

# HAMEVASER

*Jewish Studies Magazine of Yeshiva University*

## TEXT AND TEXTUALISM

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# FROM THE EDITOR'S DESK

**W**e apologize for the numerous technical difficulties that delayed our publication. We wish to thank all who have assisted us, including the Office of Student Services and our incredibly dedicated staff members. We particularly thank the Yeshiva University President's Circle for its recent generous grant. We thank those who submitted articles and interviews, and, of course, our readership. We encourage you, the students, to involve yourselves in Hamevaser, whether by writing or editing submissions, editing copy, layout, or working with our business managers, or by helping develop and expand our list-serv and website.

**J**ewish texts are our primary resources. Our documents are tangible symbols of our living tradition; our works transmit this content from generation to generation. Our texts expose us to the richness of our heritage and offer clues to the defining events in Jewish history. We challenge ourselves to understand these texts, the corpus of literature which defines us.

This volume primarily grapples with some of the issues surrounding Jewish text study. What canonical and extra-canonical texts ought we include in our corpus of study? What are some contemporary Orthodox academic approaches to Bible and Talmud study? How does one teach these texts to adults with limited related background? We hope that this entry, as with all Hamevaser issues, inspires dialogue and exploration of these and other matters whose implications affect our future. YKR

## HAMEVASER

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and reader feedback.

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# RESPONSA: HAMEVASER MAILBAG

To the Editor,

I greatly enjoyed the excellent interview with Rabbi Jonathan Sacks that appeared in your last issue [Tevet 5760]. The questions were more relevant and incisive than one would expect in such an interview, and Rabbi Sacks answered them clearly and directly, in his usual politic, yet impassioned style. He seems able to bring together and build a consensus from groups with vastly different ideologies, while still openly expressing his own views, however original, bold or confrontational they may be.

Yet I was left utterly astonished after reading his response to a question about his policy regarding the problem of Lubavitch messianism. He acknowledges that "messianism is very distressing," but categorically refuses to join Dr. David Berger's campaign against it. He seems to base his refusal on (1) the fact that "by and large, in Britain, the Lubavitch presence is not...messianic" and that (2) it is his "pastoral responsibility" to British Chabad Rabbis "to support them in the trauma that they are going through," and not his job "to criticize them and attack them." He continues to state that "many of the Chabad rabbis... have... been traumatized by the absence of the Rebbe, and I have to give them emotional support, and therefore they have to be able to feel that I see and sympathize with the 99 percent in Chabad which is a... very positive force."

If, as Rabbi Sacks claims, the Lubavitch presence in Britain is, by and large, not messianic, then why would a protest against messianism entail "criticizing" and "attacking" them? On the contrary, what greater support could Rabbi Sacks possibly give the "traumatized" British Chabadniks than to condemn messianism and to come out in favor of their commitment to a non-messianic approach to Chabad Chassidus? Rabbi Sacks states, "I love British Chabadniks very much, as I loved the Rebbe... and regarded him as my own Rebbe." So why won't he act decisively and make every effort to preserve the "99 percent" of Chabad that is "a very positive force"? And precisely because he stands in danger of offending no one in his own community, isn't Rabbi Sacks the perfect rabbinic leader to address the problem?

We can only suspect that Lubavitch messianism is a much greater problem in Britain than he is willing to admit. (You have to wonder how these "non-messianic" rabbanim could still be so traumatized over five years after the death of their Rebbe!) That makes it all the more imperative that Rabbi Sacks – and other leaders of world Jewry – show some backbone and initiative, and intervene before the situation deteriorates even further. Had rabbinic leaders united to condemn the messianic tendencies in Chabad decades ago, when they were merely latent, we might not be in the mess we're in today. It's just as true now as it was then that pretending the problem doesn't exist won't make it go away.

Stephen M. Tolany  
BRGS, YC '97  
Editor-in-Chief, Hamevaser, 1996-7  
New York, NY

To the Editor,

In his *She'asani Kirtzono* [Tevet 5760], David Krieger claims that this "blessing" actually "deserves a place alongside *she'lo asani ishah* because it shares the same *halakhic* status." He comes



# RESPONSA

to this conclusion because [a] one view in the Rosh maintains that the "blessing" be said and [b] it appears to parallel the blessing in which the man praises ha-Shem for having not been made a woman. Mr. Krieger cites *aharonim* who articulate this view.

Mr. Krieger cites *Haham Ovadia Yosef* who rules that one should not recite a blessing not mentioned in the Talmud. This is also the view of Maimonides. Mr. Krieger then offers *Haham Yosef* some constructive criticism, that he "should have noted the position of the Tur and the *Shulchan Aruch*, who indeed argue that the blessing be recited." Of all the *poseqim* of our time, *Haham Yosef* is most aware of variant views. The fact is the blessing is not found in the Talmud. The warrant for reciting blessings not found in the Talmud is not defended. We are told that it is the "practice" to recite such blessings. The *Lubavitcher Shulchan Aruch* does not contain the blessing precisely because it is not found in the Talmud.

Taking God's name in vain is a most serious offense, and the Jewish laws regarding blessings rules "when in doubt, leave it out." The Talmudic sages clearly did not believe that the "blessing" *she-asani kirtzono* was intended to be said in place of *she-lo asani ishah* because they did not institute the blessing. And the 100 blessings we ought to say every day are 100 blessings defined by the sages. And the "blessing" *she-asani kirtzono* was not one of them.

When Torah Jews complain about the wrongs of feminism, they must also ask if what we do as Torah Jews is correct. The fact that we say on Yom Kippur *ki kol ha-am bishegaga*, that all the people have done wrong, means that we are not perfect. Given the fact that there is debate among *rishonim* regarding the blessings, we must ask why the **change** which invented a post-Talmudic blessing is indeed acceptable, kosher and valid. Do *rishonim* have a right to make new blessings after the Talmud came to closure? And if *rishonim* indeed possess this authority, how, when and why did this authority lapse?

Torah law is not in heaven, it comes from heaven. Torah laws have rules which determine the legitimacy of its laws. This issue requires clarification, especially at a time when some Orthodox Jews ask for changes in liturgy regarding feminism.

Rabbi Alan J. Yuter  
RIETS '87  
Congregation Israel, Springfield, NJ

DAVID KRIEGER RESPONDS:

*Rabbi Yuter mistakes the purpose of my article. I did not intend to write a treatise on the acceptability of creating new berakhot after the Talmudic period. I agree that the issue of post-Talmudic berakhot "requires clarification," but this goal, although important and necessary, is well beyond the scope of my article on she'asani kirtzono. The questions that Rabbi Yuter poses "Do rishonim have a right to create new blessings after the Talmud came to closure? And if rishonim possess this authority, how, when, and why did this authority lapse?" are certainly valid but belong in a different context and in a separate article. My essay deals with the specific issues and poskim relating to she'asani kirtzono.*

*I think that my article accurately deals with Rav Ovadiah Yosef's position. Rav Yosef bases his opinion on the Rosh; Magen David finds that this very Rosh contradicts himself and Magen David offers a different explanation that is consistent with all the Rosh's positions. Magen David concludes that we may have berakhot not found in the Talmud. Rabbi Yuter's claim that "the fact is the blessing is not found in the Talmud" does not concern the Magen David, Rosh, the Tur, nor the Shulchan Aruch. Although the Lubavitcher Shulchan Aruch might not contain this blessing, our Shulchan Aruch lists it.*

*Rabbi Yuter implies that my article is a defense of feminism: "When Torah Jews complain about the wrongs of feminism, they must also ask if what we do as Torah Jews is correct." The berakha of she'asani kirtzono was instituted hundreds of years before feminism started. Even the meaning of the berakha is not necessarily flattering to women.*

*Rabbi Yuter also implies that women have sinned by "taking G-d's name in vain" and that saying she'asani kirtzono involves a shegaga. Certainly, women can rely on their minhag and on giants of pesak like the Tur and the Shulchan Aruch. Would Rabbi Yuter classify such a minhag as a sin? Does Rabbi Yuter advocate removing she'asani kirtzono from womens' prayers?*

To the Editor,

Upon reading *The Diary of Anne Frank*, I was deeply moved and enlightened. I had no trouble at all connecting to and empathizing with the feelings and emotions so poignantly and beautifully portrayed by Ms. Frank. I must admit, however, that I was appalled by the release and review [Tevet 5760] of Melissa Müller's new biography of Anne Frank, which discusses several pages

of her diary that, by the insistence of Anne Frank's father, Otto Frank, were never before published. I feel compelled to wonder if there was truly anything in those pages that was so unbelievably earth-shattering that it would give us the right and justification to disregard a father's last dying request? Otto Frank's life was not an easy one, and as personal and close to his heart every page of that diary was, he unselfishly decided to share it with the public. Must we abuse this privilege and invade upon the privacy and intimacy of a family to reveal details that are not at all pertinent to the main thrust of this diary? The purpose of this diary was to show the world that the people the Nazis tried to exterminate were real people, with real sentiments, aspirations and conflicts. Even as I first began reading this diary, I immediately was able to identify with and relate to this remarkable girl and the terrible nightmare she was trapped in, which only added more agitation to her already turbulent adolescent years. Discussion of these few, previously unknown pages was not done out of the earnest desire to paint a clearer picture to the public of Anne's family and personal struggles and to enable us to better connect with her, for this was already accomplished by the first diary. This new publication is a cheap merchandising ploy that serves as a painful reminder of the state of media today. The more shocking and personal those few pages are, the more popular this new book will become. But just how shocking and personal these pages actually are, I for one will never know, because I refuse, on principle, to read this shameful indifference to the preservation of a family's honor.

Should we applaud the recent publication of a book which discusses previously unpublished personal selections from Anne Frank's diary? Anne's very own father has already weighed in on the subject. I am willing to respect his wishes and trust his judgment. Can't you?

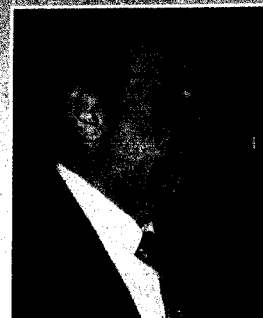
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# EXCLUSIVE INTERVIEW



## Hamevaser Interviews RABBI DR. NORMAN LAMM, President of Yeshiva University

CONDUCTED BY YEHUDIT ROBINSON AND ATON HOLZER;  
TRANSCRIBED BY ATON HOLZER

AH: *What do you feel to have been your greatest achievements over the past two decades at Yeshiva University?*

RL: You've asked me what I think my greatest achievements have been since I came to Yeshiva a little over twenty years ago. A number of them: one of them is guiding the university through debt reconstruction when I first came, for the first two or three years, when we were on the brink of bankruptcy, and we had to decide what to do. It was a very difficult time, a very threatening time, but, with the help of the Almighty, we overcame it, and since then we have no debt of any serious consequence.

The second thing is the formation of the Kollelim. When I came here, we had only one Kollel; now we have four Kollelim here and one in Israel; that, to my mind, says something about *harbatzat haTorah*. Also Torah U'Madda – the emphasis on Torah U'Madda, the publications about Torah U'Madda – we have several volumes already, we have a journal on Torah U'Madda, we have lectures on Torah U'Madda. I am now convinced that no matter what we do, students will always complain about the fact that we don't have anyone to talk about Torah

U'Madda, which means that they're not reading and they're not listening, but if they did, they would find that there's quite a bit they can learn from.

I think that the next element would be – I don't know if it's my achievement; maybe it's in the air – the growth of the midtown campus, Stern College and Sy Syms – especially the midtown campus, and the tremendous increase of Jewish learning not only in quantity but in quality, which may even go beyond that. Finally, I would say, the emphasis on academic excellence, which means the Honors programs which are going into effect, *im yirtzeh Hashem*, both at Stern and at Yeshiva College, and I think we increased recognition of Yeshiva University in the world community.

Those, I think, are my contributions. For none of these was I alone personally responsible – and don't think I say it because I want to prove to you my *anivut* – but anything that's important in an institution is always done because of a team effort.

AH: *What have been the most outstanding experiences that HaRav has faced as President of Yeshiva University?*

RL: My most satisfying experiences was in the early years of my presidency – unfortunately, not in my later years – and that was the opportunity that I had to discuss issues of Yeshiva University import, as well as the Jewish community in general, with the Rav, *zikhrono le-verakha*. I had many, many deep conversations. I have never quoted him, because I think that those who quote the Rav generally do him an injustice. Besides, there are so many quotations of the Rav in so many different directions that I am not always sure that what the Rav said was heard by the reporter. So, I prefer not to disseminate anything, not to publicize it, but I did get a great deal of information, guidance and understanding from him during those early years.

AH: *With which school of religious Zionist thought – if any – does HaRav identify himself? Do we ascribe religious significance to the State of Israel, and, if so, in what capacity?*

RL: As a youngster, when I was very young, I was a member of Pirchei Agudas Yisrael. I lived in Williamsburg, and that was the thing to do in those days; it was a very pleasant experience. But as I grew up, I changed, and I began to give *shiurim* during my first year in college to Hashomer HaDati, to which I never formally belonged, and that grew into religious Zionism. But – I identify myself as a religious Zionist with certain modifications. First of all, I am totally uninterested in the political, partisan aspects of the party in Israel. I am very much committed to religious Zionism as a movement, and I am not concerned with it as a political party. I think that Mizrachi, in the early years of the Medinah, made some very significant contributions; without it, there would have been no religious tone to the state whatsoever – it would have been simply a division between the Orthodox and the rest of the world which would have never been bridged. But times have changed. The one thing that never changes is change, and situations have changed –

the political, social, religious and cultural contexts; you cannot fight today's battles with yesterday's weapons. That is one of the undoings of our own *shittah* – we tend to fight enemies who no longer exist or who simply morphed in a completely different kind of entity. So I think that we have to have no more, or almost no more, religious legislation. I think the recent elections proved that the country will not abide and will not tolerate any further interference in their personal freedom. We are facing very serious questions, and we will simply have to meet them one by one, and do it with understanding, neither by throwing in the towel nor by circling around the wagon. It requires judgment. It's very hard to expect such things – people generally are afraid to exercise good judgment; they want to have one answer for all purposes.

I said 'with modifications' because I think my position is known among Yeshiva students. I am not one who says the *tefillah le-sh' lom ha-medinah* with the words *reishit tzemichat ge'ulateinu*. I certainly believe

that it has religious significance – look, I'm a religious Jew, so everything

has religious significance;

to say that something does not have religious significance means that there's no *hashgacha, chalilah*. And of course, only if you've lived through the period of the Holocaust, even if you weren't there, can you appreciate the importance of the State of Israel. I was a high-school kid during the time of the Holocaust, but sufficiently aware of what was going on, insofar as anyone in America was aware during this time. It is ludicrous to say that the founding of the state had no religious significance; of course it did. But I question those who say with such certainty that this is the *atchalta d'geulah* and also those who say that it's not. I just say that you have no way of knowing it. The Rashbam, I believe, says that when Moshe Rabbeinu said to *Hakadosh Barukh Hu* "*hodi'eni na et derakhekha*," and he said to him, "*et achorei yir'au v'et panai lo yir'au*," "you can see My back but not My face," it means that you can tell by looking at the past what was God's hand in history; you can't predict it for the future. To say that this is *atchalta d'geulah* or not presumes that there are mortals who can see things from the Divine perspective. I question that.

AH: *Contemporary Jewish thinkers have dealt extensively with the problem of theodicy vis-a-vis the Holocaust. With which approach, if any, does HaRav identify?*

RL: Well, I don't think that the question of theodicy should even arise here; the tragedy was too great, the disaster too incomprehensible, and to look for any meaning in it, I think, is demeaning to the *kedoshim*. I know that all kinds of explanations were given. The Satmarers said, 'because they were Zionists,' the Zionists said 'because we did not come often enough or soon enough.' All these answers, to my mind, are embarrassing, because it is true that we say *mip'nei chata'einu*, but we do not say *mip'nei chata'eihem*, and what all these answers presume is that the other guy is guilty. I don't want to go into great detail. I gave a talk about this at Yeshiva a number of years ago, and published it as "The Face of God," which is really my *shittah* on these things – that I do not look for explana-

***"The one thing that never changes is change, and situations have changed – the political, social, religious and cultural contexts; you cannot fight today's battles with yesterday's weapons."***

tions, that I do not cast guilt; I believe that it was *hester panim*, and *hester panim*, the hiding of God's face, literally means that He throws us open to the winds of nature and history at one point, never completely abandoning us; and that's why impersonal history took over, and we have to pray for *ha'arat panim*, that the Divine smile will reappear.

AH: *What programs would HaRav like to see implemented to foster unity among religious and secular Jews both here and in Israel?*

RL: Well, clearly I believe that there has to be some contact; I do not accept the point of view that either we are so holy that we can have no contact with everyone else, or that we are winning the battle so triumphantly that we might as well stand by and watch the enemy disappear. I don't regard them as the enemy. I regard every Jew as *acheinu b'nei yisrael* regardless of what they believe and what they say. Dostoevsky once said that a Jew can stand on a rooftop and shout, "there is no God," but the fact that he's a Jew and is saying something means that there is a God in the world. I say the same thing about Jews in

Israel or America, no matter what they say – they can scream bloody murder that they don't want to have anything to do with us – they're still Jewish; they are our brothers, and sisters, and we have a responsibility toward them; we must not by any means compromise our principles, but we must also act with great *derekh eretz*, without being patronizing and condescending, and try to do something. My own point, my own belief is that now, at this particular point in history, the most important thing is *talmud torah*, to teach; and to teach means not to teach in my *beit midrash* and expect someone a thousand miles away to hear it, but to go where they are, where Jews are. I don't care where they are – it can be in a Reform seminary, in a college, in an adult-education institute, under non-Orthodox auspices. I don't care where – as long as we get the message across. Chazal said, "*halevai oti azavu v'et torati shamaru, mip'nei shehama'or shebah machziro le-mutav*"; you must have a certain confidence in Torah itself that it will work its beneficial effects

on Jews. So if we want to have unity, it can only be on the basis of Torah – we cannot use Torah as a source of

disunity in Am Yisrael; and if it is to be used as a force for unity, then we've got to teach it, and we can't be particular as to whom we teach it. As to the old *machloket* in Chazal as to whether to teach only one who is *tokho ke-baro* or not – today, if you only taught the people who are *tokho ke-baro*, you wouldn't have many students left. We have to work throughout the *k'lal yisrael*, which is in extreme danger – not militarily, but religiously, culturally, from the point of view of identity – we can't just sit by and say 'we're holier than thou.'

AH: *Does HaRav see a need to mend relations between our community and the 'haredi' community? If so, how can it best be accomplished?*

RL: Right now, the split is a very real one; not in ultimate matters, but only in one matter, and that is the thing I just discussed with you. They are unforgiving in their anger at anyone who extends a hand of peace, or even of teaching. I received a harsh condemnation for teaching people in their own institutional quarters *yichud Hashem, ahavat Hashem*, Tefillin, Mezuzah – if that's the case, I'm willing to accept it. Do I think we have to mend our

relations? I think we have, and I have, personally always held out a hand, and I'm always willing to grasp it, and I'm willing to forget all the insults and all the humiliation, and wipe the slate clean at any point in time if I feel there's a genuine desire in the Haredi community, those parts of the Haredi community that have been antagonistic; I don't think they all have, by any means. There are parts of the Haredi community that have not been antagonistic; they have their own *shittah*, but are very understanding that it is possible to have another *shittah*. Don't forget that having a *machloket* is not exactly strange to Jews; in over 540 *perakim* of Mishnayot, there is only one *perek* in which there is no *machloket* – *Eizehu Mekoman*. So we should be tolerant of other opinions as long as we want to reach the same goal; so I would say that we should always be ready to work in tandem, in cooperation, with the Haredi community at any time they're ready, but not if it requires simply submitting and forgetting our own approach at a time that is so critical.

AH: How ought our community look upon the spirit of liberalism and moral relativism that seems to have gripped contemporary society? Ought we show our gratitude for the benefits that we reap as a religious minority or must we rail against the moral decadence that it seems to accompany?

RL: The spirit of liberalism is in many ways an aspect of modernism itself, and we have to confront it and accommodate it to the extent that is Halakhically and strategically permissible. By 'Halakhically permissible,' I mean that if liberalism says that there are no moral standards left, then the devil take liberalism; but if liberalism says that we want people to be autonomous in their thinking, I say yes – Halakhically, that is acceptable, and strategically, which means, for the ultimate benefit of the Torah community and Am Yisrael, it can be accommodated to a certain extent. Where to draw the line is a matter of individual opinion and a question of the individual problem that is being raised. Moral relativism? I am firmly opposed; I have no truck with it. What bothers me about the whole talk about pluralism is that it is a very thin disguise for moral relativism. I think that moral rela-

tivism has been the undoing of many a society, and is probably the greatest threat that American culture faces. When you ask me if we should show a debt of gratitude for the benefits that we reap as a religious minority or rail against the moral decadence, I say there's no Hobson's choice here; I don't say 'either or,' I say 'both and.' I think we should be very grateful for the recognition we have, for the freedom we have as a religious minority, and we should be willing to extend that to other religious minorities. At the same time, I

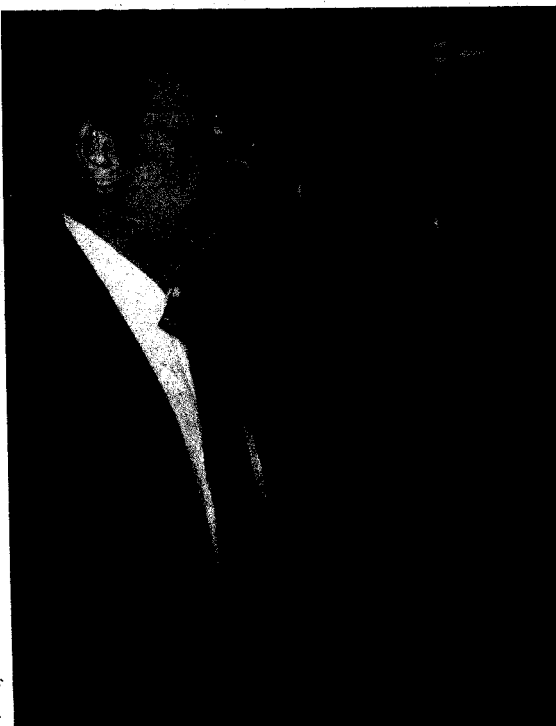
can continue to rail against moral decadence if that is the price we have to pay, but I don't think, necessarily that's the price we pay for recognition as an independent and free group of thinking people.

AH: Does "da'as torah" exist? If so, what is it and in what areas is its application legitimate?

RL: I think there is such a thing as *da'as torah*, although I wonder about the term, which has more political connotations than anything else. But if you ask me, is there such a thing as a personality shaped by Torah? The answer is yes. Does this shaping by Torah translate itself into absolute truth? No, absolutely no. Of course, someone who is deeply involved in Torah eventually has a Torah intuition, and that intuition is along a line of development of *nevu'ah*. *Nevu'ah*, of course, is the very highest; we don't have it today – *ru'ach hakodesh*, possibly – but there is such a thing as *da'as torah*, and therefore, someone who we believe possesses it – and it cannot be legislated, incidentally, or elected by party functionaries, to a group of people designated as the pos-

sessors of *da'as torah*; but you can recognize a *gadol* when you see one. If he has *da'as torah*, that means that his opinions must always be considered; but "considered" does not mean that they have to be accepted dogmatically. We do not have any dogma of infallibility of contemporary scholars, that someone can say 'this is what you must think, this is what you must do.' Because if the opinion is a Halakhic opinion, it is open to debate, and as Rabbi Chayim of Volozhin used to say, even a small spindle of a stick can cause a conflagration of a big tree; even a small *talmid*, if he asks a good *kasha*, can overturn the greatest authority of the generation or generations. There is no *nesiat panim*, no discrimination; when it comes to Halakhah, it stands or falls on its own merits. So if it's Halakhic authority, *da'as torah* does not grant that; and if it is

in Hashkafah, anyway there is no decision-making. The Rambam says in three separate places in the Peirush HaMishnayot that you have *p'sak* in Halakhah, but not in Hashkafah. What then does it mean? It means that you can't be *mevatel* a person who has *da'as torah*; he deserves at least the courtesy of very, very careful consideration.



***"I think that moral relativism has been the undoing of many a society and is probably the greatest threat that American culture faces."***

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## ELUSIVE EXCELLENCE:

## The Synthesis of Rabbi Dovid Zvi Hoffmann

BY CHANA KOENIGSBERG

## Introduction

**A**mong the late 19<sup>th</sup> century German rabbis with whom he is classified, Rabbi Dovid Zvi Hoffmann stands out for his mastery and synthesis of traditional Jewish scholarship and modern scientific studies. The following review of his commentary to Deuteronomy is set against the backdrop of his personal history in order to highlight the origins of the ideas presented therein and the significance of the work as a whole.

Born in Verbo, Czechoslovakia in 1843 to the *dayan* of the city, Rabbi Hoffmann received a comprehensive Torah education starting at a young age. At age five he was already studying Talmud.<sup>1</sup> His father died that same year, leaving the boy to be educated by Rabbi Samuel Sommer, the rabbi of the town. Rabbi Sommer taught him secular subjects in addition to Torah law.<sup>2</sup> Rabbi Hoffmann later studied at the yeshiva of Rabbi Moshe Shick in St. Georgen and with Rabbi Avraham Shmuel Binyomin Schreiber ("Ketav Sofer") in Pressburg. He also received diplomas from the Evangelical Gymnasium of Pressburg and the University of Tuebingen. These two educational tracks eventually merged in Rabbi Hoffmann's study under the tutelage of Rabbi Ezriel Hildesheimer at the Hildesheimer school of rabbinics.

At an early age, Rabbi Hoffmann put his study into practice by teaching first at Hochberg and then at Frankfurt to financially support his mother.<sup>3</sup> It was at Hochberg that this Hungarian-trained scholar was first introduced to German methods of Talmud study. The German focus on extracting the literal meaning of the text to apply to practical legal decisions (*halakhah l'maaseh*) complemented the Hungarian emphasis on weaving intricate tapestries of Talmudic references into theoretical halakhic *pilpul* (casuistry). Rabbi Hoffmann merged these two trainings into his own comprehensive and exacting method of study.

In 1873, Rabbi Hoffmann was invited to teach at the Hildesheimer Seminary in Berlin. An outstanding teacher, he was appointed acting rector following Rabbi Hildesheimer's death in 1899 and in 1902 was made permanent rector of the Seminary. Even the German government recognized the caliber of Rabbi Hoffmann's work and awarded him with the title of professor in 1918.<sup>4</sup>

## Historical Background

Rabbi Hoffmann was a product of the movement called *Wissenschaft des Judentums*, "the science of Judaism." This movement advocated a scientific approach to defend Judaism against the challenges posed by anti-religious intellectuals of 19<sup>th</sup> century Germany. In this era, traditional ideas such as the divine origin of the Oral and Written Law were vigorously attacked. Modern Bible critics attempted to prove not only that the Oral Law was developed over the course of history, but that the Written Law itself was a compilation of the works of various authors over the course of centuries.

In this environment which was hostile to Torah, Rabbi Shimshon Raphael Hirsch and Rabbi Ezriel Hildesheimer emerged as defenders of traditional Judaism. While Rabbi Hirsch aimed to develop a philosophical understanding of Judaism through his lectures and publications, Rabbi Hildesheimer's contribution was to found a seminary and to train teachers who would spread Torah. One of the major goals of the Hildesheimer Seminary was to train Orthodox rabbis who would master the scientific approach to Jewish scholarship to be able to present and defend the Orthodox view on a scientific level. In addition to teaching Talmud and practical halakhah, Hildesheimer trained his students in mathematics, classical languages, and biblical criticism. This institution produced personalities such as Abraham Berliner,<sup>5</sup> Jakob Barth<sup>6</sup> and Dovid Hoffmann.

The Hildesheimer Seminary met with staunch resistance within the Orthodox Jewish community. It is not surprising that Hasidim opposed the combination of general education with Talmudic studies. Yet individuals such as Rabbi S. R. Hirsch and Rabbi Isaac Halevy<sup>7</sup> also opposed this institution. In an anonymous critique published in *Der Israelit*, Rabbi Hirsch's son is said to have criticized the seminary with his father's approval.<sup>8</sup> Rabbi Hirsch blamed the elitist quality of the *Wissenschaft*

*des Judentums* for encouraging students to "look down with disdain on the cultural efforts of our past as belonging to an age of darkness and ignorance."<sup>9</sup> He feared that the scientific approach of this research would "rob Jewish learning of all the interest and pleasure it might give to the ordinary Jew."<sup>10</sup> Similarly, Rabbi Isaac Halevy expressed concern that Hildesheimer students emerged from the institution with a low level of rabbinic knowledge due to the time spent on *wissenschaftliche* studies.<sup>11</sup> Furthermore, Rabbi Halevy wrote that the emphasis placed on Jewish scholarship by the faculty of the Rabbinerseminar in both their teaching and their publications caused them to view as "unimportant whether a person writes for or against Torah."<sup>12</sup> Despite these allegations, Rabbi Hildesheimer felt it necessary to strengthen his students by exposing them to the anti-religious scientific scholarship of the day within a religious environment.

Rabbi Dovid Zvi Hoffmann emerged from this institution as the living embodiment of the lofty ideals of Rabbi Hildesheimer. In an address to the seminary in 1919, Rabbi Hoffmann expressed his belief that "through serious scientific research carried out *leshem shamayim*, Torah study can only be promoted and enriched."<sup>13</sup> "Let the chief beauty of Japhet be in the tents of Shem."<sup>14</sup>

Rabbi Hoffmann served as a conscientious teacher, assiduous researcher, prolific writer, dedicated community leader, and father of seven. In addition to all his other responsibilities, for many years he acted as the *av bet din* of the Adass Yisrael, the Orthodox community of Berlin, for free.<sup>15</sup> He also gave a daily course in the Talmud to ensure that he fulfill a promise to his father-in-law that he never let a day pass without studying Talmud.<sup>16</sup> He completed the Talmud several times.<sup>17</sup> Although he taught in the seminary for 48 years (1895-1921), he still managed to produce seminal works of literature on a wide variety of Torah-related topics. His publications include research on the Midrash, Talmud, Mishnah, and Bible, as well as responsa pertaining to practical halakhah.<sup>18</sup>

## Midrash Halakhah

In the field of Midrash Halakhah, Rabbi Hoffmann's crucial discoveries set the foundation for all further research. Rabbi Hoffmann pointed out the many contradictions between the interpretations found in Midrash Halakhah and halakhic decisions established in the Mishna. He also noted that there seem to be two schools of thought in the Midrash Halakhah which differ fundamentally in their rules and methods of interpretation.<sup>19</sup> Rabbi Hoffmann explained that although the complete sets of Midrashim are presently unavailable, the schools of two great tannaim of the first half of the second century, Rabbi Akiva and Rabbi Ishmael, had both compiled a full set of Midrashei Akalahah on the Torah. The school of R. Akiva developed intricate and elaborate exegesis to ground halakhot in biblical roots, while the school of R. Ishmael preferred a simple explanation. R. Akiva used the principle that the precise wording of the Torah indicates the roots of the halakhah: "*Kol hekhi de-ikka le-midrash darshinan*." R. Ishmael maintained that it is the custom of the Torah to speak in this way: "*Orcha de-kra le-ishtuyeh hakhi*." Furthermore, each school used characteristic terminology in its midrashic discussions.<sup>20</sup> At the time Rabbi Hoffmann published his theory, only the Midrash of R. Ishmael to Exodus and Numbers and the Midrash of R. Akiva for Leviticus and Deuteronomy had been preserved. Rabbi Hoffmann noted that sections of the Midrash of R. Ishmael's school had been cut and pasted into the extant Midrash of R. Akiva's school.<sup>21</sup> He based the existence of the lost sections of both sets by compiling remnants of these sections which are recorded in talmudic and medieval literature.

Rabbi Hoffmann's theory was proven when Israel Lewy<sup>22</sup> published long sections of the *Mechilta* on Exodus which were written by R. Shimon of the R. Akiva school. These passages had been incorporated into what had previously been considered an anonymous Yemenite midrashic compilation known as *Midrash ha-Gadol* to Exodus. Rabbi Hoffmann later found remnants of the *Sifre Zuta* on Numbers of R. Akiva and the *Midrash of R. Ishmael* on Deuteronomy. Solomon Schechter discovered additional fragments among the Cairo Geniza fragments. Using these fragments, Rabbi Hoffmann published a complete volume of the *Mechilta of R. Shimon* in 1905. Several years later, in 1908-9, he edited

of R. Ishmael with R. Akiva's version of the *Sifre*. Rabbi Hoffmann published fragments of this tannaitic Midrash along with precise footnotes and references in a later volume entitled *Midrash Tannaim* on Deuteronomy.

### History of the Talmud and Mishna

Rabbi Hoffmann's methodology of researching the development of the Midrash Halakhah stems from his general approach to the research of talmudic and mishnaic history. Rabbi Hoffmann opened his career with research pertaining to the history of the Talmud and Mishna. In 1870 he received his doctorate from the University of Tuebingen for his paper on *Mar Samuel, Rector of the Jewish Academy of Nehardea in Babylonia*. Despite its avant garde title, the paper was indeed a biography of this third century Babylonian scholar. Later published as a book in 1873, this work was one of the first contributions to the historical research of the talmudic period by an Orthodox Jew.

The book met with mixed reviews among members of Orthodox Judaism. In private letters, Rabbi S. R. Hirsch acknowledged the good intentions of Rabbi Hoffmann but vehemently objected to this publication because he felt that the use of heretical historians such as Frankel, Geiger, Graetz, and Rappoport would attract readers to their works.<sup>23</sup> Respecting Rabbi Hirsch, Rabbi Hoffmann wrote to Rabbi Nossou Adler, Chief Rabbi of England, to ask whether the book did, in fact, contradict the principles of Orthodox Judaism, particularly in its quotation of heretical works. Rabbi Adler responded with a commendation of the work.<sup>24</sup>

It is true that Rabbi Hoffmann integrated certain premises of heretical scholarship into his discussion of talmudic history. Contrary to Rabbi Hirsch, Rabbi Hoffmann accepted the notion that the form of the Oral Law had evolved over time. Rabbi Hoffmann maintained that as long as the study of this evolution did not contradict established halakhot, the notion itself did not pose a threat to belief in the divinity of the Oral Law.<sup>25</sup>

According to Rabbi Hoffmann, Jewish tradition recognized the concept that although the content of the Oral Law is of divine origin, its formulation has developed over the course of its transmittal from generation to generation.<sup>26</sup>

It should be noted that Rabbi Hirsch did not universally oppose Rabbi Hoffmann. In Rabbi Hirsch's view, there was a difference between Hoffmann's treatment of heretical material in his historical writings on the talmudic period and in his lectures on biblical studies. In the former, Rabbi Hoffmann cited Frankel, Graetz, etc., as colleagues, thereby lending respectability and validity to their scholarship; yet in the latter, Rabbi Hoffmann cited modern bible critics to oppose their heretical theories. Therefore, although Rabbi Hirsch did not deal with biblical criticism in his own writings, he did encourage Rabbi Hoffmann to deal with this material in his lectures at the Hildesheimer Seminary.<sup>27</sup>

### Biblical Studies

Rabbi Hirsch supported Rabbi Hoffmann for teaching the theories of modern biblical criticism so as to refute them. However, Rabbi Hirsch would most likely have opposed the many cases in Rabbi Hoffmann's commentary to Deuteronomy in which he approvingly cites a modern Bible scholar. Rabbi Hoffmann often notes that the correct interpretation of a verse is found in the writings of August Dillmann (1823-1894). A well-known scholar, Dillmann wrote commentaries on Genesis, Exodus, and Leviticus. Although he opposed Wellhausen's theory concerning the development of the Israelite religion, Dillmann did believe that the Bible was composed of three separate and independent literary sources.

If so, why did Rabbi Hoffmann grant legitimacy to Dillmann by concurring with his interpretation? Rabbi Hoffmann may have considered it necessary to acknowledge this material in order to demonstrate to readers of modern biblical criticism that he was aware that in their works, critics scatter truths amidst their false theories in order to validate their scholar-

ship. In his citation of these truths, Rabbi Hoffmann was actually delegitimizing Bible critics, by demonstrating that despite the threads of truth which run through their commentaries, their works consist primarily of blatant heresy. In addition, because Rabbi Hoffmann acknowledged the interpretations of Bible scholars when valid, he is seen as challenging heretical theories from the perspective of an insider.

Rabbi Hoffmann understood that he treaded in dangerous, controversial waters, but the risk of losing many intellectual youth to the Reform movement or worse, compelled him to immerse himself in modern scholarship while keeping his head above, focused on the principles of Torah Judaism. His goal was to answer the questions of concerned Jewish scholars.<sup>28</sup> While Rabbi Hoffmann did not attempt to convert hardened Bible critics, most of his sound attacks on biblical criticism have gone unanswered.

There were other individuals who wrote biblical commentaries during this era; yet Rabbi Hoffmann was singular in his implementation of modern methods to bolster traditional belief. Although his contemporaries such as Benno Jacob<sup>29</sup> and Umberto Cassuto<sup>30</sup> were conservative and rejected destructive interpretations in their use of archaeology and the history of religions in their biblical exegesis, these scholars did not share Rabbi Hoffmann's unshakable conviction of the unity and authenticity of the Torah. Rabbi Hoffmann's works also differ from those of Rabbi Yaakov Z. Mecklenberg<sup>31</sup> and Rabbi Meir L. Malbim.<sup>32</sup> While the latter championed the traditional interpretation of the text in their Bible commentaries as did Rabbi Hoffman, their works did not address the scientific research used in modern Bible criticism.

Rabbi Hoffmann outlined his goals in the introduction to his commentary on Leviticus:<sup>33</sup>

Authentic Judaism regards the Oral Law as well as the Written Law as being of divine origin.... The Jewish commentator must (therefore) be on guard against interpreting the passage in such a way as to appear to be in conflict with traditional Halakhah. Just as the Torah as a divine revelation must not contradict itself, in the same way it must not contradict the Oral law which is of divine origin.

Rabbi Hoffmann concluded this introduction as follows:

To recapitulate our principles, we shall firmly adhere to the traditional text of the Massorah in our interpretation and

exclude completely every criticism of the text which is not rooted in Massoretic soil. Furthermore, we shall subordinate ourselves entirely to the words of the Bible; we shall cast no doubt on the truth and divinity of its content but dispute with the so-called higher criticism which sets itself up as judge over the Bible. Finally, in view of our belief in the divinity of the tradition, we shall always consult it in explaining the words of Scripture. Nevertheless, we shall also consider the commentaries which adopt a different point of view and make an effort to justify our interpretation in the face of theirs.<sup>34</sup>

In his attempt to undermine the theories of Bible critics, in 1904, Rabbi Hoffmann wrote a critique of Julius Wellhausen's Prolegomena entitled "The Principal Arguments against the Graf-Wellhausen Hypothesis." This work is considered significant for the questions it poses against Wellhausen's system of dating the section of the Pentateuch. Although Rabbi Hoffmann believed that the Torah is one, he approached the subject from Wellhausen's perspective and demonstrated the inconsistencies within his theory. Once again, this work was aimed at answering the questions of Jewish scholars and generally did not circulate in non-Jewish circles.<sup>35</sup>

One case in which Rabbi Hoffmann attacked Wellhausen involved the notion of the Documentary Hypothesis. Wellhausen maintained that the Bible was composed of separate and independent literary sources



22:8). Wellhausen described how Deuteronomy primarily focuses on "the centralization of the cult." This concept is based on the emphasis in Deuteronomy on what would be the central place of worship once the Israelites settled in the Holy Land, "*hamakom asher yivchar Hashem [Shachin shmo sham]*."<sup>36</sup> Wellhausen also maintained that the Priestly Code (Leviticus and parts of Exodus) was post-exilic, written much later than Deuteronomy, and that by the time the Priestly Code was written, the Deuteronomic Reform established by Josiah was so accepted that the Priestly Code did not contain references to private cultic practices and was not at all concerned with the program for the centralization of the cult.

Rabbi Hoffmann challenged Wellhausen's assertion that the so-called Priestly Code had no private cultic references. He pointed out that Exodus 12:7 (part of the priestly code) instructs the Israelites to "take of the blood, and put it on the two side-posts and on the lintel, upon the houses wherein they shall eat it." Furthermore, Rabbi Hoffmann pointed out that Deuteronomy 16:5-7 states: "*you may not come before Me... except in the place which the Lord shall choose....*" The relationship between these verses clearly proves that the law in Deuteronomy came to replace the earlier law given in Exodus. Thus, P preceded D. Moreover, just as "the centralization of the cult" dates D as pre-exilic, so too P was pre-exilic.<sup>37</sup> Rabbi Hoffmann estimated that these holes in Wellhausen's theory would deflate the Documentary Hypothesis. Unfortunately, these objections did not receive enough attention in the school of Protestant Bible critics.

#### Attacks on Biblical Criticism in Deuteronomy

In his commentary to Deuteronomy as well, Rabbi Hoffmann describes the theories of modern biblical criticism so as to then shatter them. To challenge theories, he simply cites biblical verses which demolish the proofs brought by Bible critics. He frequently names critics who happen to agree with his view on a specific point.

Rabbi Hoffmann notes that critics use 17:2-5 as a source to prove t h a t

Deuteronomy was written following the reign of Menasheh, at the time of

Yoshiyahu. These heretics write that since star worship is not described until the time of Menasheh<sup>38</sup> and Yoshiyahu<sup>39</sup> there was no prior need to institute prohibitions against such practices. Rabbi Hoffmann responds that even the Bible scholar Schultz has pointed out that star worship was prevalent prior to that time.<sup>40</sup> In fact, the worship of Ba'al and Ashtorot is recorded already in the time of the judges.<sup>41</sup> Although it is not well known, Ba'al was believed to be the sun-god and Ashtorot was believed to be his partner, the moon-goddess. Therefore, Rabbi Hoffmann points out, this is deficient reasoning for dating Deuteronomy to the reign of Yoshiyahu.

