VOLUME 68 NUMBER 2 WINTER 2024-25 תשפ"ה

Maimonides' Terms for "Common Folk," and Common Ground
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*Gam Eirev Rav Alah Itam*: Forsaking or Fostering Fellowship
Daniel Z. Siegel

# MASORTI

## The New Journal of Conservative Judaism

"If Philo can imagine Moses to have been a real person, alive in the world, and if Rav Kook can see secularism and atheism as necessary pieces in the larger movement towards God, then we can imagine the reappearance of Moses' soul, generating and regenerating itself, through us, within us, again and again."

—Shawn Weiss, "Philo and Rav Kook: On the Harmony of Creation and the Creation of Harmony," p. 115

"At the highest level of spiritual care, we may see how it is possible to be thankful for each aspect of life, including the difficult ones."

—Einat Ramon, "The Baal Shem Tov's Methods of Hasidic Spirituality as Tools for the Work of the Spiritual Care Provider," p. 34

"The responsibility that devolves on Israel's Supreme Court in our time is similar to the weighty obligation which was imposed on prophets in our ancient past. The Supreme Court, in its role as the High Court of Justice, is today tasked with rendering decisions concerning the ethics of sovereign national power, human rights, and the regulation of social standards for mitzvot/laws in the realm of interpersonal matters, property, geo-politics, and more."

—Anat Katzir, "The Israeli Supreme Court and Its Prophetic Role" [Hebrew] p. 72

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# MASORTI
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# Note from the Editor

**Joseph H. Prouser**

This issue of *Masorti: The New Journal of Conservative Judaism* is the second prepared for publication since the October 7, 2023 attacks on Israel. I write these reflections just one day after the heart-breaking funeral of Hersh Goldberg-Polin, who was murdered together with five fellow hostages on the cusp of their liberation. It is my sincere prayer that, by time these words appear in print, all remaining hostages will be freed, and Israel's war with Hamas will have concluded with the Jewish state's righteous victory.

Concern for the future of the Jewish state is reflected in several particularly timely articles. Anat Katzir examines the prophetic role of Israel's Supreme Court. Miriam Berkowitz and Moti Kaplan review classical texts bearing on the redemption of captives and the freeing of hostages. Yuval Katz explores the history of antisemitism in rabbinic discourse. The continuing influence of philosophical and spiritual luminaries Maimonides and Philo, the Baal Shem Tov, and Rav Kook is also discussed herein.

A recurring theme in this issue is the historical tension between Jewish religious and scholarly elites and those on the relative periphery of Jewish communal life. This dynamic—the experience of "the common folk," or the *'eirev rav*, as our writers frame the issue—is of critical, practical, daily concern to a great many of this journal's readers.

I am particularly pleased to note that contributors to this issue include those currently engaged in active rabbinic leadership and academic life, together with emeriti and a rabbinical student!

Finally, continuing our practice of republishing important articles from past issues of this journal's predecessor, our *Yashan Noshan* section features Professor Mayer I. Gruber's 1980 article on the poetic liturgical passage, *Attah Qidashta*. His brief article exemplifies how critical scholarship uncovers the compelling and timeless truths our textual tradition offers us, which is the very essence of this journal's mission. His essay presciently addresses itself to "an era plagued by an ecological crisis brought about by humankind's assumption that it is the crown of Creation."

May all the ills that plague us be healed and resolved with dispatch.

---

*Joseph H. Prouser is rabbi of Temple Emanuel of North Jersey in Franklin Lakes, New Jersey, and editor of this journal.*

# These and These

**Michael McCloskey**

There is a tree
500 years long[1]
80 times 'round the sun
Is nearly a ⅙ 'round its trunk
Poets, playwrights
Have vaulted its boughs
Sages and seers swooned
To its balsam scent[2]
Mystics marked its paths
In hushed tones
Over candle-lit tomes.

But there is another tree[3]
So very close to it
Some say that they were entangled[4]
Like lovers in embrace
Winged lions cradling the vibrations of a holy event[5]
Until a mud-man,[6] meant to be so much more,[7]
Cut the cord,[8]
With a knife's precision,[9]

[1] Genesis Rabbah 15:6. All texts cited here can be found at Sefaria.org.
[2] Zohar, Introduction 12:109
[3] This is a reference to the tree of the knowledge of good and evil in Genesis 2:9.
[4] See, e.g., Shaarei Orah: Fifth Gate, Sixth Sefirah, 251 and Radak on Genesis 2:9.
[5] Exodus 25:22
[6] This word captures the link between *adam* ("human") and *adamah* ("humus, rich soil") in Genesis 2:7 and also refers to the creaiton of humankind by Prometheus.
[7] Humans are meant to be divine avatars on earth (see Genesis 1:27). Like the primordial light and the Sabbath, humans are of this world, yet there is something of the unconditional, or the world beyond, within them.
[8] According to the mystical interpretations of Genesis, the primordial human, Adam, "cut the shoots" (i.e., separated or severed the two trees from one another), thus disconnecting the foundation of life from knowledge. Thereafter, the human being's voracious appetite is for knowledge in order to wield it as power, not necessarily for improving or protecting life. See Shaarei Orah: Fifth Gate, Sixth Sefirah 251.
[9] One might also understand this according to Richard L. Rubenstein, *After Auschwitz: Radical Theology and Contemporary Judaism* (Bobbs-Merrill, 1966), who suggested that "the thread uniting God and man, heaven and earth, has been broken" after the Shoah.

And the dark spark,[10]
And the King's Crown,[11]
And the Queen[12]
No longer
Could bathe
At will
In the primordial waters.[13]

There is a people[14]
Who,
Holding the first tree,
Walking the central beam[15]
Bring Him nearer to
His Beloved.[16]

There is a stream[17]
Who flows between These and These,[18]
Living Waters[19]
And this stream turns this way and that[20]
Like an Egyptian prince
Who became a
Shepherd,

[10] Zohar Bereshit 1:15a
[11] The ideal flow of the divine organism is from Keter (Crown), the highest emanation of divinity, which is totally without any forces or influence of judgements or severity, all the way to Shekhinah (Immanent). When we cut off the tree of knowledge from life, we cut ourselves off from the full range of divine effulgence.
[12] Shekhinah/Malkhut
[13] Shekhinah, which represents the "lower waters," becomes dry when separated from her male source in the "upper waters," which are identified with the *sefirah* of Hesed (Lovingkindness) and flow to Shekhinah from her mate, Tiferet (Beauty or Balance).
[14] ʿAm Yisraʾel
[15] Tiferet/The Holy Blessed One
[16] Malkhut/Shekhinah
[17] Masorti-Conservative Judaism
[18] A reference both to "these and these are words of the living God" (*eilu veʾeilu divrei elohim ḥayyim hein*, b. Eruvin 14b) and to the *sefirot* on the right and the left, taking from both and providing a sense of balance, just as the Bat Qol noted that the words of both the academy of Hillel and the academy of Shammai were vital.
[19] Jeremiah 2:13
[20] Exodus 2:12

A prophet,
A God[21]
Yet in the end became a mother,[22]
Standing between the clefts of the rock[23]
As brother stood between the living and the dead[24]
Gathering us between his breasts[25]
Between the paths of fire and ice.[26]

There is a road
Called progress
And it is paved with good intentions
The diaries of dissidents
And bodies.

There is a serpent
And some say a bull
Biting its own tail[27]
Ready-made by human will[28]

You see, the earthling
They bite again and again
And as they masticate
And master
And machinate,

[21] Exodus 4:16
[22] Numbers 11:12; see also Isaiah 49.
[23] Exodus 33:22
[24] This is a reference to Aaron; see Numbers 17:13.
[25] Aaron and Moses are also compared in midrashic literature (see Song of Songs Rabbah 4:5:1) to two breasts. The one "gathering us between his breasts" could be Moses or a reference to the divine.
[26] See Tosefta Hagigah Lieberman 2:5 with regard to ascending and descending safely like Akiva from holy encounters. The goal is not to be too overcome with one's emotions or zeal and not too distant or stoic, but moderate, attuned to and curious about all sides.
[27] This is a reference to the cosmic rending and separation from higher levels of divine flow that happened both with the eating of the fruit of the tree of knowledge of good and evil and the construction of the golden calf; See Zohar: Introduction 4:15. It also refers to the Ouroboros, the serpentine symbol of eternal destruction and rebirth that we witness in the world of time.
[28] The calf is made by Aaron and according to the will of some of the Israelites. The snake, in the garden of Eden, could very well be a projection of human desire for knowledge for mastery and power.

subjugate,
Each a Pharaonic despot
Entombed within their mediated experience.

Bearers of Sinai[29]
Know
That tree[30] was never
Meant to be bitten,
Or taken
But woven
Her highest boughs only a shadow of the Supernal root,
The Tree,[31]
Or roof[32]
That Hillel
And Levinas,[33]
And Berlin,[34]

[29] "The people of Israel are the Merkavah," i.e., a chariot for the divine throne and a moveable Sinai, bringing the experience and memory of revelation with them; see Perush Ramban: Introduction to Exodus (Sefaria.org).
[30] This is a refefence to the tree of knowledge.
[31] The tree of life is connected to "words of the living God" and "these and these"; i.e., it conveys the idea of pluralism.
[32] See b. Yoma 35b, where Hillel climbs to the roof in order to listen to words of the "living God," paralleling the tree of life.
[33] Levinas's pluralism entails choosing moral courage and moving toward another in an act of service rather than an act of violence, when they come into our sphere, potentially threatening us by their "alterity," by which he means their unique perspective, ethos, or needs. He calls this response "The Face of God in the Person"; see Emanuel Levinas, *Time and the Other*, trans. Richard A. Cohen (Duquesne University Press, 1987).
[34] Levinas and Isaiah Berlin were also champions of pluralism. Thus, we read the following in Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (Oxford University Press, 1969), https://cactus.utahtech.edu/green/B_Readings/I_Berlin%20Two%20Concpets%20of%20Liberty.pdf: "Pluralism, with the measure of 'negative' liberty that it entails, seems to me a truer and more humane ideal than the goals of those who seek in the great disciplined, authoritarian structures the ideal of 'positive' self mastery by classes or peoples or the whole of mankind. It is truer because it does, at least, recognize the fact that human goals are many, not all of them commensurable, and in perpetual rivalry with one another. To assume that all values can be graded on one scale so that it is a mere matter of inspection to determine the highest seems to me to falsify our knowledge that men are free agents, to represent moral decision as an operation which a slide rule could, in principle, perform. In the end, men choose between ultimate values; they choose as they do, because their life and thought are determined by fundamental moral categories and concepts that are, at any rate, over large stretches of time and space, a part of their being and thought and sense of their own identity;

Climbed.
Sometimes called Liberty[35]
Sometimes the Face[36]
At others "thirst for words of the living God"[37]
Words that dance like coals of fire[38]
Or sparks from the hammer's blow,[39]
Like billions of cosmic seeds implanted within us that whisper "Where are you"?[40]
"Here I am"[41]
"Go"[42]
"I will go."[43]
Like fragile shattered tablets,[44]
Made firm by human hands,[45]
Propping up arms,[46]
Prevailing.

There is a hole in the world,
A widening gyre,[47]
That knows only one tree,[48]
And feeds it birds that tweet
And a human clock that chimes
And tocks

---

part of what makes them human."
[35] The balance of positive and negative liberties that Berlin describes enables a culture of pluralism.
[36] This is a reference to Levinas's "Face." Note that the divine emanations or *sefirot* are also sometimes grouped into *partstufim* or faces upon the tree of life.
[37] Psalm 42:3
[38] Ezekiel 1:13. Fire is a symbol of the unconditional. One may revel in its radiance, its warmth, but it is wild and resists control, the monolithic.
[39] b. Sanhedrin 34a
[40] Genesis 3:9
[41] Genesis 22:2, 7 and Exodus 3:4
[42] Genesis 12:1
[43] Genesis 24:58
[44] Exodus 32:19
[45] The second set of tablets according to Exodus 34:27–28 are written by human hands, intimating greater human agency and investment.
[46] Exodus 17:12
[47] See "The Second Coming" by William Butler Yeats.
[48] This is a reference to the tree of knowledge.

