the ultimate end of time.

Four traits of the cited passage mark the very surfaces of matters, and these represent the Rabbinic sages’ reading of Genesis, their retelling of the story and transforming the narrative into Judaism’s story: a structure and a system for all times, a paradigm for Israel and humanity.

First, sages have selected, out of the larger Scriptural account, those details that strike them as critical: not this, but that. The selections, with their striking omissions, are at C and J, the heart of matters. And, as in the case of the instance of the Halakhah given in the preceding section, the selected details emphasize the matter of sin through rebellion against God’s will, on the one side, and exile, inclusive of death, on the other. So the Aggadah, represented here by a comprehensive reading of the tragedy at the Creation, does more than recapitulate, amplify, extend Scripture’s picture.

Second, the narrative of Scripture is turned into an account of world-order, meaning, an explanation of Israel’s condition. For, in Judaism’s story, the tale is comprised by two parts, the part concerning Man in general, the part concerning Man’s counterpart, Israel, in particular. Now, to be sure, sages will have claimed that, in constructing their organization of matters into the comparable, corresponding tales of the nations (Mankind) and Israel, they have done no more than repeat what Scripture says, and I think that that claim is well-founded. But the comparison of the histories of the nations and of Israel represents the sages’ reading of the Scriptural tale, for we should look in vain for formulations akin to theirs in others’ readings of the same tale.

Third, it goes without saying, Adam’s action exemplifies humanity’s condition, and Israel forms the counterpart to Adam.

Fourth, and most important, not only is the category-formation — the nations/mankind vs. Israel — distinctive to sages’ structure of world order, but the systemic marker identified earlier, knowledge of the entire story, start to finish, brought to bear on any one component of the story, clearly presents itself. The sages’ representation responds to Scripture’s tale not by slogging along and advancing the discussion detail by detail. Rather it takes the whole of the tale, its outcome, and sets it into comparison (and contrast) with the whole

of another tale, Israel's story, deemed, as we see, comparable and contrasting (in other chapters). The Aggadic reprise of Creation before us reads not forward, but backward, with knowledge of the outcome of matters reconstructing the beginnings. So these four criteria guide us in our examination of the Aggadic corpus: [1] the Aggadah will make choices, out of Scripture's repertoire of data, of the significant details awaiting generalization and restatement as abstraction. [2-3] The Aggadah in retelling, not merely recapitulating, Scripture's story will find a pattern that exemplifies humanity in Israel's existence, and Israel's in humanity's. [4] The Aggadah will find the whole in any of the principal parts, looking backward from the (interim-) end of the story to its beginnings and middles.

### VI. *The Two Perspectives, Halakhic and Aggadic*

The upshot may be simply stated: the Aggadah begins its representation of Scripture's story and its telling of Judaism's story by the formation of a governing paradigm, deriving from the Aggadic reading of Scripture and sustained also by the Halakhic reading as well. The components of that paradigm, whole or in part, will shape the treatment of any particular passage that is selected for discussion.

The facts already introduced in the Halakhic section earlier and the Aggadic one here point to the principal parts of that paradigm: Eden/the Land/the Sabbath, for the Halakhah; the loss of Eden/the Land and the advent of death, by reason of the sin of rebellion against God's commandment, for the Aggadah. The Halakhah, we shall see, focuses on enlandised Paradise realized in transcending time, embodied in Israel's corporate being, and the Aggadah on its opposite, utopian exile, embodied in the here and now of Israel's subordination to the nations. The Halakhah will focus on interiorities: the structure of Israel's social order, meant to realize in the here and now that coming restoration of Eden — and so bring about the restoration. The Aggadah will center on exteriorities: the system, the dynamics, of a social order in flux, in its relationships to the world beyond its walls. Now it is time to examine the Halakhic and the Aggadic components of Judaism's story of Creation, and, at the end, we shall stand back and see the modes of thought and the distinctive perspectives that have yielded this result.

THE HALAKHIC READING OF CREATION:  
[1] WORK AND REST

The heaven and the earth were finished, with all their host. And God completed at the Seventh Day the work that he had done, and God rested on the Seventh Day from all the work that he had done. And God blessed the Seventh Day and sanctified it, for on it he rested from all the work that he had done.

GENESIS 2:1-3

*I. Sanctification of Creation: The Halakhic Starting Point*

The Halakhic reading of Creation takes as its principal focus the matter of the Sabbath. Two grand concerns predominate. First comes the definition of work. Second is the theme of ownership as against possession. The former focuses upon God's acts of creation, done on the six days of Creation and desisted from on the Sabbath day. The latter focuses upon Man's utilization of Creation, that is, Eden, in response to God's commandment concerning that which God, not Man, has made. The former is dealt with here, the latter in Chapters Three and Four. In both matters the Halakhah bears the burden of Judaism's story of Creation, and, as we shall observe in Chapters Five and Six, the Aggadah scarcely takes note of the same matters.

Refraining from acts of creative labor on the Sabbath and practicing Sabbath repose form the more familiar of the two great Halakhic readings of Creation. Through its regulation of the Sabbath, with special attention to the requirements of Repose, the Halakhah contributes its part of Judaism's story of Creation. Indeed, the Rabbinic sages make of the Sabbath the first and most important statement of their system. They celebrated the stasis of Creation, the perfection of the Creator's work, all evoked every time the untranslatable word, "Sabbath," resonated with the sounds of the beginnings, the melodies of the restoration at the end.

To confront at the outset the principal foci of the Halakhic reading of Creation in the matters of work and rest, let us quickly review the main points awaiting amplification. On the Sabbath it is prohibited deliberately to carry out in a normal way a completed act of constructive labor, one that produces enduring results, one that carries out

one's entire intention: the whole of what one planned, one has accomplished, in exactly the proper manner. Here it is not an act of labor that itself is prohibited (as the Ten Commandments in Exodus and Deuteronomy would have it), but an act of labor of a very particular definition. No prohibition impedes performing an act of labor in an other-than-normal way, a conception hardly present in the Commandment of the Sabbath in either version. In theory, one may go out into the fields and plough, if he does so in some odd manner. He may build an entire house, so long as it collapses promptly. The issue of activity on the Sabbath therefore is removed from the obvious context of work, conventionally defined. Now the activity that is forbidden is of a very particular sort, modeled in its indicative traits after a quite specific paradigm. A person is not forbidden to carry out an act of labor that produces no lasting consequences. He may start an act of labor if he does not complete it. He may accomplish an act of labor in some extraordinary manner.

None of these acts of labor is forbidden, even though, done properly and with consequence, they represent massive violations of the Sabbath as defined by the Halakhah. Nor is part of an act of labor that is not brought to conclusion prohibited. Nor is it forbidden to perform part of an act of labor in partnership with another person who carries out the other requisite part. Nor does one incur culpability for performing an act of labor in several distinct parts, e.g., over a protracted, differentiated period of time. A person may not willingly carry out the entirety of an act of constructive labor, start to finish. The issue is not why not, since we know the answer: God has said not to do so. The question is, whence the particular definition at hand? The answer is, God in Eden on the Sabbath of Creation, as we shall see at some length.

We shall now see that what the Halakhah has to contribute to the topic, the Sabbath and its sanctification, emerges in the tractates of Shabbat and Erubin,<sup>1</sup> the former devoted to all matters except remaining in place, the latter dedicated to the rule that each person is to remain in place.<sup>2</sup> Responding to the story of Creation as told by Scripture, these category-formations of the Halakhah represent some of the most profound and probing reflections of the entire corpus of

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<sup>1</sup> Erubin is dealt with in Chapter Four, The Halakhic Take on Creation: [3] Ownership and Possession in the Household. It cannot be understood, for the present purpose, in any other sequence but after, and in the context, of the Halakhah of enlandisement, taken up in Chapter Three.

<sup>2</sup> Locativity involves two separate issues, the Land and the household of Israel, respectively. Tractate Shebiit makes a major contribution as well, as we shall see in Chapter Three, Tractate Erubin, on the household and restrictions of movement on the Sabbath, is addressed in Chapter Four.

the Halakhah. The depths that they plumb, the problems they probe remain to be exposed, first within the Halakhah, then beneath its surface. Here we encounter principal parts of the Halakhic component of Judaism's story. But we have to start at the beginning: the modes of thought that animate sages' reading of the Torah, focusing on the Sabbath as represented in tractate Shabbat.

If we wish to understand the results of sages' thought, we have first to identify the rules that governed that thought, and the single best point of exposure of those modes of thought presents itself in the Halakhah of Shabbat, as we shall soon see. These rules define the points of self-evidence and rationality. For the Rabbinic sages the governing mode is that of analogical-contrastive reasoning.<sup>3</sup> That mode of thought, in the realm of natural history defining how raw data are classified and hierarchized, is simply stated. Things are like one another and so follow a rule in common, or they are unlike one another and so are guided by contrasting rules. That accounts for the characterization, analogical-contrastive thinking. On that basis, confronted with an analytical problem of data of a given genus, sages would identify the topically-pertinent data that exhibit indications of similarity and define the rule governing them all. That would yield: all these classes of activity are classified as forbidden/permitted and so throughout. So too they would pick out the data that not only compare but also contrast. That would yield the following: all the data that fit into one species of a common genus follow one rule, e.g., all are forbidden or all are permitted, and all the data that fit into the contrasting species of the common genus follow the opposite rule. Thus, e.g., these classes of activity are permitted, those (by contrast) are forbidden.

To establish the classifications of data — the particular actions, within a theoretically unlimited range of possibilities subject to taxonomy and hierarchization, sages invoked Scripture and its narratives. These ordinarily<sup>4</sup> defined the governing category-formations of the Halakhah. There, in Scripture, they found what they deemed to be generative models for the definition of their category-formations: this action and those like it in a given circumstance are subject to such and such a rule. Treating Scripture's *accounts* of actions as definitive of *classifications* of actions, its picture of a condition as source for activities that produced such a condition — these define their method. Their

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<sup>3</sup> See my *Judaism as Philosophy*, and *Jerusalem and Athens: The Congruity of Talmudic and Classical Philosophy*. Analogical-contrastive reasoning is explained more fully in G. E. R. Lloyd, *Polarity and Analogy. Two Types of Argumentation in Early Greek Thought*. Cambridge, 1966: Cambridge University Press.

<sup>4</sup> Compare *Scripture and the Generative Premises of the Halakhah*. This is not the place for a nuanced account of how various Halakhic category-formations relate to Scripture's counterparts.

mode of thought therefore required choosing the governing analogy that Scripture bore within its narratives. They had to identify the definitive traits of classes of actions that were implied by Scripture's ad hoc rules. They heard from Scripture, "Do this" — and conceived: "and acts like this;" "Don't do that" — and concluded: "or acts like that." So too in taking up a narrative, they would conceive: "This was the outcome" — and comparable stages of activity in producing such an outcome are encompassed therein. So much for the modes of thought that realized the Rabbinic sages' goal of translating Scripture's story into the Halakhic structure and system.

With this in mind, we are ready to ask about the Halakhic starting point in telling the Halakhic part of Judaism's story of Creation. We move from modes of thought to the topic, and so ask, How, in particular, does analogical-contrastive reasoning come to bear upon the matter of the story of Creation? The Halakhah concerns itself with norms of behavior, and the critical issue of Creation, consequently, what one does or does not do at the point at which actions define what is at stake: working on the six days of Creation, not working on the Seventh Day. If the sages wished to define the regulations that on the Sabbath bring Israelite society into alignment with the condition of the world on the Sabbath of Creation, then they had to define those acts of labor that were not to be performed on the Sabbath day. The story of the six days of Creation supplied the guide.

Now, how were these to be defined? Here the rule of opposites — the contrastive part of analogical-contrastive reasoning — enters in. What constitutes an act of labor on the six days of Creation defines a forbidden act on the Sabbath. That fact governs the definition, also, of data that simply will not figure. That is, what does not pertain to the six days of Creation also does not register on the Sabbath. The governing analogy then excludes data as much as it classifies data analogically-contrastively. But the exclusion is not the critical focus, rather, the taxonomy of what is included governs. In line with thinking analogically-contrastively, sages would discern the acts *not* to be done on the Sabbath. How did they know them? They were, specifically, those acts that form a contrast with acts of labor that *were* performed on the six days of Creation. What God did on the Sabbath, which is what Israel is to do on the Sabbath, is to effect Repose. That positive action then found its complement and completion in a negative counterpart: not-Repose. And how to define "not Repose"? Not working within a very particular context, involving very distinctive types of actions. Specifically, not-working on the Sabbath meant not doing those particular acts of labor that had brought about the perfection of Creation on the six days of labor that contrasted with the Sabbath. Thus the

task of formulating norms of conduct for the Sabbath constituted an analytical problem for the Halakhah — and a principal one at that. In solving that problem, they would participate in the telling of that chapter of Judaism's story that concerned itself with Creation.

The Halakhic starting point then is self-evident. The Halakhah forms the product of a process of thought of a very particular order. And that observation allows us to identify the Halakhic component of Judaism's story of Creation. How so? If we begin at the end and reconstruct that process, we find ourselves in the very heart of the narrative that yielded the principles realized in the Halakhic rules. For the premise of the Halakhic enterprise — narratives bear within themselves laws that define correct conduct in the Israelite social order — leaves no alternative. From the Pentateuchal narratives, exhortations, and ad hoc rules, the Rabbinic sages undertook to define a system and design a structure. That would define how the behavior of an entire society would realize in everyday conduct the implications of the Torah's story. So from the outcome, the shape and structure of the Halakhah itself, we find our way back to the starting point: the point in the story that precipitated thought of one sort, rather than of another, on this topic, not on that.

From the modes of thought, let us turn to the outcome. In formulating the Halakhah of the Sabbath in the generative model of Creation in particular,<sup>5</sup> what won the sages' attention was the contrast between the six days of Creation and the seventh day of Repose. What is like follows one rule, what is unlike, the opposite; what is permitted under one circumstance is forbidden in the opposed condition. So, as to the six days of Creation and its counterpart and opposite, the seventh day of Repose, analogy and contrast yielded a simple result. What is permitted on the one, they reasoned, is forbidden on the other: like follows like, unlike then accords with the opposite rule. When the Rabbinic sages reflected on the climactic formulation of the Genesis account, Gen. 1:1-2:3, the advent of the Sabbath at the realization of Creation, accordingly, they found of critical interest the contrast between work on the six days of Creation and rest on the Seventh, the Sabbath day. That is the point, looking backward from the advent of the Sabbath upon the week of work, at which the Halakhah joins in the progression of the telling of Judaism's story. As we now realize, since sages conducted analytical thought through comparing classifications of data, for example, the secular and the sacred, the profane and the holy, the nations and Israel, in the case of the Sabbath, they

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<sup>5</sup> In Chapter One I have explained why the generative model for Sabbath Halakhah can only be Creation, not the liberation of slaves from Egypt.

could commence their inquiry only when comparison and contrast became possible. They had no other way of engaging with data and finding what is implicit therein.

But what is to be compared to what? The logically consequent question is, from what menu of possibilities of comparison and contrast between the six days of Creation and the Sabbath in the aspect of labor did sages make their choice? In the case of Creation, that possibility for comparison and contrast comes at two points. That is, first, with the act of Creation itself, comparing the situation that prevailed before and after Creation commenced; or second, with the moment of completion of Creation, comparing the six days of Creation with the Seventh Day of Repose. The six days of Creation themselves sustain inner comparisons and contrasts of an other-than-Halakhic order.<sup>6</sup> So the generative choice lay between chaos/Creation and Creation/perfection, A/B and B/C. As between comparing the moment of beginning with the chaos that preceded and comparing the moment of perfection with the work in progress that preceded, they chose for the Halakhic starting point the moment of perfection. That choice is invited by Scripture's own narrative, with its climax at God's act of sanctification. It seems to me that given the narrative before them, sages could have made no other choice. But, as we shall see, the Aggadah would take up the problem, what came before it all?

The mode of thought that guided them therefore matched the narrative that formed the setting and that supplied the data for their thought. What are the consequences of that choice? Since the Creation-narrative itself establishes the opposed character of the six days of Creation and the seventh day of Repose, the sages naturally asked about the contrast between what may be done on the one and what must not be done on the other. The character of acts of Creation, then, would impose its definition upon acts of Repose, meaning, acts of omission on the Sabbath and commission on weekdays. Then, in their quest for the required actions for realizing the imperatives of the Scriptural narrative, they would define the Halakhah of the Sabbath day: what may not be done that day finds its definition in the model of God's work in carrying out the acts of Creation. The sages of the Halakhah, accordingly, bring to the surface what they find implicit in Scripture's part of the narrative: the traits of the acts of labor that produced Creation, the definition, out of the opposite of those acts of labor, of what may not be done in the situation of Repose that marks the Sabbath day.

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<sup>6</sup> Mishnah-tractate Kelim Chapter Seventeen supplies a corrective to that general judgment.

But the Halakhic part of Judaism's telling of the Creation-story, we shall see, vastly transcends the issue of the Sabbath with which we begin. So to understand that part of Judaism's story, we have to begin at the very foundations of the work. What, precisely, are the components of the larger Creation-story that the Rabbinic sages contemplate when they speak of Creation, the making of Eden first of all? Working backward from what was lost with Adam's and Eve's expulsion from Paradise, with Adam as the critical figure, was life eternal. The penalty of the rebellion of Adam and Eve being no longer to keep the Garden for eternity but rather hard labor through life and death at the end. But, the sages learned from prophecy, God promised that Adam's surrogate, Israel, might regain the condition of Eden, recovering the Land that formed Eden's counterpart.

Let me now rephrase the outcome of matters in terms that transcend their mythic formulation in Scripture. The Halakhah forms a social system for the sanctification of Israel's here-and now, aiming at the salvation of Israel — its ultimate of victory over the grave — at the end of days. The basic teleology of the Halakhah aims at the recovery of Eden. It promises the restoration, now within the household of Israel, of the conditions that ought to have prevailed in Eden: the occasion of perfect Repose, sanctified by God's own action at the instance of the advent of the Sabbath.<sup>7</sup> God has defined the condition for restoring Eden's Sabbath: sanctifying the Sabbath day at the climax of the week of work. It follows, then, that the Israelite household on the Sabbath day recapitulates the holiness of Eden on the Sabbath day. Then "Eden" represents not a location in space or an occasion in time but *a condition* attained principally through renunciation ("acts of omission") anywhere and at appointed times. So in telling its part of Judaism's story of Creation, the Halakhah will begin with the Sabbath but vastly transcend its limits.

To state matters in concrete terms, we shall now review the way in which the Halakhah lays out the acts of work that Israel is not to perform on the Sabbath, seeing in concrete terms precisely what those characteristics of acts of labor in Creation actually were. But it suffices in advance to state a few simple points, which will be greatly elaborated upon in the Halakhic telling of the tale.

First, God acted purposefully, with full intent to accomplish precisely what he brought into being. We know that that is so because, at each point in the narrative, God declared Creation to be good, very good. That signals his accomplishment of his purpose.

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<sup>7</sup> That is demonstrated in my *The Theology of the Oral Torah: Revealing the Justice of God* (Montreal-Kingston, 1998: McGill-Queens University Press).

Second, God acted alone, doing the required deeds from start to finish on his own. That is the premise of monotheism, and that fact defines the governing metaphor for the Halakhic definition of work.

Third, the deeds that God performed produced lasting consequences; they were permanent, their results enduring. Fourth, God carried out the work of Creation in a regular and normal way, not in some unusual or abnormal manner.

The upshot is simple: the story of Creation that Scripture tells embodies theological judgments on Creation and the Creator that the Halakhah, for its part, would translate into the detailed rules for everyday conduct.

## II. *Defining Work: The Halakhic Discourse*

The Written Torah set the stage for the formation of the Halakhah of the Sabbath. Within Scripture's repertoire, narrative and legal, the Halakhah makes its choices. The Sabbath marks the celebration of Creation's perfection (Gen. 2:1-3). Food for the day is to be prepared in advance (Ex. 16:22-26, 29-30). Fire is not to be kindled on that day, thus no cooking (Ex. 34:2-3). Servile labor is not to be carried on that day by the householder and his dependents, encompassing his chattel (Ex. 20:5-11, Ex. 23:13, 31:12-17, 34:21). The *where* matters as much as the *when* and the *how*: people are supposed to stay in their place: "Let each person remain in place, let no one leave his place on the seventh day" (Ex. 16:29-30), understanding by place the private domain of the household (subject to further clarification in due course). Of these matters, the Halakhah focuses upon two: the definition of activity, the designation of locality, the former dealt with here, the latter in Chapter Four.

Because I claim that the Halakhah responds to, and participates in, Scripture's generative story, we begin with the critical element, how does the story told by Scripture shape the component of Judaism's story of Creation that is contributed by the Halakhah? The Halakhic contribution to Judaism's story, is in two parts, first, the account of that first, the paradigmatic Sabbath, and, second, the picture of those acts of constructive labor performed in the six days of Creation. Through numerous concrete cases, these are defined in abstract principles. Their indicative traits then determine acts culpable when performed on the Sabbath; these constitute those acts of labor that are done on the six days of Creation and not done on the seventh day of Repose. The part of the story told by the Halakhah, then, begins, "When God was creating the heaven and the earth, *the actions of Creation bore these*

*traits...when God was reposing on that Sabbath of Creation, the actions not performed bore these traits; others did not matter.*" Then the Halakhah takes over and spins out its account of matters.

In all, in observing the Sabbath, Israel imitates God. That is, in the present case, with special reference God's refraining from acts of labor that day, by contrast to his acts of Creation on the six days thereof. In the idiom of the Halakhah, with its stress on concrete instances of unarticulated, implicit principles, these statements represent the Halakhic component of the narrative, its contribution to the story. When the Halakhah records what Israel does not do on the Sabbath of Creation, the Halakhah records what God did not do on the initial occasion. So the Halakhah recapitulates the story of God's work on the six days of Creation and his act of Repose on the Seventh. In this context, the Halakhah proves uniquely suitable for telling that part of the story of Creation. It alone bears the power to describe norms of behavior, acts of commission and of omission alike. The Aggadah, with its narratives, its exegeses, and its exhortations, does not tend to such matters, but to others equally suited to its narrative task, as we shall see later on.

How does the Halakhah proceed with the work? Scripture says what God did. Then—the logically-consequent question is to be asked—what does it take to do these things? That is to say, what defines the character of such actions that yield such consequences? In the answer to that question, the Halakhah discerns the general traits of acts of labor of Creation, embodied in the particular deeds of Creation: the making of the seas and the dry land, the sun and the moon, animate creatures and natural vegetation and the rest. It then translates the general traits of those acts of labor into the particular activities of the Israelite household. The Halakhah defines the actions not to be carried out on the Sabbath by reference to the model for acts of Creation that is defined by God's actions. What God did in making the world forms the model and the metaphor of labor. And then, in that model, the traits of constructive activity of Creation characteristic of God's six days of labor emerge. The analogical-contrastive principle comes into play. What people do on the week days of Creation they do not do on the Sabbath. The Halakhic reading of Creation, therefore, commences with its reflection on defining acts of labor and their counterpart and opposite, acts of labor not carried out.

For all that has been said about the generative metaphor of Creation in the formulation of the Halakhah that defines forbidden acts of labor on the Sabbath, when we come to the Halakhah itself, a different metaphor comes into play, not Eden but the Temple. That is the metaphor of the acts of labor required in the Temple defines the

range of acts of labor of which the Halakhah takes account: these constitute acts of labor, and other classes of activity do not. Specifically, the argument goes, what must be done in the Temple on the Sabbath in maintaining the Sabbath offerings must not be done in the household on the Sabbath. If, therefore, we wish to know what activities qualify for classification, permitted on weekdays, forbidden on the Sabbath, we ask what acts of labor are conducted in the Temple and permitted therein on the Sabbath. Then the antimony is, what is permitted on that day in the Temple is forbidden on that day in the Israelite household. In the particularization, then, of acts of labor for purposes of Sabbath observance, the generative metaphor of Eden plays no role that I discern.

That is stated explicitly in the following, in which the Bavli expounds the list of generative categories of acts of labor. We begin with the Mishnah's list, then take up the Bavli's account of matters:

The generative categories of acts of labor [prohibited on the Sabbath] are forty less one: (1) he who sows, (2) ploughs, (3) reaps, (4) binds sheaves, (5) threshes, (6) winnows, (7) selects [fit from unfit produce or crops], (8) grinds, (9) sifts, (10) kneads, (11) bakes; (12) he who shears wool, (13) washes it, (14) beats it, (15) dyes it; (16) spins, (17) weaves, (18) makes two loops, (19) weaves two threads, (20) separates two threads; (21) ties, (22) unties, (23) sews two stitches, (24) tears in order to sew two stitches; (25) he who traps a deer, (26) slaughters it, (27) flays it, (28) salts it, (29) cures its hide, (30) scrapes it, and (31) cuts it up; (32) he who writes two letters, (33) erases two letters in order to write two letters; (34) he who builds, (35) tears down; (36) he who puts out a fire, (37) kindles a fire; (38) he who hits with a hammer; (39) he who transports an object from one domain to another — lo, these are the forty generative acts of labor less one.

MISHNAH-TRACTATE SHABBAT 7:2

The explicit statement that the Temple forms the model of acts of Creation is as follows, with the key-language italicized:

*People are liable only for classifications of labor the like of which was done in the tabernacle.* They sowed, so you are not to sow. They harvested, so you are not to harvest. They lifted up the boards from the ground to the wagon, so you are not to lift them in from public to private domain. They lowered boards from the wagon to the ground, so you must not carry anything from private to public domain. They transported boards from wagon to wagon, so you must not carry from one private domain to another.

Bavli Shabbat 4:2 I.4/49B

When the Halakhah defines the particular acts of labor, however, it does so in terms that require us to invoke Creation. This catalogue of

actions yields no generalizations that allow us to link the model of God's creating the world to the classes of activities that define labor for the purposes of the Sabbath: permitted on the six days of Creation and forbidden for the sake of Repose on the Sabbath.

Where does Eden then fit in? To see the direct connection, we have to turn to the Halakhic exposition of particular items in the thirty-nine generative categories of acts of labor. Whatever the classification of an act of labor, certain conditions must be met for that act to violate the Sabbath — and these conditions come to definition in sages' reflections on God's activities on the six days of Creation, from which he rested on the Sabbath. Any act of labor that is taken into account, e.g., sowing, plowing, reaping, binding sheaves, writing, and the like, to be culpable must meet five conditions.

First, a culpable act of labor on the Sabbath is one that in itself is whole and complete. It must not be partial or require further activity.

Second, it is one in which one actor is responsible for the entire action. It is not an act begun by one party and completed by another.

Third, it is one that produces permanent results. An act of labor that yields destruction is not culpable, only one that produces enduring consequences.

Fourth, the act of labor must be done in the ordinary manner.

Fifth, the act of labor must carry out the plan, the intention of the actor. The actor must act willfully and produce the result he wished to bring about.

God's activities in Creation form the generative model. The acts of Creation were whole and complete. God himself, on his own, carried out each of them. The results of Creation were enduring. They were done in an ordinary way. And they all carried out God's intention in creating the world. These are matters deemed self-evident in the Creation-narrative. What the Halakhic program contributed was the statement of cases that illustrated or embodied the abstractions just now listed.

That brings us to the Halakhic mode of discourse. Here is a selection of how the Mishnah (signified as M.) and the Tosefta (signified as T.) realized the principles in exemplary rules. Two matters are at issue, first, what constitutes a whole act of labor, second, how we differentiate an act of labor with enduring results from an ephemeral one:

M. 12:1 He who builds — how much does he build so as to be liable [on that count]? He who builds — in any measure at all. He who hews stone, hits with a hammer or adz, [or] bores — in any measure at all is liable. This is the governing principle: Whoever on the Sabbath performs a forbidden act of labor and [the result of] his act of labor endures is liable.

M. 12:2 He who ploughs — in any measure whatsoever, he who (1) weeds,

he who (2) cuts off dead leaves, and he who (3) prunes — in any measure whatsoever, is liable. He who gathers branches of wood — if [it is] to improve the field — in any measure at all; if [it is] for a fire — in a measure [of wood] sufficient to cook a small egg, [is liable]. He who gathers herbs if [it is] to improve the field — in any measure at all; if it is for cattle [to eat] — in the measure of a lamb's mouthful, [is liable].

- T. 9:15 He who pulls up endives for eating [is liable if he takes up] the bulk of a dried fig: [if it is] for a beast, a kid's mouthful; [if it is] to improve the ground, any amount at all. If he intends [to pull it up] for all of these [purposes], he is liable on two counts. If he was engaged in this matter and pulled it up, he is exempt.
- T. 9:16 He who prunes [leaves] for eating is liable if he pruned] the bulk of a dried fig, [if it is] for a beast, a lamb's mouthful; [if it is] to improve the tree, any amount at all [cf. M. Shab. 12:2B3]. If he intends [to prune] for all of these [purposes], he is liable on two counts. If he was engaged in pruning, he is exempt.
- T. 9:19 He who selects, grinds, sifts, kneads, bakes for food [is liable if what is produced is] of the volume of a dried fig; [if this is] for a beast, a lamb's mouthful; [if this is] for dyeing, enough to dye a small garment; and for all other purposes, as is the measure for them to be susceptible to uncleanness, so is the measure for [liability for] the one who takes them [cf. M. 7:2, 12:2].
- T. 9:20 He who pulls a wing from a bird, trims it, and plucks the down, is liable for three sin offerings.
- T. 11:4 He who puts out a fire and he who kindles a fire [in any measure at all], lo, this one is liable. He who puts oil into a lamp, even though there already is oil in the lamp, lo, this one is liable. [If] one moved it from one place to another, he is exempt. [If] he tilted it on its side, lo, this one is liable.
- T. 11:5 [If] there were before him two burning lamps, [and] he intended to put out this one but put out the other, lo, this one is liable. [If there were before him] two unlit lamps, [if] he intended to light this one and lit that one, he is liable. [If] one was unlit and one was burning, [if] he intended to put out the one which was burning and instead he lit the one which was unlit, to light the one which was unlit and instead he put out the one which was burning, lo, this one is exempt. [If] he intentionally put out the one which was lit and kindled the one which was unlit in a single gesture, he is liable for two sin offerings. [If] one person provides the fire, another the wood, another the pot, another the water, another the meat, another the spices, and finally someone came along and stirred the pot, all of them are liable. [If] one provided the pot, one the water, one the meat, one the spices, one the fire, one the wood, and one came along and stirred, only the last two [who participated] are liable.
- Bavli 12:2 II.1/103A He who picks endives and cuts greens, if this is for human consumption — one is liable for doing so on the Sabbath and cutting a volume of a dried fig; if it is for animal food, one is liable for cutting or picking enough for a kid's mouthful; if it is for fuel, it must be enough

fuel to boil an egg lightly; if it is to improve the soil [leaving room for other plants], it is however little.

The requirement that the act of labor produce enduring results is made explicit at the outset. The whole, completed act of labor is defined in the particulars of plowing, weeding, and the like; but the main point is self-evident. These actions, however limited, accomplish their goal.

- M. 12:3 He who writes two letters, whether with his right hand or with his left, whether the same letter or two different letters, whether with different pigments, in any alphabet, is liable.
- M. 12:4 He who writes two letters during a single spell of inadvertence is liable. [If] he wrote with (1) ink, (2) caustic, (3) red dye, (4) gum, or (5) copperas, or with anything which leaves a mark, on two walls forming a corner, or on two leaves of a tablet, which are read with one another, he is liable. He who writes on his flesh is liable.
- T. 11:8 He who traces something on a hide like the shape of writing is exempt. He who makes a mark on a hide like the shape of writing is liable. [If] he wrote with nut shells, pomegranate shells, congealed blood, or congealed milk, on an olive leaf, a carob leaf, or a gourd leaf, on anything which lasts [M. Shab. 12:4C], he is liable. [If he wrote] on a lettuce leaf, a leek leaf, an onion leaf, a vegetable leaf, on anything which does not last [M. Shab. 12:5B], or with something which does not last on something which lasts, he is exempt — unless he wrote in something which lasts on something which lasts.
- T. 11:9 He who writes one large letter, [even] if it is of the same size as two regular letters, is exempt.
- T. 11:10 He who erases one large letter, if it is of the same size as two regular letters, is liable.
- T. 11:11 [If] ink fell on a book and he erased it, wax on a pad and he removed it, if there is in the place in which it fell sufficient space for the writing of two letters, he is liable. He who erases in order to spoil is exempt. You have none who is liable except for one who erases in order to write. He who erases in order to correct, in any measure at all, lo, this one is liable.
- T. 11:12 He who [intends to] write one letter and made it two letters, two letters and made them one letter, lo, this one is liable. [If] he intended to write one letter and they came out at his hand in the form of two letters, two letters and one letter came out, lo, this one is liable.
- T. 11:13 [If] he wrote two dots, and someone else came along and finished them and made them into two letters, the latter person is liable. [If] he wrote on the corner inside, he is liable [M. Shab. 12:4D]. [If he did so] on the outside, he is exempt.
- T. 11:16 [If] one person holds on to the pen, and another takes his hand and guides it in writing, the one who holds the pen is liable. The one who

guides his hand in writing is exempt. [But] if he intended to help the other to write, then the one who holds the pen is exempt, and the one who guides his hand in writing is liable. [If] the one who holds the pen [writes] inadvertently, but the one who guides his hand in writing does so deliberately, [the former] is liable [to a sin offering]. [If] the one who holds the pen [writes] deliberately, and the one who holds his hand and guides it in writing does so inadvertently [e.g., not knowing that it is the Sabbath, or that it is prohibited to do so on the Sabbath], [the former] is exempt [from liability to a sin offering].

- T. 11:17 [If] a minor holds the pen and an adult holds his hand and guides it in writing, he [the minor] is liable. [If] the adult holds the pen and a minor holds his hand and guides it in writing, he [the adult] is exempt.
- T. 11:18 [If] one person puts in the ink, one the water, and one the gum, the last two are liable. [If] one puts in the gum, one the water, and one the ink, the last two are liable. [If] one puts in the ink, one the gum, and one the water, the last one is liable. [If] one puts in the gum, one the ink, and one the water, the last is liable. [If] one puts in the water, one the ink, and one the ink and one the water, one puts in the water and one the flour, one the flour and one the water, one puts in the water and one the dirt, one the dirt and one the water, the last one is liable.
- M. 12:5 If] one wrote with (1) fluids [blood, water, milk, honey, (2) fruit juice, (3) dirt from the street, (4) writer's sand, or with anything which does not leave a lasting mark, he is exempt. (1) [If he wrote] with the back of his hand, with his foot, mouth, or elbow, (2) [if] he wrote one letter alongside a letter already written, (3) [if] he wrote a letter on top of a letter [already written], (4) [if] he intended to write a het and wrote two zayins, (5) [if he wrote] one on the ground and one on the beam, (6) [if] he wrote [two letters] on the two walls of the house, on the two sides of a leaf of paper, so that they cannot be read with one another, he is exempt.
- T. 11:7 [If] one wrote at the head of one writing sheet on one side, and one writing sheet on the other side, (even though) [if] one joins them to one another, they appear to be a single [letter], he is liable [cf. M. Shab. 12:5]. But if not, he is exempt. [If] he wrote one letter, and someone else came along and wrote one letter, and someone else came along and wrote one letter, even if [all together there is written] an entire name, even an entire book, [each one of them] is exempt. [If] he wrote one letter and [thereby] completed the [whole] name, or one letter and completed the writing of the book, he is liable [cf. M. Shab. 12:5E].

When we come to the matter of writing, we define a culpable act of labor as one that has produced a word, not merely letters, hence two or more letters. The writing must be done with what makes a permanent mark and does not disappear. The act must be done by a single individual, not in partnership (T. 11:16). The same points now register for weaving:

- M. 13:2 He who makes two meshes for the heddles or the sley [of a loom], [or two meshes] in a sifter, sieve, or basket, is liable. He who sews two stitches [is liable]. And he who tears in order to sew two stitches [is liable].
- T. 12:1 He who weaves two threads on the thick part of the web or on the border — lo, this one is liable [cf. M. Shab. 13:1C]. He who weaves two threads on the hem along the breadth of three loops, lo, this one is liable. He who weaves three threads at the beginning [of the process of weaving] — lo, this one is liable [M. Shab. 13:1A]. To what is this likened? To [weaving] a small belt two threads over the breadth of three meshes [in size]. He who weaves three threads at the outset, lo, this one is liable [M. Shab. 13:1A].
- M. 13:3 He who tears [his clothing] because of his anger or on account of his bereavement, and all those who effect destruction, are exempt. But he who destroys in order to improve — the measure [for] his [action] is the same as for him who improves.

The act of destruction is exempt; only an intentional act is culpable. But intentionality enters in: if one tears intending a constructive outcome, “in order to sew,” he is liable.

The act of trapping provides an occasion to register the principle that the action must be complete in itself and must be done by a single actor. As to the former, if one traps an animal but does not complete the act, he is exempt; if further work is not required, he is liable. Further, if two people collaborated in the single action, both are exempt from penalty.

- M. 13:5 [He who drives] a bird into a tower trap, or a deer into a house, into a courtyard, or into a corral is liable. This is the governing principle: [If] it yet lacks further work of hunting, he [who pens it in on the Sabbath] is exempt. [If] it does not lack further work of hunting, he is liable.
- M. 13:6 A deer which entered a house, and someone locked it in — he [who locked it in] is liable. [If] two people locked it in, they are exempt. [If] one person could not lock the door, and two people did so, they are liable.
- M. 13:7 [If] one of them sat down at the doorway and did not completely fill it [so that the deer could yet escape], but a second person sat down and finished filling it, the second person is liable. [If] the first person sat down at the doorway and filled it up, and a second one came along and sat down at his side, even though the first one got up and went along, the first remains liable, and the second exempt. lo, to what is this equivalent? To one who locks his house to shut it up [and protect it], and a deer turns out to be shut up [and trapped] inside.
- T. 12:2 Two who [on the Sabbath] hunted a deer — both of them are exempt. For two individuals are not culpable for a single prohibited act of labor [completed] by both of them together [cf. M. Shab. 13:6]. [If] the first one hunted it and left it, the second hunted it and left it, both of them

are liable. [If] the first one hunted it and gave it over to the second, the first is liable, and the second is exempt.

- T. 12:3 He who hunts [traps] a deer in a courtyard which has two doorways is exempt. [If] the first one locked one door, and a second person came along and locked the second door, the second is liable, and the first is exempt. [If] the first one went and opened the door and locked it again, the first is liable on account of a second prohibited act of hunting.
- T. 12:4 He who hunts a lame deer, a sick one, or a young one, is exempt. He who hunts an old one is liable. He who hunts doves of a dovecote or doves kept in an upper room or birds which make their nest in pitcher shaped nests, or anything which yet lacks [the completion of the process of] hunting, is liable. [He who hunts] ducks, chickens, Herodian pigeons, or anything which yet lacks no [further act of] hunting, is exempt [cf. M. Shab. 13:5F]. He who hunts flies and mosquitoes is liable.
- T. 12:5 He who hunts locusts in the time of dew is exempt. [If he does so] in the time of heat, he is liable. He who hunts a domesticated beast, a wild beast, or fowl, on ground which is not the domain of a human being, if they yet lacked further work of hunting, is liable. [If he hunted them] on ground which is the domain of a human being, even though they yet lack further work of hunting, he is exempt. He who spreads out a trap for a domesticated beast, a wild beast, or a bird [not present at the time], even though they enter into it, is exempt. [If he spread it] for a domesticated beast, a wild beast, or a bird [present at the time], if they then went into it, he is liable. He who releases a domesticated beast, a wild beast, or a bird from a trap is exempt.
- T. 12:6 Two who sat down [and filled up] a doorway — both of them are exempt, for it is not known which of them got there first [M. Shab. 13:7A]. [If] this one sat down first and that one sat down second, the first is liable, and the second is exempt. [If] one person sat down at the doorway, and another person came along and hunted [a deer] inside the courtyard, the one who sits down at the doorway is liable, and the one who hunted it inside is exempt. [If] one person sat down at the doorway, and someone else came along and sat down inside, and someone else came along and sat down outside, the one who is sitting at the doorway is liable. And the latter two are exempt.
- T. 12:7 [If] one person sat at the doorway, and a deer turned out to be inside [the house], even though the one sitting at the doorway plans to stay there until dark, he is exempt [from punishment on the grounds of hunting]. For the [unintentional] act of hunting came before the intention to accomplish the act. You have none who is liable except one who actually intends to carry out an act of hunting. If the act of hunting came before the intention to hunt, the Man is therefore exempt [cf. M. Shab. 13:7F].

We come to knot-tying, which provides an opportunity to differentiate actions with permanent from those with transient results. The knots that may not be tied are those that hold; those that may be tied are those that unravel easily:

- M. 15:1 On account of [tying] what sorts of knots [on the Sabbath] are [people] liable? (1) A camel driver's knot, and (2) a sailor's knot. And just as one is liable for tying them, so he is liable for untying them.
- M. 15:2 You have knots on account of which they are not liable, like a camel driver's knot and a sailor's knot. A woman ties (1) the slit of her shift, (2) the strings of her hair-net and of her belt, (3) the thongs of a shoe or sandal, (4) [leather] bottles of wine or oil, and (5) a cover over meat. They tie a bucket with a belt but not with a rope.
- M. 15:3 They fold up clothing even four or five times. And they spread beds on the night of the Sabbath for use on the Sabbath, but not on the Sabbath for use after the Sabbath.

Finally, one may perform actions that pertain to the Sabbath on the Sabbath, but he may not do on the Sabbath work that is required only after the Sabbath, a principle expressed in various ways, in the following the most directly:

- T. 12:17 They rinse cups, dishes, and plates on the Sabbath for use on that same Sabbath but not on one Sabbath for use on some other Sabbath. How so? [If] one ate in them] on the night of the Sabbath, he may rinse them to eat in them in the morning. [If he ate in them] in the morning, he may rinse them so to eat in them for the main meal. If he ate in them for the main meal, he may rinse them to eat in them at the afternoon meal. If he ate in them at the afternoon meal, he may not rinse them from that time forth. The cups does he rinse all the day, for there is no time as to drinking.

So much for the manner in which the Halakhah sets forth its rules; given the assignment, the framers of the Halakhah have no choice. But we are able to move beyond the cases and identify the principles that animate the Halakhah of Sabbath labor viewed whole. Let us now broaden our discussion and turn to the principles that come to expression, along the lines just now illustrated, in the Halakhah of the Sabbath in general.

### III. *The Principles of the Halakhah of Sabbath Repose*

Nearly the whole of the Halakhah of the Sabbath addresses issues that transcend the cases at hand. My introductory remarks on the traits of culpable actions now pertain in a direct way. Specifically, six principles are in play, some particular to the Sabbath, others not. Let us consider the recurrent concerns that transcend the Sabbath altogether, starting with intentionality:

1. INTENTIONALITY: THE CLASSIFICATION OF AN ACTION IS GOVERNED BY THE INTENTION BY WHICH IT IS CARRIED OUT, SO TOO THE CONSEQUENCE:
  - A. One is not supposed to extinguish a flame, but if he does so for valid reasons, it is not a culpable action; if it is for selfish reasons, it is. If one deliberately violated the Sabbath, after the Sabbath one may not benefit from the action; if it was inadvertent, he may. We consider also the intentionality of gentiles. One may not benefit indirectly from a source of heat. But what happens *en passant*, and not by deliberation, is not subject to prohibition. Thus if a gentile lit a candle for his own purposes, the Israelite may benefit, but if he did so for an Israelite, the Israelite may not benefit.
  - B. If one did a variety of actions of a single classification in a single spell of inadvertence, he is liable on only one count.
  - C. In the case of anything that is not regarded as suitable for storage, the like of which in general people do not store away, but which a given individual has deemed fit for storage and has stored away, and which another party has come along and removed from storage and taken from one domain to another on the Sabbath — the party who moved the object across the line that separated the two domains has become liable by reason of the intentionality of the party who stored away this thing that is not ordinarily stored.
  - D. The act must be carried out in accord with the intent for culpability to be incurred. The wrong intention invalidates an act, the right one validates the same act. Thus a person breaks a jar to eat dried figs from it, on condition that he not intend [in opening the jar] to make it into a utensil.

M. 2:5, T. 2:16, T. 2:14, T. 2:17-18, 21, M. 7:1-2, 10:4, 22:3-4

The principle that we take account of what one plans, not only what one does, and that the intentionality of an actor governs, yields at least four quite distinct results, none of them interchangeable with the others, but all of them subject to articulation in other contexts altogether, besides Shabbat.

Intentionality possesses taxonomic power. The status of an action — culpable or otherwise — is relative to the intent with which the action is carried out. That encompasses a gentile's action; he may not act in response to the will of an Israelite. But if he acts on his own account, then an Israelite *en passant* may benefit from what he has done. If the intention is improper, the action is culpable, if proper, it is not. But so far as inadvertence is the opposite of intentionality, second, the result of the failure to will or plan is as consequential as the act of will. If one acts many times in a single spell of inadvertence, the acts are counted as one. This too is an entirely familiar notion.

The third entry is the most profound, and it carries us nearest to the particularities of the Halakhah of the Sabbath. To understand it, we

have to know that the Halakhah in general takes account of what matters to people but treats as null what does not. Hence a sum of money or a volume of material deemed negligible is treated as though it did not exist.<sup>8</sup> If one deliberately transports a volume of material of such insufficient consequence, a volume such that no one would store that volume of that material, no violation of the law against transporting objects has taken place. Transporting objects from one domain to the other matters only when what is transported is valued. What, then, about a volume of material that people in general deem null, but that a given individual regards as worth something? For example, people in general do not save a useless shard or remnant of fabric. But in a given case, an individual has so acted as to indicate he takes account of the shard. By his action he has imparted value to the shard, even though others would not concur. If then he has saved the negligible object, he has indicated that the shard matters. If someone else takes the shard out of storage and carries it from one domain to another, what is the result? Do we deem the one person's evaluation binding upon everyone else? Indeed we do, and the second party who does so is liable. The reason that ruling is not particular to the Sabbath becomes clear in the exegesis of the law, which carries us to a variety of other Halakhic topics altogether, e.g., what is susceptible to uncleanness must be deemed useful, and what is held of no account is unsusceptible, and what a given person deems useful is taken into account, and the rest follows.

The fourth matter involving intentionality is a commonplace of the Halakhah and recapitulates the principle of the first. If someone acts in such a way as to violate the law but the act does not carry out his intent, he is not culpable; if he acts in accord with his intent and the intent is improper, he is culpable. So the match of intention and action serves to impose culpability. These subtle inquiries into the power of intentionality to determine whether a deed is permitted or prohibited on the Sabbath rest on a single premise. God did precisely what he planned to do in making the world, and every act of labor in the six days of Creation accomplished his purpose.

The matter of causality, which is not particular to the Halakhah of the Sabbath, produces a number of cases that make the same point, which is, we take account of indirect consequences, not only direct

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<sup>8</sup> So too a shard that can serve some useful purpose is taken into account; it is subject to uncleanness; one that can serve no useful purpose is treated as null, useless and hence not subject to uncleanness. How we assess usefulness is subject to much interesting reflection in other chapters of the Halakhah, which need not detain us here. My point is only that the considerations operative here encompass vast areas of Halakhah, which, in practical detail, scarcely intersect.

causality. But the consequences that we impute to indirect causality remain to be specified.

2. NOT ONLY DIRECT, BUT INDIRECT CONSEQUENCES ARE TAKEN INTO ACCOUNT.

A. Since one may not perform an act of healing on the Sabbath, one may not consume substances that serve solely as medicine. But one may consume those that are eaten as food but also heal. One may lift a child, even though the child is holding something that one is not permitted to handle or move about; one may handle food that one may not eat (e.g., unclean) along with food that one may eat. One may not ask gentiles to do what he may not do, but one may wait at the Sabbath limit at twilight to do what one may ask another person to do. Thus: they do not go to the Sabbath limit to wait nightfall to bring in a beast. But if the beast was standing outside the Sabbath limit, one calls it and it comes on its own.

M. 3:3, 4, 5, M. 4:2, M. 14:3-4, 16:7-8, 21:1-3, 23:3-4, 24:1-4

A single Halakhic ruling suffices to show what is at stake in differentiating direct from indirect consequences:

M. 16:8 A gentile who lit a candle — an Israelite may make use of its light. But [if he did so] for an Israelite, it is prohibited [to do so on the Sabbath]. [If a gentile] drew water to give water to his beast, an Israelite gives water to his beast after him. But [if he did so] for an Israelite, it is prohibited [to use it on the Sabbath]. [If] a gentile made a gangway by which to come down from a ship, an Israelite goes down after him. But [if he did so] for an Israelite, it is prohibited [to use it on the Sabbath].

The gentile lit the candle for his own purposes; by the way, the Israelite benefits. There is no penalty. But on the Sabbath the gentile may not perform for an Israelite an act of labor that the Israelite may not perform for himself.

To state matters more generally: once we distinguish indirect from direct causality, we want to know the degree to which, if at all, we hold a person responsible for what he has not directly caused; what level of culpability, if any, pertains? The point is that what comes about on its own, and not by the direct action of the Israelite adult, is deemed null. If one is permitted to eat certain foods, then those foods may be eaten on the Sabbath even though they possess, in addition to nourishment, healing powers. Indirect consequences of the action are null. One may carry a child, even though the child is holding something one may not carry. We impose a limit on the effects of causation, taking account of direct, but not indirect, results of one's action. One may make the case that the present principle places limits upon the one that assigns intentionality taxonomic power; here, even though one may will the result,

if one has not directly brought about the result, he is still exempt from liability. In no way is this law particular to the Sabbath.

The third generative conception that in no way limits itself to Sabbath law involves assessing the manner in which we classify actions and the definition thereof. It invokes the rules of classification, e.g., when does an action encompass many episodes, and when does a single deed stand on its own? Sages conceive that a single spell of inadvertence, covering numerous episodes or transactions, constitutes one unitary action, the episodes being joined by the inadvertence of the actor, the actions then being treated as indivisible by reason of a single overarching intentionality, as we have already noted. They further conceive that numerous actions of a single type entail a single count of guilt, the repeated actions of the same classification constituting one protracted deed. On the other hand, by reason of consciousness, the performance of many actions entails guilt on each count, for each action on its own carries out the actor's intentionality. The larger problem of the many and the one forms the generative problematic of entire tractates, e.g., tractate Keritot, and enormous, interesting compositions of Halakhah are devoted to the way in which many things fall into a single classification, or a single category yields many subdivisions, e.g., tractate Peah (for land). In the present Halakhic rubric, the generative conception generates an elegant composition, but not a rich body of exegesis.

3. IN ASSESSING CULPABILITY FOR VIOLATING THE HALAKHAH OF THE SABBATH, WE RECKON THAT AN ACTION NOT ONLY MAY BE SUBDIVIDED BUT IT ALSO MAY BE JOINED WITH ANOTHER ACTION, SO THAT MULTIPLE ACTIONS YIELD A SINGLE COUNT OF CULPABILITY.

- A. Thus whoever forgets the basic principle of the Sabbath and performs many acts of labor on many different Sabbath days is liable only for a single sin-offering. He who knows the principle of the Sabbath and performs many acts of labor on many different Sabbaths is liable for the violation of each and every Sabbath.
- B. He who knows that it is the Sabbath and performs many acts of labor on many different Sabbaths is liable for the violation of each and every generative category of labor. He who performs many acts of labor of a single type is liable only for a single sin-offering.

M. 7:1-2, 22:5

Clearly, the principle that an act on its own is classified, as to culpability, by the considerations of intentionality, on the one side, and the classification of actions, on the other, cannot limit itself to the matter of the Sabbath. The same analytical exercise takes place in other areas of law altogether, e.g., oaths, acts of the contamination of the Temple

(one or many spells of inadvertence, one or many types of action), and so on without limit.

The Halakhah of the Sabbath furthermore states in practical terms a set of conceptions deriving from a close reading of the Written Torah's account of the Sabbath. These conceptions, framed in the same manner of concretization — practical logic and applied reason — embody deep thought about issues particular to the Sabbath. They yield conclusions that form the foundations of a massive theological structure, one built out of what is conveyed by revelation and implicit in the Torah's account of matters. These conclusions, of a broad and general character, can have emerged only from the topic at hand. And the statement that sages wished to set forth can have come to systematic expression only in the particular setting defined by that topic — and the Halakhah required for the concretization of the message deemed to inhere in that topic.

I cannot overstate matters. The Sabbath, and only the Sabbath, could produce a suitable setting for the statement of the conclusions sages set before us. And once in hand, the same conclusions turn out to delineate a vast world of cogent construction: the rules of Creation as God intended it to be, translated into conduct in the here and now. When people study the details of the Halakhah, they encounter the concretization of governing conceptions revealed in the Torah in connection with the topic at hand and in no other conception. When people carry out the Halakhah of the Sabbath, meaning, refrain from the actions deemed improper on that holy day, they realize by what they do not do a conception of such grandeur and profundity as to make of holy Israel God's Sabbath-surrogate in the here and now: people who act like God on the Sabbath. To state the upshot in a simple way: in keeping the Halakhah of the Sabbath, Israel acts out the logic of Creation, and this they do by what they do not do.

Let me now specify what I conceive to be the encompassing principles, the generative conceptions that the laws embody and that animate the law in its most sustained and ambitious statements. They concern three matters, [1] space, [2] time, and [3] activity, as the advent of the Sabbath affects all three, though our main discussion of the first of the three is postponed to Chapter Four. The advent of the Sabbath transforms Creation, specifically reorganizing space and time and reordering the range of permissible activity. First comes the transformation of space that takes effect at sundown at the end of the sixth day and that ends at sundown of the Sabbath day. At that time, for holy Israel, the entire world is divided into public domain and private domain, and what is located in the one may not be transported into the other. What is located in public domain may be trans-

ported only four cubits, that is, within the space occupied by a person's body. What is in private domain may be transported within the entire demarcated space of that domain. All public domain is deemed a single spatial entity, so too all private domain, so one may transport objects from one private domain to another. The net effect of the transformation of space is to move nearly all permitted activity to private domain and to close off public domain for all but the most severely limited activities; people may not transport objects from one domain to the other, but they may transport objects within private domain, so the closure of public domain from most activity, and nearly all material or physical activity, comes in consequence of the division of space effected by sunset at the end of the sixth day of the week.

1. SPACE: ON THE SABBATH THE HOUSEHOLD AND VILLAGE DIVIDE INTO PRIVATE AND PUBLIC DOMAIN, AND IT IS FORBIDDEN TO TRANSPORT OBJECTS FROM THE ONE DOMAIN TO THE OTHER:

- A. Private domain is defined as at the very least an area ten handbreadths deep or high by four wide, public domain, an unimpeded space open to the public. There one may carry an object for no more than four cubits, which sages maintain is the dimension of Man.
- B. The sea, plain, *karmelit* [neutral domain], colonnade, and a threshold are neither private domain nor public domain. They do not carry or put [things] in such places. But if one carried or put [something into such a place], he is exempt [from punishment].
- C. If in public domain one is liable for carrying an object four cubits, in private domain, there is no limit other than the outer boundaries of the demarcated area of the private domain, e.g., within the walls of the household.
- D. What is worn for clothing or ornament does not violate the prohibition against carrying things from private to public domain. If one transports an object from private domain to private domain without bringing the object into public domain, e.g., by tossing it from private to private domain, he is not culpable.

M. 1:1, M. 6:1-9, 11:1-6

The point of the division into private and public domain emerges in the exposition of the distinction; it concerns transporting objects. One may cross the line, but not carry anything in so doing — hence the concern for what may or may not be worn as clothing. The same point emerges in the rule that one may move an object from one private domain to another, so long as public domain does not intervene. Carrying within public domain forms an equally important consideration; one may do so only within the space occupied by his very body,

his person. But the four cubits a person occupies in public domain may be said to transform that particular segment of public domain into private domain, so the effect is the same. The delineation of areas that are not definitively public domain but also not private domain — the sea and the plain, which are not readily differentiated, the space within a colonnade, a threshold — simply refines and underscores the generative distinction of the two distinct domains.

So when it comes to space, the advent of the Sabbath divides into distinct domains for all practical purposes what in secular time is deemed divided only as to ownership, but united as to utilization. Sacred time then intensifies the arrangements of space as public and private, imparting enormous consequence to the status of what is private. There, and only there, on the Sabbath, is life to be lived. The Sabbath assigns to private domain the focus of life in holy time: the household is where things take place then. When, presently, we realize that the household (private domain) is deemed analogous to the Temple or tabernacle (God's household), forming a mirror image to the tabernacle, we shall understand the full meaning of the generative principle before us concerning space on the Sabbath. These are matters to which we shall return in due course.

Second comes the matter of time and how the advent of sacred time registers. Since the consequence of the demarcation on the Sabbath of all space into private and public domain effects, in particular, transporting objects from one space to the other, how time is differentiated will present no surprise. The effects concern private domain, the household. Specifically, what turns out to frame the Halakhic issue is what objects may be handled or used, even in private domain, on the Sabbath.<sup>9</sup> The advent of the Sabbath thus affects the organization of space and the utilization of tools and other objects, the furniture of the household within the designated territory of the household. The basic principle is simple. Objects may be handled only if they are designated in advance of the Sabbath for the purpose for which they will be utilized on the Sabbath. But if tools may be used for a purpose that is licit on the Sabbath, and if those tools are ordinarily used for that same purpose, they are deemed ready at hand and do not require reclassification; the accepted classification applies. What requires designation for Sabbath use in particular is any tool that may serve more than a single purpose, or that does not ordinarily serve the purpose for which it is wanted on the Sabbath. Designation for use on the Sabbath thus regu-

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<sup>9</sup> That explains, also, the logic of taking up the matter of space before the issue of time, and, as we shall see, a single logic also accounts for situating third in sequence the matter of activity: where, what, and how.

larizes the irregular, but is not required for what is ordinarily used for the purpose for which it is wanted and is licitly utilized on the Sabbath.

2. TIME: WHAT IS TO BE USED ON THE SABBATH MUST BE SO DESIGNATED IN ADVANCE.

- A. For example, on the Sabbath people do not put a utensil under a lamp to catch the oil. But if one put it there while it is still day, it is permitted. But they do not use any of that oil on the Sabbath, since it is not something which was prepared [before the Sabbath for use on the Sabbath.
- B. What one uses on the Sabbath must be designated in advance for that purpose, either in a routine way (what is ordinarily used on the Sabbath, e.g., for food preparation, does not have to be designated especially for that purpose) or in an exceptional manner. But within that proviso, all utensils may be handled on the Sabbath, for a permitted purpose. If something is not ordinarily used as food but one designated it for that purpose, e.g., for cattle, it may be handled on the Sabbath.

M. 3:6, 17:1-8, 18:2, 20:5, 22:2

The advent of sacred time calls into question the accessibility and use of the objects and tools of the world, but with a very particular purpose in mind. That purpose emerges when we note that if an object is ordinarily used for a purpose that is licit on the Sabbath, e.g., for eating, it need not be designated for that purpose for use on the Sabbath. Since on the Sabbath it is used for its ordinary, and licit, purpose, that suffices. So the advent of the Sabbath requires that things licit for use on the Sabbath be used in the manner that is standard. If one wishes to use those things for a given purpose that is licit on the Sabbath, but that those objects do not ordinarily serve, then in advance of the Sabbath one must designate those objects for that purpose, that is, regularize them. That rule covers whole, useful tools, but not broken ones or tools that will not serve their primary purpose.

The Sabbath then finds all useful tools and objects in their proper place; that may mean, they may not be handled at all, since their ordinary function cannot be performed on the Sabbath. Or it may mean, they may be handled on the Sabbath exactly as they are handled every other day, the function being licit on the Sabbath. Or it may mean, they must be designated in advance of the Sabbath for licit utilization on the Sabbath. That third proviso covers utensils that serve more than a single function, or that do not ordinarily serve the function of licit utilization on the Sabbath that the householder wishes them to serve on this occasion. The advent of the Sabbath then requires that all tools and other things be regularized and ordered. The rule extends even to utilization of space, within the household, that is not ordinarily used

for a (licit) purpose for which, on the Sabbath, it is needed. If guests come, storage-space used for food may be cleared away to accommodate them, the space being conceived as suitable for sitting even when not ordinarily used for that purpose. But one may not clear out a store room for that purpose. One may also make a path in a store room so that one may move about there. One may handle objects that, in some way or another, can serve a licit purpose, in the theory that that purpose inheres. But what is not made ready for use may not be used on the Sabbath. So the advent of the Sabbath not only divides space into public and private, but also differentiates useful tools and objects into those that may or may not be handled within the household.

We come to the third generative problematic that is particular to the Sabbath. The affect upon activity that the advent of the Sabbath makes concerns constructive labor. I have already alluded to the matter and may state the generative problematic in a simple declarative sentence: *In a normal way one may not carry out entirely on his own a completed act of constructive labor, which is to say, work that produces enduring results.* That is what one is supposed to do in profane time. What is implicit in that simple statement proves profound and bears far-reaching implications. No prohibition impedes performing an act of labor in an other-than-normal way, e.g., in a way that is unusual and thus takes account of the differentiation of time. Labor in a natural, not in an unnatural, manner is prohibited. But that is not all. A person is not forbidden to carry out an act of destruction, or an act of labor that produces no lasting consequences. Nor is part of an act of labor, not brought to conclusion, prohibited. Nor is it forbidden to perform part of an act of labor in partnership with another person who carries out the other requisite part. Nor does one incur culpability for performing an act of labor in several distinct parts, e.g., over a protracted, differentiated period of time. The advent of the Sabbath prohibits activities carried out in ordinary time in a way deemed natural: acts that are complete, consequential, and in accord with their accepted character.