So too regarding 16:18-20, Bible scholars maintain that Yehoshaphat's appointment of judges for each city is the source for the commandments recorded in Deuteronomy, and not vice versa. II Chronicles 19:5 describes how Yehoshaphat appointed judges over all the fortified cities of Yehuda. Critics argue that these commandments could not have been written at the time of Moshe since they only came in response to the socio-historical development of Israel. Rabbi Hoffmann answers that Deuteronomy must have existed before this time because the actions of former kings would have been meaningless without this biblical basis. He notes that I Kings 15:2 describes how Asa removed all the male prostitutes from the land, and I Kings 22:47 adds that Yehoshafat removed the remnant of the prostitutes who had remained since the days of his father, Asa. In II Chronicles 17:6 and 19:3, Yehoshafat destroyed the altars and the asheirots. The prohibition against prostitution is recorded in Deut. 23:18 and that of worshipping the asheira is 16:21. Had these prohibitions not been written before the time of Asa and Yehoshafat, why would these Judean kings have enacted such reforms? Rabbi Hoffmann responds that just as these biblical prohibitions were violated in early generations, so too was the commandment to appoint judges, though written centuries earlier, not fulfilled until the time of Yehoshaphat.

#### Innovative Exegesis on Deuteronomy

Rabbi Hoffman's commentary is hardly limited to attacks on biblical

criticism. He channels his wide breadth of knowledge of Torah and Chazal into elucidating the meaning of specific words and interpreting the relevance of whole passages. The book of Deuteronomy is illuminated with his running commentary on every single verse. Although he occasionally cites select ideas of earlier commentators such as Rashi, Rashbam, Ibn Ezra, Rambam, Abarbanel, Malbim, Ha'Ktav v'HaKabbalah, and Rabbi S. R. Hirsch, he generally allows the Written Law to interpret itself. His style of exegesis is to compare parallel sources in the Written Law in order to enhance the understanding of each. He often compares and contrasts portions of Deuteronomy which parallel earlier passages in the Written Law, a technique which is particularly appropriate for a commentary to a book which is traditionally viewed as a "Mishnah Torah" - a review of the Torah. In addition, based on his knowledge of the Septuagint (Greek), the Peshitta (Syriac), Targum Onkelos (Aramaic), Targum Yerushalmi (Aramaic), and the Vulgate (Latin), Rabbi Hoffman offers alternative meanings for words and wrestles with textual emendations included in these translations.

Occasionally Rabbi Hoffmann will offer an original interpretation. His rare ability to view age-old concepts in a new light can be appreciated in his understanding of the difference between *chukim* and *mishpatim*. Rashi designates *chukim* as enigmatic commandments that are not understood by man and *mishpatim* as logical commandments understood by man. In Deut. 4:1 and Lev. 18:4, Rabbi Hoffmann further develops this differentiation. He notes that *mishpatim* are understood because they relate to man-man relations and are focused on the refinement of interpersonal behavior. *Chukim*, on the other hand, relate to man-self relations; they emphasize how one must guard his spiritual self, focusing on his 'intrapersonal' behavior. People understand and appreciate that which is open to study and review. Consequently, the commandments designed to polish external behavior are grasped more easily than those focused on private internal processes.

It is easy for the reader of Rabbi Hoffmann's commentary on

Deuteronomy to put himself in the place of the students at t h e Hildesheimer seminary who

could not keep up with the lecture as Rabbi Hoffmann rapidly read from his manuscript.<sup>42</sup> It is said that he prepared too much material to cover during a semester. Indeed, Rabbi Hoffmann's densely written commentary is brimming with wide-ranging theories and sharp insights. His ubiquitous references to biblical verses and other commentators - for which he generally does not cite the verse nor describe the commentator's idea - demand that the reader re-trace his footsteps to grasp his line of argument. Moreover, because certain ideas are reflected in several verses, Rabbi Hoffmann may refer the reader to other places in his own commentary where he develops these ideas on a new level. Despite these challenges, this comprehensive, multilayered work is sure to give the reader not only a deep appreciation for the complexity of the Torah but also key to reaching a perspective from which one can see its harmony and unity.

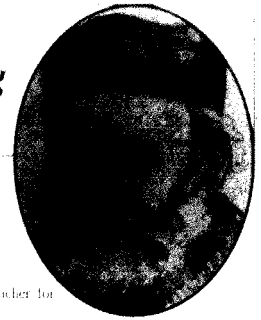
#### The Legacy of his Biblical Commentary

Joseph Halevy wrote about Rabbi Hoffmann's commentary to Leviticus, "Since Rashi, rabbinic Judaism has not produced a similar commentary."<sup>43</sup> However, at present, this commentary to Deuteronomy has yet to gain the widespread appreciation and acceptance of Rashi's commentary. There are several reasons why Rabbi Hoffmann's commentary to Deuteronomy is not yet widely studied.

It is significant that this modern work was not translated from German to Hebrew until the middle of the 20<sup>th</sup> century. To this day, there is no English edition available. Due to the astounding proliferation of biblical commentaries produced in the vernacular of religious Jews today, it is not surprising that this German author is generally disregarded. Rabbi Hoffmann, himself, expressed the fear that his German publications might be soon forgotten and he remarked that only a Hebrew book would remain for future generations. He, therefore, hoped to translate his many works into Hebrew.<sup>44</sup>

Moreover, his commentary to Deuteronomy's heavy emphasis on attacking the wayward theories of modern biblical criticism dates itself.

# "It is said that he prepared too much material to cover during a semester... Rabbi Hoffmann's densely written commentary is brimming with wide-ranging theories and sharp insights."



In fact, one Hebrew translator of Rabbi Hoffmann admits that he omitted many references to this material in his compilation of Rabbi Hoffmann's lectures on Genesis because it would be misunderstood in today's day and age and would most likely even be seen as controversial.<sup>45</sup>

It is true that Rabbi Hoffmann's reputation has suffered not only from the references to biblical criticism in his work, but from his association with the Hildesheimer Seminary as well. His efforts to supply his generation with a defense against biblical criticism have undoubtedly jeopardized the chances for his commentary to be widely accepted in Jewish circles.

This drawback was no doubt taken into consideration by Rabbi Hoffmann. Yet, judging from the writings of his devoted biographers, this rare persona very likely chose to publish his defenses against biblical criticism knowing that this might adversely affect the dissemination of his more traditional insights on the Bible.<sup>46</sup> His son-in-law, Alexander Marx, describes him as deeply modest and, at the same time, highly self-confident and driven to accomplish his goals. He writes:

His deep rooted piety guided him through the severest trials and he always remained true to himself. His modern method of scientific thinking and research and his thorough acquaintance with the literature of Bible criticism never interfered with his faith. There was no division between different compartments of his mind and soul.<sup>47</sup>

These personal characteristics no doubt enabled Rabbi Hoffmann to trail-blaze his own way, despite the possible rejection of not only his work but even his own reputation.

## Conclusion

Rabbi Dovid Zvi Hoffmann left behind a legacy of writings and teaching which testify to his supreme diligence and erudition. His claim to fame of being the first of great Torah scholars who rose to deal with modern Bible critics, using their weapons, on their own ground, does not do justice to his rare attributes: the personal synthesis of traditional and modern perspectives, the breadth of scholarship in multiple areas, the selfless dedication to advancing the cause and the understanding of Torah and Judaism, and the depth of pious religious commitment within him. Accordingly, his biographer, Yeshayahu Wolfsberg writes, "He is one of the rare men who, by their personal appearance and behavior, cause Orthodoxy to be understood and held in high esteem."<sup>48</sup>

## NOTES

<sup>1</sup> Alexander Marx, *Essays in Jewish Biography* (Philadelphia, 1948), 187.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., 188.

<sup>4</sup> Alexander Marx, *Studies in Jewish History and Booklore* (New York, 1934), 374.

<sup>5</sup> Abraham Berliner (1833-1915) served as a lecturer at the Hildesheimer Seminary and is widely known for contributing the first critical edition of Rashi on the Pentateuch.

<sup>6</sup> Jacob Barth (1851-1914) was a Semitic linguist who lectured at the Hildesheimer Seminary and served as professor of Semitic philology at the University of Berlin. He also became the son-in-law of Ezriel Hildesheimer.

<sup>7</sup> Isaac Halevy (1847-1914) is known for his work on the history of the Oral Law entitled *Dorot ha'Rishonim*. The last volume of this work attacks the historical theories of Krochmal, Rappaport, Frankel, Graetz, and Weiss. He believed that the Oral Law was handed down unchanged and that halakhic disputes do not pertain to the core halakhah but merely revolve around the details of Rabbinic ordinances and the enforcement of the Oral Law.

<sup>8</sup> David Ellenson and Richard Jacobs, "Scholarship and Faith: David Hoffman and his relationship to *Wissenschaft des Judentums*," *Modern Judaism* 8 (February, 1988), 29.

<sup>9</sup> Samson R. Hirsch, *Judaism Eternal: Selected Essays from the Writings of Rabbi Samson Raphael Hirsch*, trans. Dayan Dr. I. Grinfeld (London, 1956), 282-283.

<sup>10</sup> Ibid.

<sup>11</sup> Asher Reuchel, *Iggerot Rabbi Yitzchak Halevy* (Jerusalem, 1972), 132, 158. Cited in Ellenson, 29.

<sup>12</sup> Ibid.

<sup>13</sup> Marc B. Shapiro, "Rabbi David Zvi Hoffman on Torah and *Wissenschaft*," *Torah U-Madda* VI

(1995-6), 132. Also published in *Jeshurun*, 7 (1926) 497-504.

<sup>14</sup> Ibid.

<sup>15</sup> Marx, *Essays*, 192. Also in Marx, *Studies*, 327.

<sup>16</sup> Marx, *Essays*, 189.

<sup>17</sup> Ibid., 190.

<sup>18</sup> His collection of responsa is entitled *Me'Amud le'Hoil* (Fountain for Benefit).

<sup>19</sup> For a detailed listing of the works of Midrash unique to each school see Hermann I. Strack, *Introduction to Talmud and Mishnah* (Philadelphia, 1931), 206, 209.

<sup>20</sup> For details, see Yeshayahu Wolfsberg, "David Hoffmann," in Leo Jung's *Guardians of our Heritage* (New York, 1958), 380.

<sup>21</sup> Marx, *Essays*, 209.

<sup>22</sup> Israel Lewy (1847-1914) served as a lecturer of Talmud at the Hochschule for the study of *Wissenschaft des Judentums* and at the Breslau Jewish Theological Seminary in Berlin.

<sup>23</sup> Marx, *Essays*, 205.

<sup>24</sup> Ibid., 205-6.

<sup>25</sup> Ellenson, 37.

<sup>26</sup> Rabbi Hoffmann wrote:

"In the study of the Holy Scriptures on the one hand, we consider the authenticity and integrity to be absolute, and we can recognize as true only such results as do not question that premise. With the Mishna, on the other hand, any criticism (unless it contradicts a halakhah fixed in the Talmud) as well as any research as to the age of the Mishna and the time of its expression in the extant form is not only considered permissible to us, but even required for the scientific examination of the tradition." David Hoffmann, *The First Mishna and The Controversies of the Tannaim*, trans. Paul Forchheimer (New York, 1977), 1-2. Cited in Ellenson, 37.

<sup>27</sup> Marx, *Essays*, 198.

<sup>28</sup> His biblical commentaries are mostly based on his lectures at the Seminary which published at the request of his pupils who felt the lack of a reliable Jewish interpretation of the Bible. Marx, *Studies*, 376.

<sup>29</sup> Benno Jacob (1862-1945) published several works on biblical exegesis. He rejected modern biblical criticism and did not accept the documentary hypothesis nor the Mosaic authorship of the Torah.

<sup>30</sup> Umberto Cassuto (1883-1951). Also known as Moshe David Cassuto. This Italian historian and Bible scholar contributed to the understanding of Semitics based on his knowledge of Ugaritic. He also opposed the documentary hypothesis.

<sup>31</sup> Yaakov Zvi Mecklenberg (1785-1865) served as a rabbi in Koernigsberg and wrote the *Ktav v'haKabbalah*, a commentary on the Pentateuch which aimed to demonstrate the harmony between the Oral and the Written Law. The work includes many innovative interpretations.

<sup>32</sup> Rabbi Meir Loeb ben Yechiel Michael Malbim (1809-1879) was involved in the defense against the Reform movement. He wrote *HaTorah v'haMitzvah* on the Pentateuch. This work reviews the Midrash Halakhah and develops a literal interpretation of the Hebrew text in harmony with the Oral tradition.

<sup>33</sup> English translation of Hoffmann's "Introduction to Leviticus" in Jenny Marmorstein, "David Hoffmann-Defender of the Faith," *Tradition*, Vols. 7-8 (1966), pp. 91-101. He never published his promised introduction to Deuteronomy.

<sup>34</sup> Marmorstein, 101.

<sup>35</sup> Marx, *Essays*, 202.

<sup>36</sup> This phrase appears twenty-three times in Deuteronomy. It does not appear elsewhere in the Bible and only appears eight times in the Prophets and the Writings.

<sup>37</sup> David Hoffman, *Die wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese* (Berlin, 1904), 5-9. Cited in Ellenson, 32.

<sup>38</sup> II Kings 21:3, II Chronicles 33:3.

<sup>39</sup> Jeremiah 7:8, 19:13, 44:17, Zephaniah 1:5.

<sup>40</sup> II Kings 17:6, Isaiah 17:8.

<sup>41</sup> Judges 2:13.

<sup>42</sup> Marx, *Essays*, 191.

<sup>43</sup> Yeshayahu Wolfsberg, "David Hoffmann," in Leo Jung's *Guardians of our Heritage*, (New York, 1958), 385.

<sup>44</sup> Marx, *Essays*, 219.

<sup>45</sup> Asher Wassercil in his introduction to David Hoffmann, *Genesis* (Bnei Brak 1969), trans. Asher Wassercil.

<sup>46</sup> In general, it is difficult to find a biographer of Hoffmann who can contain his deep love and admiration for his subject in order to present an objective presentation of the man.

<sup>47</sup> Marx, *Essays*, 221.

<sup>48</sup> Yeshayahu Wolfsberg, "David Hoffmann," in Leo Jung's *Guardians of our Heritage*, (New York, 1958), 417.

# Reading Difference in Torah: THE LINGUISTIC TURN TO HALAKHAH<sup>1</sup>

BY ELIYAHU STERN

What is Torah? If it can be defined, who defines it? Can one draw upon it to create a common cultural language? In an age that prides itself on a return to Torah, questions such as these have become increasingly important to the Rabbi and layman. This essay will attempt to answer these questions and explore the semantic instability of the word Torah and its potential as a basis for Jewish thought. Basing my ideas on both classic as well modern models, I will attempt to demonstrate the significance of Torah in the postmodern world and its meaning to Jews.

In order to narrow our search for a working definition of Torah we will assume that no Jewish idea's origin exists outside a text.<sup>2</sup> Therefore, in understanding what is a Torah text, we must look to past attempts to create Torah text boundaries, through which we can differentiate between what can and cannot be considered Torah. Despite centuries of Jewish leaders expressing their understanding of "Torah," we emerge with so few lists of what has been deemed "Torah" that we wonder why a religion that has been so obsessed with the question of "Is this Torah?" offers nearly no opinions about which texts are given the status "Torah."

"Trust in a God who does not reveal Himself through any worldly authority can rest only in an inner clarity and on the clarity of a teaching."<sup>3</sup> This teaching, to me, is the Torah. The Talmud's statement, "I love Him but I love His Torah even more," does not refer to any kind of a dualism. Rather, this Talmudic passage indicates that even though one may have a desire to know God outside of Torah, it is only through Torah that the Jew may know God. We are a chosen people not because our relationship to God is any "greater" than that of any other religion, but rather because our relationship is different from that of any other religion. It is our "Torah-bound" connection that makes us a chosen nation. The writings of Rav Chaim of Volozhin express this idea, namely, that for us to understand God, we must learn the words of the Torah. To Rav Chaim of Volozhin, the world can be found in the "Torah." That is, for the Jew to find meaning, he must search within the confines of the Torah-text.<sup>4</sup> This masterful blueprint identifies all that we see, hear, and feel. In a similar fashion, Edmund Jabes writes:

If God is, it is because He is in the [Torah] book. If sages, saints, and prophets exist, if scholars and poets, men and insects exist, it is because their names are found in the [Torah] book. The world exists because the

[Torah] book does.<sup>5</sup>

To other religions, God may be greater than any teaching and may be found outside the Torah. However, Judaism's relationship to God is exclusive because it is a relationship "between minds mediated by teaching, by Torah."<sup>6</sup>

Outside of the Bible itself, the writings of our Sages present the first effort to define "Torah". Unfortunately, the Sages seem to lack any clear definition of the term. Ephraim Urbach explains that the word "Torah" has had multiple definitions. As he has demonstrated, the definition of the term "Torah" varies based upon time and community.<sup>7</sup> Urbach explains that over time, some of the different understandings of the term "Torah" have been "teaching," "Wisdom," "Bible," and "Halakhah." However, one thing that remains certain is that the Torah Sage (sometimes referred to a "Rabbi") defined "Torah" for the community. Based upon his mastery of Jewish texts, an individual received or was denied the title of "Torah Sage." It was the "Torah Sage" who then determined what texts could and could not enter into the community. The amount of rabbinic endorsement determined a text's Torah-value. Each text's Torah-value affected both its accessibility and the amount of power that could be granted to the legal and philosophic implications of one's own interpretation of that text. The Torah-value of a given text simultaneously could permit or deny the layman an extreme form of power in his/her usage and reading of such a text; texts which have been deemed "Torah" are usually also hermeneutically defined by those who empower them with such a title. The normative "power" ascribed to something deemed Torah existed only to the extent of its rabbinically deemed interpretive boundaries. In other words, a Torah text's "openness" to the masses and its status as being a rabbinical source of legal strength could eventually lead to power struggles between the laymen and the Torah Sage. Thus, rabbinic leaders created a discourse that permitted for such points of conflict to be circumvented either by loosening its interpretations from the halakhic realm or by not permitting accessibility to the text. Importantly, the Torah Sage has mostly been able to control what texts were to be labeled "Torah."

Such a scenario of rabbinic "text control" can be found in its most extreme form in the world of Rabbinic Judaism. The Talmudic scholar, Prof. Saul Lieberman, notes that before the Oral Law was written down for the sake of the greater Jewish community, "the Jewish Oral Law remained recorded in secret (private) roles and in private codices. It constituted the mys-

teries of the Lord which were [one day to be] published for Israel."<sup>8</sup> In this sense, the elite Sages controlled these texts, by restricting interpretation from those not in consonance with their thought. Thus, the Sages did not permit these codices to be given to the community as a whole. The idea of the Sages fearing the communal repercussions of creating a written oral law is found in the *Midrash Tanhuma*. Lieberman quotes the *Tanhuma*, which discusses the plea of Moses to God to allow him to write down the Mishnah. The *Tanhuma* informs us that if the Mishnah were to have been written down, it would have been interpreted and claimed by non-Jews. The *Tanhuma* elaborates that were the Mishnah to have been translated, non-Jews would attempt to argue before God "that [the] scales are balanced between us and the Jewish people."<sup>9</sup> In other words, access to text (knowledge) would fundamentally change our special status with our Ruler (God). Therefore, by controlling a certain political dynamic, the Sages prevented the exposure of these special texts. Thus, while the Rabbis determine what is "Torah," and to a certain degree are themselves representatives of the term,<sup>10</sup> the Torah text gives them their authority and allows them to assert their power.<sup>11</sup>

I would argue that the above made observations suggest that the canon of each Jewish generation's Torah texts has been determined by the subjectivity of each community and its leaders. In this sense, the word "Torah" has been used to legitimize or delegitimize certain "fringe texts." In our day, this issue can be seen in the debate that surrounds the significance of Geniza fragments and the Geonic *Sheiltot*. While Rabbinic authorities, such as the *Hazon Ish*, questioned their applicability to present day religious life, the *Sheiltot* and Geniza fragments have made their way into the bookshelves of the *Beit Midrash* of Yeshiva University, symbolizing their complete acceptance by its rabbinic authorities. Other past examples include Maimonides' famous work, *The Guide for the Perplexed*. While many Rabbis recognized the *Guide for the Perplexed* as a "Torah text," others, such as R. Ya'akov Emden, sought to question its status as Torah by doubting its connection to the Torah Sage, thereby undercutting the text's significance in a religious, communal setting. In our day, it has become accepted practice to ask the question: "Is this Torah?" or "If something is not Torah, what benefit is it to me?" The word "Torah" has controlled the community's religious knowledge and in the process determined its power dynamic with relation to its leaders. In other words, just as the academic world determines what is considered

valid knowledge based upon an idea's relationship to what Thomas Kuhn has labeled "normative science,"<sup>12</sup> so too the Jewish community has determined acceptable communal knowledge based upon a text's relationship to what is deemed "normative Torah texts". For example, the debate of Jewish academic writings being granted or denied the status of Torah by religious leaders is a prime case in which the question of what is regarded as Torah has affected the religious knowledge of the Jewish community. The hesitance of many leaders in bestowing upon academic Jewish texts the status of "Torah" has limited the popularity these texts in the Jewish community. Like the academic world's treatment of the term "science," we as Jews understand Torah to have objective truth-value. Yet, no one has dared to define its "full canon."<sup>13</sup> Thus, while the nature of "Torah" has been, and continues to be deemed objective, when it has been applied, it has only been used subjectively and sometimes relatively. While its basis has remained the same, namely, the text of the Bible, its limits have varied between different time periods and communities. Thus, "[t]o assert the existence of a complete and finite code/[canon] is, therefore, both a conceptual mistake and also a violation of the authority of the Talmud."<sup>14</sup>

In the past, Torah texts were usually subjectively determined by the ruling Torah Sage. In our time, the type of knowledge permitted into individual households depends on individuals' preferences. In this sense, the texts to which people will look for Torah guidance will be their own choices. Today, so many texts exist, and their accessibility is so simple, that it would be foolish to assume that all "Torah" knowledge can or may be monitored by rabbinic authorities.

The post-industrial/capitalist community has witnessed a proliferation of Jewish texts. Ranging from critical editions of classic rabbinic texts to new halakhic works, to studies on every facet of Jewish communal life, the Jewish community, and in particular its Orthodox segment, has sought guidance in the "written word."<sup>15</sup> What has become more astounding is "the growing number of homes which maintain scholarly libraries."<sup>16</sup> This renewed interest in and dedication to Jewish texts, coupled with their increasing affordability, has facilitated the growth of large personal libraries. Any attempt to control the flow of "Torah texts" will be hopeless. The expansion, affordability, and availability of texts, the use of the internet, and the emergence of new cyberspace communities<sup>17</sup> has created the unique situation in which the layman has access to never-before attainable Torah knowledge.<sup>18</sup> Based upon this new emerging cultural state, one better understands why we must now refocus our attention to what is considered a valid interpretation of a common communal Torah text rather than the subjective question of what is considered Torah.

In the age of mass media, the restriction of available information is neither a viable nor a practical mode of creating a shared language. Michael Kahan expounds upon the problems with the growth of mass media and its relation to religious structures:

In the case of religious hierarchies this purpose [the control of knowledge] is usually defined as the protection of the Eternal, which casts them in the role of watchers over life for the purpose of controlling the implications of death. Opposing this purpose are the passing, ephemeral content, the indulgence of individual identity, the connection to others' content that encourages constant redefinition of the self (and the indulgence of the self) — the kinds of life forces that organized religions means to eschew and that the new media represent at their essence. The decentralizing and atomizing forces of the media are, then, directly at odds with essentially collectivizing and relatively absolutist principles of the hierarchical religions.<sup>19</sup>

One will inevitably encounter many different types of texts over the course of his/her daily schedule. Whether billboards, the daily paper, or the nonstop production of new *sefarim* (books), men and women constantly confront new texts that contain new information about their world.

In the past, it has been, "the central, and global notion of Torah presented by the rabbis that that has become the 'idiom' of all subsequent stages of Judaism, surviving — one might even say prominently — in the Karaite schism, and underlying all post-rabbinic struggles with and the modifications of the meaning of Torah."<sup>20</sup> The current power struggles surrounding the use of the term and its lack of constant definition demonstrate that an attempt to use the vague idea "Torah" as a possible common language would demolish any possibility of the Jewish people creating a coherent, understandable Jewish communal language. That is, if a language is something that connects a people and functions as the basis for a community, the Jewish people must look to create a language that will function as a uniting force and not a dividing one. Torah's subjective elements make it an untenable option for being the basis of a shared language. Thus, we must begin to look elsewhere within the Jewish tradition for a common discourse.

If "language is capable not only of constructing symbols that are highly abstract from everyday experience, but also of 'bringing back' these symbols and presenting them as objectively real elements in everyday life," the creation of a language based upon a semantically unstable word such as "Torah" would create chaos.<sup>21</sup> The fact that "Torah" lacks definition and is not a symbolically objective word, like "mother-in-law," creates a scenario where-

in what is considered "Torah" cannot be considered a viable language around which one engage in discourse. Due to Torah's constant non-definable corpus and relative nature, a Torah-based language cannot be created as a mode of understanding Judaism in a communal context. Classifications such as "The Torah World," "Torah-True Jews" or "The Torah's Perspective" are, communally speaking, mere projections of one's own personal belief system. When we now attempt to define "Torah," we must see it in terms of what it has always been — something personal and textual, yet "textually undefinable."

This new understanding of the word "Torah" is positive; as Michael Kahan has explained, this new understanding provides room for the creation of a constantly new and vibrant Jewish "personality." In this respect, it provides an opportunity for each Jewish man and woman to identify with Judaism in his or her own way. Judaism would then become something dynamic and special to each person. This does not mean uncontrolled relativism; rather, one will be able to use his/her textual experience in a manner that also contributes to the betterment of Jewish communal life. Every Jew must be creative and bring new texts (ideas) to the table in order to fulfill his/her share in a collective Judaism.

However, the possibility of uncontrolled relativism, or what Kahan terms "the indulgence of the self," could eventually lead to the breaking of communal ties and one's covenant with the "Other." This situation may be contained through a specific element that exists within Torah (narrative knowledge). We refer to this element as "halakhah," and what Jean-Francois Lyotard refers to as "developed knowledge." In the Jewish community, "developed knowledge" defines "the set of pragmatic rules that constitute[s], the social bond."<sup>22</sup> "Developed knowledge" enables communal structures to exist. Similar to "developed knowledge," halakhah provides the "glue" that links us to the "Other." Thus, halakhah, which is a substantial element within "Torah," must be left in the control of our rabbinic sages. The field/religion's discourse could not exist without leaving developed knowledge/halakhah in the hands of its Rabbis and experts. Thus, the Rabbi and the expert create an objective discourse that in turn permits the field or religion to exist. Unlike the circumstances surrounding the aforementioned *Tanhumah*, today's rabbinic leaders will not be able to regulate a community through the control of general Torah text. However, Rabbis still control the halakhic process. They have decided, and are continuing to decide, what Torah texts are deemed halakhic, and what constitutes valid interpretations of these texts. Rabbinic power rests upon this eternal monopoly of halakhic texts and their interpretation. Through halakhah, communal ties can be created, continued, and used as a shared language of symbols for all Jews

with which to speak and identify. Only through halakhah will the Jewish community be able to function as a whole body, and in this respect halakhah is a key factor in the creation of a common Jewish language.

In order to create a shared spiritual language of halakhah that generates a possible common discourse between the believer and the nonbeliever, one must look beyond epistemology and personal experience. As demonstrated by George Lindbeck, we, who live in a post-liberal world, should look to our text, and not experience, to generate meaning. Unlike the liberal Christian emphasis on the self, over and against its primary text, resulting in a textually autonomous man, the post-liberal society creates unity by looking to its primary texts as the basis for community.<sup>23</sup> Using the concept of *ta'amei hamitzvot*<sup>24</sup> offered by the Rambam, David Hartman provides "philosophic approaches to Halakhah and God that create a shared universe of discourse between halakhic and non Halakhic," resulting in "a bridge leading from behavioral separation to cognitive communication."<sup>25</sup> Hartman sees the Rambam as "making Halakhic practice intelligible within categories that are not grounded in Revelation and Mitzvah." Thus, the source of one's ethical actions does not exclude one from identifying with those doing such actions for halakhic reasons. In other words, what is of prime importance is not why one has done the action, but rather the action itself being done. At the same time, the theological possibilities of creative conceptions of *ta'amei hamitzvot* sensitize us to other understandings of halakhah.<sup>26</sup>

I would add to Hartman's idea by arguing that even though an act's epistemology may not stem from the notion of "mitzvah," once one proceeds with one's action within a communal context with others performing this same act with intentions to perform a mitzvah, one's actions become subsumed in the collective communal context of halakhah. The idea of creating a collective communal context is clearly seen in the writings of Rabbi A. I. Kook.<sup>27</sup> Though living in the liberal modern world, Kook's model of community and halakhah transcended his age and can be understood in our post-liberal context.<sup>28</sup> Kook actually states:

The exercise youths in the Land of Israel engage in to strengthen their bodies in order to be powerful sons to the nation, enhances spiritual prowess of the exalted righteous, who engage in (mystical) unifications of divine names, to increase the accentuation of the divine light in this world....However, if youths sport to strengthen their physical ability and spirits for the sake of the nation's strength at large, this holy work raises up the *shechina*, just as it rises through songs and praises uttered by David, King of Israel.

We cannot be passive; rather, we must pursue communal halakhic activities, whereby we

can turn what may or may not be in their origin halakhically based actions into actions with definitive halakhic ramifications. While Hartman offered this model during a period in which the Reform movement was hostile towards the concept of halakhah, today's situation differs, making his model all the more important and applicable. In recent years there has been a strong recognition by all segments of the Jewish community that ritual is a vital component to Jewish continuity. Some on the far left have mentioned the need for all to engage in the observance of *kashruth*, Shabbat, and other Mitzvot.<sup>29</sup> Regardless of when or whether these ideas are instituted, these ideas are currently being discussed and debated. This movement towards ritual presents us with a forum for the application of Hartman's Halakhic spiritual language. While I agree with Hartman that we cannot be obsessed with "converting" all Jews to Orthodoxy, I would nonetheless argue that we must encourage the ideas of those moving towards ritual and work towards creating "a shared spiritual Halakhic language."

Following in the footsteps of Walter Wurzberger, Hartman categorizes ethical actions as part of a meta-halakhic realm. I would argue that it is not until these actions are done in a communal context with practicing halakhic Jews that they can be considered halakhic. However, ethical actions done on their own merit do contribute to an individual's own subjective "Torah" context. While by themselves, they may lack "halakhic" significance, they still may be perceived as being part of a person's subjective "Torah." Therefore, halakhic Jews must attempt to engage non-halakhic segments of Judaism and attempt to give their "ethically-based" actions halakhic and Jewish communal meaning. In other words, *Se'udot Shabbat*, *Yom Ha'Atzmaut* and *Yom HaSho'ah* services, *Bikkur Holim*, and *Se'udot HaSho'ah* must be done in a communal context including all segments of the Jewish people. Thus, the halakhic system remains the same, meaning that any action that runs antithetical to halakhic actions, no matter how "ethical," cannot be used in a Jewish communal context. However, those actions that run congruent to the actions prescribed by the halakhic system must be encouraged and be done in a communal halakhic setting. At the same time, those who are halakhic should congratulate themselves, yet learn from those who are not and attempt to explore the individuality and subjectivity of having an ethic beyond halakhah; those who see Torah and halakhah as being a beginning and an end can learn from those who see the Torah as a springboard to act out their own personalities. For example: the kind person who, by giving charity, expresses his/her inner core personality should be perceived by the pure halakhist as an inspiration towards meaningful praxis in the halakhic process.

While one may object for theological, dogmatic, or halakhic considerations to our halakhic "involvement" with other Jews, this does not diminish the importance of our under-

standing of "Torah." For the sake of having a Jewish community, we must create a meaningful, intelligible language. Though the language of "Torah" offers unique individual and sometimes even communal repercussions, halakhah will be the basis for a strong Jewish discourse.

In creating a dynamic and ever-different Torah, we offer ourselves a special relationship with both God and our communities. It is crucial that we understand and respect the "Torah" of each individual Jew; instead of fighting and fearing one's individuality, we must encourage those who bring new and creative ideas into the world. To accomplish this, we should be careful in our usage and application of the word "Torah." No longer may we legitimize or delegitimize ideas based on their emotive-expressive "Torah-value." We must remember that one person's nonsense may be another man's Torah text and vice-versa. Therefore, living in a post-liberal age, one cannot force his/her Torah texts on another. At the same time, it is of prime importance that we accept and have respect for rabbinic halakhic authority. We should recognize and utilize halakhah as our hope for a common spiritual language. Understanding the need for textual individuality and acknowledging the importance of having a shared religious language can create a vibrant new understanding of "Torah." This "Torah" will guide us through the rocky waters of the postmodern age.

#### NOTES:

1 I wish to thank my teacher, Dr. Alan Brill, for all of his time and patience in helping me develop many of the ideas in this paper. I would also like to acknowledge Dr. Betsy Stewart for her helpful comments on the structure of the paper.

2 Those who mistakenly understand the title of "Oral Torah" to be precisely that (namely "oral" as opposed to "textual") are incorrect. While the Oral Torah may have at certain points remained oral, its status was constantly justified through its relation to scripture. At the same time, all knowledge, even that which is considered fictional, finds its roots in a book or text. "Dreams are no longer summoned with closed eyes, but in reading; and now a true image is now a product of learning: it derives from words spoken in the past, exact recensions, the amassing of minute facts, monuments reduced to infinitesimal fragments, and the reproductions of reproductions. In the modern day experience, these elements contain the power of the impossible. Only the assiduous clamor created by repetition can transmit to us what only happened once. The imaginary is not formed in opposition to reality as its denial or compensation; it grows among signs, from book to book, in the interstice of repetitions and commentaries; it is born." See M. Foucault, *Language-Memory, Practice* (Ithaca: Cornell UP, 1977) p. 91.

3 E. Levinas, "To Love the Torah More Than God" in Z. Kolitz, *Yissel Rokover Speaks To God*, (New Jersey: Ktav Publishing, 1995.), p. 30

4 Hayyim b. Isaac Volozhiner, *Nefesh HaHayyim*, Sect. 4, Chap. 10. He interestingly notes in Sec. 4, Chap. 4 that "the first act of fearing God is based on one knowing the wisdom of Torah." For the rest of humanity, God exists independent of Torah, but for the Jew, the Torah is the gateway to God. In other words, Torah is specific to the Jewish people. Thus, God may exist, independent of Torah, but only to the non-Jew. One could argue that Ramban's introduction to his commentary on the Bible might be an earlier source hinting at this conception of Torah. Ramban postulates that the word "God" and all God represents are synonymous with the Torah.

5 Edmund Jabes, *The Book of Questions*, translated by Rosmarie Waldrop, (Scranton: Wesleyan University Press, 1976.) p. 31.

6 I am not asserting that our relationship to God is one of equals, but rather that it is a dialogical one enacted through a relationship based upon an intelligible text. See E. Levinas, *To Love the Torah More than God*.

7 E. Urbach, *The Sages*, translated by I. Abraham (Jerusalem: Magnes Press, 1975.), pp. 286-290.

8 I would like to thank my friend Uri Goldstein for pointing out to me Prof. Lieberman's comments on this *Tanhumah*. See S. Lieberman *Heilism in Jewish Palestine*, (New York: Jewish Theological Seminary Press, 1962.), pp. 207-208.

9 The text actually reads "The Holy one blessed is He who foresaw a time when the nations of the world would translate the Torah and read it in Greek and then say 'We are Israel' and now the scales are

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Halakhah, Machshavah, Jewish History, etc.

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balanced." The statement by the non-Jews that "We are Israel" further demonstrates that what tips the scales in our favor is the possession of the Torah text. What determines who is "Israel" is based on who controls the Torah text. This point is another proof of our status and relationship to God being determined by our relationship to Him exclusively through His Torah text.

10 The view of the Torah Sage himself being the definition of Torah is found in J. Neusner, *Formative Judaism: Religious, Historical and Literary Studies* vol. 3 (California: Scholars Press, 1983.), pp. 35-37.

11 Menachem Elon points out that the phenomena of textual monopoly by the elite Torah Sage "may be contrasted with a similar occurrence in Roman law. In Rome, at an early period, the knowledge and interpretation of the law was concentrated in the pontifices, the priestly caste who were the originators of Roman legal interpretation. According to Roman tradition, the pontifices concealed their knowledge and legal acumen from the people and turned it into a caste monopoly, thus impeding the proper development of the law. In approximately 300 B.C.E., Plautus, the son of a freed (slave), took away from the pontifices the book containing the laws and pleadings for the various forms of action (*legis actiones*) and publicized the book's contents. This act ended the monopoly of the pontifices over Roman Law." Like the above mentioned *Torshema* the control over the text permitted certain elite's to control a society. See M. Elon, *Jewish Law*, vol. 1, translated from Hebrew by Bernard Auerbach and Melvin Sykes, (Philadelphia: JPS, 1994) pp. 311-312.

12 T. Kuhn, *The Structure of Scientific Revolutions* (London: Chicago University Press, 1962.)

13 While many Rabbits have argued over what is not to be considered Torah text, very few have sought to tell us actually what texts are considered Torah texts.

14 M. Halberstam, *People of the Book: Canon, Meaning, and Authority*, (Cambridge, Mass: Harvard University Press) p.78.

15 S. Bravensky, "Wedded to The Word," in *Publishers Weekly* vol. 258, (Jan. 1991) pp.13-20. Bravensky discusses the proliferation of all types of Jewish text. In the article she asserts that "almost

every publisher, editor, bookseller, and author interviewed agrees that there is a growing hunger for Jewish knowledge." In terms of the newfound stress upon text in the Jewish community see, H. Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," in *Tradition*, vol.28, no.4 (1993), pp.72-105.

16 M. Friedman, *The Changing Role of the Community Rabbinate*, p.93.

17 Though some, like Badatz, the ruling Ultra Orthodox Ashkenazic Rabbinic authority, has deemed the computers not-permissible, most of the mainstream Haredi camp has realized that computers are necessary to function in any context.

18 For a detailed discussion on how the access of communication has affected the state of knowledge in religion, see Peter Berger, *The Heretical Imperative*, (New York: Anchor Press, 1979), pp. 3-31.

19 Michael Kahan, *Media As Politics*, (New Jersey: Simon and Schuster, 1999.), pp.8-9.

20 J. Kugel, "Torah," in ed., A.Cohen, P. Mendes-Flohr, *Contemporary Jewish Religious Thought* (New York: Charles Scribner's Sons, 1987), p. 1003.

21 P. Berger, T. Luckmann, *The Social Construction of Reality*, (New York: Doubleday, 1967), p. 40.

22 J. Lyotard, *The Postmodern Condition: A Report On Knowledge*, translation from French by Geoff Bennington and Brian Massumi, (Minneapolis: University of Minnesota UP, 1997), p.21.

23 G. Lindbeck, *The Nature of Doctrine*, (Philadelphia: Westminster Press, 1984.)

24 For the sake of understanding, I would define *amel hamitzvot* as the rationale behind the mitzvot.

25 D. Hartman, "Halakhah As A Ground For Creating A Shared Spiritual Language," *Tradition*, p.22.

26 What is so astonishing about Hartman's essay is that it is taken primarily from Rabbinic sources. Hartman's essay preceded similar works such as George Lindbeck's *The Nature of Doctrine*. Like Hartman, Lindbeck attempts to find a common language for Christianity to speak. In other words, Hartman's model is not something based on sources found "outside" of Judaism, but rather his

model is something inherent in the Jewish tradition. Hartman does not attempt to create an apologetic for Judaism in a postmodern age. The sources Hartman uses, such as Rambam, are nearly all "traditional Rabbinic texts." This contrasts with Hartman's critics such as Solomon Spiro, who clearly missed the whole point of Hartman's essay and furthermore criticized it based on a Protestant-liberal ethic. Following in the footsteps of other Protestant-influenced Jews, Spiro argues the vague and undefined idea of a "contextual Spirit" in halakhah. In the process of giving us his messianic outlook on Judaism, Spiro assumes that religion and philosophy are incompatible in a spiritual context. Based on F. Lyotard's *Report on Knowledge*, Spiro's assertion that "today the truths of religion and philosophy lie in vastly different realms" is incorrect. As demonstrated by Gillian Rose, the assumption of Spiro "that Judaism is concerned with law (halakhah), while general philosophy is concerned with ethics, is unsustainable." See S. Spiro, "Halakhah As a Ground For Creating a Shared Spiritual Language: A Rejoinder," in *Tradition* vol. 16, no.3 (Spring, 1977.), pp. 50-57. See, G. Rose, *Judaism and Modernity*, (Massachusetts: Blackwell Pub. 1993), p. 27.

27 R. A. I. Kook, *Orot*, translated by B. Noss, (New Jersey: Aronson Pub. 1993), p. 189.

28 For an interesting and informative article on the relationship between R. A. I. Kook and postmodern/post-liberal thought, see I. Rose, "The Cognitive Value of Religious Truth Statements: Rabbi A. I. Kook and Postmodernism" in *Hazon Nahum*, ed. Y. Bluman, J. Gurock, (New York: Yeshiva University Press, 1997), pp. 479-528.

29 In the Winter, 1998, edition of *Reform Judaism*, Richard Levy, the President of the CCAJ, mapped out what he termed "The Ten Principles of Reform Judaism." Among the ten principles stated are: the commitment to Shabbat, in both a shomer (restrictive sense, "refraining from ordinary weekday work") sense and a nuclear sense, the commitment to Mitzvot and Kashrut.



# KRI U'KTIV:

## A survey of Rabbinic views on Textual Variance

BY ZEMIRA BARON

In virtually every weekly Torah portion, there invariably are a few words which will be read differently than they are written, a phenomenon known as *kri u'ktiv* (literally, "read and written"). This divergence is not a mistake; rather, it is fully in accordance with Jewish tradition. In some versions of *Tanakh*, these alternative pronunciations/words are recorded in the margins.<sup>1</sup> This essay will discuss several types of variants as they are recorded and offer several explanations for this curious tradition.

Ezra, a "*sofer mahir*," ready scribe, (Ezra 7:6) and the generation of *Sofrim* (scribes) that succeeded him ensured that painstaking care would be taken in transmission of the text of the *Tanakh*. In fact, the Talmud notes that the title *Sofrim* ("counters") derives from their rigorous practice of counting each letter of the Torah (Kiddushin 30a). The generation that followed, known as the *Baalei HaMesora* or Masoretes, continued this task by constructing a body of instructions for the writing and reading of the Biblical text known as the *Mesora* or *Mesoret*. This *Mesora* is expressed in three forms.

The first, known as the *Mesora Ketana* (small *Mesora*), is what one typically finds in the side margin of his *Tanakh*. The various *kri u'ktiv*s occur between 848 and 1566 times. In addition, this *Mesora* concisely points out various interesting little facts. When a rare word is used, the *Mesora* lists the number of times that the word can be found; e.g., in Devarim 32:39, it is noted that the word "*v'achayeh*" is found only once with that *nikud* (punctuation) and only one other time without the *vav haChibur* [first letter]. This *Mesora* also notes special details such as the shortest *pasuk* (verse), the median *pasuk* of a *sefer* (book), and a *pasuk* that contains all the letters of the Aleph-bet. The last function these side notes serve is to let us know when there are special *simanim*, or signs, involved in the *pasuk*. These *simanim* hint to the reader that there's something in the *pasuk* that is worth looking into. Among other things, these *simanim* include *nunim hafuchin* (upside-down letters *nun* that surround the verse as do parenthesis), *nikud l'maaleh u'l-matah* (dots either above or below a word), *otiot meyuchadot* or *thuyot* (letters which are printed in an unusual manner - too big or small, "hanging") and various *kri u'ktiv* instances.

The second *Mesora*, the *Mesora Gedola*

(large *Mesora*) does not appear in most modern editions of the *Tanakh*. This *Mesora* was written in the upper or lower margins of the *Tanakh* and functioned merely as an expansion upon that which was mentioned in the *Mesora Ketana*. For example, when the *Mesora Ketana* mentions that a specific word is found six times in the *Tanakh*, the *Mesora Gedola* will list those six places. The third *Mesora*, the *Mesora Sofit* (final *Mesora*), appears at the end of each *Sefer* and notes whether it is *petucha* or *stuma* (connected to the section previous to it or not), and how many letters, words, and *psukim* are in the *Sefer*.

There are various types of *kri u'ktiv*. *Kri Tmidi* describes the replacement operative in the case of the Name of God. The correct reading does not appear in the marginal *Mesora*; rather, the *nekudot* (vowels) for the appropriate name of God are printed underneath the Tetragrammaton. *Kri v'lo Ktiv* occurs when only vowels are printed in the text due to the omission of an entire word - though read - from the written text. The reverse, *Ktiv v'lo Kri*, is the most common of the cases; in this instance, we completely disregard the word as it is written within the text, and read it as it is written in the margin.



Why do the text and its manner of reading differ? Which version is correct - the *ktiv* or the *kri*? How did the incorrect version come to be? Though our sources present no clear, unilateral answer, they do offer several pathways for understanding this enigma.

Traditional scholars wish to maintain the basic assumption that there are no mistakes in the Torah. We've all been taught that *something* can be learned from every letter in the Torah. The *Gemara* in *Succah* 20a recounts a story in which R. Yishmael warns R. Yehuda, a Torah scribe, "*hevei zahir, shemilakhtekha milekhet shamayim hee, shema tachsir ot echat oh tativ ot echat, nimitzeit ata machriv et kol haolam kulo*." R. Yehuda is warned to take extreme care in his work, for if he omits or adds even one letter, he is considered to have destroyed the world! The reproduction by a Torah scribe must be exact; if one letter is incorrect, the Torah scroll is rendered *pasul* (unfit). The *Sefer Halkarim* (chapter 22) observes that comparison of Torah scrolls throughout the world reveals the exact same *nusach*, testifying to the accuracy of our Torah's text. The Talmud in *Nedarim* 37b states explicitly: that "*mikra*

# KRI U'KTIV:

## The Spanish Exegetes

BY DEBORAH GELLER

The *kri u'ktiv* phenomenon, which encompasses biblical words which are to be read although they are not written and words, which are to be written but not read, is recorded as having its foundations in the Revelation itself. The Talmud records in the name of R. Isaac (3rd century CE) that "*keryin velo ketivan uketivan velo keryin halakhah lemoshe misinai*" (*Nedarim* 37b). This dictum was apparently not taken at face value by the medieval commentators. The question was of great interest to the exegetes of the Middle Ages; their answers to the question often reflect their ideology on other matters. We shall focus on the contrast between the opinions of Radak and Abarbanel on this matter.

*Yechezkel* 36:14 contains two *kri u'ktiv*s; we will be concerned with the first. The *ktiv* is *takhshili* while the *kri* is *teshakli*. Gordis classifies this, along with less than two dozen other instances of the *kri u'ktiv* phenomenon, as "different conjugations' with differences in meaning."<sup>1</sup> Radak (1160-1235) comments that the two words are similar in meaning "*ve'inyana qarov*" and Abarbanel (1437-1508) similarly states "*veha'inyan ekhad*." Despite the similarities, a closer look reveals that the two may actually represent differing viewpoints. As we will see, this difference regards the verse in particular and *kri u'ktiv* in general.

Abarbanel relates this *kri u'ktiv* to the other comments regarding the prophet's repetitive language in chapter 36: "*aval mipnei hahtibodedut hanavi binuato lo hayah choshesh bessedidur halashon vegam beofen haketivah she'amar takhsili bimkom teshakli*." The prophet's isolation has caused his lack of knowledge of the written word as well as the spoken. This was mentioned in the book's introduction.

Abarbanel's introduction to the book of *Yirmiyahu* contains his programmatic statement regarding *kri u'ktiv*. He disagrees with Radak regarding the cause of the *kri u'ktiv* phenomenon. While Radak, in his introduction to *Nevi'im Rishonim*, claims *kri u'ktiv* is a result of lapses in the masorah due largely to the exile between the two commonwealths, Abarbanel rises to defend the integrity of the text. After arguing against Radak's theory on several fronts, Abarbanel proceeds to divide the *kri u'ktiv* phenomena into two categories. The first follows the thinking of Ramban in his Introduction to the Commentary on the Torah. Due to the mystical significance of the letters and their order, the correct writing of even the *plene*-defective spellings-is significant. Likewise, Abarbanel claims the *ktiv* of the Pentateuch enshrouds great secrets. The *kri*, claims Abarbanel, was inserted by Ezra, who in addition to his role as priest and prophet during the rebuilding of the Temple, occupied the equally important position of national scribe. Abarbanel claims Ezra inserted the

**"Though our sources present no clear, unilateral answer, they do offer several pathways for understanding."**



# “His bilateral assessment of the phenomenon, while not without its critics, enabled Abarbanel to protect the book of the law as well as the process by which it was transmitted.”

*sofrim v'itur sofrim, v'kriin v'lo ktivin, v'ktivin v'lo kriin Halakhah l'Moshe miSinai*” the Torah's text was transmitted from Moses at Sinai. The *Radbaz* (*Sefer shlishi*, 696) adds that reading what is not in the text constitutes a serious legal problem; if the *ktiv* alone were correct, reading the *kri* would constitute a breach; likewise, if only the *kri* (oral version) were correct, the *Sefer Torah* would be missing letters and thereby rendered invalid. Therefore, it must be that both the *kri* and the *ktiv* are correct, and thus, both had to have originated at the time of *Matan Torah*.

While the thought that both the *kri* and *ktiv* constitute *Halakhah l'Moshe miSinai* is comforting, it doesn't seem to ring true. Why would God present two different versions of the text? At the outset, there doesn't seem to be any logical explanation for the discrepancy.

## 1. The Standard Approach

Various commentators attempt to resolve the difficulty. Typical of their answers is the interpretation posed by the

*kri* to denote the text's plain meaning.

Abarbanel's second category of *kri u'ktiv* relates to his low regard for the lingual capabilities of some of the prophets. This class comprises most of the instances in the books of Yirmiyahu and Yechezkel.<sup>2</sup> In both books, Abarbanel claims that the prophets were not experts in the holy tongue. Yirmiyahu was yet a young man when he began to prophesy, and was thus not fully schooled in the grammar/syntax of the language, nor was he versed in its written form. He claims a similar lack of expertise on the part of Yechezkel, attributing the appearance of strange words and incorrect *plene*/defective spellings to this fact. It is this fact, asserts Abarbanel, that is responsible for the *kri u'ktiv* phenomenon which is so prevalent in these books.

Talmage demonstrates Radak's “emphasis on harmonization” of the *kri u'ktiv* versions, citing Yehoshua 3:16 as evidence. Here Radak “demonstrates how the *kri* and *ktiv* complement each other to reveal the full meaning of the verse.”<sup>3</sup> It is interesting to note that of the four *kri u'ktiv*s in the books of Yirmiyahu and Yechezkel which Gordis classifies as having “different conjugations with differences in meaning,”<sup>4</sup> only one is not commented on by Radak. In Jer. 48:44, and Ezek. 48:14, Radak incorporates both *kri* and *ktiv* into his commentary, and in Ezek. 36:14, the occurrence is mentioned. Thus despite Radak's claim that the discrepancies originated from the dilapidated state of the manuscripts and from the confusion of the massoretes, he is still able to find a place for both in his commentary.

Abarbanel, however, never demonstrates

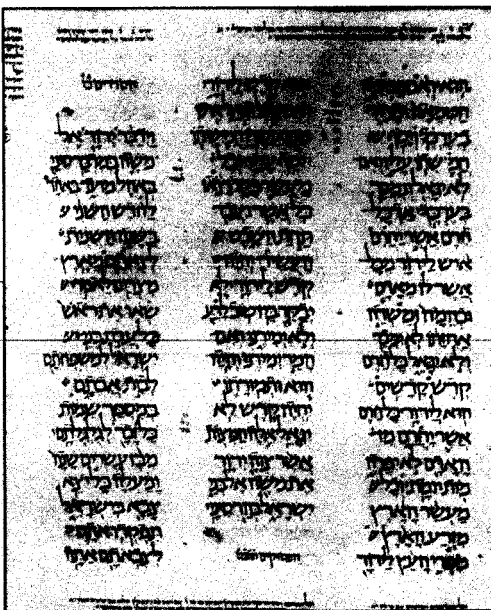
*Malbim*. In his introduction to Yirmiyahu, he writes, “*haKri kfi haPshat v'haktiv kfi haDrush*.” The Torah was intentionally written on two different levels – the *kri* (oral) is the basic understanding and the *ktiv* (written) represents hidden secrets. Thus *Hazal* always *darshen* (extrapolate) from the *ktiv*, not from the *kri*. The *Maharal* (*Tiferet Yisrael*, chapter 66) explains that when one's intention is to read through the text on a peripheral level, he ought to read the *kri*, which provides a basic, clear understanding of the text. When one intends to delve into the text, he should attend to the *ktiv*,

which often hints to a much deeper wisdom; this will enable his study of the text on a more profound level. The *Radbaz* offers simply that indeed there is no understandable underlying reason for the *Ktiv*.

In sum, the first general solution lies in that *kri u'ktiv* is *Halakhah l'Moshe m'Sinai*; from the very outset, the Torah was presented on two levels. This answer is tempting, but at the same time it seems a bit too easy. It would be fascinating to say that there's an underlying reason for every single change, but closer scrutiny reveals that changes often are so minute as to render this solution a bit far-fetched.<sup>2</sup>

## 2. Torah Scroll Discrepancy

At the end of his introduction to *Nevim Rishonim*, the Radak writes, “*lifee shebigalut rishona avdu haseforim v'nitalitu. Vihachakhamim yodei haTorah meitu v'an-shei kneset haGedola shehichziru haTorah l'yoshna matzu machloket b'seform v'hachu bahem achar haRov l'fi daatam. Uvimakom shelo heseega daatam al habirur katvu haechad v'lo nakdu oh katvu mibichutz v'lo*



of Radak on the issue and gives credence to the ‘mystical significance’ explanation of *kri u'ktiv*; yet he finds it difficult to accept the necessary premise that Abarbanel's knowledge of the sacred tongue surpassed that of Yechezkel and Yirmiyahu. In an effort to salvage the integrity of the masorah, Abarbanel disparages the prophets themselves. He is careful to do this in such a way that it does not harm the Pentateuch, or the holiness of the prophets.

It must be recalled that the Jews of fifteenth century Sefarad were not in possession of the requisite faith required by Radak's opinion of the *kri u'ktiv* phenomenon. Abarbanel could not call into question the integrity and authenticity of the Masoretic Text. His bilateral assessment of the phenomenon, while not without its critics, enabled Abarbanel to protect the book of the law as well as the process by which it was transmitted. He also succeeded in preserving the divine nature of the prophecy received by Yirmiyahu and Yechezkel. In his cost - benefit analysis, the disgrace to the prophets' language skills seemed a small price to pay.

### NOTES:

<sup>1</sup>Gordis, *The Biblical Text in the Making: A Study of the Ketib-Qere*, p.134 This is the only group Gordis specifically identifies as differing in meaning.

<sup>2</sup>In addition to those in the books of Shmuel and Melachim, written by Yirmiyahu, as well as Mishle. In the introduction to Yirmiyahu, Abarbanel comments on the similarity of Yechezkel to Yirmiyahu as regards his deficit in the knowledge of syntax.

<sup>3</sup>Talmage, *David Kimhi: The Man and his Commentaries* p.93-94.

<sup>4</sup>Yir. 48:44; 50:44; Yech. 36:14; 48:14.

<sup>5</sup>It is interesting to note that R. Joseph Breuer, in his commentary to Ezekiel, does in fact discuss the profound significance of this particular *kri u'ktiv* (Comm., p. 316-317).

<sup>6</sup>Presumably this also applies to the lack of a *kri* in verse 15.

<sup>7</sup>Ibn Adonijah *Introduction to the Rabbinic Bible*, pp. 40-57.

<sup>8</sup>Levita *Massoreth Ha-Massoreth*, p. 106-07.

# ***“The Torah was intentionally written on two different levels – the kri (oral) is the basic understanding and the ktiv (written) represents hidden secrets.”***

*katvu mibifnim v'khen katvu b'derech echad mibifnim v'derech acher m'bichutz* – “for in the first diaspora, the texts were lost, and the knowledgeable ones died, and the men of the great assembly, who returned the Torah to its former glory, found a discrepancy in available texts, and followed the majority according to their knowledge. And where they did not definitively establish the text, they included the [word present in the] first variant only without vowels, or they included the word outside the margin and not inside, or they wrote one variant within the margin and another without.”

At first, this statement appears almost heretical – does the *Radak* indeed say that the Torah in our possession today is merely a compilation of all the mistakes made in transmission throughout the years? Yet, the *Yerushalmi* seems to agree with this statement. *Taanit* 4:2 lists several instances in which *Ezra* found three different texts – two with the same version of the text and one with a different version – and he chose to follow the majority version. *The Maaseh Efod* (Chapter 7) describes the situation during the time of *Ezra* in *galut*: Jews were scattered to all corners of the world, and they began to speak many different languages, to the point that half of the nation no longer understood Hebrew. While the Hebrew language was dwindling, the accuracy of the Torah text generally remained intact. However, there were some discrepancies, so *Ezra* and the *Sofrim* began to “fix” the text at any site of ambiguity so that the people wouldn’t despair. *Ezra* also inserted *nekudot* into the *Tanakh* to allow for easier reading, and instituted the *taamim* so as to enliven the Torah reading with melody.

However, there remain several strong arguments against embracing this solution:

1. **Theological** – as we suspected, the accuracy of the transmission of the Torah is one of the most fundamental Jewish beliefs; ergo, for many Jewish theologians, this path is indeed heretical. The *Abarbanel* writes, “*v'hinay zot nechmateinu b'eineinu sheTorat Hashem itanu b'galuteinu. V'im nechshov sheavar al sefer Torah hahefseid v'habilbul k'devrei haanashim ha'eileh, lo yishaer lanu dvar kayam l'shenimoch alav*” – the constancy of the Torah text is the basis of our creed, and if we jettison that belief, we remove the very foundation of our committed existence. The *Maharal* goes as far as to say that *Acharonim* who make that claim “*raoy sheyilachichu afar lishonam*” – are worthy to lick dust.

2. **Understanding of the Text** – If *Ezra* really

wasn't sure which version was correct, why do we always follow the *kri* when expounding the Torah?

3. **Consistency of Error** – If it's really a matter of a loss in the transmission, how is it possible that precisely the same mistake is often repeated over and over again? The *Maharal* cites the example of the word “*na'ara*,” (lass) which is written 22 times as “*naar*” and read each time as “*na'ara*.” Could this consistent discrepancy result from a mere mistake in transmission?

4. **Word Exchanges** – a one-letter error in transmission is conceivable, but it seems less likely that a full word would be completely exchanged for one totally unrelated in spelling or sound (e.g., “*tchorim*” in place of “*afolim*”).

## **3. Uneducated Authors**

The *Abarbanel* claims that *Ezra* reviewed *Tanakh* and noticed that the grammar and spelling of some of the words was incorrect. Some of the *neviim* either were not careful spellers, or were simply uneducated in the Hebrew language and grammar. However, being that the words were written by *neviim*, he didn't want to simply erase them, so he left their words in place and placed the correct version on the sides.

The *Maharal* adamantly objects to this theory, calling it “*divrei borut*” (boorish words) – after all, the *Gemara* explicitly states that the *kri u'ktiv* phenomenon is *Halakhah l'Moshe m'Sinai*. The *Malbim* extends the objection, noting that once we begin to point out mistakes in the *Neviim* and “fix” whatever we please, the *Tanakh* becomes an “*ir prutza ein choma*,” an “unguarded, open city.” Of one who thinks that the *navi* has erred, the *Malbim* writes: “*alecha litot hadevarim b'chesron havanatecha*” – it is due to your own lack of understanding. The *Malbim* proceeds to cite a full list of arguments against *Abarbanel's* theory – how could the *neviim* have made mistakes if their works are divinely dictated? Also, the “corrections” that *Ezra* made (*el* to *al*, masculine to feminine, et al.) are elementary; the ‘grammatical ‘errors’ are unworthy of a young child. Even had the *navi* made such blunders in his youth, his elocution ought to have improved substantially by the end of his career; yet the opposite phenomenon is evident in *Yirmiyahu*, in which more *kri u'ktiv's* appear as the book proceeds. Furthermore, the ‘misspellings,’ if they may be termed such, are scarce in other *sefarim* that the *Talmud* records *Yirmiyahu* to have written (*Melachim* and *Eicha*). Identical “mistakes” are found, however, in other *Sifrei Tanakh*.

## **4. Euphemistic Substitution**

Another solution is cited by the *Gemara*: “*kol hamikraot haketuvin baTorah l'gnai korin oto l'shevach*” – the *kri u'ktiv* serves to allow us to substitute positive terms for improper ones. For example, “*tchorim*” replaces “*afolim*” (hemorrhoids). “*divyonim*” replaces “*cheryonim*,” (avian dung), etc. The *Radbaz* claims that this theory serves as proof that *kri u'ktiv* is *Halakhah l'Moshe m'Sinai*, as God would not have placed vulgar words in the Torah had He not also transmitted a correcting *kri* version. This idea, however, cannot be applied in every circumstance; change of masculine to feminine, addition of a “yud,” and most other replacements do not appear to reflect this concept. A fundamental objection to this suggestion is raised by the *Torah Shleimah* (*Parshat Mishpatim*) who notes the Rishonai contention that “*lashon haKodesh ein bah kinoy lishum kli migunch oh paal migunch*” – there are no inherently disgusting words in the Hebrew language.

## **5. Other Views**

*HaKtav v'haKalah* cites a most interesting theory; he writes that most *kri u'ktiv's* in the Torah represent a form of synthesis – the full meaning of the text is revealed when both versions are read together. For example, in *Yirmiyahu*, *bur* is read as *bir* to demonstrate that it wasn't a regular *bur* but rather a combination of a *bur* and a *be'er*. Unfortunately, this answer doesn't work for all variants in *Tanakh*. The *Radak* (*Divrei HaYamim* 1:7) presents a grammatical overview of how certain letters became interchangeable over time as reflected in the *kri u'ktiv*.

As we have seen, there are many different theories put forth by our sages on the issue of *kri u'ktiv*. Each theory has advantages and disadvantages, and it is left to the reader to navigate the narrow strait between heresy and fallacy. Choose wisely.

## **NOTES:**

<sup>1</sup> Evidence of notation of *kri u'ktiv* is found only in relatively later manuscripts of the *Tanakh* but references can be found in various places in the *Talmud*. Whereas in older texts, the vowels of the *kri* were inserted into the text of the *ktiv*; more modern *Tanachs*, such as the Koren edition, print the *ktiv* without vowels and the *kri* with vowels.

<sup>2</sup> Another interesting approach is posited by the *Abarbanel*, who claims that the *Neviim* misspelled words intentionally, but that we can't understand their meanings because they were written in *nevuah* and *ruach haKodesh* – our minds are incapable of comprehending these hidden secrets of the Torah. *Ezra* left these words in the printed text because these are the words that the *neviim* intended to write, but he instituted the *kri* so that we, with our limited understanding, could comprehend *Tanakh* at its simplest level.

# REBECCA:

## THE INTERPRETIVE CREATION OF A MATRIARCH

BY YEHUDIT ROBINSON

Early Jewish Biblical interpreters grappled with the themes within and characters of the books selected for the biblical canon. They sought to make these newly codified books eternally relevant by resolving textual discrepancies and making many biblical characters embodiments either of emulable or deplorable behavior.

This essay incorporates the insights of three Targumim, Targum Onkelos, Targum Pseudo-Jonathan, and Targum Neofiti (or Neophyti), the *Septuagint*, Midrash Rabbah on *Genesis*, Philo's *Biblical Antiquities* and supplementary *Questions and Answers to Genesis*, Josephus Flavius' *Jewish Antiquities*, and the book of *Jubilees*. Each author analyzes the Bible for his community, Jewish (e.g. *Jubilees*) or non-Jewish (e.g. Josephus). Language choice alternates from Aramaic (targumim) to Hebrew (e.g. Midrash Rabbah) to Greek (e.g. *Septuagint*). Finally, the formats of these texts range from translations (targumim, *Septuagint* – some more literal than others) to commentaries (Midrash Rabbah) to works that might have been meant as rewritten Bible, texts meant to supplant the Bible by making its themes relevant to contemporary political, religious, and social issues that a community confronted (e.g. *Jubilees*).

Though most pseudopigraphical or non-canonical Second-Temple era literature do not mention women or endow them with significant roles (many of these texts are apocalypses, testaments, and histories), those specifically seeking to write a commentary on or translation of the Bible, as opposed to rewriting the Bible, do include sections about women. Some of these passages contain exegesis, attempts to resolve textual discrepancies. Other passages reflect exegesis, the author's insertion of his beliefs and opinions into a particular narrative.

This essay focuses on the ways early Jewish biblical interpreters portray Rebecca, and especially how they understand her evolution into a matriarch. These interpreters explain why Rebecca merits becoming a matriarch – by outshining her family and community, and by exemplifying Sarah's deeds. These interpreters also justify Rebecca's actions, even those that seem inappropriate for a matriarch. Rebecca functions as a fascinating choice for this study, for she vocalizes more opinions, complaints, and requests than the other matriarchs. Finally,

she establishes the characteristics that these and other exegetes use to judge other characters' values and vices. Because Rebecca's personality is a powerful one, interpreters focus on the scenes in which she speaks rather than those in which her role is ambiguous or clearly passive. The interpreters form a portrait of a woman whose actions reflect only thought and determination, and not a hint of recklessness or whimsy.

Rebecca appears in several narratives in the first half of *Genesis*. The Bible records her birth to Bethuel in *Genesis* 22:23. She appears



next in the well scene and in the subsequent sojourn to Laban's house, in which she answers the prayers of Abraham's servant and returns with him to Abraham to marry Isaac (*Gen.* 24). In Chapter 25, Rebecca, once barren, becomes pregnant with twins. She seeks divine counsel to understand why she encounters difficulties in pregnancy. God prophesies the birth of twins who will become two nations, one of which will rule the other. King Abimelech spies on Isaac being "metzachek" Rebecca in Chapter 26, after her beauty almost causes Isaac's death. Rebecca's last actions are in Chapter 27. There she commands and assists her son Jacob in the deception of her husband Isaac, and deprives her other son Esau of Isaac's final blessing. After Isaac blesses Jacob with the blessing he had designated for Esau, Rebecca commands Jacob to run to her brother Laban's house, both to escape Esau's wrath and to marry a proper wife, since Esau's choice of wives angers her. The text does not mention Rebecca's death, though it does note that of her nursemaid, Deborah (*ibid* 35:8). Jacob later tells his sons that Rebecca lies in the Cave of Machpelah

(*ibid* 29:14).

Rebecca first acts in the well scene. The interpreters try to mine her actions for insight as to her merits for selection as Isaac's wife. Midrash Rabbah describes her character by contrasting her with her family, the house of Bethuel and her brother Laban. Rabbi Berekiyah explains the implication of Laban's name (literally, "white"): "He was a refined rogue" (M.R. 531), meaning "he was whitened, i.e. polished in evil" (*cf. ibid*). Midrash Rabbah explains Bethuel's absence the day Eliezer wishes to return to Abraham with Rebecca: "But the wicked shall fall by his own wickedness" (Prov. XI, 5) alludes to Bethuel, who wished to hinder it [the marriage between Isaac and Rebecca] and was smitten during the night" (M.R. 535). Midrash Rabbah additionally explains why Rebecca's family gives her a farewell blessing: "Rabbi Aibu said: They were in wretched circumstances, and gave her a dowry of naught but words" (M.R. 536). Philo, to contrast, offers a kinder portrait of Bethuel: "Rebecca, therefore, must be praised, who, in obedience to the injunctions of her father, having taken down the vessel of wisdom on her arm from a higher place, proffered her pitcher to the disciple" (Philo 147). Philo, however, does not seem to represent the interpretive consensus.

Interpreters determine Rebecca's goodness not simply by contrasting Rebecca with her family, but also by contrasting her with the other women of her community. Josephus writes: [H]e [Abraham's servant] approached the well and asked the maidens to give him drink. But they declined, saying that they wanted the water to carry home and not for serving him, for it was no easy matter to draw it. One only of them all rebuked the rest for their churlishness to the stranger, saying "What will you ever share with anyone, who refuse even a drop of water?", and with that she graciously offered him some (Josephus 121).

Josephus endows Rebecca with a rebuking voice even before she speaks in the text.

Interpreters additionally determine that Rebecca must be worthy of experiencing miracles. Midrash Rabbah explains: "All women went down and drew water from the well, whereas for her the water ascended as soon as it saw her" (M.R. 529). Though Philo does not conclude that the act of raising water was miraculous, he nevertheless praises Rebecca for it: "And beyond all things, I especially admire her [Rebecca] her exceeding liberality; for though she had only been asked for a small draught, she gave a large one, until she had filled the whole soul of the learner with wholesome speculations" (Philo 147). Philo additionally comments: "But she, beholding the nature of the servant to be well calculated for the reception of virtue, emptied her whole pitcher into the cistern, that is to say, she emptied the whole knowledge of the teacher into the

soul of the learner" (Philo 147). Though Philo does not see Rebecca's deeds as miraculous, their miraculous implications may have inspired him. It is interesting to note that in these passages Philo directly describes Rebecca, and does not allegorize.

Imitating Sarah constitutes the final criterion for matriarchy. Midrash Rabbah explains: "And so when he saw her following in his mother's footsteps, separating her challah in cleanness and handling her dough in cleanness, straightway, 'and Isaac brought her into the tent' (M.R. 539). '(and behold she was) 'his mother Sarah' i.e. she was like her" (*ibid* 1). The Midrash would have accorded respect to Rebecca even had she not mimicked her mother-in-law, as it did for Rachel and Leah; her Sarah-ness, though, does enhance her worthiness as a matriarch.

Some of the Bible's phrases provoke multiple interpretations. The seemingly redundant phrase describing Rebecca as a "virgin, and no man knew her" (Gen. 24:16) inspires much discussion among these interpreters. While Onkelos, Neofiti, and the *Septuagint* all translate the phrase as "a virgin, and no man had known her," Targum Jonathan adds the words "in bed" (Ps.-J. *ibid*). Philo and Midrash Rabbah both explicate this phrase, assuming the phrase must refer to different facets of purity. Philo explains: It [the Bible] wishes to show clearly that she had two virginities, one in respect of the body,

the other in respect of the incorruptible

soul" (Philo 382). Midrash Rabbah suggests a meaning to the second half of

the phrase: "it means that no man had even made improper advances to her, in accordance with the verse, 'the rod of wickedness shall not rest upon the lot of the righteous'" (M.R. 529). Midrash Rabbah obviously determines that Rebecca, even at a young age, constitutes one of the righteous.

Josephus adds a detail to the context in which Rebecca selects herself. Josephus concludes that "Abraham... decided to give him [Isaac] to wife Rebecca" (Josephus 119), making Abraham's servant's journey one of wooing Rebecca, rather than of finding a random mate. *Jubilees* also summarizes the events leading to Rebecca's selection in this vein: "and in the fourth year thereof he took a wife for his son, Isaac, and her name was Rebecca" (*Jubilees* 19:10).

The interpreters continue to tout Rebecca's virtues while barren and subsequently during her tumultuous pregnancy. Philo's *Biblical Antiquities* dubs her "the patient soul" who "proceeds to ask an oracle of God" (Philo 60). Midrash Rabbah has her act before her pregnancy. When Isaac prays that his wife become fertile, Midrash Rabbah writes, "She too prayed likewise" (M.R. 558). Philo's *Questions and Answers* also praises Rebecca for her actively seeking God's explanation for her peculiar pregnancy: "This statement ['she went to inquire of the Lord'] is an argument against

arrogant and conceited persons, who, though they know nothing, admit that they know everything. [T]hose who have a desire for education are fond of inquiry and fond of learning everything from every source" (Philo 440). Targum Pseudo-Jonathan creates a greater equation between Isaac and Rebecca by having Isaac's prayers be self-referential, as well; "for he, also, was barren" (Ps.-J. 25:27). Josephus maintains Rebecca's power by omitting her difficulties in becoming pregnant. Josephus merely writes, "Now after Abraham's death Isaac's young wife conceived" (Josephus 127). *Jubilees* glosses over the events leading to and the actual pregnancy, stating, "And in the sixth week in the second year Rebecca bore two children for Isaac, Jacob and Esau" (*Jubilees* 19:13).

Though the barren wife motif crystallizes as a matriarchal trait with the barrenness of Rebecca and later Rachel, interpreters do not focus on Rebecca's connection to Sarah. In other words, the interpreters do not consider her equally righteous as Sarah because of her barrenness: this barrenness may not be something to flaunt. Unlike their practice as regards Rebecca's youth, the interpreters do not highlight qualities in this narrative that make her seem more special than her family or community, nor do they portray her experiencing a miracle—other than that of becoming pregnant. In this narrative, Rebecca, at least according to Midrash Rabbah, is portrayed as having a

voice. Her trek to seek counsel about her atypical pregnancy certainly reflects a determination for understanding.

Nearly no one comments on the enigmatic Gerar narrative. Abimelech discovers Isaac being "metzachek" Rebecca. The *Septuagint* defines "metzachek" as "dallying" (*Septuagint* 26:8). Targumim Pseudo-Jonathan and Onkelos translate "metzachek" as "jesting" (26:8). Other interpreters do not even bother defining this ambiguous term. Josephus deletes the incident, and *Jubilees* includes only the conclusion, "And Abimelech gave orders concerning him and everything which was surely his, saying, 'Any man who touches him or anything which is his let him surely die'" (*Jubilees* 24:13). The lack of interpretation seems puzzling. Even the usually lengthy comments of Midrash Rabbah are abbreviated to a discussion criticizing Isaac, "To cohabit by day is indecent" (M.R. 576). Perhaps modesty restrains the interpreters, or perhaps they wish to suppress incidents in which Rebecca appears more vulnerable, less powerful.

Rebecca's behavior in commanding her son Jacob to deceive Isaac so as to receive the blessing intended for Esau is both representative and atypical. She speaks unambiguously and forcefully. Without excessive emotion, she convinces Jacob to heed her voice and deceive his father. Does this behavior befit a matriarch?

Though she wishes to ensure the ultimate survival of the progeny of her chosen son, Rebecca sacrifices the dignity of her faithful husband—who had not taken any concubines during her twenty years of barrenness—and brings about years of enmity between her two sons.

Interpreters justify Rebecca's actions by concluding that Rebecca's acts conform with the will of God. Targum Pseudo-Jonathan writes, "And Rebecca heard through the Holy Spirit while Isaac spoke with Esau his son" (Ps.-J. 27:7). God even creates a miracle to ensure Jacob's success: "And Rebecca said to her son Jacob, saying, 'Behold, tonight the heavenly beings praise the Lord of the world, and the storehouses of the dew are opened'" (Ps.-J. 27:6). Midrash Rabbah, in contrasting Jacob's quest with that of Esau, also portrays Rebecca as a devout mother, concerned with the perpetuation of the Jewish people; "Rabbi Levi said: [she bade him], 'Go anticipate [the blessings on behalf of] the people that is compared to a flock,' as you read, 'and ye My sheep, the sheep of My pasture'" (M.R. 590). Midrash Rabbah additionally portrays Rebecca as a divine agent. After preparing Jacob a meal for Isaac, Midrash Rabbah writes, "She accompanied him as far as the door and then said to him: 'Thus far I owed thee [my aid]; from here onward thy Creator will assist thee.'" (M.R. 593). Josephus does not suggest that God desired Rebecca's action; rather, Rebecca was

"determined to invoke God's favour upon Jacob, even in defiance of Isaac's intent" (Josephus 133). Though

*Jubilees*—like the *Septuagint*, Targumim Onkelos and Neophyti—recounts the narrative without significant variations, it does precede the scene with Rebecca's admonishment to Jacob not to marry Canaanite women and her blessing to Jacob. This blessing, which is longer and more comprehensive than that of Isaac, creates a precedent for Jacob's receiving an additional blessing from his father (*Jubilees* 25). Ultimately, the Second-Temple era interpreters do not condemn—and even seem to praise—Rebecca's actions; though they initially appear to oppose matriarchal behavior, they justify her motives.

After her intervention succeeds, Rebecca, aware of Esau's hatred of Jacob, commands Jacob to leave for her brother Laban's family until a fraternal reconciliation can occur. This command becomes the last words that we have of Rebecca. She maintains her active involvement in her chosen child's life; she actively sends Jacob away, while merely complaining about the wives Esau has chosen to marry. As in all the narratives in which she speaks, she freely expresses her views, makes requests she expects others will accommodate, and complains about a situation which distresses her. Interpreters grapple with the appropriateness of Rebecca's closing words, both as they reflect upon her and upon any matriarch.

The interpreters consider Rebecca to be

## ***"The interpreters form a portrait of a woman whose actions reflect only thought & determination, and not a hint of recklessness or whimsy."***

Jacob's savior. Midrash Rabbah explains that Rebecca's knowledge of Esau's anger stemmed from her prophetic character: "the patriarchs were prophets, and Rebecca was one of the patriarchs" (M.R. 613). Targum Pseudo-Jonathan agrees. According to him, "The words of Esau, her older son who was planning to kill Jacob, were told to Rebecca by the Holy Spirit" (Ps-J 27:42). *Jubilees* states that Esau's words are told to her "in a dream" (*Jubilees* 27:1), which may be prophetic.

The interpreters consider Rebecca's exile of Jacob as an act which saves his life. Josephus describes the situation's severity: Jacob "was rescued by his mother, who persuaded her husband to take a wife for him from his kinsfolk in Mesopotamia" (Josephus 135). Pseudo-Jonathan concurs, reporting that Rebecca told Jacob to "flee for your life" (Ps-J 27:43). Therefore, the interpreters praise Rebecca's action, not only for saving Jacob's life, but for helping arrange his marriage to an appropriate mate. Philo writes, "I very much admire Rebecca, who is patience, because she, at that time, recommends the man who is perfect in his soul, and who has destroyed the roughnesses of the passions and vices, to flee and return to Charran" (Philo 273).

Though Jacob departs, her frustrations at Esau's choice of wives remain. Rebecca says to Isaac, "I am weary of my life because of the daughters of Heth [Esau's wives]" (27:46). Midrash Rabbah infuses this action with her typical determination: "Rabbi Huna said: She expressed herself with gestures of utter abhorrence" (M.R. 614). Philo writes of Rebecca's weariness:

The literal meaning is apparent, for she seemed to be vexed because of the former women who were from that land. And, as was said before, they were envious of her daughter-in-law. But we must examine the more philosophical aspect through allegory. The name "Hittite" (means) 'being beside oneself' and senselessness. And the daughters of those thoughts which are beside themselves are the unrestrained impulses. And these the virtue-loving soul hates and very bitterly hates, for they honour that which is contrary to order and decency (Philo 543).

Philo continues this thought with Rebecca saying, "what reason is there for me to live, when I see such an overturn, seizure and capture, as if of a city, and the whole soul being desolated?" (Philo 544). Rebecca, then, continues to nurture Jacob by shielding him from the evil lifestyle his brother espouses. In *Jubilees*, Rebecca's command to Jacob to go to Laban's house is not for Jacob's physical welfare so much as his spiritual welfare; however, her command linguistically echoes her earlier command to Jacob to trick Isaac and Abraham's command to Eliezer on Isaac's behalf (*Jubilees* 25:3).

The Torah does not mark when Rebecca dies. We know of her death only due to Jacob's statement that she is buried with Abraham, Sarah, and Isaac in the Cave of Machpela (Genesis 49:31). Some of the interpreters, dis-

satisfied with the lack of a formal mention of the death of Rebecca, a matriarch, insert it with the mention of the death of her maidservant Deborah (Genesis 35:8). This exegetical tradition helps explain why Jacob named the place in which he received this news the Plain of Weeping. The Septuagint and Targumim Onkelos and Neofiti do not list this tradition; however, Targum Pseudo-Jonathan states, "And Deborah, Rebecca's governess, died, and was buried below Bethel, at the bottom of the plain. Besides, it was there that Jacob was told about the death of Rebecca his mother; and he called its name 'Another Weeping'" (Ps-J 35:8). Josephus cites Rebecca's death, but he does not connect her death to that of Deborah. "From there [Ephraim] he [Jacob] came to Hebron, a city in Canaanite territory, where Isaac had his abode. They lived but a short while together, for Jacob did not find Rebecca alive and Isaac also died not long after the coming of his son" (Josephus 165).

*Jubilees* is the only text that creates a death narrative for Rebecca, in which Rebecca commands Jacob to continue to honor his father and brother (*Jubilees* 35:1) and predicts her death (*ibid* 35:6). She later begs Isaac to force Esau to "swear that he will not harm Jacob and will not pursue him hostility because you know Esau's inclination, that it has been evil since his youth" (*ibid* 35:9). Not satisfied with her commands to Jacob and Isaac, Rebecca requests two assurances from Esau: "'I ask of you on the day when I die that you bring me and bury me near Sarah, you father's mother, and that you and Jacob love one another, and that one will not seek evil for his brother, but only love him'" (*ibid* 35:20). She dies in the presence of her two sons, after receiving assurances from both that they will love each other (*ibid* 35: 25-26). *Jubilees*' expansions enable Rebecca to achieve a family reconciliation not found in the Masoretic Text. In having Rebecca continue the manipulations of her husband and two sons, *Jubilees* completes the Masoretic Text's portrait of Rebecca as a determined matriarch whom all obey. By including this death scene, *Jubilees* transforms Rebecca into a matriarch who both creates conflict and brokers peace. *Jubilees* creates closure to Rebecca's life, allowing Rebecca to die free of guilt or fear for the implications of her behavior.

Rebecca does not always seem to conform to traditional matriarchal behavior. Overall, Second Temple era interpreters portray her as a vocal, determined, powerful woman. The interpreters manage to complement her a voice in a way the Masoretic Text does not always provide.

#### Works Cited

- Jubilees in the Old Testament Pseudepigrapha*, trans. O.S. Wintermute. Ed. Charlesworth. Doubleday & Co.: New York, 1985.
- Jewish Antiquities in Josephus*, trans. H. St. J. Thackeray, vol. 4. Harvard University Press and William Heinemann, Ltd.: Great Britain, 1961.
- Neofiti I: Genesis*, trans. Martin McNamara, M.S.C. Liturgical Press: Minnesota, 1992.
- Neophyti I: Targum Palestinense MS de la Biblioteca Vaticana*, vol. 1. Consejo Superior de Investigaciones Científicas: Spain, 1968.

*Philo: Supplement I: Questions and Answers on Genesis*, trans. Ralph Marcus. Harvard University Press and William Heinemann Ltd. Great Britain, 1973.

*Septuagint Bible*, trans. Charles Thomson et al. C. A. Marcus, Falcon's Wing Press, Colorado, 1954.

*Targum Onkelos to Genesis: A Critical Analysis, Together with an English Translation of the Text*, trans. Moses Aberbach and Bernard Grossfeld. Ktav Publishing House: U.S.A., 1982.

*Targum Pseudo-Jonathan: Genesis*, trans. Michael Maher, M.S.C. in Aramaic Bible, vol. 1B. Liturgical Press, Minnesota, 1992.

*Targum Pseudo-Jonathan of the Pentateuch: Text and Concordance*, trans. E.G. Clarke and E. Autrecht, J.C. Hurd, F. Spitzer. Ktav Publishing House, New Jersey, 1984.

*The Midrash Rabbah*, trans. Rabbi Dr. H. Freedman and Maurice Simon. Soncino Press: Great Britain, 1977.

*The Targum Onkelos to Genesis*, trans. Bernard Grossfeld in Aramaic Bible, vol. 6. Michael Glazer, Inc.: Delaware, 1988.

*The Works of Philo: Complete and Unabridged*, trans. C.D. Yonge. Hendrickson Publishers: Massachusetts, 1993.

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## FIRE: GIFT OR THEFT?

BY YEHUDA SEPTIMUS

A natural wonder and symbol of civilization's advance, fire has inspired many rich literary traditions. The most famous of these is the Prometheus myth.<sup>1</sup> Shortly after separating the humans from the gods, Zeus began to feel threatened by his creation. Concerned that they might overthrow him as he had his own father, Chronos, Zeus determined to destroy humanity. But the demigod, Prometheus, dissuaded Zeus from his plan. At the ceremony in which the mortal men settled their quarrels, Prometheus slaughtered a great bull to be shared by the two parties. Splitting the animal in sections, he hid the good meat in the animal's looking stomach of the animal and gave the bones in the enticing fat. Presented with the choice between the two portions, the god of choice minded god chose the beautified bones. He chose the choice meat for Prometheus. Enraged upon realizing that Prometheus had duped him, Zeus decided to withhold fire from humanity. Beyond merely punishing Prometheus' chutzpa, Zeus intended this measure to secure the gods' dominance over humanity.<sup>2</sup> But Prometheus would not suffer defeat even at the hands of the gods. Instead, he proceeded to steal fire from Zeus. This heroic operation earned Prometheus punishment from the gods but the admiration of appreciative humans.<sup>3</sup>

Chazal also relate a story about the creation of fire (*Pesachim* 54a):

God decided to create humankind [fire] shortly before Shabbat [Sabbath and final day of creation], but humankind was not created until the terminus of Shabbat... After Shabbat, the One, blessed be He, inspired Adam with a Divine insight, and Adam brought two stones and rubbed one against the other, and he cured from them.

In both the Greek myth and in the recently created human world and in both, it takes a Divine act to humanity. What accounts for treatment of fire in the two traditions?

To understand the significance of the midrash, we must appreciate fire's symbolic meaning. The tool to transforming nature and its recourses into culture, fire represents human creativity. Until recently, fire played a central role in the majority of complex creative acts. Thus, of the thirty-nine *melakhot*, only fire – the paradigm of the creative act which the Torah prohibits on Shabbat— merits explicit mention in the Torah.

This symbolic purpose of fire also finds expression in Aeschylus' drama, *Prometheus Bound*, which depicts the Prometheus' punishment for stealing fire. The suffering demigod's famous soliloquy climaxes with his sweeping assertion: "In one short sentence understand it all: Every art of Mankind comes from Prometheus."<sup>4</sup> It is appropriate that he who gave Man fire also taught him "every art of Mankind," for fire represents all the arts. It was the gift of creativity that Zeus withheld from humanity and that Prometheus stole from Zeus.

"I believe, however, it is safe to say that the two women to whom I have referred are persons of the same mind as the single human figure, closely resembling a woman, in the foreground of another scene, to which the straight line between heaven and earth is significantly changed by the presence of a living figure. The woman in the center of the composition is the only one of the two artists to have placed in the foreground a figure that seems to have been taken from the world of the living.

[illegible]

short time after the creation of humanity, the crafty Prometheus tricked the gods out of the better portion in the sacrifices. According to the myth, the crime had important repercussions, establishing a precedent for the apportioning of all subsequent sacrifices. In other words, at their very inception, the humans scored a mighty triumph over the gods!<sup>5</sup> "Let them eat their flesh raw!" Zeus's humorously childish remark while withholding fire captures the spirit of the god's troubled relationship with

his creation. We could imagine an incident resembling the Zeus story taking place on a children's playground. A popular boy, the champion baseball player among his friends, invites an onlooker to join his game. The magnanimous youth even lends his baseball mitt to the newcomer to use while his team bats. Upon seeing the ingrate smash the first pitch he is dealt for a long three-run homer, the child undergoes a sudden change of heart. Frenzied that he might be dethroned, the boy grabs his mitt back and defiantly challenges the newcomer: "If you can catch without that!"

The power-struggle described in the Prometheus tale typifies the constant conflict that stands at the center of Greek mythology. Throughout Greek literature, various Olympian gods in some way or another, are in struggle to secure their domination. Indeed, much of the history of the gods as recorded by Greek Mythology, is a series of successive stages of diminution in power.<sup>7</sup> According to Greek theology, humanity consists of humanity trying to dominate the gods and the gods' trying to dominate man.

The Prometheus story fits the pattern. As much competitors against people as over them, the gods naturally seek to maintain such an empowering force as fire. It defines the relationship between God and man. How does it play itself out in Jewish tradition? The Prometheus tale relates some of the fundamentals of the relationship through the creation narrative. Forming man and woman "in the image of God," the Creator intentionally creates them, endowing them with a creative spirit and commanding them to be fruitful over the world: "replenish the earth and subdue it" (*Genesis* 1:28). Indeed, this is the Netziv's interpretation of the phrase *mer bara Elokim laasot*, "the goal of creation is human creation."<sup>8</sup> In the words of Rabbi Joseph B. Soloveitchik, Man is created in a bold and victory-minded fashion. His mission is success, triumph over cosmic forces. He is engaged in creative work, trying to imitate God (*imitatio Dei*).<sup>9</sup> By honoring God with the final touch of creation, God crowns the work of creation to humanity.<sup>10</sup>

The contrast between the Greek and Jewish traditions on the transfer of fire reflects two opposing religious approaches to creativity. According to the Greek traditions, humans constantly struggle to imitate the gods; and the threatened gods counter in an attempt to retain their ascendancy. The act of creativity, specifically because of its Divine nature, becomes an act of rebelliousness. Ironically, within such a relationship between mortal and god, even the sacrifices – the mortals' gifts to the gods, their



# ***"In the Greek tradition, [fire] is a source of acrimony and friction between the gods and humans; in the Jewish tradition it is a source of supreme harmony between God and humans."***

means of ingratiating themselves – highlights their rebelliousness.

For Judaism, on the other hand, creativity is a fulfillment of a Divine dictate. "Man reaching for the distant stars is acting in harmony with his nature which was created, willed, and directed by his Maker. It is a manifestation of obedience to rather than rebellion against God."<sup>11</sup> The Torah establishes human creativity as part of the lofty ideal of *imitatio dei*. As such, it is an essential part of our spiritual existence. Fire is given not in the aftermath of stolen sacrifices, but of a day spent by Man in the close embrace of his Creator. Creativity serves as a way of worshiping God and of drawing close to him.<sup>12</sup> It is a mode of worship inspired by a deep bond with our beloved Maker and a desire to emulate Him.<sup>13</sup>

Upon finishing the creation as part of a joint effort with God, "Adam recites the *berakhah* 'He who creates the light of fire,'" the *berakhah* we recite at the close of every Shabbat.<sup>14</sup> By reciting the *berakhah*, we not only commemorate the creation of fire; we recognize that by creating, we engage in our exalted duty to imitate God.<sup>15</sup> At the same time, we celebrate the unique opportunity of the coming week to draw close to Him. After a day of *imitatio dei* through rest and tranquillity, a day of heightened encounter with our Creator, we

embrace the six days of creation and undertake to emulate and to approach our Maker through creation.

## NOTES:

<sup>1</sup> There are many variations of the story. For a comparison of some of the different traditions, see Robert Graves, *The Greek Myths* (New York: Moyer Bell Limited, 1955) 306.

<sup>2</sup> Graves 144.

<sup>3</sup> See Herodotus's *Theogony*, lines 521-616 and his *Works and Days*, lines 48-58.

<sup>4</sup> *Prometheus Bound*, lines 504-505.

<sup>5</sup> Kerényi, *The Gods of the Greeks*, trans. Norman Cameron (Great Britain: Thames and Hudson, 1951) 214-215. Although Hesiod depicts Zeus as intentionally making this choice in order to punish Prometheus and Man fully, it seems that the original tradition had Prometheus tricking Zeus (Graves 144).

<sup>6</sup> See, for example, Homer's *Iliad*, 6:144-211.

<sup>7</sup> See Kerényi 225-226.

<sup>8</sup> Daat Mikra to Beraishit, 2:3, footnote 5, interpretation e.

<sup>9</sup> Rabbi Joseph B. Soloveitchik, "The Lonely Man of Faith" (*Tradition*, Summer, 1965) 15. The concern, of course, also exists that humans not overstep their bounds. This might be the message of the sin of Adam and Chavah. "Man has become like one of us, knowing good and evil; and now, what if he put forth his hand and take also from the tree of life, and eating, live forever?" (*Genesis* 3:22). The enigmatic passages of this story have been interpreted in many ways, but the story, on a simple level, seems to reveal that there are limitations to our mandate to imitate God.

<sup>10</sup> That He transferred creation to the human realm does not imply that God, at that point, withdrew from His involvement in creation. As Rambam states in the first halakhah of *Mishneh Torah*, the world, at every moment, continues to exist only because its Creator wills its continued existence. But even Rambam would concede that there exists a huge difference between God's creation at the beginning of time and His perpetual creation. His act of will, which keeps the world going. Moreover, even when we create, we clearly do not engage in the same act as God. God created *ex nihilo*; we use the building blocks provided us. God created nature and

established the laws of nature; we discover those laws and harness them to our benefit. The Torah distinguishes between Divine and human creation by employing two different words, "*bara*" and "*yatsar*" – the first to denote Divine creation, the second to denote human creation. As we noted, fire's symbolic value emanates partially from its unique position, straddling the line between *eternum* and *transiuntum*.

<sup>11</sup> "The Lonely Man of Faith," Rabbi Dr. Joseph B. Soloveitchik, *Tradition*, Summer, 1965.

<sup>12</sup> A close reading of the gemara in *Sotah* 14a, which sets down the principle of *imitatio dei*, reveals that *imitatio dei* constitutes more than a mere prescription. It is the guideline for generating an intimate bond with God. "What does the verse mean when it says, 'You shall walk after God'?" Is it possible for man to become physically close to God? Doesn't the pasuk say that God is a "consuming fire"? Rather imitate the characteristics of God" (*Sotah* 14a). *Imitatio dei* derives from the dictate, "*acharei Hashem Elokeichem teileikhu*," an alternative, according to the gemara, to coming physically close to the "*erish okhlah*." But what replaces our literal trailing after God? Clearly not an act of divorced mimicry; rather, our figurative trailing after God. "*Acharei Hashem Elokeichem teileikhu*" implies an intense, immediate relationship.

<sup>13</sup> The uniqueness of Talmud Torah lies in part in that it combines the two: we encounter the Divine while concomitantly engaging in the creative act. See Rabbi Soloveitchik's *Halakic Man*.

<sup>14</sup> *Pesachim* 54a.

<sup>15</sup> Shabbat, itself, serves the same purpose. By imitating God not only through our creation but also through the pattern of our creation, we ensure that our work not take on a thoughtless routine. By resting when God rested we imitate his pattern of work and thus consciously consecrate our act of work to that end. One might also suggest that the special role of the Shabbat in this relationship connects directly with the midrash in *Pesachim*. Shabbat provided a one-day hiatus between God's seven days of creation and the transfer of the role of creation to humanity. By imitating God and desisting from work on that day, we recognize that our work is the continuation of the Almighty's, and as such, holds special spiritual significance.

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**R A B B I N I C L I T E R A T U R E**



# FROM THE RABBINIC LUMINARIES TO FREUD:

## A Look at Phinehas and the Mind of a Zealot<sup>1</sup>

BY BENJAMIN JOFFE

**A**nd Israel abode in Shittim, and the people began to commit harlotry with the daughters of Moab... And Israel joined himself unto the Baal of Peor; and the anger of the Lord was kindled against Israel... And, behold, one of the children of Israel came and brought unto his brethren a Midianitish woman in the sight of Moses, and in the sight of all the congregation of the children of Israel, while they were weeping at the door of the tent of meeting. **And when Phinehas, the son of Eleazar, the son of Aaron the priest, saw it, he rose up from the midst of the congregation, and took a spear in his hand. And he went after the man of Israel into the chamber, and thrust both of them through, the man of Israel, and the woman through her belly.** So the plague was stayed from the children of Israel... (*Numbers*, 25:1-8)<sup>2</sup>

Much discussion has been provoked by the above Bible narrative. Issues of sociological effect, historical accuracy, as well as the Jewish laws concerning zealotry have been covered with regard to its strange nature. However, a search through the important hermeneutic and exegetic works of Chazal leaves the reader bereft of a direct answer to a relatively basic question: Whatever his justification, what drove Phinehas to impale other human beings?

In addressing this issue, I will attempt to form a treatise based on three fundamental approaches to the topic of personality: first, with the aid of rabbinic sources, I will create a forum for applying the modern idea of amalgamating the influences of nature and nurture; second, I shall apply to Phinehas the essential principles of Sigmund Freud's psychoanalytic theory; and lastly, I will contrast Freud's view with an application of the age-old theory on personality given to us by our Sages, of Blessed Memory – the inner struggle of the good and the evil inclination. Based on the assertions rendered after each section, I hope to establish that while Phinehas may, in fact, have been aberrant in his behavior, this behavior's origins are far from enigmatic, but, rather, understandable through the eyes of these various psychological explanations.

Today's commonly accepted view of human behavior synthesizes the Platonic notion that character is inherited with the Aristotelian claim that our senses pick up all of our beliefs, as well as our traits, from the external world (Myers 4). The result: "Not nature *versus* nurture, but nature *via* nurture" (113).

**The Tribe of Levi** An elongated version of the story of Phinehas is given to us in the Talmud, in *Masekhet Sanhedrin*. After Phinehas successfully completes his act of zealotry, the angels demand retribution against him as a murderer. God responds, "Let him be, for he is a zealot and the descendant of a zealot; a turner away of wrath and the son of a turner away of wrath" (82b). *Rashi* comments here that "descendant of a zealot" refers to Levi, the progenitor of his tribe, who is zealous in the incident with his sister, Dina (*Genesis* 34), and "son of a turner away of wrath" refers to Aaron, Phinehas's grandfather, who turns away God's wrath after the episode of Korah's revolt (*Numbers* 17).

If we were to look at the Tribe of Levi alone, we would have a strong nucleus with which to build up the presence of both inborn and acquired traits. As seen towards the end of the *Book of Genesis*, of all of the sons of Israel, Jacob makes note of the fact that "Simeon and Levi are brothers"<sup>3</sup> (*Genesis* 49:5). The aforementioned incident with their sister, Dina, is clearly a collaborative effort between these two, thus making it safe to assume that Simeon is a zealot as well as Levi. However, the two eventually follow divergent paths in life. While the Levites adopt the roles of priesthood and leadership of the sons of Israel, it is the Simeonites who participate in the community of lechery and worship of *Baal of Peor*, as the Talmud points out (*Sanhedrin* 82b). Between the two, it appears that the Tribe of Levi is the one that takes the moral high ground, and as a result of this, Phinehas is facilitated not only with the genes of an excitable and intense personality, but also with those of an influential tribe committed to the service of God – a potent brew that could easily beget zealous behavior.

This analysis of the two tribes seems almost proven to be correct by the following *Midrash*: "He does not bear the disgrace of crimes committed by his close friends" (*Psalms* 15:3). This refers to Phinehas, who was of the Tribe of Levi. Zimri was [the leader of] the Tribe of Simeon, yet as soon as Zimri committed that [nefarious] act, [Phinehas] slew him, so that Israel would not be disgraced by what he did" (*Shokher Toy* 15:6). Although our Sages do not tell us outright, so far, there appears to be a reason for Phinehas's behavior.

**Grandfather Aaron** As if lineage traceable to the rambunctious zealot Levi were not enough, our Sages sprinkle their commentary with a plethora of clues which all seem to indicate that Phinehas also has more than a smattering of the traits of his Grandfather Aaron. Apart from *Rashi's* understanding of the association in *Sanhedrin* with Aaron, the "turner away of wrath," as referring to the episode with Korah, *Or ha-chayyim* draws a comparison from Aaron to Phinehas based on Aaron's actions during the

previously stated epoch of the Golden Calf (on *Numbers* 25:11).

Throughout the *Midrash*, Aaron is lauded for his extraordinary selflessness, and this, more than anything else, seems to be what is emulated by his grandson, Phinehas: After the people threaten to sacrifice Aaron on an altar, the Bible states that "when Aaron saw this, he built an altar [himself]" (*Exodus* 32:5), upon which the *Midrash* expounds, "If they built it themselves, thought Aaron, the sin will be blamed on them. Better that the sin be blamed on me and not on Israel" (*Leviticus Rabbah* 10:3); also, "Moses thought that Aaron was collaborating with them and held it against him. The Holy One, Blessed is He, said to him, 'Moses, I know how good Aaron's intention was'" (*Exodus Rabbah* 37:2). Although these *Midrashim* do not seem to jibe with the seemingly aggressive nature of Phinehas, they do fit rather well with the rationale provided by the Talmud in *Sanhedrin*: "Then [Phinehas] came and struck [the sinners] down before the Almighty, saying 'Sovereign of the Universe! Shall twenty-four thousand perish because of these?'" (82b). Since the Talmud previously lists the stipulations whereby Phinehas would *himself* have been sentenced to death (*ibid.*), there is no question that Phinehas puts his own life behind the multitude of others that are at stake.

By juxtaposing the personalities of Levi and Aaron, we may herewith attempt to fully understand the thinking of *Abarbanel*, who asserts that Phinehas is not versed in war, being that he descends from Eleazar and Aaron the priest, and should be praised for his appeasing of God's anger (to *Numbers* 25:11). If he is not versed in war, then from where does such ability spring? Before we began, I could simply maintain that it stems from the depths of his soul. Now, I stand on solid ground as I tell you that the warrior in Phinehas comes from Levi – dormant as it travels through Aaron the Selfless, until both traits arrive at the body of our main character.

**Joseph the Righteous** But we have covered only half the story. Phinehas has a mother, does he not? What sort of mannerisms, weaknesses and strengths does he inherit from her or her side of the family? The Talmud in *Masekhet Sotah* proclaims that "Phinehas's mother's father descended from Joseph, [and] his mother's mother from Jethro" (43a). However, disappointingly, of Phinehas' famous ancestors, Joseph is discussed the least by our Sages in this context, so if we wish to draw a comparison, a conjecture must be made based on indirectly related sources.

Be that the case, in light of one interesting *Midrash* concerning the thought process of Phinehas, Joseph sounds like a perfect candidate for trait-giving: Phinehas figures that he

must act because as he goes down the line of the sons of Israel, he notices that Levi is the oldest son with the ability to respond to the sinners. "Reuben can't... due to the illicit act with Bilhah, and Simeon, why his tribe is [the one involved in the sin at hand]! Who is [next in line, but] Levi?" (*Petar on Torah* 112). We should be immediately reminded of one of the reasons why Joseph is referred to as *Joseph the Righteous*, which is that Joseph courageously abstains from illicit sexual activity with the wife of Potiphar (*Genesis* 39). Put this into the tribal perspective, and not only is Phinehas the next in line of ability, he is also a descendant of the most openly abstinent son that Israel ever had!

Still, there is a school of thought that contrasts the two in their approach to prohibited sexual activity: Philo writes, "Joseph... being but a youth and lacking strength to contend with the Egyptian body and vanquish pleasure, runs away. But Phinehas the priest, who was zealous with the zeal of God, has secured his own safety, not by flight, but grasping the 'spear', i.e. the spirit of zeal..." (*Legum Allegoriarum* iii 242). The depiction of flight vs. fight leaves us with the possibility that these two are not quite alike after all.

**Jethro the Midianite** Ironically, both of the sinners who were speared by Phinehas were of similar descent to our zealot, albeit from different lineage. We have already discussed the longitudinal relationship between Zimri and Phinehas through their own tribes of Simeon and Levi, respectively. It is the other of the two transgressors, Cozbi, daughter of Tzur, who is from the same pedigree as Phinehas's mother, the daughter of Jethro, the famed priest of Midian. Needless to explain, she, like her transgressing mate, Zimri, had ancestors who went down a different path than that of Phinehas: Jethro ambitiously joined the Jewish people in his search for truth, leaving behind the people of Midian.

In regard to Jethro, here, too, are we given an indication by our Sages as to his contribution to the personality of Phinehas. The Talmud in *Sanhedrin* continues with the story: "The tribes now began abusing him, [saying,] 'See ye this son of Puti[el] whose maternal grandfather fattened cattle for idols, and who has now slain the prince of a tribe of Israel! Therefore, Scripture detailed his ancestry: 'Phinehas, the son of Eleazar, the son of Aaron the Priest'" (82b).

A number of the commentaries make mention of this incident recorded in the Talmud – among them, the *Gur Aryeh*, who uses it to delineate Jethro's importance to our topic. He asks: why must Scripture list the lineage of Phinehas back to Aaron twice – once at the description of the actual event, and again, several verses later, when Phinehas is being lauded by God for his act of zealotry? In a rather

poignant fashion, the *Gur Aryeh* answers by positing that the first time, the Scripture is singing the praises of Phinehas for mirroring the way of his grandfather Aaron, while the second time, as the Talmud points out, the Scripture is answering the critique of the tribes, and in doing so letting us know "that all [the traits relevant to this act] come from Aaron, and nothing comes from Jethro altogether" (to *Rashi*; *Numbers*, 25:12).

Pace the *Gur Aryeh*, it seems to me entirely possible that Phinehas did, in fact, acquire a trait from his other grandfather Jethro, one that ostensibly is evident in all his traits' benefactors: namely, the courage and audacity to venture past the norm when it is both appropriate and conducive to personal or social well-being. And who better exemplifies such an attribute than the Bible's premier seeker, Jethro, who left the priesthood of another faith and countless other religions in order to serve his conviction to find truth?

**"...Phinehas is facilitated not only with the genes of an excitable and intense personality, but also with those of an influential tribe committed to the service of God..."**

Moreover, along this line of thinking, even with our understanding of Philo, we can now bring Joseph back into the discussion and give him the credit of having imparted his own influence, too. Joseph, after all, did abstain from the proposition of the wife of Potiphar, and whether that may be contrasted with the outward bellicosity of Phinehas or not, it does display a strength of character to do that which he thinks is right, and that fits perfectly for our purposes of establishing a family history.

**Nature via nurture** Since we have already examined the lives of Phinehas's pious family members, portraying an environment that also matches the act is easy, for if ever there was an arena for developing a *weltanschauung* that is colored by the values set forth by the Laws of Moses, it was the Sinai Desert during the stay of the chosen people.

The Talmud in *Masekhet Eiruv* describes, in detail, the order of the learning of the lessons of the just-received Torah. After hearing the message from God, Moses would transmit the teachings to Aaron and then to Aaron's sons, one of whom was Phinehas's father Eleazar (54b). With that measure of family involvement in the Torah, no wonder Phinehas has such a flair for protecting its honor!

We are also given an indication elsewhere of Phinehas's actual involvement with the Torah and its preservation. The Talmud in *Masekhet Temurah* tells the following story: After the passing of Moses, because many laws were forgotten, the Jews elected to ask Phinehas to consult with God in order to relearn what was lost, to which Phinehas answered with the famous words of *Deuteronomy*, "[The

Torah] is not in the heavens [any longer]" (30:12) (16a).

This influence of the Torah was that which promoted him, as *Keli Yekar* states, "to grab the deeds of his forefathers in his hands" (to *Numbers* 25:11), when he put an end to the illicit and explicit fornication in order to save the congregation of Israel from the plague of God.

One final note about the nature/nurture theory: As is always an alluring option with Bible study, the ascribing of personal theory to the actual words of the Scripture is instructive and informative. In the following several lines, I hope to achieve both.

Let us remember the verse in which Phinehas first perceives the debauchery that surrounds him: "And when Phinehas, the son of Eleazar, the son of Aaron the priest, saw it, he rose up from the midst of the congregation, and took a spear in his hand."

We have already discussed the seemingly superfluous nature of the tracing of the genealogy at this point in the narrative. What about the phrase "from the midst of the congrega-

tion?" In light of our nature/nurture theory now firmly on the table, I propose an alternate reading of the Hebrew word, '*eidah*', which we are now using to mean '*congregation*': Do not read it as '*congregation*', but rather as another commonly accepted definition of the word – '*precept*'. In this way, Phinehas is arising from the midst of the precept, almost as if coming from the womb of Torah in order to fight nefariousness in the Torah's name.

Continuing within this line of thought, after getting up, Phinehas takes a spear in his hand. Again, if we part from a literal reading, the text might be further elucidated by a deeper meaning. Noticing the Scripture's usage of the Hebrew word, '*romah*', or 'spear', consider this: Do not read it as '*spear*', but rather as *Abarbanel* proposed to read the word – as the acronym for the number 248. According to *Abarbanel*, Phinehas "took the spear in hand because he was zealous for God with all the limbs in his body, which are the 248 limbs that were awoken" (to *Numbers* 25:1-8). I would like to maintain that '*romah*' here refers to another famous sum in rabbinic literature with the same number – that is, the number of positive commandments listed in the Torah. This way, before Phinehas began to advance on the sinners, he metaphorically embraced all that represented his deontological concerns, thereby prefacing his bold act with the disclaiming statement that, to him, not only was this permissible, but *obligatory*!

With this alternative explanation of the verse, the reader of Scripture can now clearly see not only from where Phinehas received such a demeanor and from where he learned to

respond in the way that he did, but also how willing he was to take on the role of a member of his family as well as his community.

## II

Before I begin this section on Phinehas and psychoanalytic theory, I should like to make clear the following two points: One, it is not my purpose here to discuss at length Sigmund Freud's view of, or exposure to, the Bible in his lifetime, but rather merely to create a theoretical construct of Phinehas's actions based upon what has become a monumental theory in the world of psychotherapy. Two, I do not assert my own opinion on such an application of Freud's theory to Phinehas or even on psychoanalysis on the whole in these pages, I wish only to use it as a study from which to further an understanding of the actions of our prototypical zealot, Phinehas.

**Id, ego, superego** Since the topic is not broached by Freud, we are on our own to construct an analysis. In order to properly cull from a myriad of entry points, let us start with Freud's fundamental idea of mind structure: the *id*, *ego*, and *superego*. The *id* is "a reservoir of unconscious psychic energy that constantly strives to [satisfy basic sexual and aggressive drives]" (Myers 464). According to Freud, the *id* is what represents the primary desire of a human being (Freud 96). The *ego* is what mediates the *id*'s demands with the societal norms of acceptable behavior in reality – largely conscious, and almost an agent, if you will, for the uncouthed *id* (Myers 464). The third cog in the machine is the *superego*, which represents internalized ideals and provides standards for judgement and future aspirations – the conscience of the group that also avails itself of the services of the *ego* (*ibid.*).

Now, while throwing caution to the wind, let us embark upon a psycho-examination of the mind of Phinehas. In *Shittim*, at the orgiastic convention with *Baal Peor*, anyone's *id* would have been screaming with delight at the host of opportunities for fulfilling sinful passions: anyone – including Phinehas, the son of Eleazar, the son of Aaron the priest.

For a moment, let us skip the *ego* and speak about the opposing unconscious drive – the *uber-fromm* *superego*. Remember that Phinehas springs forth from the precepts of God; he is the guardian of Torah and all its ideals. How could such a man stand idly by and not put this harlotry and depravity through sin to a halt? Conflicts. Polemics. Head-to-head

clashes between the base inclination and the moral pillar.

And now to the *ego*. Its unenviable task is to appease the wills of both of its warring clients. So what does it do? Cleverly, the *ego* helps Phinehas remember that there is a law concerning cohabitation with heathen women – IT IS FORBIDDEN! Furthermore, the law advises that a transgressor such as this should be punished by zealots! (*Rashi*, to *Numbers*,



25:7). With this fortunate recollection, Phinehas is able to enact *both* sides of his instincts – the pious end through defending the sanctity of Jewish law, and the impious end through aggressively impaling the defiling couple.

**Defense mechanisms** But there is more. Freud also introduced to the world an array of defense mechanisms put forth unconsciously by the *ego* to protect itself from anxiety (Myers 466). Perhaps Phinehas's *ego* does exactly that, as well, for the situation is certainly anxiety-laden. According to the theory, Phinehas enacts four different versions of these techniques:

The first of these he employs is *displacement*. Displacement is "[the diversion of] one's sexual or aggressive impulses toward an object more psychologically acceptable than the one that aroused [that person in the first place]" (467); Phinehas views harlotry. Phinehas is not

prepared to sink to such depravity. Phinehas puts a spear through those people who are.

The second in this series is *sublimation*. Sublimation is "the transformation of unacceptable impulses into socially valued motivations" (*ibid.*); rather than participate or lash out wantonly against sinners, Phinehas makes full use of the commandment to punish those who fornicate with heathen women.

Then there is the famous paradigm of defense mechanisms *rationalization*. The *Midrash* quotes Phinehas as expounding, "[If] a horse that goes into war risks his life for his master, how much more so [should] I [risk my life] for the sanctification of the Holy One, Blessed is He!" (*Exodus Rabbah* 33:5).

But perhaps the most intriguing defense mechanism is brought to our attention by Philo, who writes of Phinehas, "Such are they who honor the father and what is his, but disregard the mother and what is hers" (*De Ebrietate*, 77). This phrase seems inapposite to our purposes until we place it into a framework of thought along with Freud's famous Oedipus Complex, a stage at which one is at ends with his father and on wonderful terms with his mother (Myers 464). What is slightly more analogous with Philo's description is Freud's next phase of development, when one goes through an identification process with his father, aspiring to be more like him rather than maintain his grudge against him (465). Although Freud does not describe a disregard for the mother, Philo's description of Phinehas and Freud's identification process seem similar enough to introduce the fourth defense mechanism:

perhaps Phinehas went through a *regression* of some sort back to the phase when the honor for his *father* and *his* side of the family, including Levi and Aaron and their influence, outweighed the attachment to his *mother* and *her* side of the family, including Joseph and Jethro, who, as we have seen, were less influential in this instance, (even when taking their contributions into account).<sup>4</sup>

## III

Nevertheless, before we rashly decide that Phinehas struggles with the issues just portrayed, let us have a look at one more approach to explaining the uniqueness of the behavior of a zealot – this time, through the eyes of our Sages, as we offset the psychoanalytic perspective with a mind structure that the rabbinic luminaries had been preaching for thousands of years prior to Dr. Sigmund Freud. As promised, let us explore what might have been Phinehas's inner struggle between his good and evil incli-

nations.

Just as I set disclaimers before I began with Freud's perspective, here too I will qualify my remarks: It is neither my purpose here to delineate the ideas of the good and evil inclinations as our Sages see them nor is it my intention to provide the reader with a detailed and proper comparison between our Sages and Freud. Again, I simply wish to construct another theory based upon another famous viewpoint.

Consider the following sources:

The Talmud in *Masekhet Berakhot* teaches as follows: "Rabbi Levi, [son of] Hama says in the name of Rabbi Simeon, [son of] Lakish: A man should always incite the good impulses [in his soul] to fight against the evil impulse, for it is written: 'Tremble and sin not' (*Psalms* 4:5)" (5a).

Also, the Talmud in *Masekhet Sukkah* gives this anecdote: "... A certain old man came up to [Abaye] and taught him: 'The greater the man, the greater his evil inclination'" (52a).

Finally, the Midrash warns the Jewish people with the following hyperbole: "Ben Azzai [remarked], 'Whoever gives up procreating is regarded by Scripture as if he had shed blood and diminished the image of God'" (*Genesis Rabbah* 9:7).

These three statements by our Sages point to some subtle differences between their approach and Freud's that create a noteworthy distinction in each one's construct of the mind. According to our Sages, as Freud posits, a human being *does* deal with the struggle of opposing desires. However, this struggle is not as one-sided as the dominance of the id in Freud's model suggests. Just as the Talmud in *Sukkah* maintains that when a man reaches a higher level of piety his evil inclination reaches an equally voluminous proportion, it is discernible that these two diametrically opposed forces are, in fact, *equal*; therefore, a person is always *equally* challenged by his good and bad instincts, not troubled by the inadaptability of his raw unconscious desires, as Freud's proto-

type suggests. Furthermore, the existential man of *Chazal* must use his inclination for evil if he is to fulfill the word of God, as the *Midrash* forewarns, when it comes to certain anti-ascetic precepts as procreation, engagement in commerce, or even participation in feasts or festivals.

This formulation of human personality sees Phinehas as a hero, worthy of exaltation and reward, and deserving of the bestowal of "the covenant of an everlasting priesthood" (*Numbers* 25:13), as Scripture records a few verses after the incident, not as a mere mortal who craftily smuggles into the world the interests of his own base desires in order to maintain harmony inside his polemical subconscious sphere. Phinehas is a righteous man, the offspring of righteous men, from *all* sides of his background, not the pawn in a cosmic mishap that places him at the door to the haven of sin, only to draw forth barbarism in the guise of spiritual responsibility!

As for the catch-as-catch-can defense mechanisms, we can safely reinterpret all of those as examples of the undying pursuits of truth that boiled inside of Phinehas as he scurried to a decision before unleashing that brand of justice on Zimri and Cozbi. All, of course, with the exception of the fanciful *regression* that Phinehas could have unconsciously employed according to our other theory, for our Sages paint no such picture of antagonism toward *either* parent in the early stages of development.

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Heretofore we have lain down the necessary foundations upon which to shift the focus of interpretation of Phinehas from that of a mythical and amorphous figure to that of a man with a plausible initiative. In order to avoid viewing this study as nothing more than an academic *divertimento* of psychological speculation as applied to the body of the Divine Books, let me suggest the following:

To accept Phinehas at face value is to

accept a man whose violent and – I dare say – disturbing response is hardly akin to the meritorious, and keenly sublime manner with which the great personalities of the Bible have carried themselves. Only after a careful scrutiny of various motivational factors may we satisfactorily look upon Phinehas as a suitable didact of the sons of Israel. And through the vehicles of our three *explications de texte*, Phinehas, no doubt, appears to be an extremely willing and able, yet very *real*, servant of God.

#### WORKS CITED

- Abarbanel, Isaac. *Commentary on the Torah*. 3 vols. (in Hebrew). Tel Aviv: Ha po'el Ha michra, 1963.  
 The Babylonian Talmud. *Seder Ma'ad*. 4 vols. Trans. I. Epstein. London: The Soncino Press, 1938.  
 Chasidim, Yisrael. *Encyclopedia of Biblical Personalities*. Brooklyn, NY: Shaar Press, 1994.  
 Freud, Sigmund. "Moses and Monotheism." 1919 [1934-38]. *The Complete Psychological Works of Sigmund Freud*. 24 vols. Trans. James Strachey. London: The Hogarth Press, 1964.  
*Genesis Rabbah*. 3 vols. Trans. Jacob Neusner. Atlanta: Scholars Press, 1985.  
*The Holy Scriptures*. 2 vols. Philadelphia: The Jewish Publication Society of America, 1955.  
 Loew, Judah. *Gur Aryeh Ha-shalem*. 9 vols. (in Hebrew). Jerusalem: Makhor Yerushalayim, 1989.  
*Mikra'ot Gedolot: Sefer Ba-midbar*. (in Hebrew). New York: Friedman, 1964.  
 Myers, David G. *Psychology*. 4th ed. New York: Worth Publishers, 1995.  
 Philo. 12 vols. 1956. Trans. F. H. Colson & G. H. Whitaker. Cambridge, MA: Harvard University Press, 1929.  
*Tractate Berakoth*. 1980. Trans. Maurice Simon. London: Jerusalem, New York: The Soncino Press, 1960.  
*Tractate Sanhedrin*. Trans. Jacob Shachter & H. Freedman. London: The Soncino Press, 1969.

<sup>1</sup> Two points should be covered before I begin: one, I owe a debt of gratitude to Rabbi Shalom Carmy for providing me with the forum and the impetus to prepare this article, and two, the article's second and third sections were published previously in the *Yeshiva College Journal of Psychology*, Vol. 1, 1997.

<sup>2</sup> Unless otherwise noted, all translations of the Bible cited here are taken from the translation of the Jewish Publication Society of America, vol. I.

<sup>3</sup> I have replaced the JPS translation's "brethren" with "brothers."

<sup>4</sup> It should be noted that Freud does *not* mention Philo in any of his works on biblical topics.

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# AN INTRODUCTION TO TALMUD STUDY

BY RABBI SHIMUEL NACHAM  
TRANSLATED BY DAVID REGEV\*

## Outline

### A. The method

1. Difficulties when analyzing texts
2. Two approaches: textual and non-textual
3. Historical precedents for textual analysis

### B. Examples

1. Structure:
  - a. The relationship between the Talmud and the Mishnah
  - b. The relationship between the Gemara<sup>1</sup> and the Amoraim
  - c. Trees and branches: the *sugya*<sup>2</sup> of the father's ownership of the advantages of his daughter's youth
  - d. Saboraic passages
2. Content:
  - a. Parallel passages
  - b. The study of commentaries in light of the academies of their authors
  - c. The *sugya* of torts

A thorough study of legal sources, especially the Mishnah and the Talmud, presents the student with many problems, both fundamental and technical. On a fundamental level, the principle of "If the earlier [scholars] were sons of angels, we are sons of men..." creates a situation in which the inferiority of the student in relation to the text being studied is emphasized from the start. This, in turn, means that the student will never be certain whether he has accurately understood the true intentions of the "early scholars," and will thus have to rely upon specific "intermediaries" to help explain the "early scholars." The student is not permitted, though, to analyze the text critically, since in most cases critical analysis is possible only when the student and text are on an equal level, and not when the student is deemed inferior. Essentially, studying with this attitude will chain the student's hands behind his back, effectively transforming him from an independent thinker into a passive receptor of information. Additionally, many problems in understanding and analyzing texts arise on the technical level; we will address some of them here in the specific context of the Mishnah and the Talmud (although some of this material applies equally to later works, and certainly to earlier ones).

### 1. Summary

A. One type of summary consists of expressing fundamental ideas in a concise manner. For example, in discussing the concept of "All of your actions should be done for the sake of heaven," Maimonides (*The Eight Chapters*, 5) comments that our Sages have already expressed this idea quite concisely, in a way that completely encompasses the issue. We marvel at how so few words can say so much about this topic, one about which many have written books and not completely covered the issue. This is indicative of divine power in the making of this statement.

B. The second, more difficult type of summary to decipher occurs when only a few of the issues or factors in an expansive topic are discussed. Clearly, the material which we possess in many *sugyot* comprises only a fraction of that which was actually said, and, therefore, only deals with part of the totality of a topic, while the rest has been lost or was expressed only indirectly. A thorough analysis therefore requires dealing with factors that do not seem to be present in the *sugyot* themselves.

### 2. Scattered sources on a topic

"The words of Scripture are poor in their place, and rich in another place." Any work that is composed of many details will be subject to its author or editor's method of organization. Thus, an individual who wishes to study a specific topic discussed therein will commonly discover that the topic's details are scattered throughout the work, since the original author's or editor's method of organization was different. This problem is commonly encountered while studying a passage of Talmud, and it leads

to the realization that often, a part of the *sugya* "is not in its right place." It is not merely that the organization of the Mishnah and the Talmud often doesn't conform to that of the student, but because of the associative character of the composition of the Mishnah and the Talmud, and because the purpose is often to hide and scatter things, in order to leave an "Oral Law" foundation, a situation is created in which even *sugyot* strongly and logically tied to each other appear in different locations throughout the Talmud. Therefore, one who attempts to study a specific topic thoroughly will almost always need to refer to other *sugyot* that are difficult both to locate and study.

### 3. Pluralism

In contrast to other legal or philosophic works, which were written to reflect specific points of view, the Mishnah and Talmud are "pluralistic" – they present many different opinions. Not only are the Mishnah and Talmud filled with explicit disputes, but it is also entirely possible that anonymous *sugyot* follow specific schools of thought, though this is not evident on the surface. Furthermore, when two *sugyot* appear identical – even if there are no legal differences between them – it is possible that a totally different philosophic or legal approach hides behind each of them, or that two opposing views are juxtaposed, and can only be revealed via very careful and lengthy analysis. As Maimonides writes in his introduction to *The Guide to the Perplexed* regarding one of the reasons for the "contradictions" found in the Talmud: "The first cause. The author has collected the remarks of various people with differing opinions, but has omitted citing his authorities and has not attributed each remark to its originator. Contradictory or contrary statements can be found in such compilations because one of the two propositions represents the opinion of one individual while the other proposition constitutes the opinion of another individual."

### 4. Presentation of Laws

There are two methods of presenting laws: Presenting a general principle from which we may derive many details, and presenting a specific case from which we must derive the general principles. We find both approaches in both the Mishnah and later in the Talmud. There are clear "foundational" Mishnahs: "Whenever I am under the obligation of controlling [anything in my possession], I am considered to have perpetrated any damage [that may result]. When I am to blame for a part of the damage, I am liable to compensate for the damage as if I had perpetrated the whole damage." And there are "case" Mishnahs: "If a dog takes hold of a cake [with live coals sticking to it] and goes [with it] to a barn, consumes the cake..." The derivation of general principles from specific examples can be a difficult task, since one must first be capable of separating the basic principle from the unique factors of that specific case. Then, he must be careful to apply only the principles to other cases.

The true study of a Talmudic passage or *sugya*, or, for that matter, later commentaries of medieval and later authorities, can thus be a difficult task indeed. Often the piece under study will appear more like a riddle that the student must decipher than a standard text of law. Only proper effort and probity allow the student to solve the riddle.

Due to these serious problems, a significant number of those studying the law do not spend extensive amounts of time poring over the earlier sources, and instead deal more with later sources and abstract concepts. Some claim that due to our inferiority as compared to earlier generations, we have no right "to approach the sacred" and to study the Talmud and commentators in a true manner. Rather, we can act only as receptacles for the later interpretations in the development of Jewish law; only from that point onward may we begin our true study. So, for example, we must not see the Talmud in a different light than did the Rashba, just as we must not interpret the Rashba's commentary in a different manner than did the great later authorities. This approach thus *forbids* independent critical thought. There are other approaches which, although they do not perceive any problem with such thinking, nonetheless refrain from doing so, due to the difficulty of discerning the historically accurate inter-

pretation of these sources. Therefore, they rely on earlier interpretations of these texts, on the assumption that earlier commentators understood previous generations better than they do. A third approach creates an ideology out of independent study, and perceives the primary goal as the student's independent growth – provided that he does not stray from certain basic rules and ideas found in the plain-sense meaning of the *sugeyot*. For this school of thought, Talmudic sources, methods, and assumptions are to be perceived as ideas with which we must cope – although we may not always understand their methods – while *most* of the effort is concentrated on independent and critical thought.

All of these approaches do not emphasize deep analysis of the Mishnah, Talmud, medieval authorities, and later authorities in practice, instead countenancing only superficial analysis. The proponents of these approaches do not designate much time and energy to the original sources, their purpose and direction, as well as to analysis of corresponding *sugeyot*, textual nuances, and details. Instead, they present theories and ideas which may have little connection to the texts themselves, not hesitating to transform the texts into conceptual edifices which the original authors may not have intended. These approaches attach too little importance to the texts and their language, either for fundamental, practical, or idealistic reasons.

There are also those who do place the emphasis on the study and analysis of the texts themselves. One who employs such an approach trains himself to think on the same wavelength as the text itself, submerging himself in the problems that appear in the text or lie beneath its surface. He immerses himself in the *sugeya* and attempts to discern its aim and difficulties. What is *missing* in the *sugeya* interests him just as much as the information that actually appears. He will thus investigate parallel *sugeyot* and attempt to identify the views that the *sugeyot* present. He is also aware of the fact that the *sugeya* represents only a cross-section of a much larger picture, and will therefore endeavor to “fill in the blanks,” or obtain a complete picture of the topic using all possible means at his disposal. With the *sugeya* in Talmud as a point of departure, he attempts to dig “down” to its roots and soar “up” to its commentaries. He studies the commentators with the goal of discovering what bothered *them*, and how *they* solved these problems. He does not scan commentaries simply to obtain information that will solve his own personal problems; rather, he is subservient to the texts.

We can compare our situation to that of finding an old shard of pottery. Some would bring the shard home and build a new vase in such a way that the shard “fits” nicely. These do not care about the appearance of the original utensil from which the shard came; they want only to fit the shard into the new utensil. Other people would rather try to use the shard to restore the appearance of the original vase. First, they would search the surrounding area for additional pieces, thus making it easier to “complete the picture.” After collecting all the shards that they can, they carefully analyze them, and with some background information and creativity, attempt to recreate the original piece of pottery. So it is with our issue; the goal of some when beginning to study a *sugeya* is to clarify a certain issue, be it a legal matter or a certain inquiry (“*hakirah*”), and the background of the *sugeya* serves only to help them answer or explain that specific issue; it is never truly a significant piece of the puzzle. Others enter a *sugeya* with the mindset of uncovering the original structure of the *sugeya* at each stage of its development.<sup>3</sup>

Let us cite some of the words of R. Isaac Kanpanton<sup>4</sup> in his work *Darkhei ha-Talmud*:<sup>5</sup>

An important principle in in-depth study is to pay close attention to the language employed...and try to explain the words in a way that every single word teaches something new that the words preceding it did not... (22)

With every statement, one should ascertain who is speaking and who responds to him; and do not confuse the different names and opinions... (28)

In analyzing every statement, one should determine the purpose of that statement, and what the speaker is intending to accomplish by saying it... (32)

One should always attempt to discover the necessity for every

author's or commentator's explanation, why he said what he did, and what it accomplishes for him – and one should do the same for the language of the Mishnah and Talmud – namely, that one should read their language meticulously so that no word is superfluous...since they did not add words for no reason; for it is not an empty thing. It was honorable in the eyes of the sages to be concise, to include many different ideas in few words so that their words would be small in quantity but large in quality. (58)

One should, for every commentator or author, always determine his unique style of analysis... (59)

Many of R. Isaac Kanpanton's students, as well as their students, followed his style of study, including R. Jacob Berab,<sup>6</sup> who was considered one of the great sages of his time, as well as R. Simeon b. Sayyid (Sirilio). Mahari Berab attempted to explain each *sugeya* by employing a set of rules designed to enable the student to understand what was occurring in the *sugeya* (while others' rules came to explain ambiguous concepts). A *sugeya* was deemed unclear unless it had been examined under the microscope of these rules. One of his most important rules was the emphasis on and analysis of every single word, whether in the Mishnah and Talmud or Rashi and Maimonides. Another of his rules dictated the learning and analysis of each text independently – without relying upon other sources for explanation – since perhaps different individuals authored the two and hence they may not reflect the same approaches and opinions. R. Simeon b. Sayyid penned the work *Kelalei Shemu'el*, which lists 419 principles that enhance and focus one's in-depth study. Many of the great later authorities also focused on close analysis of the text as well as understanding the purpose of the author of the statement, including Maharshal, the *Penei Yehoshua*, the Gaon of Vilna, and the *Hazon Ish*.

“The Talmud is a collection of ideas spoken orally, as well as a compendium of arguments and dialogue which transpired in the academies, in which many sages on different levels participated. When one studies a *sugeya*, he experiences the heartbeat of those disputes. Any idea was heard by those present; there were no restrictions on what could be said. The Talmud is a living study hall that has been preserved for us in its totality. We must also remember that the Talmudic interpretations are not all of one “color” – they are not the product of one generation or academy; rather they are formed from many distinct generations and academies that differed not only in their approach in study but also in their style and methods of expressing their thoughts.” (*Seridei Esh* vol. 4, 235)

Just as we cannot treat the Talmud itself as one block but must enter into the study hall of each Amora separately, we must grant separate treatment to each opinion and approach in the development of Jewish Law throughout the generations. Just as Rab and Samuel studied in different houses of study and their philosophies differed on many issues, so did Rashi's academy differ from that of Maimonides, as did that of R. Akiba Eiger from that of the *Ketsot ha-Hoshen*. The student must enter each study hall separately and carefully explain the ideas that lie within, much as a pupil does for the words of his mentor. Only after doing so may he attempt to determine the comparative interrelationship of the different views.

Following this introduction, we can present a number of cases in which we can employ the textual approach to analyze various sources.

## Structure

Before one carefully dissects the content and meaning of a text, he must investigate its structure. By “structure”, we refer to two issues:

1. Identification of the different stages in the conceptual development of the topic – what, precisely, is the question, and where is the resolution, modification and rejection; the relationship of the various stages to each other – does a certain stage constitute a continuation of the previous one or does it present a fundamentally different approach to the subject? Could a certain development that seems to be a continuation of the previous really constitute a total reversal of thinking in the passage?

2. Identification of the different chronological layers. So writes R. Yehiel Yaakov Weinberg, in his article on the Talmudic exegesis of the Mishnah (*Seridei Esh* vol. 4): “Our Mishnah is not uniform, and it is not

one book molded, from one clod, but rather a compilation of statements from early and late Tannaim, early and late redactors, different Tannaim, each with his own special version of the Mishnah. This is already known from the epistle of R. Sherira Gaon. This is as true for the Talmud as it is for the Mishnah. Statements of early Amoraim may be found alongside those of late Amoraim, or they may mingle with anonymous passages which *themselves* interpret an Amora although it is unclear if that Amora would agree to those interpretations as well as later Saboraic additions, and more. It requires extreme caution and knowledge to protect oneself from deception by the illusion of uniformity of thought in many *sageyot*.

1. A well-known example of "structure" is "there is a lacuna in the text and this is how it should be read." A simple analysis of this would lead us to believe that the Talmud uses this phrase to indicate an interpretation of a Mishnah that, although not necessarily fitting with the plainest reading of the Mishnah, is apparently required for reasons specific to the context of the *sageya*. In any case, the Talmud is an *interpretation* of the Mishnah. R. Israel of Shklov, in the introduction to his work, *Pe'at ha-Shulhan*, quotes his mentor, the Gaon of Vilna: "Nothing is missing from the text of the Mishnah as edited by our holy master, and it is not his style to leave things out; rather, Rabbi

[J u d a h  
H a N a s i]  
favored the  
view of a cer-  
tain Tanna,  
whose opinion  
he incorporat-

ed anonymously into this Mishnah which, as it stands, is not lacking. The Talmud, though, follows a contrary Tannaitic opinion, and it is in accordance with this Tanna that the Talmud claims that the Mishnah is missing words and should really be understood differently." Thus, the Gaon claims that in this statement, the Talmud does not correct or elaborate upon the Mishnah, but rather *argues* with the Mishnah by presenting another Tannaitic view! We cannot proceed to view the Talmud as solely a commentary; sometimes it may serve as a dissenter. One must note situations as these when comparing the Talmud's interpretation of Tannaitic sources to the sources themselves.

2. An additional example of the special care one must take when first studying a *sageya* lies in the distinction between the original words of an Amora and the Talmud's interpretation of his words. In his article "*Hosafot ha-Talmud be-Memrot ha-Amoraim*" (*Mekharim ba-Talmud Seridei Esh* vol. 4, 174), R. Yehiel Yaakov Weinberg writes: "...The opinion of the *Shitah Mekubetset* is not a new one, since the Tosafists have already pointed out that the Talmud will sometimes offer an explanation of an Amora's statement in such a way that it seems to us that the Amora himself actually said all these words." He cites examples such as Tosafot, *Baba Batra* 176, and *Baba Metsi'a* 115. While R. Weinberg deals with Talmudic

statements quoted as if from the mouths of the Amoraim themselves, one must also take note that in many *sageyot*, the Gemara discusses and cites reasons and explanations for different approaches — reasons that the originators of the statements did not offer themselves, and one must ascertain if indeed they would agree to what was put in their mouths. There are countless examples in which the Stam — be it anonymous Amoraim, the redactors of the Talmud, or Saboraim — interprets/explains/enters others' words, others who preceded them by hundreds of years. One must take pains to distinguish between the original and its later interpretation.

3. Further regarding the relationship between the redactors of the Talmud and those cited therein: One can represent a passage that contains dispute in the form of a tree: there is a primary outbranching, a secondary one, etc. A *sageya* is more analogous to tracing a branch of the tree than it is to the tree entire, which would include every branch. So it is that the Talmud sometimes concentrates on one view and rejects the others. It continues through every following topic, concentrating on one approach and rejecting others, which subsequently lack a respectable continuation on the tree (though those branches might appear in other passages, *Midrashei Halakha*, etc.). There is no encompassing investigation of all the different approaches, the development and outbranching

for any of its ramifications. With this rejection, it seems that the end has come for those who maintain the source to be "*in her youth*." But this is not so. Maimonides comments (*Ketubbot* 4:4): "'A father has authority over his daughter in respect to her betrothal': everything that the father merits while his daughter is a minor stems from the verse '*in her youth*', and tradition teaches that all the advantages of her youth belong to her father"; Rashi concurs (*Baba Metsi'a* 129). To explain the contradiction between the Talmud and Maimonides/Rashi, R. Naftali Tsevi Yehudah Berlin (*Meromei Sadah Kiddushin* 3b) writes that "*in her youth*" is cited by R. Johanan, whose opinion (— regarding the damages owed a daughter going to her father, and similarly for all the father's privileges regarding his daughter —) is cited in *Baba Kamma* 87. The two *sageyot* subsequently disagree regarding the different sources for the father's other privileges through his daughter. Despite the fact that one *sageya* in *Ketubbot* and *Kiddushin* rejected one detail in a certain view and consequently ignored it, the legitimacy of the view stands, and it is not impossible, as we just saw, for *sageyot* elsewhere to cite other details of the rejected view. Although one passage rejects this branch as a "wild branch," the student must remember that sometimes even this branch can bear fruit; one needs to ascertain when and under what circumstances.

4.

One must also take into account Saboraic additions, which do not always fit with the *sageya*.

## ***"[A] point that must be considered...is the importance of the historical background of each commentary and its impact on the author's approach to interpretation."***

of each one, but rather a climbing of one specific "branch." A good example is *Ketubbot* 46b (paralleled by *Kiddushin* 3b). The Talmud there seeks a source for the law that states that the item used to acquire a female minor belongs to her father:

"...Scripture stated, *Being in her youth in her father's house*, [implying that] all the advantages of her youth belong to her father.

"[Consider], however, that which R. Huna said in the name of Rab: 'Whence is it deduced that a daughter's handiwork belongs to her father? [From Scripture] where it is said, *And if a man sell his daughter to be a maid-servant*...Now what need was there, [it may be asked, for this text when] deduction could have been made from [the text of] '*Being in her youth in her father's house*'? Consequently [it must be admitted that] that text [*'in her youth*'] was written in connection only with the annulling of vows [and one may not derive therein anything regarding the monetary privileges of the father from his daughter]."

Because of Rab, the Talmud rejects "*in her youth*" as a source (and never revives it again). With this rejection, the Talmud rejects a complete approach, one which cites other sources to deduce the father's ownership of the other advantages of his daughter's youth. Since the Talmud rejected this approach due to one of its details, never again is the approach considered

ot: "There is no doubt that the total number of [Saboraic] additions is much greater than those which were identified by the Geonim and medievals. There are a number of hints of these additions: terminology, manner of presentation and common phraseology, and names and chronology. But more important than these external signs is the analysis of passages, separating their parts and putting them together through close reading and thorough understanding of the logical connection between the different stages of the dialectic. Through distinguishing between the intermingled topics, one may separate from a passage the later additions" (R. Yehiel Yaakov Weinberg, "*Hosafot Me'uharot shel Rabbanan di-Mfarshei*," *Mekharim ba-Talmud*).

### **Content**

A thorough investigation is required to understand the meaning of a text. First, one must understand all the points connected with the topic; through that, one may perceive how the source dealt with the topic: the sources, the facts, and the difficulties. One must evaluate the point of each stage of a *sageya* and the meaning of the *sageya* as a whole, not merely its concluding stages. What is considered a novel teaching, and what is not? If a teaching is not novel, why does the Talmud cite it? In this evaluation, careful attention must be paid to each word, phrase, and statement or conceptual step.



ful attention must be paid to each word, phrase, and statement or conceptual step, and it must be done in the light of logic and other statements made on the topic, be they parallel *sugyot*. Tannaitic statements, opinions of medieval commentators, responsa, modern decisions, etc. Since all approaches of study deal with the text, just that each approach emphasizes different points in analysis, we will note a few approaches that are unique in the level of their textual acuity and delve into the true meaning of the text.

1. When studying similar or identical passages that appear in more than one loci in the Talmud, one must analyze the two carefully. As Jonah Frankel explains (*Darko shel Rashi be-Ferusho le-Talmud ha-Bavli* 290):

"Occasionally a Talmudic passage appears identically in two different loci. If this passage fits naturally into one *sugya* and is problematic in the context of the other, Talmud scholars describe this as 'transcription.' In essence, they claim that the passage was actually stated originally in the context of one *sugya*, the one where it fits naturally, and was later "transcribed" to the other *sugya*, without further editing, leaving an artificial look. Sometimes the identical passages fit nicely into both locations, but due to the duplication, the Talmud scholars will claim that the passage originated in one of the *sugyot* and was later transferred, but it is more difficult to determine which is the original and which the copy. Others posit that the source of such a statement is older than both *sugyot*, and both *sugyot* used this earlier *sugya* for their own purposes.

"Rashi's method in each separate *sugya* is to interpret identical passages differently, providing interpretations that fit well in the context of each passage, causing literally identical passages to contradict each other. This seems to explain the most explicit and surprising 'contradictions' [in the Talmud]. However, we must understand that for Rashi, it is not the case that 'the *sugya* here is also there,' but each passage is embedded in its context, and only in that context may it be interpreted." (See 290-298 there for numerous examples of this phenomenon.)

Despite the linguistic identity between the passages, Rashi interprets each according to its context. Thus, Rashi teaches us that although linguistic parallels may exist between passages in different *sugyot*, one must place the emphasis on the content of the *sugyot* and explain the passages accordingly; it is necessary to ignore even linguistic identity between *sugyot* of different topics.

2. Another point that must be considered, particularly when studying commentaries, is the importance of the historical background of each

commentary and its impact on the author's approach to interpretation. One must take note of who the master and disciple of each commentator was, and from which land and academy he came. The commentaries of the teachers/disciples of a certain commentator often facilitate the understanding of vague points in the commentary and often present an interpretation with which he may be disagreeing. This allows for the resolution of many problems without rejecting ideas that have no firm basis. For example, problems in the works of Maimonides can sometimes be solved by studying the commentary of his father's master, Ri Megash; problems in his works may be solved by studying the commentary of his mentor, R. Alfasi (and for issues in his work, we can consult R. Hanan'el). The words of the *Tur* are better appreciated via analysis of the commentaries of the author's father, R. Asher. Vagueness in the commentary of Ritba may be explained by the words of his teacher, Ra'ah, or their teacher, Nahmanides. Knowledge of the historical background becomes especially crucial when studying Tosafot, since the compilers of the Tosafot found in the standard editions of the Talmud used different collections of Tosafot, sometimes combining more than one even in the same gloss – into one literary unit.

So writes R. Jehiel Jacob Weinberg (*Seridei Esh* 4): "I have often found that there are problems with many

Tosafot that later commentaries were unable to solve that can be solved by analyzing the method of their compilation; specifically, how independent Tosafot were combined. Indeed, we find references to this phenomenon in some of the commentaries, especially in that of Maharshah. However, since they could not be proven without intense analysis of various manuscripts and old printings, which were unavailable to them, these ideas remained in the realm of theory. Thus, others were not prevented from formulating conceptual answers. How many brains toiled and how much ink was spilled in this mighty endeavor! However, analysis of the compilation of Tosafot gives easy answers that remove us from this great confusion. (See there for examples.)"

3. The final example. The classic case in the Talmud concerning one's possession that damaged refers to an ox: "an ox that gored," "an ox that ate from another's field," etc. How do we know that other animals that damaged obligate their owners to recompense the damaged? The Mishnah (*Baba Kamma* 54b) tells us: "Both an ox and any other animal are alike [before the law with reference] to falling into a pit, to exclusion from Mount Sinai, ...to heterogeneous animals [being coupled or working together], to Sabbath rest. So also beasts and birds are like them. If so why do we read, an ox or a donkey? Only because scripture spoke of the more usual [animals in domestic life]." The Talmud cites a number of sources for this Mishnah – sources that originate in two different academies, that of R. Akiba, and that of R. Ishmael. So says the Tosefta (*Baba Kamma* 6:7): "All the same are an ox, a donkey, and all

other beasts, wild animals, and fowl, as to the payment of damages – as to bestiality and as to hybridization. R. Akiba says: Each and every one is subject to an exegesis of inclusion in its appropriate location [in Scripture]. R. Jose says in the name of R. Ishmael: ...Now just as, when an ox and a donkey are specified with reference to the Sabbath, the law has treated wild animals and fowl as equivalent to an ox and a donkey, so too, when an ox and a donkey are specified with respect to every other matter, the meaning is that all other beasts, wild animals, and fowl are to be treated as equivalent to an ox or a donkey." We see two approaches: that of R. Akiba, who requires a separate source each time beasts and birds are included, and that of R. Ishmael, who derives the inclusion of beasts and birds in all cases in which oxen and donkeys are mentioned from the case of the Sabbath. (The commentators dispute whether R. Ishmael applied this derivation from the Sabbath to all cases, or only to cases in which the Talmud applied it. At any rate, the plain reading of the Tosefta itself, as it seems from the Mekhila, remains that R. Ishmael applied his statement to all cases, since he says "with respect to every other matter.") Indeed, these two Tannaim follow their respective views in "each one's" Mekhila: the Mekhila of R. Ishmael cites the general derivation from the case of the Sabbath, and the Mekhila of R. Simeon b. Johai, a student of R. Akiba, quotes specific sources for this inclusion in each case in which the laws are expanded from the ox and donkey to all animals, beasts, and birds.

Interestingly, our Mishnah does not record the law equating damaging animals and beasts with oxen that damaged (although we do find it elsewhere in the tractate, specifically in the beginning, e.g., if poultry were hopping about, if a dog takes hold of a cake, etc.). In the Talmud as well, we do not cite a specific source (though from the Tosefta it appears that the question pertains generally to tort liability, unlike the Mishnah, which deals only with animals that are damaged by a pit). How, then, do we derive this expansion? The commentators on this issue take stances between the opinions of the schools of R. Akiba and R. Ishmael. Some, like the Mekhila of R. Simeon b. Johai, cite assorted verses (*Beit Yosef*, beginning §389, and other commentators derive it from "his owner" – anything that has an owner, like the Talmud, *Baba Kamma* 54, regarding a pit). Others employ the general derivation from the Sabbath (Mekhila of R. Ishmael, and similarly Rashi, *Berakhot* 27).

Maimonides takes a different approach. In the Laws of *Nizkei Mammon* (1:1), he writes: "If any living creature under human control causes damage, its owner must pay compensation...the term *ox* includes any other domestic animal, as well as wild animals and birds. Scripture speaks of damage by an ox because it is a common occurrence." Now, why doesn't Maimonides cite a source for this, be it either a specific verse or the general derivation from the Sabbath? Instead, he expounds further and con-

(continued on page 37)

# TEACHING TEXTS AND THEIR PRETEXTS

BY ERICA BROWN

One of the gifts of our generation is the resurgence of interest in text study among adults. Greek classics provided the basis for much of medieval philosophy, sixteenth century literature looked to its earlier ancient antecedents and today there is a Jewish passion to look back to sacred texts of old to inform the texture of today's spirituality. Aided by translations of primary and secondary sources in English, traditional text study is being delivered in some very untraditional settings. While this is cause for celebration on many levels, it is also cause for concern and for cautionary words. Texts come with contexts and pretexts.

Interpretation is the process by which texts find their relevance and home in new settings. This settlement is staged with assumptions – called hermeneutics by philosophers.<sup>1</sup> It is these assumptions, these pretexts, that provoke concern and the need for caution. As Bible study becomes more common among those without strong Jewish educations or even knowledge of Hebrew, certain questions must be asked and answered. Have standards changed about what is an acceptable interpretation? Without belief in the divinity of the text, texts can undergo radical shifts in meaning. In addition, if both relativism and egalitarianism are the bedrock of adult education today, can a teacher effectively assert the superiority of his or her interpretation above less educated adult learners? These questions and many others must be addressed by the teacher motivated with enthusiasm for the sacred task but not necessarily aware of its perils. In less space than this topic deserves, I wish to present some of my own thoughts on these questions. After spending much time teaching texts to the Jewishly less educated, I am convinced that teaching the texts alone is not enough. While Jewish primary texts are pregnant with meaning and

beauty, without creating effective pretexts – a set of assumptions by which one should approach texts – the lessons of *pesukim* and *sugyot* may be lost. After highlighting some of these pretexts, I would like to share why I think teaching those less Jewishly educated, despite valid hesitations, should be a central agenda for the Orthodox community.

## Convince the Reader of the Text's Value

A traditional audience needs little convincing that text study is central to our religious ethos. We need not go "back to the sources" because the sources are an ever-present feature of daily life – studied, revered and lived. Reading texts in a very deliberate fashion makes them appear more intentional than they are actually treated in an Orthodox setting. We analyze and debate them, but more than that, we breathe them. A.J. Heschel once said that we do not need textbooks, we need text-people. While we benefit from occasional reminders of the potency of the written word, the commitment to text among the Orthodox community is a basic religious assumption. No advertisement is necessary. We are text-people.

Some segments of the Jewish community, however, need powerful introductions to this literature, and we cannot assume that simply because it punctuates our lives, we need not explain our attachment. Often this has taken the form of description as to what the Talmud is and how *Tanakh* came to be canonized. But information about texts should not supplant inspiration about them. Side by side with history belongs the description of how texts inform our lives and sculpt it with meaning. Barry Holtz, in his introduction to this vast literature in *Back to the Sources: Reading the Classic Jewish Texts*, offers some compelling reasons for text study:

The classic Jewish texts are as much "classics" as the works of Greek and Roman culture, and although they are far less known,

they are as enduring, as challenging and no less profound. Through this literature the reader can penetrate into the minds of people who devoted themselves to the seriousness of language and the sanctity of human experience. These texts represent a record of their struggles with the meaning of law, the nature of interpretation, the conflict of faith and reason and the elusive power of the divine. In reading them we come face to face with those issues that form the universal core of all great literature, as we see those concerns refracted through the lens of the particular consciousness of the Jewish literary imagination.

Personal anecdotes about how an instructor struggled with a text's meaning, adjectives that convey the power of the text, descriptions of how a passage translates into a spiritual experience will carry just as much if not more weight than the journey through the sea of Talmud.<sup>2</sup>

## Offer a History of Commentary

In a group setting, I was teaching a passage from *Amos* when an adult learner in the room vehemently disagreed with my interpretation. I felt conflicted. On the one hand, this was a student older than myself, privileged with a wonderful secular education, a successful professional, accustomed to having his views validated by his peers. On the other hand, by his own confession, he did not know that *Amos* was a prophet until five minutes earlier. If we consider every interpretation to be valid, even if not informed by an education, then we do a tremendous disservice to the text and to its exegetical history. A contemporary philosopher challenged the notion of semantic autonomy; namely, that a text can stand on its own and thereby tolerate any interpretation. He argued for a degree of objective validity. If not, "...There

*"If we consider every interpretation to be valid, even if not informed by an education, then we do a tremendous disservice to the text and to its exegetical history."*

could be no objective knowledge about texts. Any statement about textual meaning could be valid only for the moment and even this temporary validity could not be tested, since there would be no permanent norms on which validating judgments could be based.<sup>73</sup> One cannot be entirely objective in interpretation, but one can emphasize the importance of knowing the history of exegesis and having strong linguistic skills and the benefit of a broad Jewish education for true mastery. While insights from life experience may enhance a text, students must learn that life experiences alone are neither the only nor the most convincing barometer of an interpretation's worth. No apology is necessary. The teacher is not only a facilitator in this context; he or she is the bearer of tradition and the key to unlocking the curiosities of the material. It is critical that an adult learner understand his or her place in these interpretive travels. Not every interpretation carries equal weight. That is why a mention of the history of commentary, the breadth of a particular exegete's opus, the complicated context in which the text appears all help to create a degree of humility before the text. This kind of preface cannot be neglected in the make-your-own-midrash climate. While one needs to

create an atmosphere of safety in which a text can be explored, this must be balanced by the

sense that texts are not platforms for a particular agenda. Interpretation should be wed to the text's wording, and not only to the reader's feelings. In the words of the philosopher Paul Ricoeur, "...The text is not without a reference; the task of reading qua interpretation, will be precisely to fulfill the reference. The suspense that defers the reference, merely leaves the text...outside or without a world."<sup>74</sup> While no one is in a position of true advantage to create this "world" that the text once inhabited, the instructor can and should demonstrate why he or she does have more of the tools to guide in the creation of this textual locus. Since "the text is not without reference," the student should view the instructor almost as a reference manual.

#### Humility before the Text

Humbling oneself before a text is not only an acknowledgment of the limitations of our understanding, it is also part of what makes text study a spiritually potent experience. I often liken text study to an experience of prayer. We are approaching a passage that may have influenced centuries of our history and our emotions, like texts about ethics or *kiddush Hashem*, the binding of Yitzchak, the prayers of Chanah. We

embark on the exploration with hesitation, with delicateness, with open-mindedness, without modern impositions. This is the stuff of humility. It tells the student that this is not only literature, it is sacred literature. Its sacredness must be a fundamental aspect of its study. It is always difficult to hear a student attack a Biblical hero, a great Tanna, the behavior of a saintly Hasidic master. It is hard to stomach the irreverence, but it presents a great challenge to a teacher to convey his or her own sense of reverence for the story or character at hand. The tension itself can promote fruitful interchange. And sometimes a direct word of caution is the most effective means of creating reverence. If this passage has been appreciated for thousands of years, can we be so quick to dismiss it? In dismissing it so cavalierly do we fail to acknowledge its complexity, its appeal, its influence? A timely example: a woman recently mentioned that she felt uncomfortable with the Haggadah's expression "Pour out your wrath on the nations." Instead, she amended the text to say, "Pour out your love." While her discomfort is understandable, I tried to explain why being personally distant from oppression might engender such an explanation but may do disservice to

Hebrew school education: has made the text speak with sophistication, intellectual vision and inspiration, then the result will have its own powerful repercussions. The study must be its own reward.

With the pitfalls involved and with so much instruction to be offered to the already committed, why teach in such untraditional settings? With the current resurgence of interest in our textual heritage among those not educated comes the responsibility of those who are. We have been gifted and blessed with rich Jewish educations. We would be selfish to think that we can keep it all to ourselves, especially with the climbing rate of assimilation. Those with a strong Orthodox education and orientation can very effectively demonstrate commitment and the power of knowledge, yet are deterred by the fear that teaching in certain contexts lends validity to the religious denominations represented in the classroom. I, however, must confess that in my own experience, rather than validating those that I teach, I find that they are validating Orthodoxy through a positive experience with a teacher. They are seeing an Orthodox individual free from the many negative, erroneous associations they have traditionally cultivated. One woman, in

the midst of a Bible curriculum, asked me in a whisper if I could devote a class to "being Orthodox

***"For an adult student hovering with his or her spiritual identity, this teaching encounter can be a moment of transformation, and we owe our broader community those moments."***

and normal." She said that she had never met anyone like me. I quickly asked her how many Orthodox people she knew. "Just you," she replied with embarrassment.

#### Why Teach in this Kind of Classroom?

When the right text and the right teacher come together, the result is a moment of educational transcendence. For an adult student hovering with his or her spiritual identity, this teaching encounter can be a moment of transformation, and we owe our broader community those moments. Armed with a text, its pretexts and its contexts, we must sometimes leave the four walls of the study hall and inspire such moments. Then we can humbly return and create them for ourselves.

those who experienced atrocities first hand. Would it not be more historically accurate and sensitive to keep the original and, if need be, mention the alternative reading as an optimistic plea for the future?

Little can be more gratifying than a student proudly revealing that after months of studying *Shemot*, he just purchased his first *Tanakh*; after a year in a Reform synagogue a member of your class tells you that she has started to light Shabbat candles. When casually returning to a classroom that only moments earlier was full of over one hundred professionals studying *Vayikra* at lunchtime in downtown Boston, you cavedrop on a young woman slowly teaching her friend to say *birkat ha-mazon*. Religious observance is not mentioned in any of my classes to this type of student; it would pull the safety net out from beneath them. For all that must be said to create a spiritual context for study, some things must not. Here I have the confidence that the text will speak loudly for itself and does not always benefit from an instructor's accretions. Somehow, these students get there on their own or not, as the case may be. If an instructor has succeeded in turning around a spiritually vacuous

and normal." She said that she had never met anyone like me. I quickly asked her how many Orthodox people she knew. "Just you," she replied with embarrassment.

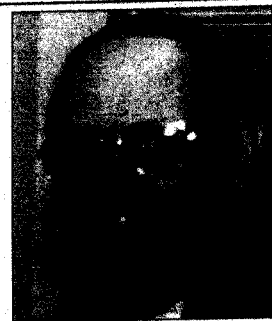
When the right text and the right teacher come together, the result is a moment of educational transcendence. For an adult student hovering with his or her spiritual identity, this teaching encounter can be a moment of transformation, and we owe our broader community those moments. Armed with a text, its pretexts and its contexts, we must sometimes leave the four walls of the study hall and inspire such moments. Then we can humbly return and create them for ourselves.

#### NOTES:

1. As seen in Joshua Weinstein's *Buber and Humanistic Education* (New York: 1975), pp. 64-65.
2. Barry Holtz, *Back to the Sources: Reading the Classic Jewish Texts* (New York: 1984), p.13.
3. E. D. Hirsch Jr., *Validity in Interpretation* (New Haven: 1967), p. 212-213.
4. Paul Ricoeur, *From Text to Action: Essay in Hermeneutics* (Evanston, Illinois: 1991), p. 109.

*Erica Brown teaches adult education in Boston.*

# MODESTY AND MODERNITY



By RABBI YOSEF BLAU  
Mashgiach Ruchani, RIETS

**T**he nature of modern American society seems to conflict with traditional concepts of modesty. In popular culture, refinement and restraint are seen as repression and coarseness and vulgarity as a healthy openness. The concept of having standards of appropriate language and dress has become obsolete. Many voices in the Orthodox world see these trends as irreversible, and a voluntary ghetto as the only hope for maintaining a traditional Jewish life. Those of us who question both the feasibility and the wisdom of such a radical solution are challenged to describe an alternative.

How can we function in the outside world, even selectively, while maintaining Jewish standards of modesty? Are we facing a situation where the only options are separating from the society or sacrificing a fundamental value? Careful analysis of Jewish sources may give us a perspective that will make it possible to avoid either extreme.

One approach to modesty, at least for women, mandates a removal from participating in the public arena. This approach creates inconsistencies when coupled with accepting the necessity of women's working. The *kollel* system is predicated on the couple being supported by the wife's earning. Yet the same women are told that being public in any way contravenes the requirements of modesty.

An example of an attempt to maintain a world in which observant women's lives were focused primarily on the home occurred in the 1920's. When women gained the right to vote, rabbinical authorities debated whether it was permissible according to *halakhah*. Many prominent scholars opposed allowing Jewish women to vote, primarily on the grounds that it contradicted the Jewish requirement of modesty. It would be difficult even to explain their concern to Jewish women today; in the most recent Israeli elections virtually all the Orthodox women voted, including those described as ultra-orthodox. The religious parties could not compete effectively in elections if they lost half their potential voters.

A recent attempt to restrict women which reflects an inherent inconsistency is expressed by signs in Bnei Brak, Meah Shearim,

Monsey, and Monroe prohibiting women from driving cars. Again, the argument is modesty. In modern Orthodox circles, the issue seems absurd. What is immodest about driving? Clearly, the signs reflect a sense of modesty that requires a removal of women from participation in any public arena. People who do not drive will find it difficult to work outside the home.

In contrast, a demonstration of recognition of societal change is evident in an exchange of letters between Rabbi Eliezer Waldenberg (*Tzitz Eliezer*) and Rabbi Shlomo Zalman Auerbach (*Minchas Shlomo*) as to whether it is permissible to wait so as to allow a woman to enter a bus first. In balancing society's notion of courtesy with the Talmudic prohibition of walking behind a woman, both accept the change that has occurred in the number of women on the public streets as a given. Neither requires a return to the societal norms of Talmudic times.

Clearly, the issue of how *halakhah* responds to changes in the social fabric of society is complex. Yet, the idea of a working woman who spends eight hours a day out of the home is a reality that appears irreversible. It becomes imperative to have a model of modesty that acknowledges this reality while remaining within normative *halakhah*.

The Talmud's (*Sukkah* 49b) interpretation of the verse in *Micah* (6:8) "It has been told to you. O man, what is good, and what God requires of you: Only to do justice and to love loving-kindness and to walk humbly with your God," understands the last part of the verse to refer to attendance of funerals and weddings. The Talmud comments that if one should be private when participating in public events such as weddings and funerals, he should certainly be so as regards private matters. While this demands a higher level of modesty, it is the key to an approach to modesty that differs from our earlier understanding.

Instead of demanding non-participation, the Talmud sees modesty expressed in how we participate. It is possible to actively participate in public events while demonstrating modesty. If this is true at a wedding, it is also true at a job or in a voting booth. A man or woman who is an active and full participant in society can achieve a sense of modesty and privacy through his or her manner.

This distinction reflects the general issue of whether to view modesty as expressing an approach or as quantifiable. It is clearly easier to translate the requirement of modesty in dress to objective standards of length; we are accustomed to an objective *Halakhah* that can be translated to quantitative requirements. However, this fails to capture the essence of modesty, reducing an entire approach to life to a formality. It is possible to dress provocatively with long sleeves and a skirt that covers the ankles.

Perhaps the clearest illustration of the difference between a classical *Halakhic* ruling and applying the need for *tzniut* (modesty) can be seen in the most intimate relationship between husband and wife. The Talmud (*Nedarim* 20a and b) is very permissive in this area, while the *Shulchan Arukh* both codifies this ruling and simultaneously encourages extreme modesty. The *halakhic* ruling is precise, while the exact expression of modesty is more of an approach leading to a goal. (My recollection of the explanation of the Rav *zt"l*.)

While formal requirements are insufficient to fully express the Jewish concept of modesty and can lead to distortions, they are at least well definable. Any attempt to describe an attitude or approach inevitably becomes vague and subjective. The concept developed by the Rav *zt"l* of *kiyum she-b'lev* (inner fulfillment) is helpful. Prayer is more than reciting certain words and repentance more than confession. The outer manifestation, while necessary, is merely a form of expression of the inner feelings. While the analogy is inexact, it illustrates the need for balance between the broader concept and the specific form of expression.

What is the basis for developing an approach, a pattern of behavior that reflects a value such as modesty? Even when we are unable to define it precisely, we are capable of recognizing an individual who is a *tzenu'a* (modest). This recognition creates the possibility of emulating an individual who personifies modesty in his or her life and can lead us to internalizing the value. This is not easily achieved, but that is equally true for other fundamental values such as *Kedushah* (sanctity) and *chesed* (loving-kindness).

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("Introduction" continued from page 33)

Mishnah, *Baba Kamma* 5, of liability for damage caused to any animal, beast, or bird which falls into a pit, and not only the ox and donkey mentioned in the verse, again he writes: "This rule applies whether it is an ox or a donkey or any other domestic animal or wild animal or bird. Ox and donkey are mentioned in Scripture only because they are the usual cases" (*Nizkei Mammon* 12:1). Why does Maimonides not cite the source provided by the Talmud, "Since it is written, *He should give money unto its owner*, [to include] everything that an owner has?"

The simple, logical, and ingenious answer is provided by Maimonides' exemplary student, his son R. Abraham (and not some commentator who lived hundreds of years after Maimonides' death). In his commentary to the Pentateuch, he writes: "*When an ox gores*: The Writ spoke in the present...and there is no difference between an ox or any other animal, beast, or bird, according to what tradition taught in the Mishnah (*'Eduyyot* 6:1): 'R. Judah b. Baba testified...that a cock was stoned in Jerusalem because it had killed a human being.' Thus, R. Abraham reveals that the source of this law is tradition – a tradition that when the Writ said *ox* or *donkey*, it only spoke in the present. In testifying about this, R. Judah b. Baba testified also to that tradition. This is Maimonides' intention,<sup>7</sup> which reveals that there exist three Tannaitic views: specific

derivations (R. Akiba), a general derivation from the Sabbath (R. Ishmael), and a tradition. The third approach is evident from the Mishnah in *'Eduyyot*, and apparently the author of our Mishnah in *Baba Kamma* concurred, since he mentions that the Writ spoke in the present and does not list actual sources for the law. That, apparently, is the source employed by that Tanna. Although the Talmud cited various sources for the laws of that Mishnah, sources which support the approaches of R. Akiba and R. Ishmael, Maimonides here preferred the plain-sense reading of the Mishnah to the explanations of the Talmud and Tosefta.

#### NOTES:

\* I would like to thank those without whom this translation who have not been possible.

<sup>1</sup> I.e., the anonymous speakers in the Talmud.

<sup>2</sup> A full talmudic passage, dealing with one topic.

<sup>3</sup> However, one needs a proper background before study: "The study of *sugyot*...requires not only a mature and tried critical intuition, but also extra caution and an eye open to all the thin sides of similar or branching-out *sugyot*, and a mind open to all the variegated ways of Talmudic thought" (*Seder Esh* vol. 4, 133).

<sup>4</sup> A disciple of Hasdai Crescas, he was one of the great sages of Spain in the generation preceding the expulsion. He established an academy where many of the sages of his generation studied. He was extolled in *Sefer ha-Yhasin*: "...the Master of Israel, the great luminary, saint, in whom the divine spirit inheres, the encompassing teacher, R. Isaac Kanpanton...and

I saw him and his face like the face of the divine presence, and he is called a great sage in Castile. Among the greatest of his disciples is R. Isaac de Leon (author of the *Megillat Esther* glosses on Maimonides' *Mishneh Torah*)...and the second to him, wise, saintly, and sharp, R. Isaac Abuhab (the teacher of the Mahari Berab, the teacher of the author of *Shulhan 'Arukh* and of Mabit)."

Maharam Kannon, a student of Mahari Berab, as well as R. Simeon Sirilio, son-in-law of Mahari Berab, authored works concerning the principles of the Talmud and its analysis. These sages and others, less well known, demonstrate that R. Isaac Kanpanton taught his students to study in an encompassing, deep, and logical manner, thus paving a forgotten road in the field of Talmud study.

<sup>5</sup> Page numbers according to the critical edition of Y. Landa.

<sup>6</sup> Mabit writes as follows in the introduction to *Kiryat Sefer*: "...according to the method I have learned from my teachers, specifically one of the sages of our generation, R. Jacob Berab." Similarly, in the Laws of the Sanhedrin 4 he writes: "most of the sages of Israel in the Land of Israel have agreed to rely upon the sage of his generation, R. Jacob Berab." (Cf. H.Z. Dimitrovsky, "*Beit Midrash shel Rabbi Ya'akov Berav bi-Tsafat*," *Sefunot*, vol. 7, and the Jubilee volume in honor of R. B. M. Lewin, 196-202.)

<sup>7</sup> Interestingly, even concerning the expansion of the parameters of 'ox' and 'donkey' in other legal areas, in all three loci in which Maimonides discusses the source, he mentions only that the Writ spoke in the present. The first two are the ones we mentioned, regarding the damage caused by an ox or a pit, and the third appears in the context of muzzling animals (*Sekhirut* 13:2). Perhaps Maimonides simply viewed the sources employed by R. Akiba and R. Ishmael as mere textual allusions.

*Imitate the Ramban, not the Professors*

## INTERVIEW WITH RABBI SHALOM CARMY

PROFESSOR OF JEWISH STUDIES AND PHILOSOPHY

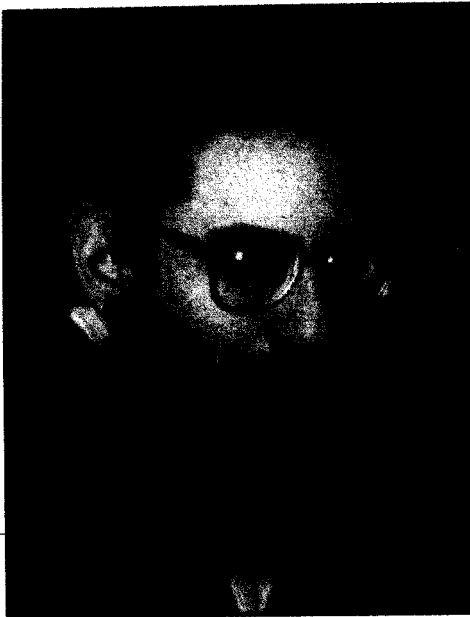
CONDUCTED BY ASHER FRIEDMAN

AF: Our growing sensitivity to psychological and moral complexities gives us great tools for analyzing narratives in *Tanakh*. Yet, often those who attempt such analysis end up turning our Avot and Immahot into pop-psychology case studies. How should we provide psychological depth to our understanding of *Tanakh*, without falling prey to these dangers?

SC: Are we modern people, or modern Orthodox Jews, really more sensitive to psychological and moral complexities? We definitely talk about them a lot. Yet explosion of verbiage, like monetary inflation, does not inevitably make one spiritually richer; it may simply cheapen the currency. One reason that people shrink the larger than life personalities of *Tanakh* to pop-psychology size is that they are accustomed to treating themselves the same way. What characterizes pop-psychology? Casual deterministic assumptions, clichéd depictions of emotion, a philosophy that cannot grasp the dramatic, absolute, momentous solemnity of the moral-religious life. This is not the way I think of myself; it is not the way I think of you. It is not the way one should think about any human being created uniquely in the image of God. Once people see nothing wrong in entertaining secular conceptions of themselves, once they take for moral and psychological insight the tired idiom of the therapeutic, it's no wonder that they are tone-deaf to the grandeur of the Avot and Immahot.

How can we retrieve an appropriate reverence for the Avot and, in the process, enhance our own stature as spiritual beings? One crucial step is to take responsibility for our language. Rather than accept our language and habits of thought off the rack, so to speak, we must struggle to create the authentic words, adequate to the depths and sublimity and uniqueness of our experience. The outbursts against modern culture indulged in so many *Musar schmoozen*, and then laid aside until the next occasion, will not suffice. It requires a perpetual effort "to get the better of words," to say what we really feel and get a grip on what we want to feel. As you know, I value the study of literature and philosophy to a large degree because they help to emancipate us from the tyranny of shallow, received ideas.

Of course, the struggle to achieve honest religious self-expression and self-understanding must permeate our Torah study, as well. We must internalize the modes of thought and expression of our role models, not merely learn to parrot their opinions. The pop-psychologists have culled a handful of inert positions from the *Rishonim* and *Acharonim* which they exhibit as precedents. Again we hear about Ramban imputing *het* (sin) to Abraham and Sarah. But to be a *talmid*



requires placing these rare statements in the context of Ramban's awe when he discusses the Patriarchs. It means studying the Ramban, his straightforward assertions and hints, his broad strokes and nuances, until we have made them our own. Is this how the pop-psychologists read Hazal and Rashi and Ramban? If they did they would gag on their own jargon, not only in interpreting the Avot, but in addressing their own lives as well.

Let me illustrate. Hazal maintain that Adam and Eve lived together as man and wife before the sin. This is stated with exemplary *tsniut* (modesty): "They went up [to bed] two, and came down four [with Cain and Abel]." Milton tried to depict such a scene. He was faced with an obvious problem. Describe the sex act as it is perceived by fallen man, and he is being false to the prelapsarian innocence; remove the elements of modesty about nakedness appropriate to sexual knowledge as we experience it, and their behavior strikes the reader as shameless. If Milton's bold attempt to imagine a mentality radically different from ours was a failure, it was a noble and solemn failure. A contemporary treatment of the question may emulate the taciturnity of the *Gemara* or the ambition of Milton, but at the very least it must be grounded in the seriousness about the human condition and language that is common to both.

AF: You have criticized the approach to parshanut that centers on apologetic explanation of halakhically questionable acts on the part of heroes and heroines of *Tanakh*. Yet this clearly is a concern of Hazal, from Esther to David to Yiftach. Were Hazal accomplishing something different from what contemporary halakhic *parshanim* are attempting? How should we deal with episodes in which figures we think of as upstanding do not seem to be primarily concerned with Halakhah?

SC: Let's take one case and clarify what is at stake. The *Gemara* suggests that David didn't commit adultery because Uriah had given Batsheva a conditional get, and that Uriah's inferred disloyalty made his life forfeit and therefore exculpated David from the guilt of his death. Abarbanel questions this, and the text of *Tanakh* seems to support him. After all, David was punished for taking Batsheva and for killing Uriah. According to Abarbanel, then, and according to the simple phrasing of *Tanakh*, David was an adulterer; according to Hazal he was not.

Which view is historically correct? If the *Gemara* is conveying the authentic tradition of *Torah she-b'al Peh*, then it is literally true,

and you have to explain why the *pasuk* gives a different impression. If Abarbanel is right, then the *Gemara*, regarding David as a righteous person, is offering the most respectful, least damaging version of the story.

It is not my primary interest to decide between these options. My business is to explore the implications of the sources. Why indeed does the *navi* imply that David was an adulterer and a murderer, why is he so severely punished for his behavior, if, as *Hazal* teach, he was halakhically impregnable? The answer is very simple. Legal invulnerability does not exclude moral guilt. In the face of God's condemnation, David's ability to justify himself on narrow halakhic grounds counts for very little. We, who have so much experience with legalistic politicians and other amoral personages, should understand why *Hazal's* defense of David does not override *peshuto shel mikra*.

In a word, a proper appreciation of *Chazal* should not lead us to substitute *Aggadic* constructions for the biblical text. To the contrary, we must learn to read *Midrash* and *peshat* as complementary sources, interrelating in a variety of ways, as is suitable in each case, both contributing to the complex truth of Torah.

AF: Is it legitimate to approach the text of *Tanakh* unfettered by the layers of *parshanut* that have accrued over the past two thousand years, or must our reading always be a response to what has been said before?

SC: It is neither possible nor desirable to approach *Tanakh* in a vacuum. As Professor Kugel argues, there is no such thing as "the Bible as it was." More precisely, the text of *Tanakh* was always incomplete in itself. Forever it confronts us, trailing clouds of tradition and exegesis. Of course, we immerse ourselves in *parshanut* not only because we can't escape it. We see the encounter with the teaching of previous generations as something valuable in itself. We glory in the opportunity to sit around the same table where our masters and role models are arrayed, inviting us into their world, awaiting our questions.

At the same time it is neither possible nor desirable to substitute the analysis of *parshanut* for the study of *Tanakh*, as is often done in our circles. To begin with, there are countless gaps in the exegetical literature. How many significant passages are only sparsely commented on by our predecessors, most conspicuously in *Nakh*, but even in *Humash*? How far can we get, if we limit ourselves to mechanical dissection, however sophisticated, of their work?

Furthermore, even where the exegesis is thick on the ground, each generation has its own questions. Sometimes we benefit from new data about the historical and linguistic background of *Tanakh*. What truth-seeking person would close his or her eyes to a newly discovered inscription clarifying the geography or vocabulary of a *pasuk* that baffled the *Rishonim*? The *Ramban's* delight when, upon his arrival in *Eretz Yisrael*, he was able to revise some of his *perushim* in the light of the realia, should put to shame the kind of piety that disdains such knowledge. Interest in realia should never overshadow the study of *devar Hashem*; yet I would rather model myself on the *Ramban* than on the professors of *Ramban*.

More important, however, are the characteristic questions we bring to our study. We tend to think more topically, which is why our best work is essayistic, rather than verse-by-verse commentary. We are (at least those of us for whom *Tanakh* is more than the occasion for research on *dikduk*) not satisfied to treat individual *pesukim* and passages in isolation from their larger literary and theological context. We are more consistently sensitive to questions of literary struc-

ture and imagery. We are, as a rule, more aware of the characteristic tones and emphases of the biblical books and the manner in which later Jewish thought is both continuous with and distinct from *Tanakh*.

The more we attain self-understanding, the better we are able to derive guidance in these areas, as well, from *Hazal* and *Rishonim* and *Aharonim*. The reason that we are all, to some degree, disciples of Dr. Nechama Leibovitz, is that she demonstrated the relevance of traditional exegesis to our generation's concerns. Indeed, the popularity of certain writers, for instance *Ramban*, *Seforno*, *Netziv*, elements in the thought of R. Hoffmann, R. Kook and *maran haRav zt"l*, derives in part from the regularity with which they respond to our problems. Our dialogue with the *meforshim* draws crucially on the liveliness of our own set of problems and concerns. If I may be blunt, substituting the study of *parshanut* for the study of *Tanakh* in general will not make us creative disciples of our exemplary predecessors, but only manufacturers of term papers on their work. An exclusive focus on *parshanut* is often the refuge of the intellectually timid, who would prefer to engage in a *limud Torah* that is "safer" and less adventurous. Sometimes it's successful, and promotes a painless enhancement of piety. Sometimes one just ends up with another academic specialty.

AF: One of your most endearing qualities is your ability to gain insight into complex theological issues via popular culture, particularly the TV shows of your childhood. Describe your favorite episode of "Police Philosopher."

SC: First, for the uninitiated: "Police Philosopher" was born the day I spied an ad in a professional journal, seeking a professor of philosophy prepared to teach at a local precinct so that the cops could get college credit without having to be on campus. Wouldn't it be interesting if the professor got involved in police cases? Over the years, the Police Philosopher, his academic pals who hang out at Footnote Charlie's, and his Great Dane (what else?), Begriff the Philosophy Dog, have become as familiar to some of our students as that purple dinosaur what's his name.

Which is my favorite episode? The one that can help dramatize and clarify whatever I'm teaching now.

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SINCEREST  
APPRECIATION TO  
THE STAFF OF THE  
COMMENTATOR FOR  
THEIR ASSISTANCE IN  
THE PRODUCTION OF  
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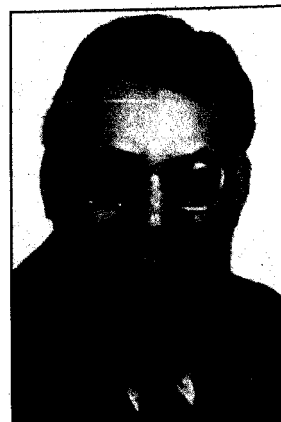


## Between the Worlds of Orthodoxy and Scholarship

### AN INTERVIEW WITH PROFESSOR LAWRENCE SCHIFFMAN

LAWRENCE H. SCHIFFMAN IS ETHEL AND IRVIN A. EDELMAN PROFESSOR OF HEBREW AND JUDAIC STUDIES AT NYU. HE IS AN INTERNATIONALLY RECOGNIZED AUTHORITY ON THE DEAD SEA SCROLLS, AND THE AUTHOR OF SEVERAL BOOKS, INCLUDING *KI BARUCH HU: ANCIENT NEAR EASTERN BIBLICAL JEWISH STUDIES IN HONOR OF BARUCH LEVINE, RECLAIMING THE DEAD SEA SCROLLS, AND WHO WAS A JEW?*

CONDUCTED BY DAVID REGEV



**DR:** What is your attitude toward using Hazal as an historical source, while still maintaining *emunat hakhamim*?

LS: The first problem about determining how to use Hazal as an historical source is revealed in the way in which you asked the question. You said 'an historical source', but if you want to know the history of the Jews, the history of Judaism in the period of Hazal, or if you would say, taking it from the reverse, that Hazal is *not* a historical source, you would be way out of line. Despite the problems that we have in using Hazal as an historical source, it's obviously the major source for much of the Rabbinic period. The question is whether it's the *only* source and how to deal with other sources, if and when they may contradict it. There is also another ancillary problem: you have to be certain before you question whether something is an historical source that the source you are reading intended to tell you historical information. If the purpose of the particular text you are reading was never to give you a piece of historical information, then you always would approach such a source obliquely: taking it as a historical source would not be the same as taking it literally. How one would approach the text would depend on the nature of the text. It seems to me that there is no question that the words of Hazal are an historical source.

When you get to the second part of your question, as to the problem of *emunat hakhamim*, I think a person who does historical research in the period of Hazal

already assumes that there are times when Hazal do not intend to give us a complete historical picture or, alternatively, that there may be information about the more remote past that may not have been known to Hazal. From my point of view, the ideas of *emunat hakhamim* have to do with halakhah, *mussar*, and values of Torah, not with occasional data about something that they may be passing on; I do not think that we historians are any worse off than every Orthodox Jew goes to the doctor. I would like to see the person – despite all of the explanations, like *nishtane hateva* – who believes that *emunat hakhamim* requires that we follow Rabbinic science and Rabbinic medicine. Just as we now know many things that were not known, they knew certain things not known by others. It is a great thing, for example, that Hazal knew that both male and female contribute to the development of a human being, or, that they knew the earth was round. There are many people who did not know this in ancient times, and this is tremendous, that one opinion knew exactly how long the solar year was. These are tremendous things, just as much of what they knew about ancient history was tremendous. But, I do not think that we are any more questioning of *emunat hakhamim* than a *rosh yeshivah* who goes to a doctor.

**DR:** Were the Perushim really the true bearers of the *mesorah*? Or, were the other Second Temple sects just as legitimate, all being observant?

LS: I'm going to nitpick a little bit with the way in which you posed the question, because you said whether they were 'the true bearers of the *mesorah*' and were the other ones observant or just as observant. I think, for example, if you take a look at certain times in the Middle Ages, we would say that the Karaites, for example, are not the true bearers of the *mesorah*, but we wouldn't question their observance. I think that you have to split these different issues. Virtually all the different groups of Jews in Second Temple times that we discuss, except the extreme Hellenizers, were quite observant, such as the Tsedukim being described in Hazal who do not use an *eruv* (like Briskers). I admittedly know that other interpretations exist, but my view stems from the Tsedukim's belief that an *eruv* is a legitimate way to permit carrying on Shabbat, and there is other evidence in Hazal where you see that the Tsedukim are taking what we might call the right wing position. That means, in a certain way, that they are just as observant, but that doesn't mean that they are the legitimate bearers of the *mesorah*, and this is very important.

Actually, I am going to say a little about the contemporary significance of this. Being "more frum", "more right wing" does not necessarily make you the more legitimate bearer of the *mesorah*. Similarly, we would say that if a person who has abandoned traditional observance is not a bearer of the *mesorah*, the *mesorah* itself remains correct; it is possible to be, one might say, a very observant Jew, but miss whole parts of this *mesorah*. And that

is why the *mesorah* that we have is a *mesorah* of both Written and Oral Law. That *mesorah* attempts to put the person who observes it and the wisdom that surrounds it in a certain position, vis-à-vis other possibilities of extremism or abandonment. Of course, we know that certain Hellenistic Jews and other Jews in Second Temple times just as in modern times – probably in much smaller numbers than in modern times – weren't observing the Torah. In any case, it's not problematic to admit that that there were Jews who were quite strict in their observance, but that they are not the bearers of the *mesorah*, because they do not accept the idea of Oral law, and, therefore, they have positioned themselves in what may be extremist positions in one direction or another. This gets to the question of what is "Centrist Orthodoxy." I think the original coining of that term was to refer to the center of the whole spectrum, not the center of Orthodoxy, and, from that point of view, this is what the *mesorah* of the Perushim was in Antiquity. Therefore, a person who is a true bearer of the *mesorah* would not necessarily be the greatest extremist.

**DR: Continuing with what you just spoke of at length, how does this idea compare with us vis-à-vis the non-Orthodox?**

LS: This is the problem: we face a very different situation than most of what we tend to talk about in Antiquity. In Antiquity, you have a group of a few extreme Hellenized Jews. And once the Maccabean revolt is over, it is pretty obvious that the Jewish people as a whole isn't going to go down some real direction of extreme Hellenism. Then we have Hellenistic Jews like Philo, who is a *shomer shabbos* guy, but highly intellectually Hellenized, living in a Greek-speaking environment. Then we also have some Tsedukkim that are tending pretty close to Hellenization, but, on the other hand, from a legal point of view, at least in terms of the Beit ha-Mikdash and other matters,

they seem to be attempting to establish what is a much more literalist group.

In a certain sense, we don't have an analog to our non-Orthodox groups. We have a kind of a strange situation, that we, the bearers of the views of the Perushim, now find ourselves facing groups that derive from Pharasaic Judaism, with varying differences of moving away from things that we feel are an intimate part of the commitment of such Jews who follow Hazal. The question of how to deal with them is, therefore, very different than the question of how groups of Hazal (the Perushim) had dealt with their "competitors" in ancient times who were either on the extreme right or complete abandoners. In a certain sense, we are back in a situation where there are people who are claiming to be the true Israel, our fellow Jews, with whom we disagree.

One doesn't get the impression, at least from ancient times, that the organizational structure that we are used to, which forces different types of interactions and debate, existed at that time. It seems like groups may have controlled their own particular spheres of influence. Of course, there was tremendous competition over the Beit ha-Mikdash, and that competition could be analogous to some of the competition going on now as to the nature of the State of Israel, but somehow I think that the debate was more one of talking and less of acting. I think that there was a lot of debate in those times, but it is not with a group that derived from you and who moved away from you: the debate then somewhat differed.

**DR: To finish off that topic, why should we specifically follow Hazal?**

LS: There are two approaches to this question. One is specifically to repeat, some of the basic fundamental beliefs of all Judaism, essentially from Hazal on, such as the belief that God gave two Torahs. If you really believe that God gave two Torahs, then you've got to follow both of them. If you are going to follow the

Torah she-Be'al Peh, you only have one option: Hazal are the interpreters and handlers of the Torah she-Be'al Peh. You can ask the question in a theoretical sense; let's make up a kind of ideal scheme and ask: is it really the best way, maybe one of the other ways is best? My personal belief is that Torah she-Be'al Peh ensures the continuation of Judaism in every single generation. When you stray from that, you end up locked into one of two options. One option is a kind of extremist literalism which won't work, as we see from the historical experience of Karaism and Saduceism (in its right wing variety, as opposed to its earlier Hellenistic variety). The other option is not following the Torah because it, as a written document alone, will not supply you with a way of life once you enter into social, economic, political, and even religious circumstances different from the time in which it was written. Without the idea of Torah she-Be'al Peh, the options are one or the other: either extremism or abandonment. The argument was so theoretical, however, that we would still continue to believe that the Torah was given by God and that we would follow its entirety anyhow.

**DR: What do your studies tell us about the nature of the Oral Law and the Halakhic Process?**

LS: It seems pretty clear that what we call the Torah she-Be'al Peh is comprised of a number of components that don't all have exactly the same history. The type of approach that I would take would echo that of the Rambam in his *Introduction to the Mishnah*: the Rambam basically concludes that there is a core which seems to go back to Revelation, and there is a human development of that core on the one hand and, on the other hand, of some things which are added to that core. It is important to realize, therefore, that the Torah she-Be'al Peh and the whole idea of Torah she-Be'al Peh represents a kind of unique partnership between God and Man. One of my non-Jewish colleagues once very cleverly dis-

**"From my point of view, the ideas of *emunat hakhamim* have to do with halakhah and have to do with *mussar* and values of Torah, not with occasional data about something that they may be passing on."**

cussed biblical interpretation and said that it's the word of God in the hands of man. Of course, today we have to say 'humanity', but, in any case, I am quoting him. In Torah she-Be'al Peh there is an argument whether it is infinite or finite: I follow the view that it is infinite, therefore, we have the opportunity to take something which starts with God giving and keep developing and developing and developing it. This leads to the fact that a history exist and that history can be traced in many aspects - not entirely, by the way, because we lack the sources to answer every question about the history of Judaism and the Jews that we wish to - this dearth of sources is a reality regardless of what period we analyze, even though we can trace that history to a great extent. I don't think that we have to be afraid to acknowledge that there is a history to halakhah as the application of this revelation and that this exploration enters into some complicated questions.

You understand, for example, when the Rambam says that halakhah is perfect and unchanging, he is referring to the core. Rambam is discussing neither the application nor the continued evolution of what we might call the human component which is our interpretive, decisive, and deciding role: every time that you make a decision about a given Halakhic circumstance or a given conceptual question, you are forwarding the development of halakhah. As I wrote in *From Texts to Tradition*, that is why the Pharasaic system is the only one that could work and why it was uniquely positioned once the Second Temple was destroyed: the circumstances changed in a way that no alternatives that were around at that time could have ever sufficed, because halakha doesn't require a static environment in which to operate. It operates in an ongoing environment. I think people sometimes get confused when they debate: Is halakhah Divine? Is it human? This question is a great oversimplification: halakhah has many components, and the Divine and the human partnership, in a certain sense, is what develops something that is Divine in its original core form.

**DR: How do you deal with being both Orthodox and a scholar?**

LS: A very well-known Orthodox

lawyer spoke at NYU recently to one of the Orthodox groups on campus and they asked her that question and she said 'I never had a problem'. If you want to, separate this question into two issues. There is a practical side, that is to say do you get invited to some place where somehow, they want to have a convention on Shabbos or something like this. That is a basically non-existent problem in Jewish studies, although I would assume that had I become a Rosh Yeshivah, I would not eat some fruit salads that I eat now. The point is, I have not faced any serious issue of that kind.

The more complex type of issues are the type of issues that we have been talking about, for which you are called upon to try to deal for yourself and sometimes for others. With both issues you are both ongoing in certain sense in the polemic around them, yet in some cases these issues cannot be resolved even by you in a satisfactory manner. Admittedly, it gets more serious in, let's say, studies of Tanakh, where you admittedly may be facing some questions where you are not really sure what you believe the answer to be and what you believe the solution to be. I really think you have, therefore, some challenge, but I think that anyone who goes into an intellectual life confronts challenges, and people don't always have answers to every single thing that they are talking about; I am not so sure if this situation is the end of the world.

There is a third aspect to this, which may be the issue of the Jewish community. On the one hand, you have a very gratifying situation where there are a lot of people in the Jewish community who are very interested in this kind of stuff, and I am constantly given opportunities to lecture and speak. On the other hand, admittedly, some of our fellow Orthodox Jews are less understanding or less sympathetic to anyone who wants to study anything apparently outside of Artscroll's approach to Gemara and a few other such topics and cannot understand why anyone would be interested. One of the very positive things that I have found is that the people who are interested in intellectual topics and historical topics are admittedly not the majority of the Orthodox community, but they fall all along a very wide spectrum. I have had conversations with Bobover hassidim who are really interested in historical matters or

been in a store somewhere and a guy says 'wait a minute, aren't you the guy who does such and such right?' I would say that the group of people who are interested in this stuff you find to be very gratifying. The people who think that it is nonsense or *apikorsut* or something like that have a much narrower view of what we ought to be doing than I have. They sometimes can be disturbing not so much because they have any real effect on anything that I would do, but just because you wish that people would have a more reasonable attitude to something that you feel is important. But what are you going to do?

**DR: Do you think that the *derekh ha-limud* in the *yeshivot* should be affected by academic Jewish studies?**

LS: The job of the *yeshivot* still is and should remain the teaching of the material: Gemara, *Shas*, *posekim*, halakhah, *Shulhan Arukh*, *rishonim*, *aharonim*, etc. This is an activity which in terms of technical training primarily has been done in a certain way. Admittedly, it has changed a lot in the last couple of hundred years, but the point is that it has an intellectual tradition, and in its various manifestations is something that we as a people are justly proud of. And it is dismantlement to substitute a kind of "*mada'ei ha-yahadut*" training instead, which was the attempt of the modern seminaries. One can say that it was overdone in those places, because they lost something while trying to gain something else.

It is also, on the other hand, preposterous to ignore certain types of material developed by academic Jewish studies, while doing traditional study, because you are burying your head in the sand. For example, we now know the full uncensored text of the gemara. One might study a *sugya* in gemara in which somebody is being discussed, who Rashi had correctly identified as a Christian, and you think that this person is a Sadducee. When all you have to do is look - forget about a book written by a modern scholar - in something like *Hesronot ha-Shas*, and you would know, not looking seems inexcusable. It is inexcusable to not know the meaning of a word, to carry it to the extreme, because there are some for whom Jastrow is considered modern Jewish scholarship, and who wouldn't use it, and not know the

meaning of the word. Unfortunately, even in Artscroll, which is a rather serious production, we sometimes find that, for example, places whose locations are known are not explained at all because the only source where you would find that information is in the works of some modern scholar. Academic Judaic Studies should not impact by becoming a replacement: it is not the same thing for the same purpose and will not achieve the goal of training people for what *yeshivot* are supposed to train them. But without any question, in a whole bunch of required places it just seems crazy to ignore the results of modern scholarship and academic modern scholarship.

I want to go to a third area. I think that, in many, many ways, the supplementing of the yeshivah curriculum with, I don't know if you want to call it Modern Jewish studies, *hokhmat yisrael*, certain courses in Jewish philosophy and Jewish history, seems to me to be something from which we would greatly benefit. This is not so much discussing what we today call the yeshivah curriculum, but rather the train of a person who is going to go out with *semikhah*. It is inexcusable that a person with *semikhah* today would not be able to read the Hebrew language correctly. It is inexcusable that a person might not know certain basic facts about Jewish history or not have studied certain basic Jewish philosophers. You might call that modern Jewish studies or academic Jewish studies only because academics are the only place where they teach these things. But I think that those areas of the field are so well developed in the academic world, that not to not graft them on top - not instead, but on top - of the traditional curriculum in the *semikhah* program, is a mistake. But I just want to emphasize that I don't believe substituting the critical method of Talmud study for the one done in *yeshivot* is likely to produce for us better Rabbanim to lead the Jewish people, if you are truly asking about substitution.

I think substitution of academic Judaic Studies for traditional Judaic Studies would be a very big mistake and would lead to the abandonment of a great heritage and tradition. If you are asking about supplementing, I think that there is a lot to be gained by supplementing, but supplementing in a way that is going to be significant for the people with whom you are dealing.

I will just give one more example: it seems to me quite clear that modern academic Talmud study, among the things that it has done, is to demonstrate how much better the manner in which *sugyas* in the gemara are put together, and this is a tremendous help in understanding them. It seems to me that some exposure to this would be a great benefit to a person even studying with, for example, a Brisker method; however, I am not advocating replacement of what is

***“[The Yeshivot] have a tradition, an intellectual tradition, and in its various manifestations is something that we as a people are justly proud of.”***

done now, because I do not think that we want to abandon that tradition, even if there are other things to be taught and other things to be learned. I should add: if you come and take my class in NYU in any Rabbinic text, you will find that the majority of the time is spent with the very same types of questions and issues, making sure that you understand about what Rashi is talking, which you would also do in a yeshivah. The point is that you cannot do any form of Talmud study, academic or the “old-fashioned” (I really don't use this term and one shouldn't because it isn't so old - what we do today is only a couple of hundred years old) without understanding the text. In traditional yeshivah study, most of your time is spent on making sure that you really know what the text is all about, and that is something which nobody can afford to compromise.

**DR: What are your criticisms of James L. Kugel's works?**

LS: The good part first: Kugel's recent works on Second Temple interpretation collect a lot of information and present it in a very clear manner. This information indicates that in ancient times, at the same times as the Perushim, there were other kinds of developing Biblical interpretation. Now that, of course, is something that scholars already know. We have the Apocrypha, pseudepigrapha, and Dead Sea Scrolls, but the key thing that Kugel did

was to show the interpretive techniques of this material. One of the positive realizations which emerge from this effort is the discovery that many of these interpretive techniques are the same as those of Hazal. There is more of a tendency in this type of literature to a kind of “*hekeesh*,” but, nonetheless, an awful lot of this material shares with Hazal ways of interpreting this material. Kugel there deals primarily not with halakhic issues, but with aggadic issues. And that is the good thing about his scholarship to explore these ideas, and especially to bring this information to a Christian audience that has gotten used to a very different model. This is not the model that all of these Second Temple texts are really interpretation, but that they are parallel, somewhat alternative Bibles.

To go the negative side: When you say *The Bible As It Was* [Kugel's book], there is an implication that this simultaneously is and is not the Bible. This is a battle that I have been fighting with some of the Scrolls people, for example, concerning the *Temple Scroll*, *Megillat ha-Mikdash*, which is based on a canonical Tanakh that looks like ours. The whole originality of these people is that they break the canonical text and start to insert interpretation while keeping the form of the canonical text. This is something which I think Hazal would not have liked because they wanted to separate clearly the text of the Tanakh and its interpretation. It is not “the Bible as it was”, but it is “the Bible as it was interpreted”, and that, I think, is a misinterpretation.

The other issue, which is a more technical academic matter, is that every one of the types of texts that Kugel uses, like the *Book of Jubilees* and *Genesis Apocryphon* or some of the Testaments literature, has its own interpretive method. Kugel arranged it in the order of the Bible so you don't get from his book a sense of the interpretive method and the thrust of any one work. On the other hand, you do get a sense of the world of interpretation that is going on in the period. I think he did that very well. The big issue is whether you consider this as there is a Bible followed by this other interpretation, or you consider this as some kind of alternative Bible. The alternative Bible idea is a better seller, but I think that it portrays a less accurate picture.

**DR: Your history is called a particularly Orthodox version, in contrast to that of Shaye Cohen. How do you respond to this description?**

LS: I should begin by saying that Shaya Cohen and I have disputed a lot of these things, both in person and elsewhere. In fact, we once had a dispute about the 'who is a Jew' question, or, better as I put it in my book title, *Who Was a Jew*, at a conference that seemed to go so well that someone wanted to pay us to do it again, replete with the jokes. We put on a pretty good act together sometimes, debating issues.

Having said that, I think the difference between Shaya Cohen and me is actually not in the question of Orthodox versus non-Orthodox. I think it's really in something else which is almost a personality thing. He likes to be and is an iconoclastic type. And I am a much more conservative type. This personal difference may have resulted in somebody reading the book and identifying me as following some kind of Orthodox view and him as having followed some type of Conservative Jewish point of view.

There are numerous issues between us. One of them has to do with the significance of Hazal, both in their actual historical actions and their influence and also the extent in which they are reliable historical sources. He is a very carefully considered person and I think that he would say the same thing about me. We have to face a reality: this debate cannot be resolved by one saying that the other is incompetent or something like that. That is not the way it works. Besides, we are friends, so it is not going to happen. What is really at stake here is a very different orientation of historical methods. Some who want to say that mine is the Orthodox version and his is the Conservative version might want to do that, but they are outsiders, and I don't regard myself as having operated that way. The irony of this is, that when people say that my version is the Orthodox version, I would imagine that a lot of Orthodox people, if they got into all of the details and really thought about it long enough, might even have a lot of problems with a lot of things that I say. That is the funny part of the whole thing. Which Orthodox like my work? Yeah, the

academic Orthodox. They like my type of approach. I imagine that there is a whole group way out there who don't even read this stuff, who would think that this is also not kosher the way they think that Shaye Cohen is not kosher, which is perhaps the humorous part of somebody saying that I have the Orthodox version.

I think the real issue pertains to the question of the evaluation of the role of Hazal and the Greco-Roman world: how normative are the Jews described in these texts, as relating, for example, to Paul, when compared to the majority of the Jews in Erets Yisra'el? I think that that is one of the areas where we don't share a similar understanding and this disagreement also affects our evaluation of Josephus. How much do you trust in Josephus and how much will you not? This disagreement is not just about Rabbinic literature; it influences how skeptical one is. I am not a credulous type who will believe anything in any historical source, but he is less willing to accept sources than I am. And I think that much of the debate stems from our different opinions about this issue. Having said that, we obviously all have a certain perspective. The need to be effective, by my own perspective, and the need to deal secondarily, on a personal level, with the results of historical research in my own life, may affect me in a different way than it may affect him. But, usually, when we end up disagreeing, it is about issue such as what does this text mean and what is its significance.

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**DR: How much of the scholarship concerning the Dead Sea Scrolls is conclusive and how much is educated speculation?**

LS: In the field of the Dead Sea Scrolls, one of the biggest problems we confront is the fragmentary nature of most of the texts with which we work. In a frag-

mentary text, any interpretation by definition is educated "speculation" or "extrapolation" from the original, since you are analyzing a whole text, of which you have only ten percent. On that level, extrapolation and restoration of texts unquestionably forms a very big part of our work. This raises the issue that a properly trained scholar should know not to reach the significant conclusions based on those parts of the material that are unknown. This sensitivity will distinguish, sometimes, between good and bad scholarship. Most of the conclusions that are being reached now from the Dead Sea Scrolls could have been reached from other Second Temple Literature, if the Scrolls were never found, and in some cases from Hazal. This leads me to believe, therefore, that if you remove the iconoclastic nonsense that you read in the crazy periodicals, most of it, but not all of it, is likely to be correct. On the other hand, of course we are all aware of all types of crazy things that are said based upon the Dead Sea Scrolls. But I refer to the serious scholarship of our field.

There are many points in the field about which we greatly debate. There is a general feeling that the majority of scholars, especially those working on the publications and those who attend all of the conferences, are all some sort of cabal who share similar beliefs. While almost all of these people will share a certain consensus on certain objective — and I think that they are objective — facts about dating of the texts and similar issues, tremendous

amount of disagreement exists on interpretation, which is the way that it should be. Anyone who would bother to read the books instead of just reading the newspaper articles would realize immediately how much is debated, and, therefore, some of this extrapolation or educated speculation, is known to be that. Those who are working in the field are well aware that there are things

that we don't know or don't yet know. I agree that limitations exist to what we do; however, we are investigating 850, or fragments of 850, manuscripts of texts and whole liturgy that were not available before.

**DR: How has the field changed since you entered it, and how have you contributed to its development?**

LS: This is a tremendous question. Most of the work that I do is in two areas, either having to do with Hazal or having to do with the Scrolls, with the Scrolls obviously being the preponderance, and I publish a little about Philo and Josephus. In my textbook, *From Text to Tradition*, and its accompanying reader, while I try to cover the whole field, my real research is in those specific fields. In both of those areas, the changes have been unbelievable.

When I started, virtually no one was teaching anything having to do with the Rabbinic period in universities. And then the Jacob Neusner period of ascent took place. Among the positive results of that was the fact that he turned this genre into a legitimate university subject. I have many disagreements with his written ideas. He did, however, convince the academic world at large that the Rabbinic period was a significant period for study at universities. This innovation eventually created a cadre of scholars who came from a number of institutions; and, to some extent, made possible my placing of my students. Initially, there were no jobs for people in this field, and then it opened up; we became able here to train students in this area. This field opened up in the early seventies and eighties and has become a respected part of the academic structure.

There is the negative side to this explosion in Dead Sea Scroll studies: there are people who claim to be in this field at various institutions who cannot read a text. This is a serious problem that we confront. All kinds of new methodologies are now becoming so significant that they seem to obviate the need to be able to read and translate the text or to be trained in these and other areas. Someone could say, 'I am analyzing Midrash as literature', and you ask him/her, 'well, do you know who the commentators are on the Midrash?', and he/she will answer, 'no'. So a negative aspect is also there.

Things have changed radically in organizations like the Society for Biblical Literature, and, of course, the Association for Jewish Studies has whole panels of people speaking in this field. When I entered, once you went from the Bible to the modern period there was nothing anywhere in between; there was the Bible and there was modern Hebrew literature. In the field of Dead Sea Scrolls, I don't think that I have to begin to trace the changes that have occurred in the opening up of the Scrolls

and the breakdown of the old monopoly.

What I had the privilege of doing, I think, is picking up on something for which there was already a groundwork. The idea of explaining how these Jewish texts are important for Jewish studies, not to be seen as proto-Christian, is a point of view which has become normative amongst the serious Dead Sea Scrolls scholars, and I am not going to claim that I did it myself. In fact, I think that Yigal Yadin's publication of the *Temple Scroll* and publication of *MMT* [*Miktsat mi-Mu'asei Torah*] are major aspects of the very same turning of change from 1967 to today. If I can paraphrase the title of my book, I think that we really have reclaimed the Dead Sea Scrolls.

One other area that I wish to note is that one of the things that I have tried to do is to claim that the studies of the Second Temple period and the Rabbinic period need to be integrated into one another: contrary to the old-fashioned originally anti-Semitic concept, this notion that Rabbinic Judaism came into being after the *Hurban* is nonsense. And it is in some of these earlier materials that we can show that it is nonsense even though we, as Orthodox Jews, never would have believed that. As a result, I think that we have seen in recent times the increased sense of integration - that the early history of Judaism after the Tanakh does need to be studied as a kind of continuum and that there is a continuum across the *Hurban*. I think that this point has been made now to Christian scholars as well, which is very important.

**DR: What do you think of Dr. Halivni's approach for Jews who share his belief in regards to Torah mi-Sinai?**

LS: This is a sticky question, first of all, because you are asking about a person whom I like very much. I think the problem is if one wants to set out "to solve" the problem of the Documentary Hypothesis, and let's call it Orthodox or observant Judaism or something similar, to which, the Orthodox Forum devoted a very serious discussion in one of their books. I think that one has to begin with a more serious understanding of the implications of the Documentary Hypothesis. The problem in Professor Halivni's attempt to solve the problem of the Documentary Hypothesis is that it doesn't really seriously grapple with the claims of that Hypothesis regarding, as Wellhausen called it, the history of Israelite

Religion. The *ikkar* of that Hypothesis is not simply that the Bible, according to them, had multiple sources. The *ikkar* of that Hypothesis is that those sources emerged at different times and some versions even from different parts of the Land of Israel, and that the sources represent stages in the history of the religion of Israel. If you seek either to disprove that or to claim that somehow or another it can be merged with a form of traditional belief, you must ponder that claim of an historical order, which is Wellhausen's primary orientation.

Yehezkel Kaufmann did this when he created what for many years was effectively the standard Biblical solution for Conservative Jews; he accepted the idea of multiple sources but changed the entire history so that it came out in the order of the Torah. But Kaufman understood, first of all, the anti-Semitic origin of a lot of this, because he repeatedly hammers at a lot of the Germans in his footnotes. Most importantly, Kaufman understood the notion that the claim being made here was for a history of the religion and that's what seems to me is missing in Professor Halivni's attempt to provide a solution for those who are in a particular need of such a solution. It simply does not take into account the main claims of the theory itself.

You might ask me, is there another solution? My own belief is that this is an example of a question of faith. If you believe that the Torah was given by God, the existence of disparate styles or other apparent contradictions encourages you to return to what we have been doing for thousands of years, which we understand to be the creative part of Torah - understanding the contradictions as opportunities we are supposed to use to learn from the Torah and which the *mesorah* teaches us about the Torah. Halivni seeks to find some means of proving the theory while simultaneously accepting a traditional belief. An unsolved conundrum remains that, unfortunately, no existing attempts solve. Halivni's attempts are not the only attempts; for example, Breuer's solution is also not a solution.



# AN INTERVIEW

## WITH RABBI DR. MORDEKHAI SABATO

PROFESSOR OF BIBLE STUDIES AT MACHON HERZOG TEACHERS COLLEGE, ALON SHEVUT, ISRAEL  
CONDUCTED BY EZRA FRAZER

EF: Could you please explain your methodology in Tanakh and give an example of it?

MS: I believe that when a person learns Tanakh, he needs to learn it in a few stages. First of all, a person needs to see the general picture of the text, whether narrative or Halakhah. He needs to see the broad picture, and learn it out of a complete *Tanakh* [*Tanakh shalem*] to see the broad angle. After that, he needs to see the secondary units which comprise the larger unit, following the principle "*la-lekhet min ha-kelal el ha-perat*," moving from the general to the specific. First you need to see the broad picture and then look at the secondary units which comprise it, and the connections between them. I believe that the Torah and the whole *Tanakh* is very carefully constructed, and the connections between the secondary units help us understand the topic that the Torah is addressing. After that, he needs to look at the smaller units until he breaks it down into primary units. At that point, you analyze each detail, to be able to reconstruct the general picture. That is, you start "*min ha-kelal el ha-perat*," and then you return to the details to be able to reconstruct the general picture more richly.

When you approach the analysis of the text, you first need to see the text on its own, with no *mefarshim* (commentators), so that you can see the important aspects of the text itself, see the emphases of the text, and deal on your own with the difficulties in the text itself. After this initial stage, it is incumbent on the *lomel* to see the commentary, especially classical *parshanut* (commentary), to see how the *mefarshim* (commentators) dealt with this passage – if they raised issues which he did not note, and if they raised solutions that he did not think of. In the next stage the *lomel* should compare the conclusions and understanding he arrived at with the conclusions and understanding of the *Mefarshim*. Then the *lomel* should ask why some of his understandings are different than the *mefarshim*. Why are there sometimes *machlokot* between the *mefarshim*? After he resolves these points in the *mefarshim*, he should return to the text and try to understand the text anew, noting those elements which escaped him while reading the *mefarshim*.

The approach to the *mefarshim* needs to be one of *kavod* (respect), especially for the classical Medieval *mefarshim*. The reason for this is simple; these *mefarshim* only began to offer commentary after thorough study of *Tanakh*. Therefore, one can assume that every time they offer a comment, it follows a careful check and consideration, in light of literary elements of *Tanakh* in an encompassing way, as well as checking the literature of *Hazal*. On the other hand, I believe that each person has the obligation to understand the text



matches with the claim of one of the *parshanim*. I would use the formulation the *Ramban* uses himself, in his *hassagot* on the *Sefer haMitsvot* of the *Rambam*, which (as is known) was written to defend the *Ba'al Halakhot Gedolot* from the questions posed against him by the *Rambam*. The *Ramban* writes there: "despite all my desire to be a *talmid* (student) to those who came before me, to follow their word and establish it, I will not always be like a donkey, [blindly] carrying their books always." That is, on one hand he will invest significant effort – and we know that he did – to try to understand and work out the content of his predecessors, resolve it, and delve into it. On the other hand, he proclaims that he will not prevent himself from expressing his own opinion in a formulation appropriate for one who sets out to offer criticism or different explanations from those who preceded him. The same applies for us – after a person looks into the *Rishonim*, he has the *zekhut* (right) and *hovah* (obligation) to suggest his own understanding in the text, as each person has his own understanding of the text.

What are the criteria or principles that a person should utilize when he comes to analyze *Tanakh*? I believe – and this is my approach – that "*en mikra yotse mi-y-dei peshuto*," the primary meaning of the text [of the Torah] is its simple one. This principle, mentioned in the Talmud, was a guiding principle for most of the *Rishonim* – *Rashi*, certainly *Rashbam*, *Ramban* and *Ibn Ezra*, as well. They all tried to explain *Tanakh* based on the principle of "*en mikra yotse mi-y-dei peshuto*." The question is what the meaning of "*en mikra yotse mi-y-dei peshuto*" is and what one is to do when the simple meaning of the text either does [not] match up with or contradicts what *Hazal* have said in the *Midrashim*, either in *Midreshe Aggadah* or in *Midreshe Halakhah*. Regarding the principle of "*en mikra yotse mi-y-dei peshuto*," I believe that the simplest definition is "*dibbera Torah ki-l'shon b'nei adam*," the Torah speaks in human language. That is, the assumption is that the Torah expresses ideas through a narrative that is in human language, and, as a result, all the principles of human language apply to the text of *Tanakh*. Primarily, I am drawn to the approach which today is called "literary analysis," which basically says that much weight should be given to the word that is chosen, to the structure of the sentence, to the order of presentation, to the structure of the unit, and the linguistic connections between the different units. Put simply, a person needs to heavily weigh the style of the text and its language, and then ask himself if his interpretation explains the words in the best way, and if this is the best way the Torah could have expressed these ideas. If there are holes in the presentation (it doesn't explain everything), this is a sign that it is not what the Torah meant. In my humble opinion, the *Rishonim* recognized this principle, each one according to his understanding, some more and some less, but they all attempted to interpret the Torah



according to the principle of “*dibbera Torah ki-l'shon b'nei adam*.”

What happens when the interpretation of the text cannot be resolved with the *Midrashim* of *Hazal*? Here there are a few suggestions by the *Rishonim*. *Rashi* set down the principle “*shiv'im panim la-Torah*,” there are seventy facets to the Torah, as well as the principle “*halo ko devari ka-eish ne'um Hashem, ukh-fattish yefotsets sala*,” “My words are like fire, says God, like a hammer smashing a stone” (Jeremiah 23:29): just as the hammer breaks off numerous pieces from the stone, so too the words of the Torah can be explained in a few different ways. And, in a number of places, *Rashi* cites *Midreshe Hazal* along with a *peshat* explanation, while making it clear that the two are incompatible. The same holds for *Rashbam*, *Rashi*'s grandson, as, on a number of occasions, after citing an interpretation of *Hazal*, he writes that the *peshat* is otherwise. The same is true for *Ramban* and *Ibn Ezra*.

How is one to approach the relationship between *peshat* and *derash*? It seems that one needs to distinguish between *Midrash Aggada* and *Midrash Halakhah*. Regarding *Midrash Aggada*, I personally accept the principle laid down by the *Rambam* in the *hakdama* to *Perek Chelek* and by R. Avraham son of the *Rambam* in his *Sefer*, “*Ma'amar 'al Derashot Hazal*,” “An Essay on the *Derashot* of *Hazal*,” that there are a few different divisions for *derashot Hazal*. Some of *derashot Hazal*, in his view, were never meant as the simple meaning of the *pesukim*, rather to express concepts utilizing the language of *Tanakh*. To reformulate, we can say that out of a belief in the principle “*lekka mide di-la remize be-orayta*” – there is nothing that is not hinted to in the Torah – they attempted, through the nuances or hints of the text, to find hints to ethical or philosophic notions which they wished to express. There are some places where this is more obvious and other places where it is less obvious.

In *Bereshit Rabbah*, on *Bereshit* 3:22, “*va-yomer Hashem Elokim hen ha-adam ...ve-atta pen yishlach yado ve-lakach gam me-eits ha-hayyim*,” R. Abba bar Kahana states that this demonstrates that *Hashem* gave Adam an opportunity for *teshuvah* (repentance): “*ve-atta*” means *teshuvah*, as we see from the verse (*Devarim* 10:12) “*ve-atta yisrael*”. And “*pen*” means *lo* (no). The *Midrash* says that with the word “*ve-atta*,” God gave Adam the option of *teshuvah*, and the word “*pen*” denotes man's refusal to do *teshuvah*, and only after that is Adam sent out of *Gan 'Eden*. It is clear that the *peshat* of the *pesukim* does not lead in this direction, and that this *derasha* is not the simple explanation. And as a result, *Rashi* and other commentators did not cite this *Midrash* in their commentaries on this *pasuk*. Rather, R. Abba bar Kahana wanted to work the notion of *teshuvah*, known from other contexts, into the sin of Adam, and, therefore, many *Midrashe Hazal* teach us that Adam had an opportunity to repent. They tried to work this into the language of the *pesukim*, even though the *pesukim* speak of something else. The same holds for other *Midrashim*. I believe that most *Midrashim* do not come to explain the *peshat* of *pesuqim*, but rather to express other ideas, ethical-philosophical, and work them into the *pesukim* by hint or *asmakhta*.

EF: Does the concept itself need to be connected to the *pesukim*? The precise, literal explanation of every word may not match the interpretation, but does the conceptual content that is drawn from it need to fit the *pesukim*, or can that be a separate notion?

MS: One needs to distinguish between different instances. The *Rambam* and R. Avraham ben *haRambam*, in his *sefer*, “*Ma'amar 'al Derashot Hazal*,” are of the opinion that there are places in which *derashot* are, to use his formulation, “*al derekh machamide ha-*

*shiv*,” that is, that this is not the meaning of the *pesukim*, but the *derashah* stands on its own, and the rabbis utilized the style of the *pasuk* to attach the *derashah* to the *pasuk*, by means of what is called *asmakhta*. But, doubtless, there are other cases where the concept can fit in with the *pesukim*, even if it is not the simple meaning of the *pesukim* themselves. For example, when Avraham says to his lads (*Bereshit* 22:5), “*shevu lakhem po'im hachamor; va-ani ve-hana'ar nelekh'a 'ad ko, ve-nishtachav ve-nashuva alekhem*,” remain here with the donkey, and the boy [Yitzchak] and I will go until there [Mount Moriah], and we will bow down, and return to you, and the *Midrash* says “*nelekha 'ad koh*” – we will see the [actualization of the] “*koh*” that God said to me, “*koh yihye zar'ekha*” (*Bereshit* 15:5), [in other words, we will see what has happened to G-d's promise], this *Midrash* is not the *peshat* of the *pasuk*. All Avraham says to the lads is that they will go a certain distance and then return. But the *Midrash* found in the word “*koh*” a connection to God's promise of “*ko yihye zar'ekha*,” since this story stands in conflict with God's promise there. Thus, *Hazal* found a sort of comment about the friction that exists between God's promise and the command to slaughter Yitzhak. If so, there are cases in which the concepts that *Hazal* are expressing can be tied to the *pesukim* on a certain level, but there are still places in which one needs to follow the words of R. Avraham ben *haRambam* – that they are said by way of *asmakhta*, based liberally on the text. One cannot always establish with certainty how to categorize each *Midrash*. The important thing is to understand that in either case, the concept precedes the application for the *darshan*, the one making the *derashah*. That is, he first had an idea, and then he went to find a source for it in *Tanakh*. As a result, we are not speaking of a *peshat*-approach. A *peshat*-approach is an attempt to interpret the *pesukim* based on their linguistic connotations, and not by applying a preconceived notion to the text.

I believe that this is how the *Rishonim* approached the text. *Rashi*, in a number of places, comments on *derashot* that they are not the *peshat* of the *pasuk*. For example, on *Bereshit* 3:8, “*vaYishme'u et Qol Hashem Elokim Mithallekh baGan leRuah haYom*” “and they heard the voice of G-d going through the garden by the spirit of the day,” *Rashi* says that there are many *Midrashim* about what they heard, and they can be found in *Bereshit Rabbah*, but he has come to explain *peshuto shel migra*, and those *Aggadot* which can be resolved in regard to the *pesuqim*. Here, *Rashi* makes it explicit that he does not adopt every *Midrash* in his commentary. In other places, *Rashi* explicitly rejects *Midreshe Hazal*, based on the fact that they do not fit in to the words of the *Pasuk*. For example, at the beginning of *Parashat vaEra* (*Shemot* 6:9), *Rashi* brings a *Midrash* on the first *pesuqim* of the *parasha*, and then writes that this *Midrash* cannot be resolved with the *pesuqim* for a number of reasons. And, at the end, he says that he wants to learn the *pesuqim* based on the *peshat*, and yet the *derasha* should remain, as it says “*halo ko devari ka-eish ne'um Hashem, ukh-fattish yefotsets sala*” (*Yirmiahu* 23:29) – it [G-d's word] breaks up into numerous sparks. The same approach, as I already mentioned, was taken by most of the *mefarshim* among the *Rishonim*.

There is another question: what happens when the *peshat* of the *pesuqim* is different from the *Midrashim* of *Hazal*. Here, in my opinion, one should distinguish between a case where a *Midrash* neither matches nor contradicts the *peshat*, such as in the *pasuk* (*vaYiqra* 21:2) that a Kohen can only become impure for the dead body of the *She'er* close to him. *Hazal* learn, and *Rashi* cites it, that *She'er* close to him refers to his wife. *Ibn 'Ezra* points out that this is not the *peshat*, as this *pasuk* is an introduction, followed by the details, just

like by the *Parashat Aarayot*, the *parashah* dealing with forbidden sexual relations, which is introduced with a general *pasuq* about all *Aarayot* (*vaYiqra* 18:6), which uses the phrase "*She'er Besaro*". If so, the wife is not written explicitly as a relation to which the *Kohen* can impurify himself, but it [this *derashah*] does not stand in conflict with the Halakhah, because the Halakhah can teach us, via the *Torah sheBe'al Pe*, that the wife is included among the relatives to whom a *Kohen* can become impurified.

The problems begin when we encounter cases in which, seemingly, the *peshat* of the *pesuqim* leads to an explanation that stands in opposition to the explanation of *Hazal*. Some of the *Rishonim* would still explain the *peshat*, especially *Rashbam*, *Rashi's* grandson, who on many occasions explained *pesuqim* against the Halakhah. For example, on the *pasuq* (*Shemot* 21:6) "*va'Avado le'Olam*"- which literally means that the *Eved Yvri* should be enslaved forever after choosing to remain on, *Rashbam* says that this means, literally, for all his life. This is despite the fact that *Rashbam* was certainly aware of the fact that *Hazal* said that it [the servitude] is only until *Yovel*. In explaining this, I would follow the words of the Vilna *Gaon*, Rav Eliahu miVilna, in the *Adderet Eliyyahu* on that *pasuq*: on many occasions in *Parashat Mishpatim* and throughout the Torah, the Halakhah uproots the *peshat*; in his view, on numerous occasions the *peshat* is not in consonance with the Halakhah. The *Gaon* says that this is a result of the greatness of *Torah sheBe'al Pe*, and the *peshat*

needs to recognize its "sister" *Torah sheBe'al Pe*.

According to the *Gaon*, the *Peshat* expresses the pure Halakhah and the Midrash expresses its practical application, and the pure Halakhah is not always in consonance with its practical application. To exemplify this principle, I will give an example which the *Gaon* himself brings, from *vaYiqra* 16. It speaks about *Aharon* entering the *Qodesh* and *Qodesh Qodashim* once a year on *Yom haKippurim*. There is a lengthy description of the *Qorbanot* and how they are to be offered, such that he can enter the *Qodesh Qodashim*. And the *parasha* concludes that this is for all generations. But on *pasuq* 23, *Rashi* comments that the whole *parashah* is written according to the order that the *Avoda* was actually carried out, with the exception of this *pasuq*, the laying down of the garments which *Aharon* wore into the *Qodesh Qodashim*. *Pasuq* 23 should have been somewhere else in the *perek*. *Ramban* has already tried to resolve the order of the Torah, and explain why the Torah did not write it in its proper place. Despite *Ramban's* attempt, the *Chokhmah* *Adam*, Rav Avraham Danzig, at the end of *Hilkhos Avelut*, cites the *Gaon's* interpretation of this *perek*, and he asks if the Torah could have written the *parasha* in the order that it was to be carried out. The assumption of the question is that the Torah should be written in "*leshon bene adam*." In light of other distinctions made by the *Gaon* and his Talmid Rav Avraham Danzig in the *perek*, he makes a surprising suggestion, claiming that the *perek* has 2 parts. The first part deals with *Aharon's* entrance

into the *Qodesh Qodashim* whenever he so desires, and the second part of the *perek*, starting from *pasuq* 29, deals with the entrance on *Yom haKippurim*. In light of the fact that only *Aharon's* entrance is discussed in the early parts of the *perek*, and only at the end *Yom haKippurim* is mentioned, the first part allows *Aharon* to enter the *Qodesh Qodashim* whenever he wants, provided that he follows this order, and the entrance to the *Qodesh Qodashim* on *Yom haKippurim* is for subsequent *kohanim gedolim*. So the *Gaon* claims that *pasuq* 23 is in its proper place for *Aharon's* entrance into the *Qodesh Qodashim*. And he explains that when *Hazal* said that it is not in its proper place, they meant that in terms of the annual *Yom haKippurim Avoda* it is out of order. Without going into all the details of this claim, it seems to me that this is a fundamental example of how one can bridge the gap between the *peshat* and the Halakhah. It is a precise distinction within the presentation of the Torah, in this case distinguishing between *Aharon* and subsequent *kohanim gedolim*. The words of *Hazal* are not in accord with the *peshat*, but they explain how the *pesuqim* stand in relation to the way the *Avoda* was to be carried out.

It seems to me that one needs to explain the Torah based on the principles of "*leshon bene adam*," and if there is no way to resolve the *pesuqim* with the Midrash, even in Halakhic matters, we need to consider why the *Torah sheBe'al Pe* interprets the *pesuqim* differently from their simple sense. Generally, this is because of principles written

## HAMEVASER PURIM ISSUE

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## HAMEVASER PURIM ISSUE

in the Torah itself in other places. In other words, according to this approach, the *Torah shebiKhtav* expresses its principles in different places. In every place it speaks about the topic in the particular way [appropriate] to that place. And the *sheBe'al Pe* applied the different principles to each of the different sources. This is usually the source of the gap between the Peshat and the Halakhah. From the *Gra's* words we learn that there is an obligation to try to interpret the *peshat*, because, by means of that, a person grasps the conceptual principles that the Torah wishes to teach us, which are not necessarily brought to light by the practical application of the Halakhah.

EF: Could you address our approach to outside sources from the time of *Tanakh*. What do they add to our understanding of *Tanakh*?

MS: I believe that there is some room to use outside sources, and this was the approach adopted by most of the *Rishonim*. *Ramban* in many places uses outside sources in the course of his commentary, whether archaeological means, such as the *Sheqel* coin that helped him to explain the "*Machatsit haSheqel*." Also, the location of the *Qever Rachel* helped him explain the *pesuqim* on that issue. Also, in his commentary on the place of *Avraham's* birth, where he utilized the testimony of students from different places, and which helped him understand the geographical route *Avraham* followed on his way to the land of Israel, and the same holds for many other places in his commentary.

We, too, can use outside sources, which can be from a variety of realms - historical, archaeological, legal documents, etc. It seems to me that we can be enriched by approaching *Tanakh* with a broad perspective. So, for example, if we utilize the Assyrian documents that describe the lineage of Assyrian kings, which more or less overlap with the time of monarchy in Israel, they help us understand the issues which stood before the kings of Israel - the diplomatic questions that stood before them, the difficulties they faced, and then [we can understand] the decisions demanded of them by the *Nevi'im*, given the situations they were in. Similarly, archaeological evidence helps us in determining certain geographical questions, to understand the battle descriptions of certain *paraqim*, the difficulties faced by the *'Am Yisrael* in its wars, the international rela-

tions and related issues. In my opinion, one can even utilize legal documents from other Near Eastern societies which have been discovered in the last hundred years. There are points of contact between these laws and the laws of the Torah. We need not avoid this issue; on the contrary, the comparison can highlight the singularity of the laws of the Torah. Sufficient proof for this approach should be the *pasuq* said by *Moshe*, "*uMi Goi Gadol asher lo Chuqim uMishpatim Tsadiqim, keKhol haTorah haZot, asher Anokhi Noten Lifnekhem haYom*," "what great nation has such righteous laws and precepts, like this whole Torah which I put before you today" (*Devarim* 4:8). What this means is that *Moshe* himself is comparing the laws of the Torah to other law-codes, and claims that the laws of the Torah are just and righteous. What emerges from this is that we too can compare the laws of the Torah to other law-codes, and arrive at the uniqueness and singularity of the laws of the Torah. I could mention a few examples if there is a need, and if there's time.

EF: One or two.

MS: I will give one or two examples. One is that in the Near Eastern law codes, there are two sources in which it says that a person can redeem a death sentence with monetary payment. The Torah comes out against this and declares "*veLo Tiqchu Kofer leNefesh Rotse'ach asher Hu Rasha' laMut, ki Mot Yumat*," "and you shall not accept payment for the life of a murderer who has been sentenced to death, for he shall be killed" (*BeMidbar* 35:32). On the other hand, we find that the death sentence is sometimes issued for property matters. We find nothing of this sort in the Torah. It has been explained that these two points stem from the same source: in the Near Eastern codes, human life is measured in economic terms. Therefore, a person can reimburse financially to compensate for loss of life, and in the reverse direction, life can be taken as a punishment for economic damage. Whereas according to the Torah, there is a fundamental and basic difference between human life and any economic matter, and the two realms are not to be mixed. Similarly, we find a law in the Torah that has no parallel in Near Eastern laws, which is that if an ox [*a Shor Tum*] kills a person, the ox is killed and the owner is innocent. We do not find in any Near Eastern law codes, even in those that are similar in other laws relating to damages by oxen, the killing of the ox. It seems that this flows from the principle set out in the

book of *Bereshit*, "*veAkh et Dinkhem leNafshotekhem Edrosh, miYad kol Chayya Edreshenu*," "and I shall demand for the blood of your souls, from every animal" (9:5), meaning that G-d will demand punishment for killing humans, even from animals. The implication is that the sanctity of human life is so great that G-d punishes even animals for taking human life. So we see that we can arrive at religious principles from examining the Near Eastern laws.

I will mention one other law from Near Eastern codes: if a woman committed adultery at the husband's request, no punishment is given to the adulterer or to the adulterous wife. We find nothing of this sort in the Torah, because adultery is a religious sin against G-d, and not only against the husband. Therefore, the husband has no right to punish or to forego the punishment. The Torah turns the focus from the husband to the courts. These are just a few examples where the comparison of Torah law to Near Eastern law can point to ethical-religious principles on which the Torah is based.

We have only scratched the surface of this issue. I can also give a narrative example. The story of the *mabbul* (the flood) is told in different Near Eastern sources, in various forms. The comparison between the stories raises certain fundamental differences between the Near Eastern versions and the Torah, and I shall mention two of them. In Near Eastern literature, the salvation of Noah is described, not as a reflection of the will of G-d, but rather as the revealing of a secret plan by the god to Noah by one of his servants which led to the salvation of the Akkadian Noah. His salvation was based on the calculations of that servant of god who revealed the secret to Noah. According to the Torah, this has no place, rather G-d commanded Noah to build the ark, because "*Otekha Ra'iti Tsaddiq Lefanai bedor hazze*," "I have seen you as a righteous man before me in this generation" (*Bereshit* 7:1). There are other differences between the stories, such as the absence of any ethical explanations for the *Mabbul* in Near Eastern sources, and the giving of an ethical explanation for the bringing of the *Mabbul* in the Torah. The principle I wish to return to is that the comparison to Near Eastern sources highlights the uniqueness of the Torah, just as we can learn from outside sources about subjects we know little of from the Torah itself, such as historical background. Returning to the question, we have much to gain from outside sources if it is done with *sekhel*, understanding, and proper consideration of the factors.

## INTERVIEW WITH RABBI DR. ALAN BRILL

CONDUCTED BY JASON LEIB

JL: What is your position on the academic study of Bible and Talmud? If you are not in favor of the academic study of these texts, how do they differ from the *Zohar* and *Hasidut*? Is there any difference, in your opinion, between lower criticism and higher criticism? Should *mesorah* affect our understanding of Jewish Studies?

AB: There are a lot of questions. First of all, I just don't think that the academic study is the limit of the study of Bible and Talmud. I have a lot of students in the class coming in and assuming that if I teach Jewish History, therefore, I would want to read *Tanakh* and Talmud as limited to their philological, linguistic, literary and historic understandings. They generally are surprised that I am also in favor of their *lomdus*, political, legal, and philosophic understandings. So how are they [Bible and Talmud] different from the *Zohar*? Well that is the point, I am not making a difference. The most important question concerning the *Zohar* is not the historic question. Even though we cover the historic questions in the *Zohar* like authorship, dating it, its influences, who it influenced, there are also questions about what it means. What does it mean philosophically? What does it mean psychologically? What does it mean spiritually? They are not mutually exclusive; I do not want to limit the *Zohar* to its date. So too, I do not want to limit the Bible and Talmud in that way.

JL: What about *mesorah* bearing Rabbinic traditions?

AB: There isn't very much of a *mesorah* in the correct way to read the *Zohar* that contradicts the academic approach. Tishby's reading of the *Zohar* is not very different from Cordovero's. Unlike the case of Bible, where the traditional approach and the philologic/historic ones can be diametrically opposed.

JL: So there the *mesorah* should obviously affect us?

AB: I don't want to comment to you how the other fields work, again, but I don't have as much of a disjunctive.

JL: Do you think that *Hasidut*, Kabbalah, and other "irrational" and non-halakhic concepts have a potential to succeed in today's Modern Orthodox Judaism?

AB: That's another dated question. I prefer not to present *Hasidut* or Kabbalah as irrational or non-halakhic. I do not think that the true irrational or true non-halakhic approaches will make it in Modern Orthodoxy, even though they might make it outside of Modern Orthodoxy. But, as I said, I do think that Kabbalah and *Hassidut* will make it on some level. I do find that people are turning to them, not for the non-halakhic or irrational, but for the greater emotive level, the greater imaginative level, the greater mythic and visionary levels, the greater psychological levels. I do think that people are turning to those things. Do I think that it [the study of Kabbalah] is going to uproot *Gemara*? I don't think that's the goal.

I emphasize the transition from philosophy to Kabbalah as a rational step, and therefore I have a special interest in Rav Yosef Gikkitilla and Cordovero. I am also interested in meditation as a reproducible outgrowth of the requirement of *kavanah* in prayer. My own research is on Polish *Hasidut*, which includes such figures as Rabbi Zadok HaKohen of Lublin, who combines his halakhic study and Maimonideanism with Kabbalah and *Hasidut*.



JL: Many scholars are bothered by the long gap between the appearance of the *Sefer Yetzirah* and the *Bahir*, the first medieval Kabbalistic text. Scholem attributes the ideas of Medieval Kabbalah to Gnosticism in Provence, while Idel attributes the rise of Medieval Kabbalah to sources within *Hazal*. What is your opinion?

AB: The whole question needs to be contextualized. When Scholem said that Kabbalah's coming from Provence, what he's saying is that that dynamic idea of 10 *sefirot* working as one unit and being symbols pointing to an ineffable was new to Provence. One does not find that [idea] in prior texts, whether Ashkenaz, philosophy, or *Hazal*. Anything that is seen to be saying that [idea]

before, Scholem would label as "proto-Kabbalistic." It becomes a full philosophy and not a fragment only in 12th century Provence. Idel, on the other hand, is not asking the question of when do 10 *sefirot* come to be. He's asking when do the traditions of early Kabbalah come to be. Therefore, one can find a great deal of *Zohar* and *Bahir* material in late Midrash and Hassidei Ashkenaz. Scholem would say that that's not Kabbalistic because it is not 10 *sefirot* working in a unity. If Idel can find various terms, symbols anywhere in the Second Temple or rabbinic texts, he then draws a mythic line from Second Temple all the way up to the twelfth century, as if saying that it's all the same, not necessarily substantiating all the claims.

My own opinion is in two directions. Where Scholem wanted to make Rabbinic Judaism completely devoid of the spiritual, current trends find in Rabbinic texts a great deal of discussion of hypostases, of inter-divine statuses; there are open questions again about how much immanence there is in Rabbinic texts. When you look in Urbach's *The Sages*, the *Shekkinah* is not seen as an immanence of God, and so too, all words like "*gevurah*" do not really mean a hypostasy, and God wearing *tefillin* is only a *maskal*. The current trends are willing to reopen those issues and say no, there is a real immanence, there are real hypostases and there are strong images of the Divine in Chazal. On the other hand, a lot of *Bahir* and *Zohar* will find antecedents in eleventh and twelfth century texts, but they are only fragmentary antecedents, not creating a system.

JL: How do you feel about using modern literary techniques to study the Bible?

AB: I am in favor of Medieval exegesis, both philosophic and Kabbalistic. I don't find Medieval *maskal* allegorical in the sense of saying one thing and meaning another. Medieval philosophic *maskal* is trying to explain the meaning of the texts, the same way moderns naively accept the allegory, that Abraham is a knight of faith, or that Job is talking about theodicy. Medieval philosophic exegesis defines the human being as a rational person who now has to fight the limitations of mortal life and his imagination and desires in order to lead the intellectual life, that becomes just as real an understanding of the struggle of human life as any 20th century allegory.

I tend to clash with students who approach the text automatically as an ironic or satiric narrative. I think that good reads will include the philosophic and the Kabbalistic. Usually, when people pick on medieval allegory they are usually using a stereotype. There are different types of medieval allegories such as 'what is the ideal human being or the religious human being?' Painting *Avraham* as the ideal intellectual, that is as good as painting him as some sort of 19th century autonomous decision maker.

That [example] is one where everyone may agree, but we also get to the sort of allegories that deal with physics, those are the ones where we feel more jarred because those seem to be completely not what the texts seem to be about. But what about those middle range allegories where the text is about the four elements? If you believe the four elements are one's existential condition, and the human soul is forced to live in the physicality, then one is not giving a lesson in physics, one is explaining to you the relationship between soul and body. Those are the ones I have to fight hardest to justify to others.

Modern literary theory is very good at finding opposites. Moving out of the medieval into the early modern period, you will find someone like the *Maharal* picking up on all of the "zeh l'umat zeh"s but not labeling them as ironic, instead saying that they are intrinsic to the plot. "Once you see one figure you get an opposite figure" is not an ironic literary trope, but the way the world works. You should already be expecting the *Geulah*, rather than undercutting and problematizing the human existence. "Zeh, l'umat zeh" has opposite characters point out their natural fulfillment. Taking an example from *Megillat Esther*, Mordechai is not some sort of ironic opposite of Haman - Haman's grandeur and Mordechai's sitting in sackcloth or Haman is going to be this ruler and then Mordechai becomes the same ruler at the end of the book. The *Maharal* would say no, it is intrinsically "zeh, l'umat zeh". If you are going to succeed, it must have an equal; you have to come out looking like the opposite term.

JL: How do you feel about the emendation of texts and should it be done when it can be done? The Vilna *Gaon* was emending texts, and not just the Talmud; he was also amending the *Zohar* and similar texts. What were [are?] the criteria to emending texts.

AB: The *Gra* was emending texts to harmonize them usually with the *Bayli* or with other texts. He had a certain hierarchy of texts. There are also *Mosad HaRav Kook* books in the *Beit Hamidrash* that are now using the emended texts. There is a certain level where naively, once it has been emended, if we are not part of the process, we assume that it never was emended. Any books now that we put out critically from manuscripts we don't even call emended texts, anymore. We tend to emend only when someone is consciously going with a blue pencil and editing.

JL: Today we read the *Rambam* very differently than in Medieval times. Were there two or three ways of understanding the *Rambam* in Medieval times?

AB: The *Rambam* gets understood differently in every generation, and there are a lot of different understandings. The *Rambam* did leave himself open to multiple interpretations. As Shlomo Pines put it, in the *Moreh Nevuchim* you will find the *Rambam* a skeptic, a Platonist, an Aristotelian, and a mystic. Or, if you want to rephrase it, was he more influenced by Avicenna, Al Farabi, Al Ghazali, and Aristotle. There is a certain range in how to interpret Maimonides. For most of the nineteenth century, Maimonides was portrayed as a Reform assimilationist, because philosophy is universal and intrinsically leads you down the bad path. That certainly is the way someone like Graetz would paint it.

In the twentieth century, the *Rambam* has made a comeback. There are debates between those who read the *Rambam* as more Platonic and those who read him as more Aristotelian. And there is also a debate in how esoteric Maimonides is. I am not saying the Maimonides is open to infinite interpretations; I also disagree with the statement that everyone reads Maimonides in their own eyes. I do not think that he is that opaque: there is a certain range of acceptable readings. Once again, there is a continuous tension - is he more Platonic, is he more Aristotelian, but he doesn't become an analytic philosopher. Most of the last generation read, certainly in the 1960's and 1970's under Harry Wolfson's influence tended to read, Maimonides as more of an Aristotelian with a leaning towards Averroes' reads. Currently, the Platonic read is

coming back into fashion.

That is a loose use of the word rationalism, in some modern readings, in which one says, "Oh Maimonides is a rationalist and we should be rationalists". But then you have lost any sort of differentiation between *Rambam*, Sa'adyah, and *Rablag*, or between Bertrand Russell, Ayer, and Kripke, they all become one. For example, chapters two to four of Maimonides' *Yesodei HaTorah* contain a presentation of a celestial hierarchy with angelology and souled spheres. The grandeur of this knowledge compels man towards an intellectual love and fear of his creator. Maimonides' Platonic/ Avicenna cosmology is an experiential-religious world view based on his understanding of *mikra* and *Hazal*, in which G-d's grandeur as described in Isaiah 40 is primary. However, I find that many times this hierarchy is read by moderns, even orthodox ones, as equivalent to current rational philosophy. Just because Maimonides used the philosophy of his day, it does not mean that Maimonides supports any rationalism of any day.

JL: What is the relation between *peshat*, Halakhah and Kabbalah? For example, when we have *pshat* and *drash*, there are two different levels and *derash* is someone trying to influence something in the text or trying to explain something in the text. In the same way that halakha is not necessarily *peshat* and Kabbalah is not necessarily *peshat*, how are they related to *peshat*? In terms of philosophy also, because Kabbalah would be different from [philosophy], in terms of defining philosophy as being more rational and Kabbalah as more irrational, but that is not necessarily the case.

AB: I could give you a *Rambam* or *Ramban* definition of both philosophy and Kabbalah as the *sod* of the text. All texts are *mashal*, not in modern sense that they are really metaphor. Language is *mashal*, and it points to this greater signified meaning behind the text, which is the Kabbalah and philosophy. This brings us back to the question from before: the *Zohar* has a very famous passage about viewing the Torah as a garment, a body, a soul, and a soul of souls. A lot of those who have historicist reads of the Bible tend to limit the Bible to the garment of Torah, and look no further. The *Zohar* says that people have no share in the World to Come; and curses them that their spirits deflate. My problem is not with having a garment of Torah; literary/historic approaches are fine. My problem becomes with limiting yourself to the garment of only having the *mashal* and not having what's behind it.

JL: Are there any requirements or a certain mental capacity which is needed or required or a certain level of imagination to study Kabbalah?

AB: Basic requirements: Cordovero says you should be twenty years old, you should be a *ben Torah*, have good *middos*, you should already have studied *Gemara b'iyun*. Why does the *Ramak* say do you have to have learned *Gemara b'iyun*? Because it already teaches you not to read texts literally and to understand how much knowledge is based on *mashal*. He thinks you get that from *Gemara*, in seeing how fluid texts could be. This brings us back to the very first question: I do think that Bible and Talmud should be read fluidly *b'iyun* and not as if there is some definitive way of reading Bible and Talmud to the extent that one loses the *mashal* elements to them.

On the other hand, Kabbalah is not for everybody. The *Zohar* requires a certain amount of imagination, a certain amount of wanting to use a more *mashal* or *hida* approach to answering questions. However, not all of Kabbalah is imaginative: the *Ramban* or *Ramhal* are not imaginative, but require a much more speculative, metaphysical term of mind.

JL: Would that include the *Gra* also?

AB: No, the *Gra* is actually, sur-

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# ***A Modern Darshan:* AN INTERVIEW WITH RABBI YAAKOV MEIDAN**

RAV MEIDAN IS A RAM AT YESHIVAT HAR ETZION, AND A PROFESSOR OF BIBLE STUDIES AT MACHON HERZOG TEACHERS COLLEGE AND AT BAR ILAN UNIVERSITY  
CONDUCTED BY ARI WIESEN AND AND ELIE WEISSMAN



AW/EW: When learning Tanakh, can one, or should one, say things which contradict the words of the Rishonim or Hazal?

YM: Within the Beit Midrash, there are two approaches to this issue. Some say that parshanut hamikra is just like Halakhah. Hence, we are mitigated by the opinions of those who precede us. On the other hand, there are those who see a real difference between parshanut and Halakha. These include Rashi, Rashbam, Ramban, and certainly Ibn Ezra, Radak and the Abravanel. In fact, in the Gemara (Hagiga 6a), the Geonim, Rav Sherira and Rav Hai in the Otzar Hageonim, clearly state that there is a difference between parshanut and Halakhah. The clear implication is that more than one explanation is possible.

The verse was written in a way that allows for many explanations. Based upon this principle, surely it is permitted to propose novel explanations. But we must always remember to approach this issue with great respect for Hazal and the Rishonim. I am sure in Heaven, if they had to choose one explanation of a pasuk, they would probably choose the Ramban's over my own. In Halakhah, however, this will not do. We are subject to the words of Hazal and the Rishonim.

Moreover, when it comes to Hazal, in the Midrash, we are always faced with the problem of understanding their intentions. Did they mean here to say peshat or were they just pointing to a secondary Midrashic level. In my opinion, Hazal many times are trying to say pshat; it is only a matter of understanding their intentions.

AW/EW: Can Hazal play a role in peshat?

YM: My approach is built specifically off the Midrash and not against it. In fact, I am against the approach of Yitzhak Heineman and the like. He claimed that the Midrash comes only to portray an idea which relates specifically to the time period of the darshan. In essence, it is only relevant to his time period. I disagree vehemently with this approach. Although

he may be correct in isolated situations, I believe that Hazal were coming to give a peshat message within their derashot. It is only a matter of untangling their language.

Basically, I try to understand an event in Sefer Breishit based on a similar occurrence from another place in Tanakh. By placing one on top of the other we can come to conclusions about both.

AW/EW: Could you give us some examples?

YM: Three short examples. Hazal say in Parashat Shemot that Moshe ran after a goat and discovered the burning bush. How did they know this? Was it some sort of tradition that they had from Har Sinai that Moshe ran after a goat? That doesn't make so much sense to me. Hazal might, however, be subtly pointing to a literary parallel with another place in Tanakh.

If we look, we will find many parallels between Moshe and Shaul. Shaul too, ran after two donkeys where he met Shmuel and was told he would be king. If we look even further, we discover even more parallels such as the "va-yosha" et Yisrael. Hazal, in the Midrash, were alluding to these parallels.

Another famous Midrash we find by Avraham. He destroyed his father's idols. Then he claimed that they had fought with each other. Then it tells us that Avraham was thrown into the kivshan haesh. The parallel to Hananya, Mishael, and Azaryah is clear. We can find parallels on a peshat level as well.

Finally, we all know about the famous Midrash about Lot. The pasuk tells us that he offered the angels matzah. Rashi, on the spot, quotes Hazal, who say that it was Pesah. Could it be that Lot with his ruah hakodesh saw that benei yisrael left Mitzrayim on this day. Then we would have to get into a whole discussion of whether Lot really could have such ability. I would prefer to say that Hazal are once again pointing to a textual parallel. If we look, we begin to see many parallels between the punishments of Sodom and of Egypt. "Vayisgor et hadelet be'ado - lo yetzay ish mi petah beito". "Hikku otam besanverim- makkat hoshekh". If we only

look, the many parallels reveal themselves. Both represent God's ability to punish the wicked.

AW/EW: Are there differences between the different Midrashim?

YM: Definitely! We must be very careful of this and always keep it in mind any time anyone quotes a Midrash. The Midrash is the result of fifteen hundred years of work. There are many Midrashim, from many different places. Not every Midrash is crucial: some, in my opinion, are saying nonsense. It depends, obviously, on who wrote them. I am not speaking, obviously, of Midrash Rabbah and Midrash Tanhumah and the like. But some Yemenite Midrashim seem to contradict fundamentals of faith. I cannot fathom how they must have learned in the fourteenth century. Some of the Midrashim that they found in the Cairo Genizah are similar. Could it be that just because someone said something a thousand years ago I am subject to it, since he wrote it down? Moshe Hadarshan, Yalkut Shim'oni, Rabbi Menahem - all these I know I can trust. But just any Midrash, that we cannot know from where it came, why should I be subject to what it says?

AW/EW: Lately, many archaeological finds have shed light on many pesukim. How do we deal with earlier parshanut which contradicts these discoveries?

In terms of Midrash (and I actually wrote an article about this), I have found that, in general, those that lived in Israel, from the Midrashim whose authors we know, were very knowledgeable when it came to history, geography, and climate of Israel. On the other hand, some Rishonim who lived outside of Israel obviously did not know certain things. I am convinced that in certain places they were just mistaken. I could give you tens of examples. Some Rishonim believed that Beit-El was to the east of Kikar Hayarden. Or, some Rishonim drew pictures of kerit'at yam suf and clearly did not know the geography.

However, I cannot blame them. Rav Yaakov Emden points this out as well. They just could not know any better. But,

realize also, that these mistakes do not happen often. But they do happen. Even the Rishonim make mistakes. Their perushim were written with great knowledge, great wisdom, great effort, and with si'yata dishmaya, but they were not prophets. Just as there is no rule without an exception, so too there is no Rishon who never made a mistake.

AW/EW: At what point can students of Tanakh begin to propose their own novel approaches?

YM: In this area, learning Tanakh can be more dangerous than learning Halakhah, since in Tanakh there is no hierarchy. In Halakhah, we have a clear tradition from Mishnah to Gemara to Rishonim, Aharonim and so on. With Mikra, people feel like they can just open a Tanakh and start suggesting novel approaches, which is very nice. But, in my opinion, it destroys more than it builds. There is a necessity for responsibility when approaching these issues. A person must first learn the Mikra thoroughly with Hazal and all the classical exegetes. After he knows them well, then he can suggest novel approaches. Though within limits.

Sometimes, I've thought I had come up with a completely novel approach to a particular piece, only to find it in the Alshech or Ohr Hahayyim.

AW/EW: We all know that your father, Rav Meir Meidan z"l, was one of the revolutionaries of Tanakh study. Among his great achievements, he edited the Tanakh Koren. Could you tell us a little about him?

YM: My father z"l, while he gave many shi'urim in Tanakh, first and foremost dealt with Mesorah and te'amim. That was his specialty. When the idea came up to produce a Tanakh ivri, which had yet to be published, he was asked by Eliyahu Korgold (Koren) to do it. Koren wanted it to be a Tanakh without any mistakes.

I recall my father was up until late at night with fifty books open in front of him. When putting the Tanakh together, he would search in those books and determine which was the correct printing. He determined based on Halakhic sources like the Hatam Sofer and the Beit Yosef. This is in contrast to the Breur Tanakh which chose a more academic approach. One thing I recall most about my father was that in his shiurim and even when he read from the Torah, you could tell that he was in a different world. He had left us and entered the world of Tanakh. I have always tried to emulate that.

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prisingly quite imaginary. You would think otherwise, but the *Gra* is always painting you a picture, always talking about three-dimensional space. The *Gra*, in some way, is really drawing some engineering map in his mind, and using a mind's eye vision of it. The *Gra* will talk about how one-dimensional space becomes two-dimensional, becomes three dimensional, and then opens up into a plane.

JL: What was the historical development of the requirement to be forty years of age to study Kabbalah?

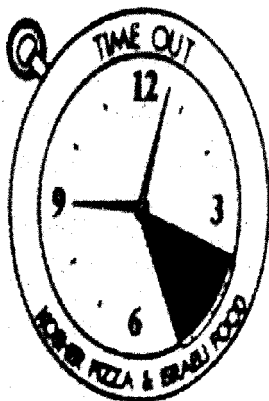
AB: Originally, forty years was the age of *binah*. Ashkenaz has these traditions that one does not learn how to actually use the *shaimos Hashem* (as *Rashi* is telling you that *Moshe* killed the *Mitzri* using *shem Hashem*) until you are forty. When you come to *Tsefat*, *Cordovero* says you have

to be twenty, because he is talking about texts of Kabbalah. Luria, who wants to actually teach you some of these names, expects you to be forty years old. Most Kabbalistic books were studied and written by people in their twenties and thirties.

The widespread Ashkenazi idea that one does not study Kabbalah before the age of forty comes from 1760. After the Frankists said that the blood libel was true and then converted to Catholicism and said that their doctrines were based in Kabbalah, the *Vaad Arba Aratsot* then said that people should not study Kabbalah before the age of forty, which is an effective way of saying not to study it. But the prohibition never applied to the rabbinic elite who were truly worthy. This prohibition was only for those Jews in Eastern Europe who did not have widespread education. The *Vaad* felt that those who could not read chumash with *Rashi* or learn a basic Halakhah should not be turning to Kabbalah.

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# LAW AND LIMINALITY IN THE BIBLE

by Nanette Stahl  
Sheffield Academic Press  
\$37.50

REVIEWED BY SHARI L. ROSENBERG

Many scholars have applied literary theories to the study of the Bible. Nanette Stahl applies Mikhail Bakhtin's theories of the novel's construct exceptionally to Bible analysis, despite the claims of Bakhtin scholars that he would categorize the Bible as an epic since it does not display the self-consciousness of a novel.<sup>1</sup> Nevertheless, in her recent *Law and Liminality in the Bible*, Nanette Stahl identifies novel-esque techniques as described by Bakhtin in four sections of *Genesis* and *Exodus*.<sup>2</sup> This essay will explain Bakhtin's criteria for epic and novel in his "Epic and Novel: Toward a Methodology for the Study of the Novel" in *The Dialogic Imagination* and provide a defense for Stahl's application of novelistic theories to Biblical narratives that are often perceived as epic-like. This essay will then demonstrate the presence of a continuum of novelistic and epical genres in *Genesis* through *Exodus* 20.

Bakhtin, a twentieth-century Russian socialist, introduces definitions of the literary genre of the novel. Bakhtin traces the advent of the novel to the Renaissance, when radical new ways of perceiving time developed and influenced literary genres. Prior to the Renaissance, the historical past was perceived as being [ideologically and religiously] close and similar to the present. Literature, therefore, exalted past events and characters: readers preferred exaltation to harsh reality and the repetition of established patterns to unpredictable and complex plots. The literary reflection of this prevalent perception of time and history was the epic, a genre that presents the past as glorified memory, if not historical reality, establishes various predictable, stereotyped tales and plot elements as fact, and presents characters as titans.

According to Bakhtin, the new Renaissance temporal sense was that the present was closer to the future than to the past. This view is reflected in the [rise and] self-consciousness of "open-ended"<sup>3</sup> novels; they continue to evolve as the reader reads, thereby establishing a "zone of contact" between the present and the "reality" of the text. Thus, the reader can interact with a novel's "world still in the making,"<sup>4</sup> thereby creating the "future" of the text. The open-endedness of novels gives them an ironic consciousness: laughter, humor, and elements of self-parody permeate them. Thus, neither the techniques of discourse of the novel nor the content are prepackaged or predictable. Instead of establishing a specific view of a plot as reality, novels explore knowledge and human experience, especially in their characterization[s] and point of view. Heroes are often of low social class and display "ridiculous" behavior. They continue to develop, as they learn from life.<sup>5</sup> As the vantage points of [both] the subject and an outside observer of experience are subjective, novels avoid the conclusive tone of epical narration. The discourse of this genre includes varying, even contradictory viewpoints ("polyglossia" or "heteroglossia") that struggle with each other as *dialogues*. Bakhtin places great emphasis on this dialogical aspect, saying that a novel "achieves meaning not so much through the unfolding of the plot as through the presence of the dialogic interaction and tension among its components."<sup>6</sup>

Bakhtin's model of an epic directly corresponds to aspects of *Genesis* and to some features of *Exodus*. Epics tell of glorified world beginnings, forefathers, and founders of families. Similarly, the narrative style of the Hebrew Bible presents the past as does Bakhtin's prototypical epic — as "sacred and closed memory" — by canonizing and sanctifying events.<sup>7</sup> Indeed, both its presentation of glorious events and the presence of an "omniscient narrator" contribute to its portrayal of the past as

sacred and immutable. A mythic element of the beginning of *Genesis* is the anthropomorphic description of God and His Actions. God's Voice (spirit) "walks" in the Garden of Eden;<sup>8</sup> He "comes down" to judge the builders of the Tower of Babel and the Egyptians;<sup>9</sup> the "divine beings" married human women;<sup>10</sup> He reveals Himself to the patriarchs and Moses;<sup>11</sup> Jacob (according to his own claim) sees him "face to face"; the Israelites "see His great fire";<sup>12</sup> God is asked to turn away (*nahem*) from his blazing anger (*haron af*) [lit. inflamed nostrils], provoked by the sin of the golden calf.<sup>13</sup>

This mythic sense changes, as anthropomorphism evolves into claims that God reveals Himself to individuals and a people, as recorded in the second half of *Genesis* and in *Exodus*.<sup>14</sup> In other canonical works, His Presence is described as dwelling in the Tabernacle<sup>15</sup> and the Holy Temple.<sup>16</sup> Even in narrative sections when His Presence is downplayed or not mentioned, national events are attributed to His Hand in history. Verses with implications such as those pervade in the book of *Judges*, "The Israelites did again what was offensive to the Lord, and the Lord delivered them into the hands of the Philistines..."<sup>17</sup>

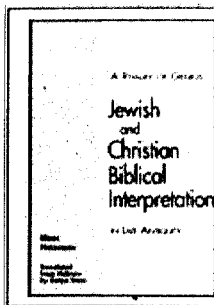
Nanette Stahl rejects Bakhtin's classification of the Hebrew Bible as epic by disregarding Bakhtin's 'self-conscious' requirement for novels. (Only in a footnote does she mention this omission; she does not contend with it.)<sup>18</sup> She attributes an 'open-ended effect' to four critical points in the God-man relationship portrayed in *Genesis* through *Exodus* 20, referring to them as "liminal moments." The Bible textually represents each liminal moment through a narrative with legal interpolations or a coterminous legal section: the creation account<sup>19</sup> is followed by "be fruitful and increase...";<sup>20</sup> the deluge<sup>21</sup> [is followed by] the prohibition against murder;<sup>22</sup> Jacob's wrestling with the angel<sup>23</sup> is followed by the laws prohibiting the Israelites from eating an animal's sciatic nerve;<sup>24</sup> the theophany at Sinai<sup>25</sup> is followed by the laws prohibiting idolatry and the establishment of a cult.<sup>26</sup>

In order to apply Bakhtin's conception of the novel, Stahl must diverge from traditional views of the academic community. Stahl's comparison of the juxtaposition of narrative and law in the Hebrew Bible to the juxtaposition of genres and styles found in novels reflects a synchronic view of the Biblical text; she ignores the source-critical approach that would affirm that this juxtaposition is merely a merging of two texts of diverse traditions. Moreover, Stahl defends her assertion that the interplay of narrative and law involve liminality and open-endedness by identifying a thematic commonality between novels and these four moments: both convey human experience. She claims that the positioning of law at crucial junctures in man's relationship to God demonstrates the inherent flaws of those moments, and of man's nature. The presence of laws in a text shows that God needs to establish boundaries between Himself and faulty man. If man were perfect, there would be no need for legalistic material.

On the level of discourse, Stahl asserts that these four liminal moments are like the novel in that they are dialogical, or "polyphonus," representing the genre of law and narrative as multiple voices. She attributes an effect to the presence of multiple voices as Bakhtin attributes "ironic self-consciousness" to the novel's open-ended techniques.<sup>27</sup> According to Stahl, the message of the juxtaposition is a theological one: God is ambivalent towards man's nature, even at hopeful times of renewal, such as creation, emergence from the ark after the deluge, and Jacob's victory over the angel.<sup>28</sup> Stahl presents additional evidence that the Hebrew Bible is polyphonus.<sup>29</sup> Some laws develop or even contradict themselves throughout the Bible, or are undermined by the relating of contrary events. For instance, the law "do not kill" (*Exodus* 20:13) develops in different contexts and circumstances, eventually comprising a positive commandment of annihilating the Amalekites (*Exodus* 17:14-16). Law is contradicted by narrative in that the Bible protects primogeniture in its legal mandates (*Deuteronomy* 21:15-17 "...he [a father] must accept the first-born... and allot to him a double portion of all he possesses..."), while numerous narratives tell of heroes reversing primogeniture, such as Isaac's [surpassing/supplanting] Ishmael, Jacob's surpassing Esau, Joseph's surpassing Reuben and Judah, and Moses surpassing Aaron.

In addition to the polyphonus nature of law and narrative, the titans

Continued on page 59



# A RIVALRY OF GENIUS

by Marc Hirshman

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REVIEWED BY URI GOLDSTEIN

There are a number of perspectives from which the reader may approach a specific work of biblical interpretation. One may (like James Kugel) view it purely as a work of exegesis, analyzing its approach to the biblical text, the questions asked and the answers given. One may also view it as a work of theology that extracts moral and spiritual lessons from the tales and laws contained within the Bible. A third way to look at it is through the perspective of intellectual history: What does this work tell the reader about the cultural climate at the time of its composition? One might argue, though, that all three of these factors are related. In *A Rivalry of Genius*, Marc Hirshman attempts to demonstrate the polemics contained within biblical exegeses in late antiquity, specifically Rabbinic responses to the challenges of the church. In so doing, Hirshman attempts to shed light upon the study of Midrash, both as biblical interpretation and as a literary genre.

Although he speaks of polemics directed by Jews and Christians against pagans, Gnostics, and each other, Hirshman concentrates his efforts on the Christian attacks on the Jewish religion, and the Rabbinic responses to these attacks, specifically those contained in works of biblical interpretation. His thesis may be summarized in three brief points: First, Christian works of biblical interpretation contain attacks on Judaism from a number of angles, specifically that of biblical exegesis; that is, the church leaders claimed that the Jews did not interpret scripture correctly. Second, the rabbis were aware of the specifics of these attacks. And finally, the rabbis responded to these attacks in their works of biblical interpretation. Hirshman attempts to prove his hypothesis by comparing Christian interpretation to Midrash and showing parallels between the two. Along the way, he provides a comparison between Midrash and the various genre of church works and attempts to come to a conclusion regarding the relationship between the final, literary form of Midrash, as we have it, and the sermons which, ostensibly, are its origin.

One noteworthy difference between Jewish and Christian exegetical literature is stylistic. While Christian literature takes on many forms, such as homiletics, apologetics, anthologies and poetry, the Jewish works are limited to one genre, namely Midrash. This is because the Christians were preaching and spreading the writings of their faith in an attempt to win converts, while the Jews made no similar effort (10). This point is crucial for Hirshman's thesis, for, although Christian polemic was explicit, any Jewish response must be sought in the vast Midrashic literature, in the guise of exegesis. We will examine two of Hirshman's readings, and see if they are successful.

Because they viewed their religion as the only legitimate one, the Christians viewed their exegetical methods as correct, and the Jews' as incorrect. However, the Christians were not satisfied to have superseded the Jews. In their opinion, they took the place that the Jews had occupied in the eyes of God. Essentially, they had become a new Israel. This argument is put forth explicitly by Justin Martyr, in the *Dialogue with Trypho*, wherein Justin explains to the Jew Trypho that because of their faith in Jesus, Christians become sons of God, "like Jacob and Israel, and Judah and Joseph, and David," and thus are, in fact, Israel. The claim "we are Israel," is reflected in several Midrashic sources. The earliest of these, *Song of Songs Rabbah*, brings the claim in the context of an argument between the Jews and the nations; each side claims, "we are Israel and the world was created for our sake." While this Midrash might only contain veiled anti-Christian polemic, later Midrashim which quote the claim demonstrate that the Rabbis were, in fact, dealing explicitly

with the Christian claim. Thus, in the *Tanhuma (Et Teyar)* as well as the *Pe'akka Rabbati (Piska 1)* we find the following account:

Moses asked that the Mishna be committed to writing. But the Holy One, blessed be he, foresaw that the nations would translate the Torah, read it in Greek and say, "We are Israel," "We are the children of the Lord." ... The Holy One, blessed be he, will then say to the nations, "I know only he that possesses my mysteries, he is my child." They say to him, "And what are your mysteries?" He said to them, "That is the Mishna."

The nations who read Torah in Greek are the Christians who utilized the Septuagint. The Jews are superior and have a relationship with God because they possess the Mishna, the mystery of the Lord. These sources, along with a number of Midrashic sources warning against writing books of *agaddah*, show that the exegesis of the Jews had to be protected, lest it fall into the hands of their "exegetical competitors" (19). Thus, the Rabbis were aware of those who challenged their exegesis claiming to be the true Israel, and responded in their literature by making sure that Midrash would never reach the hands of the Christians.

A second reading by Hirshman regards the Christian challenge to the legitimacy of Halakha, and takes us again to the *Dialogue with Trypho*. Trypho, the Jew, criticizes the Christians for claiming piety but failing to keep the commandments such as Sabbath and circumcision. In response, Justin gives a lengthy explanation of the true meaning of the commandments, and why they are not applicable to the Christians. Hirshman categorizes Justin's rebuttals into three types (36). First, the laws were not given for eternity; rather they resulted from the Jews' obstinacy and failure to heed the word of God. Thus, Justin expounds the verse in Ezekiel (chapt. 20) speaking of "statutes that were not good and judgements whereby they shall not live" as pertaining to the laws, specifically the Sabbath, which were given to the Jews because of the low spiritual state that they reached in Egypt. Similarly, Justin attacks circumcision as a commandment given to the Jews alone so that they alone will be separated from the other nations, and they alone will suffer. He strengthens his attack by pointing out that neither nature nor God keep the commandments, and that the Jews did not always abide by them. Finally, he argues that Christianity itself is the proper observance of the commandments. Justin concentrates specifically on the Sabbath (see pp. 39-40).

Hirshman attempts to show how the Rabbis related to these issues in *Parsha 11 of Genesis Rabbah*. Commenting on the verse "And the Lord blessed the seventh day, and hallowed it..." the Midrash quotes the statement of Rabbi Ishmael:

"He blessed it" with manna and "hallowed it" with manna, for every day of the week there descended one *omer*; but on the eves of the Sabbath two *omers*; "and he hallowed it" through manna which did not descend on the Sabbath at all.

This statement of Rabbi Ishmael may be contrasted with an almost identical statement contained in the Tannaitic Midrash Halakha, *Mekhilta D'Rabbi Ishmael*, which cites the statement of Rabbi Ishmael "He blessed it with manna and hallowed it with manna", without the additional elaboration. (The line about two *omers* falling before the Sabbath may be found in a different context in the *Mekhilta*.) Later in the same *Parsha*, the Midrash brings the story of a dialogue between Rabbi Akiva and Tineius Rufus ("the wicked Turnus Rufus") regarding the natural world's observance of the Sabbath, which Rabbi Akiva proves based on the river Sambatyon, which does "rest" on the Sabbath, and by "calling up" Rufus's dead father, who "came up" each day of the week with the exception of the Sabbath and spoke of Sabbath observance. In response to Rufus's question regarding God causing wind and rain on the Sabbath, R. Akiva answers that God is like one "carrying [up to] four cubits".

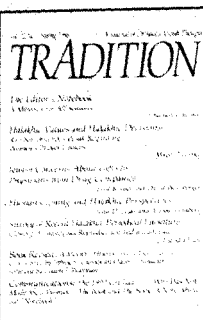
Following the anecdote of R. Akiva and Tineius Rufus, the Midrash tells of a dialogue between Rabbi Hoshaya and a philosopher, who questioned the rite of circumcision. Rabbi Hoshaya responds that whatever was created during "the six days" needs perfection, including man, hence circumcision. Following this passage, the Midrash quotes Rabbi Yohanan in the name of Rabbi Yose contrasting Abraham to Jacob: Abraham who did not keep the Sabbath inherited the land in a limited fashion, while Jacob, who did keep it, inherited a limitless world. What

*Hirshman continued to page 58*

# SURVEY OF RECENT PERIODICAL LITERATURE

BY MORDEY FRIEDMAN

## TRADITION (Vol. 33:1, Fall 1998)



In response to R. Aryeh A. and Dov I. Frimer's landmark article on **WOMEN'S PRAYER SERVICES** (*Tradition* Vol. 32:2, Winter 1998 pp. 5-118), **R. Moshe Meiselman** wishes to restate what he considers to be the position of his *Rebbe* and uncle, R. Joseph B. Soloveitchik zt"l. This article has already generated much discussion concerning the Rav's position about women's prayer services, and more importantly, over Rav's general *weltanschauung*.

According to Frimer, the Rav felt that "women's prayer service, if properly structured, could be conducted in accordance with halakhah." This conclusion, he explains, was based on tens of interviews and conversations with members of the Rav's family and close students who all explicitly state that although the Rav did have reservations about the motivation and *hashkafic*/public policy implications of these prayer groups, he made it clear that they were *not* halakhically forbidden.

R. Meiselman takes a more conservative approach to the issue: "Let it be stated clearly, for the record, that the Rav halakhically forbade, without equivocation, women's prayer groups...Initially, he viewed all of the above as silly and hoped that they would pass. Eventually, he viewed them as dangerous, and felt betrayed by those of his students who willingly took advantage of his name and failing health to create a movement that was opposed to his most basic philosophical and halakhic views."

More importantly, beyond the specific issue of women's prayer groups, R. Meiselman takes a strong position in characterizing the true nature of the Rav. He attempts to systematically demonstrate that the Rav's outlook and halakhic thought gave rise to the position on women's prayer groups that he purports, and to explain why other accounts differ. R. Meiselman bases his portrait of the Rav's thought and personality upon many personal discussions he had with the Rav about many central issues of the Rav's outlook, and many stories and statements on various issues shared with or witnessed by R. Meiselman.

Many of R. Meiselman's accounts of the Rav's actual beliefs will shock his readers. The article explores how such issues as the Rav's view of Zionism, Yom ha-Atsmaut, Da'at Torah, particularism vs. universalism, the identification of Halakhic Man and the Rav's father with the Rav himself, and how philosophy, or anything beyond strict Halakha, fit into the Rav's system of thought.

For this reason, the following issue of *Tradition* (reviewed in full below) contains three letters to the editor (R. Yo'el Blau, R. N. Helfgot, and R. E. Clark), which counter specific topics, such as the Rav's view of Zionism, and the broader topic of the Rav's overall *hashkafa*. The letters question the facts, interpretation, and tendency of R. Meiselman's article. For example, R. Blau remarks, "These contentions are inaccurate and incomplete at best, and ultimately present a misleading and distorted view of the Rav's *hashkafat olam*. Any cursory reading of the totality of the Rav's writings, as well as recollections of his unpublished comments, private and public, and his communal activities...make R. Meiselman's presentation simply untenable."

I invite the reader who is interested in what is becoming a heated debate over the Rav's *hashkafot* to read R. Meiselman's article, the letters to the editor and his response to them, and any forthcoming articles on this subject. For a longer and more systematic critique of R. Meiselman's article, I would recommend Lawrence Kaplan's "Revisionism and the Rav" (*Judaism* 48, 3 [1999] 290-311).

**R. Edward Reichman** writes about **OVARIAN TRANSPLANTATION**. Besides compiling the medical and halakhic sources, he does something far more important and innovative: he creates a methodology to analyze contemporary medical issues using non-contemporary rabbinic sources. He proposes that one must analyze a par-

ticular *Posek's* medical knowledge relative to his contemporaries (the "contextual approach") and how contemporary medical information differs or concurs (the "comparative approach").

**R. J. David Bleich** writes about **KIDDUSHEI TA'UT: ANNULMENT AS A SOLUTION TO THE AGUNAH PROBLEM**. In this article, he disagrees with the position of the new Jewish court that uses this procedure to enable *Agunut* to remarry. He analyzes each aspect of annulment and highlights those areas in which he feels the new Jewish court that uses this procedure is incorrect in using it as a solution to the *aguna* crisis. (A prepublication excerpt of this article appeared in *Hamevaser* XXXVIII:2, Tevet 5759.)

## TRADITION (Vol. 32:4, Summer 1998) A Symposium: The Sea of Change in American Orthodox Judaism

This issue is a symposium on issues that face American Orthodoxy today. Over thirty contributors (all esteemed figures from a variety of backgrounds, several of which were not included in this issue and will be included in a future issue) attempt to answer the question "What is, and should be, Orthodoxy's relationship to the left, the right, and itself?" This issue also addresses issues such as the development of Orthodoxy, its dangers, failures, successes, potential, and direction for the future.

## TRADITION (Vol. 33:2, Winter 1999)

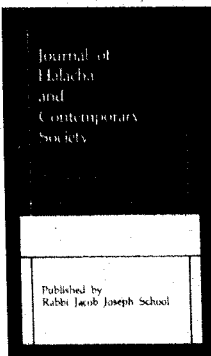
**Dr. Shubert Spero** tackles the semi-controversial issue of **THE BIBLICAL STORIES OF CREATION, GARDEN OF EDEN AND THE FLOOD: HISTORY OR METAPHOR?** After discussing various levels of understanding the Torah, he proceeds to analyze each of the above-mentioned stories and explains that they may not have been written to reflect historical truth, but rather were written metaphorically for reasons which he explores.

**R. Daniel Feldman** analyzes **THE DEVELOPMENT OF MIN-HAG AS A REFLECTION OF HALAKHIC ATTITUDE: FASTING FOR A FALLEN SEFER TORAH**. He traces two distinct reasons given for fasting in this case. The first approach focuses on the falling of a Sefer Torah as a Heavenly signal that the particular community in which this event occurred requires general repentance. The second approach focuses on the disgrace to the falling of the holy Torah scroll itself and the need for repentance for allowing that specific occurrence. Finally, in the Book Review Essay, **R. Aharon Feldman** has an interesting critique of the newly published *Jewish Legal Writings by Women* and the Jewish feminist movement in general entitled **HALAKHIC FEMINISM OR FEMINIST HALAKHA**.

## JOURNAL OF HALACHA AND CONTEMPORARY SOCIETY (RJJ Journal) (Vol. 37, Spring 1999)

**R. Alfred Cohen** investigates "**CHANIFA**", an important but somewhat unexplored area of Halakha. Chanifa can be loosely translated as "flattery" but means "perverting the truth by 'flattering' someone that is doing something wrong, [by] letting him think his conduct is acceptable. [Chanifa occurs] [a]ny time we choose to let a sinner think his sinful behavior is not so bad...Likewise when a Jewish person gives a false picture of what the Torah says." The problem is not only the act of flattery itself, but its effect on the flatterer, as well as others who will be misled by the flattery.

**R. Michael J. Brody** discusses **CHILD CUSTODY IN JEWISH LAW: A CONCEPTUAL ANALYSIS**. He suggests that in Jewish law, there are two conceptual considerations for child custody: "parental rights" and "best interests of the child." He then debates whether within "parental rights" an automatic hierarchy exists (such as automatically giving a baby to its mother), or whether the focus is upon placing the child with whomever is more fit for the child (and if



being unfit is a consideration). The major practical ramification of this latter distinction is whether a stranger (non-relative) might have the possibility of gaining custody of the child in place of a relative.

**R. Steven H. Resnicoff's PHYSICIAN-ASSISTED DYING: HALACHIC PERSPECTIVES** strongly opposes every aspect of physician-assisted dying. He prefaces his argument with a long introduction which summarizes essential issues such as *Lifnei Yver*, actively preventing one from sinning, the duty to rescue, *Lo Tasim Danim B'beitecha*, suicide, and definition of death. He then proceeds to discuss the following potential issues: doing an action to end a patient's life, encouraging or assisting such affirmation to the patient or to the doctor, actively or passively hastening the patient's death, and coercing a patient to accept medical treatment.

What should you do if, as a result of a year's study in Israel, e.g., you disagree with aspects of your family's *shemirat ha-mitzvot*? Should one continue to eat non-Gilatt food at home? Should one continue to hug or kiss relatives of the opposite gender? Should one stand up when one's parents enter the room? Should one carve out a *Zecher L'Mikdash* square in one's parents' living room? **R. Mark Bleiweiss** in his **KIBUD AV V'EM DILEMMAS** discusses these and many other issues. He defines Kibud Av V'em and how it should be applied both theoretically and practically.

Finally, **Dr. Steven Oppenheimer** traces the **YAHREZIT LIGHT** through its various Halakhic manifestations, such as its origin, what can be used as a light, and when and for whom it should be lit.

#### **JOURNAL OF HALACHA AND CONTEMPORARY SOCIETY (R.J.J. JOURNAL:) (Vol. 38, Fall 1999)**

**R. Eli Clark and Dr. Ze'ev Silverman** explore the modern application of **SURROGATE MOTHERHOOD IN THE CASE OF HIGH-RISK PREGNANCY**. They first summarize the literature on surrogate motherhood in Halacha, such as: who is the true mother, if surrogacy is considered adultery, *Hotza'at Zera le-Vatalah*, and the risk to the host mother. In addition, they address several new questions, such as economic exploitation of the host mother, the terms of the actual contract itself, restrictions, and moral questions about the dignity of childbearing and "baby-selling." In particular, the article addresses whether the Halakhah would be more inclined to permit surrogacy in a case in which pregnancy threatens or would threaten the mother's life. The article then explores issues such as abortion, *rodef*, putting one's self at risk for the sake of another, and the value of a fetal life.

**R. Avrohom Blaivas** analyzes the relevant medical topic of **MAY A DOCTOR REFUSE TO SEE PATIENTS?** Must a doctor be on call 24 hours a day? Can a doctor take a break or go on vacation? Can a doctor refer a patient to another doctor instead of treating a patient himself? Can a doctor refuse to see a patient who does not want to pay his full fee? The article tackles these and other complex issues by analyzing the source of the right (or obligation) to heal the sick, and how this right (or obligation) affects the scope of one's obligation and responsibility towards the patient.

Have you ever wanted to go on a cruise-ship? **R. Tzvi Goldberg**, in his article, **A HOLIDAY AT SEA**, addresses the Halakhic issues involved in being on a cruise over the Sabbath. The most significant issue is a Gemara that forbids one to embark on a journey by boat three days before the Shabbat. He analyzes the vast opinions as to when this gemara applies and why, as well as its modern applications.

**Dr. Moshe Gartenberg and R. Shmuel Gluck** analyze the prohibition against **DESTRUCTION OF FRUIT-BEARING TREES**. They analyze the definition of a fruit-bearing tree, and the scope of the prohibition. The prohibition has many practical, interesting applications, such as clearing out forests to build communities today in Israel. The authors develop two approaches, those that prohibit all forms of destruction of trees with no exemption, and those that allow destruction as long as it is for a constructive purpose.

Finally, **R. Alfred Cohen** summarizes the relevant Halakhic literature concerning a **TUMTUM AND ANDROGYNOUS** (a person without either male or female genitalia, and a hermaphrodite). He analyzes their Halakhic status, as well as available medical options.

#### **THE TORAH U-MADDA JOURNAL (Vol. 8, 1998-1999)**

Two articles confront the perennial problem of suffering. The first

#### **THE TORAH U-MADDA JOURNAL**

Volume Eight 1998-1999

is an edited transcript of **R. Joseph B. Soloveitchik z"l**, called **A HALAKHIC APPROACH TO SUFFERING**. The Rav explains suffering in accordance with the dialectical nature of halakha. There is the "topical Halakha, the formal constructs of Halakha, a logical system which results in realistic precise actions," and at the same time a "thematic halakha" which is of axiological ideas and abstract concepts, the intuitive part of the transcendent Halakha, which the Rav labeled as "the majestic totality." Therefore, the this-worldly "topical halakha" recognizes and reacts towards the subjective human feelings of suffering, and sees its irreconcilability and horror (such as through laws of mourning, and saying Barukh Dayan Emet). This approach does not accommodate evil and suffering, but realistically acknowledges, reacts, and responds to it. In contrast, "thematic halakha" views the broader transcendental picture, the "perspective of totality," in which suffering and evil do not even exist, but is a figure of human imagination due to human finite understanding. The result of this dialectic is that the "halakhic man accepts suffering and turns it into a great existential experience...he bears distress and accepts suffering with dignity." 'Dignity' means man's dual realization of his being created in the image of G-d, which enables him to find and commune with G-d, yet at the same time recoiling and surrendering in the realization of the worthlessness of man in the face of the infinite G-d.

**R. Shalom Carmy** deals with suffering in a different way. His first criticizes the conventional approach towards suffering based on theodicy problems. He stresses that one should not view the problem from an outside philosophic perspective, but from a more realistic perspective grounded in the human experience of evil.

There are two articles dedicated to the late **Rabbi/Professor Yitzhak Twersky z"l**; one being a shiur of his on **"MAKING A FENCE AROUND THE TORAH"** and the other is a **BIOGRAPHY** of his life by Carmi Horowitz.

Should we edit out or censor certain parts of Jewish history when teaching it to our children? Should we hide the fact that some of our Gedolim read newspapers and secular literature? This is the issue that **R. Jacob J. Schacter** tackles in his **FACING THE TRUTHS OF HISTORY**. He begins by tracing Jewish historiography, i.e. the Jewish view of history and historical truth. He cites many examples of Jews' rewriting history, especially the biographies of Gedolim, such as the censorship of R. Dessler's reading secular literature, the Vilna Gaon's attitude towards secular studies, R. Samson Raphael Hirsch's view of *Torah Im Derekh Eretz*, R. Zevin's Zionism, R. Joseph B. Soloveitchik's view of *Torah U Maddah*, and many others. After providing a number of arguments in favor of censorship in these matters, he proceeds to destroy every argument and offer support for telling "nothing but the truth."

He also publishes a controversial letter of R. Yehiel Ya'akov Weinberg (author of the *Serdei Esh*), written to his close friend, Dr. Samuel Atlas, a professor of Talmud and Philosophy at the Reform Hebrew Union College, as a demonstration of not hiding the truth. (I should note that there is also a fascinating discussion about *Takanat Rabbeinu Gershom* reading another's mail, in R. Schacter's defense of publishing this letter.)

Along similar lines, **Dr. B. Raphael Shuchat**, explores **THE DEBATE OVER SECULAR STUDIES AMONG THE DISCIPLES OF THE VILNA GAON**. He posits that the Vilna Gaon truly favored secular studies, and thus the first generation of his students considered secular studies praiseworthy. It is only in the second generation of students that we suddenly find reports of the Vilna Gaon's negative attitude towards secular studies. Dr. Shuchat explains that this phenomenon owed itself to the fact that in the beginning of the 19th century, the Russia Haskalah movement used the Vilna Gaon to help advocate and support their secular positions, and thus the Vilna Gaon's students were forced to downplay his true attitude towards secular studies.

**R. Eli Clark**, in his **"AFTER THE MAJORITY SHALL YOU INCLINE": DEMOCRATIC THEORY AND VOTING RIGHTS IN JEWISH LAW**, demonstrates, by way of contrast, that Halakha

was far ahead of its time with regard to most democratic ideas. He traces the Jewish History, Halakhic sources, and secular sources from the Middle Ages to the present, on issues such as limits of political authority, minority's rights, voting restrictions (the poor, women, and the illiterate), dilution of votes, poll tax, equitable taxation, and dissenters' rights.

Finally, R. Avraham Weiss discusses the issue of **WOMEN AND THE READING OF THE MEGILLAH**, for both women and for men, in Halakhic sources.

#### JOURNAL OF JEWISH MUSIC AND LITERATURE (Vol. 21, 1998-9)

(Published by the Belz School of Jewish Music)

This small journal contains scholarly articles on aspects of cantorial music in Judaism, musical

notations, history, and updates, and a review of writings relating to cantorial issues.

For example, R. Zvi Ron writes on **THE PRIESTLY BLESSINGS: HANDS OF THE KOHEN**, in which he analyzes the practice and significance of the priests raising and using their hands during Birkhat Kohanim.

Second, Macy Nulman writes about a most practical issue, that of **THE GREETINGS OF THE JEWISH PEOPLE**. He traces the sources and the reasons for the traditional greetings for each holiday of the Jewish year, with a special on Rosh HaShanah and Shabbat.

Finally, the first half of Tinah Fruhauf's article on **LOUIS LEWANDOWSKI** explores not only the life, works, and long-term effect of Louis Lewandowski, but also traces the use of music and the organ in synagogues and in Halakhic writings, and contains a fascinating history of the usage of the organ in Germany before its introduction in the Hamburg Temple.

(Hirshman continued from page 55)

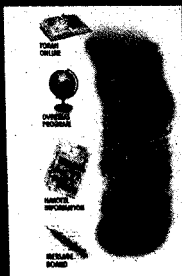
these Midrashic statements attempt to demonstrate is that God and nature may, in fact, observe the Sabbath according to Rabbinic decree (i.e. God only carries up to four cubits), as shown by the apparently amended statement of Rabbi Ishmael and the dialogue between Rabbi Akiva and Tineius Rufus; or that not every thing found in nature is necessarily perfect, as argued to the philosopher by Rabbi Hoshaya, and that the forefathers did in fact keep the Sabbath, as demonstrated by Rabbi Yohanan in the name of Rabbi Yose. Each of these statements parallels an argument made by Justin in the *Dialogue* and may be seen as a counter-argument. Hirshman, though, ultimately takes this in a different direction, and argues that since these dialogues are recorded as having been with pagans, they are not evident of a Jewish-Christian polemic in *Genesis Rabbah*. This will lead to our only real criticism of his (otherwise excellent, in my opinion,) work.

When contrasting Rabbinic Midrash with the writings of Origen (pp. 73-81), Hirshman emphasizes that, unlike Origen's work, which is essentially a transcript of a public sermon, Midrash has undergone "careful literary editing", and is thus more a literary work than the record of a public sermon. Moreover, some of the material contained in the Midrashim is a product of the houses of study, not only the synagogue (in this respect he follows the thesis of Yona Fraenkel). As such, one would have to take into account the hand of the redactor in the composition of the works. This presents us with two potential issues. First, the modification of the statement of Rabbi Ishmael in *Genesis Rabbah* from its original form in the *Mekhilta* may be due to the exegesis of the *Mekhilta*, an earlier source, by the redactor of the later, Amoraic, *Genesis Rabbah*. That is, the redactor might have attempted to clarify the somewhat cryptic, and possibly redun-

dant, statement "He blessed it with manna and hallowed it with manna." Thus, one need not read this statement as polemic, but as elaboration. On the other hand, if we accept the assumption that there was a "strong" redaction, as well as the assumption that there is conscious polemic hidden in the Midrash, one may posit that the juxtaposition of these three sections of the *Parsha* was, in fact, a polemic by the redactor of the Midrash against the claims of Justin, or similar claims. Essentially, though, both of these arguments may be attributed to the fact that Hirshman's proofs are essentially speculative. This is not a fault in his work more than any other of its type, and as such should not be held against him. In fact, throughout the book, Hirshman has very strong readings of Midrashic statements on their own as well as in their context. Thus, despite being speculative, his proofs are often convincing.

Marc Hirshman's book provides a number of services to its reader. Although it concentrates on the broader exegeses rather than the methodology of exegesis, he provides strong readings of the texts in question. More importantly, though, if one is to view this book as a study of biblical interpretation, it should remind the reader that the study of scripture is not ahistorical or metahistorical. Exegetes look at a biblical text, ask specific questions, and provide specific answers. This process, though, does not occur in a vacuum. The questions asked, and, more importantly, the answers given are very much reflective of, and contingent upon, the spiritual and intellectual climate of the day. The study of bible was very much a part of the life of Jews and Christians; thus, it was almost inevitable that the battle between sects of Jews, and later the two religions, be staged on this arena. Knowledge of this fact can serve only to enhance our understanding of the texts which we study in our quest for an appreciation of the bible.

## WEB REVIEW: CYBERTORAH



of Genesis do, at some points of their lives, resemble Bakhtin's lowly characters in their socio-economic class. Abraham, a wanderer, was the son of an idolater, (according to the book of *Joshua*).<sup>30</sup> Jacob is a worker of Laban, and Joseph is a worker and inmate.

Stahl's application of Bakhtin's techniques of the novel to the Hebrew Bible accounts for one of its facets. In actuality, the *Pentateuch* poses a continuum of features that Bakhtin terms 'epic' and 'novel.' As previously discussed, there is an inherently epic sense in the anthropomorphic descriptions that then develop into descriptions of revelations and of God's Hand guiding history. Aside from this evolution, there is a development from supernatural tales to depiction of non-supernatural "miracles." Genesis begins as an especially magical narrative featuring the Garden of Eden's tree of (divine) knowledge and talking snake,<sup>31</sup> later relaying somewhat more natural miracles, e.g. Abraham defeating five kingdoms,<sup>32</sup> the elderly Sarah conceiving,<sup>33</sup> and Joseph skyrocketing to power when his family desperately needs food.<sup>34</sup> Exodus through Deuteronomy tell of the miraculous, not anthropomorphic or supernatural, salvation of the Israelites from their Egyptian taskmasters, including the ten plagues, the splitting of the Red Sea, and of God's care for His nation in the wilderness.

Adopting Stahl's method of reading, we see that epic characterization in Genesis also evolves into a more realistic picture of acknowledged flaws and grief. Abraham and Isaac are epic archetypes of the nation. Abraham demonstrates his unparalleled obedience to God's Will. He leaves his homeland for unnamed territory<sup>35</sup> and agrees to sacrifice his son Isaac.<sup>36</sup> In addition, the hurtful actions and lifespans of these titans are not and cannot be judged. Abraham as patriarch acts as a surrogate judge of another city,<sup>37</sup> while the consequences of his own hurtful actions are downplayed. He endangers his wife's safety in Egypt, only to emerge as a rich man, and banishes his concubine Hagar and son Ishmael to the desert, only to remarry and father more children. Isaac, blind to his sons' strife<sup>38</sup> and partial to one because "he [Esau] had a taste for game"<sup>39</sup> yet does not seem to suffer as a result. Both Abraham and Isaac live long lives.<sup>40</sup>

In contrast, the eponymous Jacob is a prototype who links his epic father and grandfather to the flawed, realistic Israelite nation. As Jacob's life experience represent the human experience, he is the only patriarch to experience a flawed liminal moment.

The Biblical narrator portrays Jacob's shortcomings: the etymology of his name is "deceit"<sup>41</sup> and he develops from a teenager who tricks his father into blessing him as a firstborn into a more honest man who then suffers when others trick him. His father-in-law tricks him into marrying Leah instead of Rachel<sup>42</sup> and his sons led him to believe that his son Joseph was killed.<sup>43</sup> Jacob's actions and life are judged by his bitter self-reflection to Pharaoh, "...Few

and hard have been the years of my life, nor do they come up to the spans of my fathers during their sojourns."<sup>44</sup> As might a character in a novel, Jacob learns from his mistakes. Instead of favoritism, the previous motivation for his reversal of the primogeniture of his sons, Jacob privileges Joseph's younger son due to predictions of the future, apparently determined by God.<sup>45</sup>

We have seen that the composite artistry of the Hebrew Bible poses a continuum of epic and novelistic styles. In a broader sense, literary categories can highlight aspects of the Biblical text, countering the popular notion that the Biblical genre resembles an epic. Further study of literary aspects of Biblical narratives should identify [other] self-conscious novelistic narrational techniques that Stahl omitted, such as irony<sup>46</sup> and repetition.

Special thanks to my professors Yaakov Elman, Phyllis Trible and Joshua Wilner.

All translations of Biblical texts are from *Tanakh: The Holy Scriptures* (Philadelphia: The Jewish Publication Society), 1985.

<sup>1</sup> Bakhtin, Mikhail, *The Dialogic Imagination*, 'Introduction', ed. Holquist, Michael (Austin: University of Texas, 1981) p. xxxiii. Holquist, for one, writes that "the Bible could never represent the novel in contrast to the epic, since both, Bible and epic, would share a presumption of authority, a claim to absolute language, utterly foreign to the novel's joyous awareness of the inadequacies of its own language."

<sup>2</sup> Stahl, Nanette, *Law and Liminality in the Bible* (Sheffield, England: Sheffield Academic Press, 1995), p. 24.

<sup>3</sup> Bakhtin, 840.

<sup>4</sup> Bakhtin, 841.

<sup>5</sup> Bakhtin, p. 842. He is quoting Hegel's description of heroes in novels.

<sup>6</sup> Bakhtin specified the continuous evolution of an expression in his 1929 article, "Marxism and the Philosophy of the English language. Bakhtin asserts that utterance is the product of the collective: "[W]hatever the moment of the utterance expression we may consider, it will always be determined by the real conditions of its uttering, and foremost by the nearest social situation."

<sup>7</sup> Bakhtin, 843-4.

<sup>8</sup> Genesis 3:8, "They [Adam and Eve] heard the sound of the Lord God moving about in the garden..."

<sup>9</sup> Genesis 11:7, "Let us, then, go down and confound their speech..." and Exodus 3:8 "I [God] have come to rescue them [the Israelites] from the Egyptians..."

<sup>10</sup> Genesis 6:1-4

<sup>11</sup> Genesis 12:46, Exodus 3:2-3.

<sup>12</sup> Deut. 4:36

<sup>13</sup> Ex. 32:11-14

<sup>14</sup> For further discussion of Genesis and Exodus as myth, see Martin Buber, *On the Bible*. Ed. Nahum Glatzer. (New York: Schocken Books, 1982), p. 14, 20-23, 46.

<sup>15</sup> Exodus 25-Numbers 36

<sup>16</sup> See 1 Kings 8 for elaboration on how God's blessings are contingent on the Temple.

<sup>17</sup> Judges 13:1

<sup>18</sup> Stahl, p.22, 24. She merely mentions that "[I]t would seem that where the Bible is concerned, one must refute Bakhtin in order to apply him."

<sup>19</sup> Genesis 1:2

<sup>20</sup> Genesis 1:28-30 "God blessed them and God said to them, 'Be fertile and increase, fill the earth and master it, and rule the fish of the sea, the birds of the sky, and all the living things that creep on the earth.'" God said, 'See, I give you every seed-bearing

plant that is upon all the earth, and every tree that has seed-bearing fruit that is upon all the earth, and every tree that has seed-bearing fruit they shall be yours for food. And to all the animals on land, to all the birds of the sky and to everything that creeps on earth, in which there is the breath of life, [I give] all the green plants for food.' And it was so."

<sup>21</sup> Genesis 6:9-17

<sup>22</sup> Genesis 9:5-6, "But for your own life-blood I will require a reckoning; I will require it of every beast of man, too, will I require reckoning for human life, of every man for that of his fellow man! Whoever sheds the blood of man, By man shall his blood be shed; For in his image, Did God make man."

<sup>23</sup> Genesis 32:23-32

<sup>24</sup> Genesis 32:33 "That is why the children of Israel to this day do not eat the thigh muscle that is on the socket of the hip, since Jacob's hip socket was wrenched at the thigh muscle."

<sup>25</sup> Exodus 20:1-15

<sup>26</sup> Exodus 20:19-23 "The Lord said to Moses, "...you shall not make any gods of silver... Make me an altar of earth and sacrifice on it... Do ascend my altar by steps that your nakedness may not be exposed..."

<sup>27</sup> This point has also been noted by Robert Alter, *The World of Biblical Literature* (New York: Basic Books, 1992), p.100.

<sup>28</sup> For further discussions see David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America*. (New York: Basic Books, 1992); W.L. Reed, *Dialogues of the Word: The Bible as Literature According to Bakhtin* (NY: Oxford University Press, 1993).

<sup>29</sup> Stahl, p. 17

<sup>30</sup> Joshua 23:2 Joshua declared to the nation, "Thus said the Lord, the God of Israel: In olden times, your forefathers Terah, father of Abraham and father of Nahor lived beyond the Euphrates and worshiped other gods."

<sup>31</sup> Genesis 2-3

<sup>32</sup> Genesis 14

<sup>33</sup> Genesis 21

<sup>34</sup> Genesis 40-50

<sup>35</sup> Genesis 12

<sup>36</sup> Genesis 22

<sup>37</sup> In Genesis 18, Abraham argues with God over His imminent destruction of Sodom.

<sup>38</sup> Genesis 25-27

<sup>39</sup> Genesis 25:28

<sup>40</sup> Abraham's life is recorded by the narrator in Genesis 25:7-8: "This was the total span of Abraham's life: one hundred and seventy-five years. And Abraham breathed his last, dying at a good ripe age, old and contented; and he was gathered to his kin." In Genesis 27:2, Isaac said, "I am old."

<sup>41</sup> In Genesis 37:26 Esau asked, "Was he, then, named Jacob that he might supplant me [aqab] these two times?"

<sup>42</sup> Genesis 29

<sup>43</sup> Genesis 37

<sup>44</sup> Genesis 47:9

<sup>45</sup> Genesis 48:17-20 Jacob put his right hand on Joseph's younger son, Ephraim, when blessing him because he realized that the "...younger brother shall be greater..."

<sup>46</sup> Attribution of novelistic techniques would be validated by works such as *Irony in the Old Testament* by Irvin Gooch that posit several instances of irony in Genesis, Exodus and other books

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