And ticks
Built from shards of mirrors
And echoes,
And silos.

There is an ever-turning-fiery-sword[49]
Before the garden gate,
A firestone in our hands[50] and a knife in our hearts[51]
Burning wood upon our children's backs.[52]

But I don't know whether that sword[53] was a blade or a plowshare,[54]
Or the winged lions were predating or embracing,[55]
If Israel was a lover or a wrestler[56]
Whether you are my brother or my enemy.

But I will balance on the central beam,[57]
On the knife's edge
In the meeting of the Face for service and not violence,[58]
In the movement of freedom from toward freedom to
In the nexus of right and left
Supernal and terrestrial
Give and take[59]
These and These
Mercy and Rigor
Yes and…
I will listen from trees

[49] Genesis 3:24
[50] Genesis 22:6–7
[51] This is from Hayim Gouri's poem "Yerusha/Heritage."
[52] Genesis 22:6
[53] This is a reference to"the ever-turning fiery sword" guarding the way to the tree of life in Genesis 4:24.
[54] Isaiah 2:4
[55] Exodus 25:20 and b. Bava Batra 99a
[56] Genesis 32:25
[57] *Qav ha'emtsai*, which can refer both to *Tiferet*, the "central beam" of Kabbalah (which is, incidentally, associated with Jacob) and the *shevil hazahav*, or "golden mean," of Maimonides.
[58] See "Levinas on the Face," Philosophy Overload, YouTube.com, https://www.youtube.com/watch?v=CdFL_odCVdI.
[59] This is a reference to *massa' umatan*, which is essential to the flow of rabbinic discourse.

And rooftops
And through the voices of children,
And artists,
And teachers,
The great messy, glorious, and terrible, teeming mass of life
I take hold of the branches.
Will you join me?

---

*Rabbi Cantor Michael McCloskey of Temple Emeth, Chestnut Hill, Massachusetts, is a passionate teacher of Torah in many contexts, including at the Academy for Jewish Religion in New York and Hebrew College in Newton, Massachusetts. A pianist, composer, and poet, his article, "Fathers, Mothers, Lovers, Monsters: The Golem in the Age of A.I.," was published in the most recent issue of AJS Perspectives.*

# Maimonides' Terms for "Common Folk", and Common Ground

**Earl Schwartz**

An anxious preoccupation with the intellectual traits of common folk is evident in many a work by a medieval Mediterranean thinker, including texts ostensibly focused on metaphysics.[1] One need not go further than the introduction to these works before coming across a reference to the "multitude." These thinkers were not the first to ponder an intellectual dimension to social stratification. While Pericles had sought to broaden public participation in government, Plato, writing a generation later under the cloud of the "democratic" execution of Socrates, bemoaned the beastly attitudes of the multitude.[2] A continent away, Confucius likewise advocated social coherence through hierarchy, unruffled by unmanageable women and contentious "little people."[3] For such thinkers, how and what common folk might *think* was relevant only to the extent that it was related to questions of social order, or could inform the benevolence incumbent upon those who knew better. And, as Plato suggested, if circulating a contrived myth of origin could further those ends, it was simply prudent policy.[4]

But medieval Muslim, Christian, and Jewish thinkers found themselves in quite a different position. They would have to account for a shared eccentricity: the tendency of their scriptures to elevate common folk to uncommon prominence, particularly as mediators of revelation. Unlike the more typical association of group identities with extraordinary figures and wondrous quests, Tanakh, New Testament, and Quranic texts tell of a God intent upon engaging all-too-human human beings, absent any indication of their having sought such an encounter or having prepared for one. Tanakh in particular emphasizes revelatory events experienced by large groups of women, men,

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[*] Personal note: When my father used the Yiddish expression *proste mensch*, he intended it as a compliment. It was only as an adult that I learned that the phrase was typically understood as a slight. I dedicate this study to my father.

[1] Regarding the term "Mediterranean," see S. Strousma, *Maimonides in His World* (Princeton University Press, 2009), 3–6.

[2] Plato, *Republic* VI.492–93 and *Letters* VII.341–44.

[3] Y. Pines, "Confucius' Elitism: The Concepts of Junzi and Xiaoren Revisited," in *A Concise Companion to Confucius*, ed. P. Goldin (Wiley, 2017), 164.

[4] See, e.g., Plato, *Republic* III.414.

and children alike.[5] This legacy would press Jewish thinkers, as they speculated about the mind and its functions, to address the possibility that any human being, for no other reason than that they are human, is equipped to encounter and engage what is ultimately true.

Works by Mediterranean Jewish intellectuals are laden with these tensions, reflected in the ways they employed terms associated with the undistinguished masses. This article surveys Maimonides' use of two such Arabic terms, *al-jumhur* (الجمهور or אלג׳מהור) and *al-ʿawam* (العوام or אלעואם), along with related forms.[6] To provide some literary context for Maimonides' usage, references by three other prominent medieval Mediterranean Jewish thinkers, Saadia al-Fayumi (Gaon), Bahya ibn Paquda, and Yehuda Halevi are also briefly discussed. All four thinkers wrote major works in Judeo-Arabic, which facilitates comparison of terminology.[7]

As philosophical orientations rooted in classical Greek sources moved through medieval intellectual circles, Jewish thinkers, along with their Christian and Muslim counterparts, were challenged not only by the intellectual import of the various systems, but also by their presumed social corollaries. When and how they used particular terms may help us to better understand their reactions to these challenges, beyond what they may have asserted explicitly about common folk. What their use of the terms denoted in particular contexts warrants consideration, along with references that appear redundant or otherwise unnecessary, and repeated associations and cumulative connotations. In tracing a given thinker's usage, it will also be important to consider whether it suggests a gap between what he was in fact inclined to believe about common folk and what he believed he was bound, or expected, to affirm.

## Saadia al-Fayumi (Gaon) (882–942 CE)

In his *Kitab al-Huruf*, Saadia Gaon's contemporary Abu Nasr al-Farabi offered a descending scale of human acumen, concluding: "Religion, when adapted

[5] E.g., the ten plagues, the crossing of the Sea of Reeds, the revelation at Mount Sinai, and Elijah's vanquishing of the priests of Baal. Rabbinic shaping of the Passover celebration can also be seen in this light, i.e., as an experiential recapitulation of the miracle of liberation of a whole people, celebrated in homes, without need of religious functionaries or exceptional competence.

[6] The word *jumhur* suggests "multitude," "masses," "crowd," while the word *ʿawam* inclines toward "commonplace," "general," "the people"; cf. colloquial *amkha* in Yiddish.

[7] Arabic manuscripts of the period were commonly written with Hebrew letters, but there is some question regarding the original orthography of Saadia Gaon's *Al-mukhtar fi al-amanat wa-al-ʿatiqadat* (*Emunot vedeot*) and Bahya ibn Paquda's *Al-hidayah ila fara'id al-qulub* (*Hovot halivavot*).

to humanness, always comes after philosophy, since it aims simply to instruct *al-jumhur* in theoretical and practical matters that stem from philosophy in such a way as to enable them to understand them by persuasion or imaginative presentation, or both."[8] Al-Farabi's characterization of popular religion as an accommodation to the intellectual inadequacies of the masses is rooted in the classical Greek texts he championed. Although well acquainted with the sources that inspired al-Farabi, Saadia would challenge these premises, emphasizing instead the biblical focus on lived experience.

Saadia reached the highest echelons of Jewish institutional life, but unlike many prominent medieval Jewish figures, he may have grown up in a village, the child of working-class parents.[9] In combination with his reading of biblical sources, this background perhaps influenced his thinking about intellect and hierarchies. In the introduction to his best-known work, הנבחר באמונות ובדעות/אלמכ׳תאר פי אלאמאנאת ואלאעתקאדאת, he notes that the *ʿawam* who dismiss philosophical inquiry as a high road to heresy are also purveyors of absurd folk beliefs: "only those of the *ʿawam* see it this way…as is said of some of the *ʿawam* of our people (אמתנא, *amtana*), that they think the moon is swallowed by some sort of sea creature, and that is its missing portion…."[10] Given the derogatory overtones of *ʿawam* in Saadia's day, such an aside could well have preceded an intellectual scale of competence akin to al-Farabi's.[11] Notably, however, Saadia goes on instead to assert that the Tanakh's emphasis on sensory experience in its accounts of revelation, witnessed by women, men, and children, was not to be understood as a condescending literary device for the edification of the public at large. Rather, it conveyed the primacy of "what has been seen by our eyes and heard by our ears":

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[8] *Al-Huruf*, 108, https://archive.org/details/KitabAlHurufBookOfLettersAlFarabi/page/n31/mode/2up.

[9] Biblical sources are laced with misgivings about cities (the first city in the Tanakh is founded by Cain), while rabbinic usage of *ʿam haʾarets* ("people of the country[side]") to indicate people unschooled in rabbinic ways reflects a more conventional urbanity, along with the Low German etymology of "boor," Old English origin of "churl," Old Arabic usage of *ʿaʿrab*, Old French "villian," Old English "heathen," and the Latin root of "pagan" and "peasant." Regarding the possibility that Saadia came from a working class family, see H. Malter, *Saadia Gaon, His Life and Works* (Hermon, 1969), 25–28.

[10] Y. Kafih, ed. and trans., *Hanivhar beʾemunot uvideot. Lerabeinu Saadia ben Yoseif Fayumi* (Dror, 1970), 23.

[11] Note the comments on the connotations of עואם in Kafih, *Hanivhar*, 23. n. 80. Regarding עואם אמתנא, *ʿawam amtana,* Kafih notes that, while he translated the phrase as המוני אומתינו, *hamonei umatenu*, ibn Tibbon chose עמי הארץ שבעירינו, *ʿamei haarets shebiʿireinu* (n. 81).

> And even if we sufficiently extend our rational analysis to its completion, it does not matter, and anyone who falls short due to some obstacle is not left without religion (*din*). Even women and children, and one who is not adept at analysis, have a full and coherent religious faith, because all people (כל אלנאס/*kul al-nas*) are equal when it comes to sensory derived knowledge. Praise to the Wise Guide! And that is why you will often find in the Torah that children and women are included with the fathers when signs and proofs are mentioned.[12]

Through the balance of the work Saadia affirms the clarifying role that rational analysis can play in Jewish life and makes numerous references to ignorant people (ג׳אהל, *jahil*) in doing so, but never in connection with *al-jumhur* or *al-ʿamah*. In a metaphorical passage at the opening of section 5, אלעאמה, *al-ʿammah and* אלעאמי*, al-ʿammi* refer to someone unskilled in a particular craft, and in this sense indicative of all people when it comes to examining a soul, a craft in which God alone is expert. Here, too, neither the metaphorical usage nor its correlate comes with demeaning connotations.[13]

This inclusive sensibility is also evidenced in Saadia's *Tafsir*, a Judeo-Arabic interpretive translation of the Tanakh. In general, the *Tafsir* reflects a preference for Arabic words that sound similar to the original Hebrew.[14] However, *ʿawam* is consistently avoided as a translation of the Hebrew *ʿam*. Instead, terms such as קום, *qaum*; שעב, *shaʿb*; and אמה, *umma* are employed.[15] It seems likely that this avoidance of *ʿawam* was prompted by its condescending connotations. While *al-ʿawam* is used specifically in *Emunot vedeot* in connection with nonsensical folk beliefs, *qaum* and *umma* are the preferred terms in that

[12] Kafih, *Hanivhar*, 28. All translations are mine unless otherwise specified.