3. **ACTIVITY: ON THE SABBATH ONE IS LIABLE FOR THE INTENTIONAL COMMISSION OF A COMPLETED ACT OF CONSTRUCTIVE LABOR, E.G., TRANSPORTING AN OBJECT FROM ONE DOMAIN TO THE OTHER, IF ONE HAS PERFORMED, IN THE NORMAL MANNER, THE ENTIRE ACTION BEGINNING TO END.**

- A. If one has performed only part of an action, the matter being completed by another party, he is exempt. If one has performed an entire action but done so in an-other-than-ordinary manner, he is exempt. If one transports an object only to the threshold and puts it down there, he is exempt, even though, later on, he picks it up and completes the transportation outward to public domain.

- B. He one performed a forbidden action but did not intend to do so, he is exempt. If one performed a forbidden action but in doing so did not accomplish his goal, he is exempt: If one transported an object or brought an object in — if he did so inadvertently, he is liable for a sin offering. If he did so deliberately, he is subject to the punishment of extirpation.
- C. All the same are the one who takes out and the one who brings in, the one who stretches something out and the one who throws [something] in — in all such cases he is liable. By observing Sabbath prohibitions prior to sunset, one takes precautions to avoid inadvertent error.
- D. One is liable for constructive, but not destructive acts of labor, and for acts of labor that produce a lasting consequence but not ephemeral ones.
- E. One is liable for performing on the Sabbath classifications of labor the like of which was done in the tabernacle. They sowed, so you are not to sow. They harvested, so you are not to harvest. They lifted up the boards from the ground to the wagon, so you are not to lift them in from public to private domain. They lowered boards from the wagon to the ground, so you must not carry anything from private to public domain. They transported boards from wagon to wagon, so you must not carry from one private domain to another.
- F. But moving the object must be in the normal manner, not in an exceptional way, if culpability is to be incurred.
- G. An entire act of labor must involve a minimum volume, and it must yield an enduring result. An act of destruction is not culpable. Thus, as we recall, he who tears [his clothing] because of his anger or on account of his bereavement, and all those who effect destruction, are exempt.
- H. Healing is classified as an act of constructive labor, so it is forbidden; but saving life is invariably permitted, as is any other action of a sacred character that cannot be postponed, e.g., circumcision, saving sacred scrolls from fire, saving from fire food for immediate use, and tending to the deceased, along with certain other urgent matters requiring a sage's ruling.

M. 1:1, 2, 3, 10-11, 2:7, 8, 7:2, M. 7:3-4,  
 M. :1-6, 9:5-7, 10:1, 10:2-4, 10:5-6, 12:1-5,  
 M. 13:2-7, 14:1-2, 15:1-3, 16:1-8, 18:3, 19:1-6,  
 T. 15:11ff., M. 22:1, 22:6, 23:5, 24:5

Some of these matters are represented in my selection of Halakhic statements, others not. But the main point is clear.

What all this to do with Creation hardly requires extensive exposition. When we consider the definition of acts of labor that come under consideration, at each point, we find God in the six days of Creation to serve as the generative metaphor: how he acted forms the model. This systematic, extensive, and richly detailed account of the activity,

labor, that is forbidden on the Sabbath but required on weekdays introduces these considerations, properly classified:

A. PRECONDITIONS

1. intentionality: the act must carry out the intention of the actor, and the intention must be to carry out an illicit act of labor
2. a single actor: culpability is incurred for an act started, carried through, and completed by a single actor, not by an act that is started by one party and completed by another
3. analogy: an act that on the Sabbath may be carried out in the building and maintenance of the tabernacle (Temple) may not be performed in the household, and on that analogy the classification of forbidden acts of labor is worked out

B. CONSIDERATIONS

1. routine character: the act must be done in the manner in which it is ordinarily done
2. constructive result: the act must build and not destroy, put together and not dismantle; an act of destruction if not culpable

C. CONSEQUENCES

1. completeness: the act must be completely done, in all its elements and components
2. permanent result: the act must produce a lasting result, not an ephemeral one
3. consequence: to impart culpability, a forbidden act of labor must involve a matter of consequence, e.g., transport of a volume of materials that people deem worth storing and transporting, but not a negligible volume

This recapitulation of matters translates cases into rules, rules into principles, with a striking result. What is the upshot of this remarkable repertoire of fundamental considerations having to do with activity, in the household, on the holy day? It is to define the opposites, acts of Creation, acts of Repose, the one a mirror image of the other, as analogical-contrastive reading of matters leads us to anticipate.

The Halakhah of the Sabbath in the aggregate concerns itself with formulating a statement of how the advent of the Sabbath defines the kind of activity that may be done by specifying what may not be done. That is the meaning of Repose, the cessation of activity, not the commencement of activity of a different order. To carry out the Sabbath, one does nothing, not something. And what is that “nothing” that one realizes through inactivity? One may not carry out an act analogous to one that sustains Creation. Now we see the entirety of the Halakhic system and identify its points of intersection with the narrative of Creation.

An act or activity for which one bears responsibility, and one that sustains Creation, is

- [1] an act analogous to one required in the building and maintenance of the tabernacle,
- [2] that is intentionally carried out
- [3] in its entirety,
- [4] by a single actor,
- [5] in the ordinary manner,
- [6] with a constructive and
- [7] consequential result — one worthy of consideration by accepted norms.

These are the seven conditions that pertain, and that, in one way or another, together with counterpart considerations in connection with the transformation of space and time, generate most of the Halakhah of the Sabbath. They represent concretizations in laws of action that matters — or refraining from action that matters — of the traits of God's actions in Creation. Like God at the completion of Creation, the Halakhah of the Sabbath defines the Sabbath to mean, to do no more, but instead to do nothing. At issue in Sabbath rest is not ceasing from labor but ceasing from labor of a very particular character, labor in the model of God's work in making the world. Then why the issues of space, time, and activity? Given the division of space into public domain, where nothing much can happen, and the private domain of the household, where nearly everything dealt with in the law at hand takes place, we realize that the Sabbath forms an occasion of the household in particular. There Man takes up Repose, leaving off the tools required to make the world, ceasing to perform the acts that sustain the world.

#### IV. *What Is at Stake in the Halakhah of Eden's Sabbath Repose?*

The metaphor of God in Eden, as sages have reflected on the story of Creation, yields the governing principles that define forbidden labor. What God did in the six days of Creation provides the model. How does this play itself out? Let us review the main principles item by item. They involve the three principal preconditions.

- [1] The act must fully carry out the intention of the actor, as Creation carried out God's intention.
- [2] The act of labor must be carried out by a single actor, as God acted alone in creating the world.
- [3] An act of labor is the like of one that is required in the building and maintenance of God's residence in this world, the tabernacle.

The act of labor prohibited on the Sabbath involves two considerations.

- [1] The act must be done in the ordinary way, just as Scripture's account leaves no doubt, God accomplished Creation in the manner in which he accomplished his goals from Creation onward, by an act of speech. And, weightier still,
- [2] the forbidden act of labor is one that produces enduring consequences. God did not create only to destroy, but he created the enduring world.

And it goes without saying, Creation yielded the obvious consequences that the act was completely done in all ways, as God himself declared. The act was one of consequence, involving what was not negligible but what Man and God alike deemed to make a difference. Sages would claim, therefore, that the activity that must cease on the Sabbath finds its definition in the model of those actions that God carried out in making the world.

That such a mode of thought is more than a mere surmise, based on the congruence of the principles by which labor forbidden on the Sabbath spin themselves out of the Creation-story, emerges when we recall a striking statement. It is the one that finds the definition of forbidden labor in those activities required for the construction and maintenance of the tabernacle, which is to say, God's residence on earth, as we saw earlier at B. 4:2 I.4/49b, cited above. Sages found in the analogy of how, in theory, the tabernacle was maintained, the classifications of labor that pertain. In the tabernacle these activities are permitted, even on the Sabbath. In God's house, the priests and Levites must do for God what they cannot do for themselves — and the identification of acts of labor forbidden on the Sabbath follows.

The details of the Halakhah then emerge out of a process in which two distinct sources contribute. One is the model of the tabernacle. What Man may do for God's house he may not do for his own — God is always God, the Israelite aspires only to be "like God," to imitate God, and that is a different thing. The other is the model of the Creation of the world and of Eden. Hence to act like God on the Sabbath, the Israelite rests; he does not do what God did in Creation. The former source supplies generative metaphors, the like of which may not be done; thus acts like sowing, like harvesting, like lifting boards from public to private domain, and the like, are forbidden. The latter source supplies the generative principles, the abstract definitions involving the qualities of perfection and causation: intentionality, completion, the normality of the conduct of the action, and the like. The mode of analogical thinking governs, but, as we see, a double metaphor pertains, the metaphor of God's activity in Creation, the

metaphor of the priests' and Levites' activity in the tabernacle. Creation yields those large principles that we have identified: the traits of an act of labor for God in Creation define the prohibited conditions of an act of labor on the Sabbath. By appeal to those two metaphors, we can account for every detail of the Halakhah.

Created in God's image, after God's likeness, with the power of free will, Man — Adam and Eve — would have lived forever, had they willingly refrained from violating God's one commandment. Israel, surrogate and counterpart to Man, enjoys the power to recapitulate the situation of Eden, now with the intended outcome, by that act of voluntary obedience that Adam and Eve had failed to realize. At that moment of obedience, Israel will have regained Paradise, even in the here-and-now, and so ready itself for God's response. So matters are explicitly stated: Israel's obedience to God's commands precipitates the advent of the end, with a Sabbath-Psalm, Ps. 95:7, providing the proof. The Messiah will come to raise the dead and assemble humanity for the last judgment and entry into Eden "today, if you obey his voice."

## I.102

- A. *R. Joshua b. Levi found Elijah standing at the door of the burial vault of R. Simeon b. Yohai. He said to him, "Am I going to come to the world to come?"*
- B. *He said to him, "If this master wants."*
- C. *Said R. Joshua b. Levi, "Two did I see, but a third voice did I hear."*
- D. *He said to him, "When is the Messiah coming?"*
- E. *He said to him, "Go and ask him."*
- F. *"And where is he sitting?"*
- G. *"At the gate of the city."*
- H. *"And what are the marks that indicate who he is?"*
- I. *"He is sitting among the poor who suffer illness, and all of them untie and tie their bandages all together, but he unties them and ties them one by one. He is thinking, 'Perhaps I may be wanted, and I do not want to be held up.'"*
- J. *He went to him, saying to him, "Peace be unto you, my master and teacher."*
- K. *He said to him, "Peace be unto you, son of Levi."*
- L. *He said to him, "When is the master coming?"*
- M. *He said to him, "Today."*
- N. *He went back to Elijah, who said to him, "What did he tell you?"*
- O. *He said to him, "Peace be unto you, son of Levi."*
- P. *He said to him, "He [thereby] promised you and your father the world to come."*
- Q. *He said to him, "But he lied to me. For he said to me, 'I am coming today,' but he did not come."*

R. *He said to him, "This is what he said to you, "Today, if you will obey his voice" (Ps. 95:7)."*

M. San. 10:1 I.102/b. San. 98a

"Obeying his voice" means carrying out the commandments of the Torah. The commandments realized in the Halakhah were given "only to purify the heart of Man," which is to say, to remove the propensity to rebel against, and implant the desire to obey, God's will. Man was meant, like God, in whose image, after whose likeness, Man was created, to live forever, but sin intervened and brought in its wake Man's mortality. Then when Man's freedom of will leads to love for God and obedience to his will, expressed in his commandments, Man, in the Israelite model, will have re-entered the condition of Eden. But, as we shall now see, the Rabbinic sages saw Eden in more than a single way. The aspects of Creation that captured their attention, in addition to the Sabbath, have not yet been fully exposed.

THE HALAKHIC READING OF CREATION:  
[2] OWNERSHIP AND POSSESSION, EDEN AND  
THE LAND

“And the Lord God planted a garden in Eden ... and there he put the Man whom he had formed ...”

GENESIS 2:8,

“The Lord God took the Man and put him in the garden of Eden to till it and keep it, saying, You may freely eat of every tree of the garden, but of the tree of the knowledge of good and evil you shall not eat ...”

GENESIS 2:15

I. *Analogical-Contrastive Thinking: Eden and the Land*

God made and owned Eden but afforded to Man the usufruct thereof. Man's effective possession of Eden then was subject to stipulations and conditions. Adam and Eve enjoyed the possession of Eden, but not the right of ownership free and clear. Israel for its part would get the Land as a mark of its covenanted relationship with God. It was a gift, not a given. Israel possessed the Land only in accord with the stipulations and regulations that God established in the covenant. And these stipulations and regulations governing the use of the Land and its abundance, set forth by the Halakhah, recapitulate the story of Eden. The comparison and contrast of Adam and Israel form the story told by the Halakhah in contemplating Scripture's account of Creation. The Halakhah then contributes to the reading of Creation the eschatological perspective, seeing things from the end-point.

In the cases provided here we shall see how Israel relates to God in the encounter of enlandisement, where Israel takes its place in the Land of Israel and confronts its relationship with God in the very terms of the Creation, when Adam take his place in Eden. It is with catastrophic results. But now, Israel, entering the Land, shows how, regenerate through the Torah, the Israelite realizes repentance. That is to say, confronting the occasion of the original sin, the

Israelite now responds in obedience, rather than rebellion as at the outset. Israel in the Land moreover reconstructs Eden by recapitulating Creation and its requirements. Let me explain.

If the perspective upon Creation of the Rabbinic sages, which is the perspective of the Scriptures themselves, identified the Sabbath as the climax of the works of Creation, Scripture's story does not end there. On the contrary, the critical moment was yet to be. Nor does the sages' share in telling the story of Creation conclude with the Sabbath. For the Sabbath does not define the sole let alone the climactic component of the Creation-story that the Halakhah selected for its sustained articulation through norms of behavior. Rather, read as a continuous narrative, Scripture's account of Creation proceeds to the story of Adam and Eve and the loss of Eden by reason of rebellion against God's one commandment, that is, Man's sin in exercising free will.

There, and there alone, with Adam's and Eve's theft ("conversion") of what does not belong to them, comes the climax of Creation, the event that generates all that would follow. And the Sabbath is continuous with the matter, as we shall see in a moment. The tragedy of Man, played out from humanity's very beginning, is what gained sages' acute engagement. They reflected on the catastrophic beginnings from the distinctive perspective of Israel, whom Scripture portrays, and sages deem, Man's counterpart. For Israel too had had but lost its Eden. Through the Halakhah, the repair of Israel's social order in the cosmic context, the Rabbinic sages proposed to respond: to intervene and set matters right between God and Man through the reconciliation of God and Israel.

That is because, as Scripture explicitly told the sages, Israel in God's plan for Creation is comparable to Adam and Eve, the Land of Israel is comparable to Eden. Adam and Eve lost Eden, and Israel lost the Land. But while comparable to Adam and Eve, Israel also contrasts with them. We have already found an explicit statement to that effect, the key components of which are these:

- A. R. Abbahu in the name of R. Yosé bar Haninah: "It is written, 'But they [Israel] are like a Man [Adam], they have transgressed the covenant' (Hos. 6:7). ...
- C. "In the case of the first Man, I brought him into the garden of Eden, I commanded him, he violated my commandment, I judged him to be sent away and driven out, but I mourned for him, saying "How ... "[which begins the book of Lamentations, hence stands for a lament, but which, as we just saw, also is written with the consonants that also yield, 'Where are you']. ...

- J. “So too in the case of his descendants, [God continues to speak,] I brought them into the Land of Israel, I commanded them, they violated my commandment, I judged them to be sent out and driven away but I mourned for them, saying, “How... .”

GENESIS RABBAH XIX:IX.2

Comparing the First Man and Israel, the Halakhic part of the story would play itself out in Halakhic constructions focused on the Sabbath. But the center of interest lay not solely on the matter of Sabbath Repose, as we shall see in the present and in the next chapter. Rather, the relationship of Man to Eden forms the paradigm for Israel’s relationship to the Land, examined in the present chapter; the relationship of Sabbath time to Sabbath space—the recovery and localization of Creation—defines the point at which the motifs, Sabbath, Land, and Israel come together, examined in Chapter Four.

In both components what is the role of the Halakhah in telling its part of the tale? Seeking the paradigm contained within the story, sages recast Scripture’s story in native categories of the Halakhah. This they do by identifying within the details the three principal components of a continuous account of cause and outcome: [1] commandment, [2] disobedience, [3] exile.<sup>1</sup> Now, the analogy in hand, we ask, what about the contrastive step in analogical-contrastive reasoning? The contrasts would then register in these terms: Adam and Eve had one commandment, but no Torah. In one way they compare to Israel. Israel had many commandments. But in another way they do not, for, by contrast Israel possessed the Torah. And that would make all the difference. Specifically, like Adam, endowed with free will, but unlike Adam, subject to God’s dominion in the Torah, Israel would be educated by the Torah. Through keeping the commandments as an act of free will doing God’s will, Israel would succeed where Adam and Noah had failed: realizing God’s plan in Creation. How would the Torah make the difference? Living in God’s kingdom and keeping God’s laws would teach Israel to obey willingly and so freely, uncoercedly, to love God with the entirety of the heart and soul and might. The Torah’s Halakhah, then, would be read by sages as a massive exercise in the regeneration of Adam, Man, into Israel. Then by “Israel” is meant, Man that, subject to the Torah, is reformed so as willingly to obey God.

How this Halakhic process of regeneration would play itself out

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<sup>1</sup> The details of Scripture’s account of commandment and disobedience would be recovered in very subtle ways, as the third section of this chapter will show.

and take up a position in the narrative conducted jointly by Scripture, the Aggadah, and the Halakhah, all together, will preoccupy us for much of the present study. Here it suffices to point to the principal issues. Specifically, two great themes would shape Rabbinic thinking within the Halakhah. These are, first, the distinction between ownership and contingent possession of Eden and the Land; and, second, the mission of Israel to show how by obedience to the Torah Israel overcomes the human condition of rebellion. Only through Halakhic formation could a kind of human being be formed for life in God's kingdom. Guided by the Torah, Israel is able to bring about the regeneration of Man altogether.

What makes the Halakhah critical to the narrative is simple. That program of regeneration is realized not merely in a general attitude of acceptance of God's dominion. It is in very specific exercises that demonstrate in concrete ways precisely *how* Israel contrasts with Adam, how, faced with the challenge set to Adam, Israel responds regenerately. Both themes—the distinction between ownership and possession, the utilization of the Land in a way that contrasts with Adam's and Eve's utilization of Eden—would be fully realized within native category-formations of the Halakhah. There, and only there, Judaism could tell these critical chapters of its story.

How, then, does the Sabbath enter in? These themes carry us beyond the six days of Creation and the seventh day of Repose. They require us to recapitulate the tragedy of Adam's and Eve's fall from Eden. This is expressed, to begin with, in a striking way. Stepping outside the limits of Scripture, sages portray the fall of Adam as integral to the narrative of Creation. The following represents a different telling of the tale from Scripture's:<sup>2</sup>

#### I:XII.1.

- A. What was the order of the Creation of the first Man? [The entire sequence of events of the Creation and fall of Man and Woman took place on a single day, illustrating a series of verses of Psalms that are liturgically utilized on the several days of the week.]

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<sup>2</sup> That the sin took place on Friday is not the only reading of matters; later on we shall encounter a different version, which places the entire matter at the beginning of the week beyond Creation. Placing the crucifixion on Friday, with those final three hours corresponding to the same in the account that follows, follows the logic of the Christian theology that renders Jesus the last Adam, atoning for the sin of the first that defines the human condition. But Christianity's story of Creation is not the topic of this book.

- B. In the first hour [of the sixth day, on which Man was made] the dirt for making him was gathered, in the second, his form was shaped, in the third, he was turned into a mass of dough, in the fourth, his limbs were made, in the fifth, his various apertures were opened up, in the sixth, breath was put into him, in the seventh, he stood on his feet, in the eighth, Eve was made as his match, in the ninth, he was put into the Garden of Eden, in the tenth, he was given the commandment, in the eleventh, he turned rotten, in the twelfth, he was driven out and went his way.
- C. This carries out the verse: "But Man does not lodge overnight in honor" (Ps. 49:13).

ABOT DER. NATAN I:XII.1

The narrative of the tragic twelve hours, the day, of Man, omits the details of Scripture so as to highlight what, to the theologoumenon before us, really counts. That is the inexorable sequence of events, from the moment of Creation to the hour of expulsion. So the story of Adam's and Eve's disobedience is linked to the very process of the acts of Creation. The elaborate narrative of Scripture is alluded to but not recapitulated. Scripture's account of God's discourse with Adam and Eve, the intervention of the snake, and God's response to Adam's, Eve's, and the snake's denial of responsibility—that rich and dense narrative is recapitulated in the three hours of the sixth day that are merely alluded to here. Within the Halakhah, we shall see, these matters make their impact. But the main point here is simply stated in the sequence of those awful hours.

That is because, for its part, the Halakhah would want to contribute its own chapters to the story. Specifically, it would propose in its own mode of discourse, using its own facts, to introduce into the account of Creation the story of Israel's response to Adam's and Eve's failure, and this would be in two ways.

First, while Adam and Eve tended Eden disobediently, Israel would learn to treat its Eden, the Land, in a way that showed its willing acceptance of God's dominion. The commandments of the Torah would teach them how to do so.

Second, while Adam and Eve treated Eden as though they owned it, not merely possessing its usufruct, Israel by its deeds would demonstrate the true state of affairs. Israel does not own the Land any more than Adam and Eve owned Eden. It enjoys the possession of the Land contingently and stipulatively, and so conducts itself as to acknowledge who is in charge and who is subordinate. That fact establishes the distinction between ownership and possession to which I alluded at the outset.

The Halakhah thus takes a position at the end of the story and looks backward. It identifies the principal turnings and their consequences, then places the whole—Adam and Eve in Eden, Israel in the Land—into that global perspective captured in R. Abbahu's composition. But from that perspective, the Halakhah would then systematically prescribe acts of commission and of omission that would represent responses to Scripture's account of matters. The Halakhah that we shall take up looks backward upon Eden and forward, to Israel in the Land. But in so stating I have gotten ahead of my story.

## II. *Ownership and Possession: The Story Told by Shebiit*

We turn back to the simple question: who owned Eden? The answer, self-evidently, can only be, God, who made Eden, owned Eden, but gave rights of possession to Adam and Eve. That concession of usufruct is signified by the stipulation that, in Paradise, they might eat of everything but one thing. The act of rebellion against that commandment would then signify the end of innocence, the beginning of the capacity to sin that is embodied in the knowledge of the difference between good and evil. Now, the Halakhah interests itself in the principle yielded by the case, the consequence of asking the question, whose will takes priority? And the case supplies only one answer, God's will, as creator, over Man's will, as the created. Then, as a matter of right, God owns, and Man uses. That distinction between ownership and possession forms the generalization yielded by the story.

Given the context of the story—Creation, with its climax at the Sabbath marking the perfection of Creation—we may not find surprising that it is in particular in the context of the Sabbath and the Land that the Halakhah realizes its exploration of that distinction. But Sabbath and Land form the setting in which the distinction plays itself out. The active force in the Halakhah derives from the interplay of intentionality, attitude, and will, God's and Man's. As we shall see, how Man sees matters dictates how matters are sorted out; Man's attitude and perception, not the material actualities of the case, determine the outcome. That the human will proves determinative also poses no surprise, since the generative conflict of the Creation-story, beginning to end, poses God's against Man's will. Hence, start to finish, the Halakhah will raise to the level of normative conduct the intangibilities of feeling and perception. And when drawing the distinction between ownership and possession, the

Halakhah will identify as the independent variable Man's own intentionality, variously framed.

The distinction between ownership and possession — God's ownership, Man's stewardship — is simply stated. I own what is wholly subject to my will. I possess and have the right to utilize but do not own what is subject to not only my will but that of another. Eden is owned by God, but possession is accorded to Man, The Land is owned by God, but to Israel, rights of possession are assigned. On specified occasions, then, the Owner imposes his will upon the property, and, given the context, the Halakhah identifies the Sabbath, the moment of sanctification of Creation, as the moment of the assertion of dominion. Then God blessed and sanctified, and the act of sanctification embodies the claim of ownership — when God is concerned, by definition! So the Sabbath will precipitate the occasion.

How does the Halakhah convey the distinction and the story implicit therein? It instantiates in rich detail the story of the exercise by the Owner of his full right to do what he wished with what belongs to him: evict the faithless tenant. Scripture provides the answer to that question in its presentation of the Halakhah of the Sabbath as pertaining to the Land. Like Eden, the Land is not to be worked on the counterpart of the Seventh Day, in the Seventh Year of the Sabbatical cycle beginning at Israel's entry into the Land. And like Adam, Israel will lose the Land if it disobeys that provision of the Torah, meaning, if the Land is denied its Sabbaths. The Halakhah of the Seventh Year, the Sabbatical Year, in the native category-formation, Shebiit, explicitly treats Israel's disposition of the Land of Israel as the counterpart of Adam's conduct in Eden. Just as Adam lost Eden for improperly disposing of the produce of Eden, so Israel would lose the Land for improperly disposing of the Land and its produce. That is stated explicitly by Scripture and then elaborated upon by the Halakhah of Shebiit

Let us begin with the comparison of Eden and the Land of Israel. That comparison is drawn explicitly at Lev. 25:1-8:

“When you enter the land that I am giving you, the land shall observe a Sabbath of the Lord. Six years you may sow your field and six years you may prune your vineyard and gather in the yield. But in the seventh year the land shall have a Sabbath of complete rest, a Sabbath of the Lord; you shall not sow your field or prune your vineyard. You shall not reap the aftergrowth of your harvest or gather the grapes of your untrimmed vines; it shall be a year of complete rest for the land. But you may eat whatever the land during its Sabbath will produce — you, your male and female slaves, the hired-hand and bound laborers

who live with you, and your cattle and the beasts in your land may eat all its yield.”

Just as Eden enjoyed a Sabbath, at the end of the six days of Creation, so the Land is to enjoy a Sabbath, at the end of six years of labor. Here the critical details are two: not working the Land in the Seventh or Sabbatical Year, not taking possession of the crops but leaving the fields as if ownerless, so that anyone may gather the produce.

That the Sabbatical Year marks the point at which ownership is relinquished is underscored at Dt. 15:1-3, which provides for the remission of debts at that enchanted moment:

“Every seventh year you shall practice remission of debts. This shall be the nature of the remission: every creditor shall remit the due that he claims from his neighbor; he shall not dun his neighbor or kinsman, for the remission proclaimed is of the Lord. You may dun the foreigner, but you must remit whatever is due you from your kinsmen.”

The view of the interim end-time set forth at Lev. 26 then specifies what is at stake in the Sabbatical Year afforded to the Land, comparable to the Sabbath of Creation that Israel celebrates. That is the loss of the Land, thus Lev. 26:33-35:

“I will scatter you among the nations and I will unsheathe the sword after you; and your land shall be a desolation and your cities shall be a waste. Then the Land shall enjoy its Sabbaths as long as it lies desolate, while you are in your enemies’ land; then the Land shall rest and enjoy its Sabbaths. As long as it lies desolate, it shall have rest, the rest that it had not in your Sabbaths when you dwelt upon it.”

So too, Lev. 26:43 articulates matters:

“But the Land shall be left by them and enjoy its Sabbaths while it lies desolate without them; and they shall make amends for their iniquity, because they spurned my ordinances and their soul abhorred my statutes.”

That comparison having been established, we ask how the Halakhah

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<sup>3</sup> Throughout I follow the doctoral dissertation, including the Mishnah- and Tosefta-translation, prepared in my seminar, of Louis E. Newman, *The Sanctity of the Seventh Year: A Study of Mishnah Tractate Shebi'it* (Chico, 1983: Scholars Press for Brown Judaic Studies). I further draw heavily upon Alan J. Avery-Peck, *The Talmud of the Land of Israel. A Preliminary Translation and Explanation*. Volume 5. *Shebi'it*. Jacob Neusner, General Editor (Chicago, 1991: The University of Chicago Press). These are signified by reference to the named author and page-number.

elaborates on the distinction between ownership and possession, with Eden/the Land as the model.<sup>3</sup>

How does the distinction of ownership from possession come to concrete expression in the Halakhah? It is by the owner's decree that what the householder deems his possession in fact belongs, at the owner's instance, to everybody, not just to the householder. I can think of no more eloquent statement that when the householder thinks he owns he in fact possesses merely as to usufruct, and then temporarily. In removing from the householder the right to dispose of the crop as he sees fit, the Halakhah, realizing the intent of Scripture, restates in its mode of discourse the entirety of its part of the Creation-story: Adam and Eve never really owned Eden and proved poor tenants at that.

But how does the Halakhah of Shebiit say so? If I had to select a single component of the Halakhah of Shebiit that captures the whole, it would be in the prohibition of hoarding produce of the Seventh Year. The point of the Seventh Year is to suspend rights of private ownership of the Land; at the time that the Land lies fallow, no one may exercise his dominion or will over it or its produce. That is the point at which God asserts his ownership: when those that possess the Land give it up at his instance for a year. That principle is expressed by the prohibition against hoarding, meaning, taking more than one's immediate needs into one's own, private possession. That is to say, since in that year the produce of the Land belongs to everyone and is owned by no one but God, people may not take more than their fair share of that produce.

That is signified by collecting from the fields what they require for their own use for a given span of time. If they were to bring the crop into their households, as they do in other years in taking possession of it, that would deny others equal assets to the produce of the Land. Accordingly, householders may not store up in their households the produce of their own fields. At a particular time in the year approaching the Seventh Year, it becomes forbidden to harvest and take possession of crops that pertain to that year. The prohibition is progressive, as the crops ripen through the Land. At the specified time, the hoarded (stored) crops must be brought out and removed from the household, left in public for anyone to take, without so much as a word of thanks. Here is how the Halakhah expresses the matter. The key point is, once a crop disappears from the field, that same crop stored in the household must be removed, put into the public domain.

NOT HOARDING SEVENTH YEAR PRODUCE:  
THE LAW OF REMOVAL

- M. 9:2-3 Three regions [are delineated] with respect to [the laws of] removal: Judah, Transjordan, and Galilee. And each of these [is divided] into three regions. [The Galilee is divided into]: the upper Galilee, the lower Galilee and the valley. From Kefar Hananiah and northward, all [places] in which sycamores do not grow] are regarded as] upper Galilee. And from Kefar Hananiah and southward, all [places] in which sycamores do grow [are regarded as] lower Galilee. And why have they stated [that the three main areas are each divided into] three regions? That they may eat [produce of the Sabbatical year] in each region only until the last [produce] of that region is gone [without regard to whether or not such produce remains in the other regions]. [At that point people may not hoard the produce but must remove it from their homes, affording all Israelites equal access to the limited food supply (Avery-Peck, p. 305).]
- M. 9:4 They may eat [produce of the Sabbatical year which they have gathered into their homes only] by virtue of the fact that ownerless produce [is available in the fields], but [they may] not [eat such produce] by virtue of the fact that [it is found] in protected [places, where it is inaccessible to the animals of the field].
- T. 7:14 They may [continue to] eat figs [of the seventh year which they have brought into their homes] until the undeveloped figs disappear [from the fields of] Beth Oni [cf. M. Sheb. 9:4].
- M. 9:6 One who gathers fresh herbs [of the Sabbatical year may eat that which he gathered] until the [ground] moisture (lit: "sweetness") dries up. One who gathers dried plants [of the Sabbatical year may eat that which he gathered] until the second rainfall. [One who gathers fresh] leaves of reeds or leaves of vines [during the Sabbatical year may eat that which he gathered] until they fall off their stems. And one who gathers dried [leaves of reeds or vines during the Sabbatical year may eat that which he gathered] until the second rainfall.
- M. 9:7 And likewise [the time of the second rainfall is determinative in the following cases]: One who leases a house to his fellow, "Until the rains," — [The renter retains possession of the house] until the second rainfall. One who has vowed [not to] benefit from his fellow, "Until the rains," — [the vow remains in force] until the second rainfall. Until when may the poor enter the orchards [to glean the corner of the field]? Until the second rainfall. After what time may they derive benefit from or burn straw and stubble [of the Sabbatical year]? After the second rainfall.
- M. 9:8 One who has [in his possession] produce of the Sabbatical year when the time for removal [of that produce] arrives, allots food [enough for] three meals for each [member of his household and then removes any remaining produce].
- T. 8:1 A. In the past, agents of the court would sit near the gates of the cities. [From] each person [who harvested produce of the seventh year

and] who carried it [to them, these agents] would take it from him and return to that person [enough] food for three meals [cf. M. Sheb. 9:8A-B], and the remainder they would deposit in the city's storehouse. When the time for [harvesting] figs arrived, the agents of the court would hire workers [to harvest them], harvest [the figs], press them into cakes of pressed figs, place them in jars and deposit [these jars] in the city's storehouse. When the time for [harvesting] grapes arrived, the agents of the court would hire workers [to harvest them], harvest the grapes, press them in presses, place the wine in jars and deposit [these jars] in the city's storehouse. When the time for [harvesting] olives arrived, the agents of the court would hire workers [to harvest them], harvest the olives, pack them in a vat, place them in jars and deposit [these jars] in the city's storehouse. And they would distribute [portions] of this [stored-up produce] on the eve of the Sabbath [and] each person [would receive an amount of produce] in accordance with [the size of his household].

The Halakhah systematically, and in dense detail, thus insists that, in the Sabbatical year, the householder relinquishes all special claims to the fields that he possesses. That means, he has no more right to the crops of the fields than anyone else in the Land of Israel, and he may not deny to others access to them. But all who dwell in the Land, not just the householder, utilize the crops only on God's conditions. And that explains why the produce of the Land in the Sabbatical year is treated in accord with the restrictions that govern other portions of the crops that belong to God.

The law of removal, which prevents hoarding, is part of the larger account of who may eat the produce of the ownerless fields that the Land comprises in the Sabbatical year, and how people are to obtain food during the Sabbatical year. The following passage of Sifra expands on the same theme:

Sifra CCXLVI:1.

10. A. "[The Sabbath of the land shall provide food] for you":  
B. not for others.
11. A. "... food":  
B. not for presenting meal-offerings from that produce, nor for presenting drink-offerings from it.
12. A. "... for yourself and for your male and female slaves":  
B. What is the point of Scripture here?  
C. Since it is said, "[For six years you shall sow your land and gather in its yield, but the seventh year you shall let it rest and lie fallow,] that the poor of your people may eat; and what they leave the wild beasts may eat. You shall do likewise with your vineyard and with your olive orchard]" (Ex. 23:10-11),

- D. I might have supposed that produce of the seventh year may be eaten only by the poor alone.
- E. How do I know that even the rich may eat it?
- F. Scripture says, “for yourself and for your male and female slaves.”
- G. Lo, wealthy landowners are covered, bondmen and bondwomen are covered.
- H. Then why is it written, “that the poor of your people may eat”?
- I. “The poor, but not the rich, may consume the available crop after the removal of stored crops from the household,” the words of R. Judah.
- J. R. Yosé says, “All the same are the poor and the rich: all of them may consume the crop after the time for the removal of stored crops from the household has come.”

What follows once more stresses that the food grown not through cultivation in the Sabbatical year must be treated as sanctified, in that it may not be wasted or used for any purpose other than nourishing life. That is because it belongs to God, who shares what is his with Man:

- 13. A. Another matter concerning the statement, “that the poor of your people may eat; [and what they leave the wild beasts may eat]”:
  - B. What is suitable for human consumption is given to human beings.
  - C. What is suitable for animals is given to animals.
- 14. A. “... and for your hired servant and the sojourner”:
  - B. from among gentiles.
- 15. A. “... who lives with you”:
  - B. this serves to encompass guests.
- 16. A. “... for your cattle also and for the domesticated beasts”:
  - B. What is the point of Scripture here [for the point can be made without specifying both categories of beasts]?
  - C. If a wild beast, which is not within your domain, lo, it may eat [produce of the seventh year],
  - D. a domesticated cattle, which is within your domain, surely should eat produce of the seventh year!
  - E. If that were the case, then I should say, let the farmer collect produce for his domesticated beast and let the beast consume that fodder without limit of time,
  - F. in which case how am I to carry out the requirement of removing stored produce of the seventh year along with the produce that serves for human consumption?
  - G. Then is the domesticated beast truly going to eat produce without limit [ignoring the limit imposed by the requirement of removal]?
  - H. When Scripture says, therefore, “for your cattle also and for the domesticated beasts,”

- I. it draws an analogy between the domesticated beast and the wild beast, indicating,
  - J. so long as a wild beast finds produce of a given sort growing wild in the field, a domesticated beast may eat produce of that same sort in the barn. But when the produce of that sort has disappeared from the field, then the produce of the same species is no longer to be made available to the domesticated beast in the barn. [The law requires people to remove produce of the sabbatical year from their homes when edibles of the same species are no longer available for people to gather from the field; once all vegetables of a certain type have been gathered or have dried up, people may not longer retain in storage similar vegetables in their homes (Newman, *op. cit.*, p. 179). This same rule extends to fodder.]
20. A. "... for food":
- B. and not to use it for aromatic sprinkling,
  - C. not to make ointment with it,
  - D. not to make poultices with it,
  - E. and not to make an emetic with it.

These points prove coherent with the exposition of the Halakhah of Shebiit set forth in the Mishnah and the later documents.

Now to turn to the Halakhah in its fullness. The Halakhah of Shebiit sets forth the law that in relationship to the Land of Israel embodies that conviction. The law systematically works through Scripture's rules, treating

- [1] the prohibition of farming the land during the seventh year;
- [2] the use of the produce in the seventh year solely for eating, and
- [3] the remission of debts.

During the Sabbatical year, Israel relinquishes its ownership of the Land of Israel. At that time Israelites in farming may do nothing that in secular years effects the assertion of ownership over the land (Avery-Peck, p. 2). Just as one may not utilize land he does not own, in the Sabbatical year, the farmer gives up ownership of the land that he does own. So much for the topic. What defines the particular problems that attract sages attention? The problematic of the tractate is the interplay between the Land of Israel, the People of Israel dwelling on the Land of Israel, and God's Sabbath, and what imparts energy to the analysis of the law is the particular role accorded to Man's—Israelite Man's—intentionality and attitude. These form the variable, to be shown able to determine what is, or is not, permitted in the holy time of the seventh year. Specifically, the focus of the law of Shebiit as set forth in the Mishnah centers

upon the role of the human will in bringing about the reordering of the world. By laying emphasis upon the power of the human will, sages express the conviction that the Israelite has the power by an act of will to restore Creation to its perfection. That is why the details of the law time and again spin out the implications of the conviction at hand, that all things depend upon Man's intentionality in a given action or Man's likely perception of an action. The direct intersection with the story of Creation cannot be missed. The tragedy of Eden came about by reason of Man's exercise of his free will to rebel against God's will. How the Israelite exercises his free will then forms the center of interest. The Halakhah stresses, in one native category-formation after another, the power of the Israelite will to dictate the issues of the material world and their outcome.

In this connection Newman states, "The cornerstone of the Mishnah's theory of the Sabbatical year is that ordinary Israelites, through their actions and perceptions, play a role in determining how the agricultural restrictions of the Sabbatical year apply... they have the power within specified limits to decide when, how, and where the laws of the Sabbatical year take effect" (Newman, p. 17). Newman amplifies in the following way (Newman, p. 19):

The sanctity of the seventh year depends in the last analysis upon the actions and will of the people of Israel. They are the instruments of sanctification. The Israelite farmer when he cultivates his field during the sixth year helps to determine when the restrictions of the seventh year first take effect. The perceptions of Israelites when they see others who appear to be violating the law play a role in defining what, in fact, is permitted behavior. Finally, Israelites, merely by dwelling in their Land, increase its holiness... The Mishnah affirms that what Israelites do to their land is decisive, the way in which they perceive the world is definitive. The message of tractate Shebiit then is that the sanctity of the seventh year is activated and regulated by the thoughts and deeds of the community of Israel.

The upshot is simply stated. The Israelite possesses free will just as did Adam and Eve. Through his exercise of his free will, the Israelite brings about the encounter between Israel's will and God's will. The outcome can and should be, the demonstration, in the very setting in which Adam and Eve stumbled, the setting of nature subject to God's dominion and ownership, that Israel has learned the lessons of Eden. Just as an act of will brought about sin and exile, so an act of will can bring about sanctification.

Developing the same point, Avery-Peck (pp. 4-5) states the matter in this language:

The authorities of Mishnah Shebiit question the role of human intention and perception in defining what labor is forbidden or permitted under the Sabbatical law. The tractate answers this question along lines familiar from the legal ideology expressed throughout Mishnaic law. [They] insist that observance of the Sabbatical restrictions does not simply require cessation during the Sabbatical year of all field labors that promote the growth of crops. While they recognize that what is permitted or forbidden must be judged on the basis of its effect upon the crops, their understanding is significantly colored by two caveats, first, that this judgment applies no matter when the labor is performed, and, second, that in judging the labor's permissibility, we must examine the intentions of the individual who performs it. In light of these premises, tractate Shebiit pointedly expresses the idea that ordinary Israelites play a central role in determining how, when, and where the agricultural restrictions apply. Israelites determine how these restrictions apply insofar as the Mishnah views an action to be permitted so long as the individual who performs it does not intend to break the rules of the seventh year.

For example, during the Sabbatical year an individual may gather stones from a field or trim trees, even though these labors comprise acts of cultivation. This is the case so long as the person does not intend to cultivate the land but only wants to gather material for building. Israelites determine when the Sabbatical restrictions apply... In the Mishnah's view, the Sabbatical restrictions operate as a response to Israelites' actions in tilling and planting the soil. They are not confined to the divinely ordained seven year cycle described by Scripture. And Israelites determine where the Sabbatical restrictions apply insofar as... these restrictions apply to varying degrees in different areas of the land of Israel, depending upon the length of time that Israelites have dwelled in the particular area... The Mishnah develops Scripture's rules on the basis of the rabbis' unique theory of the centrality of the Israelites' intentions and desires in defining what does or does not conform to God's will... they do so by focusing upon the power of individual Israelites. They thus recognize no order in the world other than that imposed by Israelites who, through their own intentions and perceptions, give meaning to their activities in planting, tilling, and harvesting produce on the land of Israel. In the Mishnaic authors' view, there is no absolute right or wrong, holy or profane. The character of an individual's actions is determined... on the basis of his particular intentions and perspectives.

Both concur, then, that the legal problems to be resolved derive from the uncertainties involved in assessing where, when, and why Man's will intervenes in the realization of the Written Torah's laws of the Sabbatical year. The paramount problematic of the Halakhah derives from the role and power of Man's attitude and intention and perception.

How, in concrete terms, do we locate the legal expressions of the problematics at hand? When we consider the rules for the sixth year, we find close attention to work that, performed prior to the Sabbatical year, is intended to benefit the crops in the Sabbatical year itself. I cite some of the Halakhah in its own language, so that we see how large conceptions are mediated into the small transactions of ordinary life.

CEASING IN THE SIXTH YEAR WORK THAT BENEFITS THE CROP IN THE SEVENTH YEAR: ORCHARDS, GRAIN FIELDS

- M. 1:1 [The restrictions of the Sabbatical Year begin to apply at the end of the sixth year.] Until what time do they plough an orchard during the year preceding the Sabbatical year? As long as [the plowing] continues to benefit the produce [of the Sixth Year].
- M. 2:1 Until what time do they plough in a field of grain during the year preceding the Sabbatical year? Until the moisture [in the ground] is gone.

CEASING IN THE SIXTH YEAR WORK THAT BENEFITS THE CROP IN THE SEVENTH YEAR, AND LABOR THAT IS PERMITTED BECAUSE THE EFFECTS OF THE WORK PERTAIN MAINLY TO THE SIXTH YEAR

- M. 2:2 They (1) manure and (2) hoe in fields of chatemelons and in fields of gourds until the New Year [of the Sabbatical year]. And likewise: they [manure and hoe] in an irrigated field [until the New Year of the Sabbatical year].
- T. 1:4 In the year preceding the seventh year, they sell manure to, and bring it out [to the field of,] an Israelite who is suspected [of transgressing the laws] of the seventh year [but they do not do these things after the beginning of the seventh year], and [with regard to selling manure to, or bringing it out to the field of,] a gentile or a Samaritan—even during the seventh year, it is permitted. Until what time is it permitted to manure [a field]? As long as one is permitted to plow, one is permitted to manure [cf. M. Sheb. 2:2].
- M. 2:3 They (7) remove stones [from a field] until the New Year [of the Sabbatical year]. They (8) trim [trees], (9) clip [branches] and (10) prune [trees] until the New Year [of the Sabbatical year].

CEASING IN THE SIXTH YEAR WORK THAT BENEFITS THE CROP IN THE SEVENTH YEAR: INTERSTITIAL CASES. THE RESULT OF THE WORK MAY PERTAIN TO EITHER THE SIXTH OR THE SEVENTH YEAR

- M. 2:7 (1) Rice, (2) durra, (3) millet, and (4) sesame, that took root before New Year [of any year in the Sabbatical cycle], are tithed according to the [rules which apply to produce of the] previous year, [the year in which they were planted]. And [if they were planted in the Sixth Year],

they are permitted during the Sabbatical year [they are not subject to the restrictions which apply to Seventh Year produce].

- Y. 2:7 I. Rice, durra, [millet, and sesame: As for fruit: [in determining susceptibility to tithing] they follow [the rules for the year in which it reaches] a third [of its growth]. And as for rice: they follow [the year in which it] takes root. And as for vegetables: they are subject to tithes [according to the rules for the year] in which they are picked.
- M. 2:9 (1) Shallots and (2) Egyptian beans, which one deprived of water thirty days before the New Year, are tithed according to the [rule which applies to produce of the] previous year, and [if they were planted in the Sixth Year] they are permitted during the Sabbatical year. And if not [if one did water them within thirty days of the New Year of the Sabbatical year], they are forbidden during the Sabbatical year, and [if they were planted in any year of the Sabbatical cycle other than the sixth], they are tithed according to the [rule which applies to produce of the] following year.
- M. 2:10 Gourds which one stored [in a field] in order [later to break them open and gather their] seeds — if they became hard [and dry] before the New Year of the Sabbatical year [so that the seeds are ready to be gathered], and [if the gourds themselves] became unfit for human food, one is permitted to tend them [to gather the seeds during the Sabbatical year. [Since these seeds are produce of the Sixth Year, the farmer may gather them even after the Sixth Year begins.] And if not [if the gourds do not harden before the New Year so that the seeds are not yet ready to be gathered], one is forbidden during the Sabbatical year to tend them, [Since these vegetables, including the seeds, are produce of the Sabbatical year, the farmer may not gather their seeds for his own use].

Since, manifestly, the action itself, viewed in isolation from its effects, does not take place in, and therefore has no bearing upon, the Sabbatical year, the priority of the farmer's intentionality in assessing his action becomes blatant. Through their own actions, manifestly intended to affect the crop in the Sabbatical year itself, Israelite farmers inaugurate the prohibitions of the Sabbatical year.

I stressed at the outset the critical importance of Man's perception of things, the priority of human attitude and intentionality over the material condition of matters. The prohibition against working the Land extends to the appearance of doing so, as the following Halakhic corpus makes clear:

THE PROHIBITION AGAINST WORKING THE LAND IN THE SEVENTH YEAR:  
APPEARING TO CULTIVATE THE LAND

- M. 3:1 Appearing to fertilize the field: From what time [during the Sabbatical year] may they bring manure [out into the field to pile it up]

in dung heaps [for use during the following year]?

- M. 3:2 [In accordance with the rule of M. 3:1], how much manure [may they bring out to a field during the Sabbatical year]? Up to three dung heaps per seah space [of land], each [dung heap containing no less than] ten baskets [of dung], each [basket containing a volume of no less than] a letek [fifteen seahs of dung].
- T. 2:14 [During the seventh year] they do not gather grass [which grows] on dung, but they may gather [loose pieces of] straw [which have been mixed in with the dung]. They add straw or stubble [to a dung-heap] in order to increase [its volume]. They add water [to a dung heap] so that it will decompose. And they hoe it so that it will swell.
- M. 3:3 A Man constructs within his field three dung heaps per seah space. A person places [all] the manure in his possession in [one large] pile. If one had a small amount [of manure already piled up in the field], he continually adds to it.
- M. 3:4 One who uses his field as a fold [for his flock during the Sabbatical year, which results in the spreading of manure throughout his field], makes an enclosure [that measures] two seah spaces in area. [After the enclosed area is filled with manure he creates a second fold adjacent to the first]. He removes three sides [of the original enclosure] and leaves the middle side [that is, the fourth side, in place. With the other three sides of the original fold he creates a second enclosure of the same size]. The result is that he creates a fold [with an area] of four seah spaces.
- T. 2:19 They construct enclosures using all [types of materials]: with (1) stones, (2) matting, (3) straw, (4) reeds, and (5) stalks. They may make an enclosure] even with three ropes, one on top of another, so long as there is not a space of [more than] three handbreadths between [one] rope and another, [that is, sufficient space] for a young goat to enter.
- M. 3:5 Appearing to clear the field for planting: [During the Sabbatical year] a Man may not begin to open a stone quarry in his field, unless it contains [enough stones to construct] three piles [of hewn blocks], each [pile] three [cubits long] by three [cubits wide] by three [cubits] high, [so that] their measure is [equivalent to] twenty-seven stones. [That is, each pile must contain no less than twenty-seven blocks, each measuring one cubic cubit].
- T. 3:3 A rock which lies [partly buried] in the ground, and [its] tip juts out from it [that is, through the earth] — if it [viz., the tip, considered by itself] is of this measure [viz., one cubic cubit; cf. M. Sheb. 3:5], it is permitted [to remove it]. And if not [that is, if the tip of the rock is smaller than this], it is forbidden [to remove it].
- M. 3:6 A wall consisting of ten stones, [each of which is so large that it is capable of being] carried [only] by two men — lo, these [stones] may be removed [from the field] during the Sabbatical year. [The preceding rule applies only if] the height of the wall is ten handbreadths. Less than this [if the wall is less than ten handbreadths high], he may chisel

[stones from the wall], but he may level it [the wall] only until it is one handbreadth from ground level. [This indicates that he is not clearing the land for cultivation].

- M. 3:7 Stones that a plough moved, or that were covered [in the ground] and were uncovered [after plowing]—if there are among them two [stones so large that they are] capable of being carried [only] by two men, lo, these [stones] may be removed. One who removed stones from his field, removes the topmost ones and leaves those which are touching the ground. And so [in the case] of a heap of pebbles or a pile of stones—one removes the topmost ones and leaves those which are touching the ground. If there is beneath them [the pebbles or stones] a [large] rock or straw, lo, these [stones also] may be removed.
- T. 3 :7 Olives [that began growing during the] year preceding the seventh year and continued [growing] during the seventh year— they (1) clear stones [from the ground surrounding the olive tree], (2) remove thorns, (3) fill holes that are under them [the trees' roots] with dirt, (4) dig trenches from one [tree] to another. Moreover, even in the case of olives [that began growing during the] seventh year and continued [growing] during the year following the seventh year, it is permitted to do so [that is, to perform the types of labor listed at B] [cf. M. Sheb. 3:7-9].

The rules for working the land during the Sabbatical year make the further point that, so long as the farmer intends to carry out a permitted purpose, his labor is permitted, even though his labor has the secondary effect of cultivating the land (Avery-Peck, p. 8). The intention of the farmer has to be signaled, so that he does not appear to plan to violate the prohibitions of the Seventh year. When farmers remove stones from their fields to build with them, they may look as though they are clearing the land, and that appearance of violating the law must be avoided; they may stockpile manure but must not appear to fertilize the field. How people see the action dictates whether or not it may be done (Newman, p. 18). The importance of the union of the Israelite with the Land of Israel, a further point of continuing interest, comes to expression in the law that the Sabbatical year applies in varying degrees, depending upon how long Israelites have dwelled in a particular area (Avery-Peck, p. 9).

The utilization of the produce of the Seventh Year takes account of God's ownership of it. The produce cannot be used in a secular manner, e.g., wholly as Man would like. Here are the restrictions that pertain:

SPECIES OF PRODUCE THAT ARE DEEMED SANCTIFIED, THEREFORE  
PROHIBITED FOR COMMON USE, DURING THE SEVENTH YEAR

- M. 7:1 They stated an important general rule concerning [the laws of the Sabbatical year: All [produce] which is (1) fit for human consumption, animal consumption, or is a species [of plant used for] dyeing, (2) and which does not continue to grow in the ground [for longer than one season, i.e., plants which are not perennials] is subject to [the laws of] the Sabbatical year, and the money [received when the produce is sold] is subject to [the laws of] the Sabbatical year, [This produce also] is subject to removal [the produce must be removed from one's possession when similar produce is no longer available in the fields,] and the money [received when the produce is sold] is subject to removal. [This produce must be treated with the dignity owing to produce that has been consecrated, thus not weighed or measured like common commodities; and it must be used for food and not for some lesser purpose than nourishing Man.]
- T. 5:3 Pepperwort, 2) endive, 3) rose petals, and 4) oak-tree leaves, are subject to [the laws of] the seventh year, and the money received when the produce is sold is subject to [the laws of] the seventh year, and they are subject to removal, and the money [received when the produce is sold] is subject to removal [M. Sheb. 7:1C-F]. Lesbian-fig root, (2) rose root, and (3) oak-tree root, are not subject to [the laws of] the seventh year, and the money [received when the produce is sold] is not subject to [the laws of] the seventh year, and they are exempt from removal, and the money [received when the produce is sold] is exempt from removal.
- M. 7:2 And they stated yet another general rule [concerning the laws of the Sabbatical year]: All [produce] which is (1) fit for human consumption, animal consumption, or is a species [of plant used for] dyeing, (2) and which continues to grow in the ground [from one season to the next, i.e., plants which are perennials] is subject to [the laws of] the Sabbatical year, and the money [received when the produce is sold] is subject to [the laws of] the Sabbatical year. [But such produce] is exempt from removal, and the money [received from the sale of the produce] is exempt from removal.
- M. 7:3 The husk and blossom of pomegranates, walnut shells, and fruit kernels are subject to [the laws of] the Sabbatical year, and the money [received from the sale of this produce] is subject to [the laws of] the Sabbatical year. The dyer may dye [with produce of the Sabbatical year only] for himself, but [the dyer] may not dye for a fee, For they may not do business with: (1) produce of the Sabbatical year, (2) first fruits, (3) heave offering, 4) carrion, (5) meat from an animal which has not been properly slaughtered (6) animals the eating of which is forbidden, or (7) creeping things. And one may not buy vegetables which grow wild and sell [them] in the market. But [if] one gathers [vegetables], his son may sell [them] for him. [If] one buys [produce] for his

own use, and left [some of the produce unused], it is permissible to sell [the produce which remained].

- M. 7:4 One who buys a firstling [which is blemished and so, unfit for consumption by priests, cf. M. Bekhorot. 5:2] for his son's wedding feast or for a festival, and does not need it, is permitted to sell [the firstling]. Hunters of wild animals, fowl or fish who accidentally caught unclean animals [cf. Lev. 11:1ff.] are permitted to sell [such unclean animals].

The basic principle is, God has assigned to various classes of material things a particular purpose. That teleology governs when God's ownership is asserted. Then what is meant for food must be used as food and for no other purpose; in the Sabbatical year, God's plan for Creation dictates the uses of the crops. In other years, under other circumstances, the householder can utilize the crops any way he wishes, but not now:

#### RESTRICTIONS UPON USING SEVENTH YEAR PRODUCE

- M. 8:1 An important general rule they stated concerning [produce of] the Sabbatical year: All [produce] which is designated particularly as food for human beings — they may not make of it [such produce] an emollient for human beings, and, it goes without saying, [they may not do so] for cattle. But any [type of produce] which is not exclusively food for human beings [which is generally eaten by animals] — they may make of it [such produce] an emollient for human beings, but [they may] not [do so] for cattle. And any [type of produce] which is neither exclusively food for human beings nor for cattle [which may be eaten by either] — [if the one who gathers it] intends [to use] it as food for human beings and as food for cattle, they impose upon it the stringencies [which apply to food for] human beings, and the stringencies [which apply to food for] cattle [one may not use such produce as an emollient either for human beings or for cattle]. [If the one who gathers such produce] intends [to use] it [only] for wood, lo, it [this produce is deemed to be] like wood.
- T. 5:19 A. An oven that was fired with straw or with stubble of the seventh year must be cooled down [i.e., one may not cook with it]. They sell food for human beings and animal feed [in order] to buy [with the money received from the sale] food for human beings. But they may not sell animal feed [in order] to buy other animal feed. And it goes without saying that food for human beings [may not be sold in order] to buy animal feed.
- T. 5:20 Produce of the seventh year [which is fit for human consumption] — they do not feed it to cattle, to wild animals, or to fowl. If an animal walked on its own under a fig tree and ate figs, or under a carob tree and ate carobs, they do not require him [i.e., the owner or the farmer]

to chase the animal away, as it is written, “And your cattle and the beasts in your land may eat all its yield” (Lev. 25:7).

- M. 8:2 [Produce of the] Sabbatical year is permitted for [purposes of] eating, drinking and anointing [as a salve]. [One may eat that which is customarily eaten, and one may anoint [with] that which is customarily [used] for anointing. One may not anoint [with] wine or vinegar, but one may anoint with oil. And such [is the law] with respect to heave offering and second tithe. [The ruling regarding produce of the] Sabbatical year is more lenient than [the ruling regarding] them [heave offering and second tithe], for [produce of the Sabbatical year] is permitted for [purposes of] kindling a lamp.
- M. 8:5 They may not give [money received from the sale of produce of the Sabbatical year as payment of wages] to a well-digger, a bathhouse attendant, a barber or a sailor. But one may give [money received from the sale of this produce] to a well-digger [in exchange for water] to drink. [Since drawing water is not the well-digger’s job, this is not a payment of wages.] And to any of those [persons one may give money received from the sale of this produce] as a free gift.
- T. 6 :26 [As regards] ass-drivers, camel-drivers, and sailors, who performed their trade with produce of the seventh year [that is, who transported such produce]—their wages are [subject to the restrictions of] produce of the seventh year.
- M. 8:6 Figs of the Sabbatical year—they may not harvest them with a fig knife, but one may harvest them with an ordinary knife. They may not trample grapes in a vat, but one may trample [them] in a trough. And they may not prepare olives in an olive press or with an olive crusher, but he may crush them and place [them] in a small press.
- M. 8:7 They may not cook vegetables of the Sabbatical year in oil in the status of heave offering, so that one will not cause [the vegetables] to become invalid [so that the produce of the Sabbatical year will not be wasted in the event that the oil becomes unclean and must be burned].
- M. 8:8 They may not buy slaves, real estate or an unclean animal with money [received from the sale of produce] of the Sabbatical year. But if one [used money received in this way and] purchased [one of the things listed,] he must [purchase and] eat produce of equal value [to replace the produce of the Sabbatical year which he sold]. They may not buy (lit.: bring) bird offerings required of men who have suffered a flux, women who have suffered a flux, or women after childbirth with money [received from the sale of produce] of the Sabbatical year. But if one brought [such an offering], he must [purchase and] eat produce of equal value [to replace that which he sold]. They may not anoint [leather] garments with oil of the Sabbatical year. But if one anointed [a garment with such oil], he must [purchase and] eat produce of equal value [to replace that which he sold].

Here again we see how central is Man’s perception of matters, the decisive role of intentionality. The rules on using the produce of the

Sabbatical year likewise respond to the perceptions of Israelites and their intention with respect to food. Specifically, foods are subject to, or exempt from Sabbatical year prohibitions in accord with Israelites' view of the food as edible or inedible. A further point of some interest is that produce that ordinarily is used exclusively for food for human beings must serve that purpose and no other in the Sabbatical year; nothing may be treated in a wasteful manner. The food may also not be treated in a secular way, but, just as Holy Things and gifts to the priests may not be weighed out as in the market, e.g., sold by volume, weight, or fixed quantity, so produce of the Sabbatical year must be treated in the same way, that is, disposed of not in a calculated pattern. In all, as Avery-Peck concludes, "Through their actions and intentions, ordinary Israelites determine what conforms to or breaks the law of the Sabbatical year."

Though the answer is obvious, we have still to ask, what connects the Halakhah of the Sabbatical Year, which we have now surveyed, to the matter of Creation? What Israel is asked to do in the Land is repair the world damaged by Adam's and Eve's action. Israel is to accord to their Eden the Repose of the Sabbath, properly possessing what they did not own. In this way God's plan for Creation is realized in Israel's usufruct of his domain. "In modeling their lives on the perfected character of the universe that once existed, Israelites make explicit their understanding that this order will exist again, that God's plan for the Israelite people still is in effect... Israelites themselves, through their actions, participate in the Creation of that perfected world. They do this through their intentions and perceptions in defining proper observance of the Sabbatical year," so Avery-Peck (p. 6), providing a fine statement of the paramount religious principle of the Halakhah of Shebiit. The Halakhah before us therefore encompasses an eschatological dimension, or, rather, a restorative one: it aims at the restoration of Eden, with Eden defined as a condition, an occasion, not a location or an event. The Halakhah then forms a critical component in the formulation of Judaism's theology, not only in the telling of its story.

The Sabbatical Year recovers for the Land that perfect time of Eden when the world was at rest, all things in place. Then, before the fall, Man did not have to work hard for his sustenance; only afterward: "in the sweat of your brow you shall eat bread" (Gen. 3:19). But then, before the fall, there was no death; only afterward, "... until you return to the ground, for out of it you were taken" (Gen. 3:19). Why, then the insistence that, for the Sabbath, food was there for the taking? This too reverts to the condition of Eden. How so? Before the rebellion, Man picked and ate his meals freely. And, in

the nature of things, everything belonged to everybody; private ownership in response to individual labor did not exist, because Man did not have to work anyhow.

The advent of labor and private property marks the results of that original sin committed by Adam and Eve, and that is stated explicitly in the following formulation:

It has been taught on Tannaite authority: R. Simeon b. Eleazar says, "In my whole life I have never seen a deer collecting produce, a lion carrying a load, a fox keeping shop; yet all of them are supported without a whole of work, and yet they were created only for serve me, and I have been treated to serve my Creator: If these, who were created only to serve me are supported without a whole lot of trouble, and I am created only to serve my Creator—isn't it logical that I should be supported without a whole lot of trouble! But I acted evilly and so spoiled my living: 'Your iniquities have turned away these things' (Jer. 5:25)."

TOSEFTA QIDDUSHIN 5:15EFF.

The condition of nature ("A deer collecting produce") points to how things should be, the condition of Man, how things are because he has "spoiled his living." The Seventh Year then marks the restoration, for a time, of the moment of perfection, before Man's sin.<sup>4</sup>

Reverting to that perfect time, the Torah maintains that the land will provide adequate food for everyone, including the flocks and herds, even if people do not work the land. But that is on condition that *all claim of ownership lapses*; the food is left in the fields, to be picked by anyone who wishes, but it may not be hoarded by the landowner in particular. Avery-Peck (Avery-Peck, p. 3).states this matter as follows:

Scripture thus understands the Sabbatical year to represent a return to a perfected order of reality, in which all share equally in the bounty of a holy land that yields its food without human labor. The Sabbatical year provides a model through which, once every seven years, Israelites living in the here-and-now may enjoy the perfected order in which God always intended the world to exist and toward which, in the Israelite world view, history indeed is moving... The release of debts accomplishes for Israelites' economic relationships just what the agricultural Sabbatical accomplishes for the relationship between the people and the land. Eradicating debt allows the Israelite economy to return to the state of equilibrium that existed at the time of Creation, when all shared equally in the bounty of the Land.

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<sup>4</sup> But then the schedule, from Creation to fall on the first Friday, does not pertain.

The Priestly Code expresses that same concept when it arranges for the return, at the Jubilee Year, of inherited property to the original family-ownership:

“You shall count off seven weeks of years, so that the period of seven weeks of years gives you a total of forty-nine years... You shall proclaim release throughout the land for all its inhabitants. It shall be a jubilee for you; each of you shall return to his holding and each of you shall return to his family”

LEV. 25:8-10

In this way, the original conditions that prevailed at the very moment of perfection of the Land, when Israel entered the Land and divided it up by tribes and families, is restored too. The whole forms a single coherent statement. The Jubilee year is observed as is the Sabbatical year, meaning that for two successive years the land is not to be worked. The Halakhah will establish that when land is sold, it is for the span of time remaining to the next jubilee year. That then marks the reordering of land-holding to its original pattern, when Israel inherited the land to begin with and commenced to enjoy its produce.

Just as the Sabbath commemorates the completion of Creation, the perfection of world-order, so does the Sabbatical year. So too, the Jubilee year brings about the restoration of real property to the original division. In both instances, Israelites so act as to indicate they are not absolute owners of the Land, which belongs to God and which is divided in the manner that God arranged in perpetuity. Avery-Peck states the matter in the following way (Avery-Peck, p. 4):

On the Sabbath of Creation, during the Sabbatical year, and in the Jubilee year, diverse aspects of Israelite life are to return to the way that they were at the time of Creation. Israelites thus acknowledge that, in the beginning, God created a perfect world, and they assure that the world of the here-and-now does not overly shift from its perfect character. By providing opportunities for Israelites to model their contemporary existence upon a perfected order of things, these commemorations further prepare the people for messianic times, when, under God’s rule, the world will permanently revert to the ideal character of the time of Creation.

Here we find the Halakhic counterpart to the restorationist theology that the Oral Torah sets forth in the Aggadah. Israel matches Adam, the Land of Israel, Eden, and, we now see, the Sabbatical year commemorates the perfection of Creation and replicates it.

How, specifically, does Israel recapitulate the story of Creation, and where, within Israel’s own narrative, does the people corre-

spond to the first Man? The answer supplied by the Halakhah is explicit: the counterpart to the Creation of Man on the sixth day is the entry of Israel into the Land. That is to say, Israel becomes Israel when it enters the Land. That is the moment, in Israel's biography, that corresponds to Adam's entry into Eden. How do we know that that is the view of the Halakhic system? The answer is simple.

The cycle of counting the years through to the Sabbatical year takes effect at the moment of Israel's entry into the Land. That is stated in so many words in Sifra's reading of the pertinent passages of Leviticus:

Sifra CCXLV:I.2.

- A. "When you come [into the land which I give you, the land shall keep a Sabbath to the Lord]":
- B. Might one suppose that the sabbatical year was to take effect once they had reached Transjordan?
- C. Scripture says, "into the land."
- D. It is that particular land.

Now comes the key point: the Sabbatical year takes effect only when Israel enters the Land, which is to say, Israel's entry into the Land marks the counterpart to the beginning of the Creation of Eden. But a further point will register in a moment. It is when Eden/the Land enters into stasis, the families receiving each its share in the Land, that the process of the formation of the new Eden comes to its climax; then each Israelite bears responsibility for his share of the Land. That is when the Land has reached that state of order and permanence that corresponds to Eden at sunset on the sixth day:

- E. Might one suppose that the sabbatical year was to take effect once they had reached Ammon and Moab?
- F. Scripture says, "which I give you,"
- G. and not to Ammon and Moab.
- H. And on what basis do you maintain that when they had conquered the land but not divided it, divided it among families but not among fathers' houses so that each individual does not yet recognize his share –
- I. might one suppose that they should be responsible to observe the sabbatical year?
- J. Scripture says, "[Six years you shall sow] your field,"
- K. meaning, each one should recognize his own field.
- L. "... your vineyard":
- M. meaning, each one should recognize his own vineyard.

- N. You turn out to rule:
- O. Once the Israelites had crossed the Jordan, they incurred liability to separate dough-offering and to observe the prohibition against eating the fruit of fruit trees for the first three years after planting and the prohibition against eating produce of the new growing season prior to the waving of the sheaf of new grain [that is, on the fifteenth of Nisan].
- P. When the sixteenth of Nisan came, they incurred liability to wave the sheaf of new grain.
- Q. With the passage of fifty days from then they incurred the liability to the offering of the Two Loaves.
- R. At the fourteenth year they became liable for the separation of tithes.

The Sabbatical takes over only when the Israelite farmers have asserted their ownership of the land and its crops. Then the process of counting the years begins.

- S. They began to count the years of the sabbatical cycle, and in the twenty-first year after entry into the land, they observed the sabbatical year.
- T. In the sixty-fourth year they observed the first Jubilee [T. Men. 6:20].

What, exactly, imposes limits on the analogy of the Sabbath for the Land? Do we treat the Sabbath of the Land as equivalent in all ways to the Sabbath observed by Israel? No, the metaphor has its limits:

- 3. A. "... the land shall keep a Sabbath to the Lord":
- B. might one suppose that the Sabbath should involve not digging pits, ditches, and wells, not repairing immersion-pools?
- C. Scripture says, "you shall not sow your field or prune your vineyard"—
- D. I know that the prohibition extends only to sowing.
- E. How do I know that it covers also sowing, pruning, plowing, hoeing, weeding, clearing, and cutting down?
- F. Scripture says, "your field you shall not... your vineyard... you shall not":
- G. none of the work that is ordinarily done in your field and in your vineyard.
- 4. A. And how do we know that farmers may not fertilize, prune trees, smoke the leaves or cover over with powder for fertilizer?
- B. Scripture says, "your field you shall not..."
- 5. A. And how do we know that farmers may not trim trees, nip off dry shoots, trim trees?
- B. Scripture says, "your field you shall not..."
- 6. A. Since Scripture says, "you shall not sow your field or prune your vineyard,"

- B. might one suppose that the farmer also may not hoe under the olive trees, fill in the holes under the olives trees, or dig between one tree and the next?
- C. Scripture says, “you shall not sow your field or prune your vineyard”—
- D. sowing and pruning were subject to the general prohibition of field labor. Why then were they singled out?
- E. It was to build an analogy through them, as follows:
- F. what is distinctive in sowing and pruning is that they are forms of labor carried on the ground or on a tree.
- G. So I know that subject to the prohibition are also other forms of labor that are carried on on the ground or on a tree, [excluding from the prohibition, therefore, the types of labor listed at B].

So much for the systematic exploration of the enlandisement of Eden in the Land of Israel, the formulation of Israel’s relationship with God through Israel’s use of the Land of Israel and its produce, in a way analogous to Adam’s use of Eden — and abuse thereof.

In relationship to God, the Land of Israel, as much as the People of Israel, emerges as a principal player. The Land is treated as a living entity, a participant in the cosmic drama, as well it should, being the scene of Creation and its unfolding. If the perfection of Creation is the well-ordered condition of the natural world, then the Land of Israel, counterpart to Eden, must be formed into the model of the initial perfection, restored to that initial condition. So the Sabbath takes over and enchants the Land of Israel as much as it transforms Israel itself. Newman expresses this view in the following language (p. 15):

For the priestly writer of Leviticus, the seventh year, like the seventh day, is sanctified. Just as God rested from the work of Creation on the seventh day and sanctified it as a day of rest, so too God has designated the seventh year for the land’s rest. Implicit in this view is the notion that the Land of Israel has human qualities and needs. It must ‘observe a Sabbath of the Lord’ because, like the people of Israel and God, it too experiences fatigue and requires a period of repose. The Land of Israel, unlike all other countries, is enchanted, for it enjoys a unique relationship to God and to the people of Israel. That is to say, God sanctified this land by giving it to his chosen people as an exclusive possession. Israelites, in turn, are obligated to work the Land and to handle its produce in accordance with God’s wishes...

The counterpart in the matter of the remission of debts works out the conception that all Israelites by right share in the Land and its gifts, and if they have fallen into debt, they have been denied their share; that imbalance is righted every seven years.

To conclude: what chapter has the Halakhah contributed to the larger story that Judaism tells of Creation? The answer emerges when we review the points of emphasis of the Halakhah. The Halakhah outlines where and how Man participates in establishing the sanctity of the Sabbatical year, expanding the span of the year to accommodate Man's intentionality in working the land now for advantage then. Because of the paramount importance of human will in the encounter of God and Man, the Halakhah insists that Man's perceptions of the facts, not the facts themselves, govern: what looks like a law violation *is* a law violation. In these and other ways the Halakhah of Shebiit works out the problematics of Man's participation in the sanctification of the Land in the Sabbatical year. The topic of the law, restoring the perfection of Creation, then joins with the generative problematics of the Halakhah to make the point that through an act that conveys the right attitude, Israel has in its power the restoration of the perfection of Creation, the ordering of all things to accord with the condition that prevailed when God declared Creation good, therefore sanctified Creation in hallowing the Sabbath. The particular topic served as the obvious, the ideal medium to deliver in the context of that message of restoration. So the Halakhah in its concrete way makes the statement that Israel by a fulfilled act of will bore within its power the capacity to attain the perfection of the world. That is because to begin with Israel's perception of matters—and its actions consequent upon those perceptions—made all the difference. The Halakhah of Shebiit did not define the sole arena for the detailed and practical working out of that statement. We shall find ourselves many times in the same framework of discussion. But the Halakhah of Shebiit did frame a particularly fitting occasion to show how, in small things, that large conception was to be realized.

What the Halakhah has added, therefore is an entire moment, not contemplated by Scripture: the story of how Israel in the Land bears the task of repairing the damage to Creation inflicted by Adam. That is both in general and in detail. In general, Adam treated Eden as his own. Israel conducts itself in the Land as God's tenant. In detail Adam's intentionality bore catastrophic consequences for both him and the land that he would work, destined now to yield thorns and thistles (Gen. 3:18). Israel's intentionality bears beneficent consequences for the Land, which, on its own, untended, will sustain Adam's counterpart. But that is only so long as Israel so conducts itself as to show its willful conformity to God's will. Scripture's account of Creation does not record this chapter, the story of the

restoration. Only the Halakhah does, as we shall see again in the setting of Shabbat and Erubin.

### III. *Deeds of Regeneration: The Story Told by Orlah*

To this point we have ignored the key moment in the story of Creation told by Scripture. So we must wonder, has the Halakhah simply ignored what is central to the tale: the details of the actual event of Man's rebellion? Where are the fruit-trees, and where is the forbidden fruit? The answer comes in the Halakhah of Orlah, and, as we should expect from the Halakhah, it is detailed and concrete. But let me begin from the beginning: the purpose of the Halakhic part of the narrative, which, time and again, is to mediate the details of the story of Scripture into the form of rules for Israel's social order.

The Halakhah of Orlah means to demonstrate that Israel has the power not only to restore Eden in the Land. It also has the capacity to demonstrate how Adam's generative flaw—his disposition of the fruit of the Garden in a way contrary to God's wishes—in detail has been corrected—and in a way quite out of proportion to the original sin! Regeneration is not a matter of generalities, that is, accepting God's dominion overall. It also involves the specific transaction that shows in detail that attitude of repentance and remorse that is confirmed when Man faces the opportunity to commit the very same sin that he had done and refrains from doing that sin. Orlah-law provides the occasion for Israel to act out its regeneration. That is by giving Israel the opportunity to commit the sin of Adam, misusing produce of the garden, and affording to Israel, therefore, the occasion to demonstrate its regeneration: it encounters the occasion and, unlike Adam, overcomes the temptation. That too represents a striking chapter that the Halakhah contributes to Judaism's account of Creation.

Tractate Orlah elaborates the Torah's commandment, at Lev. 19:23-25:

“When you come to the land and plant any kind of tree for food, you shall treat it as forbidden. For three years it shall be forbidden, it shall not be eaten. In the fourth year all its fruit shall be set aside for jubi-

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<sup>5</sup> Throughout my account of the Halakhah I follow the master's thesis, including the translation of the Mishnah- and Tosefta-tractate 'Orlah, prepared in my seminar, of Howard Essner, “The Mishnah Tractate Orlah: Translation and Commentary,” in William Scott Green, ed., *Approaches to Ancient Judaism* (Chico,

lation before the Lord, and only in the fifth year may you use its fruit, that its yield to you may be increased: I am the Lord your God.”

So for three years from the planting of a fruit tree, Israel is to refrain from eating the fruit; that covers all fruit trees, not only a kind assumed to correspond to what Adam and Eve were not to enjoy. Then in the fourth year, the produce remains subject to God’s special concern and is to be eaten “before the Lord,” in Jerusalem. The produce of the fourth year after planting is treated as equivalent to second tithe, that is, it is brought to Jerusalem (“for jubilation before the Lord”) and eaten there. From the fifth year after planting onward, Man may use the produce as he sees fit.

The Halakhic tractate deals only with the prohibition of the fruit for the first three years.<sup>5</sup> The Halakhic exposition of the topic of the Orlah-prohibition raises a sequence of questions, standard for the Mishnah in nearly all tractates, of definition, exploration of interstitial cases precipitated by doubt, on the one side, and mixtures (and their neutralization) on the other. Principles governing the resolution of interstitial tension, quite familiar by reason of their recurrence throughout the Mishnah, make an appearance here. But the Halakhah explores points of considerable interest, even though these are not particular to the topic at hand.

Among these, the role of Man in precipitating the effect of the prohibition takes priority. It is Man’s attitude toward a tree that classifies the tree as a fruit-tree, subject to the law:

#### WHAT IS A FRUIT-TREE?

- M. 1:1 A tree is defined as a fruit tree because Man deems its produce edible. If the produce is used for some other purpose, it is not liable. One who plants [a fruit tree] as a fence or for lumber — [the tree] is exempt from [the restriction of] Orlah [Lev. 19:23-24].
- M. 1:2 A fruit tree is so defined if it bears fruit. When our fathers came to the Land [of Israel], [if] he found [a fruit tree already] planted, it was exempt [from the restriction of Orlah ]. [If] he planted [a fruit tree], even though they had not [yet] conquered [all of the Land], it was subject. He who plants [a fruit tree] for public [use] it is subject to the restriction of Orlah
- Y. 1:1 II: The acts of Man speak for themselves. If one plants the trees in some way other than is ordinary, [that fact speaks for itself]. For example, if he wants to use the trees] for fuel, he plants the trees close to-

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1983: Scholars Press for Brown Judaic Studies) 3:105-148; and, for the Yerushalmi, my *The Talmud of the Land of Israel. A Preliminary Translation and Explanation*. Volume 10. *Orlah Bikkurim* (Chicago, 1991: The University of Chicago Press).

gether; if he wants to use them for beams, he spreads the trees apart so the branches will grow big; for a fence, the location of the fence gives evidence of the Man's intent. [The suitability of the tree is not the principal concern, but the mode of planting the trees, of whatever species.]

- Y. 1:2 VIII A gentile who grafted a fruit tree onto a barren tree—even though an Israelite is not permitted to do so, the tree is subject to the Orlah -taboo. As to the Orlah -taboo, from what time does he count the number of years the graft has grown? It is from the time of the graft. [For the first three years after the graft, the fruit produced by the tree is subject to the Orlah -taboo.]

Man has a role in bringing about the prohibition of the law, but Man cannot by his intentionality change the facts of the case. It is Man's assessment of the use of the tree that classifies the tree as a fruit-tree or as a tree of some other category, e.g., one meant for lumber. But Man cannot declare as a fruit-tree, so subjecting the produce to the prohibition for three years from planting, one that does not bear fruit at all. Man's actions reveal his original intentionality for the tree, e.g., how the tree is planted.

At Sifra CCII:I.1 the role of human intentionality is systematically expounded in connection with the Halakhah of the present topic. Because the Mishnah figures in the presentation, we are justified in including, within the reading of the Halakhah, Sifra's point of emphasis. The point is simple: intentionality dictates whether or not a tree that can bear fruit actually is covered by the prohibition. Trees not used for fruit are not affected by the prohibition, so the farmer may use the lumber even in the first three years from planting; and parts of trees not intended for fruit are not subject to it either, so may be pruned off and used for fuel. But intention cannot classify what nature has already designated for one or another category. In the following, Simeon b. Gamaliel refines the law by insisting that Man's intention conform to the facts of nature. That is to say, if one planted a tree for lumber or firewood but it is not appropriate for such a use, then his intentionality is null.

7.
  - A. "... trees for food":
  - B. this excludes the case of planting trees for fence posts or lumber or firewood.
  - C. R. Yosé says, "Even if he said, 'The side of the tree facing inward is to be used for food and the side outward is to be used as a fence', the side of the tree inward is liable to the laws of Orlah, and the side of the tree facing outward is exempt" [M. Orl. 1:1A-D].
  - D. Said Rabban Simeon b. Gamaliel, "Under what circumstances? When he planted it as a fence for lumber or for firewood, a use

appropriate for those trees. But when he planted it as a fence, for lumber, or for firewood in a case not appropriate for that species, the tree is liable to the laws of Orlah “ [T. Orl 1:1C-H].

- E. How do we know the law given just now?
- F. Scripture says, “all kinds of trees.”

The matter of appropriateness will recur many times, since the intense interest of the Halakhah in the correct classification of things comes to expression in an interesting notion. A thing has its inherent, intrinsic purpose, and when it serves that purpose, it is properly used; when not, it is improperly used. How does that make a difference? What is edible is food, and produce that may serve for food or for fuel, if it is of a sacred status, cannot be used for anything but food. So intentionality meets its limits in the purpose that a thing is supposed to serve, that is to say, intentionality is limited by teleology. That explains why, also, if the farmer planted the tree for firewood and changed his mind, then the change of his intentionality effects a change in the status of the tree:

- G. If he planted it for firewood and then gave thought to use the tree for food, how do we know that it is liable?
- H. Scripture says, “And you will plant every kind of fruit tree.”
- I. From what point do they count the years of the tree for purposes of determining liability to Orlah?
- J. From the time that it is planted [T. Orl. 1:1I-L].

SIFRA CCII:I.1

The connection of the tree to the land dictates liability; a fruit-tree planted in an unperforated pot is exempt from the law. The law extends not only to the whole fruit but also to defective produce and parts of the fruit. And what is interesting, when the farmer initially plants the tree marks the starting point for reckoning the three years, not when he decided to use it for fruit rather than lumber. In that case, the actuality takes over and sets aside the intentionality. The farmer’s initial intent may classify the tree as other-than-a-fruit-tree, but the potentiality as a fruit-tree persists, so when the farmer’s second thoughts take over, the initial status of the tree, not the intervening one, is what counts, a very profound way of seeing the matter.

Here, once more, we find worked out in detail the distinction between ownership, assigned to God, and possession, accorded to Israel as to Adam. God as the ultimate owner of the Land sets the terms of Israel’s utilization of the Land, and the rules that he imposes form the condition of Israel’s tenure on the land, as Scripture states explicitly,

“... not be eaten. In the fourth year all its fruit shall be set aside for jubilation before the Lord, and only in the fifth year may you use its fruit, that its yield to you may be increased: I am the Lord your God.”

The principle in play is the same as that of the Seventh Year, although it is framed in less apocalyptic terms than is the Seventh Year at Lev. 26. The yield of the Land responds to Israel’s obedience to God’s rules for cultivating the Land, and that having been said, why this particular rule carries with it the stated consequence hardly matters. The religious premise of the treatment of the topic of Orlah is the same as the one that sustains tractate Shebiit: God relates to Israel through the Land and the arrangements that he imposes upon the Land. What happens to Israel in the Land takes the measure of that relationship. That is precisely how God related to Adam in Eden.

The specificities of the law turn out to define with some precision a message on the relationship of Israel to the Land of Israel and to God. And these in detail go over the story of Adam in Eden. To show that my reading of matters represents the Rabbinic sages, not an idiosyncratic reading of my own, I turn to Sifra CCII:I.1. There our attention is drawn to a number of quite specific traits of the law of Orlah, and these make explicit matters of religious conviction that we might otherwise miss.

The first is that the prohibition of Orlah-fruit applies solely within the Land of Israel and not to the neighboring territories occupied by Israelites, which means that, once again, it is the union of Israel with the Land of Israel that invokes the prohibition. That is precisely the conception we have already encountered in the Halakhah of Shebiit:

Sifra CCII:I.1.

- A. “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” (Lev. 19:23-25).]
- B. Might one suppose that the law applied once they came to Transjordan?
- C. Scripture says, “... into the land,”
- D. the particular Land [of Israel].

What that means is that some trait deemed to inhere in the Land of Israel and no other territory must define the law, and a particular

message ought to inhere in this law.

This same point registers once more: it is only trees that Israelites plant in the Land that are subject to the prohibition, not those that gentiles planted before the Israelites inherited the land:

Sifra CCII:I.2.

- A. "When you come into the land and plant":
- B. excluding those that gentiles have planted prior to the Israelites' coming into the land.
- C. Or should I then exclude those that gentiles planted even after the Israelites came into the land?
- D. Scripture says, "all kinds of trees."

A further point of special interest requires that the Israelite plant the tree as an act of deliberation; if the tree merely grows up on its own, it is not subject to the prohibition. So Israelite action joined to Israelite intention is required:

Sifra CCII:I.4.

- A. "... and plant ...":
- B. excluding one that grows up on its own.
- C. "... and plant ...":
- D. excluding one that grows out of a grafting or sinking a root.

The several points on which Sifra's reading of the Halakhah and the verses of Scripture that declare the Halakhah alert us to a very specific religious principle embedded in the Halakhah of Orlah

First, the law takes effect only from the point at which Israel enters the land. That is to say, the point of Israel's entry into the Land marks the beginning of the Land's consequential fecundity. In simpler language, the fact that trees produce fruit matters only from Israel's entry onward. To see what is at stake, we recall that the entry of Israel into the Land marks the restoration of Eden (and will again, within the restorationist theology), so there is no missing the point. The Land bears fruit of which God takes cognizance only when the counterpart-moment of Creation has struck. The Halakhah has no better way of saying, the entry of Israel into the Land compares with the moment at which the Creation of Eden took place. And in no other way does the Halakhah make that point. In this way, moreover, the law of Shebiit finds its counterpart. Shebiit concerns telling time, marking off seven years to the Sabbath of Creation, the one that affords rest to the Land. The Halakhah of Orlah also means telling time. Specifically, Orlah-law marks the time of the Creation of produce from the moment of Israel's entry into the land. Israel's entry into the Land marks a new beginning,

comparable to the very Creation of the world, just as the Land at the end matches Eden at the outset.

Second, Israelite intentionality is required to subject a tree to the Orlah -rule. If an Israelite does not plant the tree with the plan of producing fruit, then the tree is not subject to the rule. Thus:

T. 1:5 A gentile who grafted a fruit tree onto a barren tree — he [i.e., an Israelite, who is forbidden to make such a graft] counts for it [the years of Orlah ] from the time of its planting.

If the tree grows up on its own, not by the act and precipitating intentionality of the Israelite, the Orlah-rule does not apply. If an Israelite does not plant the tree to produce fruit, the Orlah-rule does not apply. And given the character of Creation, which marks the norm, the tree must be planted in the ordinary way; if grafted or sunk as a root, the law does not apply. In a moment, this heavy emphasis upon Israelite intentionality will produce a critical result. But first let us ask some more fundamental questions.

What is the counterpart to Israelite observance of the restraint of three years? And why should Israelite intentionality play so critical a role, since, Sifra itself notes, the Orlah-rule applies to trees planted even by gentiles? The answer becomes obvious when, in line with the generative hermeneutics announced with the word “enlandisement,” we ask another question: Can we think of any other commandments concerning fruit-trees in the Land that — sages say time and again — is Eden? Of course we can: “Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and evil, you must not eat of it” (Gen. 2:16). But the Halakhah of Orlah imposes upon Israel a more demanding commandment. Of *no* tree in the new Eden may Israel eat for three years. That demands considerable restraint.

Not only so, but it is Israel’s own intentionality — not God’s — that imposes upon every fruit-bearing tree — and not only the one of Eden — the prohibition of three years. So once Israel wants the fruit, it must show that it can restrain its desire and wait for three years. By Israel’s act of will, Israel has imposed upon itself the requirement of restraint. Taking the entry-point as our guide, we may say that, from the entry into the Land and for the next three years, trees that Israelites value for their fruit and plant with the produce in mind must be left untouched. And, for all time thereafter, when Israelites plant fruit-trees, they must recapitulate that same exercise of self-restraint, that is, act as though, for the case at hand, they have just come into the Land.

To find the context in which these rules make their statement, we consider details, then the main point. First, why three years in particular? Fruit trees were created on the third day of Creation. Then, when Israel by intention and action designates a tree—any tree—as fruit-bearing, Israel must wait for three years, as Creation waited for three years.

Then the planting of every tree imposes upon Israel the occasion to meet once more the temptation that the first Adam could not overcome. Israel now recapitulates the temptation of Adam then, but Israel, the New Adam, possesses, and is possessed by, the Torah. By its own action and intention in planting fruit trees, Israel finds itself in a veritable orchard of trees like the tree of knowledge of good and evil. The difference between Adam and Israel—permitted to eat all fruit but one, Adam ate the forbidden fruit, while Israel refrains for a specified span of time from fruit from all trees—marks what has taken place, which is the regeneration of humanity. The enlandisement of the Halakhah bears that very special message, and I can imagine no other way of making that statement through law than in the explicit concern sages register for the fruit-trees of the Land of Israel. No wonder, then, that Orlah-law finds its position, in the Priestly Code, in the rules of sanctification.

So when Israel enters the Land, in exactly the right detail Israel recapitulates the drama of Adam in Eden, but with this formidable difference. The outcome is not the same. By its own act of will Israel addresses the temptation of Adam and overcomes the same temptation, not once but every day through time beyond measure. Adam could not wait out the week, but Israel waits for three years—as long as God waited in creating fruit trees. Adam picked and ate. But here too there is a detail not to be missed. even after three years, Israel may not eat the fruit wherever it chooses. Rather, in the fourth year from planting, Israel will still show restraint, bringing the fruit only “for jubilation before the Lord” in Jerusalem. That signals that the once-forbidden fruit is now eaten in public, not in secret, before the Lord, as a moment of celebration. That detail too recalls the Fall and makes its comment upon the horror of the fall. That is, when Adam ate the fruit, he shamefully hid from God for having eaten the fruit. But when Israel eats the fruit, it does so proudly, joyfully, before the Lord. The contrast is not to be missed, so too the message. Faithful Israel refrains when it is supposed to, and so it has every reason to cease to refrain and to eat “before the Lord.” It has nothing to hide, and everything to show.

But there is more. In the fifth year Israel may eat on its own, the time of any restraint from enjoying the gifts of the Land having ended. That sequence provides fruit for the second Sabbath of Creation, and so through time. How so? If we stick to Scripture's order of events and so place Adam's sin on the first day after the first Sabbath, thus Sunday, then calculate the three forbidden years as Monday, Tuesday, and Wednesday of the second week of Creation, reckoning on the jubilation of Thursday, we come to the Friday, eve of the second Sabbath of Creation. So now, a year representing a day of the Sabbatical week, just as Leviticus says so many times in connection with the Sabbatical year, the three prohibited years allow Israel to show its true character, fully regenerate, wholly and humbly accepting God's commandment, the one Adam broke. And the rest follows. Adam did not spend two Sabbaths in Eden. The Halakhah then provides for Adam's counterpart to celebrate that second Sabbath that Adam and Eve lost in Eden. The fifth year after planting carries us, within Scripture's narrative, to the Friday that prepares for the second Sabbath of Creation: the one that Adam missed the first time around but that Israel will keep when Eden is restored.

#### *IV. What Is at Stake in the Halakhah of Israel's Conduct in its Eden*

At stake is the restoration of Creation as God had originally intended it to be. The key to the restoration lies in according to the ultimate owner of the Land, the rights of ownership, which Adam and Eve had violated. At regular intervals, the possession of the Land is to be relinquished, signaled as null. At those same intervals ownership of the produce of the Land at least in potentiality is to be equally shared among all its inhabitants. And, as we just now have noted, the specificities of the violation by Adam and Eve are to be recapitulated, but now with a different outcome, for all the fruit trees of Israel's Eden, the Land. God had related to Adam through the usufruct of Eden. Now God relates to Israel through the Land and the arrangements that he imposes upon the Land. In that context God relates to the Land in response to Israel's residence thereon. That is why God treats the Land in its perfection just as he treats Eden, by according to the Land the Sabbath rest. He deems the union of Israel and the Land of Israel to effect the sanctification of the Land in its ascending degrees corresponding to the length of the term of Israel's possession. But God relates to

the Land in a direct way, providing for the Land, as he provides for Israel, the sanctifying moment of the Sabbath, hence the Sabbatical Year. The Halakhah vastly augments Scripture's account of Creation.

So the Halakhah sets forth a massive statement on teleology, not on eschatology. It speaks of the original intent of God in making the world and Man, not of the fore-ordained end of matters. But the distinction makes slight difference, when we contemplate the story before us: in recapitulating beginnings rightly undertaken, the Halakhah points towards endings properly attained. Still, the focus remains fixed: at stake in the Halakhah is the realization of God's aspirations in Creation, both of nature and of Man. By its own act of restraint, the New Adam, Israel, in detailed action displays its repentance in respect to the very sin that the Old Adam committed, the sin of disobedience and rebellion. Facing the same opportunity to sin, Israel again and again over time refrains from the very sin that cost Adam Eden. So by its manner of cultivation of the Land and its orchards, Israel manifests what in the very condition of humanity has changed by the giving of the Torah: the advent of humanity's second chance, through Israel. Only in the Land that succeeds Eden can Israel, succeeding Adam, carry out the acts of regeneration that the Torah makes possible.

The Halakhah has recorded the untold story of Creation, namely, how things might and ought to have been. That tale is embodied in the Halakhah realized by Israel in the Land, which, point by point, step by step, shows how, properly tutored, Mān's counterpart and opposite, Israel, does in the right way precisely the deeds Man performed in the wrong way. Then Eden's counterpart and opposite — where things are meant to work out as God planned — also claims its place in the tale of Creation, and that is, the Land of Israel. But once Israel and the Land of Israel join in the account of Creation, attention shifts from beginnings to endings. What the Halakhah has added to the story of Creation is the chapter that Scripture does not record: how Creation adumbrates the end of days. And what the Halakhah contributes is a picture of why, when Eden is restored in the Land of Israel, Adam must be restored to Eden in the person of Israel in the Land.

For the Halakhah, responding to Leviticus 26 in the context of the Seventh Year, clearly understands that by reason of failure to observe the Seventh Year, Israel will lose the Land. Then the Halakhic account of norms of behavior for the Seventh Year points to not only how things are supposed to be done but what is at stake when they are done in the proper manner: the restoration of Eden.

In the context of the narrative of Scripture, Eden stands not only for Paradise but for eternal life, and when Israel regains the Land, it attains the condition of eternal life that was lost by Adam and Eve when they fell from grace. In its context, therefore, the Halakhah has introduced into the narrative of Creation the story of Redemption: the restoration of Israel to the Land of Israel stands for Man's conquest of death and re-entry into the eternal life that God had planned for Adam and Eve in Eden.

THE HALAKHIC READING OF CREATION:  
 [3] OWNERSHIP AND POSSESSION IN THE HOUSEHOLD

*I. Restoring Eden: The Dimension of Space*

Ownership in Halakhic context involves imposing one's will upon a designated space. So too possession presupposes control, as to usufruct, of a particular location. That principle, we have just seen, is explicit in the Halakhah of the Sabbatical Year of the Land, an utterly locative corpus of norms of behavior. But the Halakhah legislates not only for locative Israel, in the Land, but for utopian Israel, wherever situated. So if the Sabbath encompasses something so abstract as the Land, compared to that comparable abstract, the state and condition of Eden, it also will involve the concrete domain that Israelite householders anywhere possess as their own. That expectation of the impact of the Sabbath on matters of location derives not only from the logic of the Sabbatical Year as the occasion for acknowledging God's ownership of the Land as of Eden. It also stems from Scripture's explicit condition, imposed upon the people of Israel wherever they are located, that, on the Sabbath, people remain in their place: "let no one leave his place on the seventh day."

Part of Scripture's Halakhah of the Sabbath, focuses on Israelites' remaining in place on the Sabbath: "See, the Lord has given you the Sabbath, therefore on the sixth day he gives you bread for two days. Let each person remain in place, let no one leave his place on the seventh day" (Ex. 16:29-30). Now, that is possible only if, to begin with, they have a place to call their own. In context, then, that can mean only the household in particular. That is the premise of the Halakhah in speaking of the "place" or "space" of Israelites. That is why, with the Scripture's Halakhic statement that on the Sabbath no one is to leave "his place," we enter the consideration of place and space on the Sabbath. It follows that the meaning of "his" in context will require much thought: what does it mean for space to be "his," and what are the alternatives?

The possessive makes all the difference. That is because (as a result of thinking in the analogical-contrastive manner, as before) "his" bears in its wake two contrasts within the hermeneutics of analogical-contrastive reasoning. The first is, "his" versus "not-his" but

someone else's, thus, private domain. And the second is, "his" versus "no one's," thus, public domain. Both contrasts demand consideration. Accordingly, we begin with the conception that "his place" speaks of private domain and bears the notion that people are to remain in their own property. Then Israelites are not to utilize on the Sabbath what is not their own property. That may belong to someone else or to no one else, thus public domain. So the Halakhah of Scripture distinguishes private from public domain.

Now when does the distinction between private and public domain take effect? It is, in particular, first of all, when people transport objects from one domain to the other. That is when they utilize public domain. On the Sabbath they are not to do so.

The same notion, differentiating public from private domain, second, affects travel beyond the limits of "his" — one's — place. That may be signified, first of all, by the space occupied by one's own body, four cubits square. But one's space, in the case of the householder, is signified by the location that is subject to one's own will, that is, the household.

And, finally, public domain not only belongs to no one, it also belongs to everybody. Then as part of a village community, one shares rights to public domain with others of the same village community. That will take place when the community collectively establishes common ownership to designated space, e.g., marking it off as communally possessed. Then all have an equal share in that to which all have jointly and severally laid claim for purposes of the Sabbath.

How are these three matters — usufruct, travel, privatization for the Sabbath of public domain — set forth? One may (within limitations already specified as to designation for use on the Sabbath) use — carry objects about in — an area he possesses, that is, private domain. He may travel within the limits of the community of which he is part. And he may not use — carry objects into or within — what is not "his place" but public domain.

What is the private domain the usufruct of which every Israelite automatically enjoys on the Sabbath? The Halakhah of the Sabbath provides that if one has not designated any space for himself on the Sabbath, he remains wholly within the four cubits each human being is assigned as his own. A person by definition owns the space occupied by his own body. What about private domain? If a person is located within his own household, he enjoys the free right of carrying objects throughout the household, encompassing a privately-owned courtyard. The same right is accorded to all who belong in that household, e.g., family and dependents of the householder. And as to travel within the public domain, a householder with depen-

dents enjoys the rights of all householders of a given village, their dependents, property, and beasts, to move about the area belonging to the entire village.

These are matters on which, in due course, I shall elaborate as required. But in dealing with the details of the Halakhah, we should not lose sight of our issue. That is to identify the Halakhic part of the story of Creation. So the exposition of the Halakhah in its own terms does not define our task here, only of the Halakhah in the context of the generative metaphor of the Sabbath, that of Creation celebrated in Eden. That is why we have now to address in this context the question that animates this study: how does that generative metaphor of the Sabbath of Creation—God, Adam and Eve together in Eden—encompass, also, the matter of abiding wholly within one's place, his location, on the Sabbath?<sup>1</sup> With the answer to this question we shall find out how the Halakhah tells part of its story of Creation through its regulation of Israelites' remaining "in their place" on the Sabbath.

I find the key to the entire matter the fundamental distinction between public and private domain. That distinction derives from Scripture's own imposition upon the reading of the Sabbath of Creation. That is, sages read Ex. 16:29-30 in the setting of Gen. 1-3. So from the perspective of the Rabbinic sages, remaining in one's place on the Sabbath pertained as much to the Sabbath of Creation as to all the subsequent ones. As I indicated in a general way at the outset, Scripture, in speaking of remaining "in place," presupposes that we differentiate one's own place, private domain, from what is not-one's-own-place. That is, therefore, either someone else's place or no one's place, that is, public domain. Working our way back from the actualities of the Halakhah to the narrative setting before us, we can come to no other reading of matters. On that basis, the Rabbinic sages will have found occasion to reflect on the Sabbath of Creation when framing the Halakhah of staying in one's place on the Sabbath.

So we must ask, what, precisely, was Adam's and Eve's place—where they were supposed to remain—on that Sabbath? It can only have been Eden. Then, we need hardly remind ourselves, God owned, and Adam and Eve possessed, the whole of Eden on the Sabbath of Creation. The key-point is, then Eden formed a single domain, belonging, as it did to a single owner. So, as a matter of

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<sup>1</sup> Given the unitary reading of Scripture that the Rabbinic sages undertook, that effort to join Ex. 16:29-30 to Gen. 1-3 is absolutely necessary.

self-evidence, Adam and Eve could traverse all of Eden on the Sabbath; it was God's private property. But what about the territory beyond Eden, such as the account of Genesis takes for granted? Beyond the limits of Eden lay what belonged to no one in particular: public domain, territory God in theory owned but to which, in the framework of the story of Eden, he did not exercise those rights of ownership. Then, the outer limits of their available space on the Sabbath will have been marked by the outer limits of Eden—at least, as a matter of theory. The fact is not to be denied, in any event, that on the God owned Eden, making it available for the possession of Adam and Eve.

Given the Rabbinic sages' generative comparison of Adam and Israel,<sup>2</sup> we should not find surprising that on the Sabbath Israel is to remain in private domain, as distinct from public domain. That is, Israelites were to stay in their households, within their villages. But that raises the question, what, precisely, defines the limits of one's place, and, for the Sabbath of Creation, what is the meaning of "place" at all? For Eden represents not only an occasion and a condition, but also a location. And Israel for its part possesses not only the Land in abstract terms, but the Israelite household, in concrete ones. The Halakhic reading of Creation, therefore, addresses the profound question, how on the Sabbath is the possession of the household to be defined? The Halakhah defines what is one's place for the Sabbath. To Judaism's narrative of Creation, it adds the detail, on the Sabbath Adam and Eve stayed home in Eden, guests of God in Paradise. And that defines both where Israel is and what Israel is on the Sabbath. So remaining in one's place means, taking up residence in private domain. But, in the context of Eden, what do we mean by private domain, when householders possess but do not own their space?

## II. *Private and Public Domain on the Sabbath: The Story told by Shabbat*

The advent of the Sabbath intensifies the arrangements of space as public and private, imparting enormous consequence to the status of what is private. There, and only there, on the Sabbath, is life to be lived. The Sabbath assigns to private domain the focus of life in holy time: the household is where things take place then. The point of the

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<sup>2</sup> But we cannot press the comparison too far, since the Sabbath, while taking effect in the Land and over the Land, encompasses all Israel wherever located. Hence it is the location of Israel, not the situation of Israel in the Land of Israel, that is determinative in the present matter.

division into private and public domain emerges in the exposition of the practical difference precipitated by the distinction between the two domains. This concerns transporting objects. One fully clothed may cross the line, but he may not carry anything in so doing—hence the concern for what may or may not be worn as clothing. The same point emerges in the rule that one may move an object from one private domain to another, so long as public domain does not intervene. Carrying within public domain forms an equally important consideration. As I said earlier, one may do so only within the space occupied by his very body, his person. But the four cubits a person occupies in public domain may be said to transform that particular segment of public domain into private domain, so the effect is the same. The delineation of areas that are not definitively public domain but also not private domain—the sea and the plain, which are not readily differentiated, the space within a colonnade, a threshold—simply refines and underscores the generative distinction of the two distinct domains. Here is how the Halakhah sets the matter out:

#### SPACE

M. 1:1 [Acts of] transporting objects from one domain to another [which violate] the Sabbath (1) are two, which [indeed] are four [for one who is] inside, (2) and two which are four [for one who is] outside. How so? [If on the Sabbath] the beggar stands outside and the householder inside, [and] the beggar stuck his hand inside and put [a beggar's bowl] into the hand of the householder, or if he took [something] from inside it and brought it out, the beggar is liable, the householder is exempt. [If] the householder stuck his hand outside and put [something] into the hand of the beggar, or if he took [something] from it and brought it inside, the householder is liable, and the beggar is exempt. [If] the beggar stuck his hand inside, and the householder took [something] from it, or if [the householder] put something in it and he [the beggar] removed it—both of them are exempt. [If] the householder put his hand outside and the beggar took [something] from it, or if [the beggar] put something into it and [the householder] brought it back inside, both of them are exempt.

The division of domains is taken for granted. What is at issue is the distinction between and among specific actions: who does what, with what consequences? The Tosefta to the Mishnah-passage defines the matter of domains:

T. 1:1 Four domains are [constituted by] private domain and public domain. What is private domain? A ditch ten [handbreadths] deep and four wide, and so too: a wall ten handbreadths high and four wide—this constitutes absolutely private domain.

1:2 What is public domain? A high road or a larger public square, and alleyways which open out [at both ends]—this constitutes absolutely public domain.

- T. 1:3 They do not transport an object from this private domain into that public domain, and they do not transport an object from this public domain into that private domain. And if one transported an object or brought an object in— [if he did so] inadvertently, he is liable for a sin offering. [If he did so] deliberately, he is subject to the punishment of extirpation, and he is stoned. All the same are the one who takes out and the one who brings in, the one who stretches [something] out and the one who throws [something] in— [in all such cases] he is liable.

We proceed to interstitial areas, not decisively private or public:

- T. 1:4 But the sea, plain, *karmelit* [neutral domain], colonnade, and a threshold are neither private domain nor public domain. They do not carry or put [things] in such places. But if one carried or put [something into such a place], he is exempt [from punishment]. They do not transport an object either from them to public domain, or from public domain into such areas as these. And they do not bring something in either from such areas as these to private domain or from private domain to such areas as these. But if one took something out or brought something in [as specified], he is exempt [from punishment].

The matter of concern in the next section is introduced here, the fictive meal or fictive gateway that establishes joint ownership of distinct, private domains:

- T. 1:5 [In the case of] a courtyard belonging to public domain and of alleyways which do not open out, [if] they prepared an *Erub*, they are permitted [to carry in the court yard or alleyway, across the boundaries from one domain to the other]. [If] they did not prepare an *erub*, they are prohibited [from doing so].
- T. 1:6 [If] Man stands on the threshold [of a house] [and] hands something over to the householder, or the householder hands something over to him, [if] he hands something over to a beggar, or the beggar hands something over to him, [if] he takes something from the householder and gives it to the beggar, [or] from the beggar and gives it over to the householder, all three of them are exempt [from liability to punishment].

The Halakhah further raises a subtle question in the matter of transporting objects from one domain to another. It concerns intentionality. If one deliberately transports something that one values, he is liable. But what if he transports something of no account? Then the act is not culpable, in the theory that he has not actually accomplished any goal of personal consequence. That provision, introducing the consideration of intentionality in the act of violating the

Sabbath rule against transporting objects from one domain to another, hardly surprises. The criterion for valuing a given volume of a substance is, the volume that people would preserve and store away. The upshot is, if on the Sabbath one transports from domain to domain a volume of a substance that people would value and store, he is liable, but if not, he is not culpable. Then a variety of subordinated issues, e.g., what a given individual would value, but what in general people would not value, enter in. I abbreviated the repertoire of the Halakhah in detail, giving only enough to instantiate the main principles set forth here.

DOMAINS AND THE PROHIBITION OF TRANSPORTING OBJECTS FROM ONE  
DOMAIN TO ANOTHER

M. 7:3 And a further governing rule did they state: Whatever is suitable for storage, which people generally store in such quantity as one has taken out on the Sabbath — he is liable to a sin-offering on its account. And whatever is not suitable for storage, which people generally do not store in such quantity as one has taken out on the Sabbath — only he is liable on its account who stores it away [and who then takes it out].

The Bavli introduces the variable of individual predilection:

B. 7:3 II.1/76A In the case of anything that is not regarded as suitable for storage, the like of which in general people do not store away, but which a given individual has deemed fit for storage and has stored away, and which another party has come along and removed from storage and taken from one domain to another on the Sabbath — the party who moved the object across the line that separated the two domains has become liable by reason of the intentionality of the party who stored away this thing that is not ordinarily stored.

The further exposition addresses numerous specific substances, each of which is given a definition as to minimum consequential volume:

M. 7:4 He who takes out a quantity of (1) straw sufficient for a cow's mouthful; (2) pea stalks sufficient for a camel's mouthful; (3) ears of grain sufficient for a lamb's mouthful; (4) grass sufficient for a kid's mouthful; (5) garlic or onion leaves, ([if] fresh, a dried fig's bulk), [and if] dry, sufficient for a kid's mouthful is liable,] and they do not join together with one another [to form a quantity sufficient for culpability], because they are not subject to equivalent measures. He who takes out foodstuffs [for a human being] in the volume of a dried fig is liable. And they do join together with one another [to form a quantity sufficient for culpability], because they are subject to equivalent measures, except for their (1) husks, (2) kernels, (3) stalks, (4) coarse bran, and (5) fine bran.

T. 8:8 He who takes out coarse bran for food, in the volume of a dried fig [is liable] [cf. M. Shab. 7:4H4]. [If he took it out] for a domesticated

animal, [the measure for which he is liable] is enough for a mouthful for a lamb. [If he took it out] for dyeing, [the prohibited measure is] enough with which to dye a small garment. As to young sprouts of a service tree and carobs before they have become sweet, [one is liable if he takes out] a volume of dried fig. Once they have grown sweet, [he is liable if he takes out] sufficient for a mouthful for a lamb. But as to arum, mustard, and lupines, and all other things which are pickled, whether or not they have grown sweet [the prohibited measure is] a dried fig.

- M. 8:1 He who takes out (1) wine—enough to mix a cup; (2) milk—enough for a gulp; (3) honey—enough to put on a sore; (4) oil—enough to anoint a small limb; (5) water—enough to rub off an eye salve; and (6) of all other liquids, a quarter-log; (7) and of all slops [refuse], a quarter-log.
- M. 8:2-4 He who takes out (1) rope—enough to make a handle for a basket; (2) reed cord—enough to make a hanger for a sifter or a sieve—(3) paper—enough to write on it a receipt for a tax collector. And he who takes out (1) a receipt for a tax collector is liable; (2) used paper—enough to wrap around a small perfume bottle. (3) Leather—enough to make an amulet; (4) parchment—enough to write on it a small pericope of the tefillin, which is “Hear O Israel”; (5) ink—enough to write two letters; (6) eye shadow—enough to shadow one eye. (7) Lime—enough to put on the head of a lime twig; (8) pitch or sulfur—enough for making a small hole; (9) wax—enough to put over a small hole; (10) clay—enough to make the [bellow’s] hole of the crucible of a goldsmith. (11) Bran—enough to put on the mouth of the crucible of a goldsmith; (12) quicklime—enough to smear the little finger of a girl.
- T. 8:13-14 Bills of purchase and sale, mortgage deeds and pledges, deeds of gift—in any size at all—he is liable. Parchment and inferior parchment—enough to write a *mezuzah* thereon. A piece of vellum—enough to write a small pericope thereon. What is this small pericope? It is the *Shema*’.
- M. 8:5 Earth for clay—enough to make a seal for a letter. (2) Manure or (3) fine sand—enough to manure a cabbage stalk, enough to manure a leek. (4) Coarse sand—enough to cover a plasterer’s trowel; (5) reed—enough to make a pen. And if it was thick or broken—enough to [make a fire to] cook the smallest sort of egg, mixed [with oil] and put in a pan.
- M. 8:6 (1) Bone—enough to make a spoon. (2) Glass—enough to scrape the end of a shuttle; (3) pebble or stone—enough to throw at a bird.
- M. 9:5 He who brings out wood—[is liable if he carries out] enough to cook a small egg; spices—enough to spice a small egg; and they join together with one another [to make up the requisite quantity to impose liability]. (1) Nutshells, (2) pomegranate shells, (3) woad, and (4) dyer’s madder—enough to dye a garment as small as a hair-net; (5) urine, (6) soda, (7) soap, (8) cimolian earth, or (9) lion’s leaf—enough to launder a garment as small as a hair-net.

- T. 8:31 He who takes out two planks at once, lo, this one is liable. [He who takes out] kernels of dates — one. A root: for planting — one, for a beast — a lamb's mouthful, for wood — in the measure of wood. Bundles of hyssop, savory, and thyme which one put into storage: for eating — a dried fig [in volume]; for a beast — a lamb's mouthful; for wood — in the measure of wood; for sprinkling — in the measure of [enough for] sprinkling [purification water on someone made unclean with corpse uncleanness]. Seeds: for planting — two. For a beast — a pig's mouthful. How much is a pig's mouthful? One. Others say, "For counting — five."
- T. 9 3 He who takes out a bit of the fluff of cotton, cissaros blossom, a camel, a rabbit, or of a creature of the sea, and all other substances which are spread out, all in the measure of a double sit, lo, this one is liable. In the case of fabric, sacking, or hide, as is the measure which is sufficient to render them unclean, so is the measure sufficient to impose liability for taking them out [from private to public domain].
- M. 10:1 He who put [something] away for seed, for a sample, or for a remedy and [then] took it out on the Sabbath is liable in any amount whatsoever. But any [other] person is liable on that same account only in the specified measure pertinent to [that sort of thing]. [If the person] went and put it back, he is liable [should he take it out again] only in the specified measure pertinent to it.

The Halakhic preference for stating a general point through numerous specific cases accounts for the detailed picture just now reviewed. The main point is stated in so many words, but that does not stand in the way of an enormously elaborate account. That characteristic of the Halakhic writing in no way obscures the Halakhic intent, only sharpens and realizes it.

The familiar principles of Sabbath labor come to bear on the matter of transporting objects from one domain to another. The important points, predictably, concern a person's performing a completed action entirely on his own; doing so in the normal fashion; and carrying out his intentionality in doing so. The matter of doing so in the normal manner is elaborated first:

#### THE PROHIBITION OF CARRYING ON THE SABBATH ACROSS THE LINES OF DOMAINS

- M. 10:2 He who takes out food and puts it down on the threshold, whether he then went and took it out, or someone else took it out, is exempt [from liability to a sin-offering], for he has not [completely] performed his prohibited act of labor at one time. A basket which is full of produce, which one put on the outer [half of the] threshold, even though the larger quantity of the produce is outside — he is exempt, unless he takes out the entire basket.

The work must be wholly done by a single actor, a principle we recall from Chapter Two.

M. 10:3 He who takes [something] out, (1) whether in his right hand or in his left, (2) in his lap or (3) on his shoulder, is liable, for so is the manner of carrying [an object] by the children of Kohath (Num. 7:9). [If he takes something out] (1) on the back of his hand, (2) on his foot, (3) in his mouth, (4) in his elbow, (5) in his ear, or (6) in his hair, (1) in his wallet with its mouth downward, (2) between his wallet and his cloak, (3) in the hem of his cloak, (4) in his shoe, (5) in his sandal, he is exempt [from liability to a sin-offering]. For he has not carried [the object] out the way people [generally] carry out [objects].

The work to be culpable must be done in the normal manner, not in some exceptional fashion.

The matter of intentionality is once more introduced, now with respect to the completed act of labor. If the act is done in a manner other than the one the actor intended, he is not culpable.

T. 9:8(9) He who intends to take something out in his wallet with its mouth upward and took it out in his wallet with its mouth downward [M. Shab. 10:3D], inside his wallet and took it out between his wallet and his cloak or in the neck of his cloak [M. Shab. 10:3D2], is exempt [from liability to a sin offering].

M. 10:4 He who intends to take out something before him, and it slipped behind him is exempt. [If he intended to carry it out] behind him and it slipped in front of him, he is liable. Truly did they say, A woman who wore drawers [and took something out in them], whether in front of her or behind her, is liable, for they are likely to be moved around.

T. 9:9 He who intends to take something out in his wallet with its mouth upward and took it out in his wallet with its mouth downward, inside his wallet and took it out between his wallet and his cloak or in the neck of his cloak, is exempt; he who intends to take something out in his wallet with its mouth downward is exempt.

These several principles now are combined in a series of exemplary cases. These, properly taught and perspicaciously learned, allow us to follow the workings of the several principles as they are realized in complex cases:

M. 10:5 He who takes out a loaf of bread into the public domain is liable. [If] two people took it out, they are exempt. [If] one person could not take it out, but two people took it out, they are liable. He who takes out food in a volume less than the specified measure in a utensil is exempt even on account of [taking out] the utensil, for the utensil is secondary to it [the food]. [He who takes out] a living person in a bed is exempt even on account of [taking out] the bed, for the bed is sec-

ondary to him. [If he took out] a corpse in a bed, he is liable. And so [one who takes out] an olive's bulk of corpse matter and an olive's bulk of carrion and a lentil's bulk of a dead creeping thing is liable.

- T. 9:10 Two people holding on to a pitchfork and stacking, to a shuttle and pressing, to a pen and writing, to a reed, and they took it out to the public domain — both of them are exempt [from liability to bring a sin offering]. [If they were holding on to] a wheel of dried figs, and they took it out to the public domain, to a beam, and they took it out to the public domain.
- B. 10:5E-K I.1/93B He who takes out food in a volume sufficient to meet the specified measure — if he does so in a utensil, he is liable for taking out the food but exempt for taking out the utensil. But if the utensil was necessary for carrying out the food, he is liable also for the utensil [so he is liable on two counts].
- M. 10:6 He who pares his fingernails with one another, or with his teeth, so, too, [if he pulled out the hair of] his (1) head, (2) moustache, or (3) beard — and so she who (1) dresses her hair, (2) puts on eye-shadow, or (3) rouges her face — these acts are prohibited because of [the principle of] Sabbath rest. He who picks [something] from a pot which has a hole [in the bottom] is liable. [If he picks something from a pot] which has no hole [in the bottom], he is exempt.
- T. 9:11 [If] one took out a half dried fig's bulk [of food] and went and took out a half dried fig's bulk [of food] in a single spell of inadvertence, he is liable. [If he did so] in two spells of inadvertence, he is exempt. [If] the first [which was taken out] was eaten before the second was put down, whether this was in a single spell of inadvertence or in two spells of inadvertence, he is exempt. [If] he took out a half dried fig's bulk [of food] and put it down in one area of four cubits [of the doorway], and went and took out another dried fig's bulk [of food] and put it down in another area of four cubits [of the doorway], if he brought [the second] by the way [of the first], he is liable. And if not, he is exempt.
- T. 9:14 He who plucks up [a plant], whether with his right hand or his left, lo, this one is liable. [If he did so] with one of his hands, with his foot, with his mouth with his elbow, or if he was walking along on the ground and pebbles were kicked up from under his feet and fell on pieces of grass and pulled them up, he is exempt.

Not only transporting objects through direct action, but also tossing them from one domain to another, e.g., through indirect causation, involves culpability. The action must not only be completed by one person, but it must be continuous, start to finish. How, then, an action is divided up requires consideration. The important considerations of detail are implicit: the dimensions that define a domain, for example. Here again, I abbreviate somewhat.

THROWING OBJECTS FROM ONE DOMAIN TO ANOTHER,  
E.G., PRIVATE TO PRIVATE

- M. 11:1 He who throws [an object] from private domain to public domain, [or] from public domain to private domain, is liable. [He who throws an object] from private domain to private domain, and public domain intervenes is exempt from penalty. How so? Two balconies opposite one another [extending] into the public domain—he who stretches out or throws [an object] from this one to that one is exempt. [If] both of them were [different private domains on the same side of the street and] at the same story, he who stretches [an object over] is liable, and he who throws from one to the other is exempt. For thus was the mode of labor of the Levites: Two wagons, one after the other, in the public domain—they stretch beams from this one to that one, but they do not throw [them from one to the other].
- T. 10:1 He who throws an object from private domain to private domain and public domain intervenes [M. Shab. 11:1B]—[if he throws to a distance of less than] four cubits, he is exempt [If he throws] beyond four cubits, he is liable. Two promenades, one above the other [if] one threw from the top to the bottom one, beyond a distance of four cubits, he is liable. [If this was] within a distance of four cubits, he is exempt. [If] he threw from a promenade to a shed, a stable, a storage area, or a courtyard, even though they are in a valley, lo, this one is liable. He who throws from a store through a stoa to the plaza is liable. [If he threw an object] from the store to the stoa, and from the stoa to the plaza, he is exempt.
- T. 10:2 Two fields, one above the other—[if] one threw [an object] from the lower to the upper, or from the upper to the lower, he is exempt. A promenade above a field—and one threw from the promenade to the valley, he is exempt.

The Tosefta now defines the delineation of domains, indicating the minimal measures for a self-contained private domain:

- T. 10:3 An alley at the level of private domain and sloping down to the public domain—if there is an area at a height of ten handbreadths within a space of four cubits, it does not require side-beams and a top beam [to close it off]. Public domain which slopes down to private domain, lo, it is equivalent to private domain. [If] it is at the level of public domain and slopes down to private domain, if there is an area at a height of ten handbreadths in a space of four cubits, it does not require side-beams and a top beam to close it off. Private domain which slopes down to public domain, lo, it is equivalent to public domain. [If] it is at the same level on all sides and high in the middle, if there is in the high area a space of ten handbreadths in height within four cubits, it does not require side-beams and a cross beam. Private domain which slopes down into private domain, lo, it is equivalent to private domain. If it slopes down] to public domain, lo, it is equivalent to public domain.

Now the definition of domain is applied, showing how an area is signified as private domain:

- T. 10:5 A roof in public domain ten handbreadths high and four broad— [if] one took something from it or put something onto it, he is liable. [If it is] less than the specified area, [if he put an object on it] within a space of four cubits, he is exempt. [If he did so] outside of four cubits, he is liable.
- T. 10:6 A pillar in the public domain ten handbreadths high and four cubits broad— [if] one took something from it or put something onto it, he is liable. [If it is] less than the specified area, [if he put an object on it] within a space of four cubits, he is exempt. [If he did so] outside of four cubits, he is liable.
- T. 10:7 A candelabrum in the public domain ten handbreadths high, and the cup on top is four cubits broad— [if] one took something from it or put something onto it, he is liable. [If it is] less than the specified area, [if he put an object on it] within a space of four cubits, he is exempt. [If he did so] outside of four cubits, he is liable.
- M. 11:2 The bank of a cistern and the rock ten handbreadths high and four broad— he who takes [something] from that area or who puts something onto that area is liable. [If they were] less than the stated measurements, he is exempt [from any penalty for such an action].
- M. 11:3 He who throws [something from a distance of] four cubits toward a wall— [if he throws it] above ten handbreadths, it is as if he throws it into the air [which is public domain]. [If it is] less than ten handbreadths, it is as if he throws an object onto the ground [which is private domain]. He who throws [an object to a distance of] four cubits on the ground, is liable. [If] he threw [an object] within the space of four cubits and it rolled beyond four cubits, he is exempt. [If he threw an object] beyond four cubits and it rolled back into four cubits, he is liable.
- T. 10:8 A wagon in the public domain ten handbreadths high— lo, all the same is the one who unloads it and the one who loads it up— lo, this person is liable.
- T. 10:9 He who tosses [an object] against a wall above ten handbreadths, and it went and landed in a hole four by four handbreadths, lo, this person is liable [cf. M. Shab. 11:3A B]. For they do not move objects from one domain to another.
- T. 10:10 In a case of those who play ball in public domain, if the ball went from the hand of one of them beyond a distance of four cubits, he is liable [cf. M. Shab. 11:3D]. A large basket in public domain, ten handbreadths high, and so a deep hole— they do not carry an object from inside them to the public domain, nor from the public domain to them. But one may climb down inside of them and eat a meal. [If they are] less than the specified dimensions, [if he throws something] within a range of four cubits, he is exempt; [if he did so] beyond four cubits, he is liable.

The matter is neatly summed up at the end, the principles having been carefully refined in the foregoing:

M. 11:6 He who throws [an object] and realizes [remembers what he has done] after it leaves his hand, [if] another person caught it, [if] a dog caught it, or [if] it burned up in a fire [intervening in its flight path] — he is exempt. [If] he threw it intending to inflict a wound, whether at a Man or at a beast, and realizes [what he has done] before it inflicted the wound, he is exempt. This is the governing principle: All those who may be liable to sin-offerings in fact are not liable unless at the beginning and the end, their [sin] is done inadvertently. [But] if the beginning of their [sin] is inadvertent and the end is deliberate, [or] the beginning deliberate and the end inadvertent, they are exempt — unless at the beginning and at the end their [sin] is inadvertent.

We conclude with an exercise in which several distinct principles are shown to work together in a case, e.g., inadvertence, a complete act of labor, and so on.

T. 10:20 If there is in the inadvertent deed of one of them sufficient time to perform a complete act of forbidden labor, he is liable. How so? [If] he knew that it was Sabbath and he deliberately performed a forbidden act of labor, this is the deliberate sort of commission of a forbidden act of labor referred to in the Torah. If he was engaged in that act, he is exempt. [If] he was unaware that it was the Sabbath but deliberately performed a forbidden act of labor, or [if] he knew that it was Sabbath and intended to do a forbidden act of labor on it, but did not know that on account of the commission of that particular act of labor, he is liable to a sin offering — this is an inadvertent violation referred to in the Torah.

The elaborate presentation of the Halakhah of domains on the Sabbath may be summarized in these four principles.

ON THE SABBATH THE HOUSEHOLD AND VILLAGE DIVIDE INTO  
PRIVATE AND PUBLIC DOMAIN, AND IT IS FORBIDDEN TO TRANSPORT  
OBJECTS FROM THE ONE DOMAIN TO THE OTHER:

- A. Private domain is defined as at the very least an area ten hand-breadths deep or high by four wide, public domain, an unimpeded space open to the public. There one may carry an object for no more than four cubits, which sages maintain is the dimension of Man.
- B. The sea, plain, karmelit [neutral domain], colonnade, and a threshold are neither private domain nor public domain. They do not carry or put [things] in such places. But if one carried or put [something into such a place], he is exempt [from punishment].

- C. If in public domain one is liable for carrying an object four cubits, in private domain, there is no limit other than the outer boundaries of the demarcated area of the private domain, e.g., within the walls of the household.
- D. What is worn for clothing or ornament does not violate the prohibition against carrying things from private to public domain. If one transports an object from private domain to private domain without bringing the object into public domain, e.g., by tossing it from private to private domain, he is not culpable.

M. 1:1, M. 6:1-9, 11:1-6

The point of the division into private and public domain emerges in the exposition of the distinction; it concerns transporting objects. One may cross the line, but not carry anything in so doing—hence the concern for what may or may not be worn as clothing. The same point emerges in the rule that one may move an object from one private domain to another, so long as public domain does not intervene. Carrying within public domain forms an equally important consideration; one may do so only within the space occupied by his very body, his person. But the four cubits a person occupies in public domain may be said to transform that particular segment of public domain into private domain, so the effect is the same. The delineation of areas that are not definitively public domain but also not private domain—the sea and the plain, which are not readily differentiated, the space within a colonnade, a threshold—simply refines and underscores the generative distinction of the two distinct domains.

So when it comes to space, the advent of the Sabbath divides into distinct domains for all practical purposes what in secular time is deemed divided only as to ownership, but united as to utilization or usufruct (as the case requires). Sacred time then intensifies the arrangements of space as public and private, imparting enormous consequence to the status of what is private. There, and only there, on the Sabbath, is life to be lived. The Sabbath assigns to private domain the focus of life in holy time: the household is where things take place then. Linking these rules to Eden requires that we first address the Halakhah of Erubin, to which we now turn. With the two classifications of Halakhah in hand, we shall discern how, seen all together, the Halakhah wishes to retell the story of Creation. But even now the intent emerges: it is to supply a different, and a happy, ending.

### III. *Ownership and Possession: The Story Told by Erubin*

On the Sabbath Scripture explicitly links eating and residence: “See, the Lord has given you the Sabbath, therefore on the sixth day he gives you bread for two days. Let each person remain in place, let no one leave his place on the seventh day” (Ex. 16:29-30). In the context of God’s providing meals for two days on Friday, Israel is told to stay in place on the Sabbath, meaning, not go out and gather manna. “Remaining in one’s place” thus is signified by eating a meal in that place. The juxtaposition of a double-supply of bread for Friday and Saturday and remaining in place leaves no doubt that [1] one stays home, on the one side, and that [2] home is where one eats, on the other. How this conception, richly realized in the Halakhah of Erubin, contributes to the story of Creation will emerge only when we have reviewed the principal pertinent details thereof.

The given of the Halakhah may be simply stated: Residence is established by where one eats meals. That is because, for various purposes of carrying or travel on the Sabbath, one may establish a fictive residence—in place of the household where he ordinarily resides—by identifying a place for eating other than the regular one. From that indicated residence, marked by a meal that one *might* eat (though he need not necessarily do so), one may move about for the requisite distance of the Sabbath. The conception that where one eats, there is his place of residence, bears profound practical consequences for Sabbath observance in particular. For one thing it gives a new definition for “household,” one that removes the household from the profoundly material framework in which it functions as the smallest whole building block of the social order. The Written Torah defines the Sabbath in part by sending Israel to its tents on that occasion. Repose involves entry into a stationary condition.

Here is how the Talmud finds that law allowing movement for 2,000 cubits in any direction from his “place” in the Written Torah:

- A. If he does not recognize [any landmark], or he is not an expert in the law, and [if he] said, “My place of Sabbath residence is in the place where I am now located,” he has acquired two thousand cubits in all directions from the place where he is located:
- B. As to these two thousand cubits, where do they occur in Scripture?
- C. It is as has been taught on Tannaite authority:
- D. “Abide you every Man in his place” (Ex. 16:29) —this refers to four cubits.

- E. "Let no Man go out of his place" (Ex. 16:29) —this refers to two thousand cubits.
- F. And how do we know this?
- G. Said R. Hisda, "We derive the meaning of 'place' from the meaning of 'place' at Ex. 21:13, 'I will appoint you a place where he may flee,' and we derive the sense of 'flight' from the meaning of 'flight' at Num. 35:26, 'Beyond the border of his city of refuge, where he flees,' and we derive the meaning of 'border' from the sense of 'border' at Num. 35:27, 'Outside the border,' and we derive the meaning of 'border' from 'without' and the meaning of 'without' from the sense of 'without,' since it says, 'And you shall measure without the city for the east side two thousand cubits' (Num. 25:5). [That verse explicitly refers to two thousand cubits and to 'without,' and we move from that 'without' to 'without' at Num. 35:27, and that 'without' is in a verse that refers to 'border,' which yields that analogy; and 'border' is compared with 'border' at Num. 35:26, and that is comparable to 'flight' in the same verse; and then 'flight' is comparable to the same usage at Ex. 21:13, which contains the reference to 'place.' 'Place' is compared with 'place' in the matter of the Sabbath, so the limit of two thousand cubits is transferred to this item.]"

BAVLI ERUBIN 4:7-9 III.1/50B

The given of the Halakhah of Erubin is that people are to stay in their place on the Sabbath day. That means each person has a place, defined as four cubits (enough for a burial plot), and, further, that he may move from that place for the distance of two thousand cubits in any direction.

In tractate Shabbat, we have already seen, carrying from public to private domain and vice versa defines one critical focus of the Halakhah. Activities in public domain are severely circumscribed by the prohibition against carrying therein, as well as by the one that prohibits unlimited travel. The Halakhah formulates matters at two levels; on the surface it attends to minutia of carrying from one domain to the other (Shabbat) and to the detailed, richly instantiated definition of private domain (Erubin). But at the heart of matters profound reflection on the meaning of what is private and what is shared takes place. Once more the Rabbinic sages will invoke the reading of Eden on the Sabbath as the generative metaphor, with special attention to ownership and possession in sacred space and at sacred time: when God is in charge.

The basic conception that governs is simple. By an act of will confirmed by a concrete deed Israelites have the power to form of domain that is owned by many households a single, shared do-

main, in which all households participate. That is accomplished when each household gives up its rights of sole ownership of its domain to all others, in exchange for acquiring a share in the ownership of a much larger, joint domain. That governing conception is wholly congruent to the counterpart in play in Shebiit, where the householder is required to give up a claim of ownership, to acknowledging God's superior standing. Here, the householder relinquishes ownership, and in the situation of shared possession gains access to the whole of the private domain comprised by a given neighborhood or village, which, so far as rights of ownership are concerned, is comparable to Eden, accessible to all but owned by none (but God).

The Halakhah of Erubin in detail therefore addresses the problem, how can Israelites on the Sabbath move about from one private domain to another, so arranging matters that shared and common ownership of private domain secures for all parties the right to carry in the space held in common? One answer is, since where one eats, there one resides, prepare a symbolic, or fictive, meal, the right to which is shared by all. All householders thereby commingle their property rights, so that will then form of various private domains a single common estate. Another answer is, establish a boundary around the entire set of private domains, one that like a wall forms of them all a single property. The medium by which the one or the other procedure is carried out is called an *Erub*, a medium of commingling, thus referring to either the symbolic, shared meal or the equally fictive demarcation line, as the case requires: a meal of commingling, or a boundary-marker for commingling ownership of private property.

In play are these propositions that have already come to full exposition in the Halakhah of Shabbat:

- [1] one may not transport objects from private to public domain, but
- [2] there are types of domain that are neither the one nor the other, specifically, the courtyard linking a number of private properties, and the alleyway onto which a number of courtyards debauch.

To these gives the Halakhah of Erubin takes for granted a number of propositions, upon which all else is founded. These are as follows:

- [1] Remaining in one's place does not mean one may not leave his house. It means that one may move about his own property; he may move to the limit of 2,000 cubits from his own residence.
- [2] Through a fictive meal or an *Erub*—a meal of commingling—one may commingle ownership of a courtyard shared with others.

- [3] Similarly, through a fictive meal, or a *shittuf*, a meal of partnership, an alleyway into which a number of courtyards debauch may be formed into a common courtyard; this is signaled by marking the alleyway as a single domain by establishing a gateway, and then the shared meal establishes that all of the private domains are commingled as to ownership.
- [4] One must remain in his own village, that is, the settled area and its natural environs.
- [5] One may establish residence at some place other than his own household, by making provision for eating a meal at that other place. The meal must be located in its place by sundown on the Sabbath, but a verbal declaration accomplishes the same purpose. That fictive residence permits him to measure his allotted area for travel from that other place.

We now survey the Halakhah of Erubin. The word *Erub* refers to one or another of the media of commingling domains. They constitute ways in which private ownership for the purposes of creating a common private domain on the Sabbath is shared among householders and their counterparts. This each does by giving up sole ownership-rights to his own property to the specified others, but at the same time gaining rights to their property. That is what is meant by “commingling ownership.” The Erub is the medium for transforming private property into a common domain among householders, as much as it has the power to form a realm of private property within or encompassing also the public domain. The former is accomplished by a meal, the latter by a fence. The Erub, whether meal or fence, establishes common ownership for all participants, redefining the meaning of “private property” from what is owned by an individual to what is owned by the resident sector of the community of Israel in a particular here and now. What is at stake in both the formation of a large private domain or the establishment out of public domain of what is private is the same: the possibility of conducting life on the Sabbath in the normal manner. Now all property is private for the purposes of conducting the required affairs of the household—eating meals, carrying objects from place to place within the designated territory—but privacy of ownership gains a new meaning, no longer individual, but now communal.

The first point is, all of the houses that open out into a common alleyway may be formed into a single private domain through the provision of a gateway at the opening of the alley. That signifies that all the residences, sharing a common entry, constitute a single, private domain.

## FORMING AN ALLEY-WAY INTO A SINGLE DOMAIN

- M. 1:1 [The crossbeam above] an alley entry which is higher than twenty cubits should one diminish [making it lower]. And [the alley entry] of a breadth [wider] than ten cubits should one diminish [making it narrower]. And if it has the shape of a doorway, even though it is wider than ten cubits, it is not necessary to diminish [it, making it narrower].
- T. 1:1 A. The crossbeam above the alley-entry which is higher than twenty cubits [ M. Erub. 1:1A]—higher than the gate of the Temple—lo, this must be diminished [lowered to less than that height]. How does one diminish it[s height]? One puts a crossbeam on it less than twenty cubits high. The alley-entry in breadth wider than ten cubits [M. Erub. 1:1C]—wider than the gate of the Temple—lo, this must be diminished [narrowed to less than that breadth]. How does one diminish it[s breadth]? One sets up a board and diminishes it[s breadth] to less than ten cubits.
- Y. 1:1 II.9 An alleyway the breadth and length of which are equivalent is not permitted [for carrying] by providing [merely] a side beam and a crossbeam, but requires setting up boards [to form a symbolic wall and gateway] as in the case of a courtyard.
- B. 1:1 I.19/6A How do people provide a symbolic fusion boundary for a street that is public domain? [Such a road goes from one end of the town to the other, sixteen cubits wide, and the town has no surrounding wall.] One makes a construction in the shape of an entry-way on one side and sideposts and a crossbeam on the other. He makes a door at the one end but sideposts and a crossbeam on the other.
- B. 1:1 I.30/8B An alleyway that is formed like a centipede [there is a major alley opening into public domain, then minor alleys branch out in the shape of the legs of a centipede, and these have two entrances each, one at the major alley, the other at public domain. The entries don't face each other, since, if they did, they would be regarded as one long alley that opens out at both ends into public domain ]—one makes the shape of a doorway at the entrance of the big alley, and all the others are validated for carrying on the Sabbath by a sidepost and crossbeam [at their entrances onto public domain].
- M. 1:2 The validation of an alley entry [for carrying of objects on the Sabbath] requires a sidepost or a crossbeam.
- M. 1:3 The crossbeam of which they spoke [should be] wide [enough] to hold a half-brick. And the half-brick is the half of a brick of three handbreadths. It is sufficient for the crossbeam to be a handbreadth wide, [enough] to hold a half-brick lengthwise .
- Y. 1:3 I.3 If there are two cross beams, one a third and a bit more [of a handbreadth and a half, and the other a third and a bit more [of a handbreadth and a half, and between the two a space of less than a third of a handbreadth—the standing part [of the wall around the cistern] and the dug-out space join together to form the requisite breadth of four handbreadths, so long as the standing part is greater than the excavated part. [The two beams do join together with the empty space

between them, so long as the beams form the larger part of the total space encompassed by the whole].

- M. 1:4 It [the crossbeam] should be wide enough to hold a half-brick, and strong enough to hold a half-brick.
- M. 1:5 [If it was] curved, they regard it as if it were straight. [If it was] round, they regard it as if it were square. Whatever is three handbreadths in circumference is one handbreadth in width.
- T. 1:6 A. [If] one projects from one wall, and the other projects from the other wall, or [if] it projects from one wall but does not reach the other wall, or [if] it was broad on one end and narrow on the other, [if] there is a space of three handbreadths, lo, this [alley-entry] requires [another crossbeam]. [If] it projected from one wall and reaches the other, if it [the upper projection] was higher than it by three handbreadths, lo, this one must be diminished. [If] it was made in a slope, [if] it can hold a half-building brick which sets in the normal way on one does not have to raise the second side. And if not, he must raise the second side [to make it level].
- T. 1:7 A. An alley-entry covered on one side, and one trained over it a vine, gourd, or ivy on the other side, requires nothing further.
- M. 1:6 The sideposts of which they spoke — their height must be ten handbreadths. And their breadth and thickness may be in any measure at all.
- M. 1:7 With any sort of material do they make sideposts, even something which is animate. And [an animate creature which is used to cover up the entrance of a tomb] imparts uncleanness as a sealing stone.

The first of the anomalous areas, the alleyway, is converted into private domain (“households”) by the provision of a symbolic gateway, the whole being walled in in any event. So what the alleyway contributes is formal closure to the existing domain, marking off the entire area of private domain, subdivided into individual ownership, now defined by the shared entry-way as a single continuous property. What happens, then, is that the several householders concur for the purpose of the Sabbath on sharing ownership of the entire property. Accepting the symbol of closure, the householders convert their individually-owned private domains into a shared but still private domain. In these make-shift arrangements, the Halakhah’s details embody the main point. It is that “residence” requires the confluence of formal and functional indicators. It is not enough for the courtyards to share a common alleyway, even though, functionally, the form a single domain. A symbolic gateway must formally confirm the arrangement, and so too with the ropes around the campground of the caravan and corners that in an imaginary way form an enclosure of the space around the well.

A medium of commingling or Erub may take the form of a physical line of demarcation, e.g., a symbolic fence, or it may take the

form of a meal shared among householders. In the latter instance, the act of eating together (or, more accurately, the possibility of doing so) defines property as shared. That is because eating defines residence. People who share a common meal—even in theory—then are treated as a cogent social unit, an extended household, possessed of the lands of all adherents thereto. A second problem concerns the use of a symbolic meal, called an erub (meal of commingling). Situated in the appropriate place, the meal signifies that a person's "place" is located in that place, and from there he may traverse 2,000 cubits. The meal of commingling has a second and separate purpose. If all parties to a common courtyard accept a share in the erub-meal, then that establishes joint ownership of the courtyard among them, and the whole becomes a single private domain.

THE ERUB : A SYMBOLIC MEAL FOR ESTABLISHING JOINT OWNERSHIP OF  
A COURTYARD OR FOR ESTABLISHING SYMBOLIC RESIDENCE FOR PURPOSES  
OF TRAVEL ON THE SABBATH

- M. 3:1 With any [food] do they prepare a fictive fusion meal to unite courtyards into a single domain or a fictive boundary meal to establish one's point of residence for the Sabbath, except for water and salt. And any [food] is purchased with money set aside as [second] tithe, except for water and salt. He who vows [to abstain] from food is permitted [to make use of] water and salt. They prepare a fictive fusion meal to unite courtyards into a single domain for a Nazir with wine [which he is forbidden by his vow to drink], and for an Israelite with heave-offering [which he is forbidden by reason of his caste status to eat]. And for a priest [they prepare a fictive fusion meal to unite courtyards into a single domain and locate it] in a grave area.
- M. 3:2 They prepare a fictive fusion meal to unite courtyards into a single domain with (1) doubtfully tithed produce, (2) first tithe whose heave-offering has been removed, and (3) second tithe and consecrated produce which have been redeemed. And priests [do so] with dough-offering and with heave-offering. But [they do] not [prepare a fictive fusion meal to unite courtyards into a single domain = erub] with (1) food liable to tithing from which heave-offering and tithe have not been taken, (2) first tithe the heave-offering of which has not been removed, or (3) second tithe and consecrated produce which have not been redeemed. He who sends his fictive fusion meal with a deaf-mute, an idiot, or a minor, or with someone who does not concede the validity of the fictive fusion meal—it is not a valid fictive fusion meal to unite courtyards into a single domain . But if he said to someone else to receive it from him, lo, this is a valid fictive fusion meal to unite courtyards into a single domain.
- T. 2:10 They prepare an Erub with produce in the status of second tithe located in Jerusalem, but not in the provinces. He who vows to abstain

from bread—they prepare an Erub for him with it.

- M. 3:3 [If] one put it into a tree — [if] it is above ten handbreadths, his fictive fusion meal is not a valid fictive fusion meal. [If he put it] below ten handbreadths, his fictive fusion meal is a valid fictive fusion meal. [If] he put it in a cistern, even if it was a hundred cubits deep, his fictive fusion meal is a valid fictive fusion meal. [If] he put the fictive fusion meal at the tip of a reed or at the tip of a stick, when it is uprooted and stuck [into the ground], even if it is a hundred cubits high, lo, this is a valid fictive fusion meal. [If] he put it into a cupboard and lost the key, lo, this is nonetheless a valid fictive fusion meal.
- T. 2:14 All the same is the rule for a tree and for any sort of domestic beast. But in the case of a crevice, pit, cave or fence, one takes hold and climbs up, takes hold and climbs down, even a distance of a hundred cubits.
- M. 3:5 A Man stipulates concerning his fictive fusion meal and says, “If gentiles come from the east, my fictive fusion meal is at the west. [If they come] from the west, my fictive fusion meal is at the east. If they come from both directions, then to the place which I shall choose shall I go. If they come from neither side, lo, I am in the status of the other people of my town. If a sage comes from the east, my fictive fusion meal is at the east. If he comes from the west, my fictive fusion meal to mark my Sabbath resting place [fictive fusion meal] is at the west. If one comes from both directions, then to the place which I shall choose I shall go. If he comes from neither side, lo, I am in the status of the other people of my town.”
- T. 3:2 A Man stipulates concerning his Erub and says, “My Erub is for this Sabbath and not for another Sabbath.” “...For another Sabbath and not for this Sabbath.” “...My Erub is for Sabbaths and not for festivals.” “...For festivals and not for Sabbaths.” “...For the Sabbath and not for the Day of Atonement.” “...For the Day of Atonement and not for the Sabbath.”
- T. 3:3 A. He who says to his fellow, “Prepare an Erub for me out of dates,” and he prepared an Erub out of dried figs, “...out of dried figs,” and he prepared an Erub out of dates, “[Set the Erub for me] in a watchtower,” and he made the Erub for him in a dovecote, “...in a dovecote,” and he made the Erub for him in a watchtower, “...in the house,” and he made the Erub for him in the upper room, “...in the upper room,” and he made the Erub for him in the house—his Erub is not valid. But [if] he said, “Prepare an Erub for me,” without further specification, and he prepared an Erub for him, whether with dates or dried figs, whether in a watchtower or in a dovecote, whether in the house or in the upper room, his Erub is valid.
- Y. 3:8 I:3 If one has effected his act of commingling Sabbath boundaries through the use of a loaf of bread on the first [of two holy days], he does the same on the second, so long as it is with the same loaf of bread that he has made the Erub -meal on the second day. If he effected an act of commingling by his feet [walking to the place at which he

wishes to locate his Sabbath limit and remaining there at sunset] on the first day, he must effect the act of commingling by his feet [walking as above] on the second day. If he has effected an act of commingling of Sabbath boundaries by walking [to the place he wishes to designate as the center of his Sabbath residence and remaining there at sunset] on the first day, he may utilize a loaf of bread for the same purpose on the second day. If he has utilized a loaf of bread [on the first day], he should not effect his act of commingling through walking [as above] on the second day.

How, then, do the Sabbath limit and the fictive meal function? Here are some cases that show their working:

The questions concerning the Erub-meal — as distinct from the Erub-fence — carry us deeper into the condition of the household-er on the Sabbath; the meal is shared, so establishing as “his place” all those who have a right to share in that meal. Once more, then, the commingling of ownership bears the meaning that rights of private property and possession on the Sabbath give way in the formation of a vast community, closed to the world but fully communitarian in rights of ownership. We shall presently ask for suitable metaphors for the clarification of the matter, and then the appropriate myth for the explanation thereof. In connection with the meal of commingling, two distinct considerations come under analysis.

First, just as courtyards are joined by a symbolic gateway at the entrance of the alleyway that they share, so the households of a given courtyard also may be formed into a single private domain. This is accomplished through the provision of a symbolic, fictive meal that (in theory) all may eat in common. The Erub-meal then signifies that all who share it commingle their property into a single property; that is then the “his place” of all of the householders and their dependants, thus one large private domain.

Second, just as fellow-travelers form out of public domain a common, shared private domain, thus establishing for the purpose of the Sabbath a point of residence other than the established one (the household of each traveler, respectively), so individuals may provide a domain for themselves other than the established one.

So in both cases what the Erub accomplishes is to confirm the householder’s act of will: here I share my property and give up ownership; there I demarcate property as mine for the pertinent purpose and so establish ownership. It is a symbolic transaction, precipitated by the advent of the seventh day at its intersection with the intangible lines of order that mark out the spaces of the world.

In the second unit of the Halakhah, we define the character of the

fictive fusion meal, whatever purpose it is meant to serve (courtyards, alleyways). The principle is that it must be theoretically-edible food, even though it is subject to an ad hoc prohibition, and it may not be food that is absolutely forbidden. It must be situated where it is theoretically accessible, that is, within private domain. Now since the meal establishes either common ownership or common residence, we turn to how individuals benefit from this provision of the Halakhah. An individual has the right to move from his place of residence for a distance of 2,000 cubits on the Sabbath day. Beyond that space, as we recall, he may move only four cubits, that is, within the space occupied by his own body. By situating an Erub-meal as the indicator of Sabbath residence, an individual has the power to change his residence from the normal one to some other place. That secures the right to move over the space of 2,000 cubits other than the territory delineated by his regular residence, his household. Positioning the Erub at the outer edge of his village, then, he may make it possible to travel to a neighboring village. In addition to using the Erub-meal for that purpose, under certain conditions he may accomplish the same end through a verbal declaration, but he must refer to a particular, identifiable place.

#### THE ERUB AND VIOLATING THE SABBATH-LIMIT

- M. 4:1 He whom gentiles took forth [beyond the Sabbath limit], or an evil spirit, has only four cubits [in which to move about]. [If] they brought him back, it is as if he never went out. [If] they carried him to another town, or put him into a cattle pen or a cattle fold, he may walk about the entire area.”
- T. 3:5 Gentiles who came against Israelite towns [cf. M. Erub. 4:1A] — they go forth to do battle against them carrying weapons, and they violate the prohibitions of the Sabbath on their account. Under what circumstances? When they came for blood. But if they did not come for blood, they do not go forth against them carrying weapons, and they do not violate the prohibitions of the Sabbath on their account. [If, however,] they came against towns located near the frontier, even to grab straw, even to grab a loaf of bread, they go forth against them carrying weapons, and they violate the prohibitions of the Sabbath on their account.
- T. 3:6 At first they would leave their weapons in the house nearest the wall. One time they ran about and were in haste to grab their weapons, and they ended up killing one another. They made an ordinance that each one should go home [to get his weapon].
- T. 3:7 A detachment which goes out-to fight an optional war does not besiege a gentile town less than three days before the Sabbath. But if they began the siege, even on the Sabbath they do not interrupt.

- M. 4:3 He who went forth [beyond the Sabbath line] on a permissible mission, but they said to him, "The deed already has been done," has two thousand cubits in every direction [in which to walk about]. If he was within the Sabbath line, it is as if he never went forth. For all those who go forth to save [someone in danger] may go back to their original place.
- T. 3:4 [If there were two men, and each one] prepared an Erub [for both], this one doing so to the north, and that one to the south, this one may go northward in accord with the extent of the Erub of the other in the south, and that one may go southward in accord with the limit of this one in the north. But if they set the Sabbath line in the middle [between them, so one made his Erub for two thousand cubits to the north of the line, and the other made his Erub from two thousand cubits to the south of the line], they should not move from their place. [And if] one made an Erub to the north and then went and made an Erub to the south, the latter of the two annuls the former of the two. [If] he made an error and made an Erub in both directions, thinking that he is permitted to move in both of them, he moves to the north in accord with this Erub of his in the south, and in the south in accord with this Erub of his in the north. But if he set the Sabbath line square in the middle, let him not move from his place.
- M. 4:7 He who was coming along the way and darkness overtook him, and who knew about a certain tree or a fence and said, "My place of residence for the Sabbath will be under it," has said nothing at all. [If he said], "My place of residence for the Sabbath is at its root," he may then go from the place at which he is standing to the root, for a distance of two thousand cubits, and from the location of its root up to his house, for two thousand cubits. So he turns out to have the right to go four thousand cubits after it gets dark.
- T. 3:15 He who says, "My place of Sabbath residence is on a tree," "...on a carob," "...on a camel-thorn," on a mound ten handbreadths high, not larger in area than two seahs' space, less than ten handbreadths high, no more than four cubits, in a crevice ten handbreadths deep, no larger than two seahs' space, less than ten handbreadths deep, no more than four cubits, in a garden surrounded by a fence higher than ten handbreadths, no more than two seahs' space, less than ten handbreadths, no more than four cubits—(and) he measures until he reaches that place. [When] he gets to that place, he may traverse the entire area and beyond it for two thousand cubits [cf. M. Erub. 4:7A-B, F-G]. Under what circumstances? When it was within his two thousand cubits. [If] it was not within his two thousand cubits, he has only two thousand cubits alone.

The boundaries of an entire town are demarcated, forming of the whole a single domain for the Sabbath, by the provision of an erub-fence.

## DEFINING THE SABBATH-LIMIT OF A TOWN

- M. 5:1 How do they augment towns' boundaries [extending their limits for purposes of defining the Sabbath line]? [If among the houses at the outskirts] one house recedes and one house projects, [or] a turret [of the town wall] recedes and part projects, [if] there were there ruins ten handbreadths high, or bridges or sepulchres containing a dwelling house, they extend the measure outward so as to take account of them. And they make it [the Sabbath limit of the area of the town] as if it were shaped like a square tablet, so that [the town's people] may gain the benefit of the corners.
- T. 4:4 How do they augment towns [extending their limits for purposes of defining Sabbath line] [M. Erub. 5:1A]? [If it is] rectangular, it is regarded as is. [If it is] circular, they provide it with the benefit of corners. [If it was] a square, they do not provide it with the benefit of corners. [If it was shaped] like a bow, or like a gamma, they regard [the empty area] as if it were equivalent [to the settled area, and give the city the benefit of the area within a line drawn from one tip of the bow to the other] [cf. M. Erub. 5:1].

The erub-meal affects those that share in it; Israelites who do not concur do not gain its benefit. The act of commingling ownership of one's property must be deliberate.

THE ERUB AND COMMINGLING OWNERSHIP OF A COURTYARD  
OR AN ALLEYWAY

- M. 6:3 The men of a courtyard, one of whom forgot and did not participate in the fictive fusion meal with the others—his house is prohibited, both for him and for them, from bringing things in and from taking things out. And theirs are permitted both for him and for them. [If] they gave him their right [of access], he is permitted, and they are prohibited. [If] they were two [who forgot], they prohibit one another. For one person gives or takes the right of access. But [while] two can give the right of access, they cannot take it.
- T. 5:12 The men of a courtyard, one of whom forgot and did not join in the Erub [M. Erub. 6:3A]—it is his duty to give up his right [to the courtyard]. [If] it was a house of mourning or a house of feasting, and they wanted to give up their right, they have the right to do so.
- T. 5:17 One person who did not join in the Erub gives up his right to one who did participate in the Erub. And two who shared in the Erub give their right to one who did not share in the Erub. Two who did not share in the Erub give their right to the courtyard to two who did share in the Erub, or to one who did not share in the Erub. But one who shared in the Erub may not give his right to one who did not share in the Erub, and two who shared in the Erub may not give up their right to two who did not share in the Erub, and two who did not

share in the Erub may not give up their right to two who did not share in the Erub. For so long as they are living in the courtyard, and one of them forgot and did not share in the Erub, Lo, this one prohibits [use of the Erub to the others who live there] [cf. M. Erub. 6:3E-G].

What of gentiles? What of non-believing Israelites? They do not acknowledge the Sabbath and are not participants in its observance; they are treated as null:

- T. 5:18 An Israelite who publicly profanes the Sabbath does not have to give up his right. And an Israelite who does not publicly violate the Sabbath has to give up his right [to the courtyard]. An Israelite gives over his right and nullifies his right, and in the case of a gentile, until the time that he will rent [the property]. How does one give up his right? He says, "My right is given over to you, my right is annulled in your favor." But he does not have to make a formal act of acquisition.
- Y. 6:1 I:1 = T. 5:19 A courtyard inhabited by gentiles—lo, [for the purpose of carrying on the Sabbath] it is the equivalent of a cattle pen. It is permitted to bring something in and to take something out from the courtyard to the houses which open onto it, and from the houses which open onto it into the courtyard. And utensils which were kept for the Sabbath in the courtyard it is permitted to carry around in the courtyard. [But if] a single Israelite lived in that courtyard, lo, this one prohibits it [for carrying]. For it is tantamount to his courtyard [for the purposes of the restrictions of the Sabbath about carrying therein].

We turn to households made up of more than the nuclear family, e.g., a father and his sons, wives, daughters-in-law, workers and the like:

- M. 6:7 Brothers who ate at the table of their father but who slept in their respective houses require a fictive fusion meal for each one. Therefore if one of them forgot and did not prepare a fictive fusion meal, he annuls his right [in the common courtyard, so the others may carry therein]. Under what circumstances? When they bring their fictive fusion meal to some other place. But if the fictive fusion meal was brought to them, or if there were no [other] residents with them in the courtyard, they do not have to prepare a fictive fusion meal.
- T. 5:10 A father and his sons, wives, daughters-in-law, Man-servants, and maid-servants, when no one else lives with them in the courtyard, do not have to prepare an Erub [cf. M. Erub. 5:7H-I]. But the alleyway [serving their courtyard], one way or the other, requires a sidepost and crossbeam. An ordinary person to whom people would bring an Erub—one [who is a priest] brings to a priest [not scrupulous about cleanliness of heave-offering] a loaf of bread made out of wheat in the status of heave-offering, and sits and watches over it, and when it gets dark [on Friday night], he [the observant priest] eats it and goes along. But in the seventh year, lo, this one is permitted [to take care of the matter

without watching over the disposition of the loaf of bread]. For they [ordinary folk] are not suspect of violating the laws of the seventh year.

When the fusion meal serves alleyways, it is called a “partnership-meal” and functions in the same way as the erub-meal in a given courtyard.

#### THE SHITTUF AND THE ALLEYWAY

- M. 7:6 How do they make a partnership [through a fusion meal, or a shittuf] in an alleyway? One [of the residents] sets down a jar [of food or drink] and states, “Lo, this belongs to all the residents of the alleyway.” And thus he effects possession for them through his adult son or daughter, his Hebrew slave boy or slave girl, or his wife. But he does not effect possession in their behalf by means of his minor son or daughter, or by means of his Canaanite slave boy or slave girl, because their hand is as his hand.
- Y. 7:6 I.1 One does not impart ownership [to the other residents of the alleyway] through a jug of wine in the cellar. The reason is that he may forget and confuse it with some other jug [and use for his own purposes the one he has set aside for joint ownership].
- M. 7:7 [If] the food diminished in volume [to less than the prescribed quantity], one adds to it and effects possession for the others. And he need not inform them. [But if] the number [of residents of the alleyway] became larger, one adds to the food and effects possession for them. And he does need to inform them.
- M. 7:8 What is its prescribed volume? When the [residents] are numerous, food sufficient for two meals for all of them. When they are few in numbers, a dried fig’s bulk—such that may be taken out on the Sabbath—for each and every one.
- T. 6:1 The effecting of a partnership [shittuf] in an alleyway—how [do people prepare it] [M. Erub. 7:6A]? A Man sets down a jar of wine, oil, grain, dried figs, or olives, whether belonging to him or to his fellow, and says, “Lo, this belongs to all the residents of the alleyway” [M. Erub. 7:6B]. [If that which was set down] belonged to them, he does not have to make an act of acquisition [in their behalf, since it already belongs to them]. [If that which he set down] was his, he raises it above the earth and says, “I have made acquisition for you and for all who will join you.” [If] people join them, he makes an act of acquisition but does not have to inform them [cf. M. Erub. 7:7].
- T. 6:3 Wine [used for a shittuf must be] enough for drinking along with two meals. Oil [used for a shittuf must be] enough to eat with food for two meals. Vinegar [used for a shittuf must be] enough for dipping food for two meals. At the outset and at the end it must be of the stated measure. [If] the thing was used up, one informs the people [he has replaced it], but he does not have to make an act of acquisition [in behalf of all of them].

Here is how the meal is set out:

- M. 8:1 How do they prepare a fictive fusion meal for the Sabbath line? One puts down a jug [of food of some sort] and says, “Lo, this belongs to all the residents of my town,” [or:] “To whoever goes to the house of mourning,” or, “To the house of celebration.” Whoever accepted for himself [a share in the ownership of this meal] while it was still day is permitted [to walk to the limit of two thousand cubits from the location of the fictive fusion meal for the Sabbath line]. [But whoever accepts for himself ownership] after it gets dark is prohibited [from doing so], for they do not prepare a fictive fusion meal once it gets dark.
- M. 8:2 What is its requisite measure? Food sufficient for two meals for each one.
- T. 6:9 He who prepares an Erub in behalf of the residents of his town, so that they may go with him to a house of mourning or to a house of celebration, and they agreed to come with him — Lo, this one should prepare an Erub for them with baskets of dates or baskets of olives [cf. M. Erub. 8:1]. [If] there is food sufficient for two meals for each and every one, they may come along. And if not, they may not come along. [If] they accepted [his invitation] in sequence, then the ones who accepted first, for whom there is sufficient food, may come along. And the ones who accepted later on may not come along.

This abbreviated survey shows how the Halakhah conducts its business. Linking the Halakhah to the condition of Creation now defines our task.

We begin by noting that “*his place*” explicitly means private domain. There, the Torah implicitly affirms, people may conduct life in an ordinary way. But “private domain” and the household are not deemed synonymous, and that marks an important judgment. Now “private domain” means “one’s place,” and that may mean, a site under a tree previously selected for the purpose of the Sabbath. Not only so, but an individual is now free to designate his “place” as other than that of his home and extended family. “Private domain,” whether or not the household within its walls, is where an Israelite is supposed to spend the Sabbath, and, the Halakhah clearly indicates, that is the only normal situation for the Sabbath. Spending the Sabbath in public domain, domain not designated for one’s place or residence for the holy span of time, means sitting in place and doing nothing. Private domain is where one may do what he likes. That is, it is there that, within the framework of the Sabbath people may handle what they wish, carry what they wish from spot to spot, conduct all licit actions, once more, within the limits of the Sabbath: actions that are not constructive with enduring results and that are consonant with the sanctity of the time. Beyond “his place,” a

householder may not conduct himself as if he owned the territory, meaning, handle whatever he wants, move about what he wishes, do whatever he chooses. Apart from walking about, for all practical purposes on the Sabbath all one may do in public domain by his mere presence is establish private domain, meaning, a space of four cubits; from that point he cannot budge.

The result of the meal of commingling and its counterparts is that "his place" is vastly extended, but also diluted by the commingled ownership of others. That commingling of ownership of pieces of private domain into one vast, still-private domain is accomplished by relinquishing one's exclusive proprietorship of his own sector of private domain. The upshot is, through the medium of an Erub, a householder gives up his unlimited power over his own share of private domain—in order to acquire limited power over a much larger share of land that is in that same status. And, through that same medium, one may not only commingle his rights of ownership, he may also remove himself from the property that is usually his private domain and establish another domain. It comes down to the same thing. The advent of the Sabbath redefines what is meant by private domain, loosing the individual from the group as much as loosing the proprietary rights of the householder from his own domain but extending his rights over the domain of others. The Sabbath then brings about a reorganization of the division of property and society alike.

So, throughout, we deal with a symbolic transaction, namely, the commingling whether of abstract ownership or of abstract lines of delineation of property. In both matters we wish to establish the ways of overcoming, on the Sabbath, the boundaries, whether of private ownership or of demarcation of territory. What we want is to establish the means of sharing what is private, so that many commingle rights of ownership, and unifying what is divided, so that many properties are formed into one. And that carries us back to Eden: how better signal one's attitude and intentionality than to give up ownership in favor of sharing, which is no more than what God did in giving Eden to Adam and Eve.

#### IV. *Giving up Ownership to Gain Possession*

The paramount question before us is, why do sages devote their reading of the law of tractates Shabbat and Erubin above all to differentiating public from private domain? All of Erubin and a fair component of Shabbat focus upon that matter. And, to revert to the

Halakhah of Shabbat once more, the other principal focus, the definition of an act of labor that, when performed on the Sabbath, is culpable, defines yet another question that demands attention. Why do sages formulate the principle that they do, that the act of labor prohibited on the Sabbath is one that fully constitutes a completed act of labor — beginning, middle, and end — in conformity with the intentionality of the actor and with the normal procedures of ordinary labor.

The Halakhah accomplishes the systematization of definitions implicit in the myth of Eden that envelopes the Sabbath. That is what I mean by maintaining that the Halakhah participates in telling the story of Creation. Sages' thinking about the Sabbath invokes, in the formation of the normative law defining the matter, the model of the first Sabbath, the one of Eden. The two paramount points of concern — [1] the systematic definition of private domain, where ordinary activity is permitted, and [2] the rather particular definition of what constitutes a prohibited act of labor on the Sabbath — precipitate deep thought and animate the handful of principles brought to concrete realization in the two tractates. "Thou shalt not labor" of the Commandments refers in a generic sense to all manner of work; but in the Halakhah of Shabbat, "labor" bears very particular meanings and is defined in a quite specific, and somewhat odd, manner. We can make sense of the Halakhah of Shabbat and Erubin only by appeal to the story of Creation, the governing metaphor derived therefrom, the sages' philosophical reflections that transform into principles of a general and universal character the case at hand.

The Scriptures on their own sustain a broad range of possible points of Halakhic emphasis. I have already pointed out that the dual formulation of matters in the Ten Commandments makes remarkably slight impact here, rest for animals and slaves playing no distinctive role in the articulation of the law. And while the two versions of the Ten Commandments focus on not performing acts of labor, neither prepares us for the Halakhic framing of matters concerning not only labor but also the matter of domains. Why the stress on space and activity? When approaching the theme and problem of the Sabbath, they chose to answer two questions, as we have already seen: [1] what does it mean for a person to remain "in his place," and [2] what constitutes the theory of forbidden activity, the principles that shape the innumerable rules and facts of the prohibition? Accordingly, we must ask a basic question: what is it about the Sabbath of Creation that captures sages' attention?

If the Sabbath of Eden forms the model, then what are the principles that sages derived from their reading of the story of the Genesis of Eden? Their foci signal the answer. When it comes to decoding sages' reading of the story of Creation culminating in the Sabbath of Eden, — to state the obvious! — there is no reading the Halakhah of Shabbat or of Erubin out of the context of the Sabbath of Creation as sages defined that context. But neither Shabbat nor Erubin defines its context. Both presuppose analogies and metaphors that are not articulated but that are constantly present. How, then, to proceed? Only when we know what is supposed to take place on the Sabbath — in particular in the model of the Sabbath that originally celebrated Creation — to the exclusion of the model of the Sabbath that would focus the Halakhah upon the liberation of slaves from Egypt (Deuteronomy's version) or the cessation of labor of the household, encompassing animals and slaves (Exodus's version) — only then shall we find the key to the entire matter of the Sabbath of the Halakhah of the Oral Torah. Then we may identify the setting in which the rules before us take on meaning and prove to embody profound religious thinking.

I find the Halakhah that presents the model of how sages think about the Sabbath and accounts for the topical program of their thought — the fully articulated source of the governing metaphor — is Shebiit. That tractate, as we have seen in Chapter Three, describes the observance of the Sabbath that is provided every seventh year for the Land of Israel itself. The Land celebrates the Sabbath, and then, Israel in its model. The Land is holy, as Israel is holy, and the Priestly Code leaves no doubt that for both, the Sabbath defines the rhythm of life with God: the seventh day for Israel, the seventh year for the Land. For both, moreover, to keep the Sabbath is to be like God. And, specifically, that is when God had completed the work of Creation, pronounced it good, sanctified it — imposed closure and permanence, the Creation having reached its conclusion. God observed the Sabbath, which itself finds its definition as the celebration and commemoration of God's own action. This is what God did, this is what we now do. What God did concerned Creation, what we do concerns Creation. And all else follows. The Sabbath then precipitates the imitation of God on a very particular occasion and for a very distinctive purpose. And given what we have identified as sages' governing theology — the systematic account of God's perfect justice in Creation, yielding an account and explanation of all else — we find ourselves at the very center of the system. The meeting of time and space on the seventh day of Creation — God having formed space and marked time — finds its counterpart

in the ordering of Israelite space at the advent of time, the ordering of that space through the action and inaction of the Israelites themselves.

Erubin, with its sustained exercise of thought on the commingling of ownership of private property for the purpose of Sabbath observance and on the commingling of meals to signify shared ownership, accomplishes for Israel's Sabbath what Shebiit achieves for the Land's. On the Sabbath inaugurated by the Sabbatical Year the Land, so far as it is otherwise private property, no longer is possessed exclusively by the householder. So too, the produce of the Land consequently belongs to everybody. It follows that the Halakhah of Erubin realizes for the ordinary Sabbath of Israel the very same principles that are embodied in the Halakhah of Shebiit. That Halakhah defines the Sabbath of the Land in exactly the same terms: the Land is now no longer private, and the Land's produce belongs to everybody. The Sabbath that the Land enjoys marks the advent of shared ownership of the Land and its fruit. Sharing is so total that hoarding is explicitly forbidden, and what has been hoarded has now to be removed from the household and moved to public domain, where anyone may come and take it. Both Shebiit and Erubin concur that, in order to gain possession, one must relinquish ownership.

The Sabbatical year bears the message, therefore, that on the Sabbath, established arrangements as to ownership and possession are set aside, and a different conception of private property takes over. What on ordinary days is deemed to belong to the householder and to be subject to his exclusive will on the Sabbath falls into a more complex web of possession. The householder continues to utilize his property but not as a proprietor does. He gives up exclusive access thereto, and gains in exchange rights of access to other peoples' property. Private property is commingled; everybody shares in everybody's. The result is, private property takes on a new meaning, different from the secular one. So far as the householder proposes to utilize his private property, he must share it with others, who do the same for him. To own then is to abridge ownership in favor of commingling rights thereto, to possess is to share. And that explains why the produce of the Land belongs to everyone as well, a corollary to the fundamental postulate of the Sabbath of the Land. Eden provides the metaphor for imagining the Land of Israel, and the Sabbath, the occasion for the act of metaphorization.

What qualities of Eden impress sages? With the Halakhah as the vast corpus of facts, we focus upon two matters: [1] time and space,

[2] time and activity. How is space demarcated at the specified time, how is activity classified at that same time? The former works itself out in a discussion of where people may move on the Sabbath and how they may conduct themselves (carry things as they move). The latter finds its definition in the model of labor that is prohibited. With Eden as the model and the metaphor, we take a simple sighting on the matter. First, Adam and Eve are free to move in Eden where they wish, possessing all they contemplate. God has given it to them to enjoy. If Eden then belongs to God, he freely shares ownership with Adam and Eve. And—all the more so—the produce of Eden is ownerless. With the well-known exception, all the fruit is theirs for the taking. So we find ourselves deep within the Halakhah of Shebiit.

For the Halakhah of Shebiit sets forth in concrete terms what is implicit in the character of Eden. In the Sabbatical Year the Land returns to the condition characteristic of Eden at the outset: shared and therefore accessible, its produce available to all. The Sabbatical Year recovers that perfect time of Eden when the world was at rest, all things in place. Before the rebellion, Man did not have to labor on the land; he picked and ate his meals freely. And, in the nature of things, everything belonged to everybody; private ownership in response to individual labor did not exist, because Man did not have to work anyhow. It is in this context that we turn to the Halakhah of Shabbat-Erubin, with special reference to the division of the world into private and public domain, the former the realm of permitted activity on the Sabbath, the latter not.

If we may deal with an Erub-fence or an Erub-meal, how are we to interpret what is at stake in these matters? It in both instances is to render private domain public through the sharing of ownership. The Erub-fence for its part renders public domain private, but only in the same sense that private domain owned by diverse owners is shared, ownership being commingled. The Erub-fence signals the formation for purposes of the sanctification of time of private domain. So what is “private” about “private domain” is different on the Sabbath from in secular time. By definition, for property to be private in the setting of the Sabbath, it must be shared among householders. On the Sabbath, domain that is totally private, its ownership not commingled for the occasion, becomes a prison, the householder being unable to conduct himself in the normal manner in the courtyard beyond his door, let alone in other courtyards in the same alleyway, or in other alleyways that debauch onto the same street. And the Halakhah, as we have seen, makes provision for those—whether Israelite or

gentile — who do not offer their proprietorship of their households for commingling for the Sabbath.

What happens, therefore, through the Erub-fence or Erub-meal is the re-definition of proprietorship: what is private is no longer personal, and no one totally owns what is his, but then everyone (who wishes to participate, himself and his household together) owns a share everywhere. So much for the “in his place” part of “each Man in his place.” His place constitutes an area where ordinary life goes on, but it is no longer “his” in the way in which the land is subject to his will and activity in ordinary time. If constructing a fence serves to signify joint ownership of the village, now turned into private domain, or constructing the gateway, of the alleyway and its courtyards, what about the meal? The Erub-meal signifies the shared character of what is eaten. It is food that belongs to all who wish to share it. But it is the provision of a personal meal, also, that allows an individual to designate for himself a place of Sabbath residence other than the household to which he belongs.

So the Sabbath loosens bonds, those of the householder to his property, those of the individual to the household. It forms communities, the householders of a courtyard into a community of shared ownership of the entire courtyard, the individual into a community other than that formed by the household to which he belongs — now the community of disciples of a given sage, the community of a family other than that in residence in the household, to use two of the examples common in the Halakhah. Just as the Sabbath redefines ownership of the Land and its produce, turning all Israelites into a single social entity, “all Israel,” which, all together, possesses the Land in common ownership, so the Sabbath redefines the social relationships of the household, allowing persons to separate themselves from the residence of the household and designate some other, some personal, point of residence instead.

The main point of the law of private domain in Shabbat and Erubin seen in the model of Shebiit then is to redefine the meaning of “private domain,” where each Man is to remain in “his” place. The law aims to define the meaning of “his,” and to remove the ownership of the land and its produce from the domain of a householder, rendering ownership public and collective. Taking as our model Shebiit, we note that in the year that is a Sabbath, the land is held to be owned by nobody and everybody, and the produce of the Land belongs to everyone and no one, so that one may take and eat but thank only God. It is no one’s, so everyone may take; it is everyone’s, so everyone may eat, and God alone is to be acknowledged. Since, on the Sabbath, people are supposed to remain within their

own domain, the counterpart to Shebiit will provide for the sharing of ownership, thus for extending the meaning of “private domain” to encompass all the partners in a shared locus. “Private domain,” his place, now bears a quite different meaning from the one that pertains in profane time. The Sabbath recapitulates the condition of Eden, when Adam and Eve could go where they wished and eat what they wanted, masters of all they contemplated, along with God. Israel on the Sabbath in the Land, like Adam on the Sabbath of Eden that celebrates Creation, shares private domain and its produce.

Israel on the Sabbath in the Land like God on the Sabbath of Eden rests from the labor of Creation. And that brings us to the question, What about that other principle of the Sabbath, the one set forth by the Halakhah of Shabbat? The richly detailed Halakhah of Shabbat defines the matter in a prolix, yet simple way. As we saw in Chapter Two, it is that on the Sabbath it is prohibited deliberately to carry out in a normal way a completed act of constructive labor, one that produces enduring results, one that carries out one’s entire intention: the whole of what one planned, one has accomplished, in exactly the proper manner. Not work in a generic sense is prohibited, rather, an act of labor of a very particular definition. Clearly, a definition of the act of labor that is prohibited on the Sabbath has taken over and recast the commonsense meaning of the commandment not to labor on the Sabbath. For considerations enter that recast matters from an absolute to a relative definition. One may tie a knot—but not one that stands. One may carry a package, but not in the usual manner. One may build a wall, only if it falls down. And, as I have stressed, one may do pretty much anything without penalty—if he did not intend matters as they actually happened. The metaphor of God in Eden, as sages have reflected on the story of Creation, yields the governing principles that define forbidden labor. What God did in the six days of Creation provides the model.

What then takes place inside the walls of the Israelite household when time takes over space and revises the conduct of ordinary affairs? Israel goes home to Eden. How best to make the statement that the Land is Israel’s Eden, that Israel imitates God by keeping the Sabbath, meaning, not doing the things that God did in creating the world but ceased to do on the Sabbath, and that to restore its Eden, Israel must sustain its life—nourish itself—where it belongs? To set forth those most basic convictions about God in relationship to Man and about Israel in relationship to God, I can imagine no more eloquent, no more compelling and appropriate, medium of

expression than the densely detailed Halakhah of Shebiit, Shabbat, and Erubin. Indeed, outside of the setting of the household, its ownership, utilization, and maintenance, I cannot think of any other way of fully making that statement stick. In theory implausible for its very simplicity (as much as for its dense instantiation!), but in Halakhic fact, compelling, the Oral Torah's statement accounts for the human condition. Israel's Eden takes place at in the household open to others, on the Sabbath, in acts that maintain life, share wealth, and desist from Creation.

The key words, therefore, are in the shift from the here and now of time in which one works like God, to the *then* and *there* when one desists from working, just as God did at the moment the world was finished, perfected, and sanctified. Israel gives up the situation of Man in ordinary time and space, destructive, selfish, dissatisfied and doing. Then, on the Sabbath, and there, in the household, with each one in place, Israel enters the situation of God in that initial, that perfected and sanctified then and there of Creation: the activity that consists in sustaining life, sharing dominion, and perfecting repose through acts of restraint and sufficiency.

#### V. *The Halakhic Reading of Creation*

The Halakhah has responded to two of the three principal elements of Scripture's story of Creation: the Sabbath and not working on that day, and the antidote to the sin of rebellion through thievery, conversion of property to one's own use. What is at stake, then, in the Halakhah of Israel's conduct in the Land, whether on the Sabbath or in ordinary time? It is the reprise of Adam's story, now by Israel. The Halakhah through its detailed rules for the social order accomplishes the recapitulation of Eden's event, now with a happy ending in the Land. This it does by defining the outline of a tableau: Israel at rest. That contrasts with another tableau: Adam and Eve in action. In their actions Adam and Eve made their own what was explicitly denied them. The Aggadah would classify their action as theft. In its repose Israel gives up ownership in its own domain in order to share that domain among others. Everyone gives up, and everyone gets. Erubin in its own way responds to the critical transaction of Eden no less vividly than Orlah! In sharing food, rather than effecting ownership of food, in establishing the marks of a common domain rather than making private what was someone else's, the Halakhah accom-

plishes its goal. It is to present the occasion to Israel for regeneration, to give Israel the opportunity to meet the same temptation as Adam and Eve had met and to overcome that temptation. At issue are acts of will, the fictive character of the gateway and the meal underscoring the critical center of matters: intentionality confirmed by deed. The Halakhah for the Sabbath day not only recapitulates the perfection of Creation, when God blessed and sanctified the world. It also affords Israel the incentive on the most appropriate occasion to show God what the New Adam is—by contrast to the Old.

What is at stake in the recapitulation of Eden's transaction, now with a different outcome? It is not only Israel's succession to Adam. It also is the restoration for humanity of the conditions of Eden: a life of Creation and repose, for all eternity, rather than a life of servile labor and death. Israel on the Sabbath, in particular in the Land, restores Eden so as to enter eternity. So the Halakhah has recast the story of Creation by providing it with two further, essential chapters: an analysis of how to correct the flaws of Creation exposed by Man's rebellion, and where to look for an account of what happened, or can happen, when these flaws are corrected. The chapter of Judaism's story of Creation that the Halakhah adds turns out to claim its place at the end of the tale: these things having happened, what then? Judaism's story of Creation in its initial telling ends in cosmic calamity: loss of Eden and death. The Halakhah then conveys the narrative of reparation and return: the Land preserved like Eden, Man now as Israel regenerate. Israel in the Land on the Sabbath do as God wanted which Adam and Eve had not done, from the ninth hour onward: those last three hours, the tenth, eleventh, and twelfth, that would define the human condition for the next twenty generations—but not forever. Creation then inaugurates that tale of humanity that leads in the end not to the grave but, via Sinai, to judgment and eternal life: judgment for the condition begun with Adam and Eve, eternal life for the regeneration effected by the Torah.

No wonder, then, that the Rabbinic sages insist, the resurrection of the dead for eternal life will take place in the Land of Israel. In light of the sages' reading of the story of Creation, that is the only possible setting for the restoration of Creation to its original plan. Just as deliberate sin had made the difference, so intentional, explicit repentance from sin will make the difference. Through the Torah, Israel recognizes, and learns how to correct and repent for, sin. Then Israel is comprised by those who attain Eden once more: eternal life in God's place. This definition of Israel is stated in so many words:

## PESIQTA RABBATI I:VI.4

- A. Thus you have learned that [1] those who die in the Land of Israel will live in the days of the Messiah, and [2] the righteous who die overseas come to it and live in it.

Those overseas — not being righteous — are explicitly excluded, but what about gentiles in the Land of Israel?

- B. If that is the case, then will the gentiles who are buried in the Land also live?  
 C. No, Isaiah has said, “The neighbor shall not say, I too have suffered pain. The people who dwell therein shall be forgiven their sin” (Is. 33:24).  
 D. The sense is, “My evil neighbors are not going to say, ‘We have been mixed up [with Israel and will share their fate, so] we too shall live with them.’”

Now comes the explicit identification of Israel as those who are forgiven their sin, having repented in accord with the vocation of the Torah:

- E. But that one that was the people dwelling therein [is the one that] will live, and what is that people? It is the people that has been forgiven its sin, namely, those concerning whom it is said, “Who is God like you, who forgives sin and passes over transgression for the remnant of his inheritance” (Mic. 7:18) [which can only be Israel].

The theology of the gentiles certainly points toward the conclusion set forth here, that only Israel will be resurrected from the dead. The passage at hand is explicit that the dead in the Land of Israel will rise. Israelites overseas will be transported to the Land for the resurrection. The Halakhah’s restorationist theology views the Land of Israel as the coming Eden, the Sabbath as the occasion of its realization. That is why living and dying in the Land contain the promise of resurrection, among other advantages. Burial in the Land therefore forms a statement of faith in what is to come later on:

## YERUSHALMI-TRACTATE KETUBOT 12:3 I:8:

- A. It is written, ““You shall carry me out of Egypt and bury me in their burial ground” (Gen. 47:30): as to Jacob, wherever he was located [in death] — what loss would he sustain? [Granted that sinners benefit from burial in the Land of Israel, which atones for sin, since Jacob was entirely righteous, what difference did it

make to him to be buried there rather than in Egypt]?

B. R. Eleazar said, "There is something hidden here."

C. Hanina said, "There is something hidden here."

That enigmatic statement is now clarified:

D. What is the meaning of "There is something hidden here"?

E. R. Simeon b. Laqish said, "I shall walk before the Lord in the lands of the living' (Ps. 116:9)—and is it not the fact that the lands of the living are only Tyre and Caesarea and their surroundings [so reference cannot be made to this world, since in this world life is most abundant in the cities that are named, and places like them]. There is everything, there is abundance."

F. [Rather,] R. Simeon b. Laqish in the name of Bar Qappara [said], "It is the land where the dead will be the first to return to life in the time of the Messiah. What is the scriptural foundation for that view? 'Thus says God, the Lord, who created the heaven and stretched them out, who spread forth the earth and what comes from it, who gives breath to the people upon it, and spirit to those who walk in it' (Is. 42:5)."

In this framework the righteous buried overseas have to be brought back, and that will take place through a miracle at the end of time; when they reach the Land, their souls are restored to their bodies:

G. If that is the case [that in the land of Israel the dead rise first,] then our masters who are located in Babylonia lose out!

H. Said R. Simai, "The Holy One, blessed be he, opens the ground before them, and they roll to the land like leather bottles, and once they get there, their soul comes back to them."

I. What is the Scriptural basis for that view?

J. "And I will place you on the land of Israel and I will put my spirit within you and you shall live" (Ez. 37:14).

The priority of the Land is aligned with the conception of the resurrection of the dead, and the result is that the latter must take place in the designated holy space. The Halakhah of Shebiit and Orlah, among many important native category-formations, has shown us why: it is how God originally intended things to be. The Halakhah of Shabbat and Erubin has shown us how: it is by relinquishing one's ownership in favor of a common possession, and, more broadly, it is in a variety of ways by imitating God. The end-time was supposed to be the beginning. Creation was supposed to be the whole story. But it was not. The Halakhah, in its reading of Creation, has carried the story forward to its logical conclusion:

Man has made all the difference, and Israel can too. These form the Halakhic components of Judaism's story of Creation. Now to the Aggadic ones.

THE AGGADIC READING OF CREATION:  
[1] THE SIX DAYS OF CREATION

I. *The Aggadic Starting Point*

Judaism's story emerges when Scripture's initial telling, that is, the Written Torah's account, is joined by the Halakhic and the Aggadic retellings. That is, Judaism's story of Creation is set forth by the Written Torah's and the Oral Torah's framing of matters all together; any one part without the other two is necessary but insufficient. With the Halakhic component in hand, we set out to identify the Aggadic component in the telling of Judaism's story of Creation. To do so, we conduct a labor of selection and reconstruction, just as we did for the Halakhic part, all the time maintaining a dialogue with Scripture.

Scripture's account forms the starting point, also, for the Aggadah. So we begin once more with Scripture's story of Creation, which breaks down into three principal units, already identified in Chapter One:

- [1] Creation: the six days of Creation, leading to the climax of the Sabbath, leading to much reflection in the Halakhah upon the condition of Eden on the Sabbath;
- [2] Man: the Creation of Adam and Eve on the sixth day; and
- [3] Sin and the loss of Eden: the condition of Man because of his rebellion and consequent loss of Eden, that is, exile and the advent of death.

These, dealt with in the present chapter (for the first topic, Creation) and the next (for the second and third topics, the Creation of Man and the Sin and loss of Eden), form the largest subdivisions of the Creation-story as Scripture lays it out. They define Scripture's counterpart, in narrative, to what we have called category-formations for they form cogent subsets of the whole account. For the Halakhah and the Aggadah, therefore, the organizing topics dictate the choice of the data and how the data are to be read as coherent. We now know that the Halakhah for its part focuses upon the first matter, the Sabbath of Creation, in order to respond to the question raised by the third, the regeneration of Man through the Torah. So viewed

in a long perspective, the Halakhah takes the story of Creation to form a challenge, to which its norms of behavior for Israel's social order respond. Specifically, when educated by the Torah, Man need not end the tale with (3) sin and exile. Shaped also by possibilities of regeneration represented by the discipline of the Sabbath, in all its practicality (1), Israelite Man shows God an alternative ending for the tale of Eden.

Identifying the Halakhic component of the story of Creation is in some ways easier, in other ways harder, than determining the Aggadic part. The Halakhic category-formations select and organize data in tightly-organized topical constructions. So they announce their results right on the surface. The Aggadah does not set forth equivalent constructions at all. Finding out how the Aggadah selects a portion of the tale and reworks it in its distinctive manner therefore presents its own difficulties, different from those that we addressed in the Halakhic sector. Since the Halakhah announces its category-formations, our task is to link some of them to the Creation-story of Scripture. The Aggadah by contrast takes the form of a commentary, following Scripture's program and clarifying or amplifying it. How are we to discern the contribution that is particular, then, to the Aggadah? It is by comparing the Aggadic reading of Scripture's story to the blatant program of Scripture itself: what does the Aggadah say that Scripture does not say at all, and what are the foci and points of emphasis, the marks of reconstruction and reconsideration, that indicate the Aggadah's distinctive shaping of the story.

When we approached the Halakhah, I did not demonstrate as a matter of theory that the Halakhah intersects with the Creation-story of Scripture. I simply undertook to find where and how it does. Here the procedure is the same. As a matter of hypothesis, I assume that the Rabbinic sages approached Scripture with a program quite their own. I take that as fact because, as I have stressed, the sages conceived that they knew how things would come out. So they read Scripture's details with knowledge of the whole from the perspective of the end. This is what yielded their account of the beginning from the perspective of the interim-end: their own standpoint, after the second destruction of the Temple, in 70, but before its reconstruction in the end of days. But if that is the fact, how are we to identify the Aggadic component of Judaism's story, as distinct from Scripture's? It is, as I said, by a systematic comparison of the Aggadic reading of Scripture's Genesis story with Scripture's own presentation of that story. We shall rapidly see that the Aggadah signals its own concerns; we shall not have to read into the Aggadah

what is not there, lying right on the surface.

So our task is to show how the sages in the Aggadah not only clarified and paraphrased and recapitulated what they found in Scripture's story but also reshaped and reworked it. It is to see how, in so doing, they imparted to the story of Creation nuances and proportions not identical to Scripture's; more important, it is to show how they discerned dimensions and messages by reason of their perspective.

Where to turn for a cogent account of the Aggadah? It is to the Rabbinic canon's own coherent statement upon the matter of Creation, which is in Genesis Rabbah. For this purpose in the present and following chapter, therefore, we survey the first twenty-one units (*parashiyot*) of Genesis Rabbah, which for the formative age is the principal Rabbinic commentary to Genesis 1-3. What will emerge is a clear picture of Aggadah as a systematic statement on its own, not only Aggadah as an imaginative recapitulation of Scripture. What emerges is that, seeing Genesis as an account of beginnings that adumbrated the very world they knew, the very times in which they lived, the sages proposed to show how the story unfolded, then to now, in a single pattern. That meant, they told the story even of their own day out of the paradigm contained within that starting point. Then Genesis told them why in the here and now things were the way they were, and it also told them what would come next, at the end. That retelling takes place systematically only in Genesis Rabbah, though episodic observations occur elsewhere. Hence we concentrate on the sages' most complete statement of their reading of matters.

The Halakhah and the Aggadah bear each its distinct and distinctive assignment within the larger system that, together with Scripture, they together comprise. It therefore hardly surprises that the work of recovering the Aggadic reading of Creation requires a different approach to identifying the relevant data from that which served for the Halakhah. After all, each asks its own question, addressed to data of its own choosing. The elements of Scripture's story on which one concentrates do not engage the other at all, or in the same way. Each therefore identifies and organizes its preferred data. Each defines its particular manner of analyzing those data, and the analytical medium of each is unique to its particular mode of discourse. All this is very familiar. We already realize that the Halakhah translates the story into rules in accord with category-formations far-removed from the story; in Chapters Two through Four it was our task to work our way back from the rules to the principles of the category-formation, thence to the story to which those princi-

ples respond. The Aggadah, we shall see, demands its own procedure, which bears little in common with that pertinent to the Halakhah. The reason is simple. For Creation the Halakhah and the Aggadah intersect only at Scripture, at Genesis Chapter One through Three, but they never meet on their own, outside of Scripture's setting.

The contrast between the two media of discourse clarifies the work before us in the present and following chapters. The work is to identify how the Aggadah organizes its ideas and conveys them. The Halakhah did that work for us. The Halakhah, specifically, takes shape around category-formations of its own definition; these are deemed to constitute the building blocks of the social order. Its discourse concerns rules of behavior, in which, at the points indicated in Chapters Two, Three, and Four, we are able to discern recapitulations, in a different idiom, of moments in the received, Scriptural narrative. And for the Halakhah, the rest followed. By contrast, the Aggadah requires us on our own to do the work of selecting and organizing data to its reading of the Creation-story. There are no counterparts to the Halakhic tractates. The upshot is, formally, to define what, precisely, constitutes the Aggadic reading of Genesis 1-3 — the Aggadah's own reading, not its glossing of Scripture — presents a problem. That is, the Aggadah in the present context takes shape in response to own Scripture's program; it does not formally define for itself an independent stance in the way that the Halakhic category-formations do. Then Scripture defines the categorical structures for organizing data into coherent statements, and, as I said, right on the surface that fact obscures the Aggadic contribution.

But, as already indicated, there is a documentary solution to the problem of locating the Aggadah as a coherent reading of Scripture, not just a scattered set of episodic observations about this and that. The Aggadah pertinent to Genesis is set forth — for the formative documents of Rabbinic Judaism, uniquely set forth — by Genesis Rabbah. That is in a systematic and orderly manner. But our resort to Genesis Rabbah, with its form of a commentary to Genesis, consequently presents a problem of reconstruction quite different from that which required solving for the Halakhah. In the Halakhic category-formations we had by an act of imagination to find out where and how the Creation-narrative of Scripture figures. The Aggadah at Genesis Rabbah happily tells us where, in Scripture, it takes its stance, point by point. But that explicit reference-point, that clarity of location, imposes its own complication: how much speaks for the sages of the Aggadah, how much for Scripture at a derivative level?

So the problem is to identify the points at which, in the very re-presentation of Scripture's narrative, the Aggadah not only recapitulates but also reforms and renews Scripture's account. We focus, therefore, upon where and how, in its recapitulation of Scripture's story, the Aggadah lays its own emphases, finds its distinctive points of interest. How the Aggadah quietly reshapes Scripture's picture is for us to discern.

In three further aspects the Aggadah imposes a harder task than does the Halakhah as well.

First, once we identified the appropriate category-formation, the Halakhic message proved blatant. But, as we shall see, the Aggadic reading of the story proves intricate and subtle, as the sages find in a Scriptural story not merely episodic problems requiring comment but an overriding theme demanding systematic exposition. This theme they propose to identify by finding a verse elsewhere in Scripture, which states that theme in other terms altogether. (That is a matter to which we return in section ii of this chapter.) A striking contrast emerges. It is the Aggadic approach to the presentation of matters that is expressed in that selection and its exegetical consequences.

Second, the contrast between the two modes of discourse and the two classifications of data requires a revisioning of our work. That is because the Halakhah particularizes a Scriptural theme through a norm of conduct, the Aggadah generalizes a detail of a Scriptural narrative. The Halakhah therefore tells us precisely that upon which it makes its innovative comment, while the Aggadah, transforming the detail into a generalization about a desirable trait, e.g., a virtue, requires us to intuit the connection to the story at hand: the processes and stages of thought involved in the process. Let me give an example of the former. From the act of rebellion through the fruit tree — a representation of the human condition in general, as sages see the story — comes the particularization of *Orlah*. From the account of the first Sabbath come the concrete rules of *Shabbat* and *Erubin*, with their provision for relinquishing ownership in favor of possession and usufruct. This work of particularization the Halakhah will do by recasting a detail as a norm for general conduct. The Aggadic counterpart, the reconceptualizing of a detail and its generalization, comes about by the Aggadah's treating a detail, an episode in a story for instance, as exemplary of a norm of attitude or of a moral value.

So while, reading the same story, the Halakhah, speaking of norms of conduct, particularizes and concretizes, the Aggadah, addressing norms of consciousness, generalizes. The former draws us

into the story, the latter leads us beyond its limits. The one translates the implicit message of an episode into rules of conduct in concrete terms, the other, into guide-lines of right thinking and right feeling. In the Halakhah, therefore, we had to find Scripture's narrative in the details of the law. In the Aggadah we now have to follow the transformation of that same narrative into a large and abstract proposition. That is what I mean by the Aggadah's generalizing the particular. How this works for the Aggadah will rapidly become clear. For we will be challenged time and again to explain how and why the Rabbinic sages wish to retell a tale, now as exemplary, e.g., of a virtue or a theological norm.

Third, as I indicated at the outset, there is this intractable problem identifying the Aggadic category-formations: how discourse to begin with is organized. If the Halakhah defines the norm for category-formations, with their topical traits and their well-composed components and their cogency, the Aggadah presents us with no counterpart. The Halakhah has organized its data into Shebiit, Orlah, Shabbat, Erubin, and yielded the results spread out in Chapters Two through Four. I see in the Aggadic compilations no equivalent structures, e.g., the Sabbath as a category-formation systematically expounded through the Aggadic lore. Such a counterpart, topical category-formation simply does not exist in the Aggadic writings. That is why, for the Aggadic part of the inquiry, I simply adopted what strike me as the self-evident divisions of Scripture's own narrative.

That fact bears its own complications. The types of discourse, Halakhic and Aggadic, are so vastly different that the very definitive categories of analysis, such as category-formations, if defined by the one do not serve for the other at all. Every time I have tried to compare and contrast the Aggadic and the Halakhic category-formations, I found the two bodies of data and discourse incompatible.<sup>1</sup> That is because the Halakhah defines its category-formations and sets forth coherent discourse on them, and the Aggadah in its formal presentation by the Rabbinic corpus remains diffuse and unfocused, except in its positioning vis-à-vis Scripture. A single set of category-formations governed and imparted coherence to the documents of the Halakhah. That is why, in the Halakhah, we work our way through data set forth for a common category-formation in a variety of legal documents. With the Halakhah the same well-defined cate-

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<sup>1</sup> My initial study of the Aggadic category-formations is in *The Native Category-Formations of the Aggadah*. My effort to show the relationship of the two bodies of category-formations is in the *Dual Discourse, Single Judaism*. That work led directly to this one.

gory-formations govern in a number of documents, which are continuous with one another in expounding a common corpus of Halakhah. But in the Aggadah we rely on a single document to select and order our data topically.

## II. *Rereading Genesis in Genesis Rabbah*

That is, as already indicated, Genesis Rabbah, the Rabbinic sages' principal, and the sole systematic, reading of Genesis 1-3. To be sure, numerous episodic statements about one verse or another of Genesis 1-3 circulate in the Rabbinic documents. As a mere glance at the indexed correlation of Scriptural verses with passages of Rabbinic literature where these verses are discussed shows,<sup>2</sup> a vast corpus of occasional observations about this and that exists. But so far as the sages read the story systematically, in an orderly manner, start to finish, so far as they selected and organized their own approach to it in large coherent statements that represent the sages themselves, the result comes to us in Genesis Rabbah and only there. That is why for our Aggadic counterpart-exercise, we turn directly to the document that systematically and cogently presents the whole of the Aggadic statement of Creation.

Generally thought to have been closed at ca. 400-450 C.E., sometime after the Talmud of the Land of Israel had been redacted, Genesis Rabbah transforms 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: there the deeds of the founders become omens and signs for the final generations.<sup>3</sup> In Genesis Rabbah the entire narrative of Genesis is so

<sup>2</sup> Made possible by A. M. Hyman, *Torah hakketubah vehammesurah* (Tel Aviv, 1924). That is a work that in English would serve many scholarly purposes.

<sup>3</sup> The first complete translation into English is H. Freedman and Maurice Simon, ed., *Midrash Rabbah. Translated into English. With Notes, Glossary, and Indices* (London, 1939: Soncino Press). I. *Genesis. In Two Volumes*. Translated by H. Freedman. The second, and first form-analytical translation, is this writer's *Genesis Rabbah. The Judaic Commentary on Genesis. A New American Translation*. Atlanta, 1985: Scholars Press for Brown Judaic Studies. I. *Genesis Rabbah. The Judaic Commentary on Genesis. A New American Translation. Parashiyot One through Thirty-Three. Genesis 1:1-8:14*; II. *Parashiyot Thirty-Four through Sixty-Seven. Genesis 8:15-28:9*; and III. *Parashiyot Sixty-Eight through One Hundred. Genesis 28:10-50:26*. I reworked the translation into a semiotic commentary, identifying what is primary and what is secondary, in my *The Components of the Rabbinic Documents: From the Whole to the Parts*. IX. *Genesis Rabbah*. Atlanta, 1998: Scholars Press for USF Academic Commentary Series. Part I *Introduction. Genesis Rabbah Chapters One through Twenty-One*; Part ii. *Genesis Rabbah Chapters Twenty-Two through Forty-Eight*; Part iii. *Genesis Rabbah Chapters Forty-Nine through Seventy-Three* Part iv. *Genesis Rabbah Chapters Seventy-Four through One Hundred*

formed as to point toward the sacred history of Israel: its slavery and redemption; its coming Temple in Jerusalem; its exile and salvation at the end of time — the whole a paradigm of exile and return. In the rereading by the authorship<sup>4</sup> of *Genesis Rabbah*, *Genesis* proclaims the prophetic message that the world's Creation commenced a single, straight line of significant events, that is to say, history, leading in the end to the salvation of Israel and, through Israel, of all humanity. The single most important proposition of *Genesis Rabbah* is that, in the story of the beginnings of Creation, humanity, and Israel, we find the message of the meaning and end of the life of Israel in the here and now of the fifth century. The deeds of the founders supply signals for the children about what is going to come in the future. So the biography of Abraham, Isaac, and Jacob also constitutes a protracted account of the history of Israel later on.

In *Genesis Rabbah* the entire narrative of *Genesis* is so re-formed as to point toward the sacred history of Israel: its slavery and redemption; its coming Temple in Jerusalem; its exile and salvation at the end of time. The powerful message of *Genesis* in *Genesis Rabbah* proclaims that the world's Creation commenced a single, straight line of events, leading in the end to the salvation of Israel and through Israel all humanity. Israel's history constitutes the counterpart of Creation, and the laws of Israel's salvation form the foundation of Creation. Therefore a given story out of *Genesis*, about Creation, events from Adam to Noah and Noah to Abraham, the domestic affairs of the patriarchs, or Joseph, will bear a deeper message about what it means to be Israel, on the one side, and what in the end of days will happen to Israel, on the other. So the persistent theological program requires sages' to search in Scripture for meaning for their own circumstance. The single most important proposition of *Genesis Rabbah* is that, in the story of the beginnings of Creation, humanity, and Israel, we find the message of the meaning and end of the life of the Jewish people. The deeds of the founders

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Part v. *A Topical and Methodical Outline of Genesis Rabbah. Bereshit through Vaere, Chapters One through Fifty-Seven* Part vi. *A Topical and Methodical Outline of Genesis Rabbah. Hayye Sarah through Miqqes. Chapters Fifty-Eight through One Hundred.*

<sup>4</sup> Those responsible for compiling the compositions that are made into the composite document as a whole. Since some materials were formulated on their own, prior to inclusion in the document in which they are now located, we have to distinguish between the author of a composition, whole and complete in its own terms, and the authorship of a composite of such compositions. On the formation of compositions prior to their inclusion in composite-documents, *Making the Classics in Judaism: The Three Stages of Literary Formation*. Atlanta, 1990: Scholars Press for Brown Judaic Studies; and on the distinction between composition and composite, note *The Rules of Composition of the Talmud of Babylonia. The Cogency of the Bavli's Composite*. Atlanta, 1991: Scholars Press for South Florida Studies in the History of Judaism.

therefore supply signals for the children about what is going to come in the future. So the biography of Abraham, Isaac, and Jacob also constitutes a protracted account of the history of Israel later on. If the sages could announce a single syllogism and argue it systematically, that is the proposition upon which they would insist.

As a corollary to the view that the biography of the fathers prefigures the history of the descendants, sages maintained that the deeds of the children — the holy way of life of Israel — follow the model established by the founders long ago. So they looked in Genesis for the basis for the things they held to be God's will for Israel. And they found ample proof. Sages invariably searched the stories of Genesis for evidence of the origins not only of Creation and of Israel, but also of Israel's cosmic way of life, its understanding of how, in the passage of nature and the seasons, humanity worked out its relationship with God. The holy way of life that Israel lived through the seasons of nature therefore would make its mark upon the stories of the Creation of the world and the beginning of Israel.

Part of the reason sages pursued the interest at hand derived from polemic. From the first Christian century theologians of Christianity maintained that salvation did not depend upon keeping the laws of the Torah. Abraham, after all, had been justified and he did not keep the Torah, which, in his day, had not yet been given. So sages time and again would maintain that Abraham indeed kept the entire Torah even before it had been revealed. They further attributed to Abraham, Isaac, and Jacob rules of the Torah enunciated only later on, for example, the institution of prayer three times a day. But the passage before us bears a different charge. It is to Israel to see how deeply embedded in the rules of reality were the patterns governing God's relationship to Israel. That relationship, one of human sin and atonement, divine punishment and forgiveness, expresses the most fundamental laws of human existence.

Genesis is read, therefore, from the perspective of the Israel whose beginnings are portrayed therein: the world was created for Israel, and not for the nations of the world. That is because Israel knows and serves God, and the nations do not. At the end of days everyone will see what only Israel now knows. Since sages read Genesis as the history of the world with emphasis on Israel, the lives portrayed, the domestic quarrels and petty conflicts with the neighbors, as much as the story of Creation itself, all serve to yield insight into what was to be. We now turn to a detailed examination of how sages spelled out the historical law at hand. The lives of the patriarchs signaled the history of Israel. Every detail of the narrative

therefore served to prefigure what was to be, and Israel found itself, time and again, in the revealed facts of the history of the Creation of the world, the decline of humanity down to the time of Noah, and, finally, its ascent to Abraham, Isaac, and Israel. In order to illustrate the single approach to diverse stories, whether concerning Creation, Adam, and Noah, or concerning Abraham, Isaac, and Jacob, we focus on two matters: Abraham, on the one side, and Rome, on the other. In the former we see that Abraham serves as well as Adam to prove the point of it all. In the latter we observe how, in reading Genesis, the sages who compiled Genesis Rabbah discovered the meaning of the events of their own day.

One rule of Israel's history is yielded by the facts at hand. Israel is never left without an appropriate hero or heroine. The relevance of the long discourse becomes clear at the end. Each story in Genesis may forecast the stages in Israel's history later on, beginning to end. A matter of deep concern focused sages' attention on the sequence of world-empires to which, among other nations, Israel was subjugated: Babylonia, Media, Greece, and Rome — Rome above all. What will follow? Sages maintained that beyond the rule of Rome lay the salvation of Israel. The base-verse is Gen. 14:1:

XLII:IV.

1. A. "And it came to pass in the days of Amraphel" (Gen. 14:1):
4. A. Another matter: "And it came to pass in the days of Amraphael, king of Shinar" (Gen. 14:1) refers to Babylonia.
- B. "Arioch, king of Ellasar" (Gen. 14:1) refers to Greece.
- C. "Chedorlaomer, king of Elam" (Gen. 14:1) refers to Media.
- D. "And Tidal, king of Goïim [nations]" (Gen. 14:1) refers to the wicked government [Rome], which conscripts troops from all the nations of the world.
- E. Said R. Eleazar bar Abina, "If you see that the nations contend with one another, look for the footsteps of the king-messiah. You may know that that is the case, for lo, in the time of Abraham, because the kings struggled with one another, a position of greatness came to Abraham."

No. 4 presents the definitive reading of Gen. 14:1, since it links the events of the life of Abraham to the history of Israel and even ties the whole to the messianic expectation. I suppose that any list of four kings will provoke inquiry into the relationship of the entries of that list to the four kingdoms among which history, in Israel's experience, is divided. The process of history flows in both directions. Just as what Abraham did prefigured the future history of Israel, so what the Israelites later on were to do imposed limitations on Abraham. Time and again events in the lives of the patriarchs pre-

figure the four monarchies, among which, the fourth, last, and most intolerable was Rome.

So, adhering to its context in post-Constantine, Christian Rome, Genesis is read as if it portrayed the history of Israel and Rome. Why Rome in the form it takes in Genesis Rabbah? And how come the obsessive character of the sages' disposition of the theme of Rome? Were their picture merely of Rome as tyrant and destroyer of the Temple, we should have no reason to link the text to the problems of the age of redaction and closure. But now it is Rome as Israel's brother, counterpart, and nemesis, Rome as the one thing standing in the way of Israel's, and the world's, ultimate salvation. So the stakes are different, and much higher. It is not a political Rome but a Christian and messianic Rome that is at issue: Rome as competitor with and surrogate for Israel, Rome as obstacle to Israel. Why? It is because Rome now confronts Israel with a crisis, and, I argue, the program of Genesis Rabbah constitutes a response to that crisis. Rome in the fourth century became Christian. Sages respond by facing that fact quite squarely and saying, "Indeed, it is as you say, a kind of Israel, an heir of Abraham as your texts explicitly claim. But we remain the sole legitimate Israel, the bearer of the birthright — we and not you. So you are our brother: Esau, Ishmael, Edom." And the rest follows.

Genesis Rabbah in its final form emerges from that momentous century in which the Rome Empire passed from pagan to Christian rule, and, in which, in the aftermath of the Julian's abortive reversion to paganism, in ca. 360, threatening the now-Christian character of the Roman Empire, Christianity adopted that politics of repression of paganism that rapidly engulfed Judaism as well. More to the point for the sages, the document came to closure after the failure of the initiative of rebuilding the Temple, put forth by Emperor Julian in 361. The paradigm of destruction and rebuilding, from 586 and again from 70, was violated. The issue confronting Israel in the Land of Israel therefore proved immediate: the meaning of the new and ominous turn of history, the implications of the Christians' worldly triumph for the supernatural people, Israel, whom God chooses and loves. So the book of Genesis, which portrays how all things had begun, would now be made to testify to the message and the method of the end: the coming salvation of patient, hopeful, enduring Israel.

Genesis Rabbah reads Genesis in two ways. First comes the exegesis of clauses of verses, read in sequence. These will be clarified or amplified. Second, in a more complex operation, a verse of Genesis will be shown to intersect with a verse from some other book of

Scripture. The base verse of Genesis and the intersecting verse of some other book share a common theme or proposition, one then illuminating the other. The juxtaposition of two verses, one derived from the document at hand, the other from some other document altogether places the verse of Genesis into a larger context of meaning; it is part of that work of generalization of the particular detail of the narrative that characterizes the Aggadah. In this context that borrowed, intersecting verse expands the frame of reference of the base verse of Genesis. This intersecting verse/base verse construction therefore yields a proposition that transcends both verses and finds proof in the cases of each. 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. That is how the Aggadah accomplishes that generalization of the particular to which I made reference earlier. Now we turn to the way in which Genesis Rabbah re-presents the first of the three large themes at hand: Creation, the six days of work and the seventh day of Repose.

Now to the document itself. We examine only those passages of Genesis Rabbah that undertake an independent reading of Scripture's account of Creation. Where, in my judgment, Genesis Rabbah simply amplifies or clarifies or extends Scripture's own sense, I see only Scripture, not an Aggadic re-presentation of matters. And our task, it hardly requires reiteration, is to identify the main lines of the Aggadic component of Judaism's story: what the Aggadah has contributed. For that purpose, a commentary to Genesis Rabbah in its own terms would impede the work.

### III. *Genesis Rabbah on the Six Days of Creation*

We now survey the pertinent passages of Genesis Rabbah, which supply ample evidence of how the Aggadah reworks Scripture's narrative. Our problem is not Genesis Rabbah but the Aggadic re-presentation of Scripture on Creation that is effected in Genesis Rabbah. I therefore cite only those passages of Genesis Rabbah that contribute to our inquiry and specify precisely why I think they do. That is, I articulate what I conceive to be the Aggadic reading of the Creation-story that Scripture tells and underscore what I conceive to form the Aggadah's own contribution to the telling of Judaism's story. Numerous other questions, however interesting, lie beyond our interest.

At issue at every point is, how has the Aggadah made its own statement upon, and within, the story told by Scripture. Readers will rapidly realize that, if anything, in the foregoing remarks I have understated the full extent of the Aggadic revision of Scripture's account of matters. But I should claim that the Aggadah says little more than is implicit in Scripture's narrative, read whole and complete. I further claim that the Halakhah does little more than translate into norms of conduct what is implicit in Scripture's story. That leaves open, for the final chapter, the task of saying specifically what I conceive to be the three components of that single story, Judaism's story, for the chapter under study here.

What we now see is how the Aggadah augments Scripture's story with the large categories and conceptions that emerge when Scripture is read whole, as a continuous account. Not surprisingly, the opening initiative introduces the Torah into Creation: its place and its contribution.

INTRODUCING THE TORAH AND ISRAEL INTO THE STORY OF CREATION  
PARASHAH ONE. GENESIS 1:1

I.I.

1.
  - A. "In the beginning God created" (Gen. 1:1):
  - B. R. Oshaia commenced [discourse by citing the following verse:] "Then I was beside him like a little child, and I was daily his delight [rejoicing before him always, rejoicing in his inhabited world, and delighting in the sons of men]' (Prov. 8:30-31).
  - C. "The word for 'child' uses consonants that may also stand for 'teacher,' 'covered over,' and 'hidden away.'
  - D. "Some hold that the word also means 'great.'
  - E. "The word means 'teacher,' in line with the following: 'As a teacher carries the suckling child' (Num. 11:12).
  - F. "The word means 'covered over,' as in the following: 'Those who were covered over in scarlet' (Lam. 4:5).
  - G. "The word means 'hidden,' as in the verse, 'And he hid Hadassah' (Est. 2:7).
  - H. "The word means 'great,' in line with the verse, 'Are you better than No-Ammon?' (Nah. 3:8). This we translate, 'Are you better than Alexandria the Great, which is located between rivers.'"
2.
  - A. Another matter:
  - B. The word means "workman."
  - C. [In the cited verse] the Torah speaks, "I was the work-plan of the Holy One, blessed be he."
  - D. In the accepted practice of the world, when a mortal king builds a palace, he does not build it out of his own head, but he follows a work-plan.
  - E. And [the one who supplies] the work-plan does not build out of

his own head, but he has designs and diagrams, so as to know how to situate the rooms and the doorways.

- F. Thus the Holy One, blessed be he, consulted the Torah when he created the world.
- G. So the Torah stated, "By means of 'the beginning' [that is to say, the Torah] did God create..." (Gen. 1:1).
- H. And the word for "beginning" refers only to the Torah, as Scripture says, "The Lord made me as the beginning of his way" (Prov. 8:22).

I:I.1 begins with the introduction of an intersecting verse, Prov. 8:30, which is carefully expounded and only then brought into relationship to the base verse. No. 1 spells out the several meanings of the letters used in the word "child," that is, simply explaining the intersecting verse in its own terms. Then No. 2 interrelates the intersecting verse with the base verse. How so? The intersecting verse is made to speak for the Torah, in line with Prov. 8:22. At what point in the intersecting verse — Prov. 8:30, not Prov. 8:22 — do we then find the pertinent meaning? I take for granted it is at the first of the meanings imputed to the word for nursling, namely, tutor or teacher. Thus the Torah speaks, announcing, "Then I was with him as the tutor" in the process of the Creation of the world.

What is the Aggadic contribution? The Aggadah here radically revises the Creation-story by insisting that, in the act of Creation, God consulted the Torah. That claim is systematically amplified in further *parashiyyot* of Genesis Rabbah, where later events in Israel's history are found prefigured in the Creation-narrative itself. But the Torah is fundamental and is now added to the Creation-story. "Before God began to create..., he opened the Torah and used it as the plan and design for the world." Then, the Aggadic theology suggests, in keeping the Torah Israel conforms to the very plan of Creation itself. But that fact is quickly qualified: one should not ask the Torah to reveal what God has kept secret, namely, the story of Creation before the act of Creation. That point is now made explicit.

In placing I:V after I:I, I follow the decision of Theodor-Albeck, the joint editors of the Hebrew text of Genesis Rabbah, which strikes me as logical.

I:V. 1.

- A. R. Huna in the name of Bar Qappara commenced [discourse by citing the following verse]: "Let the lying lips be made dumb [which arrogantly speak matters kept secret against the righteous]' (Ps. 31:19).
- B. "[Translating the Hebrew word for dumb into Aramaic one may

- use words meaning] ‘bound,’ ‘made dumb,’ or ‘silenced.’
- C. “Let [the lying lips] be bound,’ as in the following verse: ‘For behold, we were binding sheaves’ (Gen. 37:7).
- D. “‘Let the lying lips be made dumb,’ as in the usage in this verse: ‘Or who made a Man dumb ‘ (Ex. 4:11).
- E. “‘Let them be silenced’ bears the obvious meaning of the word.”
- F. “Which arrogantly speak matters kept secret against the righteous” (Ps. 31:19):
- G. “...which speak against the Righteous,” the Life of the Ages, matters that he kept secret from his creatures [Freedman, *Genesis Rabbah*: the mysteries of Creation].
- H. “With pride” (Ps. 31:19):
- I. That is so as to take pride, saying, “I shall expound the work of Creation.”
- J. “And contempt” (Ps. 31:19): Such a one treats with contempt the honor owing to me.
- M. And what is written after the cited verse [Ps. 31:19]?
- N. “How abundant is your goodness, which you have stored away for those who revere you” (Ps. 31:20).
- O. Rab said, “Let one [who reveals the mysteries of Creation] not have any share in your abundant goodness.’
- P. “Under ordinary circumstances, if a mortal king builds a palace in a place where there had been sewers, garbage, and junk, will not whoever may come and say, ‘This palace is built on a place where there were sewers, garbage and junk,’ give offense? So too, will not whoever comes and says, ‘This world was created out of chaos, emptiness, and darkness’ give offense?”
- Q. R. Huna in the name of Bar Qappara: “Were the matter not explicitly written in Scripture, it would not be possible to state it at all: ‘God created heaven and earth’ (Gen. 1:1) — from what? From the following: ‘And the earth was chaos’ (Gen. 1:2).

If the Torah guided God’s Creation, still, the situation before the act of Creation lies beyond Man’s ken. One cannot look beyond the Torah’s account of Creation. Such an inquiry represents an act of arrogance. A new intersecting verse is presented. The pertinent theme of the verse is the notion that there are things about which one must not speak, hence, in the repertoire of meanings attributed to the key word — be dumb — the important one is “silenced.” The continuation of the same verse carries forward the same idea, namely that one should not speak arrogantly against the righteous, meaning, God. The combination of the two ideas is then clear. That is, it is arrogant to expound the works of Creation, and these are matters about which one must remain silent. J then carries forward the exposition of Prov. 31:20, the matter of contempt. The same point is made over again. There are matters one must not call to

mind. Then Huna-Bar Qappara completes the matter and makes the main point. It is stunning and fresh, yet fully prepared: one could not say about Creation what Scripture itself says. That is that the world began unformed and void. Once more it is clear that we deal with a unified and cogent statement, so that A-I and J to the end, while on the surface distinct from one another, are formed to make a single, exceedingly surprising point, which comes only at the end. That I:I and I:V follow a single pattern is quite clear. The exposition of the intersecting verse takes place in stages, with a philological exercise on the meaning of a fundamental word at hand, following by a secondary expansion on the sense of the verse as a whole. That is the point that the base-verse enters the frame of reference, and that is not in a philological but in a theological aspect. So if we may characterize the intention of the framers of the two compositions, it is to move from philological to theological issues (using theological in a broad sense). The philological exercise, moreover, introduces precisely those themes that become important later on, that is, keeping the mouth bound up and closed, not lying, and above all, silence. Then we move on to silence concerning Creation, that is, not admitting that what God worked with was garbage.

Now, from the Torah, we proceed to the place of Israel in the story of Creation. Israel forms the center of the Torah, the purpose of its narrative. Why does the Torah commence with the story of Creation at all? It is to establish Israel's claim on the Land of Israel.

#### I.II.1.

- A. R. Joshua of Sikhnin in the name of R. Levi commenced [discourse by citing the following verse]: "He has declared to his people the power of his works, in giving them the heritage of the nations' (Ps. 111:6).
- B. "What is the reason that the Holy One, blessed be he, revealed to Israel what was created on the first day and what on the second?
- C. "It was on account of the nations of the world. It was so that they should not ridicule the Israelites, saying to them, 'Are you not a nation of robbers [having stolen the land from the Canaanites]?"
- D. "It allows the Israelites to answer them, 'And as to you, is there no spoil in your hands? For surely: "The Caphtorim, who came forth out of Caphtor, destroyed them and dwelled in their place" (Dt. 2:23)!
- E. "'The world and everything in it belongs to the Holy One, blessed be he. When he wanted, he gave it to you, and when he wanted, he took it from you and gave it to us.'
- F. "That is in line with what is written, '....in giving them the her-

itage of the nations, he has declared to his people the power of his works' (Ps. 111:6).. [So as to give them the land, he established his right to do so by informing them that he had created it.]

- G. "He told them about the beginning: 'In the beginning God created...' (Gen. 1:1)."

Given the Halakhic exercise of comparing Eden to the Land, we cannot find surprising the Aggadic counterpart: establishing God's ownership of the Land and the legitimacy, via God's donation, of Israel's possession thereof. The purpose of the passage is to demonstrate Israel's right to the land. The point at hand is that God informed Israel of his power (Ps. 111:6) so as to give them a valid claim on the Land of Israel. Then Gen. 1:1 is cited only to validate the claim at hand, so the joining of Ps. 111:6 to Gen. 1:1 is for the purpose of expounding the principle of divine ownership of the Land — that is, Israel's valid claim — and not the meaning of either verse. For the purposes of an exegetical compilation on the book of Genesis, Gen. 1:1 is essential. It serves to join the syllogism to the present context. But without Gen. 1:1 the passage makes its point quite amply, and its principal verse is Dt. 2:23 aligned with Ps. 111:6. I would therefore be inclined to see Gen. 1:1 as the sole completely redactional contribution to the whole — that, and, of course, the selection of the completed entry for the present context.

Now we see the full originality of the Aggadah. What it proposes to do is bring to bear on the critical turnings of Scripture's story the entirety of the story, all of its main players and events. So in the very setting of Creation, the Aggadah finds the centrality of Israel and adds to Scripture's account what the sweep of Scripture, from Gen. 1 to Gen. 12 and beyond, itself invites. Since Israel would prove to be the principal actor of Creation, as God gave up on Man and his arrogance, the Aggadah quite reasonably finds a place for Israel in the very beginning.

I:X.1.

- A. ["In the beginning God created" (Gen. 1:1):] R. Jonah in the name of R. Levi: "Why was the world created with [a word beginning with the letter] B?"
- B. "Just as [in Hebrew] the letter B is closed [at the back and sides but] open in front, so you have no right to expound concerning what is above or below, before or afterward."
- C. Bar Qappara said, "For ask now of the days past which were before you, since the day that God created Man upon the earth' (Dt. 4:32).
- D. "Concerning the day *after* which days were created, you may ex-

pound, but you may not make an exposition concerning what lies before then.'

- E. "And from one end of the heaven to the other' (Dt. 4:32).
- F. "[Concerning that space] you may conduct an investigation, but you may not conduct an investigation concerning what lies beyond those points."
- G. R. Judah b. Pazzi gave his exposition concerning the story of Creation in accord with this rule of Bar Qappara.
2. A. Why with a B?
  - B. To tell you that there are two ages [this age and the age to come, for the letter B bears the numerical value of two].
  3. A. Another matter: Why was the world created [with a word beginning with the letter] B?
  - B. Because that is the letter that begins the word for blessing.
  - C. And why not with an A?
  - D. Because that is the first letter of the Hebrew word for curse.
  4. A. Another matter: Why not with an A?
  - B. So as not to give an opening to the *minim* to claim, "How can the world endure, when it has been created with a word meaning curse!"
  - C. Rather, said the Holy One, blessed be he, "Lo, I shall write it with a letter standing for the word 'blessing,' and may the world endure!"
  5. A. Another matter: Why with a B?
  - B. Because the letter B has two points, one pointing upward, the other backward, so that [if] people say to it, "Who created you?" it will point upward.
  - C. It is as if to say, "This one who is above has created me."
  - D. "And what is his name?" And it points for them with its point backward: "The Lord is his name," [pointing to the first letter in the alphabet, backward from the second, which is the A, standing for the One].
  6. A. R. Eleazar bar Abinah in the name of R. Aha: "For twenty-six generations the letter A made complaint before the Holy One, blessed be he, saying to him, 'Lord of the world! I am the first among all the letters of the alphabet, yet you did not create your world by starting with me!'"
    - B. "Said the Holy One, blessed be he, to the A, 'The world and everything in it has been created only through the merit of the Torah. Tomorrow I am going to come and give my Torah at Sinai, and I shall begin only with you: "I [beginning with the A] am the Lord your God" (Ex. 20:1).'"
  7. A. Bar Hutah said, "Why is it called '*aleph*'? Because that is the word for a thousand: 'The

word which he commanded for a thousand [*elef*] generations' (Ps. 105:8)."

The message throughout is clear. First, one must not speculate on matters not revealed in the Torah, a familiar theme. God reveals what God wants humanity to know. Second, the world is created for blessing, not for curse. There is no evil Creator, topped by a benevolent but unknown God. The miscellaneous character of the composite should not obscure that distinctive perspective of the Aggadah that comes to bear. It is expressed in the secondary development at No. 6: "Tomorrow I am going to come and give my Torah at Sinai, and I shall begin only with you..." That is a good example of reading the entire story into each detail of the story, so far as that is feasible.

Now to see the whole in perspective. The opening construction, I:I, which is already familiar to us, recasts the Creation-story by introducing the Torah into the narrative. Before God created the world, he looked into the Torah, which was his design and his plan for Creation. But, while the Torah contains the secrets of Creation, these are not to be taught publicly. The entire Torah is so framed as to underscore Israel's claim to the Land, I:II, and that is why it begins where it does. But no one should speculate on matters that the Torah itself does not reveal about Creation. The amplification of Scripture's Creation-story serves to place matters into their correct context. That context is supplied by the Torah and by Israel.

THE MEANING OF VOID; HOW ISRAEL FILLED THE VOID  
PARASHAH TWO. GENESIS 1:2

II:I.1.

- A. "And the earth was unformed [and void and darkness was upon the face of the deep]" (Gen. 1:2).
- B. R. Berekhiah opened [discourse by citing the following verse:] "Even a child is known by what he does, whether his work be pure and whether it be right" (Prov. 20:11).
- C. Said R. Berekhiah, "While [the earth] was as yet unripe, it yielded thorns.
- D. "[This accords with] what in the future will be prophesied in regard to it, 'I saw the earth, and lo, it was unformed' (Jer. 4:23)."

What I:II introduces is simply the theme of the chaos and lack of form characteristic of Creation in its earlier stage. The point of Berekhiah is that, even at the beginning, the earth showed its true character by producing thorns; he draws the analogy to the child, whose earliest deeds show his true character. What we have is a set

of two verses, Prov. 20:11 and Jer. 4:23, both of which make the point, one in a metaphor and the other explicitly, that the earth's true character was unformed and void, capable of producing only thorns. But this represents a gloss of Scripture, not the Aggadah's own contribution.

### II:II.1.

- A. "And the earth was unformed"(Gen. 1:2):
  - B. R. Abbahu and R. Judah b. R. Simon:
  - C. R. Abbahu said, "The matter is to be compared to a king who bought himself two slaves on a single bill of sale and with a single price [for the two]. In regard to one [of the two slaves] he gave orders that he should be fed on the public charge, and with regard to the other he gave orders that he should work for his keep. The latter sat unformed and void [in total confusion]. He said, 'The two of us were purchased for the same price, and now one of the two is fed on the public charge, while I have to work for my keep!'"
  - D. "So did the earth sit unformed and void [in total confusion]. The earth said, 'The creatures of the upper world and those of the lower were created at the same instant. The creatures of the upper world draw sustenance from the splendor of the Presence of God, while as to the lower realm of Creation, if the created ones do not work, they will not eat!'"
  - E. R. Judah b. R. Simon said, "The matter may be compared to a king who purchased two servant-girls, both on the same bill of sale and for the same price. In regard to one he gave orders that she should not move from the palace, and in regard to the other he gave orders that she should be banished. The one who had been banished sat unformed and void [in total confusion]. She said, 'Both of us were on the same bill of sale and for the same price. This one does not move out of the palace, while in my regard he gave orders that I should be banished!'"
  - F. "So the earth sat unformed and void [in total confusion]. The earth said, 'The creatures of the upper world and those of the lower world were created at the same instant. Why is it the case, then, that the upper world['s creatures] live [and never taste death] while the lower world's creatures are subject to death. Therefore: 'The earth was unformed and void [in total confusion].'"
2. A. Said R. Tanhuma, "The matter may be compared to a prince who was sleeping in his cradle, and his nurse-maid was unformed and void [in total confusion]. Why? Because she knew that she was destined to receive her fate on account of the prince. So the earth foresaw that it was destined to receive her fate on account of Man: 'Cursed be the earth on your account' (Gen. 3:17).

- B. "Therefore: The earth was unformed and void [Freedman, *Genesis Rabbah*: desolate and anxious]."

What is the meaning of "unformed and void"? Here again, the Aggadah reads the entire narrative into the principal details thereof. That distinctively-Aggadic contribution to the telling of the tale is captured in the language, "So the earth foresaw that it was destined to receive her fate on account of Man: 'Cursed be the earth on your account.'" Here is yet another instance of reading the whole into all of the parts. The Rabbinic sages link the fate of the earth by reason of Adam's sin — it is going to be cursed — with its condition at the moment of Creation. It was unformed and void, now meaning, anxious. In No. 1 the source of anxiety is the difference in the fate meted to the heavens from that meted to the earth. This is worked out with great clarity: "both of us were bought at the same price." No. 2 takes a different and more telling route to make the same point, because it links the present statement to what is to come, namely, the curse of the earth.

What does the Aggadah contribute to the telling of the story of Judaism concerning Creation? The net effect is to link components of the story and to show the details to form part of a single well composed fabric. So the philological exegesis, resting on the statement that the earth was confused and anxious, yields to a more profound interest in both the mysteries of Creation and the fate of the earth in later chapters of the tale. When I insist that the Aggadah contributes its share in the telling of the tale, a passage of this kind is what I have in mind. This Aggadic reading of the Creation-story as a paradigm encompassing Man's and Israel's history continues in the next passage:

#### II:III.1.

- A. ["And the earth was unformed..." (Gen. 1:2):]
- B. R. Judah b. R. Simon interpreted the verse as referring to coming generations, [as follows]:
- C. "'The earth was unformed' refers to Adam, who was reduced to complete nothingness [on account of his sin].
- D. "'And void' refers to Cain, who sought to return the world to unformedness and void.
- E. "'And darkness was upon the face of the deep' (Gen. 1:2) refers to the generation of Enosh: 'And their works are in the dark' (Is. 29:15).
- F. "'Upon the face of the deep' (Gen. 1:2) refers to the generation of the flood: 'On the same day were all the fountains of the great deep broken up' (Gen. 7:11).
- G. "'And the spirit of God hovered over the face of the water' (Gen. 1:2): 'And God made a wind pass over the earth' (Gen. 8:1).

- H. "Said the Holy One, blessed be he, 'For how long will the world make its way in darkness. Let light come.'
- I. "'And God said, 'Let there be light'" (Gen. 1:3). This refers to Abraham. That is in line with the following verse of Scripture: 'Who has raised up one from the earth, whom he calls in righteousness to his foot' (Is. 41:23).
- J. "'And God called the light day' (Gen. 1:3) refers to Jacob.
- K. "'And the darkness he called night' (Gen. 1:30) refers to Esau.
- L. "'And there was evening' refers to Esau.
- M. "'And there was morning' refers to Jacob.
- N. "'One day'— for the Holy One, blessed be he, gave him one day, and what is that day? It is the Day of Atonement. [Freedman, *Genesis Rabbah*, p. 17, n. 1: It is the one day over which Satan, symbolizing the wickedness of Esau, has no power.]"

The Aggadah discovers the history of Mankind and the advent of Israel within the very narrative of Creation, once more reading all time into a single moment, treating the past of Creation as part of the present of the Patriarchs. But the story goes forward, and there are further chapters to be situated within Creation. Next comes the identification of the four kingdoms within the Creation narrative — culminating in the advent of the fifth and final kingdom, the Messiah's over Israel:

#### II:IV.1.

- A. R. Simeon b. Laqish interpreted the verses at hand to speak of the empires [of the historical age to come].
  - B. "'The earth was unformed' refers to Babylonia, 'I beheld the earth and lo, it was unformed' (Jer. 4:23).
  - C. "'And void' refers to Media: 'They hasted [using the letters of the same root as the word for void] to bring Haman' (Est. 6:14).
  - D. "'Darkness' refers to Greece, which clouded the vision of the Israelites through its decrees, for it said to Israel, 'Write on the horn of an ox [as a public proclamation for all to see] that you have no portion in the God of Israel.'
  - E. "'...upon the face of the deep' refers to the wicked kingdom [of Rome].
  - F. "Just as the deep surpasses investigation, so the wicked kingdom surpasses investigation.
  - G. "'And the spirit of God hovers' refers to the spirit of the Messiah, in line with the following verse of Scripture: 'And the spirit of the Lord shall rest upon him' (Is. 11:2)."
2. A. On account of what merit will the Messiah come? [It will be on account of the merit represented by the verse:] "...over the face of the water" (Gen. 1:2).
- B. It is, specifically, on account of the merit of repentance, which is compared to water: "Pour out your heart like water" (Lam. 2:19).

Time and again the compositors introduce materials to make the same point, that there is a close correspondence between the Creation of the world and the history of Israel, or, later on, between the lives and deeds of the patriarchs and the salvation of Israel in history and at the end of time. The passage to follow takes up the same mode of interpretation, namely, reading the verse at hand in the light of other biblical passages and figures. It is difficult to read II:III distinct from II:IV.1. II:IV.1 carries forward the exegetical procedure of the foregoing entry, taking up parts of the verse at hand and assigning them to elements of a historical character. What is happening in both passages is an interest in finding the historical, human points of correspondence to the components of nature that are at issue. We move from Creation to the patriarchs to the history of Israel, a complete account of the three components of time at hand. Once more we see how the Aggadah has reworked the Scriptural narrative so that the governing paradigm of Israel's history is shown to inhere in Creation. This same reading continues, now along slightly different lines of interpretation; we proceed from Israel and the nations to the righteous and the wicked: all things were foreseen from the beginning.

## II:V.1.

- A. R. Abbahu and R. Hiyya the Elder:
- B. R. Abbahu said, "At the beginning of the act of creating the world, the Holy One, blessed be he, foresaw the deeds of the righteous and of the wicked.
- C. "And the earth was unformed' refers to the deeds of the wicked.
- D. "And God said, "Let there be light'" refers to the deeds of the righteous.
- E. "But I do not know which of the two God prefers, the deeds of this sort or the deeds of that.
- F. "On the basis of what is written, namely, 'And God looked upon the light, seeing that it was good,' one has to conclude that God prefers the deeds of the righteous to the deeds of the wicked."
2. A. Said R. Hiyya the Elder, "At the beginning of the Creation of the world the Holy One, blessed be he, foresaw that the Temple would be built, destroyed, and rebuilt.
- B. "In the beginning God created' [refers to the Temple] when it was built, in line with the following verse: 'That I may plant the heavens and lay the foundations of the earth and say to Zion, You are my people' (Is. 51:16).
- C. "And the earth was unformed' — lo, this refers to the destruction, in line with this verse: 'I saw the earth, and lo, it was unformed' (Jer. 4:23).
- D. "And God said, "Let there be light'" — lo, it was built and well constructed in the age to come.

- E. "That is in line with this verse: 'Arise, shine, for your light has come, and the glory of the Lord is risen upon you' (Is. 60:1)."

The passage follows the exegetical mode of II:III and II:IV. No. 1 represents the issue as moral, No. 2 as eschatological and salvific. So the Creation story is now read in terms of, first, righteous and wicked men, generation by generation, at II:III, then the conventional four periods in the history of Israel, Babylonia, Media, Greece, Rome, and, finally, the three ages in the history of the Temple, building, destruction, and, when the Messiah comes, rebuilding. So once more the Aggadah has introduced into the account of Creation the entire paradigm of Israelite existence through time and eternity. Here is a fine case in which on a single turning in Scripture's Creation-story is brought to bear the entirety of Israel's history. That is possible only from the perspective of the interim-end: knowing the whole story to date, and grasping the paradigm that the story embodies. In that sense, the sages of the Aggadah read each thing in the light of everything, as I said earlier.

GOD'S ACT OF SPEECH ON ITS OWN BRINGS LIGHT  
PARASHAH THREE. GENESIS 1:3

III:I.1.

- A. "And God said, 'Let there be light'" (Gen. 1:3):  
 B. R. Isaac commenced discourse [by citing the following verse]:  
 "The opening of your words gives light, it gives understanding to the simple' (Ps. 119:130)."  
 3. A. R. Hanin in the name of R. Samuel b. R. Isaac commenced discourse [by citing the following verse]: "The opening of your words gives light..." (Ps. 119:130).  
 B. "The opening of your mouth for us is light.  
 C. "And God said, "Let there be light'" (Gen. 1:3). [Merely when God made a statement, to us that was light.]"

III:II.1.

- A. R. Berekhiah in the name of R. Judah b. R. Simon commenced [discourse by citing the following verse], "By the word of the Lord were the heavens made, and all the host of them by the breath of his mouth' (Ps. 33:6).  
 B. "Not by hard work or by toil, but only by a word.  
 C. ["And God said, "Let there be light'" (Gen. 1:3)."]

III:III.1.

- A. "R. Simeon b. Yohai commenced [by citing this verse:] "A Man has joy in the answer of his mouth and a word in season, how good it is' (Prov. 15:23).

- B. "‘A Man has joy:’ this refers to the Holy One, blessed be he: ‘The Lord is a Man of war’ (Ex. 15:3).
- B. "... in the answer of his mouth:’ ‘And God said, ‘Let there be light.’"
- C. "...and a word in season, how good it is:’ ‘And God saw the light, that it was good.’"

The intersection of the base-verse with Prov. 15:23 opens the base-verse to its components. Now the verse is shown to speak of God, so Ex. 15:32. Then "the answer of his mouth" takes up God's act of speech, and the result, "the word in season," is light. The exercise produces a poetic filigree by joining the two verses in a fresh and suggestive way. No doctrine emerges, but a deep expression of appreciation for the power of God's speech and its good result underlines the main point of the base verse. I do not offer this passage as a case of Aggadic revision of Scripture's narrative, only its deepening of the main lines of Scripture's program.

### III:VII.1.

- A. ["And there was evening and there was morning" (Gen. 1:3):] Said R. Judah b. R. Simon, "‘Let there be evening’ is not what is written here, but rather, ‘And there was evening.’"
- B. "On the basis of that formulation [specifying that the evening already had been designated, ‘and there was...’ already evening], we learn that the sequence of time had already been laid out."
- C. Said R. Abbahu, "On the basis of that same formulation [indicating that the sequence of time had already been established] we learn that the Holy One, blessed be he, had been engaged in creating worlds and destroying them [as inadequate to his purpose of creating a perfect world] prior to the moment at which he created this one. Then he said, ‘This is the one that pleases me, but those did not please me.’"
- D. Said R. Phineas, "A verse of Scripture in support of the statement of R. Abbahu is the following: ‘And God saw all that he had made, and lo, it [in particular] was very good’ (Gen. 1:31). ‘This one pleases me, the others did not please me.’"

The proposition of Abbahu underlines the powerful motif that the world that God finally made was perfect, and anyone who claims the Creator-God was incompetent or evil errs. Here once more I find an embellishment of the Scriptural narrative, not an essentially fresh reading of it, such as we noted earlier. But the conception that God made and destroyed many worlds before this one, with its implicit view that the present Creation is the best of all possibilities, should not be missed. The continuation, moreover, underscores that the entire future history of humanity was present at the very outset of Creation:

## III:VIII.1.

- A. Said R. Yannai, "At the beginning of the Creation of the world the Holy One, blessed be he, foresaw the deeds of the righteous and the deeds of the wicked.
  - B. "'And the earth was unformed and void' refers to the deeds of the wicked.
  - C. "'And God said, 'Let there be light'" refers to the deeds of the righteous.
  - D. "'And God saw the light, that it was good,' refers to the deeds of the righteous.
  - E. "'And God divided between the light and the darkness' means, [he divided] between the deeds of the righteous and the deeds of the wicked.
  - F. "'And God called the light day' refers to the deeds of the righteous.
  - G. "'And the darkness he called night' refers to the deeds of the wicked.
  - H. "'And there was evening' refers to the deeds of the wicked.
  - I. "'And there was morning' refers to the deeds of the righteous.
  - J. "'One day,' for the Holy One, blessed be he, gave them one day, [and what day is that]? It is the day of judgment."
2.
    - A. ["One (unique) day" (Gen. 1:3):] Said R. Tanhum, "It was the day on which unique things were made, heaven, earth, and light."
    - B. Said R. Yudan, "[It was called 'one day'] because on that day, the Holy One, blessed be he, was truly unique in his world."
    - C. That view accords with the position of R. Yohanan and not with that of R. Hanina.
    - D. R. Yohanan said, "On the second day of Creation, the angels were created. That is in line with this verse of Scripture: 'Who lays the beams of your upper chambers in the waters,' and it is further written, '...who makes spirits, your angels' (Ps. 104:3-4)."
    - E. R. Hanina said, "The angels were created on the fifth day: 'And let fowl fly above the earth' (Gen. 1:20), and it is written, 'And with two did the angel fly' (Is. 6:2)."
  3.
    - A. R. Luliani bar Tabari in the name of R. Isaac: "Both R. Hanina and R. Yohanan concur that nothing whatsoever was created on the first day. It was so that you should not say, 'Michael was spreading out [the heaven] at the south of the firmament, and Gabriel at the north, with the Holy One, blessed be he, measuring from the middle.'
    - B. "Rather: 'I am the Lord who makes all things, who stretched out the heavens alone, who spread forth the earth by myself' (Is. 44:24).
    - C. "'By myself' for who was with me?' So it is written, meaning, 'Who was my partner in the Creation of the world?'"

The syllogism that God made the world perfect and without blemish then finds the necessary corollary. Where there are marks of imperfection, they will be removed at the end of days. Here the notion that Creation took place under the aspect of future history is restated, now in more abstract terms than Israel's and the nations' histories. Rather, "the righteous" and "the wicked" are all present in God's mind from the beginning — surely a reshaping of the Creation-story. God knew what he was doing from the beginning, creating both good and evil, as the story of Creation makes clear. When will the perfection of Creation come to full realization? On that "one day," the day of judgment. The basic reading of the Creation-story repeatedly uncovers this single point. Gen. 1:3 serves as a proof text in making a point quite distinct from the verse at hand. No. 2 (carrying in its wake No. 3) reverts to the exposition of our verse and explains, in particular, the meaning of the word "one," that is, not ordinal but cardinal. The possible meanings of that verse then are related to God's situation in the world at the end of the first day. The negative polemic addresses those who say God was not alone in creating the world. So at each point the exegetes address positions contrary to their own, and the compositors have selected what we must find to be cogent and coherent.

Now, with all things present at the very outset, Israel's place is identified: God's partner on earth. That is signified by the tabernacle in the wilderness, corresponding to Creation:

### III:IX.1.

- A. Said R. Samuel bar Ammi, "From the beginning of the Creation of the world, the Holy One, blessed be he, yearned to make for himself a partner among the creatures of the world down here.
  - B. "[In proof of that proposition, we review the verse at hand, with its formulation, 'One day.'] How would you like to sort matters out? If it was a matter of reckoning the time, the entire passage should read either, 'one, two, three,' or 'first, second third.' But how can it be, as it is: 'one day,' then, 'a second day,' then, 'a third day'?
  - C. "When did the Holy One, blessed be he, make it up [by referring to day one as 'the first day,' rather than as 'one day']? In the raising of the tabernacle: 'And he who presented his offering the first day [not: one day]' (Num. 7:12), that is to say, on the first day of the Creation of the world.
  - D. "Said the Holy One, blessed be he, 'It is as if, on that day [on which the tabernacle was raised in the wilderness], I actually created the world.'"
2. A. That day [on which the tabernacle was erected] took ten crowns [being distinguished in ten ways]:

- B. It was the first day in the week as it is designated in the order of Creation;
- C. and it serves as the first day of kings, princes, the priesthood. [For kings count their reigns from the first day of Nisan, which is the day the Tabernacle was erected; princes brought their dedication gifts on that day; the priesthood first functioned on that day in the Tabernacle since, aforesaid, the firstborn had functioned as the priests (all: Freedman)].
- D. It was also the first day for the presence of God [to dwell in the Tabernacle, on earth], in line with this verse of Scripture: "And let them make a sanctuary for me, so that I may dwell among them" (Ex. 25:8).
- E. [It was, furthermore], the first day for the priestly blessing [which was given on that day];
- F. the first day for the sacrificial service as a public act [the sacrifices formerly having been private];
- G. it was the first day on which the high places were prohibited;
- H. it was the first day on which the act of cultic slaughter took place at the north side of the altar.
- I. It was, moreover, the first day on which the fire descended [from heaven], as it is said, "And there came forth fire from before the Lord" (Lev. 9:24).

Israel's raising of the tabernacle in the wilderness compares with God's making the world. This linkage again defines the Aggadic contribution. Events on the day on which the Tabernacle was put up figure in its counterpart, Creation itself. The power of No. 1 lies in its linking of the Creation of the world to the raising of the tabernacle, which stands for the cosmos. That is why No. 2 serves so well to link the proposition of the Temple as cosmos to each available detail.

The Aggadah has contributed the story that before Creation God experimented and discarded what he made, so the Creation as we know it is the best of all possible worlds. Once more, Creation encompasses all that would ensue, God knew at the outset what was coming at the end: the righteous and the wicked. The Aggadah further contributes the detail the tabernacle in the wilderness corresponded to the Creation of the world; thus Israel corresponds to all humanity, and its service in the Temple, to Creation.

GOD KNEW THE OUTCOME OF CREATION  
PARASHAH FOUR. GENESIS 1:6-8

IV:VI.1.

- A. "And God made the firmament" (Gen. 1:7):
- 4. A. R. Levi in the name of R. Tanhum bar Hanilai, "It is written, 'Declaring the end from the beginning' (Is. 46:10).

- B. “From the very beginning of creating the world, God foresaw Moses, who was called, ‘for he was good’ (Ex. 2:2), and [God foresaw that] Moses would receive his punishment on account of [water, smiting the rock for water, rather than merely speaking to it], therefore with reference to water, he did not write, ‘For it was good.’”
5. A. R. Simon in the name of R. Joshua b. Levi: “The matter may be compared to the case of a king who had a harsh legion. The king said, ‘Since this legion is particularly harsh, let my name not be associated with it.’
- B. “Along these same lines, the Holy One, blessed be he, said, ‘Since this water will punish the generation of Enosh, the generation of the flood, and the generation of division, therefore let the words, ‘for it was good’ not be written with regard to water.’”

Once more the Aggadah retells the story by layering it. Each detail then stands for both its place on the surface of Scripture’s story and its reference-point, its significance in other critical moments. So the Aggadah transforms the narrative into a transaction of symbols. Within the very structure of the story of Creation are embedded critical elements of Israel’s condition later on. That is shown by the Creation of water, which would form the occasion for punishment, e.g., the Flood and Moss’s lack of confidence in God shown by his striking the rock to produce water. The detail that is missing — God’s calling what he had made “good” — shows that fact.

At the next entry, we see how the Aggadah spells out the lessons to be drawn from the account. Nature has obeyed, only Man rebels against God’s will, and this too comes clear right at the moment of Creation:

NATURE OBEYS GOD, MAN ALONE REBELS  
PARASHAH FIVE. GENESIS 1:9-13

V:I.1.

- A. “And God said, ‘Let the waters under the heaven be gathered together into one place and let the dry land appear’” (Gen. 1:9):
- B. It is written, “At your rebuke they fled” (Ps. 104:7).
- C. “And God said, ‘Let the waters under the heaven be gathered together into one place...’” (Gen. 1:9).
2. A. [“Let the waters be gathered together into one place” (Gen. 1:9):] R. Berekhiah in the name of R. Abba bar Yama: “‘Let there be a line set for the water,’ in accord with this verse of Scripture: ‘And a line shall be stretched forth over Jerusalem’ (Zech. 1:16).”
- B. [Explaining the language for “be gathered together” differently,] R. Abba bar Kahana in the name of R. Levi: “‘Let the water be

gathered together to me, [that is, in the sense of the dative, for my purpose, so that] I may do with them what I plan in the future [specifically, the flood I shall make of the waters].’

- C. “The matter may be compared to the case of a king who built a palace and gave residences in it to people who lacked the power of speech. They would get up in the morning and greet the king by making appropriate gestures with their fingers and with flag-signals. The king thought to himself, ‘Now if these, who lack the power of speech, get up in the morning and greet me by means of gestures, using their fingers and flag-signals, if they had full powers of speech, how much the more so!’
- D. “So the king gave residences in the palace to people possessed of full powers of speech. They got up and took possession of the palace [and seized it]. They said, ‘This palace no longer belongs to the king. The palace now belongs to us!’
- E. “Said the king, ‘Let the palace revert to its original condition.’
- F. “So too, from the very beginning of the Creation of the world, praise for the Holy One, blessed be he, went upward only from water. That is in line with the verse of Scripture which states, ‘From the roar of many waters’ (Ps. 93:4). And what praise did they proclaim? ‘The Lord on high is mighty’ (Ps. 93:4).
- G. “Said the Holy One, blessed be he, ‘Now if these [waters], which have neither mouth nor power of speech, so praise me, when mortals are created, how much the more so!’
- H. “The generation of Enosh went and rebelled against him, the generation of the flood went and rebelled against him, the generation of the dispersion went and rebelled against him.
- I. “The Holy One, blessed be he, said, ‘Let these be taken away and let those [that were here before, that is, the primeval waters] come back.’
- J. “That is in line with the following verse of Scripture: ‘And the rain was upon the earth forty days and forty nights’ (Gen. 7:12).”

The main point contrasts the gathering together of the water, done so obediently, to the rebellion of Man, punished by the flood. In this way the symbolization of the Scriptural narrative continues, as details of the former are made to invoke events later on. So the exegete-compositors tighten the narrative by linking one detail to another and showing the whole to form a seamless fabric. We see a most interesting composition. The intersecting verse of No. 1 is not only not ignored but given a subtle exemplification and articulation in No. 2. That is, the intersecting verse, No. 1, tells us that at God’s rebuke the water was removed. This is then brought into relationship with the gathering of the water into one place. The parable then spells the matter out. The water was originally spread over the whole earth. The water praised God. So God drew the conclusion

specified in the parable, and ordered the water to draw back into one place — hence Ps. 104:7 — so that there would be dwelling space for humanity. But in light of the record of humanity, God called the water back and restored it to its place over the whole earth. So the intersecting verse generates a subtle interpretation of the base verse. That is the purpose of the gathering together of the water. This is given a critical place in the history of humanity, and, once more, Creation is shown to prefigure human history and destiny — a dimension of the text persistently discovered by the exegetes. That the whole account of how all things are present at the beginning is a unitary composition therefore proves self-evident.

## V:III.1.

- A. Said R. Levi, “The waters were saying to one another, ‘Let us go and obey the command of the Holy One, blessed be he.’”
  - B. “That is in line with the following verse of Scripture: ‘The floods have lifted up their voice’ (Ps. 93:3).
  - C. “They said, ‘Where shall we go?’”
  - D. “Scripture says, ‘Let the floods take up their roaring’ (Ps. 93:3).”
  - E. R. Levi said, “The reference [to the place set aside] is ‘the way of the sea’ [a play on the word ‘their roaring’].”
  - F. R. Abba bar Kahana said, “The word [for roaring] means, ‘to such and such a place,’ ‘to such and such a corner.’”
  - G. R. Huna said, “It means, ‘to this sea.’”
  - H. R. Joshua b. Hananiah said, “‘to the receptacle of the sea’.”
  - I. R. Eliezer says, “The sea drew them in, in line with this verse of Scripture: ‘Have you entered into the springs of the sea’ (Job 38:16). The sense is, to the place of waters absorbed by the sea.”
  - J. Our rabbis [explain the same usage] in this way, “[The waters say,] ‘We are crushed, so receive us, we are crushed, so receive us.’”
2. A. Said R. Joshua b. R. Nehemiah, “The water climbed mountains and went down into the depths until it came to the Ocean. That is in line with this verse of Scripture: ‘They ascended the mountains, descended into valleys, to the place which you have founded for them’ (Ps. 104:8).
  - B. “What is this ‘place that you have founded for them’?”
  - C. “It is the Ocean.”

Both units deal with the gathering of the water in one place. The important issue for No. 1 is the interpretation of Ps. 93:3. The verse, providing the fact that the waters obeyed God and went where they were sent, then requires an appropriate explanation on its own. No. 2 makes the same point but provides its evidence from a different text. The point of the narrative important to the exegete-composers then is the obedient faith of the waters in doing what God had

told them to do. That sets up the contrast between nature's obedience and Man's rebellion, which the Aggadic story picks up and underscores,

V:IV.1.

- A. Said R. Levi, "There are among interpreters of Scripture, such as Ben Azzai and Ben Zoma, who explain that the voice of the Holy One, blessed be he, turned into a guide [Hebrew: *Metatron*] for the water.
- B. "That is in line with this verse: 'The voice of the Lord is over the water' (Ps. 29:3)."
- 2. A. Said R. Berekhiah, "The upper water separated from the lower water only with great anguish, in line with this verse: 'He holds the streams back from weeping' (Job 28:11)."
- B. R. Tanhuma provides proof of the same proposition from the following: "'He has made the earth by his power...at the voice of his giving a multitude of waters in the heavens' (Jer. 10:12-13). The word 'voice' refers only to weeping, in line with this verse: 'A voice is heard in Ramah, moaning, bitter weepings' (Jer. 31:14)."

The two items carry forward a common theme, the response of the water to their separation. The main point is that, even against their will, the waters obeyed God's orders, and that of course is relevant to the base-verse. No. 2 links the present story to the tale of Israel's going into exile, 2.B. So the history of Israel's suffering and redemption is linked to the Creation of the world, so far as the exegetes can accomplish the feat, detail by detail. What follows carries forward the same exercise.

V:V.1.

- A. Said R. Jonathan, "The Holy One, blessed be he, made a stipulation with the sea to split open before the Israelites.
- B. "That is in line with this verse of Scripture: 'And the sea returned to its former strength', which word may be read, 'in accord with the stipulation that it had given' (Ex. 14:27)."
- C. Said R. Jeremiah b. Eleazar, "It was not with the sea alone that the Holy One, blessed be he made such a stipulation, but he made the same stipulation with everything that was created on the six days of Creation.
- D. "That is in line with this verse of Scripture: 'I, even my hands, have stretched out the heavens and all their host have I commanded' (Is. 45:12).
- E. "I commanded' the sea to divide.
- F. "I commanded' the heaven to be silent before Moses: "Give ear, heaven" (Dt. 32:1).
- G. "I commanded' the sun and the moon to stand still before Joshua.

- H. "I commanded' the ravens to bring food to Elijah.
- I. "I commanded' the fire not to harm Hananiah, Mishael, and Azariah.
- J. "I commanded' the lions not to harm Daniel, the heaven to open before Ezekiel, the fish to vomit up Jonah."

Once more we see the systematic effort to interrelate the story of Creation with the history of Israel, so that there is a close correspondence between the natural world and the historical world of Israel. The repertoire of historical events of course is hardly random, since it lays emphasis upon moments at which Israel was saved. So the main point is that Israel will be saved by God's intervention into its history, just as the world was brought into existence through God's act of creating the world. I take the emphasis therefore to stress the power of God to do his will in the natural and in the historical world, but, in context, that power also takes form through the obedience of the water to God's word. Time and again Israel will be compared to dirt and to water, to indicate its virtue: submission and obedience. So the message is clear. All of this is implicit in Scripture — the Aggadic reading is well-founded — but only made explicit by the Aggadah. The upshot is, the Aggadic contribution is integral to Judaism's story; indeed, it forms the story-line.

V:VI.1.

- A. Said R. Eleazar, "From the beginning of the Creation of the world the Holy One, blessed be he, made a decree and said, 'Let the water be gathered together under the heaven' (Gen. 1:9).
  - B. "Why [is it written], 'Who calls for the waters of the sea,' and pours them out on the face of the earth' [stated two times, once at Amos 5:8, the other time at Amos 9:6]?"
  - C. "One refers to the generation of Enosh and the other to the generation of the dispersion."
- 2.
- A. "And God has so made it" (Qoh. 3:14):
  - B. Everything that he has done is so that "they will fear before him" (Qoh. 3:14).
  - C. The matter may be compared to the case of a province that rebelled against the king. The king sent a tough legion against the province to besiege it, so that the people of the province should see the legion and fear him.
  - D. Thus why: "does he gather the waters of the sea together as a heap and lay up the deeps in storehouses" (Ps. 33:7)?
  - E. It is so that "All the inhabitants of the world may stand in fear of him" (Ps. 33:8).

The point of No. 1 is in line with the emphasis of V:V, namely, an interest in matching up the events of the natural world — gathering

the water of the world in one place — and events in the history of humanity and especially of Israel. Then No. 2 builds on that point by explaining why the water was gathered together, 2.D. The reason is at E, and then the parable, 2.C, explains the syllogism in a graphic way. That the Flood is a sub-text here is obvious.

## V:VIII.1.

- A. “And called the dry land, ‘eres “ (Gen. 1:10):
- B. Why “eres “? Because the land wanted to carry out his will [rason ].
- 2. A. R. Nathan in the name of R. Aha, R. Berekhiah in the name of R. Isaac, “I am the God who [said,] “Enough” (Gen. 17:1) [reading *shaddai* as *she-dai*, ‘that is enough’].”
- B. “I am the one who said to the world, ‘Enough.’ I am the one who said to the land, ‘Enough.’ For if I had not said ‘Enough’ to heaven, and to earth, ‘Enough,’ even now they would have continued to spread forth.”

The play on words at No. 1 underscores the obedience of nature to God’s will, in contrast to Man’s disobedience; and No. 2 stresses God’s wisdom in Creation. The one thing the Aggadah is not is subtle.

## V:IX.1.

- A. “And God said, ‘Let the earth put forth grass” (Gen. 1:11):
- B. It has been taught on Tannaite authority in the name of R. Nathan, “Three came in for judgment but four went out guilty: Adam, Eve, and the snake went in for judgment, but [in addition] the earth was condemned along with them: ‘Cursed is the ground’ (Gen. 3:17).
- C. “[That is to say,] the ground would produce for Man accursed things, such as gnats, insects, and fleas.”
- D. Then let the ground produce a camel for him?
- E. Said R. Isaac of Magdala, “Even in such a beast there is benefit to be derived.”
- F. Why was the ground accursed?
- G. R. Judah b. R. Shalom said, “It was because the earth violated the commandment [that had been assigned to her]. For this is what the Holy One, blessed be he, had actually said, ‘Let the earth put forth grass, herb yielding seed, and fruit-trees bearing fruit’ (Gen. 1:11). [The sense of the commandment is as follows:] just as the fruit of the tree is eaten, so the wood of the tree should be edible. [But that is not the case, and hence the ground did not carry out its orders.]
- H. “But the ground did not do it that way, rather: ‘And the earth brought forth grass, herb yielding seed after its kind, and tree bearing fruit’ (Gen. 1:12). The fruit of the tree could be eaten, but the wood of the tree could not be eaten.”

- I. R. Phineas says, "What the earth did wrong was to add to the commandment that had been given it, supposing that in doing so, [the earth] would do the will of her Creator: 'A tree bearing fruit' (Gen. 1:11) meant, [to the earth,] that even barren trees should produce fruit."
- J. In accord with the view of R. Judah, there is no problem [in understanding the curse], but in accord with that of R. Phineas, why should the earth have been cursed? [It improved on its assignment.]
- K. It is in line with what people say: "Cursed be the breast who suckled such a one as this."

The established theme continues: nature's obedience, contrasted with Man's rebellion. It is natural to obey, unnatural to rebel. Here the contrast is drawn between the other elements of nature, and grass, which did not obey and which was cursed along with the other sinners. So the Aggadic reading imposes upon the whole a single theme, finding pertinent evidence throughout. And that general theme, the sin of rebellion with its antidote in obedience to God's will, corresponds closely to the Halakhic counterpart, the legislation on the Sabbath.

CREATION IS PLANNED TO SERVE ISRAEL  
PARASHAH SIX. GENESIS 1:14-18

VI:I.1.

- A. "And God said, 'Let there be lights'" Gen. 1:14):
  - B. R. Yohanan commenced discourse [by citing the following verse of Scripture]: "Who appoints the moon for seasons" (Ps. 104:19).
  - C. Said R. Yohanan, "Only the orb of the sun was created for the purpose of giving light. If so, why was the moon created? It was for the signification of the seasons, specifically so that, through [regular sightings of the moon, Israelites would] sanctify new months and years."
  - D. R. Shila of Kefar Tamarata in the name of R. Yohanan: "Nonetheless: 'The sun knows its coming' (Ps. 104:19). People count the advent of the new moon only once the sun has set."
  - E. [Proving the foregoing proposition,] Yusta, an associate, in the name of R. Berekhiah: "'And they traveled from Raamases in the first month on the fifteenth day of the month' (Num. 33:3). Now if one counts only by the month, up to this point there had been only thirteen sunsets."
  - F. "One must therefore conclude that one counts the beginning of the month only from sunset."
2. A. R. Azariah in the name of R. Hanina: "Only the orb of the sun was created for the purpose of giving light. If so, why was the moon created at all? The Holy One, blessed be he, foresaw that the nations of the world were going to make [the heavenly bod-

ies] into gods. Said the Holy One, blessed be he, 'Now if they are two and yet contradict one another, and nonetheless, the nations of the world treat them as gods, if they are only one, how much the more so [will the nations of the world find reason to worship the heavenly body]!'"

B. R. Berekhiah in the name of R. Simon: "Both of them were created in order to give light, as it is said, 'And they shall serve for light' (Gen. 1:14)."

3. A. "And they shall serve as signs" (Gen. 1:14) refers to Sabbaths.
- B. "And for seasons" refers to the three pilgrim festivals.
- C. "And for days" refers to new months.
- D. "And years" refers to the sanctification of years.

The Aggadah underscores that God had Israel in mind in creating the world, a point made in other contexts as well. The only reason to create the moon was for Israel's solar-lunar calendar, a point made at No. 1 ("signification of seasons") and then repeated at No. 3. No. 2 then states the contrary proposition: the gentiles would abuse Creation. The contrast between nature's obedience and Man's disobedience is now heightened; nature is so framed as to match Israel's requirements. Yet Israel does not learn the lessons of nature. Yet, as we now see, God works through the whole.

#### VI:II.1.

- A. "And God made the two great lights" (Gen. 1:16):
- B. "Yours is the day, yours also is the night" (Ps. 74:16).
- C. [Israel speaks:] "To you [God], the day gives praise, to you the night gives praise."
- D. "Just as the day falls into your dominion, so the night falls into your dominion. When you do miracles for us by day, then 'Yours is the day.' And when you do miracles for us by night, then, 'Also yours is the night.'
- E. "When you do miracles for us by day, we say a song of praise before you by day. When you do miracles for us by night, we say before you a song of praise by night.
- F. "You did miracles for us by day, so we sang a psalm before you by day: 'Then sang Deborah and Barak the son of Abinoam on that day' (Judges 5:1).
- G. "You did miracles for us by night, so we sang a psalm before you by night: 'You shall have a song as in the night when a feast is hallowed' (Is. 30:29).
- H. "For you it is fully right to recite a song by day and by night.
- I. "Why so? For: 'You have established light and sun (Ps. 74:16),' and "you made the two great lights" (Gen. 1:16).

Once more, the focus of Creation on Israel's future history yields an amplification of a verse of the Creation-story of Scripture. The great

lights, the sun and the moon, mark God's dominion over day and night, which is realized in the miracles that he does for Israel, and that Israel acknowledges. Just as, when a miracle is done for Israel, Israel sings a song of praise, so too will the day or the night, depending on circumstance.

## VI:III.1.

- A. ["And God made the two great lights" (Gen. 1:16):]
  - R. Tanhum, R. Phineas in the name of R. Simon: "Since [God] calls them 'great,' how is it possible that he then goes and diminishes [one of] them by saying, 'the great light and the lesser light' (Gen. 1:16)?"
  - B. "It is because [the latter] entered the territory of its fellow. [The moon sometimes appears by day, not only by night.]"
2. A. Said R. Phineas, "In reference to all offerings, it is written, 'And a he-goat for a sin-offering' (Num. 28:22, 29:5). But with reference to the offering for the new month, it is written, 'A he-goat for a sin-offering for the Lord' (Num. 28:15).
  - B. "[What sin has the Lord committed, that a he-goat has to be brought as a sin-offering in behalf of the Lord?] Said the Holy One, blessed be he, 'I am the one who made him enter the territory of his fellow.'
  - C. "Now if this one entered the territory of his fellow with permission nonetheless is disparaged by Scripture, one who enters the territory of his fellow without permission — how much the more so!"
3. A. R. Levi in the name of R. Yosé b. R. Ilai: "It is merely natural that someone who presently is great should count by what is great, and someone who presently is small should count by what is small.
  - B. "Esau [Rome] counts by the sun, because it is great, while Jacob [Israel] counts by the moon, for it is small."
  - C. Said R. Nahman, "That really is a good omen. Esau counts by the sun, because it is great. But just as the sun rules by day but does not rule by night, so Esau will have something in this world but nothing in the world to come.
  - D. "Jacob counts by the moon, which is small, and just as the moon rules by night and also by day [making its appearance both by night and by day], so too will Jacob have a portion in this world and in the world to come."
  - E. R. Nahman made a further statement on the same matter. R. Nahman said, "So long as the light of the great luminary lasts, the light of the lesser luminary is not going to be noted. Once the light of the great light sets, then, and only then, the light of the lesser one shines forth.
  - F. "So too, as long as the light of Esau lasts, the light of Jacob will

not be seen. Once the light of Esau sets, then the light of Jacob will shine forth.

- G. "That is in line with this verse: 'Arise, shine [for behold, darkness shall cover the earth, and gross darkness the peoples, but upon you the Lord will arise, and his glory shall be seen upon you]' (Is. 60:1)."

Whether No. 1 pertains is unclear. Since the sun is linked to Rome and the moon to Israel, No. 3, perhaps the point of No. 1, bearing No. 2 in its wake, is that Rome has entered Israel's territory without permission and is disparaged by Scripture. But No. 3 leaves no doubt as to the Aggadic reading of the Creation of the sun and the moon. The one stands for Rome, the other for Israel, which will prevail. No. 3 then makes its own point about the history of Israel in the present age. The point of course is that Rome now is great but in the age to come will be nothing, and Israel now has something but in the world to come will have everything. The issue for us is whether No. 3 is integral to the foregoing. Obviously, No. 3 can have stood alone, and perhaps at one stage or in a given context it did. But in the present context it fits well into the interest of the compositors of our document. They persistently relate the Creation of the world to the history of humanity and of Israel, and here too the analogy between Creation and Israel is made explicit. Not only so, but a persistent point of emphasis will remind us that the very character of the natural world testifies to the coming redemption of Israel. So I am inclined to see the entire paragraph — Nos. 1, 2, and 3 — as a unified and harmonious statement of its own. But that is only in retrospect. If the items took shape by themselves, then the shaping of the several into a single stunning message falls to the credit of the compositors.

#### VI:IV.1.

- A. "And the stars" (Gen. 1:16):
- B. Said R. Aha, "The matter may be compared to the case of a king who had two governors, one of whom governed a city, the other an entire province. Said the king, 'Since this one has accepted a lesser position, ruling over a city, I decree in his regard that, when he goes forth, the council and people shall go forth with him, and when he comes back in, the entire council and people will come back with him.'
- C. "So said the Holy One, blessed be he, 'Since the moon has accepted a diminished position, ruling only by night, I decree concerning the moon that, when the moon comes out, the stars should come out with it, and when [the moon] comes in, the stars should come in with it.'"
- D. And along these same lines: "And his brother's name was Yoktan" (Gen. 10:23) [that is, "he shall be small"].

- E. Said R. Aha, "Why was he called 'He shall be small'? For he diminished himself [by his modest actions]. And what on that account did he merit? [On account of the merit attained by his modesty,] he had the merit of raising up thirteen families.
- F. "Now if that is the case with a small person, if a great person [willingly] diminishes his stature, how much the more so [will he gain merit on that account]!"
- G. Along these same lines: "And Israel put forth his right hand and placed it on the head of Ephraim, while he was the younger" (Gen. 48:14).
- H. Said R. Hunia, "Now do we not know on our own the order of the generations [of Joseph's household], that Scripture should have to tell us that he was the younger?!"
- I. "But rather, he is called 'the lesser' because he diminished himself. And what did he merit on that account? He gained the merit of being awarded the blessing of the first-born. If a great person diminishes his stature, how much the more so [will he gain merit on that account]!"

The theme of VI:III infuses the continuation. Israel now is identified with the lesser, so the moon is accompanied by the stars; Israel's humility and modesty then correspond in the here-and-now to the humility of the lesser light in the firmament. The obvious implication is that Israel, now accepting lesser status than Rome, will gain stature and merit on that account. So the subjugated condition of Israel now enhances its greatness in time to come. Obedience involves self-subjugation, the opposite of self-aggrandizement. So the message is simple and coherent, though the presentation is complex.

#### VI:V.1.

- A. "And God gave them in the firmament of the heaven" (Gen. 1:17):
- B. Said R. Jonathan, "Three things were given as a gift to the world, and these are they: the Torah, lights, and rain.
- C. "How do we know that that is the case of the Torah? As it is said, 'And he gave to Moses' (Ex. 31:18).
- D. "How do we know that that is the case with lights? As it is said, 'And God gave them' (Gen. 1:17).
- E. "How do we know that that is the case with rain? 'And I shall give your rain' (Lev. 26:4)."
- F. R. Azariah in the name of R. Judah b. R. Simon: "That is also the case with peace, as it is said, 'And I shall give peace' (Lev. 26:4)."
- G. R. Joshua b. R. Nehemiah says, "Also salvation: 'And you gave me the shield of your salvation' (2 Sam. 22:36).
- H. R. Tanhuma says, "Also the Land of Israel: 'And he gave them the lands of gentiles' (Ps. 105:44)."

- I. And some say, "Also vengeance, as it is said, 'And I shall give my vengeance against Edom' (Ez. 25:14)."
- J. Rabbis say, "Also it is the case with mercy: 'And he gave them mercy' (Ps. 106:46)."
- K. R. Isaac bar Merion said, "Also the division of the Great Sea: 'So said the Lord, who gives a road in the sea' (Is. 43:16) — from Pentecost to the Festival of Tabernacles. 'And a path in the mighty waters' (Is. 43:16) — from the Festival of Tabernacles to Hanukkah."

VI:V.1.A-E repeats the main point of the treatment of the base verse, which is that the shape of nature conforms to the configuration of Israel's salvific life. No. 1 makes that point by linking natural and Israelite matters, the Torah to rain for instance. The Torah corresponds to the natural order of things; obeying the Torah therefore Man realizes his true nature.

VI:IX.1.

- A. "And to rule over the day and the night" (Gen. 1:18):
  - B. Said R. Hilpai, "If that statement bears upon the lights, has it not already been stated, 'The great light to rule' (Gen. 1:17)?"
  - C. "Why then does Scripture say, 'and to rule by day and by night'?"
  - D. "The reference is to the righteous, who enjoy the power to rule over what is created to give light by day and to give light by night, in line with the following verse of Scripture: 'And the sun stood still and the moon stayed...Is not this written in the book of the upright' (Joshua 10:13)."
  - E. What is this "book of the upright"?
  - F. R. Hilpai referred the passage to the verse at hand: "And to rule by day and by night" (Gen. 1:18).
  - G. R. Hanin in the name of R. Samuel bar Isaac assigned the reference to the end of the book [of Genesis]: "But his younger brother [Ephraim] shall be greater than he [Manasseh], and his seed shall become the fullness of nations' (Gen. 48:19). Is that truly possible? Rather, the cited verse refers to Joshua, who came forth from him, and who would hold the sun and the moon in their tracks, which rule over the world from one end to the other."
  - H. R. Hanina in the name of R. Samuel refers to the verse at the end of the Torah: "His firstling bullock, majesty is his, and his horns are the horns of the wild ox, with them he shall gore the peoples all of them, even the ends of the earth' (Dt. 33:17).
  - I. "Is such a thing truly possible? [Surely not!] Rather, the passage refers to Joshua, who would hold the sun and the moon in their tracks, which rule over the world from one end to the other."
2. A. Said R. Simeon b. Yohai, "The book of Deuteronomy was the ensign for Joshua. When the Holy One, blessed be he, came to

reveal himself to Joshua, he found him sitting with the book of Deuteronomy in his hand. He said to him, ‘Be strong, Joshua, be of good courage, Joshua, ‘This book of the Torah [namely, Deuteronomy, the scroll you are holding] will not be removed from your mouth’ (Joshua 1:8).

- B. “[Joshua] took [the scroll of Deuteronomy] and showed it to the orb of the sun, saying to it, ‘Just as I never kept silent from this [scroll of the Torah, but recited its words continually], so you will keep silent before me. Forthwith: ‘And the sun stood still’ (Joshua 10:13).”
- C. Said R. Isaac, “[What he said was,] ‘You are a bad servant. Were you not purchased by father’s money? Did father [Joseph, from whom I descend] not see you in a dream: ‘Lo, the sun and the moon and eleven stars bowed down to me’ (Gen. 37:9)? Forthwith: ‘And the sun stood still’ (Joshua 10:13).”

Hilpai introduces the recurrent exercise of finding a counterpart in the history of Israel to events in the Creation of the world. Once we agree that the verse at hand cannot refer to the natural process of Creation, its point having been made in the preceding statement of the same passage, the process of finding the appropriate counterpart in Israel’s history begins. That process then moves very rapidly to a point at which rule over the sun and the moon in the heaven becomes a center of narrative. Of course, the appropriate possibility will link the Torah-book, hence Joshua (rather than Deborah) to the story of Creation. Joshua having made his entry, the exposition of Joshua-materials goes forward on its own. No. 2 is certainly integral to the whole, which means that the passage reached its full expression prior to insertion as a comment — entirely integral and appropriate to be sure — to Gen. 1:18.

GOD IS A UNIQUE RULER  
PARASHAH SEVEN. GENESIS 1:20-25

VII:I.1.

- A. “And God said, ‘Let the waters swarm with swarms of living creatures” (Gen. 1:20).
- B. It is written, “There is none like you among the mighty, Lord, and there are no works like yours” (Ps. 86:8).
- C. In ordinary circumstances a mortal king draws a picture on dry ground. But the Holy One, blessed be he, draws pictures on water, as it is said, “And God said, ‘Let the waters produce pictures” [the root for the word for ‘draw a picture’ occurs in the root for the word ‘swarm’].

The intersecting verse invites an exegesis to explain how what God does is totally different from what a ruler in this world does. This

reading underscores what is implicit in Scripture's own narrative. I do not see this proposition as a distinctive, Aggadic point of emphasis.

VII:III.1.

- A. "And let fowl fly above the earth" (Gen. 1:20):
- B. Under ordinary conditions, when a king builds a palace, he brings in residents for the upper floors and the lower floors. But does he rent out the space in the middle?
- C. But the Holy One, blessed be he, brings in residents to inhabit the empty space in the middle, as it is said, "And let fowl fly above the earth" (Gen. 11:20).

The comment takes up the substance of the cited verse, with no intersecting one at all. The point once more is the difference between God's Creation and that of any other master.

VII:V.1.

- A. "And God said, 'Let the earth bring forth the living creature'" (Gen. 1:24).
  - B. Said R. Eleazar, "'The living creature' refers to the spirit of the first Man."
2. A. "And God made the beast of the earth" (Gen. 1:25):
- B. R. Hoshaiiah the elder said, "This refers to the snake."
3. A. Said R. Hama b. R. Hoshaiiah, "When Scripture speaks of souls, it counts four, but with reference to bodies, only three." ["Let the earth bring forth the *soul* (in the singular) of a living creature after its kind, cattle, and creeping thing, and the beast of the earth" (Gen. 1:24). There then are four. But speaking of the bodies, "And God made the beast of the earth, and the cattle, and everything that creeps" (Gen. 1:25), thus three.]"
- B. Rabbi says, "This refers to demons, the soul of which the Holy One, blessed be he, had already created. But when he came to create their bodies, the Sabbath had already been sanctified [by the setting of the sun], so he did not create them. [The reason that there lacks a reference to a body then is clear: one of the creatures got a soul but no body.]"
  - C. "This teaches proper conduct on the basis of the law of the Torah. For if someone should have a valuable object or a precious stone on the eve of the Sabbath at sunset, people will rightly say to him, 'Throw it away, for he who created the world by an act of speech was engaged in the Creation of the world and had already created their soul, but when he came to create their body, the Sabbath already was sanctified [by the setting of the sun] so he did not create them.'"

What interests the exegetes of Gen. 1:24 and 1:25 is the use of the singular. This is explained. No. 3 then proceeds to a second expla-

nation of Gen. 1:25, which generates a lesson in everyday life of Israel. So once again Israel learns lessons of proper behavior from the narrative of the Creation of the natural world. The underlying polemic is that Israel's holy way of life fully accords with nature.

We deal with Parashah VIII, "Let us make Man," in Chapter Six, below, which deals with Adam and Eve. We turn directly to the Aggadic reading of God's finding Creation "very good."

GOD CELEBRATES CREATION  
PARASHAH NINE. GENESIS 1:31

IX:I.1.

- A. "And God saw everything that he had made, and behold, it was very good" (Gen. 1:31):
- B. R. Levi in the name of R. Hama bar Hanina commenced [discourse by citing the following verse of Scripture]: "It is the glory of God to conceal a thing, but the glory of kings is to search out a matter" (Prov. 25:2).
- C. R. Levi in the name of R. Hama bar Hanina: "From the beginning of the book [of Genesis] to this point: 'It is the glory of God to conceal a thing,' but from this point forward: 'the glory of kings is to search out a matter.'
- D. "The reference to 'glory' applies to words of Torah, which are compared to kings, as it is said, 'By me kings rule' (Prov. 8:15).
- E. "'To search out a matter' [amplifies the verse,] 'And God saw everything that he had made, and behold it was very good' (Gen. 1:31)."

The fact that the verse has God examine — hence, search out — the results of six days of Creation evidently draws attention to the intersecting verse. Up to this point the works of Creation have been kept a secret, but from this point onward the king, the ruler, takes over and investigates the character of what is going on. So from here on "one may search out the matter" [Freedman, *Genesis Rabbah*, p. 64, n. 1]. But this does not state the main point of the reading of Gen. 1:31, which follows.

IX:II.1.

- A. R. Tanhuma opened [discourse by citing the following verse of Scripture]: "He has made every thing beautiful in its time" (Qoh. 3:11).
- B. Said R. Tanhuma, "The world was created at the proper time. The world was not ready to be created prior to this time." [God admired the works of Creation because the world was brought into being when it was ripe. Hence what has attracted the exegete's attention, once again, is the question, what is it about the world that God found to be very good? The answer here is that

the world was “beautiful in its time,” the right one for God to create.]

2. A. Said R. Abbahu, “On the basis of the cited verse, we learn that the Holy One, blessed be he, had created worlds and destroyed them [as unsuccessful], until he created this world. He said, ‘This one pleases me, the others did not please me.’”
- B. Said R. Phineas, “The scriptural verse that supports R. Abbahu’s view is this: ‘And God saw all that he had made...’ (Gen. 1:31).”

God created the best of all possible worlds, having tried and failed before. Creation came about at precisely the right moment. This is the critical center of all that follows: the perfection of Creation, violated by the rebellion of Adam and Eve. In these passages the Rabbinic sages simply underscore and highlight Scripture’s own self-evident judgment of the story of Creation.

#### IX:III.1.

- A. [“And God saw all that he had made, and behold, it was very good” (Gen. 1:31):] R. Yohanan and R. Simeon b. Laqish:
- B. R. Yohanan said, “A mortal king builds a palace, then examining the upper floors in one inspection and the lower ones in another, but the Holy One, blessed be he, could take in both the upper floors and the lower floors in a single look.”
- C. Said R. Simeon b. Laqish, “‘Lo, it was very good’ refers to this world. ‘And lo, it was very good’ [with the addition of and ] encompasses the world to come. The Holy One, blessed be he, encompassed both of them with a single look.”
2. A. R. Simeon b. Laqish in the name of R. Eleazar b. Azariah: “‘Ah, Lord God, behold, you have made the heaven and the earth’ (Jer. 32:17). From that moment: ‘There is nothing too hard for you.’ (Jer. 32:17).”
- B. R. Haggai in the name of R. Isaac, “‘And you, Solomon, my son, know the God of your father and serve him with a whole heart and with a willing mind, for the Lord searches all hearts and understands all the imaginations of the thoughts’ (1 Chr. 28:9). [Taking the root of the word for ‘imaginations,’ YSR, which serves also as the root for the word, ‘form’ or ‘create,’ we interpret as follows:] Before thought is formed in the heart of Man, it already is revealed before you.”
- C. R. Yudan in the name of R. Isaac: “‘Before a creature is actually created, his thought is already revealed before you.’”
- D. Said R. Yudan in his own name, “‘For there is not a word in my tongue but lo, O Lord, you know it altogether’ (Ps. 139:4). Before my tongue forms speech, already ‘lo, O Lord, you know it altogether.’”

No. 1 interprets the reference to God's seeing, making noteworthy what in the text is a dormant detail. No. 2 seems to me to answer the question, Did God not know, prior to Creation, whether what he would make would be any good? Is that why he had to look at it and declare it very good? The answer of course is that God knows before human Creation precisely what mortals will go and do, all the more so before his own act of Creation does he know the outcome of all things.

If we look back at the sequence of propositions from IX:I onward, what do we find? First, the mystery of Creation is sealed and not to be revealed. Second, it is true that God made worlds before this one. But the reason is that only with the Creation of this world did God know that the world he created was very good. God fully inspected this world and found it very good. God knew full well what he was doing from the beginning. If people maintained that the Creator-god was an evil bungler, the present sequence would present a systematic reply. God not only did not bungle Creation but knew precisely what he was doing from beginning to end. The reference to God's inspecting Creation and finding it very good, then, contains no implication that God did not know what he was doing, since he knew full well from before Creation precisely what he was doing. That accounts for IX:II's emphasis on God's power to see it all, all at once, providing a restatement of the same notion. IX:III spells out it. So we have to read the three paragraphs as a continuous statement of a sizable syllogism. How the Aggadah reshapes the Creation-story is then clear: it provides the links between one thing and another, producing a tight fabric.

IX:IV.1.

- A. R. Hama bar Hanina and R. Jonathan:
- B. R. Hama bar Hanina said, "The matter may be compared to the case of a king who built a palace. He saw it and it pleased him. He said, 'O palace, palace! May you always charm me as you charm me at this hour!' So said the Holy One, blessed be he, to his world, 'O my world, my world! May you always charm me as you charm me at this hour!'"
- C. R. Jonathan said, "The matter may be compared to the case of a king who married off his daughter and arrayed for her a marriage-canopy, a house, which he plastered, paneled, and painted. He saw [what he had made] and it pleased him. He said, 'O my daughter, my daughter, may this marriage canopy always charm me as it charms me at this hour. So said the Holy One, blessed be he, to his world, 'O my world, my world! May you always charm me as you charm me at this hour.'"

The base-verse here finds amplification in the parables of God's prayer when he found the world very good. The world-affirming statements fall into the larger program of argument outlined just now. Since later on God will destroy the world through the flood, the syllogism at hand assumes a certain poignancy.

Now we turn to the critical challenge: the presence of death in an otherwise perfect world. But death too serves its purpose.

IX:V.1.

- A. In the Torah belonging to R. Meir people found written, "And behold, it was very good" (Gen. 1:31) [means] "And behold, death is good." [The play is on the word "very," M'D, and "death," MWT.]
  - B. Said R. Samuel bar Nahman, "I was riding on my grandfather's shoulder, going up from my town to Kefar Hana through Bet Shean, and I heard R. Simeon b. R. Eleazar in session and expounding in the name of R. Meir, "And behold, it was very good" — 'And behold, death is good.'"
- 2.
- A. R. Hama bar Hanina and R. Jonathan:
  - B. R. Hama bar Hanina said, "The first Man was worthy not to have to taste the taste of death. And why was the penalty of death applied to him? The Holy One, blessed be he, foresaw that Nebuchadnezzar and Hiram were destined to turn themselves into gods. Therefore the penalty of having to die was imposed upon Man. That is in line with this verse of Scripture: 'You were in Eden, the garden of God' (Ez. 28:13). And was Hiram actually in Eden? But he said to him, 'You are the one who caused that one in Eden to have to die.'"
  - C. R. Hiyya, son of the daughter of R. Berekhiah, in the name of R. Berekhiah: "'You were the far-covering cherub' (Ez. 28:14). He said to him, 'You are the one who caused that young Man [Adam, a play on the words for 'young Man' and 'cherub'] to have to die.'"
  - D. [Reverting to B, we continue:] Said R. Jonathan to him, "If so, God should have decreed death only for the wicked, but not for the righteous. Rather, it was so that the wicked should not be able hypocritically to pretend to repent, so that they should not have occasion to say, 'Are not the righteous living on and on? It is only because they form a treasure of merit accruing on account of the practice of doing religious duties as well as good deeds. We too shall lay up a treasure of merit accruing from doing religious duties and good deeds.' What would come out is that the things they do would not be done sincerely, [for their own sake, but only for the sake of gaining merit]. [That is what is good about death. It prevents the wicked from perverting the holy life by doing the right thing for the wrong reason. Everyone dies, so there is no point in doing religious duties only so as to avoid dying.]"

3. A. R. Yohanan and R. Simeon b. Laqish:  
 B. R. Yohanan said, "On what account was a decree of death issued against the wicked? It is because, so long as the wicked live, they anger the Holy One, blessed be he. That is in line with the following verse of Scripture: 'You have wearied the Lord with your deeds' (Mal. 2:17). When they die, they stop angering the Holy One, blessed be he. That is in line with the following verse of Scripture: 'There the wicked cease from raging' (Job 3:17). There the wicked cease angering the Holy One, blessed be he.  
 C. "On what account, however, is the decree of death issued against the righteous? It is because so long as the righteous live, they have to conduct warfare against their impulse to do evil. When they die, they find rest. That is in line with this verse: 'And there the weary are at rest' (Job 3:17). 'It is enough, we have labored long enough.'"  
 D. R. Simeon b. Laqish said, "It is so as to give an ample reward for the one, and to exact ample punishment from the other. To give ample reward to the righteous, who really never were worthy of having to taste the taste of death but accepted the taste of death for themselves. Therefore: 'in their land they shall possess double' (Is. 61:7).  
 E. " 'And to exact ample punishment from the wicked,' for the righteous had not been worthy of having to taste the taste of death but they had accepted the taste of death for themselves on account [of the wicked]. Therefore: 'And destroy them with a double destruction' (Jer. 17:18)."

The reading, "death is good," is amplified to encompass that history of Israel that animates the sages' reading of any passage. The issue seems a *propos*, namely, why the imperfection in Creation represented by death was imposed on humanity. The answers then justify death as well as all else. Death comes about because of sin, whether Adam's or Nebuchadnezzar's. If sinners die, why should the righteous (2.D)? The several reasons that are given place the story at hand into a fresh context altogether. We now review a sequence of interpretations of "very good" that hold together in a continuous statement. Essentially, the Aggadah and the Halakhah, in one way or in another, wish to say, Israel through the Torah triumphs over death, and the idolaters are destined to the grave.

We now survey a sequence of other readings of the same phrase, with comparable results; this corresponds to a list of "another-thing"-entries in the later Rabbah-Midrash-compilations, e.g., Song of Songs Rabbah. The items listed form a syllogism through the combination.

## IX:VI.1.

- A. Said R. Simeon b. Eleazar, “‘And behold, it was *very* good’ (Gen. 1:31) means: ‘And behold, sleep is good.’
- B. “‘But is sleep very good [under all circumstances]? Have we not learned in the Mishnah: Wine and sleep are a pleasure for them [the wicked] and also a pleasure for the world [M. San. 8:5] [but sleep is not a pleasure for the world when the righteous go to sleep, since the world is then deprived of their righteous deeds. Accordingly, sleep is not invariably *very* good.]
- C. “[Sleep is very good because] a person sleeps a bit and then gets up and works hard in Torah-study [accomplishing more than he would if he had not slept for a little while].”

## IX:VII.1.

- A. Nahman in the name of R. Samuel: “‘Behold, it was *very* good’ refers to the impulse to do good. ‘And behold, it was very good’ encompasses also the impulse to do evil.
- B. “‘And is the impulse to do evil ‘very good’?”
- C. “[Indeed so, for] if it were not for the impulse to do evil, a Man would not build a house, marry a wife, and produce children. So does Solomon say, ‘Again I considered all labor and all excelling in work, that is rivalry with his neighbor’ (Qoh. 4:4).”

## IX:VIII.1.

- A. Said R. Huna, “‘Behold, it was very good’ refers to the measure that metes out good [things to people], while, ‘And behold, it was very good’ refers to the measure that metes out] suffering as well.
- B. “‘And can anyone say that the measure of suffering is ‘very good’?”
- C. “‘Rather, on account of that measure people reach the life of the world to come, and so does Solomon say, ‘And reproofs of chastisement are the way to [eternal] life’ (Prov. 6:23).
- D. “‘You may say: Go forth and see what is the path that brings a Man to the life of the world to come. You have to conclude, it is the measure of suffering.’”

## IX:IX.1.

- A. Said R. Zeirah, “‘Behold, it was very good’ refers to the Garden of Eden.’ ‘*And* behold, it was very good’ encompasses Gehenna.
- B. “‘And can anyone say that Gehenna is ‘*very* good’?”
- C. “‘Rather, the matter may be compared to a king who had an orchard and brought workers into it, building a paymaster’s hut at the gate. He said, ‘Whoever shows himself worthy through hard work in the orchard may go into the paymaster’s hut [and collect his wages], and whoever does not show himself worthy in the labor of the orchard may not go into the paymaster’s hut.
- D. “‘So for whoever stores up a treasury of merit through perform-

ing religious duties and supererogatory good deeds, lo, there is the Garden of Eden, and for whoever does not store up for himself a treasury merit through the performance of religious duties and good deeds, lo, there is Gehenna.”

## IX:X.1.

- A. Said R. Samuel bar R. Isaac, “‘Lo, it was very good’ refers to the angel of life. ‘And lo, it was very good’ refers to the angel of death.
- B. “And can anyone say that the angel of death is ‘very good’?”
- C. “Rather, the matter may be compared to the case of a king who made a banquet and invited guests and set before them a spread of every good thing. He said, ‘Whoever eats and says a blessing for the king may eat and enjoy himself, but whoever eats and does not say a blessing for the king will have his head cut off with a sword.’
- D. “So here, for whoever stores up a treasury of merit attained through performance of religious duties and good deeds, lo there is the angel of life. And for whoever does not store up a treasury of merit attained through performance of religious duties and good deeds, lo, there is the angel of death.”

## IX:XI.1.

- A. Said R. Simeon bar Abbah, “‘Behold, it was very good’ refers to the measure that metes out good things to people. ‘And behold, it was very good’ refers to the measure that metes out punishment to people.
- B. “And can anyone say that the measure that metes out punishment is ‘*very* good’?”
- C. “What it means is that God reflected long on how to impose [the measure of punishment].”

## IX:XII.1.

- A. All rabbis say the following in the name of R. Haninah, R. Phineas, R. Hilqiah in the name of R. Simon: “‘The word ‘very’ and the word for Man are written with the same consonants [M’D, ‘DM, respectively]. The letters for both are the same.
- B. “‘The meaning then is as follows: ‘And God saw everything that he had made, and behold, it was very good’ (Gen. 1:31) — and behold, Man is good.’”

The Aggadic reading explains that the world is “very good” because there is an exact justice in what happens in the world. “Measure for measure” marks Creation and its rules. While some maintain that the world presents marks of imperfection and of the Creator’s incompetence of malicious spirit, the contrary is the case. For at issue throughout is the simple question, How can Creation be “very good” if there is evil in the world? So we systematically review the

challenges to the view that Creation is “very good.” These encompass death, IX:V.1 sleep, death’s counterpart, IX:VI, the impulse to do evil, IX:VII, suffering, IX:VIII, Gehenna, IX:IX, the angel of death, IX:X, and the measure of punishment, IX:XI. All of these negative aspects of Creation mar the goodness of the work of the Creator-God and point to the conclusion that the Creator was evil, not good. By repeating the matter in a protracted catalogue and in a single form, the compositor makes his point. Everything people think mars Creation in fact marks its perfection. Death is good because it prevents the wicked from getting what they have not earned, hence, death insures justice in Creation. Sleep is good because it permits the sage to study Torah all the more effectively when he awakes. The evil impulse produces good results. Suffering is the route to eternal life. Gehenna likewise insures justice for those who have earned a reward, by preventing those who have not earned a reward from getting one. The angel of death takes up the same task. And as to punishment? It is inflicted only with justice. So in the end, there is a mete punishment for those who deserve it and a proper reward for those who earn it, so IX:XI.2.

IX:XIII.1.

- A. Said R. Simeon b. Laqish, “‘Behold, it is very good’ refers to the kingdom of heaven. ‘And behold, it is very good’ encompasses the kingdom here on earth.
- B. “And can anyone say that the kingdom here on earth is ‘very good’?”
- C. “Rather, it exacts justice of mortals: ‘I, even I, have made the earth and created Man upon it’ (Is. 45:12). [The word for ‘Man,’ Adam, may be read, ‘Edom,’ which then refers to Rome. So the point is that God affirms the legitimacy of Rome, the earthly kingdom (Freedman, p. 70, n. 2). I think it not farfetched to discern a polemic, which is that Rome is legitimate when it exacts justice and not legitimate when it does not.]”

No. 1 completes the earlier discourse on the perfection of Creation, answering the one question left open by the catalogue, namely, the historical one. Up to this point we have dealt with universal matters, those that affect human beings under all circumstances, not those affecting the historical life of Israel in particular. The item is given at the end because it could not be ignored. But it could have stood at the outset but not in the middle. Overall, we have observed a tendency of the compositors to refer first to the natural world, then to the historical life of Israel, but that probably derives from the subject-matter of the chapter.

IV. *Genesis Rabbah on the Seventh of Repose*

The presentation of the Sabbath, critical to the Halakhic component of the story, proves routine. The intricate and fresh ideas of the Halakhah on how the Sabbath in the Land corresponds to the Sabbath of Creation, at which moment Creation was perfected, find no counterpart in what follows. The rather routine character of the exposition of Gen. 2:1-3 underscores that the Aggadah finds little to contribute; it is most active and effective when linking diverse matters into a single composition. The exposition of details for their own sake produces nothing equivalently vital.

CREATION COMES TO AN END, BUT TORAH CONTINUES  
PARASHAH TEN. GENESIS 2:1-2

## X:I.1.

- A. "Thus the heavens [and the earth were finished (YKL) and all the host of them]" (Gen. 2:1):
- B. "For every purpose (TKLH) I have seen an end" (Ps. 119:96).
- C. For everything there is a measure, heaven and earth have a measure, except for one thing, which has no measure.
- D. And what is that? It is the Torah: "The measure thereof is longer than the earth" (Job 11:9).

The work of Creation came to a conclusion. But there is no measure for the Torah, which transcends Creation, a major proposition for the Aggadah.

## X:IX.1.

- A. Rabbi asked R. Ishmael b. R. Yosé, saying to him, "Have you heard from your father the meaning of the verse, 'And on the seventh day God finished...' (Gen. 2:1)? [How on the seventh day could God have done any sort of work of completion?]"
- B. He said to him, "[The completion of the work of Creation was simultaneous with sunset, so God did not actually work on the seventh day but only finished his work just at the split second at which the sunset,] as in the case of one who strikes the hammer on the anvil. He raises the hammer while it is yet day and brings it down just after night has come [so the act is begun by day and completed by night]. [Such an act, not performed entirely on the Sabbath day, is not regarded as a violation of the Sabbath.]"
- C. Said R. Simeon b. Yohai, "A mere mortal, who does not know how to calculate split seconds, let alone minutes or hours, is the one who has to add time from the week day to the holy day. But the Holy One, blessed be he, who knows how to calculate split seconds, let alone minutes and hours, can stay within the rule even by a hair's breadth."

2. A. Geniba and rabbis [on what the work of completion of Creation required]:
- B. Geniba said, "The matter may be compared to the case of a king who made a marriage canopy for himself. He plastered it, painted it, and decorated it. And what was the marriage canopy lacking? Only a bride to come into it. So too what did the world lack? It was the Sabbath."
- C. Rabbis say, "The matter may be compared to the case of a king who made a ring for himself. What did it lack? Only the seal. So too, what did the world lack? It was the Sabbath. [which is the seal of Creation]"

The issue addresses the statement of Gen. 2:1-2 that God finished his work on the seventh day, not on the sixth. So how do we understand the fact that God continued his work on the Sabbath day? No. 1 presents Ishmael b. R. Yose's father's explanation of the matter, which is that, while the work had begun prior to the seventh day, it was precisely at the advent of the Sabbath day that the work was brought to a conclusion. I include the passage to show how Genesis Rabbah expounds Scripture within Scripture's framework, not only imposing upon Scripture the vital rereading we have seen in earlier units.

HOW GOD BLESSED THE SABBATH DAY  
PARASHAH ELEVEN. GENESIS 2:3

XI:I.1.

- A. "And God blessed the seventh day" (Gen. 2:3).
- B. "The blessing of the Lord makes one rich [and grief adds nothing]" (Prov. 10:22).
- C. This refers to the Sabbath: "And God blessed..." (Gen. 2:3).
- D. "And grief adds nothing" (Prov. 10:22) refers to mourning [which is not to be done on the Sabbath], in line with this verse: "For the king was grieved on account of his son" (2 Sam. 19:3).

The intersecting verse answers the question of what blessing God gave to the Sabbath and finds in the prohibition of mourning on that day a particular blessing. Now we turn to a more successful representation of matters.

XI:II.1.

- A. "So God blessed the Sabbath day and hallowed it" (Gen. 2:3).
- B. R. Ishmael says, "He blessed it with mana and he hallowed it with mana.
- C. "He blessed it with mana, for on all of the week days the mana would yield one omer-measure a day, but on the eve of the Sabbath there were two omer-measures.

- D. "He hallowed it [making it separate by a sign done] with mana, because on that day, mana did not come down at all."
- E. R. Nathan says, "He blessed it with mana, but he hallowed it with a blessing."
- F. R. Isaac said, "He blessed it with mana, but he hallowed it with the example of the Man gathering wood [who was put to death for working on the Sabbath and this accomplished the perpetual sanctification of the Sabbath]."
2. A. He blessed it [with the requirement to put on] fine clothing.
- B. R. Huna said, "One has to change [clothing for the Sabbath]."
- C. R. Hiyya in the name of R. Yohanan: "One has to mix [his garments, so that, if he cannot put on fresh clothing, he can at least use a given item of clothing for a different purpose on the occasion of the Sabbath]."
- D. Abin bar Hisdai said, "One has to let his garments hang out."
3. A. R. Eliezer says, "He blessed it with the requirement that one kindle a lamp [in advance of the Sabbath, so as to have light in the home on the Sabbath].
- B. "And that involves a particular incident. One time I kindled the lamp on the eve of the Sabbath, and I came back at the end of the Sabbath and I found it burning, and it had not used up [any oil]."
4. A. [God] blessed it with the shining face of Man [which characterizes the person's appearance on the Sabbath].
- B. The light of a Man's face throughout the ordinary days of the week in no way compares to that of the Sabbath.
5. A. He blessed it with the lights.
- B. R. Simeon bar Judah: "Even though the lights were spoiled on the eve of the Sabbath."
- C. That view accords with the position of rabbis and not with that of R. Assi, who said, "The glory of the first Man did not last through one night."
- D. What is the scriptural evidence for that statement? "But Man does not pass the night in glory" (Ps. 49:13).
- E. Rabbis say, "The glory stayed the night, but at the end of the Sabbath, [God] took the splendor from him and drove him out of the Garden of Eden. That is in line with this verse: 'You change his countenance and send him away' (Job 14:20).
- F. "When the sun set on the night of the Sabbath, the Holy One, blessed be he, planned to hide away its light, but he paid respect to the Sabbath. That is in line with this verse: 'And God blessed the seventh day' (Gen. 2:3).
- G. "With what, then, did God bless the seventh day? It was with light."
6. A. When the sun set on the night of the Sabbath, its glow hung on and it continued to give light. Everyone began to give praise, in line with this verse: "Under the whole heaven they give praise to

- him" (Job 37:3). On what account? Because: "His light is unto the ends of the earth" (Job 37:3).
- B. R. Levi in the name of bar Nezirah: "For thirty-six hours that light continued to serve, twelve hours on the eve of the Sabbath [Friday], twelve on the night of the Sabbath, and twelve on the Sabbath day itself.
- C. "When the sun began to set on the night following the Sabbath, darkness began to come on. The first Man took fright: 'Surely indeed the darkness shall bruise me' (Ps. 139:11).
- D. "Shall the one concerning whom it is written, "He shall bruise your head" (Gen. 3:15) now come and confront me?"
- E. "What did the Holy One, blessed be he, do? He prepared for him two flints and had him strike them against one another, so that fire burst forth, and [Man] said a blessing for [the fire]. That is in line with this verse: 'But the night was light about me' (Ps. 139:11)."
- F. "The night was all about me" (Ps. 139:11): This view accords with the statement of Samuel, for Samuel said, "On what account do people say a blessing for a light at the end of the Sabbath? Because that was the point at which light originally was created."
- G. R. Huna in the name of R. Abbahu in the name of R. Yohanan: "Also at the end of the Day of Atonement people say a blessing for it, because the light has taken a rest for that entire day."

The first three answers to the question of what blessing God bestowed on the Sabbath take up Israel's Sabbath observances: food, clothing, light. From No. 4 onward we turn to issues of cosmological significance. No. 4 accomplishes the transition from the home to the cosmos. Then at No. 5 we introduce the issue of light in this deeper sense. No. 5 addresses the punishment of the first Man and of the heavenly luminaries, because of Man's rebellion, which, the coming chapter tells us, took place on the sixth day. The imperfections of nature accrue to the detriment of Man. They do not testify to imperfections in the Creator-god. Then No. 6 makes the stunning point that God was merciful, despite Man's sin, and so gave him light, at the end of the Sabbath. So the framers of Nos. 5-6 turn the Sabbath from an event in nature to a testimony to God's reconciliation with sinful Man. The light then bears the symbolic meaning that God is merciful to Man, even though Man has sinned. So the blessing of the seventh day that God bestowed was the giving of light, and the light of the seventh day stands for God's forgiveness of Man for the sin of the sixth day of Creation. The message of the two parts — Nos. 5-6 — could not be more clearly stated.

Has the compositor of the whole given us a point of his own, in laying out matters in the order before us? He moves, we see, from the domestic life of Israel, which observes the Sabbath through this-worldly pleasures of food, clothing, and light, through the symbolism of light, to the cosmic dimension of the imperfection of nature, signified by the light's being punished for Man's sin. This point allows the compositor to introduce the climactic theme, divine forgiveness of that sin on the sixth day, leaving the Sabbath as the mark of God's reconciliation with Man. The net effect is to link the homely observance of the Sabbath to the most profound issues of human existence and divine love — all out of the simple statement that God blessed the seventh day and hallowed it.

## XI:III.1.

- A. He blessed [the Sabbath day] by requiring additional expenses for the observance of that day.
- B. R. Levi in the name of R. Yosé bar Hanina: "With regard to every day of Creation on which there is a diminution of what was created, a blessing in Scripture is made explicit, so that what was created on that day in the end does not diminish.
- C. "For example, on the fifth day, fowl and fish were created, but people slaughter fowl and eat them, catch fish and eat them. So Scripture refers to a blessing in connection with that day, on which account what is created on that day never in the end will be diminished. [There will always be enough fowl and fish, because of God's blessing in that connection.]
- D. "But with reference to the Sabbath, what can you say? [What diminishes on the Sabbath day, that is kept in good supply by God's blessing?]"
- E. R. Levi in the name of R. Hama bar Hanina: "It is on account of the additional expenditure [involved in the keeping of the Sabbath]. [Even though Israelites have to lay out money for the additional enjoyments of the Sabbath, they will end up not losing at all.]"
- F. R. Eleazar in the name of R. Yosé: "It is because of the people who have delicate stomachs. [They can eat the extra food of the Sabbath without suffering on that account.]"

The question posed by Gen. 2:3, God's blessing of the Sabbath, and the definition of that blessing, now produces a more humble answer.

## XI:VIII.1.

- A. And why did [God] bless [the seventh day]?
- B. R. Berekhiah said, "It is because it has no mate. The first day of the week has the second, the third the fourth, the fifth the sixth. But the Sabbath has no mate."

- C. R. Samuel bar Nahman said, "It is because it cannot be shifted about [by reference to the appearance of the moon]. A festival day may be shifted about [through sightings of the moon, on the basis of which the festal calendar is determined], the Day of Atonement may be shifted about, but the Sabbath may not be shifted about."
2. A. R. Simeon b. Yohai taught on Tannaite authority, "The Sabbath said before the Holy One, blessed be he, 'Lord of the ages, everyone has a mate, but I have no mate.'  
 B. "The Holy One, blessed be he, said to her, 'The community of Israel, lo, that is your mate.'  
 C. "When Israel stood before Mount Sinai, the Holy One blessed be he, said to them, 'Remember what I said to the Sabbath: 'The community of Israel is your mate.' Now therefore: 'Remember the Sabbath day to keep it holy' (Ex. 20:8)."

The exegesis of the verse at No. 1, specifying that the Sabbath was given a blessing because it had no mate, then accounts for the inclusion of No.2 in what is a cogent and harmonious composition. The exegetical requirements of Gen. 2:3 therefore play a role both in the composition of the unit and also in its inclusion here. The powerful and continuing polemic that Israel's holy way of life corresponds to the order of Creation reaches renewed expression here. Israel is the bride of the Sabbath, the fulfillment of Creation.

From Creation, we turn to the second and third components of Scripture's story's three units: Adam and Eve and their sin and exile from Paradise.

THE AGGADIC READING OF CREATION:  
[2] ADAM AND EVE

I. *“Let Us Make Man”*

We continue our survey, not of Genesis Rabbah in its own terms, but of how Genesis Rabbah retells Scripture’s story of Creation. We now take up its account of the second and third chapters of Creation: making Man, sin and exile.

“LET US...:” — WITH WHOM?  
PARASHAH EIGHT. GENESIS 1:26-28

VIII:I.1.

- A. “And God said, ‘Let us make Man’” (Gen. 1:26).
  - B. R. Yohanan commenced discourse [by citing the following verse of Scripture] “You beset me behind and before [and lay your hand upon me]” (Ps. 139:5).
  - C. Said R. Yohanan, “If a person has sufficient merit, he will inherit two worlds, this world and the world to come. That is in line with the following verse of Scripture: ‘You beset me behind [in this world] and before [in the world to come]’ (Ps. 139:5).
  - D. “And if not, then he must come and give a full accounting of himself: ‘And lay your hand upon me’ (Ps. 139:5).”
2. A. Said R. Jeremiah b. Eleazar, “When the Holy One, blessed be he, came to create the first Man, he made him androgynous, as it is said, ‘Male and female created he them and called their name Man’ (Gen. 5:2).”

The intersecting verse is read as a statement on the Creation of Man, because of the appearance in the verse of the root YSR, interpreted to mean not “beset” but “create.” The Creation of Man is placed into a moral context with the introduction of the matter of merit, VIII:I.1. That he was androgynous carries forward what is implicit in Scripture’s story itself: Woman was removed from his body. But how this reshapes the basic Scriptural story is not clear to me.

VIII:II.1.

- A. R. Hama bar Hanina opened [discourse by citing this verse]: “You know this of old time, since Man was placed upon the earth” (Job 20:4).

- B. Said R. Hama bar Hanina, "The matter may be compared to a province which drew its sustenance from ass-drivers [who brought food from the countryside], and the drivers would say to one another, 'What market price shall we set today for the province?' Those who came on the sixth day [Friday] would ask those who came on the fifth, those who came on the fifth would ask those who came on the fourth, those who came on the fourth would ask those who came on the third, those who came on the third would ask those who came on the second, those who came on the second would ask those who came on the first. But as to those who came on the first [Sunday, after the Sabbath, on which the markets were closed,] whom did they have to ask? Would it not be the residents of the province, who were engaged in the conduct of public business for the province?"
- C. "So as to the works of Creation of each day, the one would ask the other, 'What sort of creatures did the Holy One, blessed be he, create on you today?' Accordingly, those of the sixth day would ask those of the fifth, those of the fifth, those of the fourth, those of the fourth day would ask those of the third, those of the third would ask those of the second, those of the second day would ask those of the first. But as to the first day, whom could it ask? Is it not the Torah, which came before the Creation of the world by two thousand years, in line with this verse: 'Then I was by him as a nursling and I was his delight day after day' (Prov. 8:30).
- D. "Since a day, so for as the Holy One, blessed be he, is concerned, is a thousand years, as it is said, 'For a thousand years in your sight is like a day when it is passed' (Ps. 90:4), [we know that, because the passage in Proverbs refers to day after day, two thousand years were involved].
- E. "That is in line with this verse: 'Do you know this of old time?' (Job 20:4).
- F. "[The sense then is:] 'The Torah knows what came before the Creation of the world, but you have no business in investigating such questions, attending rather to 'what has happened since Man was placed upon earth' (Job 20:4)."
- G. R. Eleazar in the name of Bar Sirah said, "Concerning what is greater than yourself do not seek,
- H. "concerning what is stronger than yourself do not pursue knowledge,
- I. "concerning what is more wonderful than yourself do not seek to know,
- J. "concerning what is hidden from you do not ask,
- K. "but concerning what has been permitted to you, look deeply, for you have no business in dealing with hidden things."

The passage presents a fine exposition for Gen. 1:1, using Job 20:4 as an intersecting text and handsomely spelling out the point to be drawn from the intersecting verse for the base verse, which is that (1) God looked into the Torah to create the world, and (2) Man should not investigate those matters that have been kept secret but has every right to study the Torah to find out what he wants to know. In this way the formation of Man is set into the larger context of the Creation. The next unit carries forward this same point, which is entirely familiar to us by now. Placing limits on the story represents a retelling of the story.

## VIII:III.1.

- A. "And God said, 'Let us make Man'" (Lev. 1:26):
- B. With whom did he take counsel?
- C. R. Joshua b. Levi said, "With the works of heaven and earth he took counsel.
- D. "The matter may be compared to the case of a king who had two advisers, and he would do nothing without their express approval."
- E. R. Samuel b. Nahman said, "It was with the things that he had created each prior day that he took counsel.
- F. "The matter may be compared to the case of a king who had a privy counselor, and he would do nothing without his express approval."
- G. R. Ammi said, "He took counsel with his own heart.
- H. "The matter may be compared to the case of a king, who had a palace built by an architect. When he saw it, it did not please him. To whom could he then address his complaint? Would it not be to the architect? So too: 'And it grieved him in his heart' (Gen. 6:6)."
- I. Said R. Yosé, "The matter may be compared to the case of a king who conducted his affairs through a trust officer and incurred a loss. To whom should he address his complaint? Is it not to the trust officer? Accordingly: 'And it grieved him in his heart' (Gen. 6:6)."

This composite carries forward VIII:II, answering the question raised at the outset: with whom did he take counsel? Now the Torah is not a candidate, since the Creation of Man did not accomplish God's purpose, as is explicitly said, so it is with God himself, on his own. Having placed the Creation of Man in the setting of the Creation of nature, the program now introduces that other dimension we anticipate, the setting of future history. How can God have created Man, knowing the future as he does, without perceiving the bad result of his action? So in the retelling of the story, the Aggadah

has reshaped matters. God took counsel with his own heart. But then that flaw of creation, rebellious man, in the end is God's fault: "for the imagination of man's heart is evil from his youth" (Gen. 8:21). In that aspect, then, Man is like God but not like God; "like God" because of free will; not like God because of the result. The next entry, carrying forward the present one, underscores that God foresaw all that would take place. Everything was present in the beginning.

VIII:IV.1.

- A. Said R. Berekhiah, "When God came to create the first Man, he saw that both righteous and wicked descendants would come forth from him. He said, 'If I create him, wicked descendants will come forth from him. If I do not create him, how will the righteous descendants come forth from him?'"
  - B. "What did the Holy One, blessed be he, do? He disregarded the way of the wicked and joined to himself his quality of mercy and so created him.
  - C. "That is in line with this verse of Scripture: 'For the Lord knows the way of the righteous, but the way of the wicked shall perish' (Ps. 1:6).
  - D. "What is the sense of 'shall perish'? He destroyed it from before his presence and joined to himself the quality of mercy, and so created Man."
2.
    - A. R. Hanina did not explain the cited verse in this way. Rather, [he said,] "When the Holy One, blessed be he, proposed to create the first Man, he took counsel with the ministering angels. He said to them, 'Shall we make Man' (Gen. 1:26)?"
    - B. "They said to him, 'What will be his character?'"
    - C. "He said to them, 'Righteous descendants will come forth from him,' in line with this verse: 'For the Lord knows the way of the righteous' (Ps. 1:6), meaning, the Lord reported concerning the ways of the righteous to the ministering angels..
    - D. "'But the way of the wicked shall perish' (Ps. 1:6), for he destroyed it [to keep it away] from them.
    - E. "He reported to them that righteous descendants would come forth from him, but he did not report to them that wicked descendants would come forth from him. For if he had told them that wicked descendants would come forth from him, the attribute of justice would never have given permission for Man to be created."

God's act of Creation represented a demonstration of his merciful and loving character. That is the critical proposition, against anyone who holds that the creator-God was evil. It also lays at God's feet the blame for the tragic outcome of Eden. He knew what would

happen but kept the knowledge from the angels and went ahead wholly on his own. That represents a dimension of the story that Scripture does not accommodate.

## VIII:V.1.

- A. Said R. Simon, "When the Holy One, blessed be he, came to create the first Man, the ministering angels formed parties and sects.
- B. "Some of them said, 'Let him be created,' and some of them said, 'Let him not be created.'
- C. "That is in line with the following verse of Scripture: 'Mercy and truth fought together, righteousness and peace warred with each other' (Ps. 85:11).
- D. "Mercy said, 'Let him be created, for he will perform acts of mercy.'
- E. "Truth said, 'Let him not be created, for he is a complete fake.'
- F. "Righteousness said, 'Let him be created, for he will perform acts of righteousness.'
- G. "Peace said, 'Let him not be created, for he is one mass of contention.'
- H. "What then did the Holy One, blessed be he, do? He took truth and threw it to the ground. The ministering angels then said before the Holy One, blessed be he, 'Master of the ages, how can you disgrace your seal [which is truth]? Let truth be raised up from the ground!'
- I. "That is in line with the following verse of Scripture: 'Let truth spring up from the earth' (Ps. 85:2)."
- L. R. Huna the elder of Sepphoris said, "While the ministering angels were engaged in contentious arguments with one another, keeping one another preoccupied, the Holy One, blessed be he, created him.
- M. "He then said to them, 'What good are you doing [with your contentions]? Man has already been made!'"

What is implicit in the Aggadic revision of the story is made explicit here. God's creation of Man represented an act of mercy and love that defied all rational considerations of truth, righteousness, and peace. The message is that in creating Man, God expressed his special love for him. The stress is that the ministering angels opposed the Creation of Man; because of their divisive character God was able to do it anyhow. The full character of the Aggadic revision of the story begins to emerge now. The debates over the Creation of Man on the part of the angels, their participation in God's deliberations, God's clear awareness of the possibilities of failure — these all recast Scripture's story.

## VIII:VI.1.

- A. R. Huna in the name of R. Aibu: "It was with considerable thought that he created him. [How so?] Only after he had created what was needed for his food, he created him.
- B. "So the ministering angels said before the Holy One, blessed be he, 'Lord of the ages, "What is Man that you should give so much thought to him, and the son of Man that you should think about him?"' (Ps. 8:5). How come you went to all this trouble in creating him?"
- C. "He said to them, 'If so, "Sheep and oxen, all of them" (Ps. 8:8) — why were they created? 'The birds of the heaven and the fish of the sea' (Ps. 8:9) — why were they created too?"
- D. "If there is a tower filled with all sorts of good things but no guests [for the owner to entertain], what good is it all to the owner who filled it up?"
- E. "They said to him, "'Lord, our Lord, how glorious is your name in all the earth" (Ps. 8:10)! Do what pleases you!"

The line of answers to the question, with whom did God consult, moves onward. The issue remains constant: it was with the angels and had to do with the future conduct and worth of Man. The point of interest is what we should have to call "the intersecting verse," namely, Ps. 8:5ff. Now the "giving thought to Man" is turned into the debate at hand. God's Creation of Man marks his perfection; everything was done just so.

## VIII:VII.1.

- A. R. Joshua of Sikhnin in the name of R. Levi: "He took counsel with the souls of the righteous, in line with the following verse: 'These were the makers, and those that dwelled among plantations and hedges; there they dwelt with the king in his work' (1 Chr. 4:23).
- B. "'These were the makers' corresponds to the verse: 'And the Lord God made Man' (Gen. 2:7).
- C. "'And those that dwelled among plantations' to the verse: 'And the Lord God planted a garden eastward' (Gen. 2:8).
- D. "'And hedges,' in line with: 'I have placed the sand for the bound of the sea' (Jer. 5:22).
- E. "'There they dwelt with the king in his work:' they dwelt there with the King of kings of kings, the holy one, blessed be He.
- F. "'With the souls of the righteous among them he took counsel and created the world."

God took counsel not only with the angels but also with the righteous who were destined to live. So Creation is not only perfect but also enjoys the affirmation of the truly righteous men. We come now to the sublime climax of the Aggadic reading of the story, the point

at which the Aggadah both encompasses and transcends the entirety of Scripture's story:

## VIII:X.1.

- A. Said R. Hoshiah, "When the Holy One, blessed be he, came to create the first Man, the ministering angels mistook him [for God, since Man was in God's image,] and wanted to say before him, 'Holy, [holy, holy is the Lord of hosts].'"
- B. "To what may the matter be compared? To the case of a king and a governor who were set in a chariot, and the provincials wanted to greet the king, "Sovereign!" But they did not know which one of them was which. What did the king do? He turned the governor out and put him away from the chariot, so that people would know who was king.
- C. "So too when the Holy One, blessed be he, created the first Man, the angels mistook him [for God]. What did the Holy One, blessed be he, do? He put him to sleep, so everyone knew that he was a mere Man.
- D. "That is in line with the following verse of Scripture: 'Cease you from Man, in whose nostrils is a breath, for how little is he to be accounted' (Is. 2:22)."

Here the Aggadah places its own imprint upon Judaism's story of Creation — beyond Scripture, beyond the Halakhah. This story can have been shaped only within the resources of the Aggadah, both formal and conceptual, and represents the high point of the entire reconstruction of Judaism's story. Since Man is in God's image, the angels did not know Man from God. "Let us make man" leads directly to "the angels mistook him for God." Only that Man sleeps distinguishes Man from God. I cannot imagine a more daring affirmation of humanity. The theme derives from the verse that states, "...in our image, after our likeness" (Gen., 1:26), but this passage is not cited in the present construction. In the Aggadadic composite, therefore, we have, then, no mere anthology on the cited verse. Before us is a profoundly polemical statement about the true character and condition of Man. Accordingly, "In our image" yields the view that the complete image of Man is attained in a divine union between man and woman, and, further, the syllogism that what makes Man different from God is that Man sleeps, and God does not sleep. Given the premise of the base verse and the issues inherent in the allegation that Man is in God's image, the treatment here proves extraordinary.

## VIII:XI.1.

- A. "Male and female he created them" (Gen. 1:27).
2. A. R. Joshua b. R. Nehemiah in the name of R. Hinena bar Isaac and rabbis in the name of R. Eleazar: "He created in him four

traits applicable to beings of the upper world and four of the lower world.

- B. "As to traits applicable to creatures of the upper world, he stands up straight like ministering angels, he speaks as do ministering angels, he has the power of understanding as do ministering angels, and he sees as do ministering angels."
  - C. But does a beast not see?
  - D. [That indeed is the case,] but a Man sees from the side.
  - E. "As to traits applicable to creatures of the lower world, he eats and drinks like a beast, he has sexual relations like a beast, he defecates like a beast, and he dies like a beast."
- 3.
- A. R. Tipdai in the name of R. Aha: "The creatures of the upper world were created in the image and likeness [of God] and do not engage in sexual relations, while the creatures of the lower world engage in sexual relations and were not created in the image and likeness [of God]."
  - B. "Said the Holy One, blessed be he, 'Lo, I shall create him in the image and likeness [of God], like the creatures of the upper world, but he will engage in sexual relations, like creatures of the lower world.'"
  - C. R. Tipdai in the name of R. Aha: "The Holy One, blessed be he, said, 'If I create him solely with traits of creatures of the upper world, he will live and never die, and if I do so solely with traits of creatures of the lower world, he will die and not live. Instead, I shall create him with traits of creatures of the upper world and with traits of creatures of the lower world.'"
  - D. "If he sins, he will die, and if not, he will live."

The entire composite leads to this climactic moment and its uncompromising statement. Sin makes the difference. Man has traits of angels and traits of beasts. When he is righteous, his angelic and heavenly traits mark him as in God's image, and when he sins, he is not in the likeness and the image of God. No. 1 takes up the cited verse. Nos. 2 and 3 go over the same matter, which in no way intersects with the verse at hand but pursues an interest of its own, namely, the divine and human traits of Man. What is interesting is that the appropriate "base-verse" is once more "In our image, after our likeness" (Gen. 1:26). Why so? The question that is answered is what traits of human beings are divine, in line with the verse at hand, and what traits are not.

#### VIII:XIII.1.

- A. Said R. Abbahu, "The Holy One, blessed be he, took the cup of blessing [for the benediction of the marriage of Adam and Eve] and said the blessing for them."
- B. Said R. Judah b. R. Simon, "Michael and Gabriel were the best

- men of the first Man.”
- C. Said R. Simlai, “We have found that the Holy One, blessed be he, says a blessing for bridegrooms, adorns brides, visits the sick, buries the dead, and says a blessing for mourners.
  - D. “What is the evidence for the fact that he says a blessing for bridegrooms? As it is said, ‘And God blessed them’ (Gen. 1:28).
  - E. “That he adorns bride? As it is written, ‘And the Lord God built the rib...into a woman’ (Gen. 2:22).
  - F. “Visits the sick? As it is written, ‘And the Lord appeared to him’ (Gen. 18:1).
  - G. “Buries the dead? As it is written, ‘And he buried him in the valley’ (Dt. 34:6).”
  - H. R. Samuel bar Nahman said, “Also he concerns himself for the mourner. It is written, ‘And God appeared to Jacob again, when he came from Paddan-aram, and blessed him’ (Gen. 35:9).
  - I. “What was the blessing that he said for him? It was the blessing for mourners.”

God engages in a set of meritorious actions. The particular ethical actions emphasized by sages therefore follow the model that God has provided, hence, just as rites are (merely) natural, so acts of supererogatory virtue fostered by sages, acts that produce merit, are treated as divine.

## II. *Adam and Eve in Eden*

From the Creation of Man we turn to Adam and Eve in Eden. I find the Aggadic statement of matters in the present setting hardly so daring as the one we have just examined. In general, the Aggadah hews a line close to Scripture’s statement. It amplifies more than it reshapes matters.

### WHAT GOD DID IN MAKING ADAM AND EVE PARASHAH TWELVE. GENESIS 2:4

#### XII:II.1.

- A. “For all these things has my hand made” (Is. 66:2):
- B. R. Berekhiah in the name of R. Judah bar Simon: “It was not with hard work or heavy labor that the Holy One, blessed be he, created his world, and yet you say, ‘All these things has my *hand* made’ (Is. 66:2)?”
- C. R. Yudan said, “It was on account of the merit of the Torah, to which reference is made in the verse, ‘These are the laws, the judgments, and the torahs’ (Lev. 26:46), that the world was made.”

- D. R. Joshua b. R. Nehemiah says, "It was on account of the merit of the tribes: 'And these are the names of the tribes' (Ez. 48:1). 'And so all these things came to be, says the Lord' (Is. 66:2)."
- E. "Thus: 'These are the generations of heaven...' (Gen. 2:4)."

The intersecting text, Is. 66:2, links the Creation of the world to God's physical labor. But Genesis 1 has stressed God's having made the world merely by speaking, not by physically doing anything. So we have to find an appropriate referent for "all these things," with the sense that it was on account, that is, for the merit, of "all these things" that God made the world. Once we seek a reference for the word "these," we find it in verses which make use of that word, hence with reference to the Torah, on the one side, and the tribes, on the other. The upshot once more is to produce stress on the correspondence of the Creation of the world to the message of the Torah and to the history of Israel. Now we turn from the beginning to the end: how the Messiah will repair the damage done by Man in Eden, and so restore the condition of Eden:

#### XII:VI.1.

- A. "Generations" (Gen. 2:4):
- B. Every reference in Scripture to the word "generations" is written defectively [so that the first vav is omitted, thus, TLDWT rather than TWLDWT].
- C. There are two exceptions: "These are the generations of Peretz" (Ruth 4:18), and "These are the generation of heaven..." (Gen. 2:4).
- D. And why are these two written defectively?
- E. R. Yudan in the name of R. Abun: "The [missing] six [that is, the numerical value of the vav ] correspond to six things that were taken away from the first Man, and these are they: his splendor, his immortal life, his stature, the fruit of the earth, the fruit of the tree, and the primordial lights.
- F. "How do we know that that is the case for his splendor? 'You change his countenance and send him away' (Job 14:20).
- G. "His immortal life? 'For dust you are and to dust you shall return' (Gen. 3:19).
- H. "His stature? 'And the Man and his wife hid themselves' (Gen. 3:8)."
- I. Said R. Aibu, "He was cut down in height and reduced to one hundred cubits."
- J. [Resuming Abun's statement:] "The fruit of the earth and the fruit of the tree? 'Cursed is the earth on your account' (Gen. 3:17)."
- K. As to the primordial lights:
- L. R. Simeon bar Judah: "Even though the primordial lights were

spoiled on the eve of the Sabbath, they were smitten only at the end of the Sabbath.”

2. A. That view accords with the position of rabbis and not with that of R. Assi.
- B. For R. Assi said, “The first Man did not abide in glory for a single night. What is the verse that so indicates? ‘But Adam passes not the night in glory’ (Ps. 49:13).”
- C. But rabbis say, “His glory lasted for the night, and at the end of the Sabbath his splendor was taken from him and he was driven from the Garden of Eden. That is in line with the following verse of Scripture: ‘You change his countenance and send him away’ (Job 14:20).”
3. A. When the sun set on the night of the Sabbath, the Holy One, blessed be he, planned to hide away its light. But he paid honor to the Sabbath [and did not do so], in line with this verse: “And God blessed the seventh day” (Gen. 2:3).
- B. With what did he bless it? With light.
4. A. When the sun set on the night of the Sabbath, its glow hung on and continued to give light. Everyone began to give praise, in line with this verse: “Under the whole heaven they give praise to him” (Job 37:3). On what account? Because: “his light is unto the ends of the earth” (Job 37:3).
- B. R. Levi in the name of bar Nezirah: “For thirty-six hours that light continued to serve, twelve hours on the eve of the Sabbath, twelve on the night of the Sabbath, and twelve on the Sabbath day itself.
- C. “When the sun began to set on the night following the Sabbath, darkness started to come on. The first Man took fright: ‘Surely indeed the darkness shall bruise me’ (Ps. 139:11).
- D. “Shall the one concerning whom it is written, ‘He shall bruise your head’ (Gen. 3:15) now come and attack me?”
- E. “What did the Holy One, blessed be he, do? He prepared for him two flints and had him strike them against one another, so that fire burst forth. Then Man said a blessing for the fire. That is in line with this verse: ‘But the night was light about me’ (Ps. 139:11).”
- F. “The night was light about me” (Ps. 139:11): this view accords with the statement of Samuel, for Samuel said, “On what account do people say a blessing for a light at the end of the Sabbath? Because that was the point at which light originally was created.”
- G. R. Huna in the name of R. Abbahu in the name of R. Yohanan: “Also at the end of the Day of Atonement people say a blessing for it, because the light has taken a rest for that entire day.”
5. A. R. Berekhiah in the name of R. Samuel bar Nahman: “Even though the matters were stated in their fullness, because the first

- Man sinned, they were spoiled, and they will never return to their full perfection until the son of Peretz will come.
- B. “[How so? Proof of that proposition derives from the verse:] ‘These are the generations of Peretz’ (Ruth 4:18), in which the word for generations is spelled out fully, with its vav .”
6. A. [Since the word at Ruth 4:18 is spelled out with its *vav*, we ask about the six traits of Peretz which are encompassed by the full spelling of the word, hence:] what are the six [traits of the son of Peretz, the Messiah]?
- B. [These six traits correspond to the ones lost by the first Man, so that the redemption completes and perfects the defects of Creation:] His splendor, his immortal life, his stature, the fruit of the land, the fruit of the tree, and the lights.
- C. How do we know that that is the case for his splendor? “But they that love him shall be as the sun when he goes forth in his might” (Judges 5:31).
- D. How do we know that that is the case for his immortal life? “For as the days of a tree shall be the days of my people” (Is. 65:22).
- E. How do we know that that is the case for his stature? “And I will make you go upright” (Lev. 26:13).
- F. R. Hiyya taught on Tannaite authority, “He will go about upright, afraid of no one.”
8. A. [Reverting to the original proposition:] The fruit of the earth and the fruit of the tree?
- B. “For as the seed of peace, the vine shall give her fruit” (Zech. 8:12).
- C. The lights? “Moreover the light of the moon shall be as the light of the sun, and the light of the sun shall be seven-fold, as the light of the seven days” (Is. 30:26).

The Aggadah proposes once more to link the story of Creation with the history of the salvation of Israel. The link proves powerful, namely, the common, and unusual, spelling of the word “generations” when it appears with reference to Creation and to the Messiah. The clear and unmistakable polemic, then, is that what went wrong at the Creation of the world, because of Man’s sin, will be righted, at the salvation of the world, by the Messiah. So there is a point by point correspondence between what went wrong and what will, in the end, be repaired and remedied. XII:VI.1 broaches the theme, the failure of Man, introducing what Man lost with the exile from Eden. He was meant to live immortally, he was meant to eat the fruit of the earth without labor, and so on. So in the very account of the Creation of Man is encompassed his tragedy. No. 2 underscores the matter: Man does not pass the night in glory. God compensated Man for his losses, giving fire to replace the natural

light that Man was supposed to have enjoyed. Nos. 5-6 explicitly introduce the matter of the Messiah.

#### XII:VIII.1.

- A. Everything that you see falls into the classification of offspring of heaven and earth, as it is said, "In the beginning God created the heaven and the earth" (Gen. 1:1).
- B. On the second day [God] created some of the creatures above: "And God said, 'Let there be a firmament'" (Gen. 1:6).
- C. On the third day he created some of the creatures below: "And God said, 'Let the earth bring forth grass'" (Gen. 1:11).
- D. On the fourth day he created some of the creatures above: "Let there be lights" (Gen. 1:14).
- E. On the fifth day he created some of the creatures below: "Let the waters swarm" (Gen. 1:20).
- F. On the sixth day he came to create Man. [God] said, "If I create him from the creatures on high, the creatures on high will be more than the creatures below by one act of Creation, and there will not be peace in the world. But if I create him from the creatures below, the creatures below will also be more than those above. Lo, I shall create him out of both what is above and what is below, so that there will be peace."
- G. That is in line with this verse: "Then the Lord God formed Man of the dust of the ground and breathed into his nostrils the breath of life" (Gen. 2:7). That derives from the creatures above.
- H. For R. Simeon b. Laqish said, "'Dominion and fear are with him, he makes peace in his high places'" (Job 25:2).

The Aggadic insistence on the mixture of heaven and earth in Man animates the reading of matters here. The key passage is at F-G, which leads us to the language used by God in driving Man out of Eden.

#### XII:IX.1.

- A. ["When they were created" (Gen. 2:4) (BHBR'M):]
  - B. Said R. Joshua b. Qorhah, "The letters for 'When they were created' [when rearranged] yield the word, 'Abraham,' so it was on account of the merit of Abraham [that the world was created]."
  - C. R. Azariah in connection with this statement of R. Joshua b. Qorhah cited the following verse: "'You are the Lord, even you alone, you have made heaven' (Neh. 9:6). And all this labor — what is it for? It is for this account: 'You are the Lord God who chose Abram' (Neh. 9:7)."
2. A. Said R. Yudan, "'On high mountains are the wild goats' is not what is written, but, rather, 'The high mountains are for the wild goats' (Ps. 104:18). Why then were the high mountains created? It is for the wild goats."

- B. "Now the hind is weak and fears wild animals, and when it wants to drink, the Holy One, blessed be he, puts into it a spirit of panic, so it butts the rocks with its horns, and the wild beast hears the sound and flees.
- C. "The rocks are a refuge for the conies' (Ps. 104:18): as to the coney it takes shelter under a rock for fear of the bird of prey flying by, lest the bird eat it.
- D. "Now if on account of an unclean thing, the Holy One, blessed be he, has created his world [providing, for example, rocks for the hind and for shelter for the conies], on account of the merit of Abraham, how much the more so [did he create the world]."

Once again, Israel enters the picture, now with the discovery, in Scripture, that it was on account of Abraham, whose name is contained within the letters, "when they were created," that God made the world.

THE ACT OF MAKING MAN AND WOMAN  
PARASHAH FOURTEEN. GENESIS 2:7

XIV:I.1.

- A. "Then the Lord God formed Man [of dust from the ground and breathed into his nostrils the breath of life]" (Gen. 2:7):
- B. "The king by justice establishes the land but a Man of gifts overthrows it" (Prov. 29:4).
- C. "The king" refers to the King of kings of kings, the Holy One, blessed be he.
- D. "...by justice establishes the land" for he created the world in accord with the attribute of justice: "In the beginning God [which name represents the attribute of justice] created" (Gen. 1:1).
- E. "But a Man of gifts overthrows it" refers to the first Man. He was the dough-offering [*hallah* ], marking the completion of the world, and dough-offering falls into the category of the priestly gift, as it is said, "Of the first of your dough you shall set apart dough offering for a priestly gift"(Num. 15:20). [So while God established the world through justice, the first Man — in the category of a gift — overthrew it.]
- F. Said R. Yosé b. Qisratah, "It may be compared to the case of a woman who mixes her dough with water and, in the middle of the work, raises up her dough offering [before the dough was fully kneaded]. So too, at the beginning: 'And a mist went up from the earth' (Gen. 2:6), and afterward: 'Then the Lord God formed of dust from the earth' (Gen. 2:7)."

The exegesis rests on the interplay of Gen. 2:6, referring to water, and Gen. 2:7, referring to dust of the earth. So Man is made of those two materials. The available materials for Man were mud and water, so

Gen. 2:6, 7. That is the point at F. The intersecting verse produces the metaphor of the priestly gift, forthwith transmuted to the dough-offering. That offering is owing from dough while it is being prepared, falling due at the point at which when the dough is in the oven the crust forms, that is, when the enzyme that causes the dough to rise has been killed by the heat of the baking. It is an offering presented to the priest by the housewife when she has completed the preparation of dough in the process of baking bread. Hence the Creation of Man is compared to mixing water and flour to create bread. Then removing Man from the mixture of water and dirt is compared to the removal of dough from the mixture of water and flour. The intersecting verse accordingly supplies the pertinent metaphor.

The human being then is the select offering of Creation, not only in God's image but also the offering of Creation to the creator. To pursue this theme: the message is that Man is the sacred component of Creation, just as the part of the dough is made holy for presentation to the priest. So the Aggadic gloss of the story is this: Man was made of dirt and water, as the narrative suggests. The metaphor is between the making of Man and the making of dough. The vision of Man as the most holy component of Creation, suitable for presentation to the priest, exploits the already available metaphor that represents Man is "in our image, after our likeness." The details of the narrative are carefully woven together. The point of the whole is that God made the world, including Man, in accord with the attribute of justice. Now, if we did not know that ahead of us is the story of Man's sin and punishment, the rather subtle passage before us surely prepares the way. The Creation of Man is the story of divine justice, not only of divine mercy.

That chapter of the story, about divine mercy, will come later, indeed will form the rest of the story of humanity.

#### XIV:VI.1.

- A. "Then the Lord God formed the Man" (Gen. 2:7):
- B. It was on account of the merit accrued by Abraham.
- 2. A. Said R. Levi, "It is written, 'The greatest Man among the Anakim' (Joshua 14:15).
- B. "'Man' refers to Abraham, and why is he called a great Man? Because he was worthy of being created before the first Man [Adam].
- C. "But the Holy One, blessed be he, thought, 'Perhaps something may go wrong, and there will be no one to repair matters. Lo, to begin with I shall create the first Adam, so that if something should go wrong with him, Abraham will be able to come and remedy matters in his stead.'"

- D. Said R. Abba bar Kahana, "Under ordinary circumstances when someone has a pair of beams, he joins them so that they meet at a slope [and not flat] And where does he join them? Is it not at the middle of the room, [as a vault], so that they will bear the weight of the beams fore and aft?"
- E. "So why did the Holy One, blessed be he, create Abraham at the midpoint in the unfolding of the generations? It was so that he should support the weight of the generations fore and aft."
- F. Said R. Levi, "People bring a virtuous woman into the household of a woman in disarray [to teach her proper conduct], but they do not bring a woman in disarray into the household of a virtuous woman."

We proceed to the next element of the base verse, the reference to "the Man," which, as we can have predicted on the basis of preceding materials, is taken to refer to Abraham. The true Man is Abraham, not Adam — and then, Israel in the model of Abraham: his descendants. This is first proved and then explained. The underlying motif, the correspondence of the history of humanity to the history of Israel and of both to the character of Creation, proceeds apace. The exegete-compositors further link the present story to what is to come — the fall of Adam, then Abraham's rise. So the principal Aggadic contribution to Judaism's story of the Creation of Adam and Eve is the introduction of Abraham to the account of matters, the contrast of Abraham to Adam, the balance of the flawed first Man and the perfected Abraham.

#### XIV:VIII.1.

- A. "[...of dust] from the earth..." (Gen. 2:7):
- B. R. Berekhiah and R. Helbo in the name of R. Samuel the elder: "He was created from the source of atonement [that is, from dirt, of which the altar was made]."
- C. "This is in line with the following verse of Scripture: 'You shall make me an altar of earth' (Ex. 20:24)."
- D. "Said the Holy One, blessed be he, 'Lo, I shall create him from the place at which he attains atonement, and may he endure!'"
- 2. A. "And he breathed into his nostrils" (Gen. 2:7):
- B. This teaches that he set him up as an unformed mass, filling up the space from the earth to the firmament.
- 3. A. Then he tossed the soul into him.
- B. For the Creation in this world is through the breathing in of air, but in the world to come it will be through actually handing it over [as a gift].
- C. "And I shall hand over my spirit as a gift to you, and you shall live" (Ez. 37:14).

Once more the exposition of Scripture's story encompasses Israel's narrative as well. Now Man is made of dust from the earth, the place of atonement. The theme of the blowing of air into Man is taken up at Nos. 2,3. No. 2 takes the specification of a careful order, first this, then that, to mean that the order of Creation was, first the unformed mass of the body, then the breath of life. No. 3 introduces an important motif once more, the comparison of the original Creation of Man to the recreation of Man at the resurrection of the dead. This theme, which we have already noticed, forms part of the larger insistence that in the Creation of the world is prefigured the history of humanity and of Israel.

THE GARDEN OF EDEN  
PARASHAH FIFTEEN. GENESIS 2:8-9

XV:III.1.

- A. "In the east" (Gen. 2:9):
- B. Said R. Samuel bar Nahmani, "The word 'east' bears the sense of 'prior,' [so you may suppose that the meaning is that God had created the garden prior to the Creation of the world, hence using the pluperfect, 'The Lord God *had* planted....' But that is not the case,] for the sense is only that it was prior to the Creation of the first Man.
- C. "[How so?] Man was created on the sixth day, but the Garden of Eden had already been created on the third, in line with the following verse of Scripture: 'Yet God is my king, working salvation beforehand in the midst of the earth' (Ps. 74:12)."
- D. "[Adam speaks,] 'He had already worked salvation, in that the Holy One, blessed be he, prepared my salary in advance, even before I had gotten up to do the work!'"

The Garden had already been made ready for Adam. Creation was a sequence of thoughtful and much-considered actions, leading to perfection. That raises the stakes in the loss of Eden due to Adam's ill-considered action.

XV:IV.2.

- A. "[There he put] the Man..." (Gen. 2:9):
- B. It was on account of the merit owing to Abraham [who is, we recall, the model and the perfect Man].
- C. So it is written, "You know my sitting down and my standing up. You understand my thought from afar" (Ps. 139:2).
- D. "My sitting down" refers to my settling in the Garden of Eden.
- E. "My standing up" refers to my being driven forth from it.
- F. "You understand my thought from afar" (Ps. 139:2): on account of the merit of whom did you determine to create me? It was on

account of the merit of him who came from a far place: "Calling a bird of prey from the east, the Man of my counsel from a far country" (Is. 46:11). [This is taken to refer to Abraham, who answered God's call from a far place.]

Once more Abraham serves as the model of the perfect Man. We see how critical to the Aggadic reformation of the story is the introduction of Abraham, which provides that balance and opposite to Adam that the story requires: the bridge to Israel.

We now come to a critical set of definitions. Here, however, I perceive only an amplification of Scripture's story, not a reshaping of the story along the lines that we have seen to this point. Here, the burden of the tale rests nearly entirely upon Scripture on its own, the Aggadah answering such questions as, what was the forbidden fruit after all?

XV:VII.1.

- A. "...the tree of knowledge..." (Gen. 2:9):
- B. What was the tree from which Adam and Eve ate?
- C. R. Meir says, "In fact it was wheat. When someone has no knowledge, people say, 'That Man has never in his life eaten bread made out of wheat.'"
2. A. R. Samuel bar R. Isaac asked R. Zeira, saying to him, "Is it possible that it was wheat?"
- B. He said to him, "Yes."
- C. He said to him, "But lo, what is written is 'tree,' [so how can it be wheat]!"
- D. He said to him, "It was wheat that grew as high as cedars of Lebanon [and so fell into the classification of trees]."
6. A. R. Judah bar Ilai said, "It was grapes [that Adam and Eve ate], as it is said, 'Their grapes are grapes of gall, they have clusters of bitterness' (Dt. 32:32).
- B. "They were the grapes that brought bitterness into the world."
- C. R. Abba of Acre said, "It was the *etrog*, in line with this verse: 'And the woman saw that the [wood of] the tree was good for food' (Gen. 3:6). Now go and find out what sort of tree produces wood that can be eaten just as much as its fruit can be eaten, and you will find only the *etrog*."
7. A. R. Yosé said, "It was figs."
- B. [Yosé] derives the meaning of what is not stated explicitly from the meaning of what is made explicit, and that very meaning he derives from its context. [How so?]
- C. The matter may be compared to the case of a prince who misbehaved with one of his slave girls. When the king heard about it, he drove him out of the palace, and the prince went begging at the doors of slave girls, but they would not accept him. But the

one with whom he had misbehaved opened her door to him and accepted him. So at the moment at which the first Man ate from that tree, [God] drove him out of the Garden of Eden, and Man went begging among all the trees, but none would accept him.

- D. What did they say to him?
- E. Said R. Berekhiah, “‘Here comes the thief who deceived his creator, here comes the thief who deceived his master.’ That is in line with the following verse of Scripture: ‘Let not the foot of presumption come to me’ (Ps. 36:12), meaning, ‘the foot that presumed against its creator’ ‘and let not the hand of the wicked shake me’ (Ps. 36:12), meaning, ‘do not let it take a leaf from me.’”
- F. But it was the fig, of the fruit of which they had eaten, that opened its door and accepted him. That is in line with this verse: “‘And they sewed fig leaves together” (Gen. 3:7).

The Aggadic amplification enriches the account but does not vastly revise it. By contrast, the account of the four rivers of Eden is vastly reconfigured to encompass all of Israel’s history within the story of Eden. Babylonia, Media, Greece, and Rome participate:

#### THE RIVERS OF EDEN SIGNIFY THE FUTURE OF ISRAEL

##### PARASHAH SIXTEEN. GENESIS 2:10-17

##### XVI:IV.1.

- A. R. Tanhuma in the name of R. Joshua b. Levi said to him, “In the future the Holy One, blessed be he, is destined to give a cup of bitterness to the nations to drink from the place from which this [river] goes forth. And what is the verse that so indicates? ‘A river flowed out of Eden to water the garden’ (Gen. 2:10).
- B. “This refers to the four kingdoms, forming the counterpart to the four heads [into which the river is divided].
- C. “‘The name of the first is Pishon’ (Gen. 2:11) refers to Babylonia, in line with this verse: ‘And their horsemen spread (*pashu*) themselves’ (Hab. 1:8). And it also responds to the midget dwarf, who was smaller than a handbreadth [that is, Nebuchadnezzar].
- D. “‘It is the one which flows around the whole land of Havilah’ [again, referring to Babylonia,] for [Nebuchadnezzar] came up and encompassed the entire Land of Israel, concerning which it is written, ‘Hope you in God, for I shall yet praise him’ (Ps. 42:6). [There is a play on the words for Havilah and hope.]
- E. “‘...where there is gold’ (Gen. 2:11) speaks of words of Torah, which are ‘more to be desired than gold and than much fine gold’ (Ps. 19:1).
- F. “‘And the gold of that land is good’ (Gen. 2:11) teaches that there is no Torah like the Torah of the Land of Israel, and there

is no wisdom like the wisdom of the Land of Israel.

- G. "'Bdellium and onyx stone are there' (Gen. 2:12) refers to Scripture, Mishnah, Talmud, supplementary teachings, and lore.
- H. "'And the name of the second river is Gihon' refers to Media, for Haman [who was a Median] had [because of his deranged hatred of Israel] inflamed eyes like those of a serpent, on the count: 'On your belly (GHWNK) you will go, and dust you will eat all the days of your life' (Gen. 3:14).
- I. "It is the one which flows around the whole land of Cush' (Gen. 2:13). This allusion is to [Ahasueros, the Median, as in this verse]: 'Who reigned from India even to Cush' (Est. 1:1).
- J. "'And the name of the third river is Tigris' (Gen. 2:14) refers to Greece, which was sharp and speedy in making evil decrees, saying to Israel, 'Write on the horn of an ox [as a public proclamation] that you have no share in the God of Israel.'"
2. A. "...which flows east of Assyria" (Gen. 2:14):  
 B. Said R. Huna, "In three matters did the kingdom of Greece take precedence [a play on the word for 'east' and 'precedence'] over the wicked kingdom [Rome]: in navigation, in setting up camp, and in language."
3. A. R. Huna in the name of R. Aha, "All kingdoms bear the name of Assyria because they get rich on account of exacting their taxes from Israel [a play on the word for rich and Assyria]."  
 B. Said R. Yosé bar Judah, "All kingdoms are called Nineveh because they ornament themselves at the expense of Israel."  
 C. Said R. Yosé bar Halapta, "All kingdoms are called 'Egypt,' because they oppress Israel [a play on the words 'oppress' and 'Egypt']."
4. A. "And the fourth river is the Euphrates" (Gen. 2:14):  
 B. This refers to Rome.  
 C. It is called the Euphrates (PRT) because it unsettled and harassed his world.  
 D. It is called the Euphrates because it became abundant on account of the blessing of the old Man [Jacob, who blessed Esau, standing for Rome].  
 E. It is called the Euphrates because: "In the future I am going to destroy it, at the end."  
 F. It is called the Euphrates because of what will happen at the end of it: "I have trodden the winepress alone" (Is. 63:3).

Within the Aggadic and Halakhic paradigms, Eden is to Adam as the Land of Israel is to Israel. The story of creation therefore tells the future history of Israel. At XVI:IV, the compositors have taken a mass of familiar motifs and shown how at each point the same verses prefigure or allude to the history of Israel, item by item. None of the entries individually presents surprises, but the net effect of the

composition is all the more powerful on that account. No. 1 lays down the basic pattern, an effort to link each of the rivers with one of the four kingdoms among which the ages of human history are divided: Babylonia, Media, Greece, and Rome, the present, last, and worst age. The statement is somewhat marred, but the point is clear. 1.E, F, and G obviously do not belong. The execution of the next entries, Nos. 2, 3, and 4, presents no problems. No. 4 takes up where No. 1 leaves off. In all, the composition viewed whole is considerably stronger than the parts.

XVI:V.1.

- A. "And the Lord God took the Man [and put him in the Garden of Eden to till it and keep it]" (Gen. 2:15):
2. A. "And put him in the Garden of Eden" (Gen. 2:15):
  - B. R. Yudan and R. Berekhiah:
  - C. R. Yudan said, "He gave him rest, protected him, and gave him pleasure from all the trees of the Garden of Eden."
  - D. R. Berekhiah said, "He put him there so as to give him rest, protect him, and give him pleasure from all the trees of the Garden of Eden." [Yudan holds that Adam actually enjoyed these benefits, while Berekhiah maintains that they were potential only, but he never enjoyed them because of his sin.]
3. A. "And he put him" (Gen. 2:15) means that he gave him the religious duty of observing the Sabbath [linking 'put' to the meaning of 'rest,' which the same root yields].
  - B. This is in line with the following verse of Scripture: "And he rested on the Seventh day" (Ex. 20:10).
  - C. "To till it" (Gen. 2:15). "Six days shall you till" (Ex. 20:9).
  - D. "And to keep it" (Gen. 2:15). "Keep the Sabbath day" (Dt. 5:12).
4. A. Another interpretation: "To till it and to keep it" (Gen. 2:15):
  - B. This refers to the offerings [in the Temple]: "You shall serve God upon this mountain" (Ex. 3:21). "You shall keep [the obligation of] offering to me" (Num. 28:2).

The same systematic effort to link Adam's story to Israel's continues. Nos. 3, 4 link the verse at hand to the Sabbath and to the Temple cult. The link is surely direct, since the verses at hand refer to "till and guard," which form the principal word choices of the base verse. The upshot once more is to link the creation-story to the holy life of Israel, both in the Sabbath and in the sacrifices. The entire system of Rabbinic Judaism comes to bear at each point; the work of the Aggadah, then, is to make that system concrete and immediate. But the system, the theology, is prior to the Aggadic realization thereof. Its hermeneutics generates the Aggadic exegesis..

## XVI:VI.1.

- A. "And the Lord God commanded the Man, saying, 'You may freely eat of every tree of the garden, [but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you shall die]'" (Gen. 2:16).
  - B. R. Levi said, "He made him responsible to keep six commandments.
  - C. "He commanded him against idolatry, in line with this verse: 'Because he willingly walked after idols' (Hos. 5:11).
  - D. "'The Lord' indicates a commandment against blasphemy, in line with this verse: 'And he who blasphemes the name of the Lord' (Lev. 24:16).
  - E. "'God' indicates a commandment concerning setting up courts [and a judiciary]: 'You shall not revile the judges' [in the verse at hand, 'God'] (Ex. 22:27).
  - F. "'...the Man' refers to the prohibition of murder: 'Whoever sheds Man's blood' (Gen. 9:6).
  - G. "'...saying' refers to the prohibition of fornication: 'Saying, "If a Man put away his wife"' (Jer. 3:1).
  - H. "'Of every tree you may eat' (Gen. 2:16) indicates that he commanded him concerning theft. [There are things one may take, and there are things one may not take.]"
2. A. Rabbis interpret the passage in this way: "'And the Lord God commanded' (Gen. 2:16).
  - B. "He said to him, 'What am I? I am God. I wish to be treated like God, so he may not curse me. [That proves only that Adam was commanded not to blaspheme.]
  - C. "How do we know that he was commanded not to fornicate? 'And cleave to his wife' (Gen. 2:24), and not to the wife of his neighbor, to a male, or to an animal." [So rabbis find in the verse only two prohibitions, against blasphemy and fornication.]
3. A. "Of every tree of the garden you may freely eat" (Gen. 2:16):
  - B. Said R. Jacob of Kefar Hanan, "When does [a beast] turn into food and become fit for eating? When it has been properly slaughtered. Accordingly, he gave Man an indication that it is forbidden to eat a limb cut from a living beast." [Jacob here finds the commandment not to treat animals cruelly.]
4. A. "But of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you shall die" (Gen. 2:17):
  - B. [Since the verb, "you shall surely die," uses the root "die" more than once, what is indicated is] the death penalty for Adam, for Eve, and for coming generations.

Adam and Eve were subject to more than a single commandment; they were responsible for six or to two, as specified. At issue at Nos. 1-3 is natural law, that is to say, the laws that apply to Man in gen-

eral. No. 1 presents six such laws. These are inferred from statements of Scripture that pertain to all Mankind, not only to Israel or even to the children of Noah. Nos. 2, 3 then provide a different picture. But the basic proposition is the same: the sin of Eden was violation of God's will by an action committed despite a negative commandment. No. 4 reinforces the basic conception that, with the sin of Eden, death entered the world. Man was meant to live forever, like God. Through his own action, he made himself mortal.

So the condition of the first Man prefigured the condition of all humanity, which is held liable to keep those commandments that were assigned to Adam. The advent of death by reason of rebellion once more is made explicit, the result of eating the fruit of the tree of the knowledge of good and evil. All of this is tightly linked to Scripture's own statements.

THE CREATION OF WOMAN  
PARASHAH SEVENTEEN. GENESIS 2:18-21

XVII:I.1.

- A. "And the Lord God said, 'It is not good for Man to be alone; I will make him a helper fit for him'" (Gen. 2:18):

XVII:II.1.

- A. "It is not good" (Gen. 2:18):
- B. It has been taught on Tannaite authority: Whoever has no wife lives without good, without help, without joy, without blessing, without atonement.
- C. Without good: "It is not good for Man to be alone" (Gen. 2:18).
- D. Without help: "I will make him a helper fit for him" (Gen. 2:18).
- E. Without joy: "And you shall rejoice, you and your household" (Gen. 14:26).
- F. Without blessing: "That a blessing may rest on your house" (Ez. 44:30).
- G. Without atonement: "And he shall make atonement for himself and for his house" [meaning, his wife, so if he cannot atonement for his wife, he also cannot make atonement for himself] (Lev. 16:11).
- H. R. Simon in the name of R. Joshua b. Levi: "Also without peace, as it is said, 'And peace be to your house' (1 Sam. 25:6)."
- I. R. Joshua of Sikhnin in the name of R. Levi: "Also without life, as it is written, 'Enjoy life with the wife whom you love' (Qoh. 9:9)."
- J. R. Hiyya bar Gomed said, "Also he is not a complete Man: 'And he blessed them and called their name Adam' (Gen. 5:2)."
- K. And some say, "Such a person also diminishes the image of God: 'For in the image of God made he Man' (Gen. 9:6), after which it is written: 'And you, be fruitful and multiply' (Gen. 9:7)."

## XVII:III.1.

- A. "I will make him a helper as his counterpart" (Gen. 2:18):
- B. If a Man has merit, the wife is a help, and if not, she is his counterpart [in opposition to him].
- C. Said R. Joshua bar Nehemiah, "If one has merit, his wife will be like the wife of Hananiah son of Hakhinai, and if not, she will be like the wife of R. Yosé the Galilean." [Hananiah's wife is never mentioned again.]

It is difficult to see how the Rabbinic sages have reworked the story of the creation of woman. Rather, they have attached to that theme a variety of pertinent observations and illustrations, as shown at XVII:II.1, XVII:III.1. They do not see Woman as the principal participant in the fall; Adam, Eve, and the snake all bear responsibility for their own actions, respectively.

## XVII:IV.1.

- A. "So out of the ground the Lord God formed every beast of the field [and every bird of the air, and brought them to the Man to see what he would call them, and whatever the Man called every living creature, that was its name]" (Gen. 2:19):
  - B. People asked before R. Yohanan b. Zakkai, "It is written in the earlier account, 'Let the earth bring forth the soul of each living being in accord with its species' (Gen. 1:24), so what is the sense of the present verse of Scripture: 'So out of the ground the Lord God formed every beast of the field' (Gen. 2:19)? [The two verses appear to go over the same detail of Creation.]"
  - C. He said to them, "The former passage speaks of the actual Creation of the living creatures, the present one speaks of their being gathered together, in line with this verse [in which the verb used in Gen. 2:19 bears the sense of 'gather together']: 'When you shall mass against a city a long time, in making war against it to take it' (Dt. 20:19)."
- 2.
- A. Said R. Aha, "When the Holy One, blessed be he, came to create the first Man, he took counsel with the ministering angels. He said to them, 'Shall we make Man?' (Gen. 1:26).
  - B. "They said to him, 'What is his character?'"
  - C. "He said to them, 'His wisdom will be greater than yours.'
  - D. "What did the Holy One, blessed be he, do [in order to make his point]? He brought before them domesticated beasts, wild beasts, and fowl. He said to them, 'As to this creature, what is its name?' but they did not know.
  - E. "'What is its name?' But they did not know.
  - F. "Then he brought them before Man. He said to him, 'As to this, what is its name?' 'Ox.' 'And as to this, what is its name?' 'Camel.' 'And as to this, what is its name?' 'An ass.' 'And as to this, what is its name?' 'Horse.'

- G. "That is in line with this verse: 'And whatever Man called every living creature, that was its name' (Gen. 2:19).
- H. "He said to him, 'And what is your name?'"
- I. "He said to him, 'As for me, what is proper is to call me 'Adam,' for I have been created from the earth, [which in Hebrew is called *adamah* ].'"
- J. "'And as for me, what is my name?' He said to him, 'As for you, it is fitting for you to be called, "The Lord," for you are the Lord of all that you have created.'"
3. A. Said R. Hiyya, "'I am the Lord, that is my name' (Is. 42:8). That is my name, which the first Man called me.'"
4. A. [Reverting to the story interrupted by Hiyya's statement:] "He then went and brought before the first Man each beast with its mate. He said, 'Every creature has a mate, but I have no mate.' 'But for the Man will there not be found a helper fit for him?' (Gen. 2:20).
- B. "And why did not he create her for him to begin with? The Holy One, blessed be he, foresaw that later on Man would complain to him about [his wife, Eve], so he did not create her until [Man] himself had asked for her on his own.
- C. "When he asked for her on his own, forthwith: 'So the Lord God caused a deep sleep to fall upon the Man, and while he slept, [took one of his ribs and closed up its place with flesh]' (Gen. 2:21)."

The repetition of the topic of Gen. 1:24 at Gen. 2:19 naturally captures the interest of the sages. But their contribution to the Creation-story is at No. 2, where Man's ascendancy over the angels is explained. That accounts for the creation of Woman: only when Man asked. That represents a considerable addition to Scripture's account. It depicts the creation of Woman as the result of Man's perspicacity and initiative.

GOD BRINGS EVE TO ADAM  
PARASHAH EIGHTEEN. GENESIS 2:22-25, 3:1

XVIII:I.1.

- A. "And the rib which the Lord God had taken from the Man he built into a woman and brought her to the Man" (Gen. 2:22):
2. A. R. Aibu, and some say in the name of R. Benaiah, and it has been taught on Tannaite authority in the name of R. Simeon b. Yohai: "[God] adorned her like a bride and brought her to him."
- B. There are places in which people call doing the hair "building" [and hence, when Scripture says that God built her into a woman, the meaning is that he fixed her hair].

3. A. Said R. Hama bar Hanina, "What do you think? Is it that he brought her to him from under a single carob or a single sycamore tree? Rather, he adorned her with twenty-four different adornments [the twenty four enumerated at Is. 3:18-24], and then brought her to him.
- B. "That is in line with this verse: 'You were in Eden the garden of God; every precious stone was your covering, the carnelian, the topaz, and the emerald, the beryl, the onyx, and the jasper, the sapphire, the carbuncle, and the smaragd, and gold; the workmanship of your settings and of your sockets was in you, in the day that you were created they were prepared' (Ez. 28:13)." [Choice of the intersecting verse is dictated by the reference to "the day that you were created."]

## XVIII:III.2.

- A. "And he brought her to the Man" (Gen. 2:22):  
 B. Said R. Abin, "Happy is the one whose best Man is the king."

What the Aggadah adds is that as best Man God attended to the marriage of Adam and Eve. He adorned her like a bride and fixed her hair. He set up the marriage-canopy. I do not see how the Aggadah has done more here than enrich Scripture's narrative.

## XVIII:VI.1.

- A. "And the Man and his wife were both naked and were not ashamed" (Gen. 2:25):  
 B. Said R. Eleazar, "There were three who did not remain in their good fortune for six hours, and there are they: the first Man, Israel, and Sisera.  
 C. "The first Man: 'and were not ashamed' (Gen. 2:25). [Reading the consonants differently:] six hours had not passed.  
 D. "Israel: 'And the people saw that Moses at tarried' (Ex. 32:1). Six hours had passed [again a play on the Hebrew consonants].  
 E. "Sisera: 'Why does his chariot tarry to come' (Judges 5:28): 'Every day he would routinely come home in three hours or in four hours, and today six hours have passed and he has not yet come.'"

The comparison of the story of Adam and Eve and that of Israel continues at No. 1. But now Adam, Israel, and Sisera form a list that illustrates the basic proposition. What is implicit is, antediluvian Man, Noahide Man (Sisera), and Israel fall into the same category: those who do not know how to hold on to good fortune.

III. *The Sin*

The Aggadic component of Judaism's story of the sin that cost Man Eden does not vastly recast Scripture's account, as we shall now see.

THE SERPENT AND THE SIN  
PARASHAH NINETEEN. GENESIS 3:1-13

## XIX:III.1.

- A. "And the woman said to the snake. 'We may eat of the fruit of the trees[ of the garden, but God said, "You shall not eat of the fruit of the tree which is in the midst of the garden, neither shall you touch it, lest you die"]'" (Gen. 3:3):
  - B. Where was Man when this conversation was going on?
  - C. Abba Halpun bar Qoriah said, "He had earlier had sexual relations, and now he was sleeping it off."
  - D. Rabbis say, "God had taken him and was showing him the whole world, saying to him, 'This is what an orchard looks like, this is an area suitable for sowing grain. So it is written, 'Through a land that no Man had passed through, and where Adam had not dwelt' (Jer. 2:6), that is, Adam had not lived there [but there were lands Adam had seen on his tour]."
2. A. "...of the fruit of the tree which is in the midst of the garden" (Gen. 3:3):
  - B. That is in line with this verse: "Add not to his words, lest he reprove you, and you be found a liar" (Prov. 30:6). [God had said nothing about not touching the tree, but the woman said they were not to eat of the fruit of the tree or even to touch it.]
  - C. R. Hiyya taught, "It is that one should not make the fence taller than the foundation, so that the fence will not fall down and wipe out the plants.
  - D. "So the Holy One, blessed be he, had said, 'For on the day on which you eat from it, you shall surely die' (Gen. 2:17). But that is not what she then said to the snake. Rather: 'God said, "You shall not eat from it *and you shall not touch it.*"' When the snake saw that she was lying to him, he took her and pushed her against the tree. He said to her, 'Have you now died? Just as you did not die for touching it, so you will not die from eating it.'
  - E. "Rather: "For God knows that when you eat of it, your eyes will be opened and you will be like God" (Gen. 3:5)."

The exegesis of the encounter with the snake, Gen. 3:-13, picks up the discrepancy between God's instruction not to eat the fruit of the tree and the woman's report that God had forbidden even touching the tree. After No. 1 supplies a necessary detail to make the story plausible, we proceed to the main syllogism. No. 2 makes the gener-

al point that one should not add too much to the strict instructions of the law. The underlying motif is that it is arrogant for Man to demand more than God had already laid down. The story is made to focus upon the dangers of human arrogance — here, even in a good cause. It is difficult to make the case that the Aggadah has added the detail, which Scripture's own formulation at Gen. 2:17 compared to Gen. 3:3 has precipitated.

What follows is yet another such statement, now that Man should not compete with God in ruling over creation. The sin of rebellion is now defined: to want to be like God. That is consistent with Man's adding to the commandments that God has set forth.

XIX:V.1.

- A. “[So when the woman saw] that the tree was good for food [and that it was a delight for the eyes, and that the tree was to be desired to make one wise]” (Gen. 3:6):
2. A. “She took of its fruit and ate” (Gen. 3:6):
  - B. Said R. Aibu, “She squeezed some grapes and gave him the juice.”
  - C. R. Simlai said, “She approached him fully prepared [with strong arguments], saying to him, ‘What do you think? Is it that I am going to die, and that another woman will be created for you? [That is not possible:] ‘There is nothing new under the sun’ (Qoh. 1:9).”
  - D. “‘Or perhaps you think that I shall die and you will live all by yourself? ‘He did not create the world as a waste, he formed it to be inhabited’ (Is. 45:18).”
  - E. Rabbis say, “She began to moan and weep to him.”
3. A. The word “also” [‘And she *also* gave some to her husband’ (Gen. 3:6)] bears the force of a phrase of inclusion, meaning to encompass domesticated beasts, wild beasts, and fowl.
  - B. Everyone obeyed her and ate of the fruit, except for one bird, which is called the phoenix.

The Aggadah adds Eve's arguments but does not vastly reshape the story.

XIX:VI.1.

- A. “Then the eyes of both of them were opened” (Gen. 3:7):
- B. And had they been blind?
- C. R. Yudan in the name of R. Yohanan b. Zakkai, R. Berekhiah in the name of R. Aqiba: “The matter may be compared to the case of a villager who was walking by a glass-maker's stall. In front of him was a basket full of fine goblets and cut glass. He swung his staff and broke them all. The glass-maker went and grabbed him.

- D. "He said to him, 'I know full well that I am not going to get anything of value from you [since you are so poor that you cannot pay me back]. But come and let me at least show you how much property of worth you have destroyed.'
  - E. "So God showed them how many generations they had destroyed [and that is the manner in which their eyes were opened]."
- 2.
- A. "And they knew that they were naked" (Gen. 3:7):
  - B. Even of the single religious duty that they had in hand they were now denuded. [The word "naked" is associated with "being clothed by the merit accruing from the performance of religious duties."]

"Naked" of religious duties" powerfully links the story at hand to the religious system of sanctification through religious duties. The commandments covering acts of restraint ("negative commandments," "thou shalt not's") are represented in Eden's single one.

#### XIX:VII.1.

- A. "And they heard the sound of the Lord God walking in the garden in the cool of the day" (Gen. 3:8):
- 2.
- A. Said R. Abba bar Kahana, "The word is not written, 'move,' but rather, 'walk,' bearing the sense that [the Presence of God] leapt about and jumped upward.
  - B. "[The point is that God's presence leapt upward from the earth on account of the events in the garden, as will now be explained:] The principal location of the Presence of God was [meant to be] among the creatures down here. When the first Man sinned, the Presence of God moved up to the first firmament. When Cain sinned, it went up to the second firmament. When the generation of Enosh sinned, it went up to the third firmament. When the generation of the Flood sinned, it went up to the fourth firmament. When the generation of the dispersion [at the tower of Babel] sinned, it went up to the fifth. On account of the Sodomites it went up to the sixth, and on account of the Egyptians in the time of Abraham it went up to the seventh.
  - C. "But, as a counterpart, there were seven righteous men who rose up: Abraham, Isaac, Jacob, Levi, Kohath, Amram, and Moses. They brought the Presence of God [by stages] down to earth.
  - D. "Abraham brought it from the seventh to the sixth, Isaac brought it from the sixth to the fifth, Jacob brought it from the fifth to the fourth, Levi brought it down from the fourth to the third, Kohath brought it down from the third to the second, Amram brought it down from the second to the first. Moses brought it down to earth."
  - E. Said R. Isaac, "It is written, 'The righteous will inherit the land and dwell therein forever' (Ps. 37:29). Now what will the wicked

do? Are they going to fly in the air? But that the wicked did not make it possible for the Presence of God to take up residence on earth [is what the verse wishes to say].”

From Adam history begins its downward progress, God commences his abandonment of the world. With Israel, history begins its upward trajectory, God descends once more to the world. Moses then brought God’s presence back to earth. No. 2 reviews the story of God’s relationship with the world and with Man, now laying out the complete pattern: Adam contrasts to Israel. What is striking is the claim that while the wicked (gentiles) drove God out of the world, the righteous (Israelites) brought God back into the world. This theme, linking the story of the fall of Man to the history of Israel, with Israel serving as the counterpart and redemption. Here the Aggadah recapitulates one of its principal themes.

Since implicit in the sin of Eden is the act of thievery, the next pertinent reading recapitulates that theme:

XIX:VIII.1.

- A. Said R. Berekhiah, “Instead of the verb, ‘And they heard’ [‘And they heard the sound of the Lord God walking’ (Gen. 3:8)], what it should say is, ‘They caused to hear [with the subject of the verb being the trees, as will now be explained].”
  - B. “They heard the sound of the trees saying, ‘Lo, the thief who deceived his creator!’”
  - C. Said R. Hinena bar Pappa, “Instead of ‘And they heard,’ it should say, ‘And they caused to hear.’ They heard the voice of the ministering angels saying, ‘The Lord is going to those in the garden.’” [This is continued at G.]
  - G. [Continuing C:] “Said the Holy One, blessed be he, to them, ‘[He will die] but with the respite of a day [for the Hebrew translated “in the cool of the day”]. Lo, I shall provide him with the space of a day. So did I say to him, ‘For on the day on which you will eat it, you will surely die’ (Gen. 2:17). But you do not know whether it is one day by my reckoning or one day by your reckoning. Lo, I shall give him a day by my reckoning, which is a thousand years by your reckoning. So he will live for nine hundred and thirty years and leave seventy years for his children to live in their time.’ [So God’s statement that Man would surely die if he ate the forbidden fruit in fact did come to fruition. Adam lived a period of nine hundred thirty years. and each subsequent Adam gets seventy years.]
  - H. “That is in line with this verse of Scripture: ‘The days of our years are threescore years and ten’ (Ps. 90:10).”
4. A. “Among the trees of the garden” (Gen. 3:8):
  - B. Said R. Levi, “This gave a foretaste of the fact that his descendants would be put into wooden coffins.”

The motif that with Adam's sin, death came into the world, is re-worked with great force. The details that conflict are harmonized without difficulty. We come now to a familiar Aggadic contribution to the Creation-story: the comparison of Man's and Israel's stories, Adam in Eden, Israel in the Land:

## XIX:IX.1.

- A. "And the Lord God called to the Man and said to him, 'Where are you?'" (Gen. 3:9):
  - B. [The word for "where are you" yields consonants that bear the meaning,] "How has this happened to you?"
  - C. [God speaks:] "Yesterday it was in accord with my plan, and now it is in accord with the plan of the snake. Yesterday it was from one end of the world to the other [that you filled the earth], and now: 'Among the trees of the garden' (Gen. 3:8) [you hide out]."
2. A. R. Abbahu in the name of R. Yosé bar Haninah: "It is written, 'But they are like a Man [Adam], they have transgressed the covenant' (Hos. 6:7).
  - B. "'They are like a Man,' specifically, like the first Man. [We shall now compare the story of the first Man in Eden with the story of Israel in its land.]
  - C. "'In the case of the first Man, I brought him into the Garden of Eden, I commanded him, he violated my commandment, I judged him to be sent away and driven out, but I mourned for him, saying 'How...'" [which begins the book of Lamentations, hence stands for a lament, but which, as we just saw, also is written with the consonants that also yield, 'Where are you'].
  - D. "'I brought him into the Garden of Eden,' as it is written, 'And the Lord God took the Man and put him into the Garden of Eden' (Gen. 2:15).
  - E. "'I commanded him,' as it is written, 'And the Lord God commanded...'" (Gen. 2:16).
  - F. "'And he violated my commandment,' as it is written, 'Did you eat from the tree concerning which I commanded you' (Gen. 3:11).
  - G. "'I judged him to be sent away,' as it is written, 'And the Lord God sent him from the Garden of Eden' (Gen. 3:23).
  - H. "'And I judged him to be driven out.' 'And he drove out the Man' (Gen. 3:24).
  - I. "'But I mourned for him, saying, 'How...'" 'And he said to him, 'Where are you'" (Gen. 3:9), and the word for 'where are you' is written, 'How...'
  - J. "'So too in the case of his descendants, [God continues to speak,] I brought them into the Land of Israel, I commanded them, they violated my commandment, I judged them to be sent out and driven away but I mourned for them, saying, 'How...'"

- K. "I brought them into the Land of Israel.' 'And I brought you into the land of Carmel' (Jer. 2:7).
- L. "I commanded them.' 'And you, command the children of Israel' (Ex. 27:20). 'Command the children of Israel' (Lev. 24:2).
- M. "They violated my commandment.' 'And all Israel have violated your Torah' (Dan. 9:11).
- N. "I judged them to be sent out.' 'Send them away, out of my sight and let them go forth' (Jer 15:1).
- O. "....and driven away.' 'From my house I shall drive them' (Hos. 9:15).
- P. "But I mourned for them, saying, "How...."' 'How has the city sat solitary, that was full of people' (Lam. 1:1)."

No. 1 certainly sets the stage for No. 2 and the whole must be regarded as a thoughtful composition. The other, No. 2, equally simply compares the story of Man in the Garden of Eden with the tale of Israel in its Land. Every detail is in place, the articulation is perfect, and the result, completely convincing as an essay in interpretation. All of this rests on the simple fact that the word for "where are you" may be expressed as "How....," which, as is clear, invokes the opening words of the book of Lamentations. So Israel's history serves as a paradigm for human history, and vice versa. Then Israel stands at the center of humanity.

#### XIX:XI.1.

- A. "The Man said, 'The woman whom you gave to be with me gave me fruit of the tree, and I ate'" (Gen. 3:12):
- B. There are four on whose pots the Holy One, blessed be he, knocked, only to find them filled with piss, and these are they: Adam, Cain, the wicked Balaam, and Hezekiah.
- C. Adam: "The Man said, 'The woman whom you gave to be with me gave me fruit of the tree and I ate'" (Gen. 3:12).
- D. Cain: "And the Lord said to Cain, 'Where is Abel, your brother?'" (Gen. 4:9).
- E. The wicked Balaam: "And God came to Balaam and said, 'What men are these with you?'" (Num. 22:9)
- F. Hezekiah: "Then came Isaiah the prophet to king Hezekiah and said to him, 'What did these men say?'" (2 Kgs. 20:14).
- G. But Ezekiel turned out to be far more adept than any of these: "Son of Man, can these bones live?' And I said, 'O Lord God, you know'" (Ez. 37:3).
- H. Said R., Hinena bar Pappa, "The matter may be compared to the case of a bird that was caught by a hunter. The hunter met someone who asked him, 'Is this bird alive or dead?'"
- I. "He said to him, 'If you want, it is alive, but if you prefer, it is dead.' So: "Will these bones live?'" And he said, "Lord God, you know.""

The colloquy once more serves to find in Israel's history a counterpart to the incident at hand. Only Ezekiel knew how to deal with a question that bore with it the answer: God will do as he likes, God knows the answer. That is, the sole appropriate response is one of humility and acceptance of God's will. Those who turned out to be pisspots did not reply in a humble way, as the (uncited) continuation of the pertinent verses indicates at D, E, and F; the comparison is drawn with Adam's insolent answer, C.

XIX:XII.1.

- A. ["The Man said, 'The woman whom you gave to be with me gave me fruit of the tree, and I ate'" (Gen. 3:12):] That is in line with the following verse of Scripture: "Then would I speak and not fear him, for I am not so with myself" (Job 9:35).
  - B. Said Job, "I am not like him who said, 'The woman whom you gave to be with me gave me the fruit of the tree' (Gen. 3:21) [and further, 'Because you have listened to the voice of your wife' (Gen. 3:17)]. He obeyed his wife's instructions, but I did not obey my wife." [We shall shortly see a more important contrast between Job and Adam, also showing the degradation of Adam.]
2. A. Said R. Abba bar Kahana, "Job's wife was Dinah, to whom he said, 'You speak as one of the vile women speaks' (Job 9:10). 'What? shall we accept good at the hand of God and shall we not accept evil?' (Job 9:10)."
  - B. Said R. Abba, "What is written is not, 'I shall receive,' but 'We shall receive.' The sense of the statement then is this: 'Are we going to be fit people when it comes to what is good and not fit people when it comes to what is bad?'"
3. A. "For all this did not Job sin with his lips" (Job 9:10):
  - B. Said R. Abba, "With his lips he did not sin, but in his heart he sinned."
4. A. Said R. Abba, "What is written [at Gen. 3:12] is not, 'and I did eat,' but, 'I did eat and I *will eat*.'"
  - B. Said R. Simeon b. Laqish, "The first Man was separated from the Garden of Eden only after he had actually blasphemed and cursed. That is in line with what is written: 'And he looked that it should bring forth grapes, and it brought forth wild grapes' (Is. 5:2)."
5. A. "The woman said, 'The serpent beguiled me, and I ate'" (Gen. 3:13):
  - B. "He incited, incriminated, beguiled me" —
  - C. "He incited me:" "The enemy shall not incite him" (Ps. 89:23).
  - D. "He incriminated me:" "When you lend to your neighbor" (Dt. 24:10) [making him liable for repayment, here: making me liable to punishment].

- E. "He beguiled me." "Now therefore let not Hezekiah beguile you" (2 Chr. 32:15).

Job is an appropriate counterpart in Israel's history to the fall of Man, because Job's wife tempted him, and he did not sin, while Adam's wife tempted him, and he did sin. Once the colloquy of Job is introduced, the exposition proves more cogent than the mere intersection of theme would suggest. For while Job did not sin with his lips, by something he said, but only with his heart, the first Man sinned by what he actually said, which was blasphemy. That is the point at No. 4, which finds in the spelling of the word at hand the sense that the Man not only admitted what he had done but informed God he would continue to do it. Lest there be any doubt as to the character of Adam's and Eve's and the snake's transaction, the Aggadah renders its judgment. It was Adam's own responsibility that Adam was expelled from Eden, and it was because of his blasphemy: rebellion in so many words by denial of responsibility: "The woman whom you gave me...."

#### IV. *The Punishment*

The Aggadic component of Judaism's story of Creation continues its particular reading of matters, emphasizing the comparable relationships of Man/Eden = Israel/Land. Each detail that presents itself as a possibility is exploited to make that point.

#### THE PUNISHMENT OF THE SNAKE PARASHAH TWENTY. GENESIS 3:13-21

##### XX:I.1.

- A. "Then the Lord God said to the serpent, 'Because you have done this, cursed are you above all cattle and above all wild animals'" (Gen. 3:14):
- B. "A slanderer shall not be established in the earth; the violent and wicked Man shall be hunted with thrust upon thrust" (Ps. 140:12).
- C. Said R. Levi, "In the world to come the Holy One, blessed be he, will take the nations of the world and bring them down to Gehenna. He will say to them, 'Why did you impose fines upon my children.' They will say to him, 'Some of them slandered others among them. The Holy One, blessed be he, will then take these [Israelite slanderers] and those and bring them down to Gehenna."

2. A. Another interpretation: "A slanderer" refers to the snake, who slandered his creator.
- B. "Will not be established [standing upright] on earth:" "Upon your belly you shall go" (Gen. 3:14).
- C. "The violent and wicked Man shall be hunted:" What is written is not "with a thrust" but "with thrust after thrust," [since not only the serpent was cursed]. What is written is "thrust after thrust," for Man was cursed, woman was cursed, and the snake was cursed.
- D. "And the Lord God said to the serpent...."

Once more, the Aggadah links Israel's history to the history of humanity in the Garden of Eden. No. 1 focuses upon the sacred history of Israel, making the point that slanderers in Israel cause the nation's downfall, just as the snake caused the downfall of humanity, the point of No. 2.

XX:V.1.

- A. "Upon your belly you shall go" (Gen. 3:14):
  - B. When the Holy One, blessed be he, said to him, "Upon your belly you shall go," the ministering angels came down and cut off his hands and feet. His roar went forth from one end of the world to the other.
  - C. The destruction of the snake serves to teach a lesson concerning the fall of Babylonia and turns out to derive a lesson from that event: "Its cry is like that of the snake" (Jer. 46:22).
2. A. R. Yudan and R. Huna:
    - B. One of them said, "You are the one who caused my creatures to walk along bent over [in grief caused by the advent into the world of death], so you too: 'Upon your belly you shall go' (Gen. 3:14)."
    - C. Said R. Eleazar, "Even the curse of the Holy One, blessed be he, contains a blessing. If God had not said to him, 'On your belly you shall go' (Gen. 3:14), how could the snake flee to the wall to find refuge, or to a hole to be saved?"
4. A. Said R. Levi, "In the age to come every creature will find its remedy, except for the snake and the Gibeonites.
    - B. "The snake: 'And earth shall be the snake's food' (Is. 65:25).
    - C. "The Gibeonites: 'And they that serve the city out of all the tribes of Israel shall till it' (Ez. 48:19). The sense is that all of the tribes of Israel will force them to till it."
5. A. R. Isi and R. Hoshai in the name of R. Hiyya the Elder said, "There are four things [on the basis of Gen. 3:14, which the Holy One said to the snake]: "Said the Holy One, blessed be he, to him, 'I made you to be king over all domesticated and wild beasts, but you did not want it: "Cursed are you above all cattle and above all wild animals" (Gen. 3:14).

- B. "I made you to walk upright like a Man, but you did not want it: "Upon your belly you shall go" (Gen. 3:14).
- C. "I made you to eat the sort of food humans eat, but you did not want it: "And you shall eat dirt" (Gen. 3:14).
- D. "You wanted to kill Man and marry his wife: "I will put enmity between you and the woman, and between your seed and her seed" Gen. 3:15.'
- E. "So what turns out is that what he wanted was not given to him, and what he had was taken away from him."

First comes the inquiry into the relationship between the tale at hand and the paradigm of Israel's history. Second, we are asked to find, even in God's curse, a blessing. Then we turn to the coming or future age. Finally, we validate divine justice, showing its exactness.

#### XX:X.7.

- A. "You are dust and to dust you shall return" (Gen. 3:19):
- B. R. Simeon b. Yohai said, "This is evidence in the Torah for the resurrection of the dead. What it says is not, 'For you are dust and to dust you will go,' but rather, 'you shall *return*' [you shall go to the dust yet shall return, at the resurrection]."

The resurrection of the dead is implicit in the framing of the penalty, so Simeon b. Yohai. The importance for our inquiry is self-evident: the sages seek a model for the end-time in the account of Creation.

#### THE PUNISHMENT OF ADAM AND EVE: EXILE PARASHAH TWENTY-ONE. GENESIS 3:22-24

#### XXI:I.1.

- A. "Then the Lord God said, 'Behold, the Man has become like one of us, [knowing good and evil, and now, lest he put forth his hand and take also of the tree of life and eat and live forever]'" (Gen. 3:22):
- B. "It is written, "Then I heard a holy one speaking, and another holy one said to that certain one who spoke" (Dan. 8:13).
- C. "The one" refers to the Holy One, blessed be he: "The Lord, our God, the Lord is One" (Dt. 6:4).
- D. "Holy," for everyone says before him, "Holy...."
- E. "Speaking" means "issuing harsh decrees against his creatures."
- F. [For example,] "Thorns and thistles it shall bring forth to you" (Gen. 3:18).
- G. "And another holy one said to that certain one who spoke:"
- H. R. Huna said, "It was to Mr. So-and-so."
- I. Aqilas translated the passage, "It was to one who was within that he spoke, meaning the first Man, whose presence lay within [and

- closer to God than] that of the serving angels [since he stood closer to God than they did].” [The remainder of the exegesis flows from Aqilas’s view of the locus of discourse.]
- J. “How long shall be the vision concerning the continual burnt offering?” (Dan. 8:13);
- K. “Will the decree that has been issued against the first Man go on forever?”
- L. “And the transgression that causes desolation” (Dt. 8:13);
- M. “So too will his transgression desolate him even in the grave?”
- N. “To give both the sanctuary and the host to be trampled underfoot” (Dan. 8:13);
- O. “Will he and his descendants be made into chaff before the angel of death?”
- P. “And he said to me, ‘Until evening, morning two thousand and three hundred, then shall the sanctuary be victorious’” (Dan. 8:14);
- Q. R. Azariah, R. Jonathan b., Haggai in the name of R. Isaac: “In any case in which it is evening, it is not morning, and in any case in which it is morning, it surely is not evening. [So what is the sense of this passage?] But when it is morning for the nations of the world, it is evening for Israel, and as to ‘morning,’ at that time [at which it is morning for Israel],’ then ‘shall the sanctuary be victorious,’ for at that time I shall declare him justified of that decree: ‘Behold, let the Man become like one of us’ (Gen. 3:22).”

The syllogism underlying the elegant and sustained exegesis is simple: the redemption of Israel will mark the end of the decree against the first Man. The fully exploited intersection of the intersecting and base verses turns the statement of Gen. 3:22 into a powerful promise. Man will indeed become like the One, at the time that the gentiles reach their evening, and Israel, its morning. So once more the condition of Israel serves as a paradigm for the human situation, but this in a most concrete and specific way. The nations of the world embody the curse of God to Man, and Israel, the promised future blessing. The framer of the passage carefully avoids speculation on the meaning of the numbers used in Daniel’s passage, so the apocalyptic power of Daniel’s vision serves the rather generalized messianic expectations of sages, without provoking dangerous speculation on the here and now.

#### XXI:IV.1.

- A. “You make him strong for ever” (Job 14:20):
- B. The power which the Holy One, blessed be he, gave to the first Man was to be “for ever,” that is, it was for all times.
- C. “But he goes” (Job 14:20):
- D. Since he abandoned the plan of the Holy One, blessed be he,

and has gone after the plan of the snake, "You change his countenance and send him away" (Job 14:20).

- E. Once he had sent him away, he began to lament for him, saying, "Behold, the Man had been like one of us [and now he has been driven out] (Gen. 3:22)."

The Aggadah adds to the narrative the striking fact that God mourned for Adam and Eve when he drove them out of Eden. We have already noted that God mourned for Israel when he drove them out of the Land. So the point cannot be missed.

XXI:VI.1.

- A. "And now, lest he put forth his hand" (Gen. 3:22):  
 B. Said R. Abba bar Kahana, "This teaches that the Holy One, blessed be he, gave him an opening to repent. 'And now' means only to refer to repentance.  
 C. "That is in line with the following verse of Scripture: 'And now, Israel, what does the Lord God require of you, but to fear the Lord your God' (Dt. 10:12)."
2. A. "Lest" (Gen. 3:22): The word for "lest" means only to refer to a negative [with the same sense as before. Thus God invited Adam to repent, but Adam said, "I will not."
3. A. Then the Holy One, blessed be he, said, "Will he also take of the tree of life,  
 B. "so that, if he eats, 'he will live forever'? (Gen. 3:22)."  
 C. Therefore: "The Lord God sent him forth from the Garden of Eden" (Gen. 3:23).  
 D. Once he had sent him away, he began to lament for him, saying, "Behold, the Man had been like one of us [and now he has been driven out]" (Gen. 3:22).

The Aggadah draws from the larger Rabbinic system the key variable, repentance, introducing into the story that God gave Adam and Eve an opportunity to repent and attain reconciliation. That underscores the mercy of God even at the critical turning. It further accords to antediluvian Man the same relationship with God that Israel has. The difference is, Israel repents, and Man did not repent. The one exercises the freedom of will in the way that God hopes, the other does not.

XXI:VII.1.

- A. "Therefore the Lord God sent him forth from the Garden of Eden" (Gen. 3:23):  
 B. R. Judah and R. Nehemiah:  
 C. R. Judah said, "He was sent forth from the Garden of Eden in this world and in the world to come."  
 D. R. Nehemiah said, "He was sent forth from the Garden of Eden

in this world, but as to the world to come, he was not sent forth.”

- E. In the view of R. Judah he imposed a severe ruling on him.
  - F. In the view of R. Nehemiah he imposed a lenient ruling on him.
  - G. Said R. Huna, “There was a dispute between R. Aha bar Ahva and R. Hamnuna. One of them took the position of R. Judah, and the other took the position of R. Nehemiah.”
  - H. Now the following verse supports the view of R. Nehemiah: “As for me, I shall behold your face in righteousness, I shall be satisfied when I awake with your likeness” (Ps. 17:15).
  - I. [We shall now read the verse in line with the foregoing proposition.] [David said,] “‘When [I shall behold your face,] that is, when] the one who was created in your image wakes up [and rises from the dead], then I shall be satisfied. ‘And in righteousness I shall see your face.’ Then I shall justify him on account of that decree.”
  - J. It is in regard to that hour that it is written, “Then the Lord God said, ‘Behold, the Man now has become like one of us’” (Gen. 3:22).
2. A. Said R. Joshua b. Levi, “When God created him, he created him in accord with the attribute of justice and also the attribute of mercy. When he drove him out, he drove him out in accord with the attribute of justice and also the attribute of mercy.
- B. “‘Behold, the Man: ‘See, Man, you could not abide in the commandment that applied to you for even a single hour!’” [In this way God expressed his pity for Man.]
3. A. Judah b. Padaiah interpreted, “Who will remove the dust from between your eyes, O first Man! For you could not abide in the commandment that applied to you for even a single hour, and lo, your children can wait for three years to observe the prohibition of the use of the fruit of a tree for the first three years after it is planted: ‘Three years shall it be as forbidden to you, it shall not be eaten’ (Lev. 19:23).”
- B. Said R. Huna, “When Bar Qappara heard this, he said, ‘Well have you expounded matters, Judah, son of my sister!’”

Nos. 1-2 once more reverse the sense of the base verse and so make it into an expression of God’s pity for the first Man. No. 3 then compares the character of Israel to the character of the first Man, calling Israel “descendants of the first Man” and pointing out that they can observe a commandment for a long time. The example is apt, since Israel observes the prohibition involving the fruit of a newly planted tree, and does so for three years, while the first Man could not keep his hands off a fruit tree for even an hour. This of course states with enormous power the fact that Israel’s history forms the counterpart to the history of humanity. But while

the first Man could not do what God demanded, Israel can and does do God's will.

XXI:IX.1.

- A. "And at the east [of the Garden of Eden he placed the cherubim and a flaming sword which turned every way, to guard the way to the tree of life]" (Gen. 3:24):
  - B. Rab said, "Under all circumstances the east provides refuge.
  - C. "As to the first Man: 'He drove out the Man, and caused him to dwell at the east of the Garden of Eden' (Gen. 3:24).
  - D. "Cain: 'And Cain went out from the presence of the Lord and dwelt in the land of Nod, on the east of Eden' (Gen. 4:16).
  - E. "The one guilty of manslaughter: 'Then Moses set aside three cities on the other side of the Jordan towards the sunrise' (Dt. 4:41), that is, on the east."
2.
    - A. Another interpretation of "at the east:"
    - B. The consonants of the word for "east" bear the meaning, "prior."
    - C. Before the Garden of Eden, the angels were created, in line with this verse: "This is the living creature that I saw under the God of Israel by the river Chebar, and I knew that they were cherubim" (Ez. 10:20).
  3.
    - A. "[He placed the cherubim] and a flaming sword which turned every way]" (Gen. 3:24):
    - B. This is in line with the following verse: "His ministers are as flaming fire" (Ps. 104:4).
  4.
    - A. "...which turned every way..." (Gen. 3:24):
    - B. Which turn from one thing to something else, sometime appearing as men, sometimes as women, sometimes as spirits, sometimes as angels.
  5.
    - A. Another interpretation of "at the east:"
    - B. The consonants of the word for "east" bear the meaning, "prior."
    - C. Before the Garden of Eden, Gehenna was created.
    - D. Gehenna was created on the second day of the week of Creation, and the Garden of Eden on the third.
  6.
    - A. "...and a flaming sword...":
    - B. This is in line with the verse, "And the day that comes shall set them aflame" (Mal. 3:19).
  7.
    - A. "...that turned every way...:"
    - B. For it turns around a Man and burns him up from his head to his feet.
    - C. Said Man, "Who will save my descendants from this burning flame?"
  8.
    - A. R. Huna in the name of R. Abba: "The 'sword' speaks of circumcision in line with the verse that follows: 'Make yourselves knives of flint and circumcise again' (Josh. 5:2)."

- B. Rabbis say, "The sword refers to Torah: 'And a two edged sword in their hand' (Ps. 149:6).
- C. "When the first Man saw that his descendants were destined to burn in Gehenna, he refrained from having sexual relations. But when he saw that after twenty-six generations, Israel was destined to accept the Torah, he determined to produce offspring.
- D. "'Now Adam knew Eve his wife...' (Gen. 4:1)."

I see two groups before us, Nos. 1-4, dealing with the family above, namely, angels, and Nos. 5-8, dealing with the family below, namely, Israel. The former set, beginning with Rab's comment, sees the point of the passage as the establishment of a protection and refuge for Man near the Garden of Eden. God set up the sword and the cherubim to protect Man. The first set, then emphasizes that angels were created prior to the fall. The second set places its stress on the creation of Gehenna, symbolized by the flaming sword. Then comes the climax: "Who will save my descendants," with the answer that circumcision, which stands for the commandments, an appropriate symbol because circumcision makes use of a knife, hence, the sword. That commandment and receiving the Torah through study of Torah are what will save Man. The conclusion then is reached at the reference to Sinai. The revelation of the Torah will mark the redemption of Man from the fall. Then the first Man is willing to produce descendants because he foresaw that, twenty-six generations later, the Torah would come and save Man's descendants.

### V. *The Aggadic Reading of Creation*

If I had to select a single particular contribution of the Aggadah to Judaism's story of Creation, it is the comparison of Man in Eden to Israel in the Land. That is the one fully articulated reading of matters, and it also is autonomous of Scripture's reading, by definition! If, then the distinctive contribution of the Aggadah to Judaism's story of Creation, Man, and Sin and the loss of Eden presents itself in the recurring allegations of the following, it is the first two items that represent the propositions quite autonomous of Scripture's account of Creation, the remainder prove complementary thereto.

#### I. THE TORAH'S ROLE IN CREATION

The Torah conveys God's plan in making the world (GR I:I)

What the Torah does not reveal about Creation Man should not try to find out (GR I:V, I:X, VIII:II-III, IX:I)

For everything there is a measure, except for Torah, which has no measure (GR X:I)

While the Aggadah encompasses quite striking allegations about the priority of the Torah over Creation, the specific representations of the matter hardly pervade the Aggadic reading. It is a predictable theme, but it does not represent a profound reshaping of Scripture's story in detail after detail. That emerges clearly in the contrast with the next entry, with its elaborate articulation of a complex proposition:

## 2. ISRAEL'S PRESENCE AT CREATION

The point of telling the story of Creation is to establish God's ownership of Creation and his right to give to Israel the Land of Israel, which is comparable to Eden (GR I:II)

The narrative of Creation contains within itself the future history of Mankind and of Israel: Adam, Cain, Enosh, the Generation of the Flood, but also Abraham and Jacob & Esau (GR II:III)

The narrative of Creation adumbrates the future history of Israel and the four kingdoms, Babylonia, Media, Greece, Rome (GR II:IV)

With all things present at the outset, Israel is God's partner on earth, signified by the tabernacle erected by Israel, which corresponds to Creation (GR III:IX)

God foresaw that Moses would be punished on account of water (GR IV:VI)

The separation of the upper from the lower water finds its match in the weeping of Rachel for her children (GR V:IV)

God made a covenant with the sea to split open before Israel (GR V:V)

Events in the natural world match events in the history of Mankind and of Israel (GR V:VI, VIII)

Creation is planned to serve Israel's needs in particular (GR VI:I, II, V)

The sun stands for Rome, the moon for Israel (GR VI:III)

The sun stands for arrogance, the moon for humility (GR VI:IV)

The moon stands for the righteous (GR VI:IX)

Israel learns the lessons of proper behavior from the narrative of Creation of the natural world (GR VII:V)

On account of the merit of Abraham the world was created (GR XII:IX)

On account of the merit of Abraham, Adam was created (GR XIV:VI)

On account of the merit of Abraham, Adam was put into Eden (GR XV:IV)

The four rivers of Eden represent the four kingdoms, Babylonia, Media, Greece, and Rome (GR XVI:IV)

Adam's duties in Eden involved keeping the Sabbath day and tending the offerings in the Temple (GR XVI:V)

God left the world by reason of Man's sin but returned to the world by Abraham and Moses; while the wicked (gentiles) drove God out of the world, the righteous (Israelites) brought God back into the world (GR XIX:VII)

Adam's loss of Eden finds its counterpart in Israel's loss of the Land (GR XIX:IX)

Slanderers in Israel cause the nation's downfall, just as the snake caused the downfall of humanity (GR XX:I)

The resurrection of the dead is foreshadowed in the fall of Adam (Gen. R. XX:X)

The redemption of Israel will mark the end of the decree against the first Man (GR XXI:III)

Man had the power of repentance but did not exercise it, Israel exercises that power (GR XXI:VI)

Israel has the power to do what Adam failed to do; Israel observes prohibitions on newly-planted trees for three years, Adam could not do it for one day (GR XXII:VII)

The revelation of the Torah will mark the redemption of Man from the fall. Then the first Man is willing to produce descendants because he foresaw that, twenty-six generations later, the Torah would come and save Man's descendants (GR XXI:IX)

Here is the Aggadah's principal contribution to the narrative of Creation. In reading the future history of Israel into the details of the Creation-story, the Aggadah has recast the entire matter. The work is done both in large composites and in small details, and it is spread out over the exposition of the entire Scriptural text. At issue are persons, e.g., Abraham and Moses, events, e.g., the destruction of the Temple/the loss of the Land, and principles or conceptions, e.g., repentance.

## 3. THE PERFECTION OF CREATION

God foresaw at Creation the deeds of the righteous and of the wicked, and these two are covered in the Scriptural narrative (GR II:V, III:VIII, VIII:IV)

A mark of the perfection of Creation is that God foresaw at the outset everything that would come about to the end; whatever imperfections there are will be removed at the end of days (GR III:VII)

When nature disobeyed God's orders, it was punished (GR V:IX)

The world was created at exactly the proper moment (IX:II-IV)

A mark of the perfection of creation is that exact justice pertains, "measure for measure" is carried out (GR IX:XII)

In creating Man, God expressed his special love for him (GR VIII:V)

God created Man only after he had created what was needed for his food (GR VIII:VI)

Because Man was made in God's image, the angels did not know Man from God until God put Man to sleep (GR VIII:VII, VIII:X)

Eden was prepared well in advance of the advent of Adam (GR XV:III)

God's foresight in Creation involves both perfection and recognition of the flaws of Man. It is difficult to identify in these entries more than an embellishment of Scripture's story.

## 4. NATURE'S NATURE IS TO OBEY GOD, MAN'S NATURE IS TO REBEL

Nature obeyed God throughout Creation, only Man rebelled (GR V:I, III)

This hardly represents an important rubric. The basic proposition simply puts together Scripture's facts into an obvious observation.

## 5. DEATH CAME INTO THE WORLD BY REASON OF MAN'S SIN

God brought death into the world, in place of the eternal life that he had planned for Man, by reason of sin or sinners; what is good about death. It prevents the wicked from perverting the holy life by doing the right thing for the wrong reason (GR IV:V)

God placed in Man traits of angels and of beasts: 'If I create him solely with traits of creatures of the upper world, he will live and never die, and if I do so solely with traits of creatures of the lower world, he will die and not live. Instead, I shall create him with traits of creatures of the upper world and with traits of creatures of the lower world. If

he sins, he will die, and if not, he will live.” (GR VIII:XII)

The first Man in sinning lost his splendor, immortality, stature, fruit of the earth and of the tree, and primordial lights; that what went wrong at the Creation of the world, because of Man’s sin, will be righted, at the salvation of the world, by the Messiah (GR XII:VI)

While God established the world through justice, the first Man — in the category of a gift — overthrew it (GR XIV:I)

Man was created out of dirt, from which the altar was made, so created from the place at which he attains atonement (GR XIV:VIII)

Adam was subject to six commandments in Eden: not to practice idolatry, not to blaspheme, to set up courts, not to murder, fornicate, or steal (GR XVI:VI)

Adam, Israel, and Sisera form a list that illustrates the basic proposition. What is implicit is, antediluvian Man, Noahide Man (Sisera), and Israel fall into the same category: those who do not know how to hold on to good fortune (GR XVIII:VI)

Man showed his arrogance in adding to God’s commandment concerning the tree (GR XIX:III)

It was Adam’s own responsibility that Adam was expelled from Eden, and it was because of his blasphemy: rebellion in so many words by denial of responsibility: “The woman whom you gave me....” (GR XIX:XII)

God planned for Adam to live forever, but when he sinned, God created death (GR XXI:IV)

Since Scripture is explicit that with sin came death, it is difficult to credit the Aggadah with an essentially fresh conception, even though the development of Scripture’s materials is elaborate and original.

The Aggadic reading of Creation introduces two massive conceptions to the story. First come the priority of the Torah to, on the one side, and the centrality of Israel in, Creation, Eden and Man, and the sin and exile. The Aggadah underscores that Creation can be understood only in the setting of the Torah and only in the context of Israel’s future history. Second is the stress on the advent of death by reason of sin, which the Scriptural narrative states explicitly, but which the Aggadah reworks. The Aggadic contribution to Judaism’s story of Creation, viewed whole, is to represent the Torah as the means of attaining eternal life, and Israel as the sector of mankind that has the power of realizing the promise of victory over the grave. The upshot may be simply stated. Where the Aggadah stands on its own ground and adds its own component of Judaism’s story of

Creation, it introduces into matters the presence of Israel. The Halakhah, I hardly need repeat, goes over the same ground. But each mode of discourse and corpus of data bears its own interest. To the distinctive but complementary contributions made by the Halakhah and the Aggadah respectively to Judaism's story of Creation we now turn.

JUDAISM'S STORY OF CREATION:  
THE HALAKHIC AND THE  
AGGADIC RECONFIGURATION OF SCRIPTURE

*I. Scripture, the Halakhah, and the Aggadah: From Narrative to Paradigm*

The Rabbinic sages set forth their reworking of Moses' Torah, or Teaching, now as a systemic statement for Israel's regeneration. The narrative of Scripture gave way to a comprehensive, purposive and coherent reconstruction, a proportionate structure and balanced system. The sages framed their enduring design for the human condition within the dynamics of the received narrative, with its beginning, middle, and end. But the forms of the narrative they did not replicate. In their view, encompassing cases and rules, episodes and exhortations, the Torah of Moses, in particular, invited generalization, universalization, and systematization, all of which they provided. The Pentateuch, continued by the Prophets, accordingly, was to be reworked into a system of coherent guides to the construction of a working society animated by a structure of cogent convictions. That is what the Rabbinic sages accomplished in linking politics to culture through the narrative of mankind's story, start to finish. Their work endures to this day, authoritative for Judaism, exemplary for humanity in quest of social coherence.

Note how the Halakhah and the Aggadah redefined the very modes of thought that the sages had received with Scripture. Scripture takes the form of history. The marks of historical thinking are defined by a number of indicative traits. The first is the form, narrative, the second, a clear division between past and present and future, the third, a paramount conception of linear events with beginnings, middles, and ends, fourth, the conviction of the one-time-ness, the uniqueness, of events, fifth, the presence of biographies cast along those same lines, along with a clear perception of the pastness of the past. The acute distinction of present from past that history requires in order to accomplish its tasks governs in Scripture and is lacking in the Halakhah and the Aggadah. These not only present no narrative and no biography, no evidence of a sustaining history. They also expose a different conception of time altogether. At the very passages in which Scripture records one-time events and im-

puts meaning to them, finding hope for the future in the rules yielded by the past, distinguishing among past, present, and future as the generative problematic of discourse, the Halakhah and the Aggadah go their own way. In place of linear history they delineate patterns, a paradigmatic reality, not those invited by Scripture's historical reality. The paradigm or model or pattern, validated by the facts supplied by Scripture, identifies the sense and order of things, their sameness, without regard to scale; a few specific patterns, revealed in this and that, hither and yon, isolate points of regularity or recurrence. We know those paradigms because, in Scripture, God has told us what they are; our task is so to receive and study Scripture as to find the paradigms; so to examine and study events as to discern the paradigms. That is what the Halakhah and the Aggadah do.

Scripture tells the story. The Halakhah and the Aggadah cohere with that story. They enrich and deepen it. They translate the story into principles of the world- and the social-order that inhere within that story. But neither greatly reworks Scripture's version. For its part, the Halakhah tells no story on its own. The Aggadah's version, making its own points in its own way, also depends upon Scripture for coherence. So Judaism's story is Scripture's story, complemented in two different ways, one way by the Halakhah, the other by the Aggadah. As between the two, the Aggadah logically takes second place to Scripture, the Halakhah, third. The Aggadah affords a long perspective upon Creation, and within that perspective, the Halakhah identifies and legislates for critical points of renewal. Let me explain.

Scripture tells Judaism's Creation-story as a linear account with a beginning, middle, and interim-end: [1] the act of Creation, [2] Man, and [3] Sin and Exile. Neither the Halakhah nor the Aggadah sets forth any other story. Nor do they vastly enrich the narrative qualities of Scripture's story. Rather, the Halakhah and the Aggadah participate in the re-presentation of that story by recasting the narrative, each in its own way. The one contributes an account of Israel's attaining the ending God originally intended the story to have. The Halakhah stops the clock of history and transforms the unfolding story of Creation into a stationary circumstance: Eden as condition, not location. Then the point of the Halakhah is, how at specified occasions Israel may recapitulate that condition. The other retells the story of Creation in a parallel, counterpart universe, formed by contrasting Israel and Adam, the Land and Eden, even while comparing their stories. The Aggadah rewinds the clock of history and reenacts the same sequence of events, now with different players and a different contemplated ending.

Both media of discourse in this way work together to complement and complete Scripture's narrative. And each doing so in its manner, both recast the story from dynamic narrative of events to a stationary tableau of set-piece patterns. That is what happens when a narrative yields its message, an incident its lesson, a case its exemplary rule. Logically first in this recapitulation of narrative as pattern comes the Aggadic generalization, its comparison of Adam and Israel, then comes the Halakhic particularization, its prescription of Israel's regeneration, its recovery of what Adam lost, which is life eternal in Paradise. The Aggadic foci make sense in their own terms, in the Scriptural setting. They depend solely on Scripture and derive from the act of imagining Scripture's story in the indicated framework. Then comes the Halakhah. For without the Aggadah the Halakhah cannot be fully understood, its restorationist program lacking the context that only the Aggadah furnishes.<sup>1</sup>

The Aggadah describes exteriority, the Halakhah, interiority, a matter to which we return in section iii, below. Here it suffices to note that the Aggadah takes priority logically if not sequentially. That is because it answers the questions posed by Israel's relationships with the world beyond its limits. To complete the theological account begun in Scripture, Aggadah having accomplished its task, the logic of a coherent whole next requires that the Halakhah describe interior Israel. That logic must answer the questions posed by Israel's relationships within its own boundaries, its households and villages, whether in the Land, whether not. Nonetheless, we began with the Halakhah, so here too, at the end let us accord priority to the Halakhah, even though, in logic, the Aggadah proposes the goals, the Halakhah disposes by setting the means.

The Halakhah, as I have stressed, treats Creation as not an event but an occasion and the narrative realization of a timeless, enduring condition: a model of perfection. Through its laws it instructs Israel on how within its social order in the Land of Israel to replicate, and so restore, Eden. Now, outside of the framework of the Aggadic comparison and contrast of Israel and Adam, the Land and Eden,

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<sup>1</sup> That is not to suggest that in actual history, the Aggadic compilations antecede the Halakhic ones—or can or should. On the contrary, the entire system of the Halakhah, in its category-formations with their generative propositions and their established connections to Scripture, is set forth in the Mishnah and effectively unchanged through the formative age, over the next millennium in fact. The Aggadic documents appear first in response to the Mishnah, in Sifra and, in an attenuated relationship, the two Sifrés, and then in direct relationship to Scripture in Genesis Rabbah and later, that is, two or more centuries after the closure of the Mishnah. So the inner logic and the formal sequence of the documents that express that logic do not match.

this instruction lacks any context. Why—as we asked earlier—define the Sabbath in Eden's categories anyhow? Scripture itself affords other possibilities besides Eden as a generative metaphor—slavery in Egypt for example! But within the large-scale conception that the Aggadah constructs, the definition of the Sabbath in the setting of Creation proves compelling, indeed, self-evident. Then, as we saw in Chapters Two through Four, Israel on the Sabbath, at rest, manifests itself as Adam's counterpart but opposite: obedient where Adam rebelled. Israel in the Seventh Year and on the Sabbath gives up what Adam and Eve seized in their act of theft, which is, the rights of ownership, gaining in return access to a vast domain for their possession and utilization. Israel shows in its utilization of fruit trees the contrast between its conduct and Adam's. The Halakhah therefore focuses upon enlandised Israel's bringing about the restoration of the world to its condition in Eden; it selects, out of the Scriptural narrative, three elements: the perfection of the world at the Sabbath; the regeneration of Man in Israel; and the restoration of Man to Eden through Israel on the Sabbath. If, then, Scripture's story tells many more details of a much more elaborate account, the Halakhah has identified the main point and responded to it: sin and exile, regeneration and return, all mediated by the regenerative occasion of the Sabbath.

Compared with the Halakhic reading of Creation, the Aggadah takes a broader view of Scripture's Creation-story. It encompasses far more elements of the scriptural account than does the Halakhah. But characterizing its foci and generative tensions proves parlous. That is because a commentary attains cogency only at its point of contact with the coherent text to which it is attached. Nonetheless, though formally rather diffuse, framed as it is as a commentary to a fixed text, a bit of analysis permits plausible description. Specifically, the proportions and foci of the Aggadic representation when the Aggadah speaks for itself and not as exegete of Scripture leave no doubt of the Aggadic intended contribution to Judaism's story. That is, as I have said, [1] the Aggadah's transformation of Scripture's narrative into a pattern and [2] its application of that pattern to Israel's history. Our survey at the end of Chapter Six showed that the Aggadic component of the reiterated account focuses upon the matched opposites, Adam and Israel, Eden and the Land. The Aggadah takes upon itself a systematic reworking of Scripture's account of Creation, but also of Scripture's account of Israel's advent and assignment in God's plan of things. It contributes that summary-perspective that sees the entire narrative whole and shows how each part participates in a pattern vastly transcending the details.

So the movement from narrative to paradigm is accomplished by the Aggadah and fully realized, in the context of Israel's social order, by the Halakhah. But as between the two, the Aggadah undertakes the more ambitious task. By contrast to the Halakhah, the Aggadah takes up the entire sweep of Israel's history. Not so the Halakhah, which in its encounter with Creation centers upon Israel in the Land<sup>2</sup> in its contrast with Adam in Eden. That defines the single, limited focus for those native category-formations of the Halakhah that to begin with intersect with the Aggadah's and with Scripture's account of Creation. The Aggadah, for its part, in taking up Adam's loss of Eden and Israel's loss of the Land, through its comparison and contrast turns the narrative into a pattern. Both the Halakhah and the Aggadah contemplate Israel's future history, its recovery of the Land that is Eden. But the Halakhah's future finds its entire program pertinent to Eden in the restoration of Israel to the Land, which is of Adam to Eden. Then the condition that is to be recapitulated is the Sabbath, that alone moment alone.

The Halakhah concerns itself with enduring patterns of behavior, with eternity in time. It knows nothing of Israel's pilgrimage through the ephemeral ages. By contrast the Aggadah is animated by that very matter: the story of humanity and of Israel after Eden. The Halakhah deals with permanence, the Aggadah with transience and change, the Halakhah with the transcendent, the Aggadah with the here-and-now. That is why the Aggadah formulates an account of Israel among the great empires, Babylonia, Media, Greece, Rome, and so implicitly places the next great empire squarely in the domain of Israel: fifth and last—a critical matter on which the Halakhah is silent. So each takes up its task. In the recapitulation of Scripture's narrative, the Aggadah sets forth a doctrine of history and eschatology, and the Halakhah defines the way that Israel can realize that doctrine: the social norms of the realized eschaton.

To summarize: Judaism's story moves outward from Scripture's Creation-story—Genesis 1-3—which tells of the beginnings of the human condition. The Aggadic recapitulation is no linear, coherent retelling but treats Scripture's Creation-story as a paradigm and within that paradigm forms a comparable, counterpart story, that of Israel. The Halakhic component of that same retelling of story as paradigm spells out how Israel in the here and now will on the Sabbath form a society worthy of Eden. Only the order is reversed, this time around beginning with the Sabbath and ending in Eden.

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<sup>2</sup> Not only on the Sabbath, though the four matters dealt with here focus mainly on the Sabbath.

That is how, within the framework of Scripture, the Aggadah and the Halakhah collaborate in transforming a story into a model, a case into an example, an instance into a rule for all instances.

II. *The Confluence of the Halakhah and the Aggadah:  
Paradigmatic Thinking*

Clearly, we must be struck by the contrast between the narrative mode of thought characteristic of Scripture, with its careful ordering of the sequence of events and their consequences, and the paradigmatic thinking—the quest for models and patterns in the articulation of social norms—realized in both the Aggadah and the Halakhah. If the one may be characterized as historical thinking, then the other finds its appropriate description as paradigmatic thinking: the quest for models or paradigms that impart order to the facts of the world. That contrast between modes of thought takes both negative and positive form. Let us dwell on the negative first.

Neither the Aggadah nor the Halakhah conceives of a compelling logic of narrative: this, then that, therefore this caused that. Nor to effect a coherent statement does either medium of thought and expression find much use in narrative. Responding to the narrative presentation of Scripture, whether as a mode of discourse or as a particular story, the Halakhah never, and the Aggadah only episodically and for details, adds to Scripture's narrative.

That is to say, to make its statement, the Halakhah rarely tells stories, and when it does, these provide precedents or portray procedures, not one-time, past-time events. The Aggadah does tell stories. But these do not cohere into a continuous narrative, except as they intersect with Scripture. They are free-standing and merely exemplary; they take a subordinate position in the Aggadah's exegetical work; they embody details, they do not form a sustaining sequence of events in the way Scripture's stories do. First, for its own purposes the Aggadah uses narrative to form parables: exemplary and timeless embodiments of transactions in narrative form. Second, the Aggadic representation of the Creation-story of Scripture does encompass episodes to fill in gaps or otherwise enhance Scripture's story. But that continuous, connected story-line that Scripture establishes finds no counterpart, either in modes of discourse or even in the corpus of data, in the Aggadic component of Judaism's story.

So much for the negative evidence that a mode of thought other than historical-narrative governs in the Aggadah or in the Halakhah. The positive evidence hardly requires extensive recapitu-

lation. The Aggadah discerns in the narrative of Creation a pattern that is realized in Israel's story; that is no longer a story with a beginning, a middle, and an end, a story made up of one-time, unique events, a story that starts somewhere and ends somewhere in a single line. Rather, the Aggadic pattern discerns a set of fixed relationships that pertain without regard to temporal context; that are realized not once alone but, fixed conditions being met, without limit; that are embodied not in one-time moments but in recurrent realizations. In paradigmatic thinking history finds no place; time, change, the movement of events toward a purposive goal—none of these registers. A different exegesis of happenings and their consequences supplants the conception of history. Neither the Halakhah nor the Aggadah, the one with its timeless rules, the other with its exemplary events and characters, 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.

Paradigms describe the structure of being: how (some) things are, whether now or then, here or there, large or small—without regard to scale, therefore in complete indifference to the specificities of context. They derive from imagination, not from perceived reality. They impose upon the world their own structure and order, selecting among things that happen those few moments that are eventful and meaningful. Paradigms form a different conception of time from the historical, define a different conception of relationship from the linear. The shift from historical to paradigmatic models of thinking

is set forth in the contrast between two conflicting conceptions of how the social experience of Israel is to be organized and written down and formed into patterns of meaning. Scripture's is a linear statement of things: first this, then that, therefore that happened because of this. That mode of thinking came to compete with another, which defined a model or paradigm and selected, among happenings, those events that conformed to the paradigm; or that identified the paradigm in the here and now of ordinary persons' lives and the nation's alike — and that without regard to time or change. For time meant something else than it had in Scripture, and change meant nothing whatsoever. Paradigms admit no distinction between past, present, and future. All things take form in a single plane of being; That is why Scripture's Creation in the Aggadic representation takes place not in historical time, moving from a beginning, to a middle, to an end, in a linear plan. The pattern is discovered that controls, without regard to time or change, the unfolding of Creation and the lives of the patriarchs and matriarchs. History gives way to not eternity but permanence, the rules of the paradigm telling us not how to make sense of what was or how to predict what will be, but only what it is that counts.

What are the social consequences of the paradigmatic mode of thought? First and foremost, to be "Israel" means to conform to a pattern of actions and attitudes set forth for all time and without distinction in time. That pattern, or paradigm, comes to definition, second, in the lives of the patriarchs and matriarchs. It is then recapitulated in a social world that knows not change but conformity to paradigm. Since the paradigm endures, we explain happenings by appeal to its rules, and the event is not what is singular and distinctive but what conforms to the rule: we notice what is like the paradigm, not what diverges from it. In place of historical thinking come the categories defined by the actions and attitudes of paradigmatic persons, Abraham and Sarah, for instance, or paradigmatic places, the Temple, or paradigmatic occasions, holy time, for instance. We identify a happening not by its consequence ("historical") but by its conformity to the appropriate paradigm. We classify events in accord with their paradigms as not past, present, or future, therefore, because to the indicators of eventfulness — what marks a happening as eventful or noteworthy — time and change, by definition, have no bearing at all. Great empires do not make history; they fit a pattern.

By reason of discerning that pattern in actions by the Halakhah or in events by the Aggadah, the past becomes present, the present becomes past, and time contains no delineative future tense at all; eschatological teleology gives way to paradigmatic teleology, and —

it goes without saying—biography abdicates in favor of highly selective paradigms of exemplarity in the lives of persons, events to patterns. Sustained narrative is abandoned because it is irrelevant; biography, because it is filled with useless information. The concept of organizing the facts (real or fabricated) of the social world of Israel into history as the story of the life and times of Israel, past, present, and future, is succeeded by the concept of organizing the received and now perceived facts of the social world of Israel into the enduring paradigm in which past, present, and future fuse into an eternal now. That is realized in thought by the Aggadah and in practice by the Halakhah.

For the Aggadah and the logically-consequent Halakhah, Scripture defined a set of paradigms that served without regard to circumstance, context, or, for that matter, dimension and scale of happening. A very small number of models emerged from Scripture, captured in the sets [1] Eden and Adam, [2] Sinai and the Torah, [3] the land and Israel, and [4] the Temple and its building, destruction, rebuilding. These paradigms served severally and jointly, e.g., Eden and Adam on its own but also superimposed upon the Land and Israel; Sinai and the Torah on its own but also superimposed upon the Land and Israel, and the Temple, embodying natural Creation and its intersection with national and social history, could stand entirely on its own or be superimposed upon any and all of the other paradigms. In many ways, then, we have the symbolic equivalent of a set of two- and three- or even four-dimensional grids. A given pattern forms a grid on its own, one set of lines being set forth in terms of, e.g., Eden, timeless perfection, in contrast against the other set of lines, Adam, temporal disobedience; but upon that grid, a comparable grid can be superimposed, the Land and Israel being an obvious one; and upon the two, yet a third and fourth, Sinai and Torah, Temple and the confluence of nature and history. In the Aggadah of Creation we see the articulation components of these grids, in the Halakhah, the consequence thereof.

The paradigm forms a medium for the description, analysis, and interpretation of selected data: those of 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.”<sup>3</sup> These models state in quantitative terms the results of con-

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<sup>3</sup> Norman Maclean, *Young Men and Fire* (Chicago, 1992: University of Chicago Press), p. 257.

trolled 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, ...<sup>4</sup>

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 mish-mash of little things you know about a lot of little things.<sup>5</sup>

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?<sup>6</sup>

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 performed for the Aggadah and the Halakhah. 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

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<sup>4</sup> Maclean, p. 261.

<sup>5</sup> Maclean, p. 262.

<sup>6</sup> Maclean, p. 267.

such data as made a difference, the Aggadah and the Halakhah recast Scripture's story of Creation.

Precisely why did the 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? To answer that question, we have first to account for historical thinking in Israelite religion, and only then turn to the a-historical, paradigmatic thinking we have been following here.

First, whence the source of the sense of separation of present from past that is required for all historical thinking to commence? 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 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. 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. The Rabbinic sages in the Halakhah and

the Aggadah, 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?

In the Aggadah and the Halakhah, as we have seen, 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 the 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. How, then, was an event turned into a series, what happened once into something that happens? The answer lies in the correspondence (real or imagined) of the two generative events sages found definitive: the destruction of the Temple in 586, the destruction of the Temple in 70. The singular event that framed their consciousness from 70 forward recapitulated what had already occurred. For they confronted a Temple in ruins, and, in the defining event of the age 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. We saw that conception fully exposed in the comparison of “how...,” and “where are you,” at Gen. R. XIX:IX.

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, now 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. 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 the 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 Aggadic and Halakhic 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 the 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 the 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 cyclicity 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 the sages obviously did not take that position at all.

They rejected cyclicity 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 again destroyed. And that represented a view of the second destruction that rejected cyclicity 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 cyclicity. 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 the 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 the 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.

### III. *Aggadic Exteriority, Halakhic Interiority*

Now to explain my remark in the Introduction that the Aggadah looks outward, the Halakhah, inward. To begin with, let us consider how the native categories of the two realms of discourse compare. The native categories of the Aggadah find definition in reading Scripture as the story of Mankind.<sup>7</sup> They derive their narrative dynamism from the conflict of God's word and Man's will. They compose their system in the working of repentance, leading to Israel's reconciliation with God and the (ultimate) restoration of humanity to Eden. Now, as a matter of fact, none of these categories is matched by a counterpart in the Halakhah's category-formations, which scarcely compare in character. That is a categorical judgment: among the Halakhic category-formations, we find nothing to pertain to the Aggadic ones, not repentance, not Redemption, not Eden and the fall and the restoration. If the Aggadah organizes large components of its entire system within such categories as Eden/Land of Israel or Adam/Israel or fall/exile, the Halakhah responds with large categories that deal with Shabbat, the Sabbath, Shebiit, the Sabbatical year, and Orlah, produce of a tree in the first three years after its planting. And that raises the generative question before us: What can one thing have to do with the other? Indeed, I can point to only a few principal native-categories in the Aggadic theology that synchronize with principal native-categories of the Halakhah. But these announce their presence: how does the Halakhah of Shabbat, the Sabbath, intersect with the story of Creation is a question that answers itself!

That is, at specified points, the Aggadah's structure and system and those of the Halakhah address a single topic, about which each party draws conclusions strikingly congruent with those of the other. But this confluence preserves different angles of vision of Israel's existence, which further accounts for the two media of discourse found necessary for the expression of a single statement, which we call, "Judaism." Stated simply: the one, the Aggadic, is outward-looking and the other, the Halakhic, is inner-facing, both engaged by rela-

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<sup>7</sup> *Dual Discourse, Single Judaism.*

tionships, the one transitive and the other intransitive. It is the Aggadah, fully set forth, that affords perspective on the Halakhah—and vice versa. Each highlights the deficiency of the other. The Aggadah speaks in large and general terms to the world at large, while the Halakhah uses small and particular rules to speak to the everyday concerns of ordinary Israelites in their households and villages.

That is what I mean when I say that the Aggadah addresses exteriorities, the Halakhah, interiorities, of Israel—all pertaining to Israel's relationship with God. Categorically, the Aggadah faces outward, toward humanity in general and shows the relationship of humanity in general and Israel in particular. The theological system of a just world order answerable to one God that animates the Aggadah, specifically, sets forth the parallel stories of humanity and Israel, each beginning with Eden (Israel: the Land of Israel), marked by sin and punishment (Adam's, Israel's respective acts of rebellion against God, the one through disobedience, the other through violating the Torah), and exile for the purpose of bringing about repentance and atonement (Adam from Eden, Israel from the Land). Having seen how the Halakhah and the Aggadah represent the outcome of a single, coherent mode of thought, the paradigmatic mode, we naturally wonder how the one differs fundamentally from the other and how each complements the other in constructing a cogent system in the common enterprise with Scripture. Our starting point is the exercise just now completed: how the Halakhah and the Aggadah address Scripture's Creation-story. On the basis of what we have learned, we may begin with a simple hypothesis: the Aggadic statement addresses exteriorities, the Halakhic one, interiorities, of Israel's life with God. Sometimes they intersect and correspond, sometimes each pursues its own program. But viewed in their entirety, the Aggadah takes up public issues involving Israel in this world, Israel and the nations for example, and the Halakhah takes up the life of Israel at home, in the household and in the family. In the elaborate case now fully exposed, the Halakhah focuses upon the Sabbath in the household and village, interior Israel at rest. The Aggadah focuses upon the entire sweep of issues set forth in Scripture, Israel in the context of mankind.

Note then the broader context of comparison and contrast, that established by category-formations. When we consider the program of the Halakhah, the topics that define its native categories, we find a quite distinct and autonomous construction. It is one that hardly intersects, *categorically*, with the Aggadah. How so? The native categories of the Aggadah find definition in the story of mankind, derive

their dynamism and energy in the conflict of God's word and man's will, compose their system in the working of repentance and (ultimate) restoration of humanity to Eden. But none of these categories is matched by a counterpart in the Halakhah's category-formation — not repentance, not redemption, not Eden and the fall and the promise of regeneration and restoration. And, correspondingly, the Aggadah organizes large components of its entire system within such categories as Eden/Land of Israel or Adam/Israel or fall/exile. But the Halakhah responds with large categories that deal with Shabbat-Erubin, on the Sabbath and the fictive fusion of domains thereon, on Shebiit, the Sabbatical year, and on Orlah, produce of a tree in the first three years after its planting. What can one thing have to do with the other — figs and apples with the fundamentals of the transaction between God and man? Indeed, I can point to only a few principal native-categories in the Aggadic theology that intersect with principal native category-formations of the Halakhah in its classical and formative condition.

And yet, when we examine matters in detail, we see that the Aggadah's structure and system and those of the Halakhah address a single topic, but from different angles of vision of Israel's existence, one, outward-looking and the other, inner-facing, both engaged by relationships, the one transitive and the other intransitive. It is the Aggadah, fully set forth, that affords perspective on the Halakhah — and vice versa. In the present study we have seen in concrete terms precisely how the Halakhah in its way makes exactly the same statement about the same matters that the Aggadah does in its categories and terms: the Sabbath of Creation. But the Aggadah speaks in large and general terms to the world at large, while the Halakhah uses small and particular rules to speak to the everyday concerns of ordinary Israelites in their households. That is what I mean when I say that the Aggadah addresses exteriorities, the Halakhah, interiorities, of Israel in relationship with God.

Categorically, the Aggadah faces outward, toward humanity in general and correlates, shows the relationship between, humanity in general and Israel in particular. The theological system of a just world order answerable to one God that animates the Aggadah, specifically, sets forth the parallel stories of humanity and Israel, each beginning with Eden (Israel: the Land of Israel), marked by sin and punishment (Adam's, Israel's respective acts of rebellion against God, the one through disobedience, the other through violating the Torah), and exile for the purpose of bringing about repentance and atonement (Adam from Eden, Israel from the Land). The system therefore takes as its critical problem the comparison of Israel with

the Torah and the nations without, but rather with idolatry. In my *The Theology of the Oral Torah* I have shown that the Aggadic theology comes to a climax in spelling out how the comparable stories intersect and diverge at the grave. For from there Israel is destined to the resurrection, judgment, and eternity (the world to come), the nations (that is, the idolaters to the end) to death. When we examine the category-formation of the Halakhah, by contrast, what we see is an account of Israel not in its external relationship to the nations but viewed wholly on its own. The lines of structure impart order from within. So the Halakhah portrays intransitive Israel, focusing upon its inner life. That fact further explains why the category-formation of the Aggadah does not correspond with that of the Halakhah. Each formation responds to the rules of construction of the same social order—the rules implicit in God's justice—but the Aggadic one concerns Israel's social order in the context of God's transaction with humanity, the other, Israel's social order articulated within its own interior architectonics, thus, the one, transitive, the other, intransitive.

To conclude: the outward-facing theology that coheres in the Aggadic documents and that is embodied in (among other realizations) the stories of Genesis Rabbah surveyed in Chapters Five and Six investigates the logic of Creation. That theology expounds on the fall, the regeneration made possible by the Torah, the separation of Israel and the Torah from the nations and idolatry, the one for life through repentance and resurrection, the other for death, and the ultimate restoration of Creation's perfection attempted with Adam at Eden, but now through Israel in the Land of Israel. That is why I say that the Aggadah tells about Israel in the context of humanity, and hence speaks of exteriorities. Its perspectives are taken up at the border between outside and inside, the position of standing at the border inside and looking outward—hence [1] God and the world, [2] the Torah, and [3] Israel and the nations. That other perspective, the one gained by standing at the border, inside and turning, looking still deeper within, responds to the same logic, seeking the coherence and rationality of all things. That perspective focuses upon relationships too. But now they are not those between God and mankind or Israel and the nations, but the ones involving [1] God and Israel, [2] Israel in its own terms, and [3] the Israelite in his own situation, that is, within the household in particular.

All these represent terms amply defined in the Halakhic context. Now, when the Aggadah's account of the exteriorities and the Halakhah's of the interiorities join, their meeting place being Scripture, then we may indeed see the coherence of that one whole

Torah of Moses, our rabbi, oral and written, in Aggadic lore and Halakhic law. In the Aggadic and Halakhic partnership with Scripture's account of Creation, we see the Rabbinic system, that is, Judaism—the coherent Torah of Moses, written and oral,—on matters of beginnings and endings. But what of the middle? That remains to be investigated, starting, once again, at the interiority of the Halakhah, where, from the loss of the altar and its offerings of reconciliation, God lives. So the story comes to a climax in showing how the comparable stories—Adam's and Israel's—both intersect and diverge at the grave. For from there Israel in the end of days is destined to the resurrection, judgment, and eternity (the world to come), the nations (that is, the idolaters to the end) are destined to eternal death. In line with what has already been said, we may generalize that the Aggadah goes over the externals of that story, the Halakhah shows how, in the here and now, Israel lives in God's kingdom, under God's dominion, so in eternity while yet in time.

That observation carries us to the category-formations of the Halakhah. When we examine those pertinent to Creation, with their focus on the conduct of Israel in the Land, in the Temple, and in the household, what we see is an account of Israel not in its external relationship to the nations—Israel in history—but viewed wholly on its own. The lines of structure impart order from within. That is why I maintain that the Halakhah portrays intransitive Israel, focusing upon its inner life. That fact further explains why the category-formation of the Aggadah does not correspond with that of the Halakhah. Each formation responds to the rules of construction of the same social order—God's justice—but the Aggadic one concerns Israel's social order in the context of God's transaction with humanity, the other, Israel's social order articulated within its own interior architectonics, thus, the one, transitive, the other, intransitive.<sup>8</sup>

The outward-facing theology that coheres in the Aggadic documents investigates the logic of Creation, the fall, the regeneration made possible by the Torah, the separation of Israel and the Torah from the nations and idolatry, the one for life through repentance and resurrection, the other for death, and the ultimate restoration of

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<sup>8</sup> When the description of the theology of the Halakhah has been completed in detail and compared with the theology of the Aggadah that is already in place, I should hope to show what now would be premature, in a work tentatively titled as *The One Whole Torah*. But I see no merit in speculating at this early stage about how the two category-formations match in actuality, and the points of differentiation stressed here should be appreciated in their own terms.

creation's perfection attempted with Adam at Eden, but now through Israel in the Land of Israel. Encompassing the whole of humanity that knows God in the Torah and rejects idolatry, Israel encompasses nearly the whole of mankind, along with nearly the whole of the Israel of the epoch of the Torah and of the Messiah that has preceded. That is why I say that the Aggadah tells about Israel in the context of humanity, and hence speaks of exteriorities. The Aggadic perspectives are taken up at the border between outside and inside, specifically, the position of standing at the border inside and looking outward—hence [1] God and the world, [2] the Torah, and [3] Israel and the nations. That other perspective, the one gained by standing at the border, inside and looking still deeper within, responds to the same logic, seeking the coherence and rationality of all things. That perspective focuses upon relationships too. But now they are not those between God and mankind or Israel and the nations, but the ones involving [1] God and Israel, [2] Israel in its own terms, and [3] the Israelite in his own situation, that is, within the household in particular. The Aggadah answers the questions posed to justice by Israel's relationships with the world beyond. To complete the theological account, Aggadah having accomplished its task, the logic of a coherent whole requires that the Halakhah describe interior Israel. When the Aggadah's account of the exteriority of matters and the Halakhah's of the interiority ultimately join at the margins of Scripture's story, then we may indeed see the coherence of that one whole Torah of Moses, our rabbi, oral and written, Aggadic and Halakhic, the unity of which defines as unique the theology and the hermeneutics of the Rabbinic sages.

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The Rabbinic sages of the formative age of Judaism, the first seven centuries C.E., thought deeply about beginnings in light of endings. They imposed upon their sequential reading of each passage the accumulated results of their reflection about all passages. The parts then are seen in light of the whole. They imposed upon the great themes of Scripture, whether those of Creation or Revelation or Redemption, their own distinctive vision. That perception of matters is formed out of the choices they made, within Scripture's complex story: the themes or events they deemed generative. These, through the Halakhah and the Aggadah alike, they reshaped into a paradigmatic narrative. That narrative encompassed the unknowable future within its pattern. The sages discerned out of detail what they deemed to form Scripture's main lines of structure and order. And that is how in a labor of extrapolation out of Scripture's narratives and prophecies, they told Judaism's generative story. They encompassed Scripture, so as to describe the world as God had intended it to be. So their statement of matters conveyed Israel's beginning, middle, and end in a single tableau, the whole embodying, in the eternal present tense, Israel's social order.

This act of intellect consisted in uniting into a single continuous statement resting on Scripture's historical narrative the documentary results of two distinct, ahistorical media of thought and expression, the two massive bodies of information, Halakhah, law, and Aggadah, lore. The Halakhah concerned itself with action and law, analyzing rules to show their harmony. The Aggadah occupied itself with attitude, synthesizing values to show their ubiquity. The two now joined. Of them the sages formed a single, unitary statement. This they did in constant dialogue with Scripture. They accomplished their goal while preserving the distinctive mode of discourse that served each, respectively, the one a free-standing, legal, the other a subordinated, exegetical, rhetoric. But they nowhere articulated the unity of that statement. They left that work to us. But implicit throughout their writings is a coherent account. This cogency, the formation of a single message out of dual media of discourse, they effected by appeal to an implicit, continuous story. It is one that, categorically, proceeds from Creation through Revelation to Redemption, one to which each mode of discourse contributes, in its particular manner, its distinctive information.

The author provides three systematic accounts of the Halakhic reading of the Creation-story, and two Aggadic accounts of the same matter. The former cover [1] Work and Rest, [2] Ownership and Possession, Eden and the Land, and [3] Ownership and Possession in the Household. The latter pertain to [1] the Six Days of Creation, and [2] Adam and Eve. The work ends with an account of the Halakhic and the Aggadic Reconfiguration of Scripture: Scripture, the Halakhah, and the Aggadah: From Narrative to Paradigm; The Confluence of the Halakhah and the Aggadah: Paradigmatic Thinking; and Aggadic Exteriority, Halakhic Interiority.

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