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PREFACE

Gesher, rejuvenated three years ago, enters a new phase. With financial stability and academic respect achieved, the groundwork is complete. We have, therefore, devoted time and energy in the attempt to upgrade further the quality of the journal and, by so doing, to ensure its continuity.

Our effort has been conducted on a dual front. We have striven to engender a growing confidence in the journal's academic strength which is, we trust, reflected in the articles contributed by the faculty, and, of course, in the guest contributions of Drs. Berkovits and Greenberg, whose articles we are honored to publish. At the same time it has been our policy to raise the number of (as well as the standard of) student articles, for the student presence is one of the unique aspects of *Gesher*. The manifest ability of our students to publish articles such as are found here, furthers the distinctive scholarship which has been the hallmark of this journal, while the interplay of traditional Judaic and "secular" forms of knowledge, found in the work of both the faculty and students, bears testimony to the ultimate validity of the "Torah uMadah" experiment.

Like the frogs of D. J. Opperman's "Paddas", the writers represented in this publication continue "die onvoltooide groot gesprek", the ongoing dialogue with and concerning God. We do not necessarily agree with all of the theses argued in these pages but we laud the process of "toesang en teensange", the dialectical movement which culminates in hosannas to Him.

Gesher is close to financial self-sufficiency, but it requires you, our readers and contributors, to ensure the "lang nagwaak", the eternal watch maintained by the writer and scholar who protects our nation by interpreting and enriching its heritage. We are, therefore, confident that the journal will receive the continued critical acclaim and financial support it deserves.

THE EDITORS

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THE MIRACLE: PROBLEM AND RATIONALE

1.

Maimonides, discussing the question of the creation of the world, maintains that while he cannot prove creation, he nevertheless is able to prove that it is impossible to prove that the world was not created. Similarly, we may say that, as far as the phenomenon of miracles is concerned, it is possible to prove today that it is impossible to prove their impossibility. Usually, it is argued that miracles are impossible because they are contrary to the laws of nature. This, of course, is no argument. Part of the definition of the miracle is that something occurred contrary to the normal, natural course of events. The argument against the miracle implies the conviction that nothing contrary to the laws of nature may occur in our world. On what is such a conviction based? Occasionally it is said: Well, such things just do not happen; we have never had any experience of them. This is not a valid argument either. For this, too, is part of the definition of the miracle, i.e., that miracles occur on extremely rare occasions, in specific situations, primarily to exceptional people.

The only criticism that deserves serious consideration is the logical one, based on the intrinsic power of the laws of nature. There is a philosophical interpretation of these laws behind such criticism. Accordingly, whatever happens in nature happens of necessity. Everything that exists is the necessary effect of causes that preceded it and they, in their

turn, were again the necessary results of preceding necessary causes, and so on ad infinitum. This chain of cause and effect, cause and effect, is indestructible. The logic behind this argument is based on the all-encompassing law of causation that is assumed to be responsible for the necessary connection between cause and effect.

Today, however, the objective scientific validity of the law of causation itself has become extremely questionable. In fact, all physics and chemistry may now be taught without any reference to the principle of causation. Statistics have replaced causality. The father of the contemporary philosophy of science was the English empiricist philosopher David Hume. He proved already in the 18th century that there was no scientific proof whatever for the necessary connection between what is called "cause and effect". What we observe is the fact that upon event A usually follows event B. If necessary connection was observable, we might be able to observe it even in a single sequence of events A and B. But we "establish" the necessity in the sequence only after it had been observed on numerous occasions. Yet, innumerable repetition of the sequence does not contain more than what was observable the first time it came to our notice. Hume concludes that what is known as the law of causality is in reality a psychological "law", that he calls "a propensity of human nature". When the sequence A/B has been observed on numerous occasions there develops in the human psyche a kind of conditioning to expect event B whenever event A appears.

There is no need here to show how philosophers after Hume, including the great Immanuel Kant, struggled to deal with the revolutionary idea of Hume. Bertrand Russel, in his *A History of Western Philosophical Thought*, sums it all up by stating: "So far as the physical sciences are concerned, Hume is *wholly* (R's italics) right; such propositions as "A causes B" are never to be accepted, and our inclination to accept them is to be explained by the laws of habit and association." What is even more remarkable is the fact that all predictions for the future, which are the basis of all technology and the functioning of all

civilizations, have no scientific foundation. For all so-called scientific predictions are based on the twofold assumption of the uniformity and uniform continuity of all Nature. In other words, it is the assumption of "that which has been is what shall be . . . there is nothing new under the sun." However, there is no scientific basis for this assumption either. The uniformity of all Nature and, especially, its uniform continuity are simply not observable. The statistical laws do not help here either. All statistics are based on past observation. There is no scientific experimenting with the future. Strictly speaking, all that science may state is: Such is the statistical frequency of things happening in the past. All predictions are "prophecies". Assuming that things will continue to occur tomorrow as they occurred yesterday, we can say what may be expected with a certain measure of statistical certainty. Of course, the predictions did work in the past. On what basis are we to assume that the future will be like the past? The mathematician and philosopher Whitehead answered the question by observing that all "scientific predictions are unscientific." They represent an act of faith on the part of the scientist. The assumption of the uniform continuity is an inheritance from the monotheistic interpretation according to which the world is the uniform creation of the One Creator, who maintains his creation by his will.

To sum up this part of our discussion we wish to refer to one more insight of Hume. He distinguishes between "relations of ideas" and "matters of fact". Necessary connection exists only in the relation between ideas, for instance, in mathematics or geometry. Only regarding them does it make sense to say what "ought" to be. Matters of fact are what they are; they exist without an "ought". We might say then: there is *no reason* whatsoever why, for instance, water should flow from a higher level to a lower one and not vice versa. A reference to the law of gravity is of no help here. The law of gravity, too, only states the fact in greater generality and with greater exactitude. It describes but it does not explain. It describes the "How" of gravity; it does not explain its "Why". In general, one might

say that all scientific formulations of "laws of nature" only describe facts, but do not explain them.

We conclude, then, that to say that because of the laws of nature it is impossible that an event deviating from those laws could occur, is not a scientific statement. It is pure dogma, an act of faith.

2.

However, is it not possible that we have proved too much? If it is indeed true that, in the light of an advanced understanding of the philosophical bases of scientific research, it is impossible to say that a certain event could not occur, have we not with it destroyed the very basis of the miracle too? For if deviations from the observable regularity in nature are possible, what is then the miracle? In other words, if the miracle is possible it ceases being a miracle. The deviation may be unusual, "miraculous"; but the "miraculous" is not the miracle.

Once again we should like to refer to a definition of Hume. With a certain consistency of theory, he defines the miracle as an event that occurs as the result of direct divine intervention in the course of events. We might then say that it is not essential that the miracle be contrary to the course of nature; what is decisive is that the event be due to divine intervention. For instance, when Moshe Rabbeinu saw the "burning bush", he did not start exclaiming: a miracle! a miracle! His approach to the bush was rather scientific: "Let me go and examine this remarkable event. Why is it that the bush is not consumed by the fire?" Only when he heard the Voice speaking to him from the bush did he know that what he was witnessing was a miracle.

The midrashic understanding of Nature and its relationship to the miracle comes very close to what follows from Hume's criticism. According to Rabbi Yoḥanan, at the time of its creation God made a condition with the sea that its waters divide when the children of Israel reach it at the time of the exodus. Rabbi Yoḥanan's interpretation is then broadened to include in the works of creation all the miracles reported in

the Torah (*Midrash Rabbah, Bereshit, 5:4*). According to his understanding, the miracles themselves were originally implanted in the course of nature. However, they serve a definite purpose intended by God through his specific will-direction to a specific situation. Maimonides saw in this interpretation the greatness of the rabbis. It was difficult for them to accept the idea "that after its creation nature should change or that there be another will (of God) after its application (in the act of creation)". Therefore did they say that when God created this reality and established it within nature, he did it so that the miracles should appear as an "innovation" at the time of their appearance (*Moreh, II:29*).

It is doubtful that Rabbi Yoḥanan's problem arose from the conflict between the laws of nature and the possibility of the miracle. For one who believes in God, the Creator, it should not be difficult to accept the idea that the One who created it all should have the power to cause miracles to happen. However, there does exist a very serious problem for the believer. It is not a metaphysical problem, but a religious one. The question for the believer is not whether miracles are possible, but why they should be necessary. The divine intervention by means of a miracle is necessary because somehow, somewhere, a hitch occurred in the original plan of creation. But how is this to be understood? Are not the works of the Almighty perfect? Indeed, there existed a school of thought that did believe in a Creator God, but on account of just that rejected the possibility of any further intervention on His part with His creation. These were the Deists. They believed that Creation reflected the wisdom and power of God. The laws of nature are the materialization of God's wisdom and will. As these are perfect, so are those laws perfect too. As there can be no change in God's omniscience and omnipotence, neither can there be any change in His laws incorporated in the functioning of Nature. Miracles are therefore an absolute impossibility, just as any faith in divine providence or the efficacy of prayer is utterly meaningless. Needless to say, such a view is inseparable from determinism. Its consequences are the denial of free will in a twofold sense.

God himself is bound by His own laws; He has no freedom of will; and, of course, man is also bound by the laws of nature, of which he is a rather insignificant part. Yet, freedom of the human will is our daily experience, if not in an absolute sense, certainly in sufficient measure to render man a being responsible for his actions. Without freedom of the will, there is no choice before man; without it there can be no human responsibility; without it, morality and ethics are meaningless. And one might even add that without the possibility of responsible choice the human being ceases to be human.

Immanuel Kant saw clearly the very serious ethical problem inherent in the human situation. Man is a child of Nature; he is placed in Nature. He has to live and to act in the context of Nature. Nature is *determined* by its own laws, but the ethical deed is only possible in the free exercise of the human will and choice. How can man act with freedom in the context of Nature's bondage? Thus, having refused to admit God into his theoretical philosophy, Kant now re-admits him as a "postulate of practical (i.e., ethical) reason." He means that it is a demand of ethical theory to accept the idea of God. Only God could have created a world order within which ethical freedom may be activated in the midst of the system of natural laws.

Determinists' arguments stem from the deterministic quality of Nature and deny man's freedom of choice. It might be more logical to start with the assertion of the freedom of the will, which is a continuous human experience, and conclude from its existence that Nature itself could not be deterministic.

Actually, such a conclusion would be more in keeping with the findings of modern scientific research. If Hume was skeptical regarding the validity of the assumption of the law of causality, today we know that this law breaks down completely in the structure of the atom. As the electrons speed about in their orbits around the atomic nucleus, one observes occasionally a "free jump" from orbit to orbit. It happens without any cause, in complete freedom. The English astrophysicist A. Eddington observed that "the free jumps" of the electrons in

the atomic structure correspond to the free will in the nature of man. If a measure of "freedom" is present in a single atom, it is not unreasonable to assume that the millions of atoms and molecules that go into the human structure all add up to free will.

We may then say that the exercise of free will is, in a sense, interference with the observable normal course of Nature. But if this kind of interference is our ever-present experience, why should that kind of freedom be denied to God? And what is a miracle if not God's electing his free will through intervention in the course of Nature!

3.

However, what about the need for such intervention? Was not exactly that the problem of faith, namely, that God's creation should ever be in need of new interventions by the Creator? It would seem to us that the very creation of man with freedom of choice occasionally necessitates divine intervention. It is usually assumed that God's creation must be perfect. Our daily experience is that the world is far from being perfect. First of all, a perfect man is not human. Only because of his imperfection is man able to have free will. In perfection there is no freedom of choice between good and evil. Only because of his lack of perfection does he have responsibility for higher levels of existence. Responsibility as well as ability to be responsible are due to man's unfinished condition. And so it stands with the world. A world order completed in perfection could not tolerate that unfinished product man within its borders. Neither would it present any challenge to man to apply his freedom of choice, nor would it admit any intervention on man's part. Only a world order itself unfinished calls for completion and allows for human action within its framework. Responsibility, development, and freedom go hand in hand. But freedom is only possible in that corner of *Tohu Vavohu* still left in the system of creation. Only in this unfinished creation that alone allows freedom and calls man to responsibility may the task of man on earth be defined as *letaken olam*

bemalkhut shadai, to establish this earth as God's Kingdom. However, the very imperfection that calls man to his responsibility also may necessitate divine intervention, i.e., the act of the miracle. In the creation of man, God took a risk with him. For the freedom that allowed him to continue the works of creation may also be used for the destination of man and the world. Man's own exercise of his freedom may at times necessitate God's corrective intervention. When does this happen and when does it not happen? Only one who was admitted into the divine council at the time of creation, and to whom the divine purpose is known, would know the answer.

However, two aspects of the miracle may be derived from this interpretation. First of all, the occurrence of the miracle must be extremely rare or at least not readily recognizable. For frequent or manifest divine intervention would subjugate man and destroy that very freedom without which he cannot be human. Secondly, we are able to see the deeper significance of the rabbinical dictum that one must not rely on miracles. For man has been called to fulfill his humanity in responsible action. That alone lends justification for the occasional corrective act of the miracle. Without man exercising his free will, God's activating His own would be pointless.

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TRINITARIAN AND MULTIPLICITY POLEMICS IN THE BIBLICAL COMMENTARIES OF RASHI, RASHBAM, AND BEKHOR SHOR

I

The Old Testament was the single most important source for proof-texts in Jewish-Christian polemics of the High Middle Ages. Christians attempted to show that doctrines such as the Trinity and virgin birth were implicit and sometimes even explicit in Biblical verses. Moreover, the Old Testament foretold the suffering to be endured by the Jews following their repudiation of Jesus, and the ultimate salvation that Jesus would bring to his followers. The use of the Old Testament in this manner was not an innovation of the Christian polemicists in the High Middle Ages. Since the days of the Church Fathers, leading Christians had adduced Old Testament verses as proofs for their doctrines and had even collected them in literary form.¹

From the Jews' standpoint, the Old Testament *was* their doctrine. Thus, the task of the Jewish polemicist was to demonstrate how a given Biblical verse does not support the proof which the Christians wished to derive from it. To cite but one example, F. Talmage has shown that R. David Kimḥi, a leading medieval Biblical commentator and polemicist, used five types of arguments to disprove christological interpretations of various Biblical verses.² Of course, it was only the Old

Testament which could be cited by both Jewish and Christian polemicists for their completely opposed purposes. Unlike the New Testament, the Old Testament possessed validity (if not the same significance) for both Jews and Christians. Thus, any decisive victory or defeat in the battle of polemics could only be achieved on the battlefield of the Old Testament.³

Any student of history is aware of the magnitude and multitude of public and private Jewish-Christian disputations throughout the Middle Ages. These disputations show extensive use of the Old Testament by both Jewish and Christian disputants. Together with collections of important polemical verses compiled by both Jews and Christians, these disputations helped individuals defend or understand their religion in the face of private polemical challenges. As scholars have shown, it is clear that medieval Jewish commentators used their Biblical commentaries to provide polemical responses or interpretations for their readers.⁴ If a Jew could respond to the Christians' interpretations of Biblical verses, he could remove the very heart of Christian polemics.

The Northern French Biblical exegetes in the eleventh and twelfth centuries often commented on the verses used as proof-texts for doctrines of Christianity. Occasionally, these exegetes clearly indicated a polemical interpretation by using the phrase *teshuvah laminim* (answer or refutation to the Christians) or by explicitly mentioning the Christian interpretation of the verse and its incorrectness.⁵ More often, however, we find that a particular exegete interpreted a christological proof-text in a manner which refuted the Christian interpretation, without mentioning the Christians or their doctrine.

Several questions arise from such interpretations. Did the exegete write his comment for polemical purposes or solely for exegetical purposes? Scholars have already argued the degree of priority which Rashi attached to polemical interpretations in his works. Indeed, Y. Baer implies that whole sections of Rashi's commentaries were primarily intended as polemical refutations.⁶ The problem is intensified when we consider that many comments did not directly refute the christological

proofs but merely presented alternate explanations for a Biblical verse or section.⁷ Is there a particular style or phrasing which an exegete developed to present polemical material?

This study will not resolve the questions of polemical priority and intent in the commentaries of the Northern French exegetes. We will indicate and analyze the Trinitarian and multiplicity polemics which may be found in the commentaries to the Pentateuch of Rashi, Rashbam and Bekhor Shor, and attempt to formulate their styles of interpreting Trinitarian proof-texts. As we will see, the Christian proof-texts for the doctrine of the Trinity are based, for the most part, on apparent inconsistencies in Biblical grammar. For example, Genesis 1:26 reads:

And God said 'Let us make man in our image . . .

The plural verb and pronouns used when referring to God seem to offer an excellent proof-text for the doctrine of the Trinity which states in part that there is only one God of one substance and one Divine nature and that this God has three coequal Persons — the Father, the Son, and the Holy Spirit (as formulated by Tertullian — *tres personae una substantia*).⁸ For a Jewish exegete, however, who agreed that there is only one God of one Divine nature, but of course deemed the concept of three Persons to be incompatible with the concept of God's unity, this verse presents an exegetical problem. How can the Biblical text use a plural verb when referring to God? Clearly, Rashi, Rashbam and Bekhor Shor, whose primary exegetical goal is to arrive at *peshuto shel mikra*, the 'simplest' meaning of a Biblical verse,⁹ must resolve this problem. But the resolution will also serve as a refutation to the Christian interpretation. Thus, in the case of Trinitarian proof-texts, *peshat* and polemics coincide.¹⁰ Our investigation will undoubtedly shed some light on the problems we have outlined and provide material for further study.

II

Before we analyze the interpretations of the Northern

French exegetes, we must first review two Talmudic *sugyot* which deal with the refutation of Biblical proof-texts for multiplicity. The refuters in each *sugya*, R. Yoḥanan in B.T. *Sanhedrin* 38b and R. Simlai in P.T. *Berakhot* 9:1, were both second generation Palestinian Amoraim. In both sources, the *minim*, whom we will identify shortly, would present the Amora with a Biblical verse which implied multiplicity. The Amora would refute the proof from another verse, usually in close proximity to, or on the same topic as, the verse presented. He would show that grammatically, the Bible refers to one God with no multiplicity implied. Let us look once again at Genesis 1:26. The respective Amoraim were asked if multiplicity was not implied by God's saying,

Let us make man in our image . . .

The Amoraim responded that in the very next verse we read,

And God created (in Hebrew, third person singular verb form) man in His image . . .¹¹

The creation of man was done by one God. Therefore, the plural form in 1:26 must be there for a different reason. This process is described by both Amoraim as follows: "Any source perverted (to imply multiplicity) by the *minim* can be answered by source material from very close proximity" (lit. *teshuvatan bezidan*).¹²

Each Talmudic source discusses several 'multiplicity' verses. The Palestinian source also appears in several midrashim with some enlightening variant readings.¹³ We must now attempt to identify the *minim* who asked the questions in these sources. Were these *minim* Christians or members of some heretical group? It should be noted that while the Northern French exegetes were responding to known Christian polemics,¹⁴ even if the Talmudic *minim* were definitely not Christians, we can be sure that the Northern French exegetes would in some way make use of these sources.

Most texts record that *minim* asked the questions. Variant readings of the Palestinian text record *to'im* (mistaken ones).

Rashi in his commentary on the Babylonian source has R. Yoḥanan saying that "any source perverted by the *zedokim* . . . can be answered . . ." *Min* literally means heretic. It is used in many different contexts in Talmudic literature. The exact religion or ideology which *minim* represents is a matter of great controversy among historians and undoubtedly depends on and varies with the context and period of the sources in which this term appears. According to R.T. Herford, ". . . wherever the Talmud or Midrash mentions *minim*, the authors of the statement intended to refer to Jewish Christians."¹⁵ However, a *min* may be an heretical Jew who believes, for example, in *shtei reshuyot* (dualism or multiplicity of the Divine being).¹⁶ This term might also refer to an outright dualist. Parenthetically, with regard to the readings *to'im* and *zedokim*, one must examine the possibility of censorship regarding these sources. The former term is milder than *min* and the latter often refers not to the Second Commonwealth sect but is a general name for heretics.¹⁷

Whether the *minim* in these sources are those who believe in the Trinity or merely in two gods (dualists) is of serious consequence. There is a fundamental difference between the multiplicity presumed in the Trinity and the multiplicity presumed in dualism. Believers in the doctrine of the Trinity are insistent that while each of the three Persons is God, still there is only one God. Thus, the fact that in Genesis 1:26 God says "Let us make . . ." and in 1:27 we read "And God created" (singular verb) might not serve to refute a Trinitarian proof-text. On the contrary, believers in the Trinity would be quick to point out that God can be represented by singularity or multiplicity, and the two representations may be used interchangeably. Indeed, this concept formed an important question of the Christian to whom Jacob b. Reuben responded in his *Milhamot HaShem* (France, 1170). Within the Biblical account of Creation, both singular and plural verbs are used to describe God's actions. The Christian explains this as showing that the One is included in the Three Persons and the Three are included in the One; they are inseparable. Theoretically, the Christian might res-

pond similarly to the Amoraic solution concerning Genesis 1:26. The same reasoning might be applied to some of the Talmudic refutations of other proof-texts of the *minim*.¹⁸

Interestingly, if the questioners were dualists who believed in separate deities, the Talmudic answers would suffice. If the multiplicity in one verse could be contradicted by the unity of God in a related verse, the dualists would have nothing more to say. The possibility that the questioners were dualists is indicated by their initial question to R. Simlai: "How many gods created the world?" This would not be the phrasing of a believer in the Trinity.¹⁹ On the other hand, there are also questions from verses which mention three names of God, which fit more closely with the belief of the Christians. In any event, not all the Talmudic *teshuvot bezidan* are totally conclusive refutations of Christian polemicists.²⁰

If multiplicity was not implied in the verses cited by the *minim*, what accounts for the wording in these verses which prompted the *minim* to ask their questions? This was asked of R. Simlai by his students: "You were able to push them (the *minim*) away; but what will you answer to us (regarding the explanation of the verse)?" In each verse, R. Simlai shows a particular nuance which can be learned from the plural form. The Babylonian Talmud answers its own question as to why the plural forms are used by citing another principle of R. Yoḥanan, that God does not do anything without consulting his *pamalya shel ma'alah* (heavenly entourage). While this answer might satisfactorily explain the use of the plural verb in Genesis 1:26, this answer does not explain the problems in every verse cited as an example of multiplicity within God.

The efforts to refute the claims of the *minim* were undoubtedly undertaken because of the serious difficulties which their charges presented. Their questions were not the results of textual emendation or interpolation. The seventy elders who, according to tradition (B.T. Meg. 9a), translated the Torah into Greek for Ptolemy II also had to deal with the problem presented by Genesis 1:26. Thus, the Greek translation read: "I will make man . . ." ²¹ The reliance of the Northern French ex-

eges on these Talmudic sources will depend on each exegete's use in general of sources of this type and perhaps on the conclusiveness of the suggested answers. We will also see that they too recognized that there were two aspects to the interpreting of these verses: refutation of the Christian interpretation and presenting an interpretation which explains the repetition of names of God or use of a plural verb when referring to God.

III

Let us now look at how Rashi, Rashbam and Bekhor Shor dealt with the problems in Genesis 1:26. The Christian polemical interpretation is: The Father said to the Son — "Let us make man in our image . . ." ²² Rashi comments that "Let us make . . ." refers to God and the angels. The angels are being consulted for a twofold reason — to signify God's modesty, and to show that angels were jealous since man was made in their image.²³ Therefore, just as God consulted with the Divine agencies (*Pamalya shel ma'alah*) at other times, here too he consulted with them. Rashi interprets that God was asking 'permission' of the angels to create man. God was saying to the angels in effect, — "Just as there are beings in the heavens who resemble Me, namely you the angels, so too there should be beings in the lower world who resemble My form to preserve the balance of the Creation." In the second part of his lengthy comment on this verse, Rashi states that God said "Let us make . . ." to the angels even though they had no actual role in man's creation. Although this wording would give the *minim*²⁴ an opportunity to cite this verse as a proof-text for multiplicity, the Torah did not wish that the readers miss the lesson that a superior being should still consult with his underlings. Had the verse been written "I will make . . ." we would not have known that God was talking to his court (lit. *beit din*). In any event, Rashi continues, the answer to the multiplicity proof of the *minim* is found in the very next verse (lit. *teshuvah bezido*) — "And God created man . . ." In this verse, a singular Hebrew verb is used.

From his comments, it is clear that Rashi was aware of the

polemical significance of this verse. He mentions the standard Talmudic refutation of the multiplicity interpretation of this verse. Rashi, as is his exegetical tendency,²⁵ uses Talmudic material to arrive at *peshuto shel mikra*. He gives R. Yohanan's explanation for the plural verb, that God was consulting His heavenly entourage. Rashi goes further and gives two reasons for the consultation in this case, both of which have Talmudic or midrashic sources.²⁶ The first two of several 'answers' for this verse which R. Yosef Official gives in his handbook for refutation of polemics, *Sefer Yosef HaMekane* (N. France, 1275), are the Talmudic *teshuvah bezido* and Rashi's comment and examples that God was consulting with his *pamalya*.²⁷ Thus, even the *peshat* aspect of Rashi's comment is valuable polemical material.

Rashbam explains Genesis 1:26 by inserting a phrase: "And God said to his angels, Let us make man . . ." He also gives other examples of this type of consultation.²⁸ Thus Rashbam, without referring to the Christian polemicists, has certainly contested their explanation of the plural verb. Moreover, Jacob b. Reuben was asked by his Christian questioner about the phrase 'in our image' in Genesis 1:26. The Christian explained that the Father said to the Son, "Let us make man in our image," namely in the image of the Trinity. This Trinity reference is strengthened by 1:27 — "And God created man in His image . . ." Here for the Christian was an expression of God as three and God as one! Jacob b. Reuben answered by saying that 'in our image' cannot refer to God Himself because He has no image or form. Similarly Rashbam explains that 'in our image' refers only to the angels. He explains 1:27 as follows: "And God created man in his own image which was the image of the angels . . ."²⁹ Thus the Trinitarian references in these two verses are removed by Rashbam.

Bekhor Shor has several different comments on this verse.³⁰ If a Christian says that the plural verb and the plural possessive in the phrase, "And God said, Let us make man in our image," show that the subject, God, is plural (i.e. the

Trinity), one should answer that we find many singular subjects modified by plural verbs and vice versa in the Bible. Thus, although God is expressed in Hebrew by *E-lohim*, which grammatically seems to be a plural form, it is a singular word in this verse. Another explanation for the plural verb is that God consults with His entourage, as can be seen in other instances.³¹ God and His heavenly court are not discussing the creation of man in their image in terms of any actual characteristics, because no images or forms can be ascribed to God. Rather, God says to the angels, "Let us make man in our image insofar as we dominate and rule over others. So too, let man's image be one of dominion and rulership." Or, "Let us make man in the image which we have selected." Indeed, the verb 'to make' implies modification rather than creation. Just as God gave dominion over others to the angels and heavenly beings, he wishes to give it to man as well. Therefore, it is proper for God to consult the angels. He is not consulting them about creation, in which they have no role. He is consulting them regarding the placement of man in an important worldly position, a situation where angels can play a role. Thus in 1:27, "And God created" is clearly understood. Interestingly, Bekhor Shor suggests that the phrase 'in the image of God' which in that verse is expressed by *bezelem E-lohim* uses *elohim* as judge. That is to say, God created man in His image, in the image of a judge (a figure of authority).³² This is the correct exegesis of the verse according to Bekhor Shor.³³

Bekhor Shor then once again addresses himself directly to the Christian claim. "And to their (the Christians') foolishness that the verse (1:26) refers to the Trinity, and therefore 'Let us' is written, answer them the following . . ." According to the doctrine of the Trinity, all the Persons are equal. Each one is God.³⁴ If so, why does one (the Father) have to direct the other (the Son) and call them (all three Persons) together? All the Persons should have had the same thought and action in mind! Here Bekhor Shor has borrowed a tactic of the Jewish polemicists. A good way to disprove the Christian interpretation of a verse is to show how that interpretation is at odds with

known Christian doctrine. In order to conform to the doctrine of the Trinity, the verse should have read: "And they said, Let us make man . . ." In its present singular form, the verb shows that one God was summoning the others.³⁵

A verse which presents a problem similar to that of 1:26 is Genesis 11:7. Referring to the treatment of the builders of the tower of Babel, God says:

Let us go down and mix up their languages . . .

The elders who composed the Septuagint were compelled to translate the verb in the singular to eliminate the problem which the Hebrew text presented.³⁶ While several of the Northern French exegetes comment elsewhere that a singular subject-plural verb form is not unknown in Biblical Hebrew, Rashi is the only one who comments on the verse itself. In a statement very similar to his comment on 1:26, Rashi explains that God consulted with His heavenly court out of His great modesty. Interestingly, this verse was one of those presented to R. Yoḥanan by the *minim*. The *teshuvah bezido* which R. Yoḥanan gives from Genesis 11:5:

And God went down (singular verb) to view the tower.

The reason for the plural verb is then explained more fully by R. Yoḥanan's principle of God's consulting with his *pamalya*. While this verse and refutation are not mentioned in any of the handbooks of polemical refutation, the polemical significance of Rashi's comment is certainly evident. What must be further investigated is Rashi's use of the phrase "*beit din*" both here and in Genesis 1:26.

In his commentary to Genesis 3:22,

And God said, Verily man has become like one of us . . .

R. Yosef Bekhor Shor first cites the Talmudic explanation of the plural form using Rashi's phraseology. It is the modest manner of God that had Him consult with His servants (the angels). Furthermore, it is the way of modest figures to refer to

their servants as equals. Then, Bekhor Shor refers specifically to believers in the Trinity. If a Christian claims that this verse implies the doctrine of the Trinity because of the plural pronoun, how does he explain the singular verb at the beginning of the verse (And God said . . .)? This verb form shows, for a Christian, that one of the Persons was the leader. But according to the doctrine of the Trinity, all three Persons are equal! For the Christian, the verse should have read: "And They (the Trinity) said,"³⁷ 'Verily man has become like one of us . . .'

R. Joseph Bekhor Shor is the only Northern French exegete to comment on Genesis 3:22 for its significance as a Trinitarian proof-text. We also do not find this verse discussed in the medieval Jewish handbooks of Christian polemics.³⁸ Yet, from the direct response of Bekhor Shor, it may be assumed that someone proposed this verse to him or he overheard such a proposal of this verse as a Trinitarian proof-text. The same reasoning might hold true for Rashi's unique comment on the previous verse. The question remains as to what Rashi and Rashbam do with Genesis 3:22. By not commenting on it in any way to explain the plural pronoun, Rashi seems to be ignoring a *peshat* problem. His comment on this verse, found almost identically in the commentary of Pseudo-Jonathan, is that God is saying, "Just as I am unique in heaven, man is unique on earth (since he is the only earthly creature to know the difference between good and evil)." Coincidentally, the comparing of God's uniqueness in heaven and man's uniqueness on earth is also found in Rashi's comment on Genesis 1:26. But Rashi's comment here does not explain the use of the plural pronoun. Perhaps Rashi and others are relying on the *pamalya* concept and feel that they do not have to belabor its usage. Or perhaps they are relying on a simple answer which would explain all such plural forms. It is quoted in *Sefer Yosef HaMekane* on Genesis 1:26 — "I have heard that it is the way of great men to speak in the plural, or colloquially, to use the 'royal we'."

A different, but glaring, grammatical problem is presented by Genesis 19:24 —

And God rained down sulfur and fire from God from heaven.

The repetition of God's name appears to be superfluous. The Christians interpret this verse as referring to the Father and the Son, who are both called God.³⁹ This verse is also discussed in the Talmud (*Sanhedrin* 38b). A *min* suggested to R. Yishma'el b. Yose that a pronoun would have sufficed at the end of the sentence. The repetition of God's name indicates multiplicity. The answer, which originated with R. Meir and became known to many people, was from Genesis 4:23:

And Lemekh said to his wives . . . Wives of Lemekh, hear my statement . . .

This verse demonstrates that it is a convention of Biblical Hebrew to repeat the subject's name rather than use a pronoun.

Rashi quotes this principle of Biblical grammar without mentioning a source. Indeed, the midrash quotes this principle without mentioning its value for polemics. Both this principle and *teshuvah bezido* are direct refutations of the Christian interpretations. They show that a particular verse, in its most accurate interpretation, does not indicate multiplicity. There is an important difference, however, between using *teshuvah bezido* for refutation and using principles of Biblical grammar. Using the former method does not explain the unusual form found in a particular verse. It merely shows that the Christian explanation regarding that unusual form is incorrect. Using rules of Biblical grammar for refutation, however, accomplishes two goals. The Christian interpretation is refuted. Moreover, the existence of a grammatical anomaly, such as the use of a plural verb with a singular subject, or, as in Genesis 19:24, the repetition of a subject rather than use of a pronoun, is explained.

Rashbam's interpretation of Genesis 19:24 is taken from a different midrashic explanation. The first name of God in this verse refers to the angel Gabriel while the second name of God refers to God Himself. *Hizkuni* explains that Gabriel is represented by the first name of God because he was the angel in charge of fire. This explanation and Rashi's are mutually ex-

clusive. For Rashi, the first name of God is for God Himself; for Rashbam it represents Gabriel. On the one hand, Rashbam's solution for the grammatical problem makes the text less awkward. On the other hand, it requires the introduction of extraneous information — that Gabriel is called by God's name. This use of midrashic information is not usual for Rashbam. In any event, Rashbam at least gives an alternate explanation for the two names of God in the verse. This explanation does not refute the Christian interpretation. They can merely substitute Jesus' name for Gabriel's. The author of *Sefer Nizḥon Yashan* (Germany, 1300)⁴⁰ refutes the Christian interpretation in two ways: If the Christian interpretation is correct, it would seem that the Son acts at the command of the Father. In addition, where is the third member of the Trinity, the Holy Spirit? The author then gives an alternate explanation of the verse which is not particularly forceful against the interpretation of the Christians: God rained down via the clouds, which control rainfall, sulfur and fire even though the clouds normally do not perform that function; from God this directive was issued. Bekhor Shor states that it is explicit in '*halakhah*' (perhaps the Talmud or the explicit rules of Biblical grammar) that repetition of the subject is proper usage (as with the wives of Lemekh), and in this case, "this is *peshat* . . ." This resolution of the grammatical problem can be automatically used as a polemical refutation, as could any Jewish resolution of the problem.

The plural nature of the word *elohim* and its use as a name of God is also the subject of exegetical polemics. Of course, Christians point to this word as a clear sign of multiplicity within God, particularly when God is called by this name and a plural verb is used. Such is the case of Genesis 35:7 —

... there, God (*E-lohim*) appeared (plural verb) to him (Jacob) . . .

The Talmud gives a *teshuvah bezido*; but R. Yoḥanan's explanation that God consults with His *pamalya* does not explain the use of the plural verb in this case. Rashi comments that we often find in the Bible the word *elohim* used not as a name of

God but meaning master or lord, modified by a plural part of speech. In some cases, only one master is being represented by *E-lohim*; still a plural modifier is used. Thus, when *E-lohim* is used as a name of God, Who is obviously one, we should not be surprised if we find a plural verb used. An almost identical comment, in which many examples are cited, is made by Rashi on Genesis 20:13 —

When God (*E-lohim*) led (plural verb) me from my father's house.

The convention of Biblical grammar which Rashi uses to explain the plural form in this verse obviously will refute the explanation of Christian polemicists. R. Yosef Bekhor Shor explains that *elohim* in Genesis 20:13 refers not to the unique God of Israel, but to the many heathen gods. He interprets the verse as follows: "When the heathen gods led me from my father's house . . ." Abraham states that he left his father's house in order to escape these gods. On Genesis 35:7, Bekhor Shor comments that both God and His angels appeared to Jacob; hence the plural verb is used. In his comment on Genesis 1:26, he mentions that the *minim* try to cite proofs of multiplicity within God from verses where *E-lohim*, meaning God, is modified by a plural part of speech. As Rashi had done, he shows that this form is found many times in Biblical Hebrew and therefore cannot be used as a proof by Christian polemicists.⁴¹

Another category of Biblical verses cited by the Christians as Trinitarian proof-texts centers around a different type of textual difficulty. It consists of verses which repeat God's name, or descriptions of God, for no apparent purpose. The best example is Deuteronomy 6:4, which, according to Jewish tradition, is translated "Hear O Israel, the Lord is our God, the Lord is One." Christian polemicists maintained that the three names of God in this verse represent the three Persons, and furthermore, the verse tells us that they are one. The opposing Jewish and Christian translations are based on the fact that this verse does not actually contain any form of the verb "to be." The omission of the verb is easily explained for the Jews. In

Hebrew, the present tense of the verb "to be" is always omitted when followed by predicate nominatives or adjectives. Thus, the Jewish translation is the only correct one based on the Hebrew language. The Christians interpret the verse literally. The verse for them reads — Hear O Israel, the Lord our God the Lord is one.

Rashi, in his comment on this verse, simply presents the correct interpretation with a small embellishment. God who is our God now and not the God in the eyes of the other nations will someday be the God for all, as noted by the prophet Zekhariah . . .⁴² Rashbam writes: "God who is our God and we have no God except Him; He is one, you may worship only Him and no other." Once again, the simple explanations of Rashi and Rashbam also give the Jewish answer to the Christian interpretations. R. Yosef HaMekane uses the simple translation of the verse to respond very directly to the Christian polemicists — God is our God; and that God which is ours, He is one — He is not composed of a Trinity.⁴³ It is interesting to note that, as Maimonides points out, this verse, which in Jewish tradition is the most important one for stressing the unity and oneness of God, is in the Christian tradition an Old Testament proof-text for the Trinity.⁴⁴

Bekhor Shor also maintains that the verse of *Shema Yisrael* specifically denies the doctrine of the Trinity.⁴⁵ He first shows that the verse contains three names of God to show that God, who is the God of Israel, is one; He is not one of many gods. And for those who claim that the three names of God are present in this verse to describe the Trinity, (namely three who are one God), there is a *teshuvah bezido*. In the very next verse we read: "And you shall love the Lord (your) God . . ." Only two names of God are mentioned in this verse. According to the doctrine of the Trinity, either one or three names should have been mentioned in this verse, if in fact this section of the Torah refers to the Trinity.⁴⁶ Note that Bekhor Shor borrows the phrase *teshuvah bezido* but certainly does not use it as the Talmud does. Thus, the verse must instead mean: And you shall love the Lord who is your God. Just as 6:4 doesn't refer to

the Trinity, so too 6:5 speaks of only one God. Bekhor Shor closes with a sharp attack on the doctrine of the Trinity. According to the Christians, 6:5 as it appears would have to be saying that every human should love two Persons of the Trinity. The third Person seems to be missing. It must be that the Person who was separated from the other two, and entered Mary's womb (i.e. Jesus), should not be loved!

There is one remaining Trinitarian proof-text in the Pentateuch which we must examine. In Genesis 18:1, God appears to Abraham, and in 18:2 we read that Abraham looked up and saw three people standing over him. Christian polemicists claimed that the three people who seem to be related to the appearance of God to Abraham represent the three Persons of the Trinity.⁴⁷ Rashi, using the midrash, identifies the three people as three angels. Rashbam maintains that 18:2 explains 18:1 — God appeared to Abraham in the form of the angels which he sent.⁴⁸ Rashbam cites several Biblical verses in which angels are referred to by the name of God. The explanations of Rashi and Rashbam do not refute the Christian explanation; they merely present an alternate explanation. It should be noted that the Christian use of 18:2 as a Trinitarian proof-text does not begin with a *peshat* problem as was the case with all the proof-texts presented thus far. They take advantage of the juxtaposition of God's name and the phrase 'three people' (lit. *sheloshah anashim*). Yet there is a *peshat* problem in these two verses which leads Rashi and Rashbam to identify the three people as they do. Indeed, Rashi and Rashbam must first deal with two related questions: who are the three people, and how is their entrance connected with God's appearance to Abraham? The answers to these two questions can then be applied to solve a *peshat* problem: it would seem from the text that the three people interrupted God's appearance to Abraham. Rashi resolves this problem by quoting the midrash that the three people were angels who had come to visit Abraham after his circumcision, and that Abraham was justified in politely interrupting his discussion with God in order to take care of them as he would ordinary men. Rashbam, perhaps wishing to insert less into the

text in his search for *peshat*, also asserts that the people were angels, but that these angels are called by the name of God found in the previous verse. Thus the angels are called a Divine name in 18:1 and are called people in 18:2. There was no interruption created by the angels; the story begins with their appearance.

We have mentioned that the explanations of Rashi and Rashbam at best offer an alternative to the Christian explanation. The alternative in this case is not a very strong one since the only difference between the Jewish and Christian explanations is the meaning of the word *anashim*. R. Yosef Bekhor Shor comments that the pure *peshat* is that the *anashim* are humans. This is because the angels do not eat and drink or rest in peoples' homes as the three people in this story did.⁴⁹ Bekhor Shor notes that his interpretation is against the rabbinic tradition that the people were angels. Of course, this tradition cannot be dismissed, and it is perhaps for this reason that Bekhor Shor does not develop his interpretation for any other verses in this section. But he maintains that it is forbidden to teach that they were angels since this may be used by the Christians as a proof that Jesus could eat even though he was divine. As far as this being a Trinitarian proof-text, Bekhor Shor rejects this with a *teshuvah laminim* in his own sarcastic style. If in fact the three figures in the verse are the three Persons of the Trinity, why did Jesus need to enter Mary's womb to receive nourishment? Here the three ate meat and drank without having to enter a womb! On Genesis 19:1, Bekhor Shor cites that verse and another as *teshuvot* which exegetically disprove the Christian claim. In 19:1, two angels (of the three that came to Abraham) arrive in Sodom. If these three figures represent the Trinity, where is the third equal Person? Similarly in 19:13, the angels tell Lot that God sent them to destroy the city. If for the Christians the three Persons are equal, which one gave this order to the other two?⁵⁰ *Milhamot HaShem*, *Sefer Yosef HaMekane* and *Sefer Nizzahon Yashan* cite these or similar refutations of the Trinitarian proof-text of Genesis 18:2.⁵¹

IV

We may conclude from our study that there is a good deal of material in the commentaries of Rashi, Rashbam and Bekhor Shor which could be used by a Jew to refute or suggest alternate explanations to Trinitarian and multiplicity proof-texts. Indeed, there is hardly a verse in the Pentateuch which was used by medieval Christian polemicists to indicate the Biblical acknowledgement of the doctrine of the Trinity, which was not dealt with in some way by these Jewish exegetes. This fact in itself is not surprising. Since Trinitarian proof-texts were formulated in verses which usually presented difficulties to anyone seeking *peshuto shel mikra*, it is to be expected that the Northern French exegetes would attempt to resolve the *peshat* problems and therefore make a contribution to the handbooks of polemical responses as well.

What must be noted is the organized and consistent manner in which each exegete interpreted the various proof-texts. The interpretations were consistent with each exegete's style of Biblical exegesis; but more importantly, there seems to be a certain style of polemical interpretation which each exegete used and certain terms and nuances which characterize the exegetical interpretations of the proof-texts. If we look at Rashi's comments, we note sources which are for the most part Talmudic or midrashic. This is quite common, since Rashi is committed to using rabbinic sources to arrive at *peshuto shel mikra*.⁵² But looking further, it is very interesting to note that most of these sources are from *sugyot* dealing with the *minim*. Not only does Rashi quote R. Yoḥanan's concept of God consulting with His *pamalya* (Genesis 11:7), but he quotes, at one point, the accompanying *teshuvah bezido*, even though this answer has little exegetical value (Genesis 1:26). Where R. Yoḥanan's concept may not be clearly applicable, Rashi uses rules of Biblical grammar (Genesis 20:13 and 35:7). One of these rules was also used when responding directly to *minim* (Genesis 19:24).

As for Rashbam, he also follows his normal exegetical tendencies and does not rely as heavily on the Talmudic

sources as Rashi does.⁵³ However, the four verses on which we have presented Rashbam's interpretations are characterized by two similarities. In two of the verses, Rashbam inserts extraneous information into his interpretations (Genesis 1:26 and Deuteronomy 6:4). In the remaining two, Rashbam explains that the name *elohim* refers not to God but to angels. He supports this idea with other Biblical verses and with a midrash (Genesis 19:24 and 18:2).

R. Yosef Bekhor Shor obviously was interested in directly refuting the Trinitarian proof-texts which Christians might present. He borrows Rashi's interpretations and even utilizes one for a verse where Rashi himself did not use it (Genesis 3:22). Moreover, aside from two unique textual explanations (Genesis 20:13 and 18:2), Bekhor Shor introduces a completely new approach for dealing with Trinitarian proof-texts. He will question a Christian interpretation because it contradicts Christian doctrine, and will then even ridicule the doctrine (Genesis 1:26, 3:22, 18:1 and Deuteronomy 6:4). While this is a deviation for a member of the Northern French *pashtanim*, the deviation is not uncharacteristic for Bekhor Shor. For R. Yosef Bekhor Shor had several non-exegetical aims which caused him to digress in his commentaries.⁵⁴ The best known is the elimination of anthropomorphisms which are indicated by several verses.⁵⁵ It would seem that refuting Trinitarian proof-texts is another of his aims.⁵⁶ His reason for deviating from *peshuto shel mikra* is readily understood. Arguing against a Christian interpretation from other Christian doctrines is perhaps the most convincing argument which can be cited in a polemical debate.⁵⁷ It is for this reason that such arguments are found so often in Jewish polemical handbooks.

NOTES

1. See, for example, the collection of Isidore of Seville in A.L. Williams, *Adversus Judaeos* (Cambridge, 1935), pp. 282-89. See also James Parkes, *The Conflict of Church and Synagogue* (repr. New York, 1974), p. 99. Cf. Rashi on *Shabbat* 116a, s.v. *debei aveidan*.
2. See F. Talmage, "R. David Kimḥi as Polemicist", *HUCA XXXVI* (1967), p. 215ff.
3. Cf. *Sefer Yosef HaMekane*, Y. Rosenthal ed., (Jerusalem, 1970), pp. 125-38 for a collection of medieval Jewish polemics on the New Testament. Cf. *Sefer Milḥamot HaShem*, Rosenthal ed., (Jerusalem, 1963), chap. 11.
4. See Y. Baer, "Rashi and the Historical Reality of His Time" (Hebrew) *Tarbiz* XX (1939) p. 325 ff, E.I.J. Rosenthal, "Anti-Christian Polemic in Medieval Bible Commentaries", *The Journal of Jewish Studies* XI (1969), p. 115 ff, and Y. Rosenthal, *Mehkarim* (Jerusalem, 1966), v. 1, p. 115f.
5. See S. Posnanski, *Mavo Al Hakhmei Zarfat Mefarshei Hamikra* (Jerusalem, 1965), pp. XX, XLVIII, CI; and Orlian, *Sefer HaGan of R. Aharon HaKohen* (unpublished dissertation, Yeshiva University, 1973), p. 105, n. 15.
6. Baer, *op. cit.* Cf. Y. Rosenthal, *Mehkarim*, p. 116.
7. Note, however, that authors of handbooks of Jewish polemics of his period, such as *Sefer Yosef HaMekane*, would cite interpretation which could be used in arguments with Christians no matter what the exegete's intent.
8. *Milḥamot HaShem*, p. 40, n. 25. Cf. Lasker, *Jewish Philosophy: Polemics Against Christianity in the Middle Ages* (New York, 1977), pp. 45-46.
9. The approach and attitude of each of these exegetes towards *peshut shel mikra* is different. See Posnanski, *op. cit.*, pp. XIV-XVI, XLI-XLV and LIX-LXVIII, and M. Segal, *Parshanut HaMikra*, Jerusalem, 1971, pp. 63-65, 71 and 74-77. On Rashbam, cf. D. Rosin, *R. Samuel b. Meir als Schrifterklärer* (Breslau, 1880), p. 77ff.
10. On the connection between *peshat* and polemics, cf. E.I.J. Rosenthal, *op. cit.*, pp. 117-19. Often, responders to Christian exegetical polemics are called *potrim*; see for but one example *Sefer Yosef HaMekane*, p. 75. The connection between this use of the word and the use of the word in conjunction with *peshat* (as in *Pitronot* of Menahem b. Helbo) must be investigated.
11. The response according to the Palestinian Talmud was slightly more detailed. The next verse does not read, "And God created (plural) man in their image . . . Rather it reads . . . etc."

12. Cf. *Bereshit Rabbah*, (Theodor-Albeck ed., pp. 62-63) for different wordings of this principle. See also Rashi on *Sanhedrin* 38b — "Any source perverted by the *zedokim*," and below.
13. See W. Bacher, *Aggadot Amora'ei Erez Yisrael* (Tel Aviv, 1926), v. 1, pt. 2, p. 47 and p. 321.
14. On Rashi's use of the word *minim*, see Posnanski, *op. cit.* p. XX and n. 3, and Rosenthal, *Mehkarim*, p. 105.
15. See his *Christianity in Talmud and Midrash* (New Jersey, 1966), p. 379. Cf. Orlian, *op. cit.*, p. 105, n. 16.
16. See G.F. Moore, *Judaism in the First Century* (Cambridge, 1962), v. 3, p. 68f, and G. Alon, *Mehkarim BeToledot Yisrael* (Tel Aviv, 1967), pp. 203-05. Regarding belief in two deities, see *Hullin* 87a. Plurality of gods may be a heathen Christian or Gnostic belief; see Scholem, *Major Trends in Jewish Mysticism* (Jerusalem, 1941), p. 355, no. 24. On the change in the meaning of the term *min* see Buechler, *Studies in Jewish History*, (London, 1956), p. 247 and p. 271. On the *min* as a denier of God's unity, see Maimonides, *Mishneh Torah*, Laws of Repentance, 3:7.
17. See Zeitlin, *Studies in the Early History of Judaism* (New York, 1973), v. 2, p. 259.
18. E.g. Genesis 35:7 and 11:7 as presented in *Sanhedrin* 38b.
19. Cf. *Bereshit Rabbah*, 8:9 — "How many *reshuyot* created the world . . ."
20. Note that Jewish polemicists do, however, cite singular verbs against Trinitarians.
21. Cf. *Mekhilta, Parashat Bo*, section 14 (Horowitz ed., p. 15b) and *Soferim*, 1:8. The LXX, as with most of the changes listed in these sources, does not make this change but records "Let us make . . .".
22. *Sefer Yosef HaMekane*, p. 31.
23. Note that for Rashi, *zelem* here means form and *demut* means intellect.
24. See above, n. 14.
25. See Posnanski, p. XIVf.
26. See *Sanhedrin* 38b and *Maharsha ad. loc.*, and *Bereshit Rabbah* 48:1.
27. See above, n. 22.
28. Note that his examples are slightly different from those of Rashi, cf. *Sefer Yosef HaMekane*.
29. *Commentary of Rashbam on the Torah*, D. Rosin ed., p. 8. All references to Rashbam's commentary are to this edition.
30. *Commentary of R. Yosef Bekhor Shor to Bereshit and Shemot*, A. Jelinek ed. (Leipzig, 1855; reprinted, Jerusalem, 1976), p. 7. All references to Bekhor Shor's commentary are to this edition. Cf. *Tosafot HaRosh Al HaTorah, ad. loc.*
31. Lit. *pamalya*. Cf. examples of Rashi and Rashbam above.
32. Cf. Exodus 22:8. See also the comment of a contemporary Italian ex-

- egete, that the name of God in 1:27 does not refer to God Himself, in A. Berliner, *Peleitat Soferim* (Mainz, 1872), Hebrew section, p. 3. My teacher, Dr. David Berger, has informed me that the motive for Bekhor Shor's comment may be the Christian argument that the angel interpretation is idolatrous because it attributes the same images to God and to the angels.
33. Cf. Orlian, *op. cit.*, chap. 6, regarding the affinity of Bekhor Shor and the commentaries of the Tosafists on the Torah; the comment of *Sefer HaGan* on this verse is almost identical to Bekhor Shor's comment. See below, n. 50.
 34. See above, n. 9.
 35. Cf. *Sefer Nizzahon Yashan* (repr. Jerusalem, 1965), p. 4 col. 5.
 36. See *Megilah* 9a, and above, n. 21.
 37. The plural nature of the name *elohim* would lend itself to taking a plural verb. Cf. the commentary of R. Yosef Kara to the Former Prophets (Epenstein ed., Jerusalem, 1972) on Joshua 24:19, I Samuel, 4:8, and II Samuel, 7:23, and his commentary on Exodus 32:4, see Berliner, *op. cit.*, p. 19.
 38. Cf. Justin Martyr's use of this verse in "Dialogue with Trypho," *The Ante-Nicene Church Fathers*, Roberts and Donaldson ed. (Grand Rapids, 1956), v. 1, p. 228.
 39. See *Sefer Nizzahon Yashan*, p. 10, col. 17.
 40. *ibid.*
 41. See above, n. 37. Thus R. Yosef Kara's comments, particularly on Joshua 24:19, which was presented to R. Simlai as a multiplicity proof-text, also could refute a Christian claim.
 42. Cf. *Sefer Nizzahon Yashan* on Deuteronomy 6:4 (p. 29, col. 55) and on Zekhariah 14:9 (p. 74, col. 146) for a more direct refutation of that verse as a proof-text.
 43. *Sefer Yosef HaMekane*, pp. 57-58.
 44. See Maimonides: *Ma'amar Tehiyat HaMetim* in Kappah, *Igrot HaRambam* (Jerusalem, 1972), pp. 69-70.
 45. See J. Katz, *Exclusiveness and Tolerance* (New York, 1961), pp. 18-19.
 46. See above, Genesis 19:24. Generally, this is a problem with *E-lohim* which may indicate only two Persons. Cf. comment of *Nizzahon Yashan* on Genesis 2:7 (p. 5, col. 8) in which another name of God is added to *E-lohim* to represent the Trinity. Cf. *Sefer HaGan* on Genesis 18:2 (Orlian, Hebrew section, p. 19), and below, n. 50.
 47. *Milhamot HaShem*, p. 45.
 48. Cf. *Hizkuni*. See also Rashbam on Exodus 3:4.
 49. Cf. B.T. B.M. 84b and Tos. *ad. loc. s.v. nirin*.
 50. We find almost the identical comments in *Sefer HaGan*, see Orlian, *op. cit.*, Hebrew section, pp. 19-20. Orlian suggests the possibility that this section may have been copied from *Sefer HaGan* into the commentaries of Bekhor Shor, due to the affinity of these two works (*ibid.*, pp. 59-60). Cf. Posnanski, *op. cit.*, p. 60, n. 1, and p. 99, n. 1.
 51. *Milhamot HaShem*, pp. 46-48, Yosef HaMekane, p. 39, and *Nizzahon Yashan*, p. 8.
 52. See above, n. 25.
 53. See Posnanski, *op. cit.*, pp. XLI-XLV.
 54. *ibid.*, pp. LIX-LXIII. Cf. G. Walter, *Joseph Bekhor Shor* (Leipzig, 1890), pp. 20-25.
 55. Cf. comment of R. Saadiah Gaon in Geiger, *Parshandata* (Leipzig, 1855), p. 50.
 56. Cf. Posnanski, *op. cit.*, p. LXIX.
 57. There is evidence that both R. Yosef Kara and R. Yosef Bekhor Shor engaged in at least minor disputations. See Posnanski, *ibid.*, pp. XXXVI-XXXVII, LVI, LXIX-LXXX. Rashbam, according to Posnanski, also had personal contact with Christian polemicists, but the sources Posnanski cites do not conclusively prove this (pp. XLVIII-XLIX). Cf. the commentary of Rashbam to Psalms edited by I. Satanov (Berlin, 1894) on Psalms 110:1 (p. 234) where Rashbam mentions a disputation he participated in. This edition, however, has been totally discredited by scholars; see D. Rosin, *Commentary of Rashbam to the Torah* (New York, 1949), p. XIX. Rabbi S. Mandelbaum has told me that the entire work is a forgery, although we know from the *Arugot HaBosem* of R. Abraham b. Azriel that Rashbam did write a commentary to the book of Psalms.

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THE ESCHATOLOGICAL VISION OF RABBI ABRAHAM IBN EZRA*

It is quite tempting for a philosopher or interpreter, when dealing with the realm of eschatology, to let his own private hopes and dreams creep into his work. For the believer, the Biblical promise of peace and justice is proper reward for long suffering and misery in the service of God in this world. And so in the Biblical exegesis of Rabbi Abraham Ibn Ezra (1093-1167) we might expect to discover that the well-known poverty and wandering which he experienced find some expression in his interpretation of eschatological passages.¹ Upon close investigation, however, we find that Ibn Ezra's thought is influenced not by his own personal experiences but by a philosophic tension which he shared with many Jewish philosophers of the Middle-Ages and of our own day. The tension between Reason and Tradition, between Neoplatonid thought and Rabbinic teaching, is the driving force behind Ibn Ezra's eschatological vision.

Before introducing texts, from which I hope to derive Ibn Ezra's opinions on this subject, I would like to make it clear that I in no way pretend that this is an exhaustive treatment of all of Ibn Ezra's writings (merely cataloging them would more than fill the space at my disposal). Rather, I have chosen to concentrate on Ibn Ezra's exegetical works, taking my cue from verses cited by the Talmud, Maimonides, and Saadiah Gaon in support of their eschatological doctrines. I was especially careful to check through the commentaries on Isaiah, Song of Songs and Ecclesiastes.

There are two major aspects of Jewish eschatology, which

we may call the national and the personal. The national aspect includes the redemption of Israel, the Messiah, the rebuilding of the Temple, and the future of the nations. The personal elements of eschatology are the eternity of the soul, resurrection, and the direct experience of God in the future world. Of course the boundary between these two aspects is not always clear, but for the purpose of this paper I shall limit myself to Ibn Ezra's personal eschatology, again, because of the vastness of the totality. No comprehensive work has been done on this subject in the past, and I hope that others will add to this preliminary and tentative study.

We can get a good idea of what problems Ibn Ezra faced in assembling a cogent personal eschatology by considering Maimonidean eschatology, which has been investigated much more thoroughly. Without going into great detail, it suffices to say that Maimonides finds that the basic notions of eternity of the soul and resurrection are dependent on one's understanding of the nature of the soul. In the *Guide For the Perplexed*, I, 41, he asserts that, after the death of the body, the intellect is capable of independent existence, which he usually describes as an individual existence, though some of the passages suggest that this immortality is collective. Immortality, then, is this continued individual existence of the intellect (soul) after the death of the corporeal body:

It [*nefesh*, soul] is also a term denoting the rational soul, I mean the form of man. Thus: "As the Lord liveth that made us this soul" (Jer. 38:16).

And it is a term denoting *the thing that remains of man after death*.

Thus: "Yet the soul of my lord shall bound in the bundle of life." (I Sam. 25:29)²

How does the soul reach this immortality? In the *Guide For the Perplexed*, III, 27 and 28 Maimonides explains that it is dependent on the acquisition of correct opinions:

As for the welfare of the soul, it consists in the multitude's acquiring correct opinions corresponding to their respective capacity . . . Similarly the intention of His dictum, "For our good always" (Deut. 6:24), is the same

notion: I mean the attainment of "a world in which everything is well and [the whole of which is] long" (B.T. Kiddushin 39b, B.T. Hullin 142a). And this is perpetual preservation.³

The process seems reasonable until one inquires: if the acquisition of correct opinions in this world leads to achieving the welfare of the soul in perpetual preservation, what purposes would be served by corporeal resurrection? If, of the five faculties of man, only the rational faculty, the intellect, survives death, since the acquisition of intellectual virtues is the final goal of man, what need is there for the reconstitution of the other faculties? It would seem that, according to Maimonides' Aristotelian conception of the nature of man, physical resurrection is unnecessary or even deleterious to man's intellect and relationship to God.⁴ This problem may have expressed itself in the lack of mention of resurrection in the *Yad Haḥazakah*, *Teshuva*, 8-10, where eschatology and the eternity of the soul is discussed. In the *Letter on Resurrection* Maimonides reaffirmed his belief in corporeal resurrection, but the *Yad* was already public domain by that time, and confusion in regard to this matter greatly contributed to the Maimonidean Controversy.

There exists, in my mind, a close affinity between Maimonides and Ibn Ezra, not philosophically so much as methodologically. There is a certain willingness to investigate and to see "things in themselves" which these men shared and which becomes evident when they are compared with others of their epoch. Some have seen Ibn Ezra's *Yesod Mora* influencing Maimonides, and, in a letter attributed to Maimonides,⁵ he instructs his son to cherish the works of Ibn Ezra and to study his commentaries exclusively. Regardless of whether or not direct influence can be demonstrated, Maimonides serves, at least in regard to our problem, as a model in organizing those texts of Ibn Ezra which bear upon the problem. First we shall detail Ibn Ezra's conception of the purpose of life and the future of the soul. Then we will consider those passages where Ibn Ezra deals directly with the question of resurrection, dis-

tinguishing between those places where Ibn Ezra rejects an eschatological explanation on exegetical grounds, and those places where his own philosophy shines through. Finally, we will suggest a resolution of seeming contradictions based on the Maimonidean and Saadianic resolutions of the eschatological question.

According to Ibn Ezra, the soul of man consists of three parts: *nefesh*, the nutritive faculty; *ruah*, the sensory faculty; and *neshamah*, the rational faculty.⁶ We find in Ibn Ezra's writings two contradictory ideas regarding the relationship between these three aspects of the soul. In his commentary on Psalms 49:16 he writes:

I have already noted in this book that *nefesh*, *neshamah* and *ruah* are all names for the lofty soul of man, which exists forever and does not die. And [the soul] is known by the names *nefesh* and *ruah* because it cannot be seen by the [human] eye . . .

This description seems to conflict with what we find in Ibn Ezra's *Yesod Mora*, ch. vii:

. . . and by way of true analogy I will explain that there are three powers in the life-force of man, and if you wish, you may call them by three names, *neshamah*, *ruach*, and *nefesh* . . . and this *nefesh* is part of the body, and it brings nutritive and sexual desire. And the *ruah*, whose seat is in the heart, and is the motive force of life (as opposed to the vegetative force of the *nefesh*) possessed by man and beast; it is also part of the body, and when the *ruah*, which is like the air, leaves the body, then man dies . . . and the *neshamah* is highest and its seat is in the brain . . .⁷

Here the *nefesh* and the *ruah* are spoken of as being part of man's corporeal self, the *ruah* compared to air, which is physical but cannot be sensed. These two faculties are distinct from the *neshamah*, whose origin is in the universal soul (*nishmat hakol*), and which will return to the universal soul after the death of man.⁸ The contradiction is not all that serious, however; I believe that while Ibn Ezra's own philosophy made allowances for the threefold division of the human faculties, his remarks on Ps. 49:16 reflect an attempt to

harmonize statements found in the Bible and later sources neglecting the distinction between the three terms.⁹

No matter how we resolve the difficulty, it is clear that Ibn Ezra's conception of the soul makes provision for its immortality. In the French recension of his commentary on Gen. 2:7, he states clearly that *nishmat hayyim* is so called because it is immortal.^{9a} The process of this immortality is explained in his commentary on Psalms 73:24:

The word 'taking' (*lekiha*) without an object refers to the joining of the soul of the righteous with the non-corporeal higher substances which never perish. So in regard to Hanokh [it is said], "And Hanokh walked with the Lord," that he accustomed himself to walk with the angels until he was taken by God . . .

The same thought is found in another discussion of the word "taking" in Psalms 49:16:

. . . which man shall live and not see death? Rather, the meaning of '[God] will take me' is that his soul should cleave unto the highest soul which is the soul of heaven . . .^{9b}

Ibn Ezra conceives of the world consisting of three spheres or divisions, all existing through the will of God.¹⁰ The lowest division is the sublunar corporeal world, which is changeable and subject to accidents. The middle world is occupied by the heavenly bodies, which, although they have a beginning in time, are indestructible and eternal, as they are not composed of the four elements but rather of a purer substance.¹¹ The highest world is the world of the angels, which Ibn Ezra understands as being the world of Ideals, which not only serve as models for the form of the lower worlds, but actually participate in their creation. The soul of man is said to be of the same nature as the angelic Ideals, and emanates from this higher sphere, as does a ray of light from the sun, into Man's body.^{11a}

Other Jewish Neoplatonists also saw the origin of each individual soul in the Universal Soul, and agreed that after death the soul could attain the highest world of the angels. Ibn Ezra is the only one, however, who held man's soul capable of direct

connection with the Divine.¹² This is clearly stated in his long commentary on Ex. 3:15:

. . . and if the soul acquires wisdom then it will achieve the level of the angels and receive great power from God's power which it previously received by the way of the angels' light, and then it will be linked directly with God . . .

In his allegorical explanation of the Garden of Eden narrative, a similar idea is found, this time attributed to Solomon Ibn Gabirol:

. . . and we learn from this explanation that the soul which has knowledge of God will stand united with the Throne of Glory, finding its joy in God, the Exalted and Awe-inspiring.¹³

Man achieves this noble and exalted position through the attainment of knowledge of the Divine. This is the true purpose of man's sojourn upon this earth:

. . . for the root of all the commandments is to love God with all one's soul and to cleave unto Him. And this cannot be fully accomplished if man does not consider the works of God both above and below and know His ways . . .¹⁴

Man's study of God should encompass all things, for only through knowledge of God's works can man achieve the level needed to comprehend God himself.¹⁵ This comprehension of God through His works has an almost automatic effect on the level of man's soul. Firstly, "*hokhmah laneshamah zurah*," knowledge is what gives form to the soul; this form is eternal and remains with the soul after the death of the body.¹⁶ Secondly, knowledge of the Divine is unlike knowledge of created things; it creates an iron bond between the knower and the subject of his knowledge, that is, God.¹⁷ This is the future promised to man if he keeps the commandments and turns his mind to know his Creator.

Such a view creates problems for Ibn Ezra in his consideration of physical resurrection just as problems were created for Maimonides by his views on the soul. This dif-

ficulty is noted by Friedlander, who asserts that Ibn Ezra used the term "resurrection" as an equivalent to the "World-to-Come", or the eternity of the soul in conjunction with God.¹⁸ There is no trace of *Gehinom* or of purification by *gilgul* in Ibn Ezra's writings. Rather, the soul is given its chance to develop and reach association with God, and if it doesn't, it perishes.¹⁹ Ibn Ezra used the term *tehiyyat hametim*, the resurrection of the dead, to reconcile his views with Rabbinic thought. These are serious charges which are laid against Ibn Ezra by Friedlander. Although scholars have debated whether Ibn Ezra was a great talmudic scholar, there is no doubt that he was aware of the famous rabbinic dictum: "And these have no share in the world to come: . . . he who claims that corporeal resurrection is not espoused by the Torah . . ."²⁰ We must resolve this question as to Abraham Ibn Ezra's true personal eschatology by a careful examination of his statements on the subject.

Let us begin by examining the type of text adduced by Friedlander where the conflict between Rabbinic doctrine and philosophic determination finds expression in a seeming rejection of the doctrine of physical resurrection. The most important such text is Ibn Ezra's commentary on Deut. 32:39, "See now that I, I am He, and there is no god with me, I shall slay and bring to life, I have wounded and I shall heal, and from My hand there is no saviour":

. . . and many claim, that from this verse we may derive life in the World-to-Come. Witness, that killing is followed by making alive, and so: (I Sam. 2:6) "God kills and brings to life", which is witnessed to by "[He] brings down to Sheol and raises up", i.e. that bringing to life follows death just as the descent to Sheol precedes the ascent from there. And others derive it from the verse (Gen. 9:5) "But your blood from your soul . . ."²¹ Also (Deut. 6:25) "And it should be as righteousness unto us . . ."²² that "For it is your life" (Deut. 30:20) refers to this world, "and the length of your days" refers to the next world.²³ also (Deut. 5:16) "So that it shall be good for you."²⁴ And Rabbeinu Hai of blessed memory, has said that the Torah need not mention the matter of the World-to-Come, for it was

known by tradition.²⁵ And in my opinion, the Torah was intended to be public domain, not only property of the few, and the matter of the World-to-Come cannot be understood even by one in a thousand, for it is deep. And the reward of the World-to-Come is dependent on the matter of the soul. And it [the World-to-Come] is in return for the service of the heart, and this service entails considering the works of God, for they are the ladder which enables one to ascend to the level of the Knowledge of God, which is central. And the Torah has explained to the wise²⁶ the matter of the Tree of Life, wherein is contained the power to defeat the Cherubs, and one who tastes of the Tree of Life will live forever like the Angels . . .²⁷

Ibn Ezra goes on to quote Ps. 49:16 and 73:24, discussed above.

The problem of this passage is immediate and obvious: from midrashic statements which attempt to understand certain verses as referring to corporeal resurrection, Ibn Ezra deflects the conversation to a discussion of the future of the soul with no further mention of the corporeal element. The same tendency is found in connection with Ps. 104:29, 30. The text reads:

You hide your face, they are confused; You gather their spirit and they perish; they return to the dust. You send forth Your spirit and they are created, and You renew the face of the earth.

The obvious implication is that God destroys and recreates, the word *renew* — *tehadesh* — strongly implying that *recreation* is being discussed. Ibn Ezra turns to a philosophical consideration of the factors involved:

Theologians^{27a} say that all living creatures will rise after their deaths. The Metaphysicians^{27b} say that the genera are eternal and individuals perish, and the meaning of "they are created" is others [will be created in their stead]. And he who is wise will understand the true path.

The tip-off here is that the view of the Metaphysicians happens to coincide with Ibn Ezra's own views, as we know from other sources.^{27c} It would certainly be farfetched to say that Ibn Ezra accepted the doctrine that *all* living beings rise again after death, animals as well as humans. It seems as though he rejects

the view of the Theologians who espouse corporeal resurrection.

In addition, we find many cases where Ibn Ezra rejects an interpretation involving physical resurrection, ostensibly on exegetical grounds. A striking example of this is in his commentary on Deut. 31:16 from which the Talmud derives Biblical mention of physical resurrection by playing upon a syntactical ambiguity.²⁸ God is seen as telling Moses that he will sleep with his Fathers and then arise. Ibn Ezra claims that this explanation violates any sensible reading of the verse. So in Is. 25:8, *bilah hamavet lanezah* is interpreted by the Talmud and some medieval commentators²⁹ as meaning that God will destroy death; Ibn Ezra understands the words as referring to the destruction of the nations who oppress Israel.³⁰ Similar exegetical considerations may have been followed in the commentary on Deut. 6:25, which we may quote as an example of Ibn Ezra's treatment of a midrashic explanation:

*There are those who say that from here [we may find] a hint to the reward of the *mizvot* in the World-to-Come, and according to the simple contextual meaning (*peshat*), it is the way of justice that we are obliged to do His will, for He is our Master . . .*

Since Ibn Ezra follows up the midrashic view with a statement of *peshat*, it seems that he is rejecting the midrash. This case forms an interesting parallel to Is. 26:19, where the opposite attribution is found, regarding the verse: "Thy dead shall live, my [people's] corpses shall arise, those who live in the dust shall awake and sing, for thy dew is the dew of light, and the earth shall give up its ghosts"³¹:

. . . and according to the opinion of all, this is a hint of resurrection, and there are those who say that it ("Thy dead shall live") is the opposite of "they are dead and will not live" [in the previous verse], for our masters shall die, and we who were bound like the dead, shall live.

Here the pro-resurrection view is quoted in the name of the unanimous view, whereas the non-resurrection view is attributed to a minority. This is not the only place where Ibn Ezra comes

out in support of resurrection, as we will see. What remains to be determined is whether Ibn Ezra actually meant physical resurrection when using the term *tehiyyat hametim*, or whether he only meant the eternal life of the soul, as suggested by Friedlander.

We may ask ourselves this question regarding Is. 38:18, where Hezekiah says: "For Sheol will not thank thee, death [cannot] praise thee, they that go down unto the pit cannot hope for the truth." Ibn Ezra comments:

[Sheol] refers to the body buried in Sheol . . . and many will wonder how the prophet wrote such things, as they deny the resurrection, and we may respond that the body has no power or intelligence when the soul leaves it, and why should this be thought strange? For even when the soul is connected with the body, [the body] has no understanding [by itself], so much more so in death.

Here Ibn Ezra's defense of resurrection seems to limit itself to saying that only the body in Sheol has no power to praise God. But is this in contrast to the body resurrected, or merely in contrast to the soul, which is the seat of power and intelligence?

Furthermore, the two choices offered us in Is. 55:3 are even less acceptable. Commenting on the words "listen and your souls (*nafshekhem*) shall live," Ibn Ezra offers that this refers either to the eternal life of the soul after the death of the body, or the revival of Israel brought about by the Messiah when the nation returns to the laws of Moses [var. lec. God]. Here physical resurrection is not even considered. Are we to conclude from these cases that Ibn Ezra truly rejected corporeal resurrection in favor of his conception of the soul's eternal bond with God?

I believe that the key to Ibn Ezra's eschatological vision is a selection from his commentary on Daniel 12:2, discussed by Rosin, Friedlander, and others who deal with our topic. It is most significant when understood in the context of other important passages and in light of insights gleaned from Saadia and Maimonides. The passage reads:

And many of them that sleep in the dust of the earth shall awake, some to everlasting life, and some to reproaches and everlasting abhorrence.

Ibn Ezra comments:

The Gaon [Saadiyah] said, that the meaning is that those who awaken will do so to eternal life and those who do not awaken will suffer reproach and everlasting abhorrence, as (Is. 66:24) "and they shall be an abhorrence to all flesh", and the words [abhorrence] are one and their meaning is degradation. And the Gaon says that "many" [who shall awake] are really the minority . . . and the explanation according to my understanding is that the righteous who die in exile will live at the advent of the redeemer, for it is said about them: (Is. 65:22) "as the days of a tree are the days of my people", and then they will enjoy Leviathan, Ziz, and Behemoth. Thereupon they will die a second time, and will live in the resurrection of the dead in that they are in the World-to-Come, where they do not eat or drink, only reveling in the splendor of the Shekhinah.^{31a} And I say that this is the explanation of "and you will rest and then arise to your destiny at the end of days" with which the book [of Daniel] concludes. And Rabbi Yehoshua says that "them that sleep in the dust" is symbolic of Israel, who are as the dead³² while in exile. And the redeemer will come to improve the lot of the righteous of Israel and to cause suffering for the sinners [of Israel]. And the wise will understand the correct approach between the two explanations, and the words of the Sages support the Gaon, of blessed memory.

The eschatological process described here seems to be uniquely Ibn Ezra's. He differs from Saadiyah most notably in positing that the righteous will die after their first resurrection,^{32a} whereas Saadiyah maintains that the righteous who are resurrected will be miraculously transported to the new heavens and earth which will serve as the location of the retribution.³³ Ibn Ezra also poses an alternative to the Maimonidean system in that he sees the first resurrection occurring during the days of the Messiah, "at the advent of the redeemer", where Maimonides maintains that there will be no supernatural events during the days of the Messiah.³⁴ Ibn Ezra may also differ from Saadiyah in regard to the future of the soul. Saadi-

claims that all souls are eternal, and that the souls of the wicked will suffer eternal punishment at the hands of the same luminous body which will furnish pleasurable reward for the righteous.³⁵ Ibn Ezra explains in his commentary on Psalms 1:6, that the souls of the wicked will perish. This difference becomes slightly less coherent when seen in the light of views quoted by Ibn Ezra in his commentary on Isaiah 66:24. The verse reads:

And they will go and look upon the corpses of the men who have sinned against Me, that their worms will not die and their fire shall not be extinguished and they will be an abhorrence to all flesh.

Ibn Ezra comments:

[they will go] in the vicinity of Jerusalem for there the Tofet is located. And from this verse all the Sages have learned that there will be a day of judgement in Jerusalem. And many have said that "and their fire shall not be extinguished" is a hint to the soul, that when it is separated from the body, if it was not worthy to ascend to [the sphere of] the angels, it will descend to the sphere of fire. And the Ancients have said that this [verse] is after the resurrection of the dead, and their proof is that Daniel said in regard to the wicked that after they arise then they shall be for an eternal abhorrence, and all they said is true.

This statement leads us to understand that the destruction of the souls of the wicked mentioned in Ps. 1:6 is not a one-time act, but rather a process akin to the "descent to the sphere of fire" mentioned here. Ibn Ezra's view turns out to be similar to Saadiyah's, after all.

We see from this passage, though, that Ibn Ezra introduces another aspect in which he does differ from Saadiyah. Although we might have thought that Ibn Ezra accepts the statement of Saadiyah, quoted in Ibn Ezra's commentary on Dan. 12:2, that only the righteous will enjoy resurrection, here we see that he accepts the view of the Ancients that the wicked will arise as well. The judgement alluded to here may be identical with the judgement described in the commentary on Eccl. 3:7:

After I wondered how it could be that this (that in the place of justice there was evil) is the work of God, I realized that the good and evil will be judged by God. *And the meaning of "there" is a hint to the World-to-Come . . . a hint to the place of burial. And when man returns to the earth from which he was taken, then this [judgement] will take place as well.*

This passage complements the description of the enjoyment of Leviathan, Ziz, and Behemoth mentioned in Daniel 12:2. There will be a Resurrection of the Dead, followed by a judgement in Jerusalem, after which the wicked will be an abhorrence; after their deaths, their bodies will be objects of derision and their souls will be destroyed with the all-consuming flame of the sphere of fire. Not so the righteous, whose souls will ascend to the sphere of angels after their second death.

In connecting the reward of the righteous with Is. 66:24, Ibn Ezra helps us understand why the souls of the righteous will be resurrected in a corporeal body: to look upon the punishment of the wicked, which is a glorification of God, as is obvious from the context of the passage. Additionally, the Day of Judgement held in Jerusalem after the Resurrection brings to mind a famous Rabbinic passage of which Ibn Ezra was probably aware:

Antoninus once said to Rabbi [Yehuda Hanasi]: The body and soul can exempt themselves from judgement. How? The body may claim: The soul did all the sinning, for from the day that it left me, I lie like a dead stone in the grave. And the soul may claim: The body did all the sinning, for from the day that I left it, I fly around the sky like a bird. [Rabbi] answered: "I will make you an analogy. To what is this similar? To a king of flesh and blood who owned a beautiful garden, which contained beautiful fruit trees. He hired two guards, one lame and the other blind. Said the lame watchman to the blind one: I see fine fruit in the garden; come and carry me, and we will go and get them and eat them. Whereupon the lame watchman rode upon the blind one and they fetched the fruit and ate it. After a while the owner of the garden came and asked for his fruit. The lame one said: Have I feet to walk? And the blind one said: Have I eyes to see? What did the owner do? He sat the lame watchman atop the blind one

and judged them as one. So the Holy One, blessed be He, will bring the soul and fling it into the body, and judge them together.³⁶

The body and soul must be reunited in order to insure a righteous judgement for mankind. And so this need for a just judgement necessitates a resurrection. The twofold eschatological process, *Tehiyyat Hametim*, the resurrection of the dead, and *Olam Haba*, the World-to-Come, used by Maimonides and Saadiah to reconcile faith and reason, also functioned in Ibn Ezra's system, different as it was, used in certain philosophical premises.

One last point needs explanation. In the commentary on Dan. 12:2, Ibn Ezra mentions that the righteous who die in exile will live again at the advent of the redeemer. Surely he did not mean to exclude the righteous who die in the Land of Israel! Or did he?

In this possibly unconscious slip of the pen we can gain a glimpse of the inner workings of the mind of our great wanderer, who travelled to many countries but might never have set foot in the Land of Israel.³⁷ His love for the Holy Land is evident from his poetry and commentaries, and I do not doubt for a moment that he constantly joined his friend and contemporary Rabbi Yehudah Halevi in asking: "Zion, will you not ask about the welfare of your captives? For they inquire constantly for your welfare; they are the remainder of thy flock."

NOTES

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1. For a description of Ibn Ezra's travels and sufferings, see Yisrael Levin, *Abraham Ibn Ezra Hayyav Ve'Shirato* (Tel Aviv, Hakibbutz Hamemcha 1969), M. Friedlander, ed., *The Commentary of Ibn Ezra on*

- Isaiah, V. 1 p. ix-xxvii; David Kahane (Kohn) *Kovez Hokhmat HaRave* (Warsaw, Aḥiasaf, 1894) V. 2, part 2, p. 3-66.
2. S. Pines, trans., M. Maimonides, *The Guide For The Perplexed* (University of Chicago, 1963), p. 91.
 3. *Ibid.* p. 512.
 4. *Encyclopedia Judaica*, s.v. "Maimonides, Moses"; by Arthur Hyman; Joseph Sarachek, *Faith and Reason*, (N.Y., 1935), p. 39-46.
 5. Most recently by L.D. Stitskin in his *Letters of Maimonides*, (N.Y., Y.U. Press, 1977), p. 137-158.
 6. Isaac Husik, *A History of Medieval Jewish Philosophy*, (Phila., J.P.S., 1946), p. 192; Shimon Bernfeld, "Abraham Ibn Ezra" *HeAsif* 6 (1894) ed. Jerusalem 1956, p. 11.
 7. cf. his commentary on Ps. 22:22: "The soul of every man is called lonely because it is separated, during its union with the human body, from the universal soul, into which it is again received when it departs from its earthly companion"; compare M. Friedlander, *Essays on the Writings of Abraham Ibn Ezra*, (London, Society of Hebrew Literature 1877), p. 28-29.
 9. See also a similar statement made in his commentary on Eccl. 3:21: "The three terms *nefesh*, *ruah* and *neshamah* are synonymous and signify the lofty soul of man which exists forever and is immortal." I believe my explanation is supported by the French recension of Ibn Ezra's commentary on Gen. 2:7, expository section (*perush*) found in M. Friedlander, *Essays*, Hebrew Appendix, p. 36.
 - 9a. *ibid.* p. 35.
 - 9b. What is meant by the *neshamah elyonah*, the "Highest Soul", the "Soul of Heaven"? See Psalms 36:10: "For with You is the source of life; in Your light we see light." Ibn Ezra explains there that the "source of life" is the "Highest Soul", which is immortal. Thus we might posit that it is equivalent with God Himself. However, compare this with Psalm 150:6 where *Kol Haneshamah* ("every soul") is explained by Ibn Ezra, following Ibn Gabirol (Rabbi Shlomo the Spaniard), as the "Highest Soul" which is in Heaven. Since the verse has this "Highest Soul" giving praise to God, it is clear that the identification cannot be made. Rather, "Highest Soul" must be understood as referring to the sphere of Ideals which are messengers of God. In his long commentary to Exodus 3:15 (Weiser, v. 2, p. 34), Ibn Ezra explains that if man achieves knowledge of God, then his soul can become part of the heavenly system — *umekabelet koah elyon lefi ma'arehet hamesharta* — receiving direct sustenance from God as one of the other angels. In his commentary on Ps. 73:24, Ibn Ezra explains *va'ahar kavod tikahen* as meaning that man's soul becomes like an angel, the word *kavod* also being found in the long commentary on Exodus 3:15: *v'kol zeh ha'olam kavod*, the world of the angels is "honor" for God; compare

- Friedlander, *Essays*, p. 15. This doesn't affect our claim (to follow) that Ibn Ezra posited a direct link between man's soul and God after death; we just see that this direct link occurs when man becomes part of the angelic system.
10. Long Commentary on Ex. 3:15, ed. Weiser, (Jerusalem, Mosad Harav Kook, 1976) v. 2, p. 32; on Ex. 33:21, ed. Weiser, v. 2, p. 217-218; Friedlander, *Essays*, p. 13 n.2.
 11. Commentary on Ps. 148:6: "... they never change, for they aren't made up of the four elements..."
 - 11a. Commentary on Dan. 2:11; Introduction to Ecclesiastes.
 12. S. Bernfeld, "Abraham Ibn Ezra"; Julius Guttmann, *Philosophies of Judaism*, tr. David W. Silverman (Phila., JPS, 1964), p. 119.
 13. French Recension of Ibn Ezra's commentary on Genesis; on Gen. 3:21, expository section (*perush*); from M. Friedlander, *Essays*, Hebrew Appendix, p. 40-41. The "Throne of Glory" is Ibn Ezra's appellation for the highest spheres; see *Essays*, p. 13 n. 2.
 14. Long Commentary on Ex. 31:18, ed. Weiser v. 2 p. 203.
 15. *Yesod Mora*, 1, ed. Jerusalem, p. 1-4.
 16. Introduction to the commentary on Kohelet; Introduction to *Yesod Mora*.
 17. *Shorter Commentary to Exodus*, ed. J.L. Fleischer, (Menorah, Vienna, 1926) in Ex. 33:12, p. 312-313.
 18. Friedlander, *Essays*, p. 100-101.
 19. Commentary on Psalms 1:6.
 20. *Mishna Sanhedrin* X, 1.
 21. Explained by some as referring to a warning that a person can be held accountable for suicide, which requires life after death; see Weiser, v. 3, p. 318 n. 273.
 22. *ibid.* n. 274.
 23. *ibid.* n. 275; Pseudo-Jonathan on the verse; B.T. *Kid.* 40a.
 24. *ibid.* n. 276. All the aforementioned verses find midrashic interpretations connected with the World-to-Come.
 25. *ha'atakah*, a derivative of Arabic used often in this sense by Saadia.
 26. *maskil*, used by Ibn Ezra to denote one who has more than a surface appreciation of Torah; one who is initiated into psychology, astronomy, philosophy, etc.
 27. In light of our earlier exposition, these phrases take on added meaning; see Weiser nn. 278-283 who seems to miss most of the points. "Defeating the cherubs" is that the wise men who have knowledge of God are able to escape the fate decreed for them by the stars which are controlled by the highest world; compare the sources listed in n. 13 above, and Friedlander, *Essays*, p. 30-31, n. 2. "Living forever like the Angels" is the eternal life discussed above; see n. 9b above for a complete description.

- 27a. For *anshei mehkar* = theologians see D. Rosin, MGWJ 43 (1899) p. 31 n. 1.
- 27b. Following the definition of Ben-Yehuda, who cites this as one of the references.
- 27c. Friedlander, *Essays*, p. 14.
28. B.T. *Sanhedrin* 90b; B.T. *Yoma* 52a, b.
29. B.T. *Sanh.* 91b; Rashi and Radak on the verse.
30. I follow the explanation of Friedlander in his translation of Ibn Ezra's commentary on Isaiah, v. 1, p. 115, n. 12.
31. The use of "light" in the verse is particularly significant for Ibn Ezra's eschatology. In his commentary on Ps. 36:10 he explains that "light" is a synonym for the reward of the World-to-Come, chosen because: 1) light is the most honorable thing in the world; 2) because light is the only visible thing in the world that is not material. In the commentary on Ps. 49:20 we find the attribution of the identification of "light" or "the great light" with the world-to-come to "Ben Gurion". On whether "Ben Gurion" is Josephus or Yossipon, see Weiser, v. 1, introduction p. 63.
- 31a. The same thought is found in the commentary on Is. 65:17.
32. I correct dead, *metim*, for houses, *batim*, which makes no sense in this context.
- 32a. A contention echoed in the commentary on Is. 65:18.
33. Saadiah Gaon, *The Book of Beliefs and Opinions*, (Leningrad version) tr. Samuel Rosenblatt (Yale, New Haven, 1948) p. 264 ff.
34. Introduction to *Helek*; *Yad*, Kings, xii, 1-2. Note the similarity between Maimonides and the view of R. Yehoshua quoted in Ibn Ezra.
35. *Beliefs and Opinions*, IX, 5 ed. Rosenblatt p. 336-341.
36. B.T. *Sanhedrin* 91a-b.
37. J.L. Fleischer, "Was R. Abraham Ibn Ezra Buried in Israel or Not?", *Luah Yerushalayim* 8 (1947) p. 171-184.

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ORTHODOX JUDAISM AND THE HOLOCAUST

I

ORTHODOX THEOLOGY AND THE HOLOCAUST

It is now thirty-five years after the death camps. While the masses of Orthodox Jews — like all committed Jews — have been profoundly affected by the event of the Holocaust, the mainstream of halachic *psak* and Orthodox thinking still gives little sign of adequate response to this catastrophe.

Elsewhere (in an as yet unpublished collection of essays on the Holocaust, edited by Prof. Ruth Zerner), I have traced the detailed history of Orthodox response to the Holocaust. One of the two main positions taken has been upholding the tradition exactly as it is and affirming the classic *mipnei hata'einu*, "we were punished for our sins" thesis, to account for the Holocaust. It is probably fair to say that this viewpoint has gotten the widest dissemination in the Orthodox community. From Rabbi Simcha Elberg in 1946 to Rabbi Yitzchak Hutner in 1978 (and including such scholars as Rabbi Eliyahu Dessler z"l, the Satmar Rebbe and Rabbi Jacob Weinberg), holding this viewpoint correlates strongly with the reaffirmation of a "withdrawn" or "sectarian" Orthodoxy. This view is highly critical of assimilating (or even just modernizing) Jews and sees them as responsible for or, in a major way, bankrupted by the Holocaust. The implications drawn are that withdrawal and self-purification are the highest-priority items of Orthodox

strategy. Typically, in their resolutions of halachic problems, such leaders are less sympathetic to the needs and concerns of non-Orthodox Jews.

The alternative has been to seek other models of the Israel/Divine relationship. From Yeshayahu Aviad-Wolfsberg (1946), who explored the model of Israel as the *Eved Hashem*, the suffering servant of God who suffers *innocently* because of the sins of the world, to Rabbi Eliezer Berkovits (1973), who openly repudiates the punishment theory and focuses on *hester panim* (the hiding of the Face) and on the Jewish role as witness, this viewpoint is closely correlated with religious Zionism and some affirmation of modernity. Perhaps the most notable exponent of this viewpoint is Rabbi Joseph B. Soloveitchik in his classic essay *Kol Dodi Dofek* (first presented in April 1956 and republished in S. Federbusch, *Torah Umelukhah* (Morya, N.Y. 1961). Rabbi Soloveitchik steadfastly declines to identify the Holocaust with the fact of Jewish sins. Rather he explores the torment and mystery of innocent suffering, rejects the possibility of an explanation for it, and calls for actions to convert these sufferings inflicted by Jewish fate into some purposeful destiny. The primary response is to build Eretz Yisrael (pp. 25-26) and to reach out to non-observant Jews out of a sense of common fate, suffering and responsibility. He calls on Orthodox Jews to blame their own sins of omission or commission for the others' failings. The other major and seminal response to the Holocaust that Rabbi Soloveitchik presents in that essay is that the creation of the State of Israel is the reappearance of the divine "in the night of *absolute* hiddenness of face" (my italics). Israel is the knock on the door of history from our Lover (God), the knock which gives the loved one the ability to go on and not to surrender to despair or deny her Beloved (see Shir haShirim, ch. 5). There is a strong implication that without the knock on the door, she might have yielded or denied her Lover (*Kol Dodi*, pp. 20-21).

Rabbi Soloveitchik's words have had a profound and continuing impact on me since I first encountered them in the early

1960's. Rabbi Soloveitchik's essay itself is complex; indeed, it is dialectical. He uses language like "absolute *hester panim*" (*hester panim muhlat*). In the same paragraph, he quotes both Habakkuk's classic protest against God's 'indifference' in allowing the righteous to be tormented by the triumphant wicked (Habakkuk 1, v. 2-4) and the affirmation of "The Rock whose working is perfect" (Deuteronomy 32:4). He strikingly rejects explanations, insisting, "We cannot know," rather than giving the standard answer, "We do know" (i.e. we were punished for our sins). In particular, however, one is struck by his insistence that this is a decisive moment of "suffering unparalleled in the history of exilic millenia" (p. 18) and a moment of revelation (pp. 21-25). He makes clear that the correct response is not to withdraw but to reach out to non-Orthodox Jews (pp. 18-20, 25-27, 28 ff.), and he complains of "*haḥmazat hash'a'ah*" (lit. waiting too long so the matzoh ferments and becomes chametz) i.e. missing an historic, even messianic, moment.

It might be a reasonable summary of my views on the implications of the Holocaust to say that I believe Orthodoxy must go much further with the thoughts set in motion by Rabbi Soloveitchik. Specifically, it must apply these principles to our understanding of Jewish history, our theology of God and Israel, and our halachic decisions, as well as our community strategy. I shall do so below in outline form.

The Problematic of the Holocaust

To confront the Holocaust is extraordinarily painful and threatening to faith as well as to the status quo. Understandably then, there has been a great deal of reluctance, and even outright evasion, in dealing with the issue. In the past decade and a half, in the pages of *Tradition*, the leading Orthodox journal of thought, the treatment of the issue has focused on religious testimony expressed in such topics as *Kiddush haShem* in Hassidic thought and Hillel Zeitlin's behavior in Warsaw. The gist of these articles is the adequacy of religious categories and the faith of the victims during the Holocaust. In this decade, two philosophical articles touched on the

problematics. One was Byron Sherwin's argument on "The Impotence of Explanation and the European Holocaust," which concluded that since explanation is impossible, what is needed is *teshuvah* and human contrition. The other was Marvin Fox's review of Eliezer Berkovits' book. While respectful, Fox was critical of Berkovits' reformulation of God's role in history and even complained that Berkovits did not do justice to miracle. In short, to read *Tradition* is to feel that despite its regrettable suffering and losses, Orthodoxy and its theology as conventionally understood are fully adequate to the challenge of the Holocaust. And if *Tradition*, which is the "avant-garde" of Orthodox thinking, feels this way, what shall we expect from the *Jewish Observer*? There we read ringing affirmations of faith untouched; proofs that Rabbi Elchanan Wasserman and others knew all along that it was coming, due to the sins of modernization; and so on. In the October 1978 *Observer*, in Rabbi Hutner's major statement on the Holocaust, we get something close to the charge that the spread of Holocaust studies is part of the (Israeli) State's plan to reawaken interest in the Holocaust so that it will regain the sympathy it has lost since the 1950's.

The first serious exposition of the full problematic of the Holocaust for traditional Jewish theology in the pages of *Tradition* has now appeared in the form of a pretty biting critique of my views by Michael Wyschogrod. Wyschogrod argues that the Holocaust must not be given theological weight, because it will drive you mad and because "*Inserted at the heart of Judaism the holocaust will necessarily destroy Judaism*" (italics are Wyschogrod's). This is a prescription of theological irrelevance for the Holocaust.

Not that Wyschogrod's article is all bad. In 1974, at a conference with Hakibbutz HaDati, his main response to my views was that I should not be listened to because . . . dropping a dark hint that I was perilously close to really being a "denier." Apparently my standing has improved since then, for in this *Tradition* article he says I should not be listened to because . . . dropping a hint that I am really a believer. Still, I fear that

Wyschogrod's article will encourage the views of those who call upon Orthodoxy to do business as usual after the Holocaust. I believe this would be a serious mistake in strategy and one based on an overly limited conception of the theological models and halachic action precedents of Jewish tradition and history.

II

CRITIQUE AND RESPONSE:
DIALECTICAL MODELS

Wyschogrod offers three main arguments against my dialectical theological response to the Holocaust. The first is: Either we accept Rubenstein's views that we can no longer speak of God as a redeeming God; OR the other option is "*to pretend that nothing has happened*" (italics supplied).

I reject Rubenstein's "solution" because I still have faith in our covenantal Partner; because it allows the deification of man, thus leading to idolatry and holocaust; and because it 'solves' the problem of the Holocaust. Rubenstein's views also fail to confront the religious implications of the incredible hidden redemption of our times, the rebirth of the State of Israel. But I also reject Wyschogrod's pretense that nothing happened. Our faith is in history, and the Torah was given to human beings to live out and realize in real life. (Many Christians checked Christianity out of history because they could not tolerate the tension of redemption with its promise and fulfillment and the unredeemed cruelty of history). Our Torah and our tradition show that it is possible and necessary to confront tragedy and let it impact our faith and practice. That is how our faith has retained its integrity; this confrontation is what stimulated new development and renewal of life and faith throughout our history.

Wyschogrod's alternative of business as usual can only be justified by *mipnei hata'einu*. In his article, Wyschogrod understandably omits that fact, but orally and in other writings he has made clear his willingness to endorse this view in order to

"save" Jewish faith. But since Yiddishkeit is built on *vehalakhta bidrakhav*, to walk in God's ways — *imitatio Dei* — this model has bad theological and halachic consequences. In fact, there are at least four alternate models of the Divine-human relationship in the classic tradition. All are based on taking both the redemption and the denial in the catastrophe seriously. I consider them far superior religious strategies for Orthodoxy.

Model 1: *Job*. Protest the innocence of the victim, do not accept justification of the ways of the Lord, and insist that the innocent suffering sows doubt and denial. Be renewed only by a new encounter with the Lord in the whirlwind. This does not resolve the questions, but only gives enough strength to go on, thanks to the renewal of encounter. (This is in fact Rabbi Soloveitchik's response in *Kol Dodi Dofek*).

Using this model is not a mere verbal sleight of hand. To take this route in the encounter with the Holocaust is to expect and therefore to be open to a new encounter with the divine. This encounter is present in the rebirth of Israel. The failure to confront the Holocaust adequately has led to a consistent failure to appreciate the religious normativeness of reborn Israel. This has led to a constant series of clashes, carping criticism and antagonisms to the State (for not being formally halachic enough — as if this was the measure of its religious significance). This has led to frequent halachic rulings against the State's best interests. Thus theological failure has led to a halachic missing of the mark.

Model 2: *The Suffering Servant*. The servant suffers because of the evils of the world which are visited on his/her head. Such a model makes clear that after the Holocaust the correct response is not to justify God, but to challenge the world's evils and sins. Furthermore, this model implies that God allows human freedom and will not prevent the assault on the servant. I believe the *reductio ad absurdum* of the servant's suffering in the Holocaust — because the torment breaks the spirit and nobility of too many servants — leads us to recognize that martyrdom and suffering are not to be tolerated anymore.

that the tradition of *Kiddush HaShem* (meaning going voluntarily to death for Yiddishkeit's sake) is no longer adequate. This implies the post-Holocaust necessity for the servant to take up arms to stop the assault. Yet Wyschogrod dismisses my call to redistribute power to Jews as a lesson of the Holocaust.

Rabbi Menachem Ziemba z"l saw this new dimension before his death in Warsaw in 1943 and specifically insisted that *Kiddush HaShem* must change in its nature from the Middle Ages (when it was martyrdom) to fighting and resisting deportation in the 20th century (see H.J. Zimels, *The Echo of the Nazi Holocaust in Rabbinic Literature*). Instead of learning this lesson, the traditionalist position has become more deaf to history, more denying that there are different ways the same *mizvah* should be applied in different times, more "timeless" and denying of growth in the tradition. Moreover, there has been a continual denial of obligation to serve in the army (leaving the *yeshivot hesder* as a minority instead of the dominant view they should represent) and a fierce and growing resistance to women's obligations to serve in the army or national service, instead of a search for ways to enable them to serve without losing their religious or moral health.

Model 3: *The Lamentations Model* (see my explanation of chapter 3 of Eikhah in Fleischner, ed., *Auschwitz*, pp. 39-41). This model implies the controversy with God, the willingness to justify Jews and "criticize" the *Ribbono Shel Olam*. This is the opposite of the direction of Orthodoxy in the past decade. It means recognizing that the Jewish people responded to abandonment in the Holocaust by becoming *more committed* afterward to Torah, to Jewish survival, to re-creation of life. Since taking up Jewish existence means, consciously or unconsciously, taking up potential martyrdom and worse, and means carrying the testimony of the Jewish people (to God, to redemption, etc.), this is an extraordinary and noble response. Instead of carping at other Jews' failures and writing them off, one should reach out for the sake of the Jewish people's unity. One should "justify" its departures from tradition, i.e. one should ask which "departures" are morally valid and can and

should be incorporated into the Halacha if we apply it properly. Surely there are examples in such areas as parent-child relations, men-women relations, women, Gentiles, theology of prayer, and a host of others. And when the departures are wrong — and there are many such places — proper understanding calls for affirming the dignity and validity of the other Jews notwithstanding, where they have taken up the risk and burden of continuing Jewish living and the rebuilding of the State and the people.

To do all this, we have to challenge the tradition to live up to its own best principles — even as Abraham did not hesitate to challenge God to live up to the divine principles. This is the opposite of saying the new moral challenges are wrong or that we have no authority to act on them. (The latter is the excuse of last resort, used to justify not responding to the Holocaust and Israel on a halachic basis). In short, if we want to truly imitate God, we should remember that God's *tefillin* carry the message: "Who is like your people, Israel, a singular people on the Earth." And that should be applied to all Jews, not just the few who agree with us completely.

Model 4: *Hester Panim*. The model of the hiddenness of God suggests that we should give the theological benefit of the doubt to "secularists," and that a Yeshiva education should seek to show the divine in the hidden, in the natural, and should respect doubt and questions. It is a time to pray out of longing, not out of a false certitude. It suggests that we should suppress the sacramental/"pietistic" approach which sees the death of Israeli children at Maalot as punishment for *mezuzot* which are *pasul*.

Full human co-responsibility for Jewish fate is implied in this approach. This means, as Rabbi Soloveitchik has already suggested, that one must judge Israel's holding onto land as a security question. One may not rule that holding all the land is halachically necessary in principle and that God will take care of the political/military problems posed by that view.

These are only the headings of what is implied by taking up a dialectical theological position. And if I have only given

rashei perakim as to what is possible, it is because (a) I believe more is possible with this position than I can yet imagine and (b) I am content if the final conclusion is that *no* rethinking or shift in halachic practice and strategy is called for — as long as this conclusion comes out of full confrontation with these claims and needs. To ask for "guarantees" in advance of this exploration is to fail to respond in faith to the incredible events of our time. It can best be compared to people who cross the Red Sea and say they will not go to Sinai until they are given advance indication of exactly where all this is leading them.

All four of the above models are dialectical (the second is the least so). They incorporate doubt, controversy with God, troubled periods and questioning even as they cling to hope. They do not "pretend that nothing has happened". They recognize that in the admission of the problem comes the opening up to new encounters and new applications. We miss these opportunities if we insist that nothing has happened. In the classic Jewish view, times of great destruction are times of messianic possibilities and expectations of new divine encounters. But to need or want such experiences, one must be shaken by the events and feel a need to get new insights and further direction.

Faith and Action

Wyschogrod's second criticism of my views is that one cannot live dialectically. One cannot be a part-time believer or a part-time observer of *mizvot*. "Human beings cannot escape choice." Here he confuses action with faith. It is truly biblical to recognize that faith is not a simple datum; it is *testimony*. Given the facts of oppression, slavery, catastrophe, but given the fact of Exodus, the Jews testify that there is a God who cares, who will redeem. This is not certitude; this is witness. "You are my witnesses," says the Lord, "and I am God" (Isaiah 43:12). "If you are my witnesses then I am God; if you are not my witnesses then I am, *kivyachol*, not God" (*Yalkut Shimoni*, Part 1, Section 271).

The Torah makes this clear. When people saw the Exodus

with their own eyes, then "the people feared God. They believed in God" (Exodus 14:31). When Amalek wins, then God's throne is not complete (see Exodus 17:16, and commentaries). Even the patriarchs who lived by God's promise did not really *know* God's name because they had not yet experienced the actual redemption (cf. Rashi and Commentaries on Exodus 6, v. 3). This is why we must defeat evil and bring the Messiah. To follow Wyschogrod's logic, there would be no need for redemption from slavery or oppression — our faith "can pretend that nothing has happened." I believe rather that in the interim, we can honestly admit the evidence conflicting to our faith while acting continually on the basis of our hope for and commitment to redemption.

How do the people of Israel testify? *By their actions*. By reenacting Exodus in Passover and Shabbat, and by remembering it every day; by treating the widow and orphan with compassion, by letting the slave go free, by loving the *ger* (outsider). And these actions bring closer the moment when the gap between promise and reality, between God's presence and God's promise, is overcome. We act this way full-time (or as much as we can) not because our dialectical theology is mistaken, but because we thereby testify to hope and to faith even when there can be no faith. With our actions, we make our affirmations, even when the flames and cries of the children blot them out.

The value of this model is that it points to silence and to action as the primary religious areas. The premium on *bein adam lamakom* in Orthodoxy is wrong, notwithstanding the logic that "the others" give primacy to ethics so we must protect our portion. That abusers of the aged, cheaters of the government, and all too many other violators of *bein adam la-havero* can go on for years representing themselves as Orthodox leaders — and that the community is still reluctant to turn such people in — shows the persistent moral/religious distortion that comes from not confronting the Holocaust. We instinctively feel closer to the "observant" Jew who is unethical

than to the "secularist" who is ethical; this is the measure of our failure . . .

Precisely because the Holocaust is countertestimony to all that Judaism affirms, the urgency of renewal and intensified testimony becomes overwhelming. This testimony is in the outburst of life by the Jewish people after the war, even as it is in the renewal of Torah and *mizvot*. This testimony is the reestablishment of the covenant-sign — possession of the land of Israel. Precisely because faith testimony is barely heard in the presence of the cries and shrieks of the 6,000,000 victims, anything within the tradition (or life itself) that is countertestimony becomes insufferable. Therefore, all those elements in the tradition that degrade the image of God of others must be reviewed, challenged and perfected.

When women are the victims of an extortion process in divorce due to the need for the husband to grant the divorce, then the answer is not to rationalize that every legal system has unfortunate side effects or that we try our best. The right response to it is to take halachic steps — extraordinary ones, if necessary — to end this inequity to women. Yet when Eliezer Berkovits gives a halachically sound way to overcome this disability, and Rav Yechiel Yaakov Weinberg z"l gives it his *haskamah*, Rav Weinberg is (literally) forced to subsequently dilute his *haskamah* and Berkovits' learning is dismissed or ignored.

When Rambam writes that the Sages commanded that a man not teach his daughter Torah because "women's minds are not directed (suited) to be taught but they rather turn the words of the Torah into trivial words because of the poverty of their minds" (*Hilkhot Talmud Torah*, 1:13), the correct response is not apologetics or cynical rhetoric about women being on a pedestal in Jewish tradition (cynical because it assumes the reader will not know the full textual language of the halachot which often shows the opposite), or that women are excused to take care of their children, but rather a willingness to make distinctions of time and place and to explore the fullness of women's capabilities as images of God. Yet towards the de-

mands for full dignity for women we can see building up in Orthodoxy a repeat of the response to modernization: total denial, siezing upon errors to deny valid insights, denunciations and claims that we have no authority to do anything. In the past, the authentic response to catastrophe was renewal and upgrading of the dignity of the image of God. Thus, again, failure to take the Holocaust seriously leads to the wrong direction in halachic response.

Secularity and Religion

Wyschogrod insists that the Holocaust be ignored theologically. True, he says, when the dead person has not yet been buried, it is forbidden to comfort the mourner. But, after the burial, the mourner is obligated to recite the Eighteen Benedictions with its proclamation of the redeeming God as if nothing has happened.

Here, he (and the fundamentalists) leave out the whole option that in fact our conception of God and how God relates to us is shaped by the event of destruction. Specifically, the Gemara (*Yuma* 69b) makes clear that as a result of the destruction of the Temple, Jeremiah and Daniel could no longer sing God's praise as the "mighty and awesome" God. And the *Anshei Knesset HaGedolah* who restored this praise did so by reinterpreting its inner *Kavvanah* to mean *not* the God who splits the Red Sea, but One who controls Himself and allows the wicked to go on (thereby giving human beings their freedom.) Wyschogrod is apparently still saying the *tefillah* of *Shmoneh Esreh* in its biblical meaning, whereas *hazal* clearly gave it more correct meaning for the time after the *hurban*.

In light of this, the correct question to be posed is: What is the meaning of this and other texts after the Holocaust, which is an even greater *hurban*? The parallel failure on the part of fundamentalists to appreciate that the simple existence of the people, Israel, is revelatory (of the divine and the divine promise) and therefore of the greatest religious significance reflects their failure to take theology and the *hurban* seriously. This is all the more incorrect since the Gemara makes clear that

to speak praises as if nothing changed after the *hurban* is a lie; and, adds the Gemara, since God's seal is truth, one should not lie to God (see *Yuma* 69b).

In fact, I maintain that, since actions speak louder than word, actions by "secularists" to recreate Israel, the Jewish people, etc. (since these facts in turn prove the divine presence) constitute *proof* of true faith being present in these so called *lo-dati'im*. This has halachic implications for many areas, including acceptance of converts. This clearly argues against the refusal to allow Reform Rabbis to come close and participate in a common conversion, even if they are prepared to abide by halachic practices, on the grounds that their denials disqualify them. If such attitudes to non-Orthodox Jews could be removed, there would be a real chance to have one Jewry and to overcome the problems of *gittin*, *mamzerim*, conversion, etc.

Revelation and Interpretation

Finally, Wyschogrod claims my "most serious theological error" is the claim that the Holocaust was a revelational event. He rejects this view on two counts. One is that only prophets can tell us something is revelatory. The other argument is that only saving acts are revelational.

The first claim is appalling. Bluntly stated, it is based on classically Christian views of revelation. I repeatedly call the Holocaust an "orienting event." Revelation does not merely refer to specific acts of redemption or commandments issued, but to the way that Jews are directed by God in history. The Rabbinic interpretation of these events is fully able to discern revelation. Indeed, by the same logic, the Rabbinic commandments are also introduced by the blessing "*asher kidshanu bemizvotav vezivanu*" – that God sanctified us with His commandments and commanded us . . .

Further, the nature of the covenantal community of God and Israel is such that there is continuing revelation and dialogue between God and man.

In the words of Rabbi Soloveitchik, when God falls silent (i.e. prophecy stops), the Men of the Great Assembly say "If

God has stopped calling man . . . let man call God." And "soundless revelation" takes place in the covenantal community. And in the covenantal community, "living in history means experiencing the total drama of history stretching across calendric time." (All quotations are from Rabbi J.B. Soloveitchik, "The Lonely Man of Faith"). Therefore, later events are also perceived as guides on the way. And the partnership of man and God includes the co-creation of Halacha (cf. Rabbi J.B. Soloveitchik, *Ish HaHalakhah, Talpiot* vol. 1, no. 1, 700-702). This clearly underlies the authority which the Rabbis took to interpret the meaning of the events of their time as further revelation of the way to redemption.

The Rabbis dared to say that the covenant/revelation of Sinai is now less binding than the reacceptance of that revelation/covenant in the hidden redemption of Purim (*Shabbat* 88a). Purim could have been explained as a natural event. The Talmud records the great uneasiness as to where to find Esther (Purim) in the Torah (i.e. affirm this event as Revelation). The Rabbis concluded that it is referred to in the verse "ve'anokhi haster astir"; it is referred to as the redemption of the hidden presence of God (Talmud Yerushalmi *Megillah* 1:5).

True, when we interpret such events as revelation, we see them ambiguously, hidden, subject to alternative interpretations. This is the essence of a revelation of the post-*hurban* era. Short of a final messianic redemption, an unequivocal miraculous redemption would be inappropriate. But this does not excuse us from the obligation to discern with faith and to wager on this revelation by responding to it with our living. These are some of the lessons of the Holocaust which we must learn even if they can be only partial, flawed and subject to alternative views. (See on all this my *Guide to Purim*, published by National Jewish Conference Center).

Wyschogrod objects to letting the Holocaust into the inner sanctum of Judaism; he says that "... as a revelational event comparable to Sinai, the holocaust will necessarily destroy Judaism . . ." I disagree with this claim. More important, the

Jewish people clearly showed that the Holocaust did not do so. Richard Rubenstein's and Michael Wyschogrod's views notwithstanding. Wyschogrod's key error is the analogy of Holocaust to Sinai (by implication Exodus-Sinai). The revelation of the Holocaust is comparable to the revelation in the *hurban*, the destruction of the Second Temple. It is the rebirth of Israel which is comparable to Exodus-Sinai and which must be recognized as such. In our lifetime, we are witnessing the process of fulfillment of Jeremiah's promise "Behold days are coming, says the Lord, when it will not be said 'the Lord lives!' who brought up Israel from the land of Egypt; but 'the Lord lives!' who brought up Israel from the land of the North and from the lands where He had scattered them . . ." (Jeremiah 16:14-15).

Jeremiah prophesied a redemption so powerful that it would be a revelation of God's life (as concern for the world) on a par with the Exodus. If 600,000 came out of Egypt, then, in this generation, half a million came out of Europe and 800,000 from Arab lands. From the depths of slavery and genocide in Egypt to the heights of the Red Sea and Sinai is no greater a swing in redemption than from the dehumanization and total degradation of Auschwitz to the heights of Jerusalem. True, in ancient times, God's presence was self-evident ("This is my God," they pointed, says the Midrash) and the implications of the event were spelled out for us in the Torah. But the divine presence is no less there for being hidden; and the lessons are no less binding for needing our judgement and being subject to argument. Indeed the old-time revelation is inappropriate for our time — even as the Talmud insisted that prophesy ended after the *hurban*. This revelation is no less commanding; it merely takes more effort on Israel's part and more human response for the revelation to be heard and learned. To a people that continues to live in a covenantal community, this is part of a continuous process. The failure to respond is a scandal and suggests a deep spiritual paralysis is operating in Orthodoxy. I believe that it is the ongoing effect of the trauma of modernization. Since I believe the Holocaust has shattered the tyranny of

modern categories for more and more Jews, Orthodox must free itself of this paralytic fear of modernity and respond. If it does, it will find a receptive people which it will touch at a far deeper level than it does now.

Wyschogrod's error lies in his belief that the Holocaust reveals totally destructive messages (which he believes are best ignored or denied). This is partly due to his failure to understand the role of the State of Israel in revelation. He also fails to see that since this revelation in the Holocaust must be discerned by *Klal Yisrael*, *Knesset Yisrael* filters and accepts only those norms which are appropriate to it. What it integrates is filtered by the redemptive models of the past, by the light of Israel redeemed, by what its own covenantal memory and communion can absorb. Even as Israel is an outgrowth of certain responses to the Holocaust, it is in dialectical contradiction to many of the Holocaust implications. As I wrote: "If our experience of Auschwitz symbolizes that we are cut off from God and hope, and that the covenant may be destroyed, then the experience of Jerusalem symbolizes that God's promises are faithful and His people live on." Moreover, Wyschogrod ignores the capacity for life and for redemption of this people which responds to suffering inflicted by fate with an act of will and *hesed* (redeeming love) that turns the pain into a goad for creating new life and dignity. (See Joseph B. Soloveitchik, *Kol Dodi Dofek*, pp. 17ff, 28-34).

Of course there are no guarantees in these judgements. The Satmar (and "Yeshiva world") judgement that nothing is learned (about Yiddishkeit) from the Holocaust may yet be right. Their conclusion is to build more fences to save us from dissolution and corruption. However, let it be said that at the time of the destruction of the Second Temple, the Qumran community's decision to withdraw "to create a sanctuary of purity in a land they thought to be profaned" (Jacob Neusner, *Fellowship in Judaism*, pp. 12-13) proved to be totally sterile. And the efforts of *Avelei Zion* and those Rabbis and the Sadducees who insisted that Jews should "pretend that nothing happened," i.e. go all out to rebuild the Temple, also failed ut-

terly. Had these paths been pursued by R. Yoḥanan ben Zakkai, it would have meant exhaustion and disintegration of the Jewish people and religion (see I. Greenberg, "Crossroads of Destiny," pamphlet, n.d. New York). Instead, he went forward into the unknown, risky path of living without the Temple.

We have to walk together in the next section of the road, on the Jewish way; we must learn from each other, explore together, correct each other. In this way, we can correct ourselves if and when we go off the path. But not to go at all would be dereliction of duty. It would mean we are *not* following Yoḥanan ben Zakkai's model. Yet we should.

III

HURBAN REVISITED

It is my contention that the Holocaust is a unique event of destruction — because of its scope (the almost successful killing of the entire Jewish population); its denial of any right to exist or to escape Jewish fate (even conversion was not allowed); the attempt it incorporates for man to become God totally (both by the extent of control and by killing God's people and thereby "eliminating" God as rival); by its assault on Judaism and Jewish values simultaneously with its destruction of the Jewish body (including the power of total degradation during life and after). For these reasons alone, it is inadequate to try to understand the Holocaust fully in the categories of past *hurban*. Still, this claim to uniqueness is not absolutely essential to my thesis about the implications of the Holocaust. Most fundamentalist scholars (and Wyschogrod) concede an analogy in this event to the destruction of the Second Temple. The more I reflect on this, the more I believe that they have not grasped the nature of what happened after the Destruction of the Second Temple. Even *leshitatam*, according to their own theory, there has been a colossal failure to respond to the events of our generation.

What happened in the destruction of the Second Temple? There was a crisis of faith. Had God abandoned or become indifferent to His people? *Mi kamokha ba'ilim haShem* — Who

is like you among the silent (unresponsive)? cried the Rabbis. In the words of Rabbi Soloveitchik: The Men of the Great Assembly "witnessed the bright sunny day of the prophetic community full of color and sound turning to a bleak autumnal night of dreadful silence unilluminated by the vision of God or made homely (= *heimisch*) by His voice . . ." In short, God "withdrew."

Was the covenant over? This was the conclusion of the Christian Jews who up to that point had stayed within the covenant of Israel, but who now went forth with the conviction that the message of the Destruction was that the old channel of revelation was stopped up and that they were a "New Covenant."

The Sadducees and the priesthood could only live with the Temple and they applied all their strength to its reestablishment. They could not survive without it and they gradually lost their role in Jewish life as attempts at its restoration proved futile.

Even the *Perushim*, *hazal*, were terribly torn. They too knew how to serve God primarily through the Temple. When Rabbi Yohanan and his disciple, Rabbi Joshua, saw the Temple in ruins, Rabbi Joshua cried out, "Woe to us, this place where the sins of Israel were atoned for is laid waste." *Avelei Zion* (mourners of Zion) pledged not to eat meat or drink wine (i.e. ever to be happy) or have children until the Temple was rebuilt. Enormous effort was poured into reestablishing the Temple, including the extraordinary Jewish revolts in 115 C.E. and the one led by Bar Kokhba in 132-135 C.E. Rabbi Yohanan ben Zakkai and his circle responded in the faith that neither the Jews nor Judaism were finished. The end of the road is the same: the dream of Messianic fulfillment for the entire world. Yet the destruction could not be ignored either. Their conclusion was that the Exodus remained central, but the Destruction was a revelation too. Jews were called to serve God with new understanding over the next stretch of the road to the Kingdom of God.

In an age of death and destruction, Rabbi Yohanan taught

that the fundamental religious response was to increase lovingkindness and multiply life itself. As he said to Rabbi Joshua: "Be not grieved. We have another atonement as effective as this (Temple, sacrifice). It is acts of lovingkindness." As the *Perushim* taught, every Jew could eat every meal in the same state of ritual purity as the priest in the Temple. And they followed through halachically. If the Table was like an Altar, then one should wash ritually before the meal; the knife should not be waved over the table-altar. When people eat and talk Torah, the *Shekhinah* is there. Every Jew should learn that "if we do not have the sin offering, we at least have the Torah of sin offering." The halacha was applied to every area of life in great measure.

The Rabbis had the courage to respond theologically as well. In an age when God split the Red Sea and saved the people, Israel, prophecy and a sacramental Temple was appropriate. In the age when God was hidden, prophecy was no longer operative. After the *hurban*, prophecy stopped. "A sage is superior to a prophet" — and every Jew could become a sage by study. Even a voice from Heaven could be overridden by a majority vote of Rabbis on the correct ruling. "The Torah is not in Heaven." When two prophets disagreed, one of them had to be a false prophet because God was sending a direct message. When two Rabbis disagreed, it was because the best human judgement had to now discern what is the will of God and therefore both "these and those are the words of the living God."

In an age when God was more hidden, paradoxically, the divine could be addressed in a much wider range of places, i.e. in synagogues and everywhere. The synagogue, a minor institution heretofore, emerged front and center as the more "secular" place where God could be addressed by all. God's power and awesomeness was shown in God's restraint and "non-intervention" while keeping Israel alive. The whole theme of partnership — *shuttaf bema'aseh bereshit* — emerges as a central theme in Rabbinic teaching because the covenant is

unbroken but understood anew; the Destruction reveals that the human partner must take more responsibility.

Finally, the Rabbis recognized that all the affirmations of hope and redemption will sound hollow unless they are made in full awareness of the counter-evidence of the Destruction and the Exile of His people. (Here is exactly the dialectic, "the tension generated by two opposing truths neither of which can be discarded," which Wyschogrod describes as untenable.) The Rabbis' solution was new theological understanding. This made it possible and necessary to incorporate the Destruction into the halacha even as life was renewed and the hope of redemption reaffirmed. To *Avelei Zion* they answered: "Not to mourn is impossible because the evil has come upon us, but to mourn too much is impossible . . . The community cannot exist this way." The Destruction was commemorated in four fast days. (Contrary to Wyschogrod's claim, *Tradition*, p. 76, the destruction was reenacted — in the three weeks of intensifying mourning from *Shivah Asar BeTammuz* to *Tishah Be'Av*, culminating in a 24 hour climactic retelling and reenactment of the *hurban* (see Rabbi Joseph B. Soloveitchik, *Four Yemei Iyun Themes*, especially no. 3: "Re-experiencing the Past"). In the daily prayers and on Shabbat the destruction was referred to, the sacrifices recalled, and the prayers for restoration repeated. The Destruction was brought into the prayers and home rituals — even of the holidays of redemption — to make clear that all talk of redemption takes into account the broken nature of the world. At every wedding a glass was broken; every house was left a bit unfinished; full festive meals were left incomplete. In sum, they held fast both to the Destruction and past redemption — by incorporating the Destruction into Jewish life and religion and by learning its lessons to illuminate the way of the classic paradigm from Exodus-Sinai to the Messiah-*Malkhut Shaddai* goal.

In retrospect we can see that, by their openness to the new Revelation, *hazal* saved Yiddishkeit and renewed it for millennia to come. The same courage and vision allowed Rabbi Yohanan to blow the Shofar in Yavneh on Shabbat even when he had no

justification in advance (i.e. he "lacked authority"). The same understanding gave *hazal* the strength to improve the conditions of women (with the *Ketubah*, *mishum igunah akilu bah rabbanan*, etc.); to apply the halacha in subtler, more refined ways; to explain that *ben sorer u'moreh lo hayah velo nivra*, etc. In retrospect we can see that the Destruction actually ushered in a new era — the second era of Jewish history — with new leadership, new institutions, with conditions of exile rather than sovereignty, etc. Yet this era was profoundly continuous with the biblical era because the goal and the vision and the models (halachic and theological) that guided development were the same. Yet as part of the covenantal community and way, the transformation of Jewish self-understanding led to a broadened partnership between God and Israel — one that was able to withstand almost 2,000 years of exile, powerlessness and persecution.

IV

ORTHODOX RESPONSE TODAY

By the model of the *hurban*, one can gauge the Orthodox response to the Holocaust today. The Holocaust is not to be substituted for Exodus in Yiddishkeit. Like the *hurban*, it must reorient and interpret the Jewish way.

In retrospect, one can see that the events of the Holocaust — an epoch of unparalleled destruction that dwarfs the destruction of the Temple — and of the rebirth of Israel — an event of redemption that parallels Exodus — have ushered in the third great era of Jewish history. Like the Destruction, these events are linked to a basic change in the Jewish condition, this time the shift from exile and powerlessness to sovereignty and power. If *hurban* alone or Exodus alone could set the course of Jewish history and theological self-understanding for almost two thousand years each, can there be any doubt that a massive transformation is about to take place in the unfolding millennium? And with two such powerful and magnetic events in such dialectical tension with each other, can there be any doubt

that we shall have to use all our precedents, models and wisdom to grow and respond adequately?

In the past, great destructions have unleashed great Messianic yearning and even Messianic movements — because the contradiction brings out even more the need for redemption. This shattering of the surface status quo opens up to the breakthrough, the Messianic. We should expect nothing less in an age that opens under the sign of two such momentous events. Of course, this is a Messiah who comes after the Holocaust; therefore, one must avoid easy triumphalism or sweeping claims in the name of the Messiah. A Messiah after the Holocaust is surely more limited, more partial in the steps to total redemption.

To speak of a third era after these two events is to deny the claims (dominant in the past two centuries) that the modern age is that new era, that "approach of the realization of Israel's great Messianic hope" which the 1885 Pittsburgh Platform of Reform Judaism spoke of. The idol worship of modernity has been broken in the Holocaust by the demonism and idolatry which modern culture has been shown to harbor and by the revelation and chosenness exemplified in the rebirth of Israel. The task of correcting the excessive modernization of modern Orthodox, Conservative, Reform and secular Jews is a major task of the Third era. Every concession made to modernity has to be reviewed. Where a concession violates the integrity of Judaism or reflects excessive worship of the modern it must be repealed. It is noteworthy that the crisis of modernity is felt throughout the world, not just among the Jews. This is living proof again that Israel "is the heart of the nations" (Yehuda HaLevi) and that whatever shapes or reshapes Jewish values shapes the world as well.

It is noteworthy that where Orthodoxy has responded to these events — as in the rebuilding of the great Yeshivot, the rejection of the excessive rationalism or coolness of modern categories, the reaffirmation of personal God and religious wholeness — it has prospered. This is the positive side of the "swing to the right" and withdrawal in Orthodoxy in the past

decade or two. This very success should be properly interpreted so as to give us courage to respond to the Holocaust in the ways with which we are less familiar.

On the other hand, the critique of modernity can hardly end in simple repeal or retreat from the modern. Such a strategy could only succeed by writing off 90% of the Jewish people. After the Holocaust, such a write off, even if it were right, would be wrong. Moreover, response to the Holocaust demands a new priority for *zelem E-lohim* (the Image of God) in the culture, which suggests that greater equality, uniqueness, and respect for dignity of women, Gentiles, handicapped, etc., is needed. This implies more openness, at least, to learn from certain modern claims. Total withdrawal also suggests the risks of obscurantism and monolithic culture which does not do justice to the valid achievements of technology and science, and the richness and variety of human nature and human culture. Moreover, the very creation of Israel seems to be a call to serve God in the secular, the every-day. Nor is it clear that those who withdraw can truly avoid being infiltrated by modern values, so powerful are these values and so pervasive are the media of their dissemination.

Rather, we should be looking for a post-modern position. Having worked through modernity to the other side, we can pick and choose among its values or claims, based on their consonance with our coherent Torah values. The critique of modernity in no way rules out major growth and synthesis between Torah values and post-modern values and insights. The task of separating, purging, evaluating, relating and synthesizing between the two remains to be done again. I venture to say that in light of the unity of Israel, projected by the Holocaust and Israel, all Jews will participate and learn from each other in this process. Each group will have to do *teshuvah* for its own errors and illusions. Each group will have to learn from the strengths of the others. Unless we build on the strength we have gathered by withdrawal and now reach out halachically and socially, Orthodoxy could yet become a sect, on the side, when the Jewish people confronts its destiny.

If we model on *hazal's* reaction to the destruction, the main thrust of development must be the application of halacha to daily life, to secular institutions, to the exercise of power in Israel and in the Diaspora. This way dictates new curricula and training for scholars, placing rabbis in professions instead of just geographical locations, and upgrading the laymen and their capability to cope with religio-ethical issues that come up every day in business and the professions. And if prayer is the response of *Anshei Knesset Hagedolah* to the hiddenness of God after the *hurban*, what is the equivalent response to the hiddenness of God after the *Shoah*? Is it an accident that the Federations and the government of Israel — minor institutions in the second era — have grown much stronger in these decades? Does it not suggest that "secular" areas are the frontiers of religious action and that we must learn to suffuse them with halacha and to consecrate them? Is it an accident that Agudat Israel has prospered precisely because it has learned to relate well to the opportunities offered by government funding in both the U.S. and Israel? But surely the challenge is to sanctify these institutions, not just to use them to support the existing traditional network.

We are only beginning to orient ourselves to this task. It will take reorienting of thinking, learning and participation to do the work adequately. Religious Zionists (and modern Orthodoxy to a lesser extent) have the access which enables them to play this role, insuring the influence or direct effect of religious values on policy (witness the impact of *yeshivot hesder* boys in the army). To fulfill this role, there will have to be a major renewal of modern Orthodoxy. This includes intellectual enrichment (= more learning) of its rank and file; educating to greater religious commitment and coherence (so it can mix and influence instead of mix and assimilate); and the development of norms (expressiveness, intellectual independence, ability to choose in the presence of others) closer to its actual life condition. It will need to develop *poskim* who share its social reality so they can offer adequate and viable guidelines that do not violate the ethical or social reality that

modern Orthodoxy inhabits. (The process is not one-sided; it involves changing that reality as well.)

Perhaps the classic failure of Orthodoxy, *leshitatah*, has been the failure to incorporate Israel and the Holocaust in the halachic round of life. Where are the equivalents of the three weeks, the broken glass, the days of commemoration, for the Holocaust? Where are the daily prayers and reminders of this *hurban*?

Recently there has been some call to incorporate the Holocaust commemoration into *Tishah Be'Av*. I believe this idea is too little and too late. It does not do justice to the magnitude and uniqueness of the Holocaust, which cannot be subsumed under the old destruction. This move comes when *Yom HaShoah* has begun to catch on with the masses of Jews — a tribute to the sound religious sensibility of the people. Moreover, in trying to absorb the Holocaust into *Tishah Be'Av*, it obscures the reality of Israel being reborn and the process whereby the destruction being commemorated on *Tishah Be'Av* is being overcome.

In the Torah and in *hazal*, the memory of being slaves and being *gerim* in Egypt is applied to actual ethical practices of day to day (for example: the treatment of workers. An employee can withdraw in the middle of the day (later Rabbis applied this to the right to strike) "for the people of Israel are my servants . . . whom I took out of the land of Egypt" (Leviticus 25:55): "they are my servants and not the servants of servants" — hence the right to withhold work). There is a major job to be done to apply the memories of Holocaust and Israel — halachically — to employee relations, child rearing, bioethical issues and many other areas. I believe that were this done we would have had a different mix of rulings in many areas, from autopsies to women's rights.

The same critique can be made of the failure to incorporate *Yom HaAzma'ut* into the sacred calendar and Israel into the *Tefillot*. The growth of group missions to Israel — and to Eastern Europe and the camps on the way to Israel — is a classic reprise of the *aliyah leregel* concept and of the reenactment

model. The giving of large gifts of money or the collection of Israeli handicrafts and/or food is a kind of emergent halacha of the State. Why have these been developed by secularists while Orthodoxy has fixed on the issue of Hallel with or without a *berakhah* on *Yom HaAzma'ut*? This failure is all the more glaring in the context of easy talk of *athalta digeula*, the beginning of redemption. It is hard to take talk of a Messianic moment seriously when one cannot even figure out how to make a *berakhah*. The excuse that there is no authority to act reflects a concept of the Halacha as a private club, not as a way of life for a real people that has experiences and needs with which it must deal now.

I do not wish to underestimate the enormous difficulties in responding halachically this way. Nor do I want the Halacha to change or be the plaything of every passing value. The issue is: is my analysis of the historical situation correct? If it is, then the Halacha has a goal to reach and one should have faith that a divine system has the capacity to do anything that it wants or that needs to be done. Therefore, issues should not be dismissed or attacked on the grounds of weak precedents or lack of authority.

Let the analysis be done. If it is wrong, then we do not want development in this direction. If the analysis is correct, then a way can be found as it has always been. The challenge of finding that way is enormous — but the past capacity is the best proof of future capability. Halacha has gone from a Bronze age pastoral economy and a sovereign state to medieval powerlessness, to commercial, industrial and post-industrial society and back to sovereignty again. It can cope — if the human partner does a fair share and again becomes active in its creation.

The failure to respond halachically, with halachic models, to the two great events raises a question about a kind of crippling of Orthodoxy, theologically and halachically. This paralysis is clearly a defensive reaction to the disaster of modernization and assimilation. But if these two new events are normative, they will help us override the idolatry of assimilation. Religious response will evoke positive response from other

Jews not just in this area but in the reconnection of the present Exodus with the then and now Exodus of Egypt. A self-renewal response would be a sign of recognition and of gratitude that in our lifetime, the process of revelation has been renewed. This response will require a major enrichment of our learning curriculum and of the kind of intellectual/religious challenges offered in our Yeshivas and in our training of scholars. Dare we respond routinely (a form of death), or should we not follow the example of Rabbi Yohanan ben Zakkai and his circle (whose children we are)? An Orthodoxy that responds adequately can become the unifier of Israel, the Torah and the Holy One.

If the Torah is the record of the first era living in the light of the Exodus, and the Talmud is the classic document of the second era illuminated by destruction and exile, what will be the effect of the record of the third era? Surely it will become a focus of life and values for the whole world and not just the Jews. A thousand years from now, people will read of the renewal of the ancient, eternal covenant. Again the Jewish people arose from slavery, genocide and degradation and redeemed a promised land. Again they showed models of daily living, of reconciling individual and community, self-expression and discipline, of humane use of power. Again they showed that ultimate death can be overcome by *hesed*, ultimate love and hope. Could there be a more powerful witness to the divine image and the divine ground of life?

POSTSCRIPT:

METHODOLOGICAL NOTE

Throughout this essay, I take Halacha to mean not only legal precedents and divine commandments. Halacha is the divine system whereby the world is consecrated: Heaven is brought to earth and the world is moved toward *Malkhut Shaddai*, the Kingdom of God (see Rabbi Joseph B.

Soloveitchik, *Ish HaHalakhah*). Since Halacha is a method and process toward a direction and goal, it is also a way of coping with the gap between the ideal and end goal and the present reality. The Halacha is *posek* for the best possibility available now — until it can be *posek* for a level even closer to its own norm of perfection.

Thus in the present imperfect world we have restricted meat eating (e.g. *kashrut*) rather than the original paradisaic (and final) vegetarianism. In history, we have gradual restriction and abolition of slavery rather than immediate perfection of freedom. Thus the Halacha is the "permanent revolution" even while it conserves and protects. It is at once a present ideal and the way towards final redemption-perfection. This accounts for the never ceasing improvement of human condition, status of women, and economic conditions found in the record of Halacha. This accounts for the continuing growth of ritual, holiday and *tefillot*. The Halacha must be guided in this process by its own inner values and systems and by its own divine vision and end goal of perfect redemption. To stop the process short of perfection is to betray the halachic process. (See on this my preliminary words in *Jewish Tradition and Contemporary Problems*, published by Yeshiva University, 1969).

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THE NAPOLEONIC SANHEDRIN A Survey of Modern Jewish Historical Scholarship

Berr-Isaac-Berr, responding to the equalization laws of 1791, wrote in an open letter to his brethren, "We are now, thanks to the Supreme Being and to the sovereignty of the nation, not only Men and Citizens, but we are Frenchmen."¹ These remarks are a modest reflection of the dynamic changes affecting the French Jewish community during the post-revolutionary period. With the advent of the Napoleonic era, the Jews were in the midst of a struggle to forge a new relationship with the state. Bonaparte's connection with the Jewish community may be highlighted by a number of significant events. The fabled proclamation calling on Jews to return to Palestine and his emancipation of the ghetto Jews of Ancona are certainly keen examples. Yet, the most dramatic event was the Decree of May 30, 1806, calling on the leadership of the Jewish community to convene an Assembly in order to discuss the nature of Judaism in the new French empire. The conference was to be followed by a Sanhedrin of rabbis and laymen for the purpose of ratifying the decisions of the Assembly.

While there exists a plethora of historical dissertations and analyses of Napoleon Bonaparte, his relationship with the Jewish community in general, and his role in the Assembly-Sanhedrin affair in particular, have been the subject of only modest discussion by historians. Concise chapters appear in the classical works of Graetz and Dubnow, who provide a terse

outline of the major events complete with analysis and judgement. The most extensive and well-researched discussion of Napoleon's relationship with the Jews is Robert Anchel's *Napoléon et les Juifs*, which appeared in 1928. Anchel, an historian and paleographer, completed the work as archivist of the Archives Nationales in Paris. Baruch Mevorach edited a collection of Hebrew documents and letters. The book is accompanied by notes and introductory comments. Another modern Israeli approach appears in Raphael Mahler's multi-volume history, *Divrei yemei Yisrael dorot aharonim*. Mahler's sections on Napoleon provide a pithy analysis of the major incidents. The only significant book in the English language is the recently published work by Franz Kobler entitled *Napoleon and the Jews*. Kobler, a Viennese lawyer who escaped Nazi Germany, spent his remaining years in the United States where the book was completed. Regretfully, there exists no significant non-Jewish treatment of Napoleon and the Jews. A bibliographic perusal of general historical study reveals only modest consideration of the Jewish issue.

This essay will attempt to explore the diverse perspectives of Jewish historians in their treatment of Napoleon's convocation of a Jewish Assembly and Sanhedrin. The paper is not a mere narration of a celebrated episode; its fundamental approach is to examine the Jewish historical study of the issue. The result is thus a schematic analysis of the kind of attitudes expressed in the historical discussion. We shall present areas where a convergence of thought occurs and highlight the issues of disagreement and dispute. Specifically, we shall focus upon three substantive aspects: firstly, the various motives that have been suggested by the historians for the convening of a Jewish conference; secondly, the mood of the participants and the response of the Jewish and non-Jewish communities; finally, the effects of the conference and its importance for the emancipation process in the Western European experience.

I

A comprehensive discussion of Napoleon's motives for es-

establishing a Jewish assembly can only be properly understood in the context of his perception of the Jews, their religion and community. It may be useful, therefore, to examine briefly the factors that may have influenced Napoleon's attitudes.

Napoleon was born August 15, 1769, on the island of Corsica, a small French protectorate. It would seem that his knowledge of Jews was derived from books, specifically the Bible. Napoleon was deeply influenced by the liberalism of the philosophers and generally lacked respect for the Bible and religion. Anchel maintains that this attitude toward the Bible, along with Napoleon's Christian upbringing, affected his perception of Jews. In support he cites Napoleon's infamous comment,

I read the Bible. Moses was a capable man. The Jews are an ugly people, cruel and without courage.²

Donaparte's early years in France and later at military college also failed to provide him with any meaningful personal encounters with Jews.³ Ostensibly, his first major meeting was with the ghetto Jews of Ancona, where Napoleon proclaimed their emancipation and was welcomed as a savior. Kobler insists that "the impact of his first encounter with the Jewish population . . . can hardly be underestimated."⁴

By the early 1800's, the Emperor was undoubtedly aware of the Jewish question. His manifesto to the Jews of Palestine, the Concordat with the Pope in 1801, and the variegated ministerial policy papers on Jewish matters clearly denote a recognition of the Jewish problem. During this period, Napoleon was particularly influenced by his surrounding ministers and advisors. Anchel writes,

Napoleon, influenced by anti-Jewish accusations and writings, entrusted to his ministers the preparation of measures against the Jews [which were] formally contrary to the revolutionary principles of equality and freedom of conscience.⁵

While the debates of the National Assembly reflect a deep diversity of opinion on the Jewish question, all historians seem

to agree that men such as Bonald and Molé had a profound impact on the Emperor's attitudes.⁶ Virtually every historian asserts, for example, that Molé's report on Jewish moneylending acutely influenced the direction of Napoleon's Jewish policies.⁷

One particular event, often depicted as a critical turning point, was Napoleon's discussions with the townspeople of Strassbourg on his return to Paris from the East. The burghers of Strassbourg, who had a long-standing reputation for anti-Semitism, tried to convince Napoleon that all Jews were "userers, hawkers and ragmen."⁸ These officials asked that the Jews be deprived of their civil rights. Dubnow writes, "Napoleon returned to Paris very much aroused against the Jews, determined to square accounts with them, even to the extent of violating their equal rights."⁹ Graetz even suggests that Napoleon's hitherto favorable attitude toward the Jews was altered by this experience with the Strassbourg community. Indeed, the complaints of Jewish usury by the farmers and townspeople of Alsace-Lorraine were a contributing factor in Napoleon's convocation of the Assembly. In fact, Mahler seems to feel that the money-lending protest was the primary reason for calling the convention. He writes, "Jewish money-lending in Alsace-Lorraine had become the principal issue in all controversies and legal debates concerning the Jews at this time. It was largely in this connection that the Assembly of Jewish Notables and the Great Sanhedrin of Paris were convened."¹⁰

II

Before embarking upon an historiographical survey of Napoleon's motives for calling the Assembly, we would do well to cite the Decree of May 30, 1806, revealing the Emperor's stated purpose:

These circumstances (usury) at the same time, made us aware of how urgent it is to revive sentiments of civil morality among those who profess the Jewish religion . . . This assembly shall arrive at a consensus of the methods which it deems to be the most expedient in order to re-establish

among its brothers the exercise of the arts and of the useful professions, the object being to replace, by honest industry, the shameful expedients to which many among them have devoted themselves from father to son for several centuries.¹¹

The Imperial Decree seems to reveal two major points: firstly, that Napoleon was acutely sensitive to the usury complaints of the Germans in Alsace-Lorraine, and secondly, that his primary motive in calling the Assembly was a desire to improve, economically and socially, the Jewish community.

Pasquier, one of the Imperial Commissioners to the Assembly, maintains that Napoleon had two major goals in mind: firstly, to determine whether the Jewish religion conflicted with the laws of citizenship, and secondly, to establish whether it was possible for the Jews to be used for the advantage and benefit of French society. Pasquier writes:

Indeed, according to the documents submitted to us, what was involved was nothing less than to ascertain from the Jews themselves whether their religion did in fact permit them to accept the status of citizen in the one country that was prepared to welcome them as such; whether their religion contained any prescriptions which would make complete submission to the laws impossible, or at least very difficult for them; and whether it would be possible to use, for the benefit of society as a whole, the fortune, industry, and talents of a people who, hitherto, had remained in a state of manifest hostility.¹²

While these two motives appear sincere, Pasquier recognizes that Napoleon's intentions towards the Jews were not totally genuine. Pasquier thus describes that a third rather cunning motive of Napoleon was to win the confidence of wealthy Jewish businessmen outside of France. He writes, "In undertaking this enterprise, Napoleon was certainly inspired by a conqueror's policy. By trying to discover, with the assistance of all that was most enlightened in the Jewish race, how best to help them emerge from the abject condition in which they had languished for so many centuries, he probably considered that he would in this way be associating all the members of this race

with his own fortunes, so that in every country through which they were scattered he would find allies prepared to support his plans."¹³

F.D. Kirwan, who wrote a preface to an English translation of the transactions of the French Sanhedrin, contends that the usurious practices of the Jews were only a pretext for the calling of an Assembly. He asserts "that the Jews were not the only people in France who followed that nefarious practice; the total want of laws to repress it, the universal laxity of morals, and the uncertainty of every kind of speculation, have made it almost general among monied men, and five per cent per month has been not unfrequently exacted by Christian leaders, even with the security of landed property."¹⁴

Kirwan concludes that Bonaparte's intentions were less than genuine. At one point, he enumerates four explanations for Napoleon's actions, affirming that "his motives for calling that assembly were his love of money, his fondness of theatrical pomp, his designs on the east, and his extensive system of espionage."¹⁵

Heinrich Graetz acknowledges that the purpose of the Assembly was to provide the Jewish community with an institution in which it could decide how to improve itself. He remarks, "He (Napoleon) had also considered it necessary to awaken in all who professed the Jewish religion in France a feeling of civic morality, which owing to their debasement, had become almost extinct amongst them. For this purpose Jewish notables were to express their wishes and suggest means whereby skilled work and useful occupations would become general among Jews."¹⁶ Moreover, Graetz asserts that the Assembly was proclaimed to adapt the Jews to the mainstream of French communal life. "The purpose was to make useful citizens of the Jews, bring their religious belief into agreement with their duties as Frenchmen, refute the charges made against them, and remedy the evils which they had occasioned."¹⁷ Graetz, therefore, seems to be reaffirming the stated reasons of Napoleon and Pasquier. He regards the official statements as sufficient for a proper understanding of the Emperor's motives. It is regrettable that Graetz

fails to analyze the possible deeper intentions which Napoleon may have possessed.

Dubnow as well contends that Napoleon's intention in proposing a Jewish Assembly was an attempt to improve the conditions of the Jews. He writes, "Both parts of the decree were motivated thus: First of all, it was necessary to render help to farmers whom the Jewish usurers had enslaved; secondly, it was designed to bolster among the Jews the feeling of 'civic morale' that had become weakened with many Jews because of their long humiliating condition."¹⁸ Dubnow, however, does indicate that the effects of Napoleon's intentions may have been to make the Jewish community more assimilated. He remarks, "Napoleon implied not only repressions against the harmful aspects of Jewish commerce, but a fundamental change in the Jewish life."¹⁹ Unlike Graetz, Dubnow portrays Napoleon as a two-faced figure whose dual nature is reflected in his attitude toward the Jews. In describing Napoleon's "duplicity"²⁰ concerning the Jewish community, Dubnow states, "Napoleon was for the Jews the same that he was for the whole of Europe: an oppressor and a liberator, a genius of evil and of good."²¹ On another occasion, Dubnow asserts Bonaparte's duality in the following manner: "On the one hand, historical compliments for the Jewish steadfastness; and on the other, the fear that such people will not be able to adjust to the French State system, that it will preserve its historical steadfastness."²²

Dubnow speculates that Napoleon's critical impressions were shaped by personal experiences and negative reports received through friends and advisors. Conversely, his positive attitudes towards the Jews stemmed from his own enlightened ideology and the influence of liberal-minded colleagues in the National Assembly. Yet, Dubnow clearly does not treat Napoleon as the archetypal anti-Semite. On the contrary, he emphasizes that "Napoleon refused to be so consistent, so as not to be known as an anti-Semite. It suddenly occurred to him that he had fallen into the tone of anti-Semitic polemics; so he hastened to correct the situation."²³

Franz Kobler uses the most laudatory language to demonstrate the sincerity of Napoleon's intentions. Kobler writes, "Napoleon, in spite of the distorted views he held about the Jewish national character, tried to reconcile discriminatory legislation with the dignity of the Jewish people."²⁴ For Napoleon, the Jews were unique. He sought to deal with them as a "peculiar people"²⁵ in order to "reaffirm his recognition of the Jewish people."²⁶ Kobler does admit that, occasionally, Napoleon failed to understand the Jewish community. Nonetheless, he was genuinely attempting to improve the Jewish condition, "to correct them."²⁷ The Assembly was thus a grand design of charity to help the Jews integrate into the Napoleonic Empire. Moreover, Kobler concedes that Napoleon had some ulterior motives. "It was also Napoleon's wish," he notes, "that the Sanhedrin declare that the Jews are obligated to defend France as they defended Jerusalem."²⁸

Interestingly, Kobler also mentions the sub-conscious motive that "the vision of thus becoming another Solomon or Herod of the the Jewish nation was, however, coupled with an even more exalted ambition of acting like a second Moses for the dispersed people."²⁹

Kobler best sums up his perspective when he states in his epilogue:

A personal political interest was involved . . . neither free from an oppressive element nor from a tendency to achieve a radical assimilation of the Jewish people to the French and other surrounding nations. But the basic concept of preserving Jews and Judaism, above all, of linking the Jewry of the Emancipation era with the history of ancient Israel, permeated Bonaparte's restorative move, as well as Napoleon's convocation of a representative all-Jewish body under the name of the Great Sanhedrin.³⁰

Alternatively, Raphael Mahler views the Assembly as essentially the politico-legal strategy of Napoleon's anti-Jewish policies. Unlike the previous historians, he uses pungent language to describe the Emperor's anti-Semitism. "Napoleon disliked and despised the Jews . . . the essentially two-faced character of Napoleon's regime is revealed in his policy and

legislation on Jewish matters."³¹ Mahler affirms unequivocally that Napoleon's aim was to integrate the Jews into French society. He writes, "Napoleon regarded the Assembly of Notables merely as a springboard from which to launch his plans for the Jews. These never excluded the use of either compulsion or the discriminatory laws that he had presented to the Council of State in the spring, several months previously. It was his intention that the resolutions of the Assembly of Notables constitute a framework for his future action to reform Jews."³² With the influence of Catholicism, a general contempt for poverty, and an aversion to Jewish religious and political aloofness, Napoleon, he feels, was determined to acculturate the Jews.

A survey of the historical discussion thus reveals a number of possible motives. All the writers discuss a series of explanations; no monolithic intent is considered. Perhaps the key question is whether Napoleon's stated intentions were genuine. Graetz and certainly Kobler would argue that Bonaparte was basically sincere. Dubnow's "dual nature" thesis results in a duplicity of his own position. Mahler's stance is clear: Napoleon was an anti-Semite. Both Graetz and Dubnow employ balanced and tempered language to express their ideas. Kobler, who usually agrees with the basic perspective of the early writers, is prone to sententious expressions. Mahler is rarely ambiguous.

These distinctions, however, are not mutually exclusive. There is no reason to disbelieve Napoleon's expressed intentions. Indeed, he sought to rid Jews of their usurious practices and more importantly to alter their social and economic condition. Clearly, Napoleon would have cherished the assimilation of Jews. While it is unlikely that Bonaparte had any thought of building an international spy network among Jews, the British and Austrian reactions indicate that Napoleon may well have had designs beyond his own borders. Moreover, Napoleon's intentions must be understood in the context of his philosophy of administration and attitude to religious minorities in the newly developing state. Napoleon realized

that power over religious life was a vital force in governing a people. His earlier attempt to unite the state with the church was part of an approach to synthesize religion and government for the benefit of both. Napoleon's maneuver may thus have been an attempt to ease the apprehension of the Jewish community in order to more effectively control them. What emerges is a new perspective of viewing the Sanhedrin affair. The variegated motives are not contradictions; on the contrary, they mesh together to provide a kaleidoscopic view of Napoleon's political and extra-political maneuvers.

III

How did the participants view the idea of an Assembly? Were they sensitive to Napoleon's intentions? Did the Jewish leaders recognize the ramifications of the event? An examination of these questions will provide us with an understanding of how the contemporaries viewed themselves and their environment.

Graetz indicates that before the commencement of the conference, the Jews were scared and confused; they were unsure of Napoleon's motives. "With trembling hearts about a hundred Jewish Notables from the French and German departments assembled. They had no plan, as they did not know precisely what were the emperor's intentions."³³ Strikingly, Graetz suggests in a later passage that the mood changed when the Assembly began. He writes, "The guard greeted them with military honors and the beat of drums, they felt themselves exalted and their fear was turned to hope."³⁴ Dubnow agrees with this assessment, stating unequivocally that the Jewish leaders did not appreciate the ramifications of the conference. "The assembly, which did not fully understand Napoleon's intention, eagerly received the news of the convening of a Sanhedrin."³⁵

This perspective, however, has not gone unchallenged. From Mahler's account, it would appear that the members of the Assembly were aware of Napoleon's intent. More importantly, he characterizes their reaction to Napoleon as one of submissiveness and deceit. "At the informal session held before

it opened, the Assembly already made it clear to Napoleon that it had no intentions of opposing him, even on matters relating to the Jewish religion."³⁶ Mahler implied that the formal expressions of enthusiasm, including the laudatory chants and cheers, were merely "part of the routine."³⁷ The French public was certainly not deceived by this ostensible parade of excitement. "Even their declarations of loyalty to France were greeted with unconcealed skepticism by many of Napoleon's supporters and openly challenged in the press."³⁸ Dubnow, as well, agrees that the answers reveal a compromise of Jewish values and thus submission by the leaders. "In all declarations and resolutions, one aspiration is evident: to please Napoleon."³⁹ Yet, for Dubnow, the external enthusiasm does not indicate a total lack of awareness. "Jewish leaders felt the pressure of the high officials from behind the scenes."⁴⁰

The response of the external communities were much more diverse. Dubnow maintains that the French Jewish community reacted positively to the announcement of an Assembly. He says, "Jewish society in France and beyond ignored the shady aspect of the decree (usury regulations) and saw only the bright side: the convening of a 'Jewish Parliament' was in itself an important event."⁴¹

Kobler, who offers the most extensive analysis of the Jewish reaction, also contends that the Jews of France supported the idea of an Assembly. Moreover, with the convocation of a Sanhedrin, the response changed from delight to euphoria. He writes, "The plan to establish the ancient legislature body of Israel caused a sensation everywhere. Many letters sent from Jews living in the French empire and preserved through the interception of foreign authorities show the extravagant hopes caused by the move of Napoleon."⁴²

Mahler, however, disagrees with this assessment of French-Jewish interest, citing an interesting episode to amplify his point.

The lack of enthusiasm that the Jewish Parliament generated amongst the Jewish population is illustrated by the fact that the *Kehillot*, especially in Alsace, failed to remit the sums designated to cover the delegated ex-

penses, despite intervention by the Ministry and the Prefects. Many delegates therefore had to depend on loans from the banker, Worms, who was officially appointed treasurer to the Assembly.⁴³

The Jewish reaction became even more ambivalent after the answers were publicized. "The Jews read them," he maintained "with mixed emotions."⁴⁴

Little is known about the response of the non-Jewish community in France. When the results of the Assembly were revealed, Mahler asserts that the French press reacted negatively; their position was premised on a mistrust of Jewish motives. Dubnow also states that the press in France discussed the Jewish issue, but gives no clear indication of the nature of their reaction.

The response of the Jewish communities outside of France was varied. The religious community tended to view Napoleon's actions with great apprehension. Kobler writes, "Orthodox Jews exhibited an outspoken hostile attitude to the Sanhedrin."⁴⁵ Mahler confirms this assessment, stating, "the Orthodox leaders could see from the very formulation of the manifesto that the arm of the Sanhedrin was to effect reforms in the Jewish religion, and this was precisely what they regarded as a mortal danger to Judaism."⁴⁶

Interestingly, David Friedlander's Berlin movement was also opposed to the conference; they "experienced an uncomfortable sensation at the news, because they feared that, through the Synhedrion in France, ancient Judaism might be revived in a new garb."⁴⁷ Kobler also adds that some Jews in Moravia thought the conference was the product of Frankists.

The enlightened element among the Jews, however, supported the efforts of Napoleon. Mahler states, "The *Maskilim* of central and eastern Europe evinced considerable sympathy for the Sanhedrin. They turned to France for help in their struggle against religious bigotry and backwardness amongst the Jews, and for some sort of alleviation of the disenfranchised status of the Jews in their countries."⁴⁸

The non-Jewish response was no less multifarious than the

Jewish reaction. Graetz writes, "The Jewish Parliament and the re-establishment of the Synhedrion created much interest in Europe."⁴⁹ He continues, "This admired and terrible hero... caused perhaps, more general surprise among Christians than among Jews."⁵⁰ Graetz corroborates his point by citing an example of some Catholic writers who established a newspaper to monitor the events of the Assembly. Kobler, as well, concludes that the Christian community was opposed to the conference. He mentions the peculiar story of the Archbishop of Lyons who expressed to Napoleon that the end of the world will come when the Jews become a nation. Apparently, the Archbishop saw Napoleon's action as a portent of the end of days. To buttress his argument, Kobler cites the official statement of the Holy Synod of Moscow, which declared, "In order to bring about a debasement of the Church he has convened to Paris the Jewish synagogues, restored the dignity of the Rabbis and founded a new Hebrew Sanhedrin, the same infamous tribunal which once dared to condemn our Lord and Saviour Jesus Christ to the cross."⁵¹

The effects of the conference also worried the leaders of Austria. Metternich expressed fear that Napoleon was using the Jews for political ends to attract Austrian Jews for his military interests. Moreover, Kobler discusses the interesting response that developed in certain British circles. He believes that the events surrounding the Sanhedrin influenced the British Restoration Movement which sought to secure a state for the Jews. Nonetheless, he cautiously notes that "no records of official or public English reactions to the convocation of the Sanhedrin have been recorded."⁵² However, England was particularly concerned by Napoleon's latent business motive. Both the Church and political figures outspokenly opposed the Sanhedrin. Leon Poliakov asserts, "Apart from being an instrument for regenerating and keeping the Jews in order, the inspired opportunist thought that he would be able to utilize such an organ for the requirements of his major policies . . . He was probably counting on the pious allegiance of Jewish businessmen to help him to starve England better."⁵³

In sum, the reactions of the Jewish and non-Jewish communities were extremely diverse. Members of both sectors condemned and condoned the conference for completely different reasons. Not surprisingly, they reflected the wide spectrum of attitudes and values within the two communities.

IV

The Jewish conference adjourned in April, 1807, leaving Napoleon and his cabinet ministers to consider its resolutions. The Ministry of Interior had already instructed the Assembly to begin planning for the establishment of Jewish consistories. Mahler maintains that the major consequence of the conference was the formation of these consistories. He believes that the primary function of the institution was to assure "government surveillance"⁵⁴ over the Jewish communities. Moreover, he views the consistories as an instrument of assimilation and condemns the wealthy acculturated Jews for exploiting the consistories to their personal advantage.

To feel that they had some share in the machinery of government was a source of some satisfaction; but voluntary surveillance over the Jewish population in the service of the police also gave the wealthy Jews the opportunity to achieve, through the machinery of government, a dominant influence over the *Kehillot*, so that they could mold them to their own class interests and draw them along in the advance towards assimilation.⁵⁵

Thus, for Mahler, the centralization of the *Kehillot* represents more than a mere ramification of the conference; it was part of the Emperor's grand scheme. Dubnow affirms this perspective when he writes, "The consistories most adequately supplemented both Napoleon's policy of forced assimilation for the Jews and his methods of policing the Jewish masses."⁵⁶

The second effect directly linked to the Assembly was the "Infamous Decree" of 1808. Indeed, none of the historians fail to consider the Decree and its resulting political and economic regulation of the Jewish community. Dubnow, for example, writes, "On the pretext that it was reforming Jewish characteristics, Napoleon's regime employed these dis-

criminatory decrees to abolish equality of rights for the Jews for the ensuing decade and possibly longer."⁵⁷

Interestingly, Kobler discusses another immediate result of the conference. He maintains that the Assembly aroused great interest in England where the British Movement for the Restoration of the Jews was supporting the idea of a Jewish homeland. He, therefore, speculates that it was no mere coincidence that the London Society for Promoting Christianity Among Jews was founded in 1809. There is, however, no evidence to support this claim. In all likelihood, it is nothing more than coincidence.

Another striking suggestion made by Kobler is the notion that Napoleon influenced the beginning of the modern Zionist movement. He discusses at length the evidence of correspondence and writing demonstrating that Herzl was affected by the Emperor and the concept of the Sanhedrin. Kobler writes, "Strangely enough the analysis of this amazing metamorphosis shows that Napoleon's influence on Herzl was not the least among the factors that brought the epoch-making result."⁵⁸ He continues, "It was due to Herzl's historical insight that he clearly grasped the revivalist element in the Sanhedrin and that he ascribed to Napoleon the merit of having pursued the same goal he was aiming at."⁵⁹ Kobler thus concludes in his Epilogue that "repercussions of the Proclamation and of Napoleon's subsequent policy concerning the Jews justify the recognition of these moves as one of the forces that finally brought about the reestablishment of the State of Israel."⁶⁰ There is, however, no evidence to support this conclusion.

Perhaps the greatest effect of the Napoleonic Sanhedrin was the acceleration of assimilation in the Jewish community. The fundamental question should be conceived in two ways. Were the assimilatory forces among the French Jews reflected in the Sanhedrin? Conversely, did the convention expedite the deterioration of traditional Judaism? It would appear that while the Sanhedrin was a symbolic turning point of Enlightenment, it possessed a dual feature. On the one hand, it consolidated political emancipation; yet it illustrated the development of a

new secular anti-Semitism. Unfortunately, historians make little attempt to consider these problems.

Furthermore, none of the writers discuss Napoleon's action in the context of a comprehensive religious policy. To what extent was the Jewish issue part of a general policy of de-emphasizing religion? Secondly, in what sense was Napoleon's handling of the Jewish problem different from his policies towards other religious minorities? If it is agreed that Napoleon wanted religion to be in the hands of the state, was the conference a method to assure surveillance over the Jewish community? Specifically, was this a Napoleonic plan to have religious authority centrally organized?⁶¹ These questions are crucial; regrettably, they are not extensively discussed.

NOTES

1. "Lettre d'un citoyen . . . à l'occasion du droit de citoyen actif rendu aux Juifs" see Tama, Diogene, *Transactions of the Parisian Sanhedrin*, trans. F.D. Kirwan (London: Charles Taylor, 1807) p. 11.
2. Robert Ancher, *Napoléon et les Juifs*, (Paris: Les Presses Universitaires de France, 1928) p. 63; also cited in Cherfils, *Bonaparte et Islam*, p. 278.
3. Kobler's observation that the absence of Jews in Corsica generated Napoleon's interest is rather far-fetched. Moreover, he implies that Napoleon's biblical and early readings spurred a positive image of Jews which accounts for, among other things, his generosity toward the Jews of Italy. This writer prefers Ancher's perspective, which maintains that Napoleon's early education fostered at most a neutral depiction of Jews.
4. Franz Kobler, *Napoleon and the Jews*, (New York: Schocken Books, 1976) p. 20.
5. Ancher, p. 100.
6. To what extent did Molé's thinking affect Napoleon? Can we assess the degree of influence ministers and other members of the National Assembly had on Napoleon's handling of the Jewish question? These questions are difficult to answer, but the issues are not really confronted by the historians. Ancher is the only one to discuss at length the preparation of Molé's policy paper and actions of the various ministers, specifically the *Ministres de la Justice et de l'Intérieur*. See Ancher pp. 75-101.

7. Most historians, for example, note that it was no accident that Molé's article on the Jews was published in the *Moniteur* on the eve of the conference. Kobler, however, downplays the event.
8. Heinrich Graetz, *History of the Jews*, (Philadelphia: Jewish Publication Society, 1895) vol. v. p. 447.
9. Simon Dubnow, *History of the Jews, From Cromwell's Commonwealth to the Napoleonic Era*, trans. Moshe Spiegel, (South Brunswick: Thomas Yoseloff, 1971), vol. iv., p. 545.
10. Raphael Mahler, *A History of Modern Jewry*, (London: Valentine, Mitchell 1971), p. 56.

One issue disregarded by most historians is whether there existed any significant input from the Jewish community in the formation of the conference. Jacob Katz notes that Israel Jacobsen wrote to Napoleon suggesting that a Jewish assembly be formed. The central purpose would be "to resolve all possible conflict between the obligations of a Jew to his religion and his state." Katz agrees with Jacob R. Marcus that the Jacobsen letter was a factor stimulating Napoleon to convene the Sanhedrin. See Katz, *Out of the Ghetto*, p. 139 and p. 245.

11. Simeon Maislin, "An analysis and translation of selected documents of Napoleonic Jewry," (Cincinnati: Hebrew Union College, 1957) Document 1-A, p. 1.
12. Etienne Denis Pasquier, *The Memoirs of Chancellor Pasquier, 1767-1815*, trans. Douglas German (Rutherford: Fairleigh Dickinson University Press, 1968), p. 56.
13. Pasquier, p. 58.
14. Tama, Preface p. V.
15. *Ibid.* p. xii.
16. Graetz, p. 482.
17. *Ibid.* p. 484.
18. Dubnow, p. 547.
19. *Ibid.* p. 546.

The following quotations are a representative sampling of the view that the Assembly was essentially a tool for assimilation. Jacob Katz writes, "It is a fact that the plans for convening a rabbinical convocation as a

means to implement the desired changes were accepted by the emperor . . . He expected the Jewish population to adapt themselves to their new situation, to give up their unique institutions such as rabbinical jurisdictions, and to be ready for amalgamation with their environment even to the point of intermarriage." See Katz, *Out of the Ghetto*, p. 40.

Horace Kallen remarks, "In order that the assimilation of Jew into Frenchman might be sped up, and that the commitment of the Jewries to the paramountcy over the Torah of the Code Napoleon be publicly and unreservedly promulgated by their leaders, he convoked an Assembly of Jewish Notables." See Kallen, "The Bearing of Emancipation on Jewish Survival," *YIVO Annual of Jewish Social Science*, XII, 1958-59, p. 20.

Robert Holtman says, "Napoleon treated the Jews less as a religious grouping than as a race which he wanted to be assimilated." See R. Holtman, *The Napoleonic Revolution*, (New York: Lippincott and Co., 1967), p. 135.

20. Dubnow, p. 544.
21. Ibid. p. 543.
22. Ibid. p. 544.
23. Ibid. p. 546.
24. Kobler, p. 138.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid. p. 152.
29. Ibid. p. 150.

This idea was already stated by Anchel who asserts, "Napoléon en venait à une conception de grande envergure s'étendant dans son esprit à l'universalité des Israélites, auxquels second Moïse, il rêvait de donner une nouvelle loi religieuse." See Anchel, p. 188.

30. Ibid. p. 213.
31. Mahler, pp. 59,60.
32. Ibid. p. 67.
33. Graetz, p. 484.
34. Ibid. p. 488.
35. Dubnow, p. 555.
36. Mahler, p. 63.
37. Ibid. p. 64.
38. Ibid. p. 66.
39. Dubnow, p. 555.
40. Ibid. p. 554.

Jacob Katz contends that the rabbis of the assembly withstood Napoleon's demands, specifically, the sanctioning of intermarriage. He

notes Rabbi Moses Sofer's support of R. David Sinzheim, who skillfully and diplomatically worded the resolutions. See Katz, *Out of the Ghetto*, p. 157.

41. Dubnow, p. 547.
42. Kobler, p. 155.
43. Mahler, p. 62.
44. Ibid. p. 66.
45. Kobler, p. 165.
46. Mahler, p. 69.
No writer that I have seen suggests that the orthodox community openly supported the conference. Kobler's assessment is probably overstated. In most likelihood, the religious community remained mute, taking a wait-and-see attitude.
47. Graetz, p. 494.
48. Mahler, p. 69.
49. Graetz, p. 494.
50. Ibid.
51. Kobler, p. 166.
52. Ibid. p. 168.
53. Leon Poliakov, *History of Anti-Semitism* vol. 4 (Vanguard Press 1965) p. 228.
54. Mahler; p. 75.
55. Ibid.
56. Dubnow, p. 77.
57. Ibid. p. 73.
58. Kobler, p. 200.
59. Ibid. p. 209.
60. Ibid. p. 214.
61. Anchel is one who does argue that Napoleon was seeking a more organized religious community. He writes, "mais qu'il envisageait aussi la possibilité de les instruire, d'organiser leur culte, d'y instituer une hiérarchie . . . il combina sa résolution d'édicter une loi répressive contre les Juifs avec l'intention de leur doter d'une organisation officielle." See Anchel, pp. 94, 95.

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THE COURAGE TO SUFFER: ISAIAH 53 AND ITS CONTEXT

Isaiah 53 has long been the subject of elaborate exegetical attention, both by Jewish commentators and philosophers and by their Gentile counterparts. Christian writers, beginning with the New Testament, found references to Jesus and to the atonement accomplished through his death; Jewish interpreters, of course, refuted such views. Jewish philosophers, for their part, from the author of the *Kuzari* to Eliezer Berkovits, have discovered in this chapter, with its description of the "Suffering Servant", the paradigm of undeserved suffering, particularly as incarnated in the historical destiny of the Jewish people.

The interpretation of this chapter is complicated by the problem of its place within the context of Isaiah as a whole. The general theme of chapters 40-66 is that of redemption. Within this group of chapters Biblical scholarship has, for the past century, distinguished the so-called "Servant Songs", concerning a figure identified as *Eved haShem* or *avdi*. These songs are found in chapter 42 (1-4; 18-25); in chs. 49 (1-6) and 50 (4ff.), and chapter 53;¹ ch. 61 does not contain *eved*-terminology, but does belong, stylistically, to the same group of poems. The following questions have received, or ought to receive, the attention of students:

1) *Identity* of the Servant: Jewish commentators have suggested a wide variety of identifications, ranging from Moses to Zerubbabel to Israel as a nation. More interestingly, many of our exegetes have declined to commit themselves consistently to one identification in all the poems.² Rashi, for example,

alternates between seeing the Servant as Israel and identifying him with the prophet himself, and Radak moves from the Messiah to the prophet to Israel, and back to the prophet again. As far as chapter 53 is concerned, the consensus of writers, both Jewish and Gentile, orthodox and secular, has increasingly tended towards the collective approach (Servant=Israel); there remain, however, many *rishonim* who identify the Servant with the prophet or with some other figure.

Permit me to suggest that the Servant need not be identical (in the sense of being equated) with any particular entity, individual or collective: the Servant is simply the Servant. The identifications available in the exegetical literature are not meant to establish that the Servant is none other than, let us say, Jeremiah (according to Saadia Gaon) or Moses (according to Alshekh), etc., but rather indicate that the personality the Servant resembles, in some noteworthy way, is based upon, or refers to, Jeremiah or Moses. It is as if the Bible were to present us with a certain type of personality identified as the Servant of God, and did this by drawing upon, and echoing, various *avdei haShem*. Indeed, if one identifies the Servant with Israel as a collective, one is impelled to define the Servant as a particular type or paradigm of Jewish existence, as I have suggested, for otherwise, why should the prophet distinguish between the figure of Israel-*qua*-Servant and the Jewish people addressed and described in the non-Servant sections of Isaiah 40-66?

2) *Structure* of the unit: Is there any order to the Servant poems? How do they combine to contribute to the literary-theological work achieved by the larger section of redemptive prophecy? Why are they interspersed among the other, non-Servant, prophetic material? How might we explain the paradoxical coexistence of the classical prophecies of *Nehamah* together with the Servant Songs which express a desperate faith in the face of seeming abandonment and forlornness? Among the Servant poems themselves, what is the relationship between the Suffering Servant and the triumphant Servant of ch. 42 (1-4) and ch. 61?

Within the scope of this essay we shall not offer detailed

analysis of all the problems connected with these chapters, nor even deal with all the questions of interpretation that have challenged readers of chapter 53 over the millennia. We shall begin with the interpretation of one crucial verse. Then we shall see how our reinterpretation of that verse sheds light on the Servant's specific experience of suffering in chapter 53 as a whole. A correct understanding of this chapter will enable us to clarify our perspective on the songs in chs. 49-53.³ Next we shall examine the possibility that the *eved*-terminology itself may yield a clue as to the intent of the entire Servant-pericope. The next stage, which lies beyond this essay, would involve, of course, an extension of our insights to the non-Servant material and the non-suffering Servant poems with the aim of uncovering the underlying structures and their relationship to the ideas and experience articulated through the Servant pericopes.

2.

Verse 9 of our chapter has long been a crux of interpretation: "And he gave among the wicked his grave; and the rich his tomb." Commentators have long been troubled by the parallelism of the "rich man" with the "wicked." How can the burial of the Suffering Servant among the rich enhance his suffering? Several interpretations have been offered by our commentators:

1. Ibn Ezra: Wealth is synonymous with wickedness; the Servant longs to die, Samson-like, along with his wealthy Gentile oppressors. Whatever the socio-economic truth of this identification, it is doubtful whether burial with rich people would have been deemed a singular disgrace (*pace* Patricia Hearst in her urban guerilla period).⁴ This weakness in Ibn Ezra's view is obviated in that of Radak.

2. According to Radak, the Servant is mistreated and finally killed because of the mistaken belief that he is rich. This suggestion may reflect the conditions under which medieval Jews lived.

3. Another approach would identify the "rich man," not with the Servant, but with his tormentors: "He was buried with the

wicked and placed himself in the hands of the opulent to be put to death." According to this view, the persecutors may be the Gentiles (Rashi) or the Servant's fellow Jews as well (Nahmanides). This view sacrifices, in effect, the strict parallelism of the verse in order to spare us the identification of the Servant with the rich man.

4. S.D. Luzzato maintains an even greater distance between the first colon and the second; he argues for a complete contrast: "He was buried among the wicked; yet his tomb shall be among the wealthy." Luzzato would have burial among the rich as desirable a vindication as Ibn Ezra regarded it a disgrace. He would also introduce the element of optimism into the chapter at its most despairing moment.

5. Most of the modern Bible critics chastise the text's recalcitrance by emending it: instead of reading *ashir*=rich, they read *osei ra'*=evildoers;⁵ or replace *ashir* with *se'irim*=demons.⁶

I would offer a new understanding of this verse, based upon a comparison with Job 3:13-18. Here Job extolls the grave as a place of total equality. In the grave one may sleep with kings and counselors, with "ministers who have gold, and fill their houses with silver" (v. 14). Here too "the wicked have ceased their restlessness" (v.16).

Let us examine our verse analogously, as a reference to the Servant's weariness of life. It did not matter to the Suffering Servant of chapter 53 whether he be buried among the wicked or entombed among the wealthy. His indifference to his ultimate fate is brought out by the metathetic pun: *ashir* — *rasha*. The play on words is partially responsible for the selection of the rich man to balance the wicked.

It is thus unnecessary to change the text.

Our next step will involve the implications of our novel interpretation for the understanding of the Servant's experience in this chapter. To do so we must first face the question of his fate: does he really die, or only give himself over to death, in this chapter? We must also clarify the nature of the suffering self-sacrifice which, following my interpretation, is

congruent with utter indifference to one's disposition in this world and to one's reputation after death.

3.

At first blush, there appears to be a contradiction in the chapter as to the final outcome of the *Eved's* career. In verses 8-9, we hear of his being "cut off" (*nigzar*) from the land of the living" and, subsequently, his being given to be buried with the wicked and the wealthy; verse 10, on the contrary, speaks of his vindication: "He shall see offspring, live long." While many commentators have attempted to deal with this difficulty, two approaches have tended to predominate: Classical Christian interpretation has found here the doctrine of resurrection, identifying the *Eved* with their messiah. Jewish writers, and recently many of the Christians and secularists as well, have opted for the collective interpretation. If the *Eved* represents the Jewish people as a whole, then the idea of death to be followed by a long and fruitful life implies nothing more startling or miraculous than the mysterious and improbable survival of Israel through exile and persecution: generations suffer and pass; but the nation of Israel endures forever.

Because of the Christian exegesis, most Jewish thinkers, from the Middle Ages on, avoided the identification of the *Eved* in chapter 53 with the Messiah. Nahmanides was the exception. Confronted, during his famous debate, with Rabbinic sources which refer ch. 52:13 to Messiah,⁸ Nahmanides maintained that the *Eved* is, in fact, the Jewish people. However, in order to prevent the impression that the only adequate Messianic interpretation of the passage was the Christological one, he insisted upon offering an authentic Jewish Messianic reading of the chapter. Not surprisingly, the Christian participants in the debate were reluctant to hear Nahmanides on the subject; fortunately, he afterwards recorded his interpretation for posterity.⁹

From Nahmanides' point of view, no problem was more crucial than that of the putative death of the Messiah in verse 8-9: "They [the Rabbis] never said that he [i.e. Messiah son of

David] would be killed by his enemies. For you cannot find in any book of Israel, whether Talmud or Haggadot, that the Messiah son of David would ever be killed, or delivered unto his enemies or buried among the wicked. For even the messiah whom you have made unto yourselves was not buried."¹⁰ How is Nahmanides to deal with the implications of the two verses in which the *Eved* is apparently praised for the sacrifice of his life and the acceptance of accompanying degradation?

Nahmanides' solution is at once simple and radical. He shifts the emphasis of the prophetic drama from the supposed death of the *Eved*=Messiah to his *willingness* to suffer death and infamy:

He shall say: "I am cut off from the land of the living" because of the sin of his people which is their affliction. Scripture speaks his praise, that he is not concerned for his life but for Israel. And gave among the wicked his grave: "To give" means, in Scripture, the completion of the heart's thought, such as "I gave my heart to search" [Kohelet 1:13] or "Do not give your servant as a worthless woman" [I Samuel 1:16; = Do not consider me a worthless woman] . . . It says: He will think in his heart that his grave will be with the wicked of the Gentiles. For he will think: I shall certainly be killed and this will be my grave, just as "carve on high his grave" [Isaiah 22:16] means the place where he expects to be buried when he dies, even though he has never been buried there . . .¹¹

Similarly, Nahmanides interprets the word *bemotav* (which we have translated, with Ibn Ezra, as "his tomb")¹² as "in his deaths." The plural form, he notes, cannot refer to an actual death (which the individual experiences only once) but to the anticipation of death, which often takes multiple forms, assaulting and overwhelming the defenses of the I-awareness like the roaring tides which relentlessly batter and finally engulf a fragile coastline.

Verse 10, "If his soul accept guilt, he shall see offspring, live long," Nahmanides interprets as follows: If the Servant-Messiah regards his suffering as his own responsibility, without disclaiming it, he shall be rewarded; "If he suffers all this and his spirit be low, that he should not complain or spe-

culate after My attributes, he shall receive his just deserts . . .” And the last verse of the chapter, in which the Servant is rewarded for having “opened his soul to death”, is understood by Nahmanides as referring to emptying of the personality, a resolution of the Servant’s spirit towards the one destiny of death without dignity.

In emphasizing, not the Servant’s death, as did the Church, but rather the quality of his being in the face of an apparently meaningless death, Nahmanides is proposing a radical conception of the courage to suffer. The paradigm of selfless suffering is not the man who takes upon himself the sins of the world (since, from a Jewish point of view, this is simply impossible),¹³ nor the heroic individual who strides towards martyrdom with the glory-bound self-assurance of the certified saint. The Suffering Servant of Isaiah 53 has no guarantee of his own vindicated righteousness. His destiny is to act; suffering, paradoxically, being the mode of his action. Hope, the consciousness of his own success or ultimate vindication, is not contained within his vocation of suffering. Viewed in the light of my interpretation of verse 9, regarding the Servant’s grave, this analysis by Nahmanides becomes even sharper. For if my suggestion is valid, the Servant is more than merely apprehensive or uncertain about his fate in death and burial; he is actually indifferent to it. He stands before God, and his resolution, his emptying out of self, leave no room for concern over the ultimate disposition of his life-story, whether to be “buried” among the wicked or dignified among the tombs of the wealthy.

Of course, the moral principle incarnated by the *Eved* in chapter 53, according to my presentation of Nahmanides’ exegesis, is a familiar one within Jewish thought. Who does not know Maimonides’ dictum that one ought to serve God, not for the sake of any reward, not even for the sake of a share in the World to Come, i.e. for a purely spiritual reward?¹⁴ But what Maimonides stated as a doctrine of philosophical ethics is here communicated through the raw, terrifying experience of the *Eved haShem*, the individual whose agony transcends all

human ambition, including the conscious quest for the most spiritual of human values, and all human consciousness, including the awareness of one’s own rectitude and the awesome significance of one’s own self-sacrifice.

II

If we compare chapter 53 with the previous two poems about the Suffering Servant in Isaiah 49-55, we shall immediately note the differences between the earlier chapters and the *Eved haShem* whom we have learnt to know, through our reading of ch. 53.

The Servant in chapter 49 is aware, from the very beginning, of his status as a messenger of God. God called his name from his mother’s womb (v.2). God addressed him as *avdi* (v. 3) and destined him for great things. In this chapter, he even enjoys his identity as a member of *Knesset Yisrael* (or as Israel itself, depending on views of various *mefarshim*) (v. 3), which relieves his sense of isolation. To be sure, the *Eved* of chapter 49 has known frustration: “And I said, I have toiled in vain; for nothing I have spent my strength” (v. 4), but he immediately adds: “My judgment is from God, and my recompense from my God.”

In chapter 50 the *Eved* is no longer nominated formally for his special vocation; but he is quite aware that God has gifted him for the work he is to do: God has vouchsafed him the power of speech and the power of listening for the word of God (vv. 4-5), armed with which he may fulfill his destiny. If he is not conscious of himself as a “sharp sword” or a “shiny arrow” in the hand of God, he at least knows that his face is tough as rock, that he has the strength to persevere. This power enables him to withstand suffering more intense than the frustration of the *Eved* in chapter 49. He is rejected, maligned, degraded by society: “My back I have offered to smiters, and my cheeks to beard-pullers; my face I have not hidden from disgrace and spittle” (50:6). Yet despite the extremity of his suffering and his isolated social position, he is not alone: “My

vindicator is near . . . For the Lord God shall aid me; who will condemn me?" (vv. 8-9).

By chapter 53, the Servant's Vindicator seems distant indeed. The Servant is, in view of his observers, a diseased individual "smitten by God and tormented" (v. 4). His spirit is resolved to the utter loneliness of a hopeless death without hope of reprieve or sympathy or posthumous glory.

We may conclude that the arrangement of the Suffering Servant poems is far from random. The idea of the *Eved's* unconsolated commitment to suffering is gradually built up to a crescendo in chapter 53. The courage to suffer which is treated in the songs of chs. 49, 50 and 53, is framed by the *Eved haShem* poems in chs. 42 and 61, in which the Servant does not suffer (and the relationship of which to the suffering songs we shall not investigate here). As we move from 49 to 50 to 53, the Servant's situation comes closer and closer to that of chapter 53. He moves from a direct consciousness of divine election to a sense of gifts given and the power to fulfill one's role to the passion of seeming abandonment, from a frustration which is immediately canceled by reward to abject degradation with the assurance of imminent vindication to the grisly loneliness, the condemnation and the death stripped even of the comfort of anticipated justification.

2

The extreme quality of the suffering in chapter 53 is highlighted by the structure of the *Eved haShem* unit as a whole, in which chapter 53 is climactic. It is reflected in two other aspects of the literary form:

1. Chapters 49 and 50 present the Servant in the first-person singular. The Servant in chapter 53 is unaccountably described in the third-person singular. Radak was the first commentator to notice this stylistic peculiarity. He exploited it in the service of his own polemical, anti-Christological interpretation of the chapter:¹⁵ according to him, verses 1-9 reflect on the views of the Gentiles who accept the Christian doctrine of vicarious atonement; the Bible presents these views in order to dismiss

them in verses 10-12. If one does not accept Radak's approach to the entire chapter, one is left with the nagging question: Why the transition to the third-person?

According to our analysis this phenomenon is quite appropriate. For we have stressed that the sublime agony of the Suffering Servant as presented in chapter 53 derives precisely from the fact that he is unaware of his vindication, that he is resolved to go to his death without relying on the promise of glory. Such a notion could only be articulated by a third-person voice, crying out in astonishment at the unexpected elevation of the universally-despised *Eved*.¹⁶

2. We have pointed out above that the *Eved haShem* is presented by the Bible (regardless of exegetical attempts to give him a name) as an anonymous figure. It appears to me that this anonymity serves to reinforce our understanding of the Servant's particular quality of suffering. By chapter 53 he has become, as we have said before, an "emptied" personality, defined by his passionate submission to God's will, by the absence of that kind of self-consciousness which gives itself a name and evaluates its righteousness and its place in history.¹⁷

In a word, the Suffering Servant is characterized by his transcendence of the human desire for the satisfaction derived from self-justification, by the anonymity of his personal sanctity, by the lack of self-dramatization. These qualities distinguish decisively between our understanding of *Eved haShem* and any conceivable "*Eved haShem* Superstar."

3

Willy nilly, the reader will have been reminded, by sheer association, of T.S. Eliot's play *Murder in the Cathedral*. In this verse drama, Thomas à Becket, facing the prospect of martyrdom, is visited by four tempters. The fourth tempter, unlike the first three, bids him pursue the course of martyrdom, because it offers him the greatest imaginable benefit: "glory of saints/Dwelling forever in presence of God."¹⁸ "The last temptation is the greatest treason," responds Becket: "To do the right thing for the wrong reason."¹⁹ In the sermon that follows,

Becket makes this point about martyrdom:

A . . . martyrdom is never an accident . . . Still less is a . . . martyrdom the effect of a man's will to become a Saint, as a man by willing and contriving may become a ruler of men. A martyrdom is always the design of God . . . It is never the design of man; for the true martyr is he who has become the instrument of God, who has lost his will in the will of God, and who no longer desires anything for himself, not even the glory of being a martyr.²⁰

While the parallels between our discussion of *Eved haShem* and Eliot's treatment of Becket are striking, let us also take note of the differences: Becket is not subjected to dehumanizing contempt as is the Suffering Servant (it is often easier to concentrate on the highest spiritual scruples when one is not distracted by the threat of physical brutalization). Becket, through no fault of his own, is hardly an anonymous figure; nor is he unconscious of his position. The Servant has "no countenance," "despised, we held him of no account." While Becket's nobility lays him open to the exquisite attractions of "the last temptation" to spiritual pride, it also allows him to concentrate, as it were, on overcoming this last hurdle (though, of course, the entire difficulty is that you cannot break this type of pride by deliberate design or contrivance, as is recognized in the passage quoted above). The Biblical *Eved haShem* must submit to the lawless degradation of human society. Within this framework the temptation to self-justification would normally arise from the perception of injustice. Resentment is the *ersatz*-nobility of the downtrodden and tormented and the springboard of their spiritual pride. The achievement of the *Eved haShem* is to live his undeserved torment without contriving any relief: neither the comfort of blaming one's misery on others, nor the desperate complaint against Heaven, nor the escape to the not-yet of the absent future.

III

Permit me to concern myself with a seemingly abstract

question regarding our subject: It is fairly obvious by now that chapter 53 is the climax of the Suffering Servant poems; but what exactly do we mean by speaking of a climax? We might, for example, regard the *Eved*-poems as quintessential expressions of the *Eved haShem* suffering-experience; chapter 53, in this view, would occupy a special place simply because the suffering and the suffering courage go beyond what is described in chs. 49 and 50. We might, however, take a different approach, regarding chapter 53 as the heart of the *Eved haShem* suffering-experience; the other songs would then be understood as preparations for the central poem in chapter 53.

In the remarks that follow, I shall look at some points relevant to the semantics of the *eved*-terminology in the Bible. It would be interesting if the *eved*-terminology turned out to be particularly appropriate to the context of chapter 53. If that were the case, we would be safe in concluding that the "essence" of these poems was the chapter 53 experience, with whatever implications this result would have for the analysis of the non-suffering Servant material, the non-Servant context, and the entire function of the *Eved haShem* within Isaiah.

Please note that the following investigations go beyond the issues discussed in the earlier sections of this essay, but do not affect the validity of the conclusions we have already earned.

I

First let us examine a note of R. Meir Simḥah of Dvinsk regarding Joshua's appeal to Moses: "My lord Moses prevent them."²¹ The comment:

Now there are three men mentioned in the Torah who are called *avdi*: Abraham, Caleb and Moses. These were men who never called any man "my lord" or referred to themselves as "thy servant." Not so Joshua, who said "my lord Moses." and similarly Aaron was not called *avdi*, because he said "my lord" to Moses.²²

The clear implication of R. Meir Simḥah's statement is that the term *avdi* (and presumably *Eved haShem* as well) denotes an

individual distinguished for his freedom of all merely human authority structures.

There is, however, an obvious difficulty in this commentary: the book of Joshua (and later Judges), in recounting the death of Joshua, refers to him as the "son of Nun *Eved haShem*"²³ — the selfsame Joshua who is denied the status of *avdi* for calling Moses "my lord." This difficulty is anticipated by R. Meir Simḥah, when he specifies three men in the Torah who were called *avdi*. What is the meaning of this distinction between the use of *avdi* in the Torah and in other Biblical books?

Apparently, according to R. Meir Simḥah, the pristine meaning of someone being an *Eved haShem*, which is reflected in the use of the term in the Torah, involves the sense of independence of the merely human yoke. Once this meaning is established, Biblical language tolerates less strict applications of the term. In the book of Joshua, for example, the basic meaning of the term is firmly anchored in "Moses *avdi*," with whose death the book begins, and whose achievement is repeatedly evoked;²⁴ Joshua's attainment of *Eved haShem* status at the end of the book serves to underline his fulfillment of his "master Moses'" mission: the disciple finally is granted the same title as his teacher.

The preceding analysis leaves us with two conclusions: a. the *eved*-terminology is associated with the idea of independence from any servility vis-à-vis human authority; b. This connection is strictly maintained only in the Torah; in later Biblical books looser usage may be prevalent.

2

The point of departure for our second study in terminology is a remark by Rabbeinu Bahye b. Asher in his commentary on the death of Moses:

There died Moses Eved haShem: He was not called Eved until he died. For in his lifetime, the Scripture called him at the beginning of the section "the man of God" (Ish haElokim) [Deuteronomy 33:1]; but now at the

end of the section, after his death, called him *Eved haShem*, what you will not find in all the books of the Torah. This is because of his degree and the greatness of his perception, for the servant is habitually in the presence of his master and serves before him regularly, and explicitly they said [Hullin 7b]: "The righteous are greater in their deaths than in their lives" . . . as they said in *Midrash Tehillim* [Psalm 16]: "God does not call the righteous holy until they are in the earth, because the evil inclination presses man in this world and God does not trust him until he dies."²⁵

Here we find that being an *Eved haShem* is possible only when the individual has resolved the problem of death.

Rabbeinu Bahye's assertion, however, is beset by a seeming contradiction: after all, Moses and Caleb were referred to as *avdi* well before their deaths. It is highly unlikely that Rabbeinu Bahye would insist upon the absence of the term with regard to living people in "all the books of the Torah" in the face of the evidence. It is also a bit peculiar (though less difficult) that he omits reference to Abraham, who is called *avdi* subsequent to his death.

The obvious answer would involve a distinction between *Eved haShem*, which makes its initial appearance in the story of the death of Moses, and *avdi*, which is employed elsewhere in the Torah, and with regard to living individuals. How shall we draw the distinction between *Eved haShem* and *avdi*?

I would suggest the following answer: For God to call an individual "my servant" is essentially to describe that individual's relationship to God; to call the individual "Servant of God" is to say more: it is to give that individual a title. He does not merely serve God; he is God's Servant. For this reason Rabbeinu Bahye may ignore, for his purposes, the term *avdi*, and concern himself with the term *Eved haShem* alone: the title "Servant of God" is bestowed upon the individual who has completed his work and become resolved to death.

From Rabbeinu Bahye, then, we have learnt two points: a. There is a difference, semantically, between *Eved haShem* and *avdi*; this distinction has been maintained (if you haven't noticed) throughout this essay by capitalizing the title; b. The

title *Eved haShem* is associated — at least in the Torah — with the confrontation with death.

By examining a verse in Isaiah (in one of the "Servant" passages not under consideration), we may bolster our conviction that *Eved haShem* and *avdi* are not interchangeable in all contexts:

Who is blind but *avdi*, and deaf as the messenger I have sent?
 Who is blind as he who is recompensed; and blind as *Eved haShem*?
 (42:19)

The two forms of *eved*-terminology here appear in parallelism. Even those who are wont to dismiss the distinctions between "synonyms" in Biblical parallelism as "repetition of the same content in different words," should be troubled by the use of the same words in parallelism, especially as both cola redundantly conjoin the *eved*-term with the adjective "blind" (*ivver*). In the light of our distinction, the two *eved*-terms are not identical; we have a parallelism of different words.²⁶

An awareness that the term *avdi* is not a title, and hence not as strong a term as *Eved haShem*, renders less puzzling a curious instance of *eved*-terminology. Jeremiah, in prophesying the subjugations of the nations to Babylonia, refers to "the king of Babylon my servant (*avdi*)."²⁷ The phrase is startling, as indeed it is meant to be, implying, as it does, that a wicked Gentile must be viewed as God's servant, whose rule the nations, including Judah, must obey for seventy years. Similarly, Saadiah Gaon and other exegetes understood the term *avdi* in Isaiah 42 (1ff.) to refer to Cyrus,²⁸ an individual spiritually superior to Nebuchadnezzar, but nevertheless, in the final analysis, a Gentile who did not recognize God,²⁹ let alone qualify for the lofty status of being an *Eved haShem*. Of course, the term *avdi* is not identical with *Eved haShem*; therefore we need not take exception at its use in describing the role of individuals lacking in the sanctity we would associate with *Eved haShem* (and, in most cases, even with *avdi*). Nebuchadnezzar and Cyrus could be described as God's servants in the sense that they are tools in His hand.

Rabbeinu Bahye had formulated his statement about the relationship of the *Eved haShem* and death with regard to the Torah. Can it be applied to later Biblical books as well?

We have already noted that Joshua is called *Eved haShem* posthumously. David is called *avdi* on many occasions, both during his life and after his death. He is designated *Eved haShem* twice: in the superscriptions of Psalms 18 and 36.

Psalms 18 parallels, of course, David's apopemptic song of praise in II Samuel 22. Why is David here called *Eved haShem*? Radak's answer (echoed by Me'iri), that "one who places all his power and intentions towards God in all of his matters, he is called *Eved haShem*," and that David, by placing his trust in God, exemplified these traits, seems to evade the basic issues. For this approach does not explain why the title *Eved haShem* does not grace any of David's other pleas for Divine assistance or songs of thanksgiving; nor does it give a reason for the presence of the title in Psalm 18 where it is absent from the parallel in Samuel.

Rabbi Samson Raphael Hirsch addresses himself to the difference between the superscriptions in Psalms and in Samuel. He believes the Psalms version represents the final form of the song, in which David's personal thanksgiving enters the liturgy of the ages subsequent upon its re-editing.³⁰

One of the additions is "For *Eved haShem* for David." Only when David stands at the close of his eventful life and after he has, in many psalms of praise to God, granted his people a spiritual treasure for all the generations — only then does he dare to call himself *Eved haShem*.

Without utilizing Rabbeinu Bahye, Hirsch reaches the same position: the use of *Eved haShem* in Psalm 18 is associated with David's impending death.

Psalms 36, however, does not seem to refer to death or, for that matter, to any of the themes we have delineated with regard to the *eved*-terminology outside the Servant pericopes in Isaiah. An analysis of this strange psalm will add another relevant dimension to our investigation of the semantics of the

eved-terminology, through which we hope to gain insight into Isaiah's Servant-figure.

3

Psalm 36 differs, as far as I can tell, from any other psalm, in important features of its theme and structure. Our concern for this chapter is here ancillary to the study of its superscription; hence I shall not give it the attention it deserves.³¹ In order to account for the superscription, we must confront the chapter's essential ambiguity.

This ambiguity is introduced and virtually epitomized by the opening verse:

Speaks the sin of (or to) the wicked within my heart: there is no fear of God before his eyes.(v. 2)

Who is the speaker? Is it the spirit of the wicked whom David must combat? If so, then the phrase "within my heart" represents the wicked man's thoughts, not David's; "there is no fear of God before his eyes" would express David's thoughts about the wicked man's thoughts. If, disregarding the clotted syntax, we try to read the chapter as a confrontation between David and the wicked, we are disappointed. For instead of the usual assurance that the wicked will be destroyed, we discover, after the psalmist elaborates upon the state of mind adumbrated in v. 2, a powerful evocation of God's *hesed* and divine light through which we may perceive light.

The ambiguity is justified, however, if we choose the alternative of identifying the *rasha* of verse 2 with David's *yezer hara*. In this way of reading the chapter, we have an attempt to penetrate the heart of darkness, the dialogue of a divided soul with itself, with "the wicked within my heart," with that delusively alien being who is simultaneously me and not-me, before whose eyes "there is no fear of God." Now this particular mode of looking at the individual's situation is unusual in the Bible. In the typical psalm of repentance, the psalmist has put his sins firmly behind him. He may recognize the need for constant vigilance against temptation; he may call upon

God for forgiveness and protection; he will accept whatever punishment is required by way of expiation. But he generally does not speak from *within* the experience of the divided self. In Psalm 36 he does. Here is the struggle of the man who is able to evaluate himself neither as a righteous man nor as an evildoer.

I believe that this ambiguity is indeed at the heart of the matter in this psalm, and that this is responsible for the difficulties in syntax and in determining the persons. The significance of my hypothesis about the meaning of the psalm as a whole is, for our purposes, the clue it offers to the superscription: "For *Eved haShem*."

Remember the Servant in Isaiah 53. As we understood him (following Nahmanides), the essential quality of his suffering was precisely in his transcendence of the impulse to self-justification which constantly torments the ordinary human consciousness. The Servant was not concerned with his destiny, whether before death or after death. He was, like Maimonides' ideal worshipper of God, indifferent to all consequences of his action: he had a mission and a passion to fulfill.

The *Eved haShem* of Psalm 36 shares this distinction. He too is not concerned with self-evaluation or self-justification. His situation is ambiguous, precisely because he dare not relax into the complacency of the self-justifying saint, or the despair of the confirmed evildoer. He is alone in a dark cave with the serpent of his own nature, his hope extended to God, not to the plea for mercy or forgiveness, but in the celebration of the Divine light and the mountain-like *hesed* which enable him to struggle toward the light.

4

Let us summarize the conclusions of this section, in which we investigated the *eved*-terminology with an eye to its implications for our study of Isaiah:

a) In the Torah, the *eved*-terminology indicates unwillingness to become servile vis-à-vis any human authority. This is less strictly the case in later Biblical books, but is quite in the spirit

of the Servant Songs in chapters 49, 50 and 53.

b) In the Torah, *Eved haShem*, though not *avdi*, is associated with resolution toward the death-experience. In other Biblical literature (i.e. Joshua; Psalm 18) this general connection is maintained. Now Isaiah usually uses the form *avdi* or *avdo* (in 50:10); *Eved haShem* appears in ch. 42, but not in 49-53. However, it could well be argued that the Servant-terminology, in this case, does constitute a title (in the sense I employed in sec. 2 *supra*) rather than a description, since the Servant is anonymous. Other than *avdi*, he has no name or title whatsoever. The confrontation with death is, obviously, fully developed in chapter 53.

c) In Psalm 36, the title *Eved haShem* refers, if my interpretation of that chapter is valid, to an individual defined by his relationship of service before God, a relationship that transcends normal standards of self-evaluation and self-consciousness. This type of definition is relevant to the Servant of chapter 53 but is not directly appropriate to the situation in chapters 49 and 50, and certainly not to the non-suffering figure in chs. 42 (1ff.) and 61.

If, in fact, the very meaning of the term *Eved haShem* refers to that quality of experience found specifically in chapter 53, we must conclude that the entire series of Servant Songs focuses on, rather than simply climaxing in, chapter 53. The entire pericope represents God's message to that generation which, challenged by redemption, must learn the language of the courage to suffer.

IV

Our analysis has succeeded in showing the development of the role of the Servant in chs. 49, 50 and 53. We have attempted to define the special quality of the suffering-experience in chapter 53, and advanced the possibility that this chapter is the paradigmatic Servant Song, to which the others are background.

To relate these insights to the other Servant Songs and to place the Servant poems within the larger context of the book

of Isaiah would require a great deal of additional detailed investigation.³² To achieve this total integration also demands confrontation with the paradox, which is only externally expressed in the literary structure: that in order for us to learn the courage to be redeemed, we must master the ability to suffer properly. I say *we* because every day, and in every generation, around us and within us, the suffering and the redemption do their work, more terrifying and more glorious than anything we either anticipate or wish for. The suffering and the redemption compel our response, which depends upon our will before God, but cannot be propitiated by our contrivance.

NOTES

1. There is much disagreement among modern scholars as to the exact demarcation between the literary units in Isaiah 40-55 in general, and between the Servant Songs and the other material in particular. For a table of different views, see Anton Schoors: *I Am God Your Saviour: A Form-Critical Study of the Man Genres in Is. xl-lv* (Supplements to Vetus Testamentum, vol. xxiv; Leiden 1973) pp. 30-31.
2. For a survey of Jewish identifications of the Servant, see H.A. Fischel: *Die deutero-jesaianischen Gottesknechtlieder in der juedischen Auslegung* (HUCA 18, pp. 53-76; tables on pp. 74-76) and a popular traditional approach in Y. Yaakovson: *LeBa'ayat haGemul baMikra*. The Jewish material on ch. 53 has been assembled in Driver and Neubauer: *The Fifty-Third Chapter of Isaiah According to the Jewish Interpreters* (Ktav, 1969; with Prolegomenon by R. Loewe). See also H. Orlinsky's article on *Eved haShem* in *Encyclopedia Mikra'it* (vol. 6, pp. 15-22) and literature cited there.
3. Among my reasons for distinguishing thematically between 40-48 and 49-55 are the following: Nahmanides has argued that, from 52 on, the prophet is referring to the final redemption, not to the period of Cyrus (*Sefer haGe'ulah* in Kitve Ramban, ed. Chavel, Vol. I, pp. 269-270), in part because of the absence of any reference to the fall of Babylon after ch. 51. In fact the last Babylonian reference is as early as 48:20. In addition, the sin of Israel, in chapters 49-55, is limited to lack of confidence in God, i.e. a failure of trust rather than positive treachery towards God: the issue of treachery, and the punishment of exile, are resolved in ch. 48. Lastly, of course, the Servant suffers in chs. 49ff. but not in the earlier chapters. These themes, and others we have not detailed here, are all interrelated.

4. Compare J.A. Soggin's bemused comment (*Tod und Auferstehung des leidenden Gottesknechtes Jesaja 53:8-10*, ZAW 87: pp. 346-355) on a similar modern view: "Für den letzten ist 'reich' gleich dem heutigen Schimpfwort 'Kapitalist' zu verstehen" (p. 349, n. 15). Ibn Ezra's own poverty is a well-known matter and may have influenced his exegesis. See, for example, his commentary at the end of Genesis 25 and Nahmanides' criticism.
5. BH and, e.g. Claus Westermann: *Isaiah 40-66* (SCM Press; 1969) p. 254.
6. BH and Loewe's Prolegomenon to Driver and Neubauer, pp. 4-6 following (?) *IQIsa(a)*. *IQIsa(b)* is silent.
7. Soggin (*op. cit.*) suggests that the two synonyms for "cut off," *nigzar* and *nikhrat*, are not identical semantically. *Nikhrat* always refers to death; the connotations of *nigzar* do not necessarily imply death. This suggestion, of course, supports the view of Nahmanides and other Jewish exegetes.
8. Nahmanides' Debate (in Chavel, *op. cit.* pp. 299-320), pp. 307; 311-312. In addition to the Rabbinic material discussed by Nahmanides, see also Fischel (*op. cit.* p. 62); regarding *Sanhedrin* 98b see note by R. Mattityahu Strashun (*Mivhar Ktavim*; Jerusalem, 1969) pp. 91-92. It is curious that no source known to me identifies the Servant of ch. 53 with Messiah ben Joseph.
9. Chavel (*op. cit.*) pp. 321-326.
10. *Ibid.* p. 307 (no. 28).
11. *Ibid.* pp. 324-325.
12. For other views on the plural form, see "Introduction to the English Translation" in Driver and Neubauer, pp. lv-lvi.
13. According to Nahmanides, the rejection of the possibility of vicarious atonement is foreshadowed in Moses' intercession after the Golden Calf incident. Moses offered himself as expiation of Israel's sin. God explained that "he who has sinned unto Me, him I shall wipe from My book." (Commentary to Exodus 32:32).
14. Commentary to Mish. Avot 1:3, *inter alia*.
15. On Radak's approach, see F. Talmage: "R. David Kimḥi as Polemicist" (*HUCA* 38, pp. 213-237) pp. 220-222.
16. A similar strategy is employed by Graham Greene in his masterly *The Power and the Glory*. Any hint of the whiskey priest's sainthood must be introduced from the outside. The entire quality of his bitter spiritual triumph is his utter inability to discover any merit in his persistence and commitment: he is not even concerned with the attainment of spiritual "glory" — resigned as he is to failure and likely damnation.
17. Anonymity is employed by modern writers for these purposes: e.g. Kafka and Graham Greene in the aforementioned novel. Patrick McGoohan's *The Prisoner* utilizes anonymity as a double-edged ex-

- perience: on the one hand, the totalitarian weapon of dehumanization; on the other hand, Number 6's means of maintaining his alienation from other persons in "The Village." Offhand, the only significant Biblical parallel is the anonymity of Abraham's servant in Genesis 24. Here the Torah seems to be emphasizing the servant's total submission to the mission with which he has been charged by Abraham.
18. *Complete Plays of T.S. Eliot* (New York; 1967) Part I, p. 27.
 19. *Ibid.* p. 30.
 20. *Ibid.* ("Interlude") p. 33.
 21. *Meshekh Hokhmah* to Numbers 11:28.
 22. References are to Genesis 26:24; Numbers 14:24; 12:7, and Exodus 32:22 respectively. With regard to Aaron, compare *Avot deRabbi Nathan A*, end of ch. 27.
 23. Joshua 24:29; Judges 2:8.
 24. Moses is called *eved* in the following places in Joshua: 1:1, 2, 7, 13, 15; 8:31, 33; 11:12; 12:6; 13:8; 14:7; 18:7; 22:2, 4, 5.
 25. Commentary on Deuteronomy 34:5.
 26. *Mezuddat David* does relegate the parallelism here to "repetition and triple repetition of the same matter." Malbim distinguishes between *avdi*, implying preparation to see, and *Eved haShem*, implying election (this is a favorite distinction of his). On the special importance of distinguishing between apparent synonyms where the other components of the parallelism are identical, see Nahmanides' Commentary to Job (in Chavel, *op. cit.*) pp. 20-21.
 27. Jeremiah 25:9; 27:6; 43:10.
 28. Saadiah cited by Ibn Ezra; for other exegetes, see Fischel (*op. cit.*) pp. 74-75.
 29. See Isaiah 45:4-5; see also *Megillah* 12a.
 30. E.Z. Melamed: "II Samuel 22 — Psalm 18" (*Sefer Dinburg*, Jerusalem, 5709); pp. 19-30 treats the detailed differences between the two versions. Also cf. Cross and Freedman: "A Royal Song of Thanksgiving" (*JBL* 72, pp. 15-34).
 31. I intend, God willing, to deal more thoroughly with the psalm of the divided self in the future.
 32. The question of the *zusammenhang* of the Servant Songs and the other prophetic material has been neglected by modern scholars. Some, like Mowinckel (*He That Cometh*; tr. Anderson; Nashville 1954; pp. 187ff.), have considered the relationship arbitrary. The one attempt to deal with this problem is W. Beuken: "Mishpat: the First Servant Song and its Context" (*Vetus Testamentum* 22: pp. 1-30), who limits his discussion to the first (non-suffering) Servant Song in ch. 42 and its relationship to the adjacent prophetic material. His emphasis (p. 23ff.) upon what he dubs *litotes* in the ch. 42 Servant Song, I have found helpful. The concept of *litotes* serves as a bridge between ch. 42 and the

other Servant Songs, and is also an outstanding feature of Psalm 36. Some idea of my approach to the larger context, in addition to what has been hinted at here and in the body of the essay, should be evident to survivors of my Bible 82 class, in its various editions.

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RASHI'S COMMENTARY ON JOB: SOME PRELIMINARY OBSERVATIONS TOWARDS THE PREPARATION OF A CRITICAL EDITION

A. Rashi's Commentaries on the Bible

There are several Biblical books for which Rashi wrote no commentary, and others for which his authorship of a commentary is contested.

Hayyim Joseph David Azulay (Hida), the noted 18th century bibliographer, made the following entries in his *Shem HaGedolim* under Rashi:¹

Rashi commented upon the Bible, however the commentary on Chronicles which we possess is not Rashi's . . . In the *Tosafot, Yoma, 9a*,² it is written: 'And R. Jacob in the name of R. Yekutiel of Worms has said that Azariah did not live in the time of Solomon, rather during the time of Uziah . . . and I have found this in the commentary on Chronicles of the disciples of R. Saadiah.'³

"This commentary," adds the Hida, "is identical with the one we possess (i. e. attributed to Rashi) on I Chronicles 5 (v. 35)", thereby confirming that it is not Rashi's own.⁴

Next, the Hida passes to the Job commentary attributed to Rashi and says:

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C. The Logistical Impediments

My attention was drawn to Rashi's Job commentary by a student, Mr. Gershon Winter, who questioned the phraseology of a portion of the printed text. In my attempt to satisfy his curiosity, my own was insatiably whetted. Rather than locating, facily, a reliable manuscript which would quickly confirm either the text or the student's suspicions, I discovered something akin to chaos.

In D. S. Blondheim's "Liste",²² some 50 manuscripts — according to their catalogue descriptions — purport to contain the text of a commentary on Job by Rashi. I have, to date, examined portions of nearly one dozen of these manuscripts,²³ and I have found neither any two entirely identical manuscripts, nor any one manuscript corresponding completely to the *Mikra'ot Gedolot* text.

Approaching the same text from the perspective of the printed editions, I can — to date — offer the following observations: While the Bomberg-Venice editions of 1548 and 1568 both contain Rashi commentaries on Job almost identical to that of the current *Mikra'ot Gedolot*, it is noteworthy that the 1525 edition contains *no* commentary on Job attributed to Rashi! A 1515 Salonica edition, on the other hand, contains the text of such a commentary, but one essentially unlike that of the later Venice editions.

D. The Alternatives

Returning to the methodological inquiry posed at the end of section B, if we posit that Rashi did, in fact, compose a commentary on Job — at least through chapter 40²⁴ — an assumption supported in part by the manuscript and printed attributions, as well as by citations from, or references to, such a commentary by subsequent exegetes and authors,²⁵ then one manuscript (or family of mss.) is going to be as close to that original Rashi as can be determined.

If, however, said commentary consisted only of Rashi's unrefined notes, or of notes taken by his disciples and later embellished through the accretion of their own original com-

ments, or clarifications they either knew, or presumed, to be originally Rashi's, then instead of searching for a single Rashi manuscript, we are really seeking to identify and isolate a Rashi stratum throughout several manuscripts.

E. An Illustration

The following is an illustration of a problematic text, with an attempt at its rectification based on manuscripts and parallel texts.

Job 11: 17 (MT) reads: תעפה כבקר תהיה . . . (*ta'ufah kaboker tiheyeh*)

I. The Texts:

The standard *Mikra'ot Gedolot* text of Rashi reads:

תעופה: אפילה שלך כבקר תהיה.
ע"א תעופה לשון עפעפי שחר. שאם הוא לשון אופל היה לו לומר תעופה נקד בשוא כמו תנופה תקופה תרומה תנומה.

This text, though problematic (i.e. what is the ostensible connection between the definition of *ta'ufah* and its vocalization?), is approximately the same as that of *Bodleian* ms. Mich. 629 (fol. 96) which reads:

תעופה שלך (?) אופלך כבקר תהיה.
ע"א תעופה כמו עפעפי שחר שאם הוא לשון אופל היה לו לומר תעופה תי"ו נקד בשבא (!) כמו תנופה תקומה תרומה.

as well as that of Escorial ms. G. II-14 (fol. 44b):

תעופה שלך אפלך כבקר תהי' ע"א תעופה לשון ל"ש עפעפי שחר שאם הוא לשון אופל היה לו לומר תעופה בשבא כמו תנופה תקומה

However, *Bodleian* ms. Opp. 34 reads to the contrary:

תעופה טלך (?) ואפלך כבקר תהיה.
ואין לומר תעופה כמו עפעפי שחר שכן היה לו לומר תעופה נקד בשבא (!) כמו תנופה תרומה תקומה.

while *Bodleian* ms. 142 records both opinions:

תעופה טלך ואפילתך כבקר תהיה.
ד"א תעופה לשון עפעפי שחר שאם הוא לש' אופל היה לר' תעופה נקד בשבא (!).

מצ' (= מצאתי) ואין לומר תעופה כמו עפעפי שחר שכן היה לו לומר תעופה נקד בשבא (!) כמו תנופה תקומה תרומה תנומה.

II. Analysis:

After initially defining *ta'ufah* as *afelah*, darkness, its possible identification with *afapei shahar* — implying light — is contemplated. In the first two mss. this identification is accepted, in the third it is rejected, and in the fourth both interpretations are presented despite their mutual exclusivity. In all four cases the same grammatical feature — the vocalization of TA rather than TE — is cited as proof.

The resolution of the problem seems elementary. Presuming that a word cannot — simultaneously — mean both itself and its opposite, if Rashi — elsewhere — defines *ta'ufah* as darkness, then it could not be identified with *afapei shahar* (or, of course, vice versa).

In fact, in commenting on *oseh shahar eifah* (Amos 4:13), Rashi says:

עיפה; הופך נוגהן של רשעים לחשך אפלה. כמו: והנה צרה וחשכה מעוף צוקה (ישע'י ח; כב), וכן; ארץ עפחה (איוב י; כב), תעופה כבקר תהיה (שם; יא: יז). חשך כבקר יהי מאיר.

This clearly signifies, clearly, that Rashi defines *ta'ufah* as darkness.

This interpretation is evinced, equally, by his commentary on Job 10:22, and is consistent with the definition established by Rashi's lexicographical guide Menaḥem ben Saruk in the third — of six — entry under עפ in his Maḥberet (ed. Philipowski, p. 135).

III. Resolution:

Considering the consistency of Rashi's treatment of *ta'ufah* as darkness, whence derives the opinion — recognized by the first two mss. — identifying it, contrarily, with *afapei shahar*?

It would appear that it emerged from a misunderstanding of the subsequent commentary — to this very verse — of either Rashbam or R. Yosef Kara. Rashbam's commentary, according to a unique J. T. S. manuscript, reads:

תעופה לשון חושך כמו עשה שחר ועיפה וג' ארץ עיפחה וג'.

תעופה כשאתה סבור שתהיה חשוך ומאופל אז תהיה כבקר וכשחר יבקע אורך; תעופה מן עף; מן שב תשובה, מן בא תבואה, מן קם תקומה, מן חש תחושה כמה שני ימהר יחישה מעשהו וכן תקרב ותבואה. כי בכל אותיות אי"ן יאמר כאילו התיבות אשוב אשובה, אקום אקומה, ישוב ישובה, תשוב תשובה, תבוא תבואה, נבוא נבואה, בשתי אותיות יסוד. ולשון הקונטרס לא יתכן לומר תעופה הוא שם דבר אופל, שאם כדבריו היה לינקד תי"ו של תעופה בחטף (= שוא).

Rashbam doesn't challenge Rashi's definition of *ta'ufah* as a derivative of the (ostensibly) bi-literal verb עפ meaning darkness. Rather, he denies that it is a noun (*shem davar*) and insists — on the basis of its Masoretic vocalization — that it is a verb. (R. Yosef Kara quotes Rashbam's commentary here almost verbatim — a problem unto itself — adding, however, that Rashi's treatment of the word as a noun is identical with that of Menaḥem bar Helbo.)

IV. Conclusion:

1. The definition of *ta'ufah* as darkness (*afelah*), which appears in all mss. and in the printed edition, is patently that of Rashi — and is probably the only authentic portion of his commentary here extant — since it is:
 - a) cited by Rashi himself elsewhere (Amos 4:13 and Job 10:22);
 - b) cited in his name by subsequent authors (Rashbam, as well as in the *Arugat HaBosem*, ed. Urbach, I 103);
 - c) consistent with the interpretations of Menaḥem ben Saruk and Menaḥem bar Helbo in whose grammatical and lexicographical footsteps Rashi usually trod.
2. The reference to the ostensible vocalization of the n of *ta'ufah* (i.e. *Kamaz* or *Sheva*) derives from Rashbam's critique of Rashi which — in fact — did not challenge his definition per se, only his designation of the word as a noun.
3. As for the contradictory reference to *afapei shahar* — with its concomitant signification of light — it would appear to have derived from a totally extraneous source, as the telltale abbreviation for *inyan aḥer* — which introduces this comment in the sources — has been known to connote. (In fact, the printed commentary to the first half of our verse is explicitly

designated as *sefarim aherim einenu* and even contains the further caveat: *zo shamati* — i.e. reliably — *aval harishon lo nireh.*)

4. The identification of *ta'ufah* with light originated with Ibn Jannah (*Sefer haShorashim*, ע"פ, ed. Bacher p. 360) and first appears in medieval exegesis with the Kimḥi's, Moshe Kimḥi citing it in his commentary ad. loc. (*Tikvat Enosh*, p. 87) and David Kimḥi listing it in his *Sefer HaShorashim* (ע"פ; ed. Biesenthal-Lebrecht, p. 255). (Cf. Y. Avineri: *Hekhal Rashi*, Tel Aviv, 1940, v. I p. 59, for further illustrations of Radak's commentaries which have crept into the printed editions of Rashi.)

F. Final Note

In 1939, Isaac Maarsen published an article on Rashi's commentaries to Proverbs and Job,²⁶ from which it is apparent that he was preparing critical editions of those works as he had previously done for the works enumerated above.²⁷ Maarsen, who was then the Chief (Orthodox) Rabbi of the Hague, met his death in the Holocaust in 1943, his work incomplete, and his notes lost.

Recent years, however, have seen a revival of interest in Northern French Job commentaries. The commentary of Yosef Kara²⁸ will soon appear in a critical edition prepared by M.M. Ahrend, and Sara Yefet is preparing to publish the text of the Job commentary attributed to Rashbam.²⁹

In general, as well as in the specific context of these two other works, the preparation of a critical edition of Rashi's own commentary on Job is an obvious desideratum.

NOTES

1. Vilna edition (1853), p. 165; my translation.
2. ולא שמשו בו.
3. There is some question whether this R. Saadiah is Saadiah Gaon, or whether it refers to an Ashkenazic scholar of the same name. E. M. Lipschuetz: *Rashi* (Jerusalem 1966), p. 189, n. 67, supports the latter view.
4. Additional confirmation can be found in the Introduction to the commentary of Raddak on Chronicles, where he states: "Neither have I found that any of my predecessors have commented upon it."
5. *Mavo al Hakhemei Zarefat Mefareshei HaMikra* (Warsaw, 1913), p. XIV, n.l.
6. *Op. cit.*
7. Another bibliographical work, Heimann Joseph Michael: *Or haHayyim* (Frankfurt A. M., 1891), p. 585 #B, cites the example of Rashi's commentary on I Samuel 25:19 into which an interpretation of R. Kalonymos of Rome has been interpolated.
8. D. S. Blondheim: "Liste des Manuscrits des Commentaires Bibliques de Raschi", R.E.J. v. 91 (1939), pp. 1-55, lists 332 manuscripts of Rashi's Biblical commentaries, belonging to about 45 different libraries and private collections.
9. The first dated printed Hebrew book (1475) was Rashi's commentary on the Pentateuch.
10. Entitled: *Rashi al haTorah*.
11. Edited on the basis of eleven manuscripts at The Dropsie College, Philadelphia.
12. Entitled: *Parshandatha*.
13. S. Mirsky *Jubilee Volume* (N.Y. 1958), pp. 130-188.
14. *Magazin für jüdische Geschichte und Literatur*, v.I, (1874), p. 86; my translation.
15. עד כאן יסד רש"י, מכאן ואילך אינו לשון רש"י.
16. זה ימים רבים שפרשתי פרשה זו כאשר כתוב למעלה: עכשיו אני רואה בשני לשונות שבה.
17. Quoted by Abraham Geiger: *Melo Hofnayim* (1840), p. 36.
18. On Shemaiah, cf. Poznanski: *op. cit.*, p. XXII-XXIII; S. Eppenstein: *Shemaja, Raschi's Schuler und Sekretar* (Berlin 1897); and Kitevei Avraham Eppstein, v.I. pp. 271-295.
19. מכל מקום, אני טעיתי באותו פירוש ואתה עסקתי בה עם אחינו שמעיה והגהתי.
20. David Rosin: *Peirush haTorah asher katav Rashbam* (Breslau, 1881), p. 49.
21. לפי הפשטות המחדשים בכל יום.
22. Cf. n.8 above.

23. Amongst the oldest manuscripts I have thus far consulted are: *JTS* ms. 778 — 13th century; *Bodleian* ms. Opp. 34 — 13th century; *Bodleian* ms. 142 — 1328; *Escorial* ms. G-11-14, 1227; *British Museum* ms. Harley 1861 — 13th century; and *Munich* ms. 5 — 1233.
24. Given this assumption, there remains the intriguing question of who completed *Rashi's* commentary to Job 41-42. Ms. Munich no. 5 (cf. previous note) contains the following note after 40:25: "The foundation, up to here, was that of R. Shelomo, of blessed memory. From here on in, the foundation is that of his grandson R. Shemuel . . . ben Meir." David Rosin: *op. cit.*, p. XIX, however, challenges this assertion, noting that the commentary to these two chapters maintains an even greater affinity for that of Yosef Kara, and blames the error on a copyist. *Bodleian* mss. Opp. 34, and 142, however, substitute the name of R. Yaakov Nazir for that of Rashbam. Regarding Donath's suggestion that Rashi was prevented from completing the Job commentary by death, Maarsen — cf. n.26 below — contends that, as in the case of his Psalms commentary, he left it incomplete.
25. Of the greatest interest are the commentaries of Yosef Kara and Rashbam, discussed below, and two anonymous Northern French commentaries on Job, one published in 1905 by Wm. Wright: *A Commentary on the Book of Job*, and the other, published in 1911 by A. Sulzbach: *Commentar eines Anonymus eum Buche Hiob*.
26. "Raschi's Kommentar zu Sprüche und Job", *MGWJ* v.83, pp.442-456.
27. Cf. n.12 above.
28. Originally published from one manuscript in *MGWJ* vs.5-6 1856-8.
29. On this attribution, cf. Rosin: *op. cit.*, and in his *Rashbam als Schrifteklärer* (Breslau, 1880), p.15 ff., as well as in M. M. Ahrend's recent article: "Rashbam's Commentary on Job?" (Hebrew), *Alei Sefer* v.5 (1978), pp.25-48.

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HALACHA AND THE SPIRITUAL EXPERIENCE

For Steven Gladstein, ש"י.

Our age is not willing to stop with faith, with its miracle of turning water into wine; it goes further, it turns wine into water.

(S. Kierkegaard)

The religious experience begins with God. The relationship between man and God is predicated on faith. Though these premises may sound elementary, they are indeed complex and often abused. The purpose of this paper is to explore philosophically this "faith relationship" and its ramifications in the Halachic world.

By the faith relationship we mean the spiritual experience which man undergoes when he meets God. Abraham, having been the first man to experience this encounter, becomes the archetype of faith. Abraham's faith had two major manifestations, the rational and the irrational, the former contained in the following Midrash:

Said R. Isaac: This may be compared to a man who was travelling from place to place when he saw a building in flames. 'Is it possible that the building lacks a person to look after it?' he wondered. The owner of the building looked out and said, 'I am the owner of the building.' Similarly, because Abraham our father said, 'Is it conceivable that the world is without a guide?' the Holy One, blessed be He, looked out and said to him, 'I am the guide, the sovereign of the Universe.'¹

This Midrash reveals to us the age-old tradition that Abraham discovered God through his rational perception.^{1a} Abraham looked at the burning building and concluded that

there must be a creator, a purpose. However, Abraham's discovery of God was not confined to the teleological realm. He did not perceive God purely as a "guide" to the world but also as the Creator and first cause of all that exists. The following Midrash epitomizes Abraham's mode of questioning the nature of things, as well as his cosmological understanding of the universe:

R. Hiyya said: Terah was a manufacturer of idols. He once went away somewhere and left Abraham to sell them in his place. A man came and wished to buy one. 'How old are you?' Abraham asked him. 'Fifty years,' was the reply. 'Woe to such a man!' he exclaimed, 'you are fifty years old and would worship a day-old object!' At this he became ashamed and departed. On another occasion a woman came with a plateful of flour and requested of him, 'Take this and offer it to [the idols].' So he took a stick, broke them, and put the stick in the hand of the largest. When his father returned he demanded, 'What have you done to them?' 'I cannot conceal it from you,' he rejoined. 'A woman came with a plateful of fine meal and requested of me to offer it to them. One claimed, "I must eat first," while another claimed, "I must eat first." Thereupon the largest arose, took a stick, and broke them.' 'Why do you make sport of me?' [Terah] cried out; 'have they then any knowledge?' 'Should not your ears listen to what your mouth is saying?' [Abraham] retorted. Thereupon [Terah] seized [Abraham] and delivered him to Nimrod. 'Let us worship the fire!' [Nimrod] proposed. 'Let us rather worship water; water, which extinguishes fire,' replied he. 'Then let us worship water!' 'Then let us worship the clouds which bear the water.' 'Then let us worship the clouds!' 'Let us rather worship the winds which disperse the clouds.' 'Then let us worship the wind!' 'Let us rather worship human beings who withstand the wind.'²

Here, Abraham asks only logical questions and provides only logical answers, relying solely on his rational faculties for direction. His argument with Nimrod is an attempt to find the source of being, that which ought to be worshipped. When Abraham comes to man, Nimrod, fearing the continuation of such a process, returns to fire and in fact throws Abraham into the fire to test him. Abraham, by emerging from the fire un-

scathed, proves beyond any doubt that God is the master of all things.

Thus, Abraham found God. But is this where the Abraham story ends? Are asking questions and offering answers the essence of the spiritual experience? It is not how Abraham came to his faith that is important, but rather how he sustained his faith. The faith commitment is not something found and forgotten, but something lived. The question therefore, is not how Abraham found his faith experience, rather how he lived it.

If viewed critically, the last Midrash reflects both manifestations of faith. First, the rational, the questions and answers. But this only takes Abraham so far and no further. Abraham was able to prove to Nimrod the superiority of man, but not the majesty of God. Abraham's rational process has its limits, and then the matter goes beyond the realm of rationality. For the final proof, Abraham must emerge from the fire victorious. Neither stepping into the fire, nor withstanding it, can be understood rationally. This brings us to the second and more important aspect of Abraham's faith, namely, the "irrational".

Faith, in its irrational manifestation, means abandoning all worldly concerns and considerations. It means that man is man, and therefore bound by the laws of man, but God is God, and He is bound by no law whatsoever. To God, two plus two need not equal four; in fact, it need not equal anything at all.

This was the faith with which Abraham lived: the faith that he possessed when he believed Sarah would have a child at such a late age.^{2a} This irrational commitment led him to believe diametrically opposed ideas simultaneously, namely, that from Isaac would come a great nation, and that Isaac was to be sacrificed at Moriah. The biblical text expresses this when Abraham says to the servants, "And we will return to you." Abraham believed he was to offer Isaac, but at the same time he had faith in God's original promise that through Isaac his seed would be blessed; thus he said "we" will return.³ Abraham went through these trials without doubting, without applying

his rational faculties to ask the proper logical questions. This is best expressed by Kierkegaard in *Fear and Trembling* where he discusses the *Akeidah*.

Yet Abraham believed and did not doubt; he believed the preposterous. If Abraham had doubted — he would have done something glorious; for how could Abraham do anything but what is great and glorious!⁴

Kierkegaard speaks of the spiritual experience as a "leap of faith," a movement which man makes, without rhyme or reason. As such, this leap cannot be judged rationally, for it defies this world and the laws of nature. It was God's promise to Abraham that from him would come a "great nation" that led him to believe that Sarah would have a son. After all, God keeps his promises. God's promises are not bound by laws of nature; "it had ceased to be with Sarah after the manner of women" (Gen. 18:11). Abraham had understood God to be the creator of all things, and therefore not bound by any law. Abraham's faith, void of any rational understanding, is what Kierkegaard calls the "absurd."

He believed by virtue of the absurd; for there could be no question of human calculation, and it was indeed absurd that God who required it of him should the next instant recall the requirement.⁵

The absurdity is heightened when we consider Rashi's commentary which tells us that Isaac was thirty-seven when he was bound at the *Akeidah*.⁶ It seems evident that the Biblical picture is that of a father and a young lad walking hand in hand toward Moriah. Rashi seems to disturb this illusion, making the entire event more absurd. Isaac's age, as determined by Rashi, magnifies the spiritual experience and renders it even less intelligible. Thus, the faith which Kierkegaard attributes to Abraham is something that begins where the mind ends.

... a paradox which is capable of transforming a murder into a holy act well-pleasing to God, a paradox which no thought can master, because faith begins precisely there where thinking leaves off.⁷

This dialectical tension between the rational and the ir-

rational is not confined to the faith relationship but is also characteristic of Halacha. Like faith, Halacha possesses a dualistic nature. It expresses a unique worldly concern and simultaneously abandons all worldly concerns. One can justifiably view Halacha as a social institution dedicated "to improve the world through the kingdom of God."⁸ Here, the Godly institution of Halacha is seen as having a strictly worldly concern. From this perspective, each *mizvah* is viewed as having a specific purpose for the benefit of mankind. The concept of *ta'amei hamizvot* is predicated upon this. What is done here is that tangible reasons are applied to specific laws, thus making them intelligible, and inspiring men in their performance. Maimonides, in his *Guide for the Perplexed*, puts great stress on this:

There are people who find it difficult to give any reason for any of the commandments, and consider it right to assume that the commandments and prohibitions have no rational basis whatsoever. They are led to adopt this theory by a certain disease in their soul, the existence of which they perceive, but which they are unable to discuss or describe. For they imagine that these precepts, if they were useful in any respect, and were commanded because of their usefulness, would seem to originate in the thought and reason of some intelligent being. But as things which are not objects of reason and serve no purpose, they would undoubtedly be attributed to God, because no thought of man could have produced them. According to the theory of those weak-minded persons, man is more perfect than his Creator. For what man says or does has a certain object, whilst the actions of God are different; He commanded us to do what is of no use to us, and forbids us to do what is harmless. Far be this! On the contrary, the sole object of the Law is to benefit us . . . But if no reason could be found for these statutes, if they produced no advantage and removed no evil, why then should he who believes in them and follows them be wise, reasonable, and so excellent as to raise the admiration of all nations? But the truth is undoubtedly as we have said, that every one of the six hundred and thirteen precepts serves to inculcate some truth, to remove some erroneous opinion, to establish proper relations in society, to diminish evil, to train in good manners, or to warn against bad habits.⁹

Maimonides goes so far as to insist that all of the 613 commandments serve some rational purpose for the benefit of man and society. This, being an extreme view, serves to illustrate the purpose and importance of *ta'amei hamizvot*.

This immanent characteristic of divine law, however, is shared with the transcendental characteristic, namely:

Sanctify yourselves and be holy, for I am the Lord your God.¹⁰

Here, the commitment to Halacha stems from one's commitment to God. It is quite plausible that one's commitment to the social good derives from one's commitment to God, but that need not be the case. Erich Fromm serves as the best illustration for this idea. In *You Shall be as Gods*, Fromm deals with the humanistic importance of Torah law but prefaces his discussion by declaring himself a non-theist.

A few words must be said about my approach to the Bible in this book. I do not look at it as the word of God, not only because historical examination shows that it is a book written by men — different kinds of men, living in different times — but also because I am not a theist. Yet, to me, it is an extraordinary book, expressing many norms and principles that have maintained their validity throughout thousands of years.¹¹

Here is found the example, par excellence, of one who recognizes the social importance of Halacha without any reference to God.

When God tells the children of Israel to be holy, He is not proposing Halacha as a social institution. Here, law is binding not because it is good but because, "I am the Lord your God." Here commitment to law is independent of any social considerations whatsoever. The transcendental commitment to law does not consider rationality or understanding. This idea finds expression in Rashi's commentary on the following Biblical passage:

According to the law which they shall teach thee and according to the judgment which they shall tell thee, thou shalt do; thou shalt not turn aside from the sentence which they shall declare unto thee to the right or to the left.

Rashi comments here:

Even if he tells you regarding the right that it is left, or regarding the left that it is right, and certainly so if he tells you that the right is right and the left is left.¹²

Here, one is obligated to keep the law even if it is totally antithetical to one's own understanding, i.e. "right is left," etc.

Both the immanent and transcendental are recognized in Halacha, but the main point is from where the Halachic imperative stems. It is clear that the Halachic imperative comes not from social value or rational understanding but rather from faith in God and His system, regardless of whether it is intelligible. It is granted that performance of a commandment may yield a certain humanistic result, but that can in no way be construed as the source of obligation in the performance of that *mizvah*. Thus, the Halachic imperative is rooted in faith.^{12a}

These conclusions, as obvious as they may seem, have significant ramifications for the Orthodox Jewish community today. It is often found that one's Halachic orientation is more materialistic than spiritualistic. This is not a categorical statement, but where it is applicable it cannot be ignored. Often, modern science and philosophy, especially modern positivism, are blamed for the downfall of religion today. It is not these disciplines per se that bear such a responsibility, but rather the orientation that lends to their validity. To speak of empirical knowledge, verification and falsification, is considered intelligent, whereas to speak of metaphysical concepts such as God, or a relationship with Him, is looked upon as nonsense. In intellectual circles, an intelligent man would be ashamed to speak of such things. The fault here lies not in the validity of one over the other, but rather in Man's attitude towards both. He is ready and willing to accept one as intelligible and to dismiss the other as meaningless.¹³

The "believer," who, will not call God meaningless, is tempted to translate his "faith," or rather commitment, into materialistic terminology. Here is where *ta'amei hamizvot* take precedence over the true essence and source of obligation.

Furthermore, Judaism is turned from a beautiful spiritual experience into the perfunctory performance of Halacha. When materialism takes precedence over spirituality, the immanent overcomes the transcendental, the rational replaces the irrational, and the Halachic imperative is lost to modern man. The following source illustrates a genuine Talmudic concern for this problem.

The Rabbis taught: it once happened that two priests were equal as they ran to mount the ramp and when one of them came first within four cubits of the other, the other took a knife and thrust it into his heart. Rabbi Zadok stood on the steps of the hall and said: 'Our brethren of the house of Israel, hear ye! Behold it says: If one be found slain in the land then thy elder and judges shall come forth . . . On whose behalf shall we offer the heifer whose neck is to be broken, on behalf of the Temple courts?' All the people burst out weeping. The father of the young man came and found him still in convulsions. He said: 'May he be an atonement for you. My son is still in convulsions and the knife has not become unclean.' [His remark] comes to teach you that the cleanliness of their vessels was of greater concern to them even than the shedding of blood.¹⁴

Though this statement is self-explanatory, perhaps a slight elaboration is in order. One priest stabs another in order to perform the "service" in the Temple. The "service" is more highly regarded than even the preservation of human life. The Talmud takes the point still further to show that the people were not concerned with the dying man as much as they were with the cleanliness of the vessels. This serves as an excellent illustration of the importance of the recognition of the Halachic imperative.

On this matter, the Jerusalem Talmud makes an interesting statement:

Better that they abandon Me, but follow My laws.¹⁵

At first glance, such a statement would seem contradictory to the thesis proposed herein. However, if this Talmudic statement is understood properly, it must be understood within the famous Jewish principle of *mitokh*. This principle states that

although one may be performing a commandment for reasons other than a recognition of divine will, one will eventually come to recognize the divine will. This even strengthens our argument that proper adherence to law leads one to the true recognition of the Halachic imperative. Furthermore, it points out that the end of law is not law itself (material), but the observance of God's will, the spiritual experience.¹⁶

Returning to the faith relationship, one must abandon the materialistic world and all its considerations to enter truly into the spiritual experience. This does not by any means suggest that one is to ignore the world in which he lives. This simply means that one's relationship with God is not predicated upon any worldly considerations, logic, science, or otherwise. The relationship with God is independent of man's understanding. Abraham stood up and took a leap; he surrendered himself to that which he did not understand. The essence of a religious commitment is that there is someone or something greater than one's own understanding. It is from this commitment that the Halachic imperative is derived.

NOTES

1. *Midrash Bereshit Rabbah* 39:1.
- 1a. See Maimonides, M.T. *Hilchot Avodah Zarah* 1:3.
2. *ibid.* 38:13.
- 2a. Genesis 15:6. "And he believed in God and it was counted to him for righteousness." This verse appears right after God promises Abraham, for the second time, that he shall be the father of a great nation. The significance here is that it is the first time faith is mentioned in the Torah.
3. "And we . . .", Genesis 22:5.
4. Kierkegaard, Soren. *Fear and Trembling*, Princeton Univ., 1974, translated by Walter Lowrie, p. 35.
5. *ibid.* p. 46.
6. Isaac's age is found in Rashi's commentary on Genesis 25:20.
7. *op. cit.*, Kierkegaard, p. 64.
8. Taken from the last paragraph of the *Aleinu* prayer.
9. Maimonides, *Guide For The Perplexed* 3:31.
10. Leviticus 20:7.

11. Erich Fromm, *You Shall Be as Gods*, Holt, Rinehart, and Winston, N.Y., Chicago, San Francisco, 1966, p. 7.
12. Deuteronomy 17:11.
- 12a. Y. Leibowitz argues this point in "State and Religion", *Tradition*, vol. 12, nos. 3 and 4 Winter-Spring 1972. "The motif of the pattern of life down by the Halakhah for individual and community is not anthropocentric but theocentric . . . It does not recognize the rights of man, but only the duties of man towards God. Even the network of Mitzvot between man and society, man and nation, and man and state — were not instituted from a humanist motivation. Human reality — both individual and collective — is viewed not *per se*, but from the viewpoint of the service of God."
13. In the beginning of *God in Search of Man*, Heschel takes this argument to its limits: "It is customary to blame secular science and anti-religious philosophy for the eclipse of religion in modern society. It would be more honest to blame religion for its own defeats. Religion declined not because it was refuted, but because it became irrelevant, dull, oppressive, insipid. When faith is completely replaced by creed, worship by discipline, love by habit; . . . its message becomes meaningless."
14. B.T. *Yoma* 23a.
15. P.T., *Hagiga* 1:7.
16. The principle of *mitokh* is found in B.T. *Pesahim* 50b.

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MIDRASH HALAKHAH AT QUMRAN?

11Q TEMPLE 64:6-13 and DEUTERONOMY 21:22-23

In June 1967, Professor Yigael Yadin obtained the longest of the Dead Sea Scrolls, a document some 28 feet in length which he then provisionally entitled the Temple Scroll (TS in this paper).¹ The copy of the scroll is dated to the Herodian period on paleographical grounds, but there exists one fragment of the important section termed the *torat hammikdash* which dates (at the latest) to the last quarter of the second century B.C.E.² The document is an halachic work, in biblical style, purporting to be a description of the New Temple presumably envisioned by the Dead Sea sect, including the laws of the altar, festivals, sacrifices, tithes and impurities, as well as the sectarian codification of a variety of other laws.

The final section of the scroll, columns 51-66, contains a restatement of several laws of Deuteronomy 12-22, but follows the biblical text neither exactly nor completely. Other biblical passages of related content are skillfully integrated into the Deuteronomic paraphrase, primarily by association.³ Although a good portion of the text of TS is virtually a paraphrase of Deuteronomy, some of the laws are, in fact, sectarian principles which are couched in biblical language. We shall be concerned in this paper with one of the first passages of TS to be made public prior to the publication of the entire document, column 64, lines 6-13.⁴

The text of the segment to be scrutinized reads as follows:

כי 6
 יהיה איש רכיל בעמו ומשלים את עמו לגוי נכר ועושה רעה בעמו 7
 ותליתמה אותו על העץ וימת על פי שני עדים ועל פי שלשה עדים 8
 יומת והם יתלו אותו העץ כי יהיה באיש חטא משפט מות ויברח אל 9
 תוך הגואים ויקלל את עמו ואת בני ישראל ותליתמה גם אותו על העץ 10
 וימות ולוא תלין נבלתמה על העץ כי קבור תקוברמה ביום ההוא כי 11
 מקוללי אלוהים ואנשים תלוי על העץ ולוא תטמא את האדמה אשר 12
 אנוכי
 נוהן לכה נחלה 13

This passage is preceded by the laws of the captive wife (TS 63:10-top of column 64 missing; parallel to Deut. 21:10-14), the recalcitrant son (TS 64:2-6; Deut. 21:18-21), and, presumably between them, the rights of the first born son (top of column 64 missing; Deut. 21:15-17). It is followed by the injunction not to refrain from returning lost property (TS 64:13-65: top missing; Deut. 22:1-3) and other laws of Deut. 22, including that of the mother bird and her young (TS 65:2-5; Deut. 22:6-7).

The text of this section differs quite sharply in its relationship to the underlying biblical passage from the paraphrases surrounding it; it seems to depart much more freely from its biblical model to the point that its hybrid nature is clearly recognizable. When we observe the degree to which this section goes beyond the paraphrastic standards set by the material around it, a number of questions arise: What is the literary relationship of the segment in TS to Deut. 21:22-23? What is the cumulative effect of the individual changes from and additions to the biblical original? Are we able to learn anything about the biblical text or its interpretation from the TS passage? Does it teach us anything about the presence or nature of a particular sort of biblical exegesis at Qumran? If we can determine that it is not merely biblical exegesis which is at the root of the changes, are there any other factors which can be perceived as responsible for them? In the following pages we shall attempt to deal with some of these questions in the context of this passage in TS and perhaps draw some tentative

conclusions about one sort of Qumranic biblical exegesis. Throughout our discussion we shall not be concerned with the attitude of the author or reader of the text, within its sectarian framework, to the finished product; rather, we are interested in the way it was produced.⁵

I

Although it appears that there are two laws before us, we cannot emphasize too strongly the fact that there is really but one, with two categories. The words *תקוברמה* and *נבלתמה* (line 11) and *מקוללי* (line 12) must refer to both of the offenders under consideration, and the phrase *גם אותו* (line 10) emphasizes that the second case is seen as closely allied to the first. Since, in addition, these are the only two political crimes in TS, as well as the only two for which hanging is the penalty, it is evident that the two laws are actually variant cases of the same legal principle. The concluding lines of our segment (11-13) form the conclusion to both cases together and impel us to examine closely any features which they have in common. Nevertheless, each case must also be studied individually, particularly in order to determine its literary affinities, and it is with the aforementioned *caveat* against treating them as two distinct laws that we proceed to analyze each separately.

Given the preceding material in the document, we undoubtedly expect, at this point in the scroll, a law reflecting the material of Deut. 21:22-23,

וכי יהיה באיש חטא משפט מות והומת ותלית אותו על עץ לא תלין נבלתו על העץ
 כי קבור תקברנו ביום ההוא כי קללת אלוהים תלוי ולא תטמא את אדמתך אשר ה'
 אלהיך נתן לך נחלה

Our first surprise, then, is to find our passage beginning in terms which derive from Lev. 19:16a *בעמך* ("should one be an informer against his people") is explained by the following two clauses,

ומשלים את עמו לגוי נכר ועושה רעה בעמו (line 7),

which indicate the particular crime(s) of which he is guilty. The *bet* of *בעמו* means "against" in this context, unlike that of the biblical *בעמך* which seems to mean "among" (cf. LXX, NJPS,

NEB).⁶ Yadin asserts that רכיל = מרגל ("informer", "spy"), which may indeed be reasonable in context, but he wrongly attributes this interpretation to the Targumim and medieval Jewish commentaries on Lev. 19:16.⁷ The Targumim represent the phrase with

לא תיכול קורצין בעמך = "You shall not slander,"⁸

and the medieval commentators take רכיל either as a merchant who trades in information (cf. רוכל; Ibn Ezra and Ramban) or who goes about to collect information (Rashi).⁹ The expression דילטור (YPeah 16a), cited as a parallel to רכיל by Yadin, means "slanderer" rather than "spy", and is associated in the talmudic text with tale-bearing, not treason (cf. for דילטור also BSanh. 11a).

The use of הלך רכיל in 1QS 7:15-16, cited as a Qumranic analogue by Yadin, makes that passage more similar to biblical usage than to TS.¹⁰ Licht assumes that the author of 1QS understood בעמך of Lev. 19:16a as parallel to רעך of 19:16b, as did the author of T11 with his translation בר עמך.¹¹ Within a community or society, הלך רכיל seems to mean "slander" or "be a tale-bearer", neither of which fits precisely into the international political framework demanded by the text in TS. Lev. 19:16b, too, seems to define an area of private responsibility within a community. We may therefore consider this usage of רכיל as a coinage of the author of TS.

The clauses רעה בעמו ומשלים אח עמו לגוי נכר ועושה רעה בעמו are thoroughly extra-biblical in content and partially so in style.¹² We can either understand רעה ומשלים . . . ועושה as indicating two actions of the רכיל, or perceive the latter clause as explanatory of the former, describing the effect of רעה בעמו. Yadin assumes the former interpretation, taking רעה בעמו in a military sense, comparing II Kings 8:12, but such an interpretation is not certain.¹³ Compare, for example, in a political context which is not necessarily military, אם תעשה עמנו רעה (Gen. 26:29).¹⁴

The offense in this case, which carries the penalty of hanging, can probably be best understood as the betrayal of in-

formation to the enemy, with the consequent weakening of the people's position. The death penalty of hanging adduced for this offense would seem, prima facie, to be related to sectarian interpretation, or a variant reading, of Deut. 21:22,¹⁵ despite the fact that the rest of the passage is not overtly based on biblical law, and the actual paraphrase of Deut. 21:22-23 has not yet begun. We shall withhold discussion of the relationship to the biblical text of the penalty of hanging until we see it in the fuller form of the second case.¹⁶

The second case in our passage resumes the modified paraphrase of Deuteronomy which had been interrupted by lines 6-9. The biblical commandment of post-mortem hanging for certain unspecified offenders and the corollary prohibition against allowing the corpse to hang overnight have been so thoroughly rewritten by the author of TS that the passage bears little relationship in content to its original. The biblical law, brief and elliptical, is open to interpretation. But the author of the scroll does not merely interpret the biblical law; he redefines and limits it.

The author of TS inserts "and he flee among the nations and curse his people (and) the children of Israel" after the biblical "Should a man be guilty of a crime incurring the death penalty."¹⁷ It is unclear whether the additional phrase is explanatory of the first one, in which case it is the combination of fleeing to the enemy and cursing the people which is the capital offense, or whether a previous death sentence was the stimulus for another offense, namely fleeing and cursing.¹⁸ It is more likely that the phrase is explanatory, since a change of death penalty for an additional offense sounds rather peculiar, and since we observe a certain sort of parallelism between the phraseology . . . ועושה רעה . . . ומשלים אח עמו . . . וייהא רעה . . . וכיל רכיל בעמו ומשלים אח עמו . . . ועושה רעה . . . ויקלל . . . Just as in the first case the two clauses following the introduction clarify it, the same is likely to be true in the second. The two offenses are quite similar; both involve going over to the enemy and committing a verbal crime against the people, whether by betrayal or by cursing.

The appearance, once again, of *וימות . . . ותליחמה* is a bit more startling in the second case since it is based on a biblical verse which reads *והומח ותלית* and there is almost universal agreement that the biblical text refers to post-mortem exposure. In fact, until the discovery of TS, the only other source which seemed to interpret the verse as referring to the mode of execution was the Peshitta, rendering *ונחטט על קיסא ונתקטל* ("and he be hanged on a tree and die" or "be put to death").¹⁹ At this point in our discussion, however, we can only observe this phenomenon, since we are not in a position to consider whether it reflects a textual variant, an exegetical tradition, or neither.

The paraphrase of Deut. 21:23 begins quite smoothly, with the major change being the shift from the singular to the plural already noted above (p. 147). The biblical phrase *כי תלי* *קללה אלהים תלוי*, however, appears in TS as *כי מקוללי אלהים תלוי* *קללה אלהים תלוי* *ואנשים תלוי על העץ*. TS construes *קללה אלהים* as a subjective genitive, unlike the interpretation found in early rabbinic sources, but coinciding with that of LXX (*kekateramenos hupo theou*) and Targum Neofiti (*ליט קדם ה'*).²⁰ Of course, since the reading is quite natural, there need be no relationship between TS and the other traditions which read the phrase in this fashion. The most striking feature of the scroll's paraphrase is the addition of the word *ואנשים*, which has no biblical counterpart, to the text. The singular *תלוי*, following upon the plurals *נקוברמה* *מקוללי* and *תקוברמה*, also seems strange, as it maintains the form found in the biblical verse despite the shift in context in TS. The conclusion of the passage returns to the first person narration characteristic of the scroll, replacing the biblical *אשר* *אשר אנוכי בי ה' אלהיך*.²¹

A great deal has been done to Deut. 21:22-23 in order to transform it into TS 64:6-13. Another law, not derived from Deuteronomiac material, has been prefixed to it by way of introduction, and that law, too, bears only superficial resemblance to its stylistic original, Lev. 19:16. The biblical text which the cases in TS replace is quite clear in its lack of specificity. The *חטא משפט מוח* is not described, nor is the death penalty by which the criminal is executed. The author of TS

has substituted for that law two situations, the offense in each of which involves going over to the enemy and either betraying or maligning the people of Israel. We might characterize the difference between the two cases as follows: In the first instance, crossing over to the enemy and giving away vital information is the crime, and the death penalty seems quite justified. In the second, however, although no actual additional damage seems to be accomplished by the cursing of the people, the penalty again is death by hanging. This order could almost be called an example of a *lo zo af zo* arrangement (not only the obvious case, but a less obvious one as well), as is sometimes found in the Mishna.²²

II

Our analysis of the relationship of TS 64:6-13 to the biblical text which it replaces has demonstrated that there are more differences between them than we should expect in the type of paraphrase we find in this section of the scroll. Not only is there significant textual variation from the biblical original, but there appear to be major distinctions between the literal interpretation of the verses in Deuteronomy and that of TS. We must now confront the way in which the author of TS read the biblical text so that, if the law of TS is derived from it, we can understand the sort of exegesis involved.

The first, non-Deuteronomiac, case which introduces this law in TS diverges from its biblical original not only in the idiom *רכיל* *איש רכיל יהיה* and its understanding of the word *רכיל*, as we noted earlier, but also in creating a new legal situation which is unrelated to the biblical context. The biblical injunction against malicious talebearing ("acting basely": NJPS) has been transformed into a warning against betrayal of the country to the enemy. There seems to be no connection between the law in Leviticus and this case in TS. The death penalty has no basis at all in this biblical passage, even if we were to assume that *לא תלך רכיל בעמך* is a prohibition against military betrayal. The rewritten law bears only the faintest relationship to the original, to the degree that it would be difficult to call it even a *midrash halakhah* on the verse, and its ap-

pearance in this segment of TS remains somewhat enigmatic.

When we turn to the second case under consideration, although it is more relevant to a paraphrase of Deuteronomy than is the first, we again are confronted with phraseology which cannot be shown to be connected with the text of Deut. 21:22. The specificity of the law in TS raises the first problem in its relationship to its biblical original. The lines which read

ויברח אל תוך הגוואים ויקלל את עמו ואת בני ישראל

are a description of the חטא משפט מוח for the author or TS, but there is no trace of these clauses in the biblical text. Yadin argues that the second phrase is one of the author's "interpretations of 'a curse of God is the hanged one' of Deut. 21:23, i.e. that hanging is the penalty for the curser"²³ and that "cursed by God and men" represents the other.²⁴ He compares the exegesis of the verse in *MSanh* 6:4

לא חלין נבלתו על העץ כי קבור הקברנו ביום ההוא כי קללת אלהים חלוי כלומר מפני מה זה חלוי מפני שבירך את השם ונמצא שם שמים מתחלל

where hanging is, on the one hand, the penalty for the blasphemer, and the hanged man, on the other hand, is an offense towards God.²⁵ If this reasoning be correct, then, not only do we understand the source of the law in line 10, but, much more importantly, we have before us a genuine piece of Qumranic *midrash halakhah*.

But it is still not obvious that the scroll manifests any sort of "double exegesis" of קללת אלהים. The two interpretations of the Tannaim are based on the same grammatical construction (objective genitive), and, more importantly, each of them takes fully into consideration both words in the phrase קללת אלהים. The exegesis of TS, according to Yadin, is not only founded on two different syntactic analyses (objective genitive in line 10 and subjective genitive in line 12), which would not, by itself, furnish a serious objection to his case, but it omits any reference to the crucial word אלהים in the first instance.²⁶ We cannot say that TS understands קללת אלהים as merely "cursing" in line 10, for it is "blasphemy" which the two words must

mean, and it is only in that sense that the Tannaim operate within the framework of two interpretations.

Yadin's own observation, that the author of the scroll may be synthesizing in line 10 Exod. 22:27

אלהים לא תקלל ונשיא בעמך לא תאר

("Do not blaspheme God or revile a prince among your people"; traditionally taken to include the cursing of judges) with Deut. 21:23, presents us with a more likely insight into the composition of the passage. There is no "double exegesis" of קללת אלהים, but a combination of two verses where קלל is interpreted as not referring to blasphemy. The appearance of בעמך in Ex. 22:27b and עמו in TS 64:10 makes this tenuous possibility somewhat attractive. Exegesis of the verse in Deuteronomy, however, contributes nothing except, perhaps, an echo of קלל, to ויקלל את עמו.

As far as the phrase חלוי על העץ ואנשים חלוי is concerned, on the other hand, we may be dealing with exegesis. The phrase in TS is directly derived from that in Deuteronomy. Fitzmyer asserts that "the author has modified the biblical text and insured its interpretation [as a subjective genitive]."²⁷ Wilcox calls the shift from קללת אלהים to חלוי אלהים and the addition of ואנשים "midrashic developments, albeit very early ones."²⁸ It is not clear whether "modification" and "midrashic development" are identical; yet the same phenomenon is referred to in both terms. Fitzmyer's terminology seems preferable in this instance, since it is a bit more flexible, and does not carry overtones of exegesis with it as the expression "midrash" does. If the author of TS was aware of the two readings possible in the phrase חלוי אלהים, he may have selected this one as a way of describing the severity of political crimes against the people of Israel.

If, as we have attempted to show, the two cases are so closely related that the plurals in lines 10 and 11 refer to both, the final plural form חלוי אלהים presents us with an interesting problem. The two offenders (the betrayer and the curser) are classified as "accursed by God and men." But are we to

translate the entire sentence (disregarding the slight problem in number) "accursed of God and man is the one hanged on the tree," or "it is the accursed of God and men who is hanged on the tree"? While the former is the intent of LXX, Neofiti and Paul's citation in Galatians 3:13, as is made clear by the addition of "all" (*pas*, כל) before the word for "hanged one", the latter, one suspects, may have been the meaning of TS.²⁹ The offenses described in lines 6-10 are so heinous that the author characterizes the criminals as "accursed", and asserts that only those who are so wicked are hanged. Hanging is the punishment of one who is already accursed, not the factor which results in his being cursed.³⁰ If this is correct, and if the phrase is directly derived from the biblical קללה אלהים, as seems quite likely, then we have an interpretation of the biblical verse which understands the construction as a subjective genitive, but reads the syntax of the remainder of the clause in a manner heretofore unknown.

The shift from הוומח ותלית in the Masoretic text to ותליחמה וימוח in TS presents probably the most controversial question regarding the exegesis in our passage. It was this phrase which prompted Yadin's interpretation of *pesher* Nahum in light of the expression אשר יתלה אנשים חיים in that document. The publication of this passage stimulated a good deal of discussion of the historical use of hanging (or crucifixion) as a death penalty in Jewish sources.³¹ But whether Shimon ben Shetah's hanging of the witches in Ashkelon (*MSanh.* 6:4; *YSanh.* 23c; *YHag.* 77d; Rashi *BSanh.* 44b s.v. רבעיא מוכסא), reflects the normative practices of his time or whether it was due to the extraordinary circumstances of the case, it is in no way relevant to the exegesis of this verse. There is no implication in any rabbinic source that Shimon's actions were based on Deut. 21:22, and, in light of the intricate historical and legal aspects of this incident, it would be foolhardy to read such a motivation back into it.³²

We have but two sources which discuss hanging as a mode of execution in the context of Deut. 21:22, TS and the Peshitta. The consensus seems to be that TS derived hanging as a mode

of execution from the biblical verse by some sort of exegesis.³³ But, in light of the radical departure of this segment of TS from its biblical original, can we really speak of the derivation of any aspect of this law from the text via serious exegesis? The fact that the Peshitta, according to Maori, reflects an ancient Jewish exegetical tradition interpreting הוומח ותלית as a sort of *klal ufrat* and requiring execution by hanging, does not give much support to the supposed exegesis in the Qumranic source.³⁴ It is too easy to connect similar "exegeses" which, in reality, were arrived at independently. If the sect executed (whether in practice or theory) its traitors by hanging (whether strangulation or crucifixion), or if it approved of the actions of one who did so, it would have codified the law in this fashion, regardless of the source of the law. The fact that the crime is completely extra-biblical must be taken into consideration before we can be sure that ותליחמה וימוח is a product of sectarian exegesis rather than sectarian composition in the style of Deut. 21:22.

The question of exegesis or imitation vis-à-vis הוומח ותלית and ותליחמה וימוח points up the difficulty in labeling the relationship of the two cases in TS 64:6-13 to a biblical original. It is very easy to write, "These [treason and cursing] are clearly developments of the Deuteronomistic text itself, specifying the crimes for execution."³⁵ But, as we have shown, neither from the literary nor from the exegetical standpoint are these laws bound with any biblical original, and the first case, we may add, is not even Deuteronomistic in origin. The assumption that differences and similarities between the biblical text and TS reflect the development of sectarian biblical exegesis is one which needs to be questioned very closely. The exegesis of the author must be distinguished from his independent creations; those portions of his phraseology which clearly indicate readings of the biblical text, and those which are clearly extra-biblical, present the least difficulty. There are gray areas, however, where it is difficult to be certain whether the text produced by the author is the result of some form of exegesis or merely imitates the style of its biblical model.

There is no question that there are laws in TS which are

independent creations of the author, the two outstanding examples being the *torat hammikdash* and the *torat hammelekh*. Yadin attempts to find for such laws an *asmakhta mikra'it*, beginning with the assumption that the author of TS is writing what for him is a part of "God's true Torah".³⁶ He finds them in broad references in the biblical text to the specific laws found in the scroll. In light of all the differences between Deut. 21:22-23 and TS 64:6-13 in style, vocabulary and content, perhaps we ought to stress its independence of rather than dependence on the biblical text. Deut. 21:22-23 is the *asmakhta mikra'it* for the cases of 64:6-13 which are a completely new construct, undervived from the biblical text although based on biblical phraseology. Lacking an explicit biblical text for the capital punishment of political criminals, the author of TS seized upon the inexplicit terms of Deut. 21:22-23 which was before him at this point of his paraphrase, combined it with the language of Lev. 19:16, Deut. 17:6-7, and perhaps Exod. 22:27 as well, and produced the law in our text. But the law is not dependent exegetically on the material in Deuteronomy; it is a relatively free composition like the *torat hammikdash* or the *torat hammelekh*.

III

If, indeed, the links which join 11QTemple 64:6-13 and Deuteronomy 21:22-23 are not as strong as they appeared at first glance, we can search for some other factor which, in the absence of exegetical tradition, might have affected the composition of this new law. We may find it in the historical circumstances said to surround the creation of this passage. Although Yadin dates the composition of the scroll to the end of the second century B.C.E., asserting that "the scroll was composed in the days of John Hyrcanus I (135/4-104 B.C.E.) or the beginning of the days of Alexander Jannaeus (103-76 B.C.E.),"³⁷ he is also of the opinion that our text, particularly its latter portions (lines 9-13), reflects a "specific historical incident," as does the passage referring to hanging in 4QpNahum.³⁸

The actions of Alexander Jannaeus in crucifying many of the Pharisees who had supported the incursion of Demetrius III Eucraeus into Judaea (88 B.C.E.; Josephus, *Ant.* 13.14.2 [380], *War* 1.4.5 [97]) were believed justified by the authors of the *pesher* and TS, according to Yadin.³⁹ The Pharisees were guilty of the serious crime of betrayal to the enemy, which justifies hanging, and the sectarian law was codified to include such punishment.⁴⁰ This passage, then, according to Yadin, must be one of the later compositions in the scroll.⁴¹ But if this segment (64:6-13) is to be dated late, can we not question the dating of the entire section in which it appears, i.e. the running paraphrase of Deuteronomic law which makes up the final portion of the document? Ought not any doubts raised about column 64 affect our judgment on the date, and perhaps authorship of the whole latter part? A broad discussion of the relationship of the various segments of TS to one another is, however, far too broad a matter to be included in the scope of this paper.

The problem raised by the dating of the scroll and the historical data said to be reflected therein, however, may shed useful light on the interpretation of our passage, and its relationship with a biblical original and with the material surrounding it. Accepting, for the moment, Yadin's hypothesis that this passage was written in response to an historical event,⁴² we may still maintain his dating of the scroll to the late second century B.C.E., including the portion in which 64:6-13 is found. The excessively free handling of the biblical "Vorlage" in this section of TS, which presents a problem vis-à-vis the closer paraphrase surrounding it, may provide a clue to the mode of its own composition.

We suggest that 64:6-13 be considered an interpolation into TS, but not one inserted without any prior connection.⁴³ It is our contention that an "original" version of TS contained a passage which paraphrased Deut. 21:22-23 more closely, after the fashion of the recasting of the biblical material in the surrounding portions. At some point, perhaps, *but not necessarily*, for the reasons suggested by Yadin, a sectarian law was

superimposed on the biblical paraphrase, and the passage was rewritten.⁴⁴ There are a number of indications that this may have been the case.

The segment under consideration begins with a paraphrase and reinterpretation of Lev. 19:16a which bears no relationship at all to the Deuteronomic material preceding it, or to the verses it replaces, until the references to hanging. Despite Yadin's contention that the author of the scroll intends this passage to be first and foremost an interpretation of Deut. 21:22-23, the fact is that he has introduced the law with the phraseology of Lev. 19:16, and continued the law in thoroughly unbiblical language.⁴⁵ It would be rather strange to consider the material preceding the actual paraphrase of Deut. 21:22-23 to be a comment on that verse. In the course of the restatement of Deuteronomic laws in the scroll, other biblical laws are generally introduced only after the Deuteronomic text furnishes a pretext to integrate them.⁴⁶ The unbiblical phraseology of this passage might also betray its originality, but an argument of this sort must be applied with great caution.

In the second section of our passage, the awkward insertion of *ויברח אל חור הגואים ויקלל אח עמו ואח בני ישראל* with its concomitant difficulties of interpretation, may also be the mark of a later hand.⁴⁷ The shift from singular to plural in *נבלחמה* etc., which, as we have already demonstrated, is an indicator that there is only one legal category under consideration, underlies the fact that both subcategories are tied to the original paraphrase of Deut. 21:22-23. It is also possible that the abrupt return from plural to singular in *חלוי . . . מקוללי* may mark the boundary of the "interpolation." The interpolator rewrote the passage before him (whether the biblical text or a close paraphrase thereof), introducing the laws and language as he saw fit, but failed to re-connect it smoothly to the original text. The singular *חלוי* may be a remnant of the original paraphrase of Deuteronomy which had but one case or category which merited hanging (which may have been post-mortem).

IV

The interruption of the paraphrase of Deuteronomy in TS by a passage of a very different type ought to alert us to the fundamental differences between 64:6-13 and the surrounding material. Whether we assume that the entire second part of TS, which contains this passage, is later than the *torat hamikdash*, or only this passage is to be dated post-88 B.C.E., or even that there is no positive historical allusion in the text and we cannot date it with confidence, the material changes which the author of TS (or at least of this portion) has introduced into the text present us with a possible explanation of the way it was composed. Whether this passage is based on a reading of the biblical text, or whether the rewritten text merely serves as a convenient anchor for the sectarian law, we can speak of the author of this segment as a biblical exegete. We must distinguish, however, between exegesis which reflects a serious attempt to comprehend the biblical text and exegesis which superimposes meaning upon the text rather than deriving meaning from it.

Those scholars who presume that this passage is derived from the biblical text through some unspecified hermeneutical principles stress that which is similar in the Deuteronomic verses and TS.⁴⁸ Their definition of *midrash halakhah* includes not only exegesis which involves a legitimate reading of the text qua text, but also that which achieves its goal by a much looser connection to the biblical original. Although *midrash halakhah* may, indeed, operate in this fashion at times, our text must be considered a *midrash halakhah* on Deut. 21:22-23 only if we assume that a law derived from those verses must appear at this point in TS. The external linguistic similarities between 64:6-13 and the biblical text are not, however, sufficiently cogent grounds for calling the Qumranic composition a *midrash halakhah*. Moreover, if, as Yadin claims and as Fitzmyer agrees, the author of TS considers his writing authoritative Torah like the biblical text itself, the term *midrash halakhah* becomes even more misleading.

Our distinction between *midrash halakhah* which represents a serious reading of the biblical text, and that which is composed independently and then suspended from the biblical framework (*asmakhta mikra'it*), is of some importance for our comprehension of the development of Qumranic halacha and biblical exegesis. If the author of TS is presenting us with a *midrash halakhah* (in the strict sense) on Deut. 21:22-23, then we may assume that, for the sect, the new law was contained somehow in the biblical verses. But if our passage only *replaces* Deut. 21:22-23 in TS, then no clarification of the meaning of the biblical text was ever intended by the author. His conflation with other biblical verses, expansion in a somewhat unbiblical idiom, and perhaps even his inversion of MT's *והוסיף* *והוסיף*, can tell us nothing about the way he or the sect understood the Deuteronomical verses in their original context. It is only where we can show direct contact between the biblical and Qumranic texts that we should feel free to speak of sectarian interpretation of biblical law.

To the sectarians, it may have ultimately made no difference whether the law in TS was an interpretation of the biblical text or a totally new construct modeled on a biblical original. The effect of its codification in TS would presumably have been to give it the same credence in their eyes as biblical law, just as rabbinic midrash produces authoritative halacha. But from our perspective, as we attempt to evaluate and classify the methodology of early biblical exegesis, the distinction between the two possibilities is critical. If Yadin's dating is correct, there may be valuable historical material embodied in this section; there is no doubt that the scroll is an important document for the study of halacha in a pre-mishnaic form. But, if our arguments against this passage's being derived exegetically from Deut. 21:22-23 are valid, then we cannot learn much about halachic biblical exegesis at Qumran from a text such as 11QTemple 64:6-13, even if we understand the text as being a loose sort of *midrash halakhah*. Although it appears in a context which might lead one to consider it to be directly related to Deut. 21:22-23, it is now clear that this segment of 11QTemple

is a free composition, using a biblical text of a broad, non-specific nature as a framework for sectarian law.⁴⁹

NOTES

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1. Y. Yadin, *The Temple Scroll* (Jerusalem, 1977); the three volumes comprise an Introduction, Text and Commentary, and Plates with Supplementary Plates (in two parts). In this essay, we shall refer to the introductory volume as I and the text-commentary volume as II, with no further description. The circumstances of Yadin's acquisition of the scroll are still somewhat shrouded in mystery, and the account in I, 1-4 reads like a thriller. An excellent summary of the scroll's contents, with analysis of some portions and comments on some of the questions it raises, is to be found in J. Milgrom, "The Temple Scroll," *Biblical Archeologist* 41 (1978), 105-120.
2. I, 295.
3. Milgrom, 108, discusses the organization of this portion of the scroll.
4. Y. Yadin, "Peshar Nahum (4QNahum) Reconsidered," *IEJ* 21 (1971), 5-9 (hereafter referred to as "Peshar"); II, 202-4. Yadin employed this passage of the scroll in an attempt to elucidate a difficult text in the *peshar* (commentary) on Nahum found in cave 4 at Qumran.
5. Since we are interested in analyzing but one specific passage in TS and its possible relationship to a biblical original, this essay will not deal with the exegetical terminology of Qumran, per se. The terms "midrash" and *midrash halakhah* will be used without consideration of whether the sectarian author or reader would have called his exegetical process by that name. L.H. Schiffman, *The Halakhah at Qumran* (Leiden, 1975), 22-77, discusses "Halakhic Terminology at Qumran"; for *perush* and *drsh-midrash*, see 36-41 and 54-60, respectively. Cf. also, J.M. Baumgarten, "The Unwritten Law in the Pre-Rabbinic Period," *JSJ* 3 (1972), 26 and n. 1, and his comments on the exegesis of TS in his review of Yadin's edition, *JBL* 97 (1978), 587. A proper study of all Qumranite laws derived or seemingly derived from biblical texts must be done before we can fully understand the precise meaning of the exegetical terminology used at Qumran. TS will be particularly important in any such study since it is so closely modeled, in places, on the

- biblical text. Schiffman's observation, 8, written before the publication of TS, "The Temple Scroll seems to link its halakhot with Scripture. This text should allow more detailed study of the methods by which sectarian law was determined . . . it is certain that the publication of the scroll will necessitate modifications in the interpretations of individual problems and texts," is to be taken quite seriously.
6. In 1QS 7:15-16, it seems to mean "against" as well.
 7. "Peshet," 6; II, 203a.
 8. So TO; TJ1 למיכיל קורצין . . . לא תהוון בחר לשן תליחאי . . . Peshitta לא תאכל דעמך קרצא. See M. Jastrow, *Dictionary of the Targumim etc.*, 1425, s.v. קרץ III, and J. Payne Smith, *A Compendious Syriac Dictionary*, 521, s.v. קרצא. This idiom occurs already in Biblical Aramaic, Daniel 3:8.
 9. Rashi ad Lev. 19:16, s.v. לא חלק רכיל, does indeed discuss the linguistic relationship of רגל and רכיל, but does not equate רכיל and מרגל, although he does use the OF word אשפיימנט (= *espiment*). What Rashi does emphasize — and Yadin should have noted — is the almost constant use of הלך with רכיל in the Bible, something which in TS is conspicuous by its absence. Of the six occurrences of רכיל in the Bible, only in Ezek. 22:9 does it occur without הלך and there בך means "among you" rather than "against you".
 10. II, 203a.
 11. J. Licht, *Megillat Hasserakhim Mimmegillot Midbar Yehudah* (Jerusalem, 1965), 165. This is presumably the source of ברעהו in 1QS. In 1QH 5:25-26, where the phrase בי ילכו רכיל appears, it is not clear whether בי is to be taken with רכיל or with חבחה.
 12. Note the use of שלם in the Hiphil = "betray"; such usage is unbiblical. See Yadin, II, 203a. Rabbi Shalom Carmy points out that Amos 1:6 על הגלוחם גלוח שלמה להסגיר לארומם may contain a play on the word שלם in the sense of "betrayal, hanging over." Yadin calls the language of the inscription of the En Gedi synagogue
- כל מן דיהיב פלגו בן גבר לחבריה הי אמר לשן ביש על חבריה לעממיה הי גניב צבותיה
חבריה הי מן דגלי רוח דקרתה לעממיה
- (cf. J. Naveh, *On Stone and Mosaic: The Aramaic and Hebrew Inscriptions from Ancient Synagogues* [Tel Aviv, 1978], 107ff.) "a similar text, although with a different meaning." The parallel is quite misleading, at least as far as אמר לשן ביש על חבריה לעממיה is concerned; TS speaks only of the community, not of the individual being informed against. The imprecation against one who betrays city secrets to the enemy is more likely to be a commonplace in both the inscription and the scroll, since there is no reason to connect idioms from periods separated by a long period of time merely because of a general similarity between them. There is no hint of the inscription's being connected in any way with a biblical idiom or a particular biblical law.

13. "Peshet," 6; II, 203a-b.
14. The usage of עשה רעה in Ju. 11:27 and 15:3 would, however, tend to support Yadin's interpretation.
15. Cf. M. Wilcox, "'Upon the Tree' — Deut 21:22-23 in the New Testament," *JBL* 96 (1977), 90.
16. We shall not be concerned in this paper with the light which our text might shed on Qumranic law of testimony. On this subject, see the statements and rejoinders of B.A. Levine, J. Neusner, N.L. Rabinovitch, L.H. Schiffman, and B.S. Jackson which appeared in *RQ* 8-9 (1973-78), as well as Yadin, I, 290-91, II, 203b and TS 61.6-7.
17. The ו of נאח was added later by the scribe.
18. Yadin, I, 286, accepts the first alternative, rather than the second which he had suggested, "Peshet," 7. On I, 286, he also suggests the (unlikely) possibility that the criminal had already been convicted, but fled before a death penalty could be imposed.
19. The Sifre 221 (ed. Finklestein, 254) שהמלכות עושה יכול יהו תולין אותי חי כדרך שהמלכות עושה, "Peshet," 4 n. 13, reflect any real practice of hanging as a mode of execution among Jews.
20. There are two ways to understand the syntactic relationship of the words קללה אלהים: the subjective genitive, "cursed by God," and the objective genitive "a curse [or reproach] against God." Rabbinic exegesis, as well as TJ1, Symmachus, Peshitta and Josephus, adheres to the latter construction, explaining קללה אלהים as referring to either the action of the blasphemer who is hanged (*BSanh.* 45b) or the insult to God implicit in allowing the body of a human being who is made in His image to remain exposed overnight (*BSanh.* 46b; *TSanh.* 9:7). Although it is difficult to understand the former interpretation as being a literal reading of the verse since it gives the reason for the exposure of the body rather than its being lowered as demanded by the logic of the text, the latter interpretation is quite smooth. The former interpretation may never have been intended as a serious reading of the verse. Cf. Y. Maori, *The Peshitta Version of the Pentateuch and Its Relationship to the Sources of Jewish Exegesis* (Ph.D. thesis, Hebrew University, 1975) 174, n. 1. I deal at length with early Jewish exegesis of the phrase תלוי אלהים תלוי in an article now being prepared for publication.
21. Cf. Yadin, I, 60 and J. Fitzmyer, "Crucifixion in Ancient Palestine, Qumran Literature, and the New Testament," *CBQ* 40 (1978), 503, on the effect of the author's writing in the first person. See also Yadin, I, 69-70.
22. Cf. the talmudic comments at *BERubin*, 75a, *BYevamot* 19a, *BGittin* 15b, *BBava Mezia* 38a, and *BHorayot* 2a.
23. II, 204a. Yadin suggests that the rabbinic-targumic exegesis of Exod. 22:27 (*BSanh.* 66a), which interprets the verse as referring to the cursing of judges as well as blasphemy, is to be compared with the text of TS.

Neither this verse, nor the *Mekhilta Mishpatim* 5, commenting on Exod. 21:17, which Yadin also cites as a parallel, explains how קללת אלהים became, through the exegesis of the sect, קללת העם. There are too many steps necessary between them for such a development to have occurred, i.e. אלהים = God to אלהים = judges, to עמך אלהים בעמך.

24. II, 204b.
25. "Peshet," 7; I, 289-90.
26. Unless we accept Yadin's somewhat circuitous exegesis (above, n. 23) that in this passage אלהים = עמך.
27. Fitzmyer, 507.
28. Wilcox, 89.
29. For similar word order, cf. Ps 37:22 ירכחו ומקלליו יכרוחו.
30. It is rather interesting that according to this interpretation of TS the phrase כי קללת אלהים תלך gives both the reason for the exposure of the body and the reason for its being lowered.
31. Cf. J. Baumgarten, "Does TLH in the Temple Scroll Refer to Crucifixion?" *JBL* 91 (1972), 472-81; M. Hengel, *Crucifixion* (Philadelphia, 1977), 84-5; J. Heinemann, "The Targum of Exodus XXII, 4 and the Ancient *Halakhah*," *Tarbiz* 38 (1969), 296; E. Urbach, "The Sanhedrin of Twenty-three and Capital Punishment," *Proceedings of the Fifth World Congress of Jewish Studies* (Jerusalem, 1972) volume 2, Hebrew section, 43-45.
32. Hengel, 84-5; E. Schürer, *The History of the Jewish People in the Time of Jesus Christ* (175 B.C. — A.D. 135), new English edition by G. Vermes and F. Millar (Edinburgh, 1973), volume I, 231 and n. 7.
33. A. Dupont-Sommer, "Observations nouvelles sur l'expression 'Suspendu vivant sur le bois' dans le *Commentaire de Nahum* (4QpNah II 8) à la lumière du *Rouleau du Temple* (11QTempel [sic] Scroll LXIV 6-13)," *CRAIBL* (1972), 717, speaks of the rigorous interpretation of the biblical text which makes hanging alive the penalty. Fitzmyer, 505, writes, "It seems to me that 11QTemple is seeking precisely a pentateuchal basis for the 'hanging' of which it speaks in the crimes mentioned." Wilcox, 90, is a bit less emphatic, speaking of "an early midrashic interpretation" which makes the text refer to crucifixion, even though it did not originally. Baumgarten, "TLH" 476-77, claims, "According to Qumran exegesis the penalty for treason was death by תלייה," and "the fact that the law clearly paraphrases Deut. 21:22 shows that this penalty was held to have biblical sanction."
34. Maori, 171-73.
35. Fitzmyer, 504.
36. I, 69-73.
37. I, 295.
38. I, 285; cf. J.M. Allegro, *Qumran Cave 4: I* (DJD V; Oxford, 1968), 38-9.

Baumgarten, "TLH," 475, n. 13, sees no constraint to connect the material in TS with a particular historical incident.

39. For the historical incident, see also Schürer, 223-25, esp. n. 22.
40. It is still not clear why, if the Temple Scroll is a sectarian document, the sectarians would codify for themselves a law which manifests approval of the actions of Jannaeus, even if, in reality, they approved of his behavior.
41. In "Peshet," 9 n. 30, Yadin admits that 88 B.C.E. would be a *terminus post quem* for this text, but he does not repeat this fact in his full edition of the scroll, to the best of my knowledge. In the following note in "Peshet" he suggests that there may have been other historical incidents of a similar nature earlier, but rather enigmatically does not furnish the details of his reasoning, calling it "speculation." One suspects that his equivocation is due to the tension between the date he has arrived at for the composition of the major portion of the scroll, based on the script of the fragment of the *torat hammikdash* which he dates quite early, and his desire to connect the law reflected in our passage with an historical incident which occurred later.
42. Fitzmyer, 504, accepts the suggestion as reasonable while calling it unprovable.
43. Yadin, "Peshet," 8, actually uses the term "interpolation" for this passage, but without the implications which it has for us.
44. It should be made quite clear, however, that our suggestion that this passage is from a hand different from the hand of the author of the "original" TS is not dependent on Yadin's dating criteria. Although first conceived as a possible solution to the chronological inconsistency, there are other indications which might lend some credence to it, particularly the radical departure of the style and language from Deut. 21:22-23. Even if we deny that the passage was composed for a given historical reason, our argument that it is an interpolation of a sort may yet stand or fall on its own merits. There may never have been a version of TS which contained a close paraphrase of Deut. 21:22-23; the free composition could be a product of the original author if we disregard the chronological strictures which Yadin's dating involves.
45. I, 286.
46. Cf. I, 55ff., where Yadin tabulates the main scriptural basis for each of the passages in TS; it is clear that the texts from Deuteronomy furnish the framework for the citation of other scriptural laws.
47. Actually it is the phrase חטא משפט מות which may be awkward. Were the law to have begun חטא הגואים כי יכרוח איש אל חך הגואים, the awkwardness would be removed, but so would the connection with Deut. 21:22-23.
48. Cited above, n. 33.
49. After this essay was already in galley form, my attention was drawn by Professor Sid Z. Leiman to I. Rabinowitz, "The Meaning of the Key

('Demetrius') — Passage of the Qumran Nahum-Pesher," *JAOS* 98 (1978), 394-99. Rabinowitz' thesis is that the widely-held identification of the Demetrius of 4QpNahum with the third king of that name is incorrect, and that the passage actually refers to Demetrius I Soter (162-150 B.C.E.). The *doreshei haḥalakot* of the *pesher* are then not the Pharisees, but hellenizing Jews. If he is correct, and this is not the proper place to investigate and criticize his arguments, some of the difficulties which we encountered in our analysis of 11QTemple 64:6-13 may be explained. If, as Yadin assumes, there is a direct connection between the events of 4QpNahum and the laws of 11QTemple 64:6-13, we need no longer presume that 88 B.C.E. is the *terminus post quem* of the law, since the incident reflected in the *pesher* took place about 160 B.C.E. We would now have that earlier historical incident which Yadin referred to so enigmatically in "Pesher," 9, n. 31. But another benefit may accrue from this very early dating of 4QpNahum. In note 32, we raised the nagging question of why the sectarians of Qumran included in their law code a law reflecting approval of these actions, particularly a law of a political nature which is somewhat out of place in TS. The question is, of course, predicated on the generally accepted view that the Pharisees were the victims of Jannaeus' hangings, and that, in this case, the sectarians' opposition to the Pharisees momentarily overcame their aversion to Jannaeus. If, however, the incident to which the *pesher* refers is the punishment inflicted on hellenizing Jews (presumably by the Maccabees, although Rabinowitz makes no attempt in the article to identify the *kefir haḥaron* of the *pesher*), and they, rather than the Pharisees, are the *doreshei haḥalakot*, then we can appreciate much more readily why the sectarians, or their predecessors, who, like the Maccabees, opposed the hellenizing movement, codified the death penalty of hanging against Jews who were guilty of crimes described in 11QTemple 64:6-13. The crimes are also no longer completely political, but are theologically motivated as well; the hellenizers represented a threat not only to Jewish freedom, but to Judaism as well in the eyes of the sectarians. It is true that Rabinowitz' theories require careful further investigation, particularly as they apply to the remainder of the *pesher*, with its references to the (unidentified by him) *kefir haḥaron* and to "hanging alive". Other appearances in Qumran literature of the term *doreshei haḥalakot*, which is generally said to refer to the Pharisees, would also have to be examined in order to explain the use of the same term for them and for hellenizing Jews.

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TORAH IN THE MESSIANIC AGE

It is only natural that traditional Jewish speculation regarding the status of Torah in the Messianic Age is diversified. The precise definition of the "Days of the Messiah" is itself by no means one-dimensional, and, as a direct consequence, the part played by the Torah law throughout becomes relative to the respective view of the "Age" in question.

If the expected redemption is socio-political in nature, hence falling in the realm of Restorative Messianism, it is clear that the position of Torah law will vary greatly from that which it must hold in a religio-spiritual redemptive view of Utopian Messianism. In the most schematic sense a restorative view would call for the reinstatement of Torah in its original ideal form. A utopian outlook would foresee a spiritual apogee of some sort which might perhaps bring about an age wherein Torah will be unnecessary, at least in the form we know. The subdivisions of these two general views, socio-political and religio-spiritual, as well as their overlap, take into account numerous interpretations of Torah's role in the Messianic scheme.

Four major trends have been posited in Talmudic and Midrashic literature regarding the status of Torah in the Messianic Age. W.D. Davies, author of the main secondary source on the subject, *Torah in the Messianic Age*, divides his discussion into the following areas:

- 1) abrogation of Torah.
- 2) institution of a new Torah.
- 3) modification of Torah.
- 4) clarification of Torah.

A careful analysis of the texts in question reveals that the Talmudic and Midrashic passages adduced by Davies, Klausner and others in support of the first two arguments (abrogation of Torah and/or the introduction of a new Torah) need not, and in certain instances cannot, be interpreted in that fashion.

Before we begin to evaluate the strength of this argument on the basis of the primary sources upon which it has been built, we must first consider the technical detail of identifying texts dealing with the Messianic Age.

The term *le'atid lavo* (לעתיד לבוא), literally "in the future to come", may be a key word in classifying passages referring to the Messianic Age. However, a lack of uniformity in the usage of this term alerts us to the difficulty of utilizing it for determining a passage's intent. The expression may imply the Messianic Age, the World to Come (life after death), the Resurrection, or merely the future as opposed to the present. It is my contention that its definition must be determined on the basis of its context. Tannaim and Amoraim themselves are not consistent in their use of the term from passage to passage. Certain guidelines do exist which facilitate one's ability to make the proper distinction.

Every reference to *le'atid lavo* which deals with the granting of a reward to the righteous or that is found in conjunction with the phrase "stored for the righteous" alludes to the World to Come. Examples include:

"You will pay a good reward to the Righteous in the World to Come." (*Berakhot* 4a.)

"... stored for the Righteous in the World to Come..." (*Sanhedrin* 100a.)

"... For whom is it stored? The Righteous of the World to Come..." (*Hagiga* 14a.)

"... For the Righteous in the World to Come..." (*Baba Batra* 74b)

These examples are just a few among many representative of the incontestable definition of *le'atid lavo*, in this context, as the World to Come.

In cases where "The Days of the Messiah" (*yemot hamashiah*) is explicitly stated in addition to *le'atid lavo*, the latter term is an indisputable reference to the World to Come. For example:

"... and he will eat in this world and he will be satisfied in the days of the Messiah, and he will have left over in the future that is to come (*le'atid lavo*)." (*Shabbat* 113b)

Certain passages are exemplary of textual references which use *le'atid lavo* to mean the future:

"First holiness is holiness for its time and not holiness for the future (*le'atid lavo*). (*Megillah* 10a.)

"As they are forbidden on future (*le'atid lavo*) Sabbaths so they are forbidden on that Sabbath." (*Eruvin* 95a.)

Le'atid lavo may also refer to the Resurrection, a period distinct from the Messianic Era (although the lines of demarcation are often blurred). Such an interpretation may be deduced from a Rabbinic discussion in *Niddah* 61b. The Talmud ponders: if death releases one from commandments, need we be concerned with enshrouding a corpse in material containing *sha'atnez* (material containing both linen and wool, the use of which the Bible prohibits)? The resolution is that it is permissible to use such material for shrouds. Rabbi Yosef thus concludes: "... this implies that the commandments will be abolished in the Hereafter."

The note in the Soncino Talmud elucidates:

"At the time of the Resurrection had they remained in force the revived dead would be transgressing the law of *kilayim* (*sha'atnez*)."

An additional source in *Niddah* 70b asks the following:

"Will the dead in the Hereafter require to be sprinkled upon?" Once again the Hereafter is annotated as "at the Resurrection."

To complete our survey of *le'atid lavo* we must cite several examples where the intent is the Messianic Age. One such passage describes Moses dressing the son of Aaron in the priestly garments:

"In what order will he put the garments on in the [Messianic] future?" (Yoma 5b)

"Bastards and Netinim will be purified in the Messianic Age." (Kiddushin 72b)

Several other examples serve to demonstrate that the Rabbis themselves were not consistent in their utilization of the term *le'atid lavo*. Rabbi Yoḥanan, a Palestinian Amora of the second generation, used *le'atid lavo*, in *Eruvin* 95b, to mean the future, and to denote, in *Yoma* 5b, the Messianic Age. Rabbi Yosi, a Tanna of the fourth generation, speaks, in *Berakhot* 4b, of *le'atid lavo* as the World to Come but, in *Kiddushin* 72b, he uses it to mean the Messianic Age.

One might be tempted to theorize that the meaning of *le'atid lavo* is relative to the time when and the place where the term was used. That is to say, perhaps, among particular groups of Tannaim or Amoraim the term is always used to denote one particular idea. A survey of the spokesmen of the above-cited texts, however, will put this convenient idea to rest.

Rabbi Yoḥanan, Rabbi Shmuel bar Naḥmani, Rabbi Yiṣḥak, Rabbi Yehuda and Reish Lakish were all Palestinian Amoraim of the second and third generations. Their respective uses of the term *le'atid lavo* yield the following results: Rabbi Yoḥanan, in *Eruvin* 95b, uses *le'atid lavo* to mean the future, and, in *Yoma* 5b, to mean the Messianic Age. Rabbi Shmuel bar Naḥmani, in *Shabbat* 89b, speaks of the Messianic Age, while Rabbi Yiṣḥak, in *Megillah* 10b, refers to the future. Rabbi Yehuda and Reish Lakish, in the discussion in *Avodah Zarah* 3b, uses *le'atid lavo* to mean Messianic Age. Rabbah, a Babylonian Amora of the third generation, has the Messianic Age in mind when he speaks of *le'atid lavo*, while Rabbi Yosef, also a Babylonian Amora of the third generation, is referring to the Resurrection in *Niddah* 61b.

Another possibility which we may rapidly dispose of suggests that the definition of *le'atid lavo* is relative to the source in which it is found. This theory maintains that its meaning in the Tosefta varies from that in Midrash, which in turn differs

from that in the Talmud, while remaining constant within each respective source. However, we have already seen that this is not the case in Talmudic literature, and it is likewise false for the other sources mentioned.

We may therefore conclude that the precise definition of *le'atid lavo* is relative to the context in which it is found, regardless of the specific text, date, place or spokesman. An understanding of this basic idea will help clarify various passages which have been used to prove that the law will be abrogated or a new corpus of law issued in the Messianic Era.

Let us begin our discussion by referring back to the quotation from *Niddah* 61b regarding a shroud of *sha'atnez*. It was our contention, based on the context, that the statement of Rabbi Yosef that "... this implies that the commandments will be abolished in the Hereafter," referred to the Resurrection. Davies is therefore incorrect in asserting that this passage is indicative of the viewpoint which sees the abrogation of Torah as characteristic of the Messianic Age.

A second text adduced by Davies may be similarly dismissed:

Rabbi Yudan, the son of Rabbi Shimon, said: The Behemoth and the Leviathan shall be the beasts of contest for the righteous in the World to Come (*le'atid lavo*), and he who did not see the beasts of contest of the nations of the world on this world shall be privileged to see them in the World to Come (עולם הבא, *olam habbah*). How are they slaughtered? The Behemoth tears at the Leviathan with his horns and rips him apart, and the Leviathan tears at the Behemoth with his fins and stabs him. Do the Rabbis then say that this is a kosher slaughter? ... Said Rabbi Abin bar Kahana: "The Holy One, blessed be He, said, 'Instruction (Torah) shall go forth from Me, that is, an exceptional temporary ruling will go forth from Me'" (*Vayikra R.* 13:3).

This text, the combined effort of several Palestinian Amoraim of the third generation, is concerned with the World to Come; the references to Leviathan and Behemoth make this unequivocally clear, as does the simple fact that Rabbi Yudan himself mentioned *Olam habbah*. Therefore, Rabbi Abin bar

Kahana's statement is misinterpreted by Davies, who feels free to take it out of context and adduce it as proof of the establishment of a new Torah in the Messianic Age.

Lest it be surmised that *olam habbah* refers to the Messianic Age, let us note that every Talmudic and Midrashic source mentioning Leviathan and/or Behemoth may be indisputably classified as a reference to the World to Come (note, for example, B.T. *Baba Batra* 74b, 75b; B.T. *Avodah Zarah* 3b, etc.).

Further evidence cited by Davies is a passage from *Yalkut Isaiah* 26b, which Davies translates:

The Holy One, blessed be He, will sit in Paradise (בגן עדן *began eden*) and give instruction, and all the righteous will sit before Him, and all the hosts of Heaven will stand on His right, and the sun and stars on His left; and the Holy One, blessed be He, interprets to them the grounds of a new Torah which the Holy One, blessed be He, will give to them by the hand of King Messiah.

Why Davies sees fit to translate the passage in this fashion is unclear. It is difficult to interpret this anonymous text for which no parallel text exists. The passage actually seems to be discussing the World to Come. The Garden of Eden (*gan eden*) is a term used interchangeably with *olam habbah*. The celestial bodies and Heavenly hosts all point to this conclusion. This being the case, the problem then becomes the place of the Messiah in this scheme. The World to Come is traditionally accepted to come after a Messianic age which is agreed upon by scholars to be this-worldly! It is problematic to assume that this "new Torah" of which the passage speaks is to be implemented in the Messianic Age. Yet to whom does the Lord plan to give this Torah "by the hand of King Messiah"? The question remains unanswered, but the objection to Davies' use of this midrash as proof of a new Torah concept in the Messianic Age remains valid. The confused mixture of ideas makes the classification of this midrash subject to debate.

Still another example cited by Davies, this time from *Shir Hashirim R.* (2:13), fails to support his thesis:

Rabbi Yoḥanan said: As for the seven years in which the Son of David comes: the first year will see established what is written, "And I caused it to rain upon one city, etc."; In the second, arrows of hunger shall be sent upon it; in the third, a great famine, and women and children will die, and the pious and the men of "good works" will be diminished, and the Torah will be forgotten from Israel; in the fourth there will be hunger and no hunger, plenty and no plenty; in the fifth, a great plenty, and they shall eat and drink and rejoice and the Torah shall return to its renewal (חזרת חידושו, *hozeret lehidusho*) and it will be renewed to Israel (ומחדשת לישראל, *umithadeshet leyisrael*.)

It is Klausner who points out that *hozeret lehidusho* means "return to its original state" and not "to its renewal", as rendered by Davies. Something "renewed to Israel", *mit-hadeshet leyisrael*, may be interpreted to mean that it becomes new to Israel; they are refamiliarized with it.

The midrash in *Midrash Kohelet* (12:1) states:

Torah which a person studies in this world is naught before the Torah of the Messiah.

This seems to imply that the Torah of this world will have no relevance in the Messianic Age. This midrash is anonymous and a similar midrash must be viewed in conjunction with it:

Rabbi Hizkiyah said in the name of Rabbi Shimon ben Zavdi: All the Torah that you learn in this world is naught before the Torah that is in the World to Come (*olam habbah*), for in this world, a person learns and forgets, but for the future (*le'atid lavo*) what is written? "I have given my Torah within you" (i.e. it shall not be forgotten).

(*Midrash Kohelet* 2:1)

The implication is that the Torah of this world is irrelevant to the next, only because it shall eventually be forgotten. The midrashim bear a striking resemblance to one another. It is difficult to know whether or not Rabbi Hizkiyah was familiar with the first version and amended it so as to circumvent the provocative conclusion drawn regarding the eventual nullification of the Torah as we know it. Even if we were to discover

that the midrashim were said by the same person, we would still have to date both to ascertain whether or not the second clarifies the first or denies the conclusion arrived at by the first. In any case, we may derive no clear conclusion on the status of Torah in the Messianic Age.

The Gemara *Shabbat* 151b describes the Messianic Age:

Rabbi Shimon b. Elazar said: . . . 'and the years draw nigh, when thou shalt say, I have no desire in them' (Kohelet 12:1): this refers to the Messianic era, wherein there is neither merit nor guilt (*lo zekhut velo hova*). Now, he disagrees with Samuel, who said: "The only difference between this world and the Messianic era is in respect to servitude to [foreign] powers, for it is said, 'For the poor shall never cease out of the land.'"

On the basis of *lo zekhut velo hova*, neither merit nor guilt, Davies suggests as an interpretation that in the Messianic Age the capacity for sin will be obliterated. He says that Torah will be so fully observed that there will be no guilt, and ideal spiritual behavior so spontaneous that the concept of reward or merit will become obsolete. Alternatively, he suggests that Torah will not be applicable in the Messianic Age. Reward and punishment in turn become irrelevant. Klausner's feeling on the matter is that "the Law and ceremonial obligations will no longer be in force in the Messianic Age".

A careful evaluation of the text serves to point out their misunderstanding of this passage.

Rashi, the Talmudic exegete, explains the phrase *lo zekhut velo hova* as follows:

"There shall be nothing to merit [by ownership] for all shall be rich; and there shall be no guilt for hardness of heart and tightness of hand."

The Messianic Age will be a time of such prosperity that there will be no need to ask for material wealth nor to provide sustenance for others. This explanation clarifies the reference to "no desire" in the Kohelet quote, a matter which other explanations overlook. It also serves to elucidate the Biblical reference Samuel cites to counter Rabbi Shimon's contention.

"For the poor shall never cease out of the land" is an absurd *non-sequitur* if *zekhut* means merit and *hova* guilt.

The principle of complete Torah abrogation or the introduction of a totally new Law is not a clear and distinct philosophical idea expressed in the Talmudic writings. The idea does exist in Christian theology. Death is seen to provide a release from ceremonial laws. Jesus, as messiah, died for the sins of mankind, who were thereby released from the bond of Law. However, only a superficial and often incorrect reading of the material suggests that a strong case may be made for similar beliefs in the Jewish view of Messianic Torah.

In traditional Jewish sources we do find the idea of the Messianic Age bringing about the modification or clarification of the Law. The question, of course, must be posed at the outset as to whether or not these passages, which deal with the modification of particular laws, are not actually representative of an ideology which espoused the total abolishment of Law. In other words, do the specific laws nullified symbolize larger bodies of law or even the Torah as a whole? An investigation of the particulars will prove illuminating.

Within this conceptual realm we again find various passages which fall prey to misinterpretation. Let us begin our discussion by corroborating a point made by Davies concerning one such passage.

The source in question is found in three places: *Sifre Deut.* 17:8, *Sanhedrin* 22a, and *Tosefta Sanhedrin* 5.

'And he shall write for himself a second Torah (*Mishneh HaTorah*) in a book' — why is it called *Mishneh Torah*? For it is destined to change (*lehishtanot*).

Sifre Deut. 17:8

This anonymous midrash implies that the Torah is destined to undergo some sort of change. The other renditions are identical to one another but differ slightly from the text in the *Sifre*.

'And he shall write for himself a second Torah (*Mishneh Torah*),' the Torah is destined to change, an alphabet that is liable to change. And why

The Rashba, Rabbi Solomon ben Aderet, felt that the passage was not alluding to the Messianic Age.

I understand it to mean that the Blessed One never promised that sin would not lead to the abolishment of one of the holidays.

(Responsa 93)

He therefore claimed that no active change would cause the nullification of the holidays.

Similarly, the Radbaz, Rabbi David ben Zimra, refuses to acknowledge any possible change in Torah. His explanation of the abrogation of the festivals is as follows:

Goodness, happiness, tranquility and pleasure shall so increase that all days shall be good for all people, as if the holidays were abolished, for there shall be no difference between holidays and weekdays; it does not mean that the commandments shall be abolished.

(Responsa II:666)

Returning to our investigation, we must consider a midrash similar in form to the one just discussed:

Rabbi Pinehas, Rabbi Levi, and Rabbi Yohanan said in the name of Rabbi Menahem of Galya: In the future (*le'atid lavo*), all sacrifices are to be abolished; only the Perpetual Sacrifice (*Korban Tamid*) shall not be abolished. All prayers are to be abolished; only the prayers of Thanksgiving (*Todah*) shall not be abolished.

(*Vayikra Rabbah* 9:7; *Midrash Shoher Tov*, Psalm 56)

This midrash is quoted a number of times in various collections of midrashim. Frequently, the first part is adduced separately from the second and vice versa. The most popular explanation of the text speaks of sacrifices becoming obsolete in an age devoid of sin. In the Messianic Age of plenty, all needs will automatically be fulfilled; hence, prayer will be unnecessary.

Again we see that whether this be viewed as a passive nullification of Torah or an active one, certain parts of the Law will not pertain in the Messianic Age.

The following passage, taken from *Midrash Tehillim*

(146:7), is anonymous; consequently it is impossible to date. We find no parallel midrash to help us in this respect. Whether it be a precursor of others we have investigated, a later midrash eclectic in nature, or even contemporary with many midrashim dealing with Torah modification, it is very significant. It illustrates two primary attitudes on the question of the modification of Torah law: one bases the modification upon the spiritual completion of man, the other upon the spiritual completion of the time. It serves us well in illustrating the various strains of thought on the issue which we are considering. The Midrash states:

What is *matir asurim* (untying the bound, or permitting the forbidden)? Some say that every impure animal in this world shall be made clean by God in the future (*le'atid lavo*)... Why did [God] prohibit them [originally]? To see who would accept His work and who would not. And in the future (*le'atid lavo*), He shall permit all that He prohibited. Some say that they [impure animals] shall not be permitted in the future... If one who eats them is destroyed, shall not the animals themselves certainly be [destroyed]? What then is *matir asurim*? There is no prohibition greater than the [blood of] *Niddah*... and in the future [God] shall permit it... and some say even intercourse shall be prohibited in the future... [And some say] *matir asurim* — the bonds [*issur*] of death and damnation [shall be freed].

The first statement claims that a set of Torah laws will be abrogated. Davies points out that the phrase "some say" may refer to apostates, which would imply that Jewish ideology does not claim this change. The next part of this midrash appears to deny the future permissibility of non-kosher animals. The change suggested is that non-kosher animals will be obliterated. These two opinions — of the law changing or the world changing — are perhaps illustrative of the basic dichotomy. If man is spiritually altered, the Torah will actively change. On the other hand, it is the spiritual socio-political completion of the time which will enable this change to come about. Following that, the abrogation of *Niddah* laws is posited. The justification offered is that impurity will no longer

exist. Again the time is seen as having reached a spiritual apex. Another opinion states that sexual intercourse will be outlawed. Perhaps this theorizes man's greater spirituality. The opposing view seems to see this as unnecessary, since the time will be spiritually greater and it is the bonds of death and damnation which will be untied.

Unity of thought cannot be found among the rabbis of the different schools, but the sources indicate that some change will be made.

It is common practice for an unsettled legal dispute to rely upon Elijah to mediate in the Messianic Age. As the harbinger of the Messiah he will also bring with him clarification of ambiguities in the Torah. Examples of this are manifold; see *Eruvin* 43b, *Menahot* 45a, *Pesahim* 13a, *Tosefta Eduyot* 3:4, etc. These and other examples indicate that the Messianic Age shall witness a clarification of the Torah.

To recapitulate, we have tried to show, based on primary sources, that a clear case may not be made for the total abrogation of Torah or the introduction of a new corpus of law. Clarification of Torah is expected, as is Torah modification. The exact definition is open to interpretation, but the phenomenon is agreed upon.

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THE ISLAMIC SOURCES OF MAIMONIDES' POLITICAL PHILOSOPHY*

In Chapter 72 of the first part of *The Guide to the Perplexed*, Maimonides states that of all the species, man is the only one who is political by nature. Man is called *olam katan* (small world), for he alone has a rational faculty. An animal does not require the assistance of another individual belonging to its species to help it survive. Man, in contradistinction to the animal, would perish immediately if left to lead the life of a beast, for his animal faculties would fall far short of those necessary for survival.

It is man's rational faculty which enables him to survive.¹ Food, clothing, and shelter all require the application of the intellect to raw material in order to produce goods which are fit for man's use. Since man requires far too many things, no individual can hope to achieve a state of self-preservation without joining a political association.²

Man's need to live in an organized society is further increased by the many differences which exist among members of the species. These differences are the result of various admixtures of the humors as well as accidents consequent to the form in question. Confronted with such variety, men cannot live together without "a ruler who gauges the actions of the individuals, perfecting that which is deficient and reducing that which is excessive, and who prescribes actions and moral habits that all of them must practice in the same way, so that the natural diversity is hidden through the multiple points of conventional accord and so that the community becomes well

ordered."³ The means by which man's natural variety is reduced to tolerable dimensions is law.⁴

Maimonides distinguishes between two concepts of law: *nomos* (natural law) and Torah (divine law).⁵ Law may be concerned solely with the establishment of order within society. It seeks to prevent wrongdoing or injustice from taking place. In a society governed by these laws, happiness, or to be more precise, the lawgiver's notion of happiness, is attainable. Such a legal system serves only the well-being of the body without attempting either to inculcate correct opinions with regard to speculative matters, or to perfect the rational faculty of each citizen. Maimonides calls such a legal system man-made, or *nomos*.

In contradistinction to the *nomos*, there is a law which seeks to promote perfection of both the body and the soul.⁶ Like the *nomoi*, this law attempts to establish a just political structure to enable man to live in the best possible physical state, but unlike the *nomoi*, it also promotes spiritual perfection by inculcating correct opinions about God, the angels, and other areas of human understanding. Such a law is divinely revealed.⁷

Maimonides posits a second distinction between Torah and *nomos*: the nature of the lawgiver. Torah was given to Moses, a man who is unique in history; the *nomoi* were produced by a group of men who were not prophets. Moses was unique for two reasons: 1. the way in which he received prophecy (a subject which will be discussed later); and 2. the type of prophecy which he received. No other prophet was ever sent to a class of people to convey God's laws to the populace at large.⁸

For Maimonides, the state develops for two reasons: 1. man's inability to survive against natural forces, a reason which is the basis for every society, virtuous or corrupt; and 2. man's desire to attain happiness (union with the Active Intellect and knowledge of intelligibles) which requires perfection of both body and soul. Man attains true happiness only in a

virtuous state, which is defined as a political association ruled by divine law.

Having offered a cursory analysis of man's formation of political associations and the two types of law which can be used to rule the state, it is necessary to investigate the role of the prophet, the ruler of the state, both as a lawgiver and as a statesman. Before analyzing Maimonides' view, it is best to begin with the philosopher's definition of prophecy.

In an article entitled "Halevi and Maimonides on Prophecy,"⁹ Professor Wolfson provides five basic points which define prophecy as understood by the philosophers:

1. Prophecy is a natural process, i.e. the stage of prophecy follows by natural necessity from natural development without the direct intervention of divine grace.

2. Prophecy is not effected by God directly, but rather indirectly by means of the Active Intellect, the tenth Intelligence, which has no corresponding sphere upon which to exercise power as a cause of motion but is responsible for the specific forms which have souls. Prophecy takes place when the soul develops to the point where it is separated from the body and reunited with the Active Intellect.

3. Qualifications for prophecy are threefold:

- a. possession of certain natural physical perfections.
- b. perfection of moral and practical virtues.
- c. perfection of intellectual faculties.

4. Moral and practical virtues are not considered an end in themselves; rather, they are only important as auxiliary to the attainment of intellectual virtues.

5. There is no special mode of conduct or action which is recommended as a means of attaining prophecy. Any existent revealed religion or any of the ethical systems which one may set up for himself or which the philosophers previously established is sufficient.¹⁰

Maimonides begins his discussion by stating that there are three notions of prophecy. The first, the view of the illiterate, is that God chooses anyone and makes him a prophet. The only conditions for prophecy are goodness and sound moral

qualities. The second, that of the philosophers, is that prophecy is a totally natural process which takes place in those individuals who have perfected their intellectual, moral, and imaginative faculties. The final opinion, which Maimonides claims is the view of the Torah, is that perfection of the intellectual and imaginative faculties is a necessary but not sufficient condition for prophecy. One may have perfected faculties, but God may withhold His will and therefore restrain the individual from becoming a prophet. Prophecy is produced through a natural process which combines perfection of man's faculties with a general divine will, but this process may not be completed if God imposes His special divine will.¹¹

Having disagreed with the philosophers as to whether prophecy follows by natural necessity, Maimonides does agree with them on the definition of the prophetic process. Although prophecy is dependent on divine will, it is not a direct act of God; rather, God acts through the Intermediary of the Active Intellect. Thus Maimonides' formal definition of prophecy is "an emanation that flows from God through the medium of the Active Intellect first upon the rational faculty and then upon the imaginative faculty."¹² The only exception to this general theory is Moses, whose prophecy will be discussed below.

Maimonides also agrees with the philosophers' third point that to attain prophecy one must possess natural, intellectual, and moral perfection. However, he adds an additional condition, "the highest possible degree of perfection of the imaginative faculty,"¹³ while agreeing with their fourth point, that moral virtues and practical virtues are subordinate to intellectual virtues.¹⁴ For Maimonides, moral, practical, intellectual, and imaginative qualities each play an important role in making the prophet the ideal ruler.

Before analyzing Maimonides' concept of political leadership, his view of Mosaic prophecy must be dealt with.¹⁵ Maimonides discusses the uniqueness of Mosaic prophecy in three places: 1. the *Commentary on Mishnah*, Introduction to chapter *Helek*; 2. *Mishneh Torah*, *Yesodei haTorah*; and 3. the *Guide*.

In the introduction to *Helek*, Maimonides states that Moses was the greatest of the prophets, that his imaginative faculty was eclipsed, and that he was able to speak directly with God without the intermediation of angels.¹⁶

In the *Mishneh Torah*, Maimonides expands upon his thesis by stating that there are four major differences between Mosaic and non-Mosaic prophecy: 1. Moses did not receive prophecy in a dream; 2. Moses did not receive prophecy through an angel but from God; therefore, his prophecy contains no parables; 3. Moses did not become afraid or weak in the middle of prophecy; and 4. Moses was able to prophesy at will.¹⁷

Maimonides presents the foundation for the *Mishneh Torah's* fourfold distinction in the *Guide*, stating that Moses did not receive prophecy through the imaginative faculty; rather, he received prophecy in the form of rational propositions which were comprehended by his intellectual faculty.¹⁸ Once this foundation is perceived, Maimonides' fourfold distinction can be neatly explained. Ordinary prophets were unable to prophesy when fully conscious because the imagination, overwhelmed by prophecy, drew power away from the external senses and induced a semi-conscious state. Similarly, the use of the imagination explains why ordinary prophecy comes through an angel. The angel is the imagination's representation of the Active Intellect. Therefore, the fact that ordinary prophets received prophecies in which imaginative representations appeared reproducing incorporeal beings indicates that the prophecies came through the imagination. Concomitantly, the other prophets were afraid when they prophesied because their imaginations were overwhelmed by the emanation from the Active Intellect. Finally, ordinary prophets were unable to prophesy at all times because the imagination is a corporeal faculty and dependent for its functioning on the emotional and physical condition of the body. If the emotions are disturbed, or the body enfeebled, the imagination is affected and the individual ceases to prophesy. Moses, free of the imagination, suffered none of these disabilities; he

prophesied without being in a trance, without the vision of an angel, without fear, and at will.¹⁹

Maimonides states in several places that the hierarchical structure of nature is identical with the hierarchical structure of the state in that the most qualified being rules.²⁰ Consequently, it is fairly simple to understand why the prophet is chosen to lead. In Maimonides' cosmology,²¹ inferior beings are brought into existence and conserved by beings immediately superior to them. The nature of God is such that he possesses the power of being to the ultimate degree. He has more than sufficient power for his own existence, and out of this superabundance the universe was created.²² Similarly in the sublunar world, the Active Intellect has more than sufficient power and therefore is continuously emanating. This emanation may affect people in three ways:²³ 1. the overflow from the Active Intellect may reach only the rational faculty, transforming the recipient into one who is endowed with understanding and the ability to discern, a philosopher who is perfect in his own right, but is not moved to teach others or to compose works; 2. the overflow may reach only the imaginative faculty, making the individual one who is able to convey ideas and thoughts clearly but lacks the knowledge to convey the correct opinions. Such a person is either a statesman, a soothsayer, or a dreamer of veridical dreams; or 3. the overflow may affect both the imagination and the intellect, transforming the individual into a prophet. Only the prophet who possesses fully developed rational and imaginative faculties can combine the disparate elements of the philosopher and the statesman. Unlike the philosopher who only receives the emanation of the Active Intellect in his rational faculty, and hence only receives knowledge of the sublunar world,²⁴ the prophet whose imagination produces images which are interpreted by the intellect receives knowledge that transcends the sublunar world.²⁵ Thus, while Aristotle's opinions concerning the sublunar world are correct in all respects, his views on the upper world, the world beyond the lunar sphere, are not perfectly correct. In this realm, only the prophet has direct knowledge. Concomitantly, as a teacher, the prophet

is superior to both the philosopher and the statesman in that the philosopher who has some correct opinions does not teach them, while the statesman, who does teach, does not possess correct opinions.

The prophet, the perfect teacher, therefore becomes the head of state. Society, as was previously stated, is composed of individuals with diverse capacities and diverse needs. Accordingly, within any society, the moral and intellectual abilities of the members may vary widely one from another.²⁶ Therefore true opinions cannot be communicated in a uniform manner. The knowledge which serves a productive end for one person may prove destructive for another.²⁷ If true opinions are to be communicated to society, a manner that will serve the sundry members with some type of "personalized" instruction must be developed. The prophet meets the problem of multiple requirements by using a parable.²⁸ By means of the parable's pictorial ambiguity and verbal equivocality, the prophet is able to provide the correct amount of information for each member of society. To people on a low level of intellectual development, the parable provides basic correct opinions required for salvation; for the intellectual elite, the parable contains a secret meaning which conveys moral and metaphysical insights. Thus by utilizing his unique gifts as a teacher, the prophet is able to maintain stability²⁹ while uplifting the intellectual development of the inhabitants.

There is one question which must be analyzed in order to complete Maimonides' structure of government: how does the political role of Moses differ from that of the other prophets?

As was stated earlier, Moses' prophetic experience was unique, for he received his prophecy directly from God without the intermediation of the Active Intellect. For Maimonides, there could be only one legislative prophet-king, one bringer of the divine law, for as opposed to the *nomoi* which are subject to revision or abrogation by later prophets or philosophers, divine law is unchanging.³⁰ The bringer of the divine law had to be a person unique in human history, one whose prophecy was so

different "that the call to the Law followed necessarily from that apprehension [of Moses] alone."³¹

The bringing of the law and its establishment as a permanent part of Jewish society required not only a teacher who could explain the law, but a prophet who could convey to the people that his message was directly received from God. Once Moses established divine law, later prophets served as preachers and guides, instructing and exhorting the people to follow the law that Moses had brought.

Thus, Maimonides' philosophy of government can be restated as follows: as a result of his perfect intellect and imagination the prophet unites within himself the traits of both the philosopher and the statesman. By combining these two traits, the prophet becomes the perfect teacher, as he holds the correct opinions and is able to teach them to each member of society in accordance with the person's capabilities. By becoming the teacher of all men, the prophet becomes the leader of all men, and ipso facto the leader of the political community.

Having completed our exposition of Maimonides' theory of the state, it is necessary to investigate his dependence on al-Farabi.

II

Al-Farabi's Political Theory

The influence of al-Farabi, "the Second Teacher," on Maimonides has been discussed at length in the literature.³² Maimonides himself expresses his esteem for al-Farabi in his famous letter to Samuel ibn Tibbon, "and in general I advise you not to peruse any books on logic except those of Abu Nasr al-Farabi."³³ The Constantinople manuscript of this letter is even more explicit in terms of Maimonides' respect for al-Farabi's political theory: "and in general do not dwell on any work of logic other than those which the scholar Abu Nasr al-Farabi authored and especially his work *The Political Regime*."³⁴ There are some who have suggested that as far as political sources, Maimonides was ready to follow al-Farabi's lead on all

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points.³⁵ While this approach may be too radical,³⁶ it is clear that to fully comprehend the basis of Maimonides' political theories, it is necessary to examine al-Farabi's view.

According to al-Farabi, man lives in society not only because it is indispensable for his bare existence, but also because only in society can man achieve his highest perfection.³⁷ The first factor, that society is indispensable for man's survival, is a common factor which exists in all societies, whether corrupt or virtuous.³⁸ The second factor, that society is required for man to reach his ultimate perfection, is the point which separates the virtuous from the corrupt form of government.³⁹

For al-Farabi, perfection for man differs both from that of animals, which find perfection within their natural principles, and from the divine Being, who is eternally perfect. Man attains perfection by developing his rational faculties to the point where he is able to communicate with the Active Intellect and achieve the contemplative life.⁴⁰

The virtuous city helps man attain true happiness by creating an atmosphere in which man can acquire true opinions and implement correct actions. In order to accomplish this goal, the political regime is established as an imitation of the cosmic hierarchy. The leader of the virtuous city is the person whose position in society is analogous to God's role in the universe. The ruler is

he who does not need anyone to rule him in anything whatever, but has actually acquired the sciences and every kind of knowledge, and has no need of a man to guide him in anything. He is able to comprehend well each one of the particular things that he ought to do. He is able to guide well all others to everything to which he instructs them, to employ all those who do any of the acts for which they are equipped and to determine, define, and direct these acts towards happiness. This is found only in one who possesses great and superior natural dispositions, when his soul is in union with the Active Intellect. He can attain this by first acquiring the passive intellect, and then the intellect called the acquired . . . This man is the true prince according to the ancients; he is the one of

whom it ought to be said that he receives revelation . . . This emanation which proceeds from the Active Intellect to the passive through the mediation of the acquired intellect, is revelation. Now because the Active Intellect emanates from the being of the First Cause, it can for this reason be said that it is the the First Cause that brings about revelation to this man through the mediation of the Active Intellect. The rule of this man is the supreme rule, all other human relationships are inferior to it and are derived from it.⁴¹

Thus al-Farabi's ruler is a prophet-king,⁴² one who receives the divinely revealed *Shari'a* and teaches the law to the people.

In addition to intellectual and imaginative perfection, the ruler must also be daring and able to wage war. The ruler requires this ability in order to fulfill his responsibility as the educator of all citizens. Since some men may not willingly agree to the ruler's program, compulsion must be used. Thus the ruler must have two groups of educators under his direction: a group that educates by means of persuasive arguments and parables,⁴³ and a second warlike group to compel the lazy and wicked to obey the law. In order to command this second group, the ruler must possess excellence in the art of war.⁴⁴

The nature and extent of the force to be applied is dependent on the character of the citizens: the more virtuous the citizens, the less need there is to apply force. There are cases, however, where the ruler may have to conquer an entire city and force it to accept the law. Al-Farabi seems to favor not only defensive war, but offensive war as well; he refers to the wars conducted by the ruler of the virtuous as "just wars."⁴⁵

Al-Farabi's position on wars of conquest is also apparent in his definition of perfect political associations. While al-Farabi is in agreement with Plato and Aristotle that the "city" is the first or smallest unit that constitutes a political whole and in which man can attain perfection, al-Farabi speaks also of two other perfect human associations: the nation, and the many nations.⁴⁶ Combining al-Farabi's theory of virtuous war with his concept of a perfect human association encompassing the entire world, Mahdi has concluded that al-Farabi deliberately

modified the teachings of Plato and Aristotle in order to supply a rational justification for the concept of *Jihad* .⁴⁷

There is one final area to analyze, namely, the development of law and its role in the virtuous city.

It has been generally accepted that the two primary sources for medieval Arabic political philosophy are the *Republic* and the *Laws* . These two books describe two types of states which differ from each other in one fundamental point. In the *Republic* , the highest authority within the state is the personal rule of the philosopher-king; whereas in the *Laws* , the highest authority is the law of previous philosopher-kings which have been written down and are implemented by non-philosophers. In both types of states, reason is the ruler: in the *Republic* , reason takes the form of judgements by the philosopher-king; in the *Laws* , reason takes the form of law.

Al-Farabi was confronted with a rather difficult problem. Moslems believed that the primary justification of their existence as a distinct community was the divine revelation to Mohammed, and had he not come to them with his message, they would have continued to live in uncertainty about attaining happiness. After Mohammed, Moslems were left with the divine law (*Shari'a*). Which then takes precedence, the *Shari'a* or the philosopher-king?

Al-Farabi is quite explicit in his answer, stating that the ruler has supreme authority:

Just as it is permissible for each of them [prophet-kings] to change a Law he had legislated at one time for another if he deems it better to do so, similarly it is permissible for the living who succeeds the one who died to change what the latter had legislated . . .⁴⁸

However, al-Farabi does include a statement that if there is no one to take the place of the prophet-king, then the laws which were laid down by previous prophet-kings should be written down and the city should be governed by that legal code.⁴⁹

Thus, to summarize al-Farabi's theory: social organization results from man's inability to survive in the natural world without the assistance of his fellow beings. In addition, man at-

tains true happiness only in a virtuous political organization. The founder of the virtuous city is one who has achieved perfection by developing his rational, imaginative and warlike faculties. By virtue of his perfect rational and imaginative faculties the ruler of the state is a prophet as well. The state which he establishes is structured like the world of nature, wherein the position of the ruler is analagous to that of the First Cause in the universe. The ruler is also the teacher of the community, and through the use of parables he is able to teach the inhabitants correct opinions and beliefs necessary for the attainment of happiness. In those instances where people refuse to accept the teachings of the ruler, he may wage war to compel the people to accept the truth.

Finally, the authority within the virtuous city is dependent on the nature of the leaders. If there is a true prophet-king, he has the authority to institute any law he wishes as well as to abrogate any law which he or a previous prophet-king had established. If there is no prophet-king, and there are only philosophers of lower rank or no philosophers at all, then the supreme authority in the city is the law of previous prophet-kings which is written down and administered.

Having set down al-Farabi's view, we can now analyze the dependence of Maimonides on al-Farabi, and deal with several questions which have been raised by modern interpreters.

III

Comparisons and Contrasts

It seems quite clear that Maimonides is greatly indebted to al-Farabi in the area of political theory. Even a cursory analysis indicates that Maimonides drew several basic concepts from al-Farabi. Like al-Farabi, Maimonides saw two reasons behind man's political associations: to insure his physical survival, a cause which is a basis for all political associations, and to attain happiness, which man achieves only in a virtuous state. Like al-Farabi, Maimonides' state is organized hierarchically in the same way as the universe, with a prophet-king, the state's

equivalent to the First Cause, as ruler. In addition, Maimonides may have drawn his theories of prophecy,⁵⁰ perfect political associations,⁵¹ and war⁵² from al-Farabi.

There are, however, two areas which must be examined closely: the role of divine law in society, and whether the prophet-king is fit to rule if he does not have an imaginative faculty and therefore does not speak in parables.

As stated previously, al-Farabi develops two alternative models of the virtuous state: one in which the highest authority is the personal rule of the prophet-king; the other in which the laws of previous prophet-kings are written down and administered. The rule of the prophet-king is superior to that of the divine law, and the prophet-king can abrogate any law which he or any other prophet-king has established.

Maimonides, on the other hand, seems to be opposed to this view, stating in II, 39,

Correspondingly it is a fundamental principle of our Law that there will never be another Law. Hence, according to our opinion, there never has been a Law and there will never be a Law except the one that is the Law of Moses our Master.⁵³

This statement clearly indicates that the Law is superior to any prophet-king and is unchanging.

This conclusion has been challenged by Strauss⁵⁴ and Berman.⁵⁵ Strauss posits the notion that the *Guide* is "an esoteric explanation of an esoteric doctrine"⁵⁶ and claims that the book can be understood only by means of hints, and the more esoteric the hint the more indicative it is of Maimonides' actual opinion.⁵⁷ Thus, Strauss concludes that Maimonides did not believe in certain commandments such as sacrifices and in certain concepts such as miracles.⁵⁸

Berman begins with a quote from the *Guide*, II, 25,

Know that with a belief in the creation of the world in time, all the miracles become possible and the Law becomes possible and all questions that may be asked on this subject vanish.⁵⁹

Using reasoning similar to those of Strauss, Berman states

that Maimonides' announced belief in creation⁶⁰ is not his real view, but a myth utilized by Maimonides to protect himself from possible social and religious persecution.⁶¹ In actuality, the concepts of creation and eternity of divine law are political myths which are taught to the masses in order to maintain stability within the city.⁶²

The Strauss-Berman position is difficult, for as Strauss himself has noted,⁶³ there is no way to prove that hints provide the correct method of interpretation or that the correct hints are being utilized.

The second area to be analyzed is whether a person can be a prophet-king without an imaginative faculty. Al-Farabi's position is unclear, as was noted earlier.⁶⁴ He states in the *Virtuous City* that the imaginative faculty is a necessity for prophecy and hence for the ruler, while in the *Political Regime* he neglects to mention it at all. It is clear, however, that al-Farabi did not believe that prophecy was possible without the intermediation of the Active Intellect, a view Maimonides rejects in his theory of Mosaic prophecy.

Although Pines traces Maimonides' position to al-Farabi's theory in the *Political Regime*, Pines is puzzled by what appears to be an inconsistency in Maimonides' thought.⁶⁵ Maimonides claims that Moses made no use of the imaginative faculty in prophecy, the proof being that Moses did not prophesy in parables.⁶⁶ But his statement contradicts Maimonides' theory that it is the strength of the imaginative faculty which enables the prophet to play a political role.⁶⁷ How could Moses have been a prophet-king if he lacked an imaginative faculty?

Maimonides states in II, 36, that prophecy, inasmuch as it is produced in part by the imagination, a corporeal faculty, is weakened or terminated by states that adversely affect the body. As evidence of this he points to Jacob and Moses; the former did not prophesy during the period he mourned for Joseph, and the latter did not prophesy when troubled by the evil report of the spies. However, after mentioning Moses in this vein, Maimonides states that Moses did not employ his

imagination in prophesying, and that the question of Mosaic prophecy is really not at issue. If Moses did not employ his imagination in prophesying, why did Maimonides cite him in the discussion?

Efodi states that this inconsistency is an attempt by Maimonides to indicate to the intellectual elite that even Moses required an imaginative faculty to prophesy, while disguising the point from the masses who would have been disillusioned by the discovery that the greatest of the prophets used a corporeal faculty in prophesying.⁶⁸ If we accept Efodi's interpretation, Pines' question no longer exists.

However, Efodi's view is rejected by Abrabanel, who states that Maimonides mentions Mosaic prophecy in Chapter 36 because, in discussing prophets who were affected by emotional disturbances, the incident of Moses and the spies was an excellent paradigm. But the reason Moses did not prophesy during that period was not because his imagination was affected; rather, the people constantly badgered him and did not allow him the leisure to withdraw into prophetic isolation.⁶⁹

A second suggestion is offered by Reines. Moses did have an imaginative faculty; however, unlike the other prophets who used the imaginative faculty to interpret the emanation they received from the Active Intellect and to construct parables which conveyed correct opinions, Moses used his imagination solely to construct parables.⁷⁰

This explanation, however, is not plausible. The imagination serves two functions in prophecy: it helps the prophet's intellect correctly interpret the emanation received from the Active Intellect, and it helps the prophet construct parables which lead the people to a clearer understanding of God.

For Moses, the first use of the imagination was unnecessary, inasmuch as Moses received and interpreted prophecy with his intellectual faculty alone. The second role of the imagination, constructing parables which teach the people correct opinions about the unity and incorporeality of God, was also rendered superfluous by Sinaitic revelation.

Maimonides interprets the Talmudic statement that all Israel heard the first two commandments at Sinai to mean that all the people heard a voice one time from which they deduced the principles of unity and incorporeality.⁷¹ This being the case, it was not necessary to convey basic principles to the people via parables, and Moses did not require an imaginative faculty. With the death of Moses and the generation that witnessed the demonstration at Sinai, later prophets were forced to employ their imaginative faculties and develop parables.

Thus it seems clear that Maimonides drew heavily on al-Farabi, both in terms of the necessity for the state and the organization of the virtuous government. However, Maimonides clearly disagreed with al-Farabi on the possibility of prophecy without the intermediation of the Active Intellect, a view which Maimonides may have taken from Averroes, as well as on the function of the imagination which Maimonides drew from Ibn Bajjah.⁷² There is one area which remains uncertain, namely, whether Maimonides followed al-Farabi's view that the prophet-king is superior to divine law. Strauss and Berman contend that Maimonides did follow al-Farabi, whereas this paper has maintained that the basic premise of the Strauss-Berman theory, that one must look for esoteric statements in order to ascertain Maimonides' actual opinion, is unlikely, and that Maimonides' statement that divine law is eternal represents his actual opinion.

NOTES

*The author wishes to thank Professor Arthur Hyman for reviewing an earlier draft of this article, as well as for his insightful comments and suggestions.

1. *Guide*, I, 72.
2. *Guide*, III, 27.
3. *Guide*, II, 40, trans. S. Pines, p. 382.
4. *Ibid.*

5. Efodi, *Commentary on the Guide*, II, 40, defines nomos as תורה הטבעי, and Torah as תורה אלקי.
6. *Guide*, III, 27.
7. *Guide*, II, 40. Although true happiness can only be attained in a state ruled by divine law, there is a prerequisite condition: the attainment of physical well-being, "for a man cannot represent to himself an intelligible even when taught to understand and all the more cannot become aware of it of his own accord, if he is in pain or is very hungry or is thirsty or is hot or is very cold. But once the first perfection has been achieved it is possible to achieve the ultimate, which is indubitably more noble and is the only cause of permanent preservation." *Guide* III, 27, p. 511.
8. *Guide*, II, 39.
9. H.A. Wolfson, "Halevi and Maimonides on Prophecy," *Jewish Quarterly Review*, N.S., XXXII (1942), p. 345-370; XXXIII (1943), p. 49-82.
10. *Ibid.* p. 350-353.
11. *Guide*, II, 32. This last point is particularly complex. Diesendruck, in "Maimonides lehre von der Prophetie," in *Jewish Studies in Memory of Israel Abrahams* (Vienna, 1927), concludes that Maimonides believes that all prophecy is a miraculous creation direct from God through the Active Intellect, rather than a product of nature. Diesendruck's contention is difficult to defend for he is left with the position that Maimonides concealed a miraculous theory of prophecy, congenial to the imaginative notions of the masses, behind a facade of naturalistic theory. For a full discussion of this issue see A. Reines, *Maimonides and Abrabanel on Prophecy*, (Cincinnati, 1970), "Introductory Essay," p. xxxii-xxxiii, n. 74.
12. *Guide*, II, 36, p. 369.
13. *Ibid.*
14. *Guide*, III, 27.
15. For Maimonides' view on the philosophers' fifth point see Wolfson, "Halevi and Maimonides on Prophecy" p. 73.
16. "Introduction to Perek Helek," in *Hakdamot lePerush haMishnah*, ed. M.D. Rabinowitz (Jerusalem, 1961) p. 140-141. The term "angel" refers to the Active Intellect; see Wolfson, "Halevi and Maimonides" p. 349.
17. *Mishneh Torah, Yesodei haTorah*, 5:7.
18. *Guide*, II, 35. An alternative method of analysis has been offered by Reines, that Mosaic prophecy was a natural process of communication which flowed through the Active Intellect, but, as opposed to ordinary prophecy which employed the imagination to interpret the emanation from the Active Intellect, Moses was unique in that he received prophecy only with his intellectual faculty. A. Reines, "Maimonides' Concept of Mosaic Prophecy," *HUCA*, XL-XLI (1969-1970), p. 325-361.

19. This analysis is provided by Abrabanel in his *Commentary on the Guide* II, 36. See also *ibid.* 328-330.
20. *Guide*, I, 54; I, 72.
21. *Guide*, I, 72; II, 11-12.
22. *Ibid.* II, 12. God emanated the first Intelligence with more than sufficient power for itself, which in turn emanated the first sphere and second Intelligence, which then emanated the second sphere and third Intelligence. This process continued until the ninth sphere and tenth Intelligence were produced, with the tenth creating the sublunar world.
23. *Guide*, II, 37.
24. *Guide*, II, 22.
25. *Guide*, II, 38.
26. Reines, *Maimonides and Abrabanel on Prophecy*, points out that because the variety and diversity among human beings are a result of matter, which is a necessary fact of sublunar existence, the differences among individual humans is an external condition. Therefore the problem of communication which results from this condition is likewise permanent and the prophetic mode of communication will always be necessary. "Introductory Essay," p. 1i.
27. Maimonides makes this point clearly in I, 32, p. 68-69.
 "For if you stay your progress because of a dubious point; if you do not deceive yourself into believing that there is a demonstration with regard to matters that have not been demonstrated; if, finally, you do not aspire to apprehend that which you are unable to apprehend — you will have achieved human perfection and attained the rank of R. Aqiba, peace be on him, who entered in peace and went out in peace when engaged in the study of these metaphysical matters. If, on the other hand, you aspire to apprehend things that are beyond your apprehension; or if you hasten to pronounce false assertions the contradictories of which have not been demonstrated or that are possible, though very remotely so — you will have joined Elisha Aher. That is you will not only be not perfect, but will be deficient among the deficient . . .
 In this regard it is said: "Hast thou found honey? Eat so much as is sufficient for thee, lest thou be filled therewith and vomit it" . . . How marvelous is this parable as it likens knowledge to eating . . . It also mentions the most delicious of foods, namely, honey. Now according to its nature, honey if eaten to excess, upsets the stomach and causes vomiting. Accordingly Scripture says, as it were, that in spite of its sublimity, greatness, and what it has of perfection, the nature of the apprehension in question [intellectual apprehension] — if not made to stop at its proper limit and not conducted with circumspection — may be perverted into a defect, just as the eating of honey may."

28. *Guide*, II, 43.
29. While all members of society receive the benefits of the prophet's teachings, the question is what benefit the prophet derives from being ruler of the state. The prophet receives the most important thing of all—political stability, which enables him to continue to prophesy.
30. *Guide*, II, 39. This statement will be discussed in Part 3.
31. *Ibid.* p. 378.
32. Some of the more important works include: L. Strauss, "Quelques Remarques sur la Science Politique de Maimonide et de Farabi," *REJ* (1936), p. 1-37; "Maimunis Lehre von der Prophetie and ihre Quellen," *Le Monde Orientale*, XXVIII (1936), p. 99-139; E.I.J. Rosenthal, "The Place of Politics in the Philosophy of al-Farabi," *Islamic Culture*, XXIX, no. 3, (July 1955) p. 157-178, reprinted in Rosenthal ed. *Studia Semitica*, Vol. II, (Cambridge, 1971), p. 93-114; S. Pines, "Translator's Introduction: The Philosophic Sources of the Guide to the Perplexed," p. lxxviii-xcii.
33. A. Marx, "Texts by and about Maimonides," *JQR*, XXV (1934-1935), p. 379. Efros, in his introduction to *Maimonides' Treatise on Logic*, (New York, 1938), p. 19, states that chapters 8-14 of the Treatise agree with two works of al-Farabi not only in thought but in phrasing as well. Chapter 14 is of particular interest as it contains Maimonides' statement on Political Science. The question has been raised as to whether Maimonides relied on al-Farabi or not, will be discussed in Part 3.
34. Marx, "Texts," p. 379.
35. Pines, "Translator's Introduction," p. lxxviii.
36. As will be shown in Part 3, there are areas where Maimonides and al-Farabi are not in agreement.
37. Al-Farabi, *Fi Tahsil al-Sa'adah*, translated as "The Attainment of Happiness" in *Alfarabi's Philosophy of Plato and Aristotle*, ed. and translated by M. Mahdi, (New York, 1962), p. 22-23.
38. *Ibid.*
39. *Ibid.*
40. This point is not totally clear in al-Farabi's thought, as in his lost *Commentary on Aristotle's Nicomachean Ethics*, al-Farabi rules out the possibility of a person being in union with the Active Intellect, whereas in another treatise, *On the Intellect*, he does describe such a state. For a fuller discussion of the problem see Pines, "Translator's Introduction" p. lxxxi-lxxxii.
41. Al-Farabi, *Al-Siyasat al-Madaniyyah*, translated as *The Political Regime* by Fauzi M. Najjar, in R. Lerner and M. Mahdi eds., *Medieval Political Philosophy: A Sourcebook*, (Ithaca, 1963), p. 36-37.
42. Farabi's theory of prophecy is problematic as will be shown in Part 3. For the present, I am following the system which he sets forth in the *Virtuous City* and which is quoted by E. Rosenthal in his article "The

- Place of Politics in the Philosophy of al-Farabi," *Islamic Culture*, p. 164-165. Man possesses both theoretical and practical reason, and is therefore endowed with imaginative and intellectual faculties. These faculties remain as a potential state until they are actualized by an emanation from the Active Intellect. Through the Active Intellect, God communicates with the ruler: first emanating upon the ruler's intellectual faculty and transforming him into a philosopher, and then upon the ruler's imagination transforming him into a prophet.
43. *Political Regime in Medieval Political Philosophy*, p. 40.
 44. Al-Farabi, *Virtuous City*, quoted by Rosenthal in "The Place of Politics in the Philosophy of al-Farabi," p. 165.
 45. *Ibid.*
 46. *Political Regime*, in *Medieval Political Philosophy*, p. 32. For a full discussion of both al-Farabi and Maimonides on the subject of perfect political associations, see n. 51.
 47. M. Mahdi, "Alfarabi" in L. Strauss and J. Cropie ed. *History of Political Science* (Chicago, 1963), p. 174.
 48. *Political Regime*, in *Medieval Political Philosophy*, p. 37.
 49. *Ibid.*
 50. The question of prophecy in al-Farabi's thought is problematic. In the *Virtuous City* (p. 52), Farabi speaks of prophecy as an emanation of the Active Intellect to the intellectual and imaginative faculties. In *The Political Regime*, he speaks of prophecy only in terms of the rational faculty, while in the *Attainment of Happiness*, he makes no mention of prophecy at all. In his introduction to the *Guide* (p. xci), Pines suggests that Maimonides based his theory of prophecy on Farabi's *Political Regime*. While this suggestion might explain Maimonides' concept of Mosaic prophecy, i.e. prophecy where the imaginative faculty does not play a role, it fails on two counts: 1. it does not explain Maimonides' general theory of prophecy where the imagination does play a critical role; and 2. even in the area of Mosaic prophecy, it is not clear whether al-Farabi believed that a prophet could receive prophecy without the intermediation of the Active Intellect. (On this question see E.I.J. Rosenthal, "Some Observations on the Philosophical Theory of Prophecy in Islam," *Mélanges Henri Massé*, ed. Ali-Akar Siassi, (Teheran University, 1963), p. 343-352, reprinted in E.I.J. Rosenthal, *Studia Semitica* Volume II, p. 135-144. If one accepts Reines' notion that Mosaic prophecy was not directly from God without the intermediation of the Active Intellect, but was from the Active Intellect and directed solely towards Moses' intellectual faculty, this second question is resolved. See A. Reines, "The concept of Mosaic Prophecy," *HUCA*, XL-XLI (1969), p. 325-361.) Rosenthal conjectures in his "Place of Politics in the Philosophy of al-Farabi" that the *Virtuous City* was written first and contains Farabi's

true opinion. In the *Political Regime*, al-Farabi preferred to give a cursory description of prophecy and therefore left out the role of the imagination, while in the *Attainment of Happiness*, the omission of the concept of prophecy is not unusual, as it merely reflects that the book was a short treatise which was written for an audience that had read al-Farabi's more extensive works.

This view fails on three counts: 1. there is neither internal nor external evidence to support Rosenthal's conjecture in terms of the order of authorship; 2. while the *Attainment of Happiness* may eliminate superfluous definitions (e.g. imam, lawgiver, and ruler, which are identical terms, are all subsumed under "ruler"), there is no reason to assume that basic concepts were eliminated out of a desire to be brief; and 3. even if Rosenthal's argument is correct, his suggestion would only serve to explain non-Mohammedan prophecy where the prophet employs his imaginative faculty.

Abrabanel in his Commentary to Chapter 36 of the *Guide* suggests that Maimonides had two sources, Averroes and Ibn Bajjah. Maimonides derived his basic doctrine of prophecy from Averroes' *De Sensu et Sensibili*, while the role of the imagination as the interpreter of prophecy stems from Ibn Bajjah. This suggestion also solves the problem of where Maimonides developed his notion of Mosaic prophecy, as both Averroes and Avicenna interpreted Mohammed's prophetic revelation as direct communication from God without the intermediation of the Active Intellect (E.I.J. Rosenthal, "Some Observations on the Philosophical Theory of Prophecy in Islam," *Studia Semitica* II, p. 136.).

Abrabanel's suggestion is problematic as well, for there is evidence that indicates that Maimonides did not have access to Averroes' *De Sensu*. In a letter which Maimonides wrote to Joseph ibn Judah, Maimonides states that he has just received all of Averroes commentaries except for *De Sensu* (H. Blumberg, *Averroes' Parva Naturalia*, (Cambridge, 1954), p. xv.).

There is one final suggestion, an amalgamation of some of the previous ones. Maimonides' view is basically that of al-Farabi, but with two major additions: 1. the emphasis on the imagination which Maimonides derived from Ibn Bajjah; and 2. the notion of Mosaic prophecy, i.e. prophecy without the intermediation of the Active Intellect, which he derived from Averroes' *Commentary on Plato's Republic*, Treatise II.

51. Maimonides refers to three types of perfect political associations: the city, the great nation and the nations (Maimonides, *Treatise on Logic*, Chapter 14). This view is not consistent with the opinion of Plato and Aristotle, who speak of only one perfect association, the polis, but appears in line with al-Farabi, who speaks of the city, the nation, and the confederation. Wolfson claims that although Maimonides based his

system on al-Farabi, the two systems are not identical. Maimonides refers to a religious division of states: the city, the nation (Israel), and the nations (non-Israelite). (H. Wolfson, Notes on Maimonides' Classification of the Sciences," *JQR*, N.S. XXVI 369-377.)

Berman rejects Wolfson's contention on the grounds that the text offers no indication that Maimonides wished to distinguish between religious and irreligious law; rather, Maimonides states:

"the sages of the past religious communities used to make regimes in accordance with the perception of each of them, through which the kings used to rule their subjects and they would call them [the law] the nomoi."

This statement seems to indicate that the law of the city was not a civil law as opposed to a religious law. Although the law was a product of human reason, it was not irreligious. Berman therefore suggests that Maimonides based his views on the beginning of al-Farabi's *Statement on Religion and Jurisprudence*. In that work Farabi notes that religion is composed of opinions and actions, prescribed and limited by conditions which the first ruler of the group establishes in order to achieve a specific goal. The group has a fourfold division; the tribe, the city or province, the mighty nation, and the many nations. Berman suggests that Maimonides was influenced by this classification, and left out the "province" as "there was not enough difference to warrant a separate category." (L. Berman, "Maimonides' Statement on Political Science," *Journal of the American Oriental Society*, LXXXIX (1969), p. 106-111, especially pages 108-109).

52. Maimonides does not discuss the concept of war in the *Guide*, but does discuss "virtuous war" [מלחמה מצוה] as one of the responsibilities of the king in *Mishneh Torah*, "Laws of Kings and their Wars," 4:1.
53. Pines translation p. 379.
54. L. Strauss, "The Literary Character of the Guide" in Baron ed. *Essays on Maimonides*, (New York, 1941) p. 37-91.
55. L. Berman, "Ibn Bajjah and Maimonides: A Chapter in the History of Political Philosophy" (Unpub. diss., Hebrew University, May 1959 — mimeographed).
56. Strauss, "Literary Character of the Guide" p. 53.
57. Ibid., p. 58-75.
58. Ibid., p. 68, 75.
59. Pines translation p. 329.
60. *Guide*, II, 27.
61. Berman, "Ibn Bajjah and Maimonides," p. 161-162.
62. Ibid.
63. L. Strauss, *Persecution and the Art of Writing*, (Glencoe, 1952,) p. 27.
64. See n. 50.

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65. Pines, "Translator's Introduction", p. xci.
66. *Guide*, II, 45.
67. *Guide*, II, 37.
68. Efodi, *Commentary on the Guide*, II, 36.
69. Abrabanel, *Commentary on the Guide*, II, 36.
70. A. Reines, "Maimonides' Concept of Mosaic Prophecy," p. 325-349.
71. *Guide*, II, 33.
72. See n. 50.