[13] Kafih translates the terms into Hebrew using forms of המון, *hammon*, while ibn Tibbon used forms of פתי, *peti*, "simpleton." Near the close of section 5, Henry Malter translates אלוצ׳יע, *al-wadhiʿa* ("lowly") as "plebeian," while in an earlier passage in the section on those who would deny a foundational principle, Alexander Altmann translates קום, *qaum* as "the multitude"; see Malter, *Saadia Gaon*, 220, and Altmann's translation of an abridged version of the Guide in *Three Jewish Philosophers* (Atheneum, 1969), 132. Both translations are problematic. Malter seems to overlook the fact that Saadia was referencing a talmudic comment about a *dal* (i.e., an indigent person; see Kafih, 189 n. 18), while the Arabic *qaum* is better understood as referring to a particular group of people.

[14] Malter, *Saadiah Gaon*, 145.

[15] See *Tafsir* Exodus 1:9 and Deuteronomy 33:22 for *qaum*; Numbers 23:9, 24 for *shaʿb*; and Numbers 11:29 for *umma*.

work as well. Saadia did resort to insulting language regarding individuals with whom he clashed, but not in reference to broad swaths of the population.

It is commonly observed that Saadia Gaon was the first rabbinic figure to achieve lasting prominence not only as a halakhist and exegete but also in philology and philosophy. Often characterized as a Jewish "kalamist," he affirmed, in Alexander Altmann's words, not a philosophical system of autonomous reason "but an exercise in theology anchored in a religious tradition"—a method for corroborating revealed doctrine, and a tool for defending Jewish thought and practice.[16] Common folk might not be skilled in the use of these tools, but that did not mean that their awareness of God's presence and purposes was thereby deficient. The covenant of Israel was rooted in the whole people's existential heritage. Philosophy, at best, refined the terms of that heritage. If al-Farabi found a modicum of common ground in a descending staircase of reason, Saadia countered with ascending emanations of shared experience, the biblical narrative serving as a check on presumptions about "the masses" characteristic of the philosophical sources that led to medieval rationalism.

## Bahya ibn Paquda (ca. 1050–ca. 1120 CE)

Almost nothing is now known of Bahya ibn Paquda's life, although he commonly bears the title *hadayan*. The primary theme of his חובות הלבבות (*Duties of the Heart)*, the development of deep personal piety, suggests Sufi influences. The writings of Abu Hamid al-Ghazali, whose renown would stem primarily from his vociferous rejection at midlife of earlier philosophical inclinations, appear to have been one source of this influence.[17] However, al-Ghazali's تهافت الفلاسفة, *Tahafut al-falasifa* (*Incoherence of the Philosophers*) begins with an attack not on rationalist philosophy, but on elitist philosophers: "I have seen a group who, seeing themselves as distinguished from their fellows by their greater perceptiveness and intelligence…they hold themselves above helping the masses (الجماهير, *al-jamahir*, plural) and the common people (الدهماء, *ad-dahma*)…. When I perceived this vein of nonsense throbbing in these fools, I took it upon myself to write this book."[18] But if al-Ghazali influenced ibn Paquda regarding the importance of not holding oneself "above

[16] A. Altmann, *Essays in Jewish Intellectual History* (Brandeis University Press, 1981), 37.
[17] I. Husik, *A History of Mediaeval Jewish Philosophy* (Atheneum, 1973), 80.
[18] Al-Ghazali, *The Incoherence of the Philosophers/Tahafut al-falasifah*, A parallel English-Arabic text translated, introduced, and annotated by Michael E. Marmura (Bringham Young University Press, 2000) introduction. The translation here is by the author.

helping *al-jamahir*," it did not lead to a comparable disdain for arrogant philosophers or philosophy. On the contrary, neither intellectuals nor common folk are explicitly disparaged in *Hovot halivavot.* The book is amply laced with philosophical passages, enlisted to buttress its devotional focus, along with an al-Farabi-like treatment of biblical imagery as an accommodation for the theologically unsophisticated, but references to *al-jumhur* and אלעאמה, *al-ʿammah* although sometimes ambiguous, never devolve into scorn.[19]

That the introduction closes with praise for Saadia (the only such accolade in the introduction) is telling in this regard. Following a parable on varying degrees of intellectual comprehension, he concludes: "be aided in your grasp of [the Torah] by reading the books of the Gaon, Rabeinu Saadia—may remembering him be a blessing—for they enlighten the mind, and sharpen understanding, and guide the simple-minded, and awaken the lethargic."[20]

Ibn Paquda's recommendation of Saadia's writings suggests that he shared Saadia's understanding of a complementary relationship between revelatory events and correct reasoning. In the first chapter of *Hovot halivavot*, in reference to the need to attune how one conveys "matters of the heart" to the competencies of the learner, he employs the expression "the foolish ignoramous" (الجاهل الغبئ, *al-jahl al-ghabi*) but not *al-jumhur* or *al-ʿawam*. When, in connection with biblical metaphors, he references *aljumhur* in the following paragraph, the context suggests relatively benign connotations. The uses of such metaphors, he observes, are "in keeping with the understanding of *al-jumhur* (حسب افهام الجمهور, *hasb afham al-jumhur*) and in terms that *al'ammah* use when speaking to one another."[21] Between the two passages he inserts an allegory in which the abundance of such metaphors is likened to ensuring that farm animals receive sufficient feed. The imagery is condescending, although it could be seen in light of the biblical association of shepherding with benevolent leadership, which came with comparable connotations. In

[19] Although manuscript evidence is lacking, Y. Kafih, trans. and ed., *Torat hovot halivavot* (Akiva Yosef, 1973), 8, https://tablet.otzar.org/#/book/14197/p/-1/t/1/fs/0/start/0/end/0/c argued that the original manuscript was undoubtedly composed in Hebrew lettering, which he employs in the reconstructed Judeo-Arabic text accompanying his translation. Nonetheless, given that the earliest extant manuscripts are in standard Arabic script, citations in this section are as well.

[20] The Arabic text employed by A. S. Yahuda *'l-hidāja 'ilā farā'iḍ al-qulūb des Bachja ibn Jōsēf ibn Paqūda, aus Andalusien* (Brill, 1912) differs somewhat from the ibn Tibbon translation cited here, but conveys the same appreciation of Saadia's work. Kafih, *Torat hovot halivavot* 4:6 includes a passage from a liturgical *baqashah* composed by Saadia, although he is not identified as the author; see Malter, *Saadia Gaon*, 154.

[21] Kafih, *Torat hovot halivavot*, 1:10. The references to الجمهور, *al-jumhur* and العامة, *al-'ammah* are found in the Oxford manuscript of the text and are included in ibn Tibbon's Hebrew translation. Ibn Tibbon translates العامة, *al-ʿammah* as *benei adam* ("people").

a later passage on levels at which the Torah can be engaged, from minimal to most admirable, he concludes that the ten tiers, taken together, constitute "the great majority of the people" (اكثر جمهور الامه, *akutr jumhur al-uma*).[22] If he had intended negative connotations for the accompanying reference to "*jumhur*" or *umah*, one would expect the phrase to reference only the lower levels rather than all ten. The description of the lowest category includes a number of disparaging terms but no reference to *al-jumhur.* Such ambiguities could be attributed simply to inconsistency or ambivalence. Alternatively, assuming the book was intended for a relatively broad readership, ambiguous terminology might reflect a measure of caution.[23] But it is equally plausible that, for ibn Paquda, "those who cannot grasp what is ultimately true" was not a definitive characteristic of "the *jumhur*" of his fellow Jews.

## Yehuda Halevi (ca. 1080–ca. 1140 CE)

Yehuda Halevi's אלחגה ואלדליל פי נצר אלדין אלדליל, *al-ḥujja wal-dalil fi naṣr al-din al-thalil* (*Argument and Proof in Defense of the Despised Religion*, or *Sefer haKuzari*) would prove the most durable of medieval Jewish works directed against a rationalist demotion of *al-jumhur*. Notwithstanding his ample connections to elite social and intellectual circles, Halevi's defense of the "despised religion (*din*)," a refutation of the accusation that the Jewish people had become an artifact of a bygone era, is concomitantly a defense of the despised common folk among its adherents.[24] The first reference to *al-jumhur* occurs in the opening sentence of the introduction, in Halevi's own voice, prior to imagined exchanges between the king of Khazaria and a "philosopher," a Christian, a Muslim, and a Jew: "I've been asked about my position regarding the charges and responses the philosophers have brought against us, and by people of various doctrines, and those of the sectarians [var. Karaites] who oppose *al-jumhur*."[25] Avraham Zifroni understood the last words of the passage to mean "those who disagree with what is accepted by the Jewish people as a whole (*kelal Yisra'el*)."[26] If so, the mention of *al-jumhur*, although seemingly incidental, presages what follows. In offering the historical

[22] Kafih, *Torat hovot halivavot* 3:4.

[23] Regarding the general character of the work and its intended readership, see J. Guttmann, *Philosophies of Judaism* (Schocken, 1973), 117–24.

[24] Traces of al-Ghazali's influence have also been noted in Halevi's writings; see Husik, *History*, 151–53 and Guttmann, *Philosophies*, 136–62.

[25] A. Zifroni, ed., *Sefer haKuzari* (Schocken, 1967), I:1.

[26] Zifroni, *Sefer haKuzari*, I:1, editor's note.

experience of the Jewish people as their "defense," Halevi makes clear that he is speaking of the *whole* people.

The term *al-jumhur* (or *al-jamahir*) appears an additional thirty-nine times in *Sefer haKuzari,* and never derisively. The closest Halevi comes to implying a negative connotation occurs in a passage in which the *ḥaver*, the Jewish representative, remarks that it might not be productive to explain all biblical metaphors to *al-jumhur* (book 3, section 73), but the comment comes without slight. On the contrary, it is clear from the balance of references that being included in the *jumhur* of the Israelites and their Jewish descendants is a sign of distinction. Before the appearance of the *ḥaver*, both the Christian and the Muslim emphasize the public nature of the wonders experienced by the biblical Israelites, the Christian affirming: "[God] dwells among those who please him, from among *al-jamahir*. And the general principle: Whatever one finds in the Torah and books of Israel cannot be doubted, as they have been published, and preserved and revealed among the mass multitudes (אלגמאהיר אלעט׳אם, *al-jamahir al-ʿidham*)."[27] When the *ḥaver* is summoned, he need only reiterate what has proven so convincing to Christians, Muslims, and Jews alike, concluding:

> And so, He begins his words to the *jumhur* of Israel (לגמהור בני אסראיל, *ljumhur benei Israel*) with "I am the Eternal God who took you out of the land of Egypt." He doesn't say, "I created the world, and I created you." So too I began with you, King of the Khazars, when you asked me about my faith, and I responded in terms of what is incumbent upon me and incumbent upon the whole people of Israel, as this position was made clear to them with their own eyes, then leading to an ongoing tradition which is the equivalent of being an eyewitness.[28]

In the one instance *al-ʿamah* and *al-jumhur* are juxtaposed in the *Kuzari,* the

[27] Zifroni, *Sefer haKuzari* I:4.

[28] Zifroni, *Sefer haKuzari* I:25. In his commentary on Exodus 20:1, Abraham ibn Ezra adds: "Rabbi Yehuda Halevi asked me why it says 'I am the Eternal One, Your God, who took you out of the land of Egypt' and does not say 'I made the sky and the Earth, and I made you." Similar to the *ḥaver*'s comment, Ibn Ezra observes that the signs leading to the liberation from slavery and the revelation at Mount Sinai were equally accessible to "the wise and not wise, adults and children" and thus a proper complement to a philosophical understanding of "I am *haShem* your God."

resulting expression indicates the "general public," without any associated deprecation.[29]

In part 4 of the *Kuzari*, the *ḥaver* critiques displacement of the biblical emphasis on the divine-human encounter by speculative analysis. Such an approach, he argues, leads to a cold and ultimately ineffectual abstraction of both God and human beings. Those truly faithful to Torah are comforted by biblical texts despite their plain language and rugged similes, "not placing their trust in philosophers, with their eloquence and fine treatises, and what they conclude by way of proofs. Even so, *al-jamahir* do not follow them, in as much as souls can, as it were, be inspired with the truth, as it is said, 'Truths are recognized.'"[30] While Saadia contended that common folk tended to dismiss philosophical discourse as sophisticated apostacy, Halevi argues that common Jews simply are not impressed by philosophers, as they can intuit in a far more intimate way what lofty philosophical arguments can only suggest.

Halevi's emphasis on experience, like Saadia's, aligned with biblical connotations of "knowing" as engaging not only the mind but also the person. However, he went on to argue that not only were the experiences of biblical Israelites unique, but the Jewish people were as well, as heirs to the "divine thing" received by Abraham and inherited by "the *jumhur* of his descendants."[31] Jews by descent were distinguished from other peoples by their singular lineage: "See how אלאמר אלאלאהי, *al-amr ilahi* ("the divine thing") lodged in Abraham, and then in the *jumhur* of his chosen elect (צפותה, *tsafwata*), and in the holy land, leading the *umma*, step by step, as He watched over His seed so that not a single one would be lost."[32] Halevi repeatedly describes the Jewish *jumhur* in terms of collective commonalities, but in this and related passages, it is at the same time deemed a *jumhur* that embodies a distinguished status not assigned to other peoples; a *jumhur* that is both inclusive, and elite.[33]

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[29] Zifroni, *Sefer haKuzari* 3:63. Ibn Tibbon translates *al-ʿamah* here as *ʿam haarets*.

[30] Zifroni, *Sefer haKuzari* 4:17. For "truths are recognized," see b. Sotah 9b.

[31] Zifroni, *Sefer haKuzari* 4:3.

[32] Zifroni, *Sefer haKuzari* 2:50. Ibn Tibbon translates בגמהור צפותה, *bejumhur tsafwata* as *behamon segulato*. See also Zifroni, *Sefer haKuzari* 1:27. For a Jewish exclusivist but non-racist reading of the reference to "black and white" in the passage," see D. Lobel, *Between Mysticism and Philosophy Sufi Language of Religious Experience* (SUNY Press, 2000), 35–37. In his poetic tribute to Natan ben Shmuel of Fustat, Halevi says that in a burst of renewed vitality, "I mixed in with the mix [of people]" (*vehitʿaravti et haʿeirev*). The reference comes with no associated slight.

[33] Micah Goodman, "*Vehamaskilim yavinu. Keriah hadashah bisefer hakuzari*," Shalom Hartman Institute, https://heb.hartman.org.il/and-the-educated-will-understand-a-new-reading-in-the-book-of-khazari/ references this issue in making a somewhat tenuous argument for not presuming that the *ḥaver* always expresses Halevi's own perspective.

## Maimonides (1138–1204 CE)

Halevi's insistence that the Jewish story was centered on the people as a whole stood in stark contrast to Maimonides' perspective a generation later. While Halevi resolutely defended a unique vocation for the Jewish multitude, Maimonides would repeatedly discount the religious testimony of common folk.

Hierarchies figure prominently in Maimonides' writings, although he clearly did not conflate intellectual preeminence with social indifference.[34] He made this plain in a letter to Shmuel ibn Tibbon regarding his daily schedule, and in the uncharacteristically passionate aside in his *Mishneh Torah* that "If a poor person asks for something from you and you have nothing at hand to give, then you comfort the person with words.... And woe to anyone who would insult a poor person—woe to them!"[35] Nor did he laud, as did Plato and Aristotle, the intellectual advantages of leisure (*scholé*) enjoyed by those who could rely on the labor of others, or disparage working for a living,[36] though in a letter to Yosef ben Yehuda (ibn Shimon), written in his fifties, he wove together mention of the medical care he provided the lowly *ʿawam* of Cairo with regret that the time thus expended could otherwise be devoted to study.[37]

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[34] See, e.g., the disturbing parable of the king in his palace and the four levels of human fulfillment at the close of *Guide for the Perplexed*, III:51, 54. Also, his reading of the Passover Haggadah's instruction that one "*show* oneself" rather than the more familiar "*see* oneself" as having been freed, along with the suggestion that someone currently in a servile position be used to demonstrate to a child the significance of liberation, with the explanation "My child, we were all slaves, like that servant woman or like that servant man, in Egypt, and on this night the Holy One who is blessed rescued us and liberated us" (*Mishneh Torah,* Halakhah of Ḥamets and Matsah 7:2).

[35] *Mishneh Torah*, Halakhah of Giving to the Poor 10:5:שאל העני ממך ואין בידך כלום ליתן לו פייסהו בדברים... ואוי למי שהכלים את העני – אוי לו. For the letter to ibn Tibbon, see (קובץ תשובות הרמב"ם ואגרותיו לפסיא, 1859), https://www.daat.ac.il/daat/vl/rambamuvno/rambamuvno18.pdf, 9 (page 28 in the printed text). See also D. Z. Baneth, *Igrot haRambam* (Magnes, 1985), 68–69. In the letter to ibn Tibbon, Maimonides distinguishes between the "important" and "unimportant" among his daily visitors.

[36] See Moritz Vermehren's emendation of σπουδῆ to σχολῆ in Aristotle, *Nicomachean Ethics* H. Rackham, trans., (Loeb, 1975) X.vii.6–7, and Rackham's parallel English note. The Greek σχολή is the source of "school" and "scholar" in European languages.

[37] See below, page 30. The comment comes shortly after recommending (perhaps with a touch of sarcasm) that his correspondent would do better to pursue a manual trade than become financially dependent on the *Ras al-Galut* (see below, n. 71). Regarding the eclectic character of the letter, Baneth (*Igrot*, 31–49) favored the argument that the extant versions contain passages from several different letters. Regarding earning a living, in his Mishnah commentary Maimonides once again associates having a source of income with independence from patronage. In commenting on Hillel's "Don't say 'when I have the leisure I'll study'—you may never have the leisure" (m. Avot 2:2), which may allude to then-current attitudes about leisure befitting an intellectual, he simply counsels that one set aside fixed times for study.

Maimonides' prioritizing of communal schools among essential Jewish institutions also reflects a more complex understanding of the needs and potential of society at large,[38] but it was, even so, inclusivity constricted by common hierarchical prejudices, as he stopped short of including girls.[39] A more equitable position was by no means unimaginable. His Cordoban contemporary Abu al-Walid ibn Rushd, whom he highly respected, contended that it was a foolish waste of potential to exclude women from public life, but nothing comparable appears in Maimonides' writings.[40]

Isadore Twersky observed that the *Mishneh Torah* exhibits a "definite elitist ethos," keyed to intellect, but in noting Maimonides' use of various demeaning terms for nonintellectuals, he does not comment on the absence in the *Mishneh Torah*, unlike elsewhere in his writings, of insulting references specifically linked to "*hehamon*."[41] In the introduction and conclusion of *Sefer haMitsvot*, a kind of preface to the work, Maimonides does refer to *hehamon* in connection with lack of learning, but the references are free of explicit disdain. The resulting impression, as in his *Shemonah peraqim* (the introduction to tractate Avot in his Mishnah commentary), is of an intellectual hierarchy that does not directly correspond to social coordinates. By contrast, the first of many pointed comments regarding *al-jumhur* in his *Guide for the Perplexed* (*Moreh Nevukhim*), written with a much narrower range of readers in mind, occurs in the opening hundred words:

> The primary subject of this work: to clarify subjects related to terms appearing in the prophetic books. Among these terms are homonyms. The simpletons take them as meaning only some of the things to which the homonym refers. Also: metaphors. Once again, they grasp them in light of their most immediate inference. And this work is not intended to explain them all to the multitude ללג׳מהור), *liljumhur*), nor to beginners in analysis, nor to those who have only done analysis of Torah wisdom, i.e., talmudic study of it, for

[38] *Mishneh Torah*, Halachah of Torah Study chapter 2 and Halachah of Prayer 11:14–15.
[39] *Mishneh Torah*, Halachah of Torah Study 1. His justification for allowing girls and women to go without a formal Jewish education rested on the assumption that female cognition was "poor" and not suited for study.
[40] N. Harhash, "Ibn Rushd's Views on Women," unpublished manuscript, https://www.academia.edu/12102310/Ibn_Rushds_Views_on_Women.
[41] I. Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (Yale, 1980) 468–71. The *Mishneh Torah* was written in Hebrew.

> the subject of this work is entirely of a particular sort: "true knowledge of the Torah" (עלם אלשריעה עלי אלחקיקה, *ʿilm al-shariʿa ʿale al-hakikah*).[42]

Maimonides was writing for an exceedingly limited readership that he could presume did not see itself as among the *jumhur* to whom he refers, a *jumhur* that included those whose learning was limited to classical Jewish sources.[43] This being the case, he here indicates a much more pronounced gap between the unlearned, the traditionally learned, and the truly knowledgeable than he does in his *Mishneh Torah*. The reference, so early in the introduction to the *Guide*, is striking, but the next uses of *jumhur*, a little further into the introduction, are even more so. Beyond the concern Maimonides shared with al-Farabi that foundational concepts be appropriately communicated to those unequipped for philosophical analysis lay great uneasiness with the possible effects of *mis*communication, reflected in a mix of recommendations for accommodating common folk, along with the need to simply conceal some things from them. Speaking of the allusive and patchy structure of the *Guide*, he comments: "For my intention—that the truths shine through and then disappear—so as to not go against the divine intent, with which it is improper to differ, that these particular truths be inconceivable to the masses of people (גימהור אלנאס, *jumhur al-nas*)."[44] Building on the metaphor of lightning, a momentary bit of light for some but a near continuous flashing for Moses, he concludes that when it comes to the common crowd (גימהור אלעאמה, *jumhur al-ʿammah*) in the words of Psalm 83:5, "They won't know, they won't understand, they will walk in darkness."[45] While juxtaposition of *al-jumhur* and *al-ʿamah* in Halevi's *Kuzari* came with no accompanying deprecation, here the proximity of the terms would appear to make what follows all the more explicit. It was not only prudent, Maimonides suggests, to direct such people away from reasoning they could not properly comprehend, but one conformed to divine intent in doing so, evidenced by the deficient intellectual skills of the great majority of people.[46]

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[42] *Guide*, introduction, opening passage.

[43] See n. 57 below.

[44] *Guide*, introduction.

[45] *Guide*, introduction. The reference to lightning is ironic, given the biblical insistence that all the people experienced the sounds and the flaming flashes at Sinai (Exodus 20:15). Ibn Tibbon translates גימהור אלעאמה as *hamon haʿam*.

[46] Y. ibn Shmuel Kaufman, *Sefer moreh nevukhim* (Shvil, 1935) 14, rephrased the passage: "Inasmuch as God created various creatures who conceive of God from different perspectives and dif-

This assertion, in turn, leads to a passage on biblical imagery and metaphors, where his disdain is extended to those who misinterpret such references, including "an ignoramous from among the common rabbis (ג׳אהל מן ג׳מהור אלרבאנין, *jahil min jumhur al-rabanin*)." *Jumhur* would seem entirely superfluous to the characterization of such figures, but it is in keeping with Maimonides' habitually negative use of the term.[47] Similarly, near the close of the introduction, he comments that among the reasons one might find apparent inconsistencies in the text that followed is that discretion required that he first approach a given issue on the basis of certain premises and then, elsewhere in the text, on the basis of other, contradictory premises. However, "it is necessary that *aljumhur* be prevented from sensing any bit of contradiction, and that the author therefore devise a strategy to completely disguise the matter."[48] Here again, reference to *al-jumhur*, linked to the need for deception, appears gratuitously demeaning, when a more specific reference to readers unprepared to grapple with what was intended would have sufficed.

While Saadia saw the providence of a "Wise Guide" at work in having provided all people (*kul alnas*) sensory access to revelatory events, halfway through part 1 of the *Guide* Maimonides returns to the theme of why it is inappropriate to introduce some people to a philosophical understanding of ultimate truths. In building his case, he references a Mishnah on personal qualities necessary for study of "the Chariot," which is commonly understood as mystical lore but which he identified as metaphysics, and concludes: "This being the case, how then could one involve the masses of people (ג׳מהור אלנאס, *jumhur al-nas*), children, and women in these matters? …For these reasons, these matters are very appropriate for an elite individual, and not for *aljumhur*, and should be kept from the beginner…as one would prevent a little child from taking coarse foods and carrying weights."[49]

The second section of the *Guide* deals in similar terms with the prerequisite role of character and intellectual development in prophecy, contrary to

> the opinion of the ignorant *jumhur* (ג׳מהור אלג׳אהליה, *jumhur aljahilia*)—and some of the common folk (*'awam*) of our

ferent levels of conceptualization, and even among human beings there are different conceptual levels, we would argue that God's intention was to not be conceived of by each and every one."

[47] Freidlander's incorrect translation, "ill-informed theologian," clearly reflects discomfort with the implications of the phrase; see Moses Maimonides, *The Guide for the Perplexed*, trans. M. Friedlander, (Routledge, 1904), 5.

[48] *Guide*, concluding portion of the introduction.

[49] *Guide*, I:34.

> Torah also believe it—that God, Who is blessed, selects any person God wants from among the people, inspires him with the spirit of prophecy, and sends the person off. It makes no difference to them whether that person is wise or stupid, old or young, provided he be somewhat good and of proper moral character.[50]

Rather, he will argue, the biblical text, properly understood, indicates that what other Israelites experienced at Mount Sinai as sensory phenomena, Moses engaged intellectually, a paradigmatic illustration of the divide between conventional thinking and "true knowledge of Torah."[51] After reiterating that the biblical text distinguishes between what passed "before the eyes of all Israel" and what Moses perceived, he adds: "and so too Elijah on Mt. Carmel, in the presence of the 'little people' (**נזר מן אלנאס**, *nazr min al-nas*)."[52] A bit further on, commenting on the possibility that a person prepared and qualified for prophecy might nevertheless seek to suppress prophetic inspiration, he cites Amos 3:8 ("The Eternal One, God, spoke—how can one not prophesy?"), but makes no mention of Amos's insistence that he was not a prophet but a common laborer seized by a calling (Amos 7:14).[53]

Like ibn Sina, Maimonides maintained that, given the great range of intellectual competence in populations, shared obligatory practices, even though they were understood from differing perspectives, played an important role in maintaining communal common ground, reinforced by the study of traditional sources. However, this common ground did not extend to philosophical argumentation. One was even less equipped to think philosophically using common intellect, he argued, than to practice medicine, his other field of expertise.[54] Inasmuch as most people were not prepared to understand "true knowledge of Torah," he was untroubled by the need to compose the *Guide*

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[50] *Guide*, II:32 (S. Munk. ed., *Le guide des egarés* [Paris, 1856–66)]). Referencing both *al-jumhur* and "*al-ʿawam* of our Torah" raises the possibility that at least some references to אלג׳מהור be understood as referring to non-Jews as well. See also Strousma, *Maimonides*, 93 n. 44 on Maimonides' use of the expression "אלג׳אהליה ג׳מהור, *jumhur al-jahilia*" ("the ignorant masses"). While noting that אלג׳אהליה has been read by some as pejorative, she does not comment on negative connotations extending to *jumhur*. By contrast, commenting on the collective purposes of law as compared to the individual focus of medicine, Maimonides employs the expression אלעאמה אלאכתריה, *al-ʿammah al-aktariya* ("the majority of the *ʿammah*") rather than *al-jumhur* in regard to the "common good"; see *Guide*, III:34.

[51] *Guide*, II:33.

[52] *Guide*, II:35.

[53] *Guide*, II:37.

[54] *Guide*, I:34.

in such a way as to deflect all but a relative few, despite the personal consequences:

> I am the kind person who, when dealing with a difficult subject and little leeway, and having a strategy for teaching a truth that comes with a demonstration that is only appropriate for one outstanding person, rather than appropriate for ten thousand ignoramuses, chooses to tell it directly to that person, while remaining indifferent to the insults of the majority of people (אלכלק אלכתיר, *al-khalq al-katir*).[55]

Already in his Mishnah commentary, composed in his early adult years, he had taken the position that highly abstract formulations of foundational truths must not be imposed on, or even offered to those not ready to understand them: "just a tiny bit of it will be understood by *al-jumhur*, and when the ignoramus hears these things it will undermine that person's faith, as it will seem that they contradict the truth, when in fact it *is* the truth."[56] Indications of this concern are pervasive in the *Guide*.

As has been noted, Maimonides also used *al-jumhur* in reference to those with at least a modicum of Jewish learning, as he does, for example, in the reference to "common *rabbis*" (ג׳מהור אלרבאנין) in the introduction to the *Guide*,[57] along with his clarification of ג׳מהור אהל אלשריעה, *jumhur ahl al-shari'a* in the parable of the "King in His Palace" near the close of section 3: "I mean *'amei haarets* engaged in the *mitsvot*."[58] Thus the *Guide* begins and ends with demeaning references to *al-jumhur*—namely, the great majority of Jews, including those "unlearned" beyond the study of Tanakh and traditional rabbinic sources.

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[55] *Guide*, introduction. See Strousma, *Maimonides*, 74–75.

[56] Mishnah commentary, Hagigah 2:1; cf. "Seventh Letter of Plato," 341–344.

[57] Yehudah ibn Tibbon, translator of *Emunot vedeot*, *Ḥovot halivavot*, and *Sefer haKuzari*, and his son Shmuel, translator of *Moreh nevukhim*, typically translated *al-jumhur* as *hehamon*. Eight centuries later, connotations of *hehamon* still caused discomfort. In his translation of the *Guide*, Yosef Kafih, ed. *Rabeinu Mosheh ben Maimon* (Mossad haRav Kook, 1977) translated ג׳מהור אלרבאנין as *tsibbur harabanim*, commenting: "*jumhur*—a big group, a large community. And I could not translate it as *hamon* lest it be taken, as is the widespread understanding of *hamoni*, as someone who is not learned, while in this case our *Rav* [Maimonides] refers to those who know the laws of *sukkah* and *lulav*, and perhaps the four bailees, 'and they are both dimwitted and foolish,' as is well known." The ironic and sarcastic concluding phrase comes from Jeremiah 10:8, referring there to the "the sages of the nations" and their vacuous teachings; see http://www.daat.ac.il/daat/mahshevt/more/a1-2.htm#2, section I, n. 60.

[58] *Guide*, III:51.

Maimonides' מקאלה פי תחית המתים (*Treatise on the Resurrection of the Dead*), written in his fifties, is also laced with disparaging references to *al-jumhur*, one of which includes an adjectival form of the word. Following a critique of the notion held by the "ignorant" (אלג׳האל, *al-juhal*) that created beings such as angels are embodied, he derides those who hold such opinions:

> And if it is not enough for such a fool to leave the matter in doubt and not decide one way or the other, but holds instead to his ראיה אלג׳מהורי-type of perspective, and belittles our perspective and insults us for seeing the angels and those of the world to come as separated from and devoid of the material…[59]

Context suggests that his use of the adjective ג׳מהורי, *jumhuri* connotes a combination of social status and state of mind, somewhere between "popular" and "vulgar." Deficient reasoning could be attributed to "some," or "those," "the ignorant" or "unlearned," but here as elsewhere Maimonides associates the shortcoming with *al-jumhur.* This tone is also evident in a nearby passage in which he offers the assurance that there was nothing in the *Treatise* not already stated in the Mishnah commentary and the *Guide*, although the present work included stylistic accommodations for *al-jumhur*, along with children (the Finkel text reads here "אלג׳האל, *al-juhal*") and women.[60] The *Treatise* concludes with an apology and explanation to אהל אלעלם, *ahl al-ʿilm* ("knowledgeable people") that its pedantic tendencies are, once again, an accommodation to *al-jumhur*, who are its intended readership. How that readership would not be offended by the inclusion of such references is unclear, unless it was assumed that the text would be editorially channeled through such "knowledgeable people."

Along with ibn Sina, ibn Paquda, Halevi, and ibn Rushd, Maimonides maintained that there was little to be gained from exposing the intellectually unprepared to potentially alienating abstract interpretations of scriptural passages.[61] But was he convinced that the socio-intellectual divide was irreversible? In his Mishnah commentary he links the lamentable intellectual limitations of *al-jumhur* to a set of tenets, his thirteen "Fundamentals." In forging an intellectual connection to these principles, despite its deficien-

[59] Kafih, ed., *Rabeinu Mosheh ben Maimon*, 77.

[60] Kafih, *Rabeinu*, 81. In the next paragraph, אלמלה ("populace") would appear to have more neutral connotations.

[61] See, e.g., ibn Rushd's comments in his *Al-Kashf ʿan Manahij al-Adilla fi ʿAqaid al-Milla,* III:377.

cies, one secured a "share in the world to come," and they must therefore be affirmed.[62] This recourse to formulations that emphasized the rewards gained through fidelity to the principles they conveyed could be understood as simply one more expression of disdain, but nearby text includes an intriguing twist. Preceding the Thirteen Fundamentals, Maimonides offers a sketch of cognitive moral development that appears to be universal, like the modern taxonomies to which his stages bear a striking similarity.[63] Juxtaposition of an obligatory creed to a set of universal developmental stages, culminating in rational acumen, although once again hierarchical, could be seen as indicating that the intellectual deficiencies of the masses were largely a matter of circumstance and condition, not inherent character, inasmuch as one can grow and learn beyond immature forms of reasoning:

> And so, that it might become a matter of faith, they allowed that *al-jumhur* do the *mitsvot* in the hope of receiving a reward, and shunning the transgressions out of fear of punishment, and they encouraged them in this way, and affirmed their intentions, until they might grasp what can be grasped, and know the truth. What is the sure way in this regard? It's like how a child is treated when studying, as I've noted metaphorically… *al-jumhur* lose nothing at all by doing the *mitsvot* out of fear of punishment and hope of a reward. Rather, they are simply not fully developed, and this being the case, it is a good thing through the competence, habit, and effort that it takes to fulfill the Torah that they are inspired to know the truth.[64]

Similarly, in the *Guide*, his endorsement of dogmatic formulations for *al-jumhur* is paired with the need to realize the potential of youth through education:

> Rather, just as one must educate youth and simplify for *al-jumhur* that God (Be Blessed!) is one and there is no

[62] Abraham ben David's interjection that Maimonides' reference to *minim* ("schismatics") in connection with his tenet of divine formlessness fits a number of people who were in fact "greater and better than him" (*Hasagot haravad*, Halakhah of Repentence 3:7) suggests his exasperation with Maimonides the dogmatist as much as with the dogma.

[63] On medieval Jewish thinkers and a developmental approach to moral judgment, see E. Schwartz, *Moral Development: A Practical Guide for Jewish Teachers* (Alternatives in Religious Education, 1983), 8–15.

[64] Mishnah commentary, Sanhedrin 10:1.

> need to be in service to any other, so too one should pass along to them as a matter of tradition that God is not a body and is totally unlike any of His creations in any respect, and that His existence is unlike their existence, and that "living" in his case is unlike…and that His wisdom is unlike…and that the distinction between Him and them is not only a matter of degree.[65]

Such references to *al-jumhur* alongside maturing youth are intriguing, but come up short of a complete analogy. In the passage above, for example, dogmatics would appear to play an educational role with youth, but is said to "simplify" truths for *al-jumhur.*

Sarah Strousma has suggested that proposing a catechetic set of tenets was perhaps influenced by Almohad sponsorship of comparable dogmatic statements and concludes that Maimonides would come to play in this regard "the role assigned to the ruler according to the Platonic philosophical tradition: the role of the lawgiver who builds a virtuous city, the one who guides his flock toward true beliefs."[66] If so, disparaging references to the unlearned and not-learned-enough might reflect something of the on-the-job training of an urbane philosopher king of proud and prominent lineage.[67] But the fact that comparable references appear in his Mishnah commentary, completed before his first appointment as *rais al-Yahud*, suggests deeper roots.[68] Nor is his terminology inherently rabbinic. Rather, in keeping with Strousma's metaphor, Maimonides' references to *al-jumhur* and *al-'ammah* would seem to echo references to the *polloi* in the classical Greek sources he read in Arabic translation.

Maimonides wrote occasionally of his need to contain an inclination toward self-importance, although he framed the issue in terms of a personal struggle with presumptuousness rather than unjustified assumptions about "common folk."[69] However, even in such contexts, he could not help but note

[65] *Guide*, 1:35.

[66] Strousma, *Maimonides*, 76. See also M. Kellner, "Heresy and the Nature of Faith in Medieval Jewish Philosophy," *Jewish Quarterly Review* 77, no. 4 (1987), 299–318.

[67] For a disparaging comment about villagers who cannot appreciate the advantages of city life, see *Guide*, 1:31.

[68] Having served as *rais al-Yahud*, Maimonides counseled Yosef ben Yehudah not only that positions of public authority may expose one to violent, negative responses from the government but also that attending to the preferences of the public and seeking their admiration was inevitably corrupting; see Baneth, *Igrot*, 93–94.

[69] See, e.g., Baneth, *Igrot*, 88-89. Abdul Latif al-Baghdadi, after meeting Maimonides, noted both exceptional qualities and elitist inclinations; see J. Kraemer, *Maimonides: The Life and World*

their presence. Perhaps Strousma's analogy pertains here as well. In a letter to Yosef ben Yehudah, once again dealing with criticism of his work, he insisted that he would respond to any slights with utmost humility, followed by the aside that "he" (the critic, or perhaps "it," the criticism) nevertheless was likely to "do me [us] great damage among the *hamon*."[70]

This tendency is also evident in his description to Yosef ben Yehudah of how his medical practice deprived him of time for study:

> I want you to know that I've become very famous in the field of medicine among the elites, e.g., the head kadis, the emirs and the court of al-Fadl and others among the leaders of the state, people from whom I receive nothing. As for the common people (*al-'awam*), I am way above them and they have no way to reach me, so that's how I always waste the day in Cairo, visiting the sick.[71]

It was unnecessary in this context to distinguish between the elites that brought him renown and "plain folk" who simply brought him troubles that ate away at his day, but such was his inclination. Yet, although he was put out by the demands put on him by a needy *al-'awam*, he nevertheless complied.

The rabbinic emphasis on acquired competencies has always come with the risk of alienating those who see themselves, or are seen by others, as incompetent. The foundational distinction Maimonides drew between those who could and those who could not properly understand "the true knowledge of the Torah" amplified this risk.[72] His inclination to characterize the people he encountered in socially stratified terms reinforced this tendency, making the last lines of *Mishneh Torah*, in reference to the reign of the messiah, all the more noteworthy:

> In those times there will be no famine or war there; no envy or rivalry, for goodness will be prevalent, and comforts will be as common as dust. And the whole world will be wholly occupied with knowing God, And so the people Israel will

*of One of Civilization's Great Minds* (Doubleday, 2008), 208–10.

[70] Baneth, *Igrot*, 89. The letter was presumably written in Arabic, but there is no extant Arabic text.

[71] Baneth, *Igrot*, 69. A few lines earlier Baneth translates *talaf* as *ibud*, and here as *mekhaleh*.

[72] *Guide*, introduction, opening passage.

> be great *hakhamim,* knowing the obscure things, and coming to a knowledge of their Creator, to the extent possible for a person. As it is said, "for the Earth will be filled with knowledge of God, as does water cover the sea."[73]

The assertion in the introduction to the *Guide* that God intends that certain truths remain incomprehensible to *al-jumhur* notwithstanding, the close of the *Mishneh Torah* could be taken, once again, to indicate that the inability of the greater portion of humanity to flourish intellectually is largely a result of human designs. It could be inferred that the resulting conditions will be remedied only on the far side of a messianic divide, but the passage, which includes no references to upper and lower intellectual strata, only to the people as a whole, can also be understood as asserting that pervasive "knowledge of God" is possible whenever conditions conducive to human development are realized. *Guide* 3:27, set among chapters replete with references to *al-jumhur, jumhur al-hakhamim,* and *al-jumhur al-ʿammah*[74] complements this position. It begins by recommending, once again, that *al-jumhur* be provided suitable tenets, constructed of a mixture of the explicit and the metaphorical, as it is not in the nature of *al-jumhur al-ʿammah* to tolerate a straightforward rendering of such things. But this is followed by the assertion that if the intellectual development of every member of the populace (כל ואחד מנהם, *kul wahad minhum*) is to proceed, a social order conducive to meeting their basic needs must first be established.[75]

Saadia had been careful to speak of common folk in ways that did not presume an associated inability to perceive and respond to God's presence. Ibn Paquda's inclusion of all Jews in *al-jumhur*, from the most intellectually adept to the least sophisticated, struck a similarly inclusive note, while Halevi adamantly exalted the Jewish *jumhur*. Maimonides' terminology stands apart from these predecessors in this regard. This distinction is epitomized

[73] *Mishnah* commentary on Sanhedrin 10:1 includes similar reflections.

[74] In *Guide*, III:26, אלג׳מהור ואלכ׳יאץ is translated by Shmuel ibn Tibbon as *hehamon vehasegulot* "the multitude *and* the distinguished," while Ibn Tibbon's father, in keeping with the tone of the *Kuzari*, translated גמהור צפותה (Zifroni, *Sefer haKuzari* II:50) as *hamon segulato* ("his distinguished multitude").

[75] Y. Lebowitz, *Emunah, historiah, veʿarakhim* (Akademon, 2002) 95 comments on this strand of Maimonides' writings: "the messianic era is not a necessary condition for the complete realization of human potential; 'the exceptional individual' having been formed having intelligence and free choice, is able—with great effort—to arrive at this completeness on one's own, under existing conditions, but his realistic understanding led Rambam to recognize that this is not currently possible for *hehamon* and so the redemption is required in order to make possible collective *tikkun* for the people of Israel (and humanity)" (translation mine).

in the fact that Halevi used *al-jumhur* to indicate the people as a whole, as Zifroni suggests and references confirm, while Maimonides' usage consistently connoted a baser portion of the populace. Nevertheless, envisioning the amelioration of social conditions that impede intellectual development as a primary characteristic of the messianic era, in effect rendering his own use of *al-jumhur* and *al-ʿammah* obsolete, suggests his awareness that their negative connotations could not ultimately be reconciled with "true knowledge of the Torah."[76]

## Conclusion

Commenting on the awkward intrusion of revelation on medieval philosophy, Lev Shestov concludes: "And indeed, the Bible was brought to the world by simple, ignorant people who were absolutely incapable of defending it by the methods which learned people use to attack it."[77] Plato and Aristotle might have mentioned *hoi polloi* when discussing politics, but the thoughts of medieval Mediterranean Jewish intellectuals turned to common folk not only as a political concern, but also as they reflected on thinking, knowing, experience, providence, and revelation.

The convergence of adjacent societies around the Mediterranean primed intellectuals for the possibility that rationalism offered a precise, transcendent language for communication across broad cultural divides about the most important subjects. It was a powerful vision, but the language they labored to articulate would prove an Esperanto-like dialect: a universal language, comprehensible to a few. Maimonides' writings spiral around this conundrum.

In the ensuing centuries, resistance to "aristocratic religion" continued to agitate traditions leading back to groups of *ʿIvrim*, rough-hewn Galileans, and nomadic *ʿaʿrab*.[78] Inequities born of class and caste, patronage, lineage, and gender have repeatedly spawned tensions. Amidst these clashes, the question "What can common folk possibly know about God and the world, and how could they know it?" has persisted. In more recent times we hear it in

[76] Spinoza's comments on the *vulgus* in the introduction to the *Tractatus Theologico-Politicus* are reminiscent of references to *al-jumhur* and *al-ʿammah* in the introduction to the *Guide*. Spinoza was quite familiar with Maimonides' writings, but his bitter disavowal of any residual Jewish ties, followed by a life on the edge of other communities, offers an illuminating contrast to Maimonides' inability to simply write off the common folk to whom he remained bonded. For Spinoza references, see L. Feuer, *Spinoza and the Rise of Liberalism* (Beacon, 1958), 80–88.
[77] L. Sheshtov, *Athens and Jersualem* (Ohio University Press, 1966), 315.
[78] For the expression "aristocratic religion," see Y. Dan, *Toledot sifrut haderush vehamusar* (Keter, 1975), 61.

John Calvin's retort that, when it came to knowledge of God, those who were otherwise most ingenious were "blinder than moles," in Blaise Pascal's affirmation of "The God of Abraham Isaac and Jacob, not the God of the philosophers or the scholars," and in the disjunct between Karl Marx's eschatological mission of the proletariat and Frederick Engels's scrapping of common sense for "science."[79] Such tensions have persisted among Jews as well, evident in clashes between the worldly *maskil* and enthused *ḥasid*, in the relatively recent popularization of *kelal Yisra'el* to indicate Jewish life as defined by broad inclusivity, along with criticism of the term as a "battering ram…to level down values and undermine all criteria of judgment," and in the ironic penname "Aḥad Haʿam."[80]

In the beginning, amid a bric-a-brac of divine hierarchies, the God of Abraham stood apart, without family or noble companions, lone and alone, except for human friends. Even the most prominent of these human companions came without credentials. As medieval Jewish intellectuals pondered, "What do we know about knowing?," the question, "Why do our scriptures say that God chose to be known by, and through such people?" was never far from their thoughts. Neither the question, nor the people.

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[79] See, respectively, Calvin, *Institutes of the Christian Religion*, 2.2.18. The Pascal quote comes from the note discovered at his death sewn into his coat; see B. Pascal, *Oeuvres complètes* (Seuil, 1960), 618; see also F. Engels, *Socialism: Utopian and Scientific* (Kerr, 1908), 80–81.

[80] The irony is all the more apparent in light of Aḥad Haʿam's tribute to Maimonides, *Shilton haSekhel*; see Aḥad Haʿam, *ʿAl parashat haderakhim,* ed. Y. Frankel (Dvir, 1965), 2:195. See also the comments on Aḥad Haʿam's identification with Maimonides' understanding of the relationship between a "spiritual center" and "the average Jew" in S. J. Zipperstein, *Elusive Prophet: Ahad Ha-am and the Origins of Zionism* (University of California Press, 1993), 253–57. On *kelal Yisra'el*, see J. Krasner, *The Benderly Boys and American Jewish Education* (Brandeis, 2011), 325–26.

# The Baal Shem Tov's Methods of Hasidic Spirituality as Tools for the Work of the Spiritual Care Provider

**Einat Ramon**

In memory of our late teacher and founder of spiritual care in Israel, Rabbi Pessach Krauss *z"l*, may his memory be for a blessing.

## Introduction

One of the two founders of the field of professional spiritual care in the United States, Dr. Richard Clarke Cabot (1868–1939), was a physician from Boston who lived in the first half of the twentieth century.[1] Toward the end of his life, he also taught theology and philosophy at Harvard University. In his book *The Art of Ministering to the Sick* (1957), he dedicates a chapter to reviewing the professional tools available to the spiritual care provider.[2] These tools are different from those available to other professionals in the fields of mental and physical health. This article will attempt to address the similarity between these professional tools and the practices for improving physical and mental health discussed in Hasidic literature. Special attention will be paid to the earlier works from the first–third generations of Hasidism—those laid out by its founder, the Baal Shem Tov (Israel ben Eliezer, 1698–1760); by one of his two main disciples, Rabbi Yaakov Yosef Katz from Polnea (1695–1781); and by the Baal Shem Tov's grandson, Rabbi Moshe Haim Ephraim of Sudilkov (1748–1800) and the Baal Shem Tov's

[1] I would like to take the opportunity to thank the primary donors who helped the Marpeh Academic Program for the Training of Spiritual Caregiving at the Schechter Institute, primarily the UJA Federation of New York, the Jewish Federation of the Greater MetroWsest, New Jersey, Cecillle and Rabbi Stanley Asekoff, and Dr. Joan Krauss, who has supported most of my scholarship and studies produced by the Marpeh program in memory of her late husband, Rabbi Pessach Krauss z"l, a former chaplain and teacher at Memorial Sloan Kettering Cancer Center. Rabbi Krauss was one of the very first Jewish chaplains in the United States, and the first founder and teacher of spiritual care in Israel following his aliyah by the end of the twentieth century.

[2] R. C. Cabot and R. L. Dicks, The Art of Ministering to the Sick (Macmillan, 1957), which was one of the first professional works written in this field.

great-grandson, Rabbi Naḥman of Bratslav (1772–1810). All four founders of the Hasidic spiritual movement were residents of Podolia, a district in the southern part of the Ukraine. Many of their statements concerning their teacher's conceptual tools that support the soul—and, as a result, the state of the human body—are collected in the Book of the Baal Shem Tov on the Torah.[3] While the Baal Shem Tov did not leave many writings, Rabbi Yaakov Yosef Katz was the first to explain the new Hasidic spiritual innovations of his teacher, the Baal Shem Tov. These teachings were translated into a full and rich theology, consisting of teachings and spiritual tools in the works of many of his followers. However, as mentioned above, in this comparative essay I will focus on three interpretations of a number of spiritual tools that he mentions by his direct disciples, including his close student and his two of his family members.[4]

A fundamental assumption upon which to base such a comparative study is the conceptual infrastructure of both spiritual care theory from the twentieth century and early Hasidic theology and customs from the eighteenth century concerning the substantial but unpredictable connection between the human body and psyche. This must be taken into account even though we do not always understand it. In Cabot's view as both a doctor and educator, every person is meant to grow regardless of the state of their health.[5] The Baal Shem Tov states: "If he were to believe that this came to him from God, he would not grow angry at all." Just as Cabot believed that any suffering a patient experiences is a stimulus to growth, the Baal Shem Tov felt that it is a person's task to strengthen themselves for work, especially after

[3] Baal Shem Tov on the Torah, ed. Nathan Neta Hacohen and Shimon Menachem Mendel from Gwatshau, 3 vols. (Nofet Tsoffim, 1997), 1:108, 386 (Hebrew).

[4] This comparative essay is not a historical or even a theological analysis of Hasidism but a professional article that wishes to highlight Hasidic tools relevant to spiritual care. It is a parallel article to the ones that I highlighted in an essay on tools that could be available to Jewish spiritual care providers and spiritual care recipients. For a discussion of various topics in the study of Hasidism, see Einat Ramon, "Gratitude, Israeli Spiritual Care and Contemporary Hassidic Teachers: The Theme of Thankfulness in the Works of Rabbis Brazofsky (the Netivot Shalom), Rav Arush and Yemima Avital," Alternative Spirituality and Religion Review 5, no. 1 (2014): 78–100. For further reading about the Baal Shem Tov and his immediate disciples, including the ones mentioned in this article, see Moshe Rosman, Founder of Hasidism: A Quest for the Historical Baal Shem Tov, Litman Library of Jewish Civilization, 2nd rev. ed. (2013); Emanuael Etkes, The Besht: Magician. Mystic and Leader (Brandeis University Press, 2012); Arthur Green, Tormented Master: The Life and Spiritual Quest of Rabbi Nahman of Bratslav, Jewish Lights Classic Reprint (1992); and Moshe Idel, Hasidism: Between Ecstacy and Magic (SUNY Press, 1995).

[5] Cabot and Dicks, Art, 16.

experiencing "some act of ugliness from a friend."[6]

According to Rabbi Moshe Haim Ephraim, speaking in his grandfather's name, the foundational idea of Hasidism is that "the Lord does not inflict a person with suffering, unless he first visits them with melancholy."[7] The idea that depression precedes illness (and other types of suffering) ties the health of the body and the psyche closely together, emphasizing the movement's worldview. Nonetheless, Hasidism does not see faith as a kind of magic formula that is guaranteed to prevent the factors that lead to suffering or to cure illness. External occurrences, including those that cause human pain, are also according to the result of divine commands or luck. This also applies to the phenomena of bodily illness and suffering.[8]

The role of both the Hasid and the Tsaddik (the leader in Hasidism) who helps him is to strengthen individuals in their efforts to deal with the sufferings they are experiencing. The fundamental idea is that, unlike the spiritual care provider, the Hasidic Tsaddik has the supernatural ability to sweeten the divine decree. This is seen as an expansion and extension of the talmudic dictum that "the Holy One, Blessed be He, decrees, and the righteous man annuls the decree" (b. Mo'ed Qatan 16b).[9]

The intention of Hasidism is thus to prevent melancholy and to endow happiness and humility—that is, the acceptance of one's fate—as a way of life, in order to sweeten the divine decrees with which people wrestle to the best of their ability.[10] In a professional context, the fundamental assumption of the relation between the body and the psyche neither supposes nor promises that spiritual care operates according to natural laws.[11] Both Hasidism as a theological school of thought and theoreticians of spiritual care emphasize that the spiritual care provider, or the Hasid or Tsaddik assisting him, can help a sick person to deal more successfully with their situation and focus their energies on using the crisis to grow spiritually.[12] In both spiritual care

[6] See, respectively, Cabot and Dicks, Art, 17 and Baal Shem Tov, 1:108–9.

[7] In other words, "he takes from them their level of security" in their faith (Baal Shem Tov, 1:326).

[8] This is a paraphrase of of Degel Maḥanei Ephraim by Rabbi Moshe Haim Ephraim from Sudilkov, relating his grandfather's perception of suffering (Baal Shem Tov, 1:326).

[9] Furthermore, "when his (a person's) body (is sick), his soul is weakened as well; and he cannot pray as he should even though he is free of sin. Hence a person must be very careful to preserve his health" (Baal Shem Tov, 2:237).

[10] Baal Shem Tov, 1:13.

[11] Although natural laws are not fully known to us (and may therefore surprise us), we should point out that this is a further point of commonality between the two disciplines.

[12] Cabot and Dicks, Art, 16–17.

and Hasidism, then, there are methods for strengthening both the psyche and the body.

Following the presentation of these ideas, this article will follow the form of a comparative study between the two fields examining the writings of early Hasidic school of thought through the lens of spiritual care as a profession that has taken its first steps in the State of Israel over the course of the last two decades.

## Practices of Spiritual Care

Cabot began his professional training in philosophy at Harvard as a student of the American philosopher William James (1842–1910). He then turned to medicine and published research in cardiology, hematology, and pulmonology.[13] Later in his life, he returned to teaching philosophy and theology. As an exceptional polymath, Cabot was a pioneer in teaching medicine by discussing patient cases as a means of medical instruction. His method worked to integrate social workers within the hospital staff. Later on he advocated for clergy to be trained and hired as spiritual care providers in hospitals. Together with the Protestant minister Anton Boisen (1876–1965), Cabot launched the first clinical-pastoral education training course in the Boston hospital, and when their paths later diverged, Cabot continued to bring in clergy to work with the patients in various wards.[14] When he returned to teach philosophy and religion at Harvard and at a nearby Christian theological seminary, he undertook a study of social ethics. His book on spiritual care for the sick was written and published in 1936, three years bofore hs death.

Cabot's book, one of the first to be written in the field, reflects the population of American patients that preceded the waves of immigration from South America and Asia in the middle of the twentieth century. As mentioned, it recounts a wide variety of tools in the arsenal of the spiritual care provider. It reflects not only the uniform character of the hospital and the community at that time but also the close ties between them and the innocence that American society lost over the course of the twentieth century.

[13] C. S. Roberts, "The Case of Richard Cabot," in Clinical Methods: The History, Physical, and Laboratory Examinations, ed. H. K. Walker, W. D. Hall, and J. W. Hurst, 3rd ed. (Butterworths, 1990), https://www.ncbi.nlm.nih.gov/books/NBK702/.

[14] Boisen suffered from mental illnesses that hampered his ability to work for long periods, and he focused primarily on serving as a spiritual care provider in psychiatric wards.

Even at a backward glance, however, the list of tools mentioned is a fascinating one. Near the beginning of the book, Cabot addresses the various aspects of spiritual growth, demonstrating that the spiritual care provider's attentiveness amounts to an expression of love that helps the sick person to grow. Cabot emphasizes the value of theoretical instruction, aesthetic appreciation, and integrating the patient with their environment so as to communicate to them that they are crucial to their surroundings.[15] In describing the different aspects of spiritual growth, Cabot reflects the tools of spiritual care that were, in his time, primarily the province of people of faith. In fact, this is still an accepted stance today in the United States and Europe.

In contrast, there is currently a desire in Israel "to separate religion from the spiritual care provider," even though the numbers of religious or quasi religious spiritual care providers has been on a constant rise. Such a separation is necessary, in my opinion, if we are to encourage the growth of the professional field in Israeli society, where religious issues are the most charged of all. Nonetheless, a variety of tools is available to the community of spiritual care providers that derives from the traditional Jewish cultures.

At the end of his book, Cabot expands upon what he only alluded to at first. He recommends that spiritual care providers equip themselves with books so that they may lend them to patients. Furthermore, he guides them in making the necessary matches between the suggested reading material and the patients who require it by demonstrating the greatest possible sensitivity toward the patients' beliefs and opinions.[16] He mentions a puppy that delighted the patients on the ward, a small boy who visited and became a source of cheerfulness and joy, and a variety of spiritual foods of growth that the spiritual care provider is able to bestow.[17]

Counting teaching as an expression of spiritual growth, Cabot then clarifies how to help patients derive benefit from books and reading in order to improve both their spirits and their ability to cope. There are patients to whom an intellectual challenge grants spiritual strength; others need to keep occupied when faced with an extended hospitalization, and some wish to read spiritual literature or prayers. The spiritual care provider who is familiar with the spiritual care recipient's world of beliefs and opinions will know which book to recommend and how to conduct a discussion about it that draws upon the provider's familiarity with that particular text.

[15] Cabot and Dicks, Art, 16–17.
[16] Cabot and Dicks, Art, 162–164.
[17] Cabot and Dicks, Art, 16–17.

Encouraging patients to write is also one of the tools that Cabot and his cowriter Russell Dicks recommended, anything from arranging lists that document the patient's activities to keeping a diary.[18] In the end, Cabot recommends keeping busy with occupational activities and art, fields that now have come mostly under the professional supervision of occupational and art therapists.[19]

A glance at the professional literature on spiritual care reveals that Cabot's readiness to directly address the care provider's set of tools demonstrates a certain innocence. The spiritual care books of our era lack practical, professional lists of the sort that Cabot and Dicks provided. This lack is due in part to the growth of therapeutic professions like occupational therapy and, later, arts, transpersonal therapy, other modalities that have taken responsibility for some of the fields that the two men named as the professional domain of the spiritual care provider. It was also influenced by the development of spiritual care in the United States, which has been inspired by the minimalist psychological methods of the school of Carl Rogers (1902–87). These factors began to limit the role of the spiritual care provider to asking questions and listening rather than directing the spiritual care recipient toward a world of content defined by their own worldview and interest that is meant to improve and expand their spiritual resources.[20]

E. Brooks Holifield, an American historian of this field, thus characterized a central dimension in the thinking of spiritual care in the United States after World War II as one that focuses on the value of individuals' "self-realization. …The good for which they aimed was 'growth.' …This had triggered the enthusiasm for Carl Rogers."[21] In the context of this professional viewpoint, the spiritual care provider's toolset came to be marginalized. It is therefore no wonder that the professional literature dealing with spiritual care praxis in postmodern contexts lacks any reference to the wide variety of professional tools we find in the earliest professional literature. The American spiritual care provider of our times is trained to listen carefully to whatever the people whom they are attending are saying.[22] The provider's reflexive focus upon the patient's story and their subsequent processing and

[18] Cabot and Dicks, Art, 16–17, 168–69.

[19] Cabot and Dicks, Art, 169–70.

[20] E. Brooks Holifield, A History of Pastoral Care in America: From Salvation to Self Realization. (Wipf and Stock, 1983), 295–306.

[21] Holifield, History, 288–89.

[22] Carrie Dohering, The Practice of Pastoral Care: A Postmodern Approach. (Westminster John Knox, 2006), 133.

evaluation deserve more attention in this literature. If that were already the case, providers would ask more questions about ways of coping and about various support systems, including the family, the community, and especially the patient's world of beliefs and opinions.

From a picture of the multicultural North American population of the twenty-first century, which includes diverse status levels and kinds of people, it emerges that the professional tool of the spiritual care provider is now defined, more than anything else, as an awareness of all aspects of the patient's social identity. The professional work program seeks to provide the patients with a feeling of security in their relationship with the spiritual care provider and of personal security in general, including the option to grieve over their loss, and establish a new connection to life.[23] According to the professional literature written mainly by American Protestants, the main tools spiritual care providers can use to help their patients are empathetic listening and conversation.

However, a cursory glance at the work of spiritual care providers in Israel, which has yet to be examined statistically, testifies to a search for additional tools in pastoral care that go beyond what is now accepted in the United States. We hear and are witnesses to the work that Israeli providers are doing with various texts, including (but not limited to) reading Psalms or Hebrew poetry and other texts, singing songs with the patients, painting with them, using guided imagery or meditation, creating texts, writing life stories, doing activities in nature, watching theater or writing and performing plays. Some of these are being used during the care providers' training. In the case of the Marpeh academic spiritual care training program at the Schechter Institute, the spiritual caregivers-in-training themselves often develop these tools during their training.[24] This is the source of my interest in asking what uniquely Jewish spiritual tools may help strengthen Israelis in a postsecularized Zionist Jewish context. The term "postsecularized" means that Israelis may, in times of distress, freely turn to diverse Jewish and Israeli practices and texts as resources for spiritual support.

[23] Dohering, Practice, 100–110, 133–42.

[24] For a selection of lectures in Hebrew on different methods that Marpeh students and graduates have developed, see: https://marpeh.org.il/העשרה–בוידאו/. See also Einat Ramon, Truth and Lovingkindness: Sources on Spiritual Care in Midrash and in Modern Jewish Thought, ed. David Golinkin (Schechter Institute of Jewish Studies, 2018) and Netta Bentur and Michael Schultz, eds., Meeting in the Midst: Spiritual Care in Israel (JDC-Eshel, 2017).

## Spiritual Care Practices in the Teaching of the Baal Shem Tov

In light of my observations about the professional development of spiritual care in the United States in the twentieth century, I will attempt to examine the tools that early eighteenth-century Hasidism placed before us for developing the spiritual strength that this movement believes is helpful to both the body and the mind. Most of the following statements that have been taken from the *Book of the Baal Shem Tov* address spiritual techniques for defeating "melancholy." This term is used in Hasidic literature to designate depression, which, as mentioned above, also affects the body's strength.[25] It is therefore worth mentioning that the secondhand transmission of Hasidic sayings through students or the students of students is, in fact, colored by the authors' worldviews. Nonetheless, we can discern here a systematic Hasidic viewpoint and the spiritual tools for dealing with the sufferings and spiritual/psychological crises that are characteristic of Hasidism from its beginnings until the present day that offer a universal spiritual perspective for dealing with this challenge.

## The Cultivation of Humility: A Worldview that Accepts Reality

The most effective tool for relieving a sick or troubled person's suffering, even if it is the hardest to achieve, may well be developing a state of mind that completely accepts reality. This is what Hasidic literature calls a position of complete humility:

> People do not deserve to arrive at the point of truth unless they first acquire in their psyche a measure of humility and degradation achieved in full, to the very end, to the point that they seem in their own eyes to be nothing at all…the truth is humility and degradation, while pride is the lie.[26]

According to the Baal Shem Tov, those who accept this position are in contact with the unity that exists within the principle of the creation of the world: "And when people accept their sufferings in love and happiness, the unity is created; and they bring close, and connect with, and speak to…the

[25] For a discussion of various topics in the study of contemporary Hasidic or quasi-Hasidic thought in Israel, see Ramon, "Gratitude."
[26] Baal Shem Tov, 1:49.

soul that is joy and spiritual vitality, and the verdict is annulled and mercy is shown."[27] This viewpoint is subsumed within a broader Hasidic view of the world, which this article does not have the space to explain.

At first glance, the instruction to obliterate oneself may lead a person to asceticism and depression, precisely the opposite of what the spiritual work of the Hasid is supposed to achieve. In this context, therefore, we may come to understand the Hasidic work of joy that was meant to prevent the Hasid from sinking into melancholy—a deep, existential, psychological crisis of sadness and depression. In this context, the Baal Shem Tov clarifies the next spiritual tool. It therefore emerges that the cultivation of a worldview focusing on unity with God—on accepting reality as His will—is the best way to relieve both physical and psychological human suffering. Nevertheless, this spiritual goal is difficult to achieve because of the enormous act of self-negation it requires. Furthermore, as a fervent desire, it is a higher spiritual goal than a basic level of humility, and one that a person continues to seek throughout their life but may never fully achieve.

## Coping with Sadness and Melancholy: Eating, Drinking, Happiness and Balance

Hasidic literature acknowledges the struggle to achieve humility, which minimizes a person's suffering by seeing reality through the lens of unity with God. For this reason the Baal Shem Tov's thought developed a strategy for coping with melancholy and with the difficulty of achieving an awareness of transcendence above and beyond one's sufferings. He instructs his Hasidim:

> There is the way that the wicked behave—eating, drinking, joyfulness, laughter and so forth; and there is the way that the righteous behave—fasting, weeping and crying, eulogies and so forth. *But when the sickness of melancholy takes hold through sadness, asceticism and so forth, he needs to adopt the values of the wicked—eating, drinking, and joyfulness—in order to take away the above-mentioned sickness*. And when, at times, he sees that the evil inclination is taking hold of him, let him dress in black and adopt a sad demeanor; and all this he must do to balance the

[27] Baal Shem Tov, 1:53.

> scales of his psyche. And this is what he said, though I do not know which of them is desirable.[28]

This instruction is a form of the expression "the lessened that strengthens the increased," coined by his great-grandson Rabbi Naḥman of Bratslav. It directs the individual toward activities that suit their disposition and asks of them an inner attentiveness to the directions toward which their spirit is being drawn. If they are drawn toward their lusts, this will lead to a decline in their spiritual/psychological condition; Hasidism does not distinguish between spirit and psyche in the way that modern thought does. In cases of potential addiction, people should try to restrict their inclinations and impose on themselves an "inclinationary limitation." If there is a tendency toward sadness and depression, however, the Baal Shem Tov directs his students to behave in the way that "the wicked behave" in order to balance themselves—that is, eating, drinking, play, and joyfulness. How is it possible to prevent an individual from lapsing into hedonism as a consequence of this advice? The Baal Shem Tov explains that, as long as "the work of prayer" is at the core of their various activities, it will guarantee that "the wise person is able to eat good things and all the other delights…and to deny himself in this way."[29]

This worldview, which sees in the Torah of Israel—the Torah of life—a means of preventing suffering and its causes, has consequences for how we view the reasons behind the commandments. While this is not the place to examine this theory in depth, it is worth remembering that the Baal Shem Tov's ideas are rooted in a religious Jew's way of life as a given and bound up with defined kabbalistic understandings of the world that may not be dissociated from the techniques that strengthen the spirit. From the kabbalistic viewpoint, a life of fulfilling the commandments is one that leads to healing and spiritual strength. This is the deeper meaning of the verse: "I am the Lord who heals you" (Exodus 15:26).

While kabbalistic and Hasidic circles assume that the Torah heals, in this article it is my purpose to examine the way in which the Hasid or the Tsaddik is instructed to treat melancholy, because sorrow or self-flagellation, even if it results from a failure to observe the commandments, "is a great hindrance to the worship of the Holy One, Blessed be He." The solution is

[28] Baal Shem Tov, 1:66, emphasis mine.
[29] Baal Shem Tov, 1:68.

that "he will be made sad by his transgressions and will return to rejoicing in the Creator, blessed be his name," the point closest to our own interest here in spiritual care.[30] The Baal Shem Tov spells out in these instructions a way to aid the uplifting of the spirit by the material sustenance of the body without lapsing into hedonism: "While he is eating, let his intention be to draw out the vitality that is within it in order to lift it up in service to the Creator, Blessed be He; and so in all his other activities, all his thoughts should be directed toward actions that will bind him upward."[31] In other words, it is not enough for a person who has been seized by melancholy to eat, drink, and rejoice. All these activities must be accompanied by awareness, and by remembering that these actions connect him with his spirit, with God. This is the root of happiness, since these activities are incapable, in and of themselves, of making people happy.

## Self-Care, Prayer and Suffering

The fundamental principle of Hasidism follows the insights of the sages of Israel, who said long ago that "the decree of judgment is changed by prayer from bad to good," especially when "the person prays for himself."[32] Yet it remains for us to ask: What evidence is there for a link between prayer and an improvement in the state of the human spirit? What is the quality of the spiritual process that takes place here? Furthermore, "a person will know whether their prayer has been answered, if after they pray their heart is joyous, and the opposite if it is saddened."[33] In other words, the essential criterion of the success or failure of personal prayer is the measure of happiness that it elicits.

In the part of his essay called "The Column of Prayer," which is attached to his commentary on the *parashah* of Noah and deals with questions of prayer in Hasidism, the Baal Shem Tov sharpens this point. He indicates that the emotion that governs prayer affects both the individual's state of mind and the actions they take afterward, "because after the prayer that a person offers, they need to take care in their actions since they are likely to fall, God forbid, into anger or other inappropriate behaviors."[34] Thus the

[30] Baal Shem Tov, 1:127–28.
[31] Baal Shem Tov, 1:281.
[32] Baal Shem Tov, 1:251.
[33] Baal Shem Tov, 1:259.
[34] Baal Shem Tov, 1:258.

Baal Shem Tov's book repeatedly mentions the value of joy in serving God. Time and again he tells us that "prayer that is offered out of joy is certainly better received before Him, may his name be blessed, than prayer offered in sadness and tears."[35] And from an awareness of the spiritual danger that lies in melancholy, the Baal Shem Tov warns that "there are those who pray in sadness because of the melancholy that has overwhelmed them, and they imagine that they are praying in great trepidation." In fact, however, "prayer of this sort is not the worship of God but a learned commandment of human beings."[36] Another way of coping with great distress or melancholy is to comprehend that the distress is greater than the person themselves. In Hasidic terminology this is called "the distress of God's Presence," and it is inseparable from the imperfection of the world.

The "distress of God's Presence" has a psychological aspect that relieves a person of the weight of their distress. As a student of the Baal Shem Tov, Rabbi Yaakov Yosef Katz states: "Because if, God forbid, a person is in some great distress, and their prayer is on themselves…, and it would have made better sense to pray on it…so long as they are unable to restrain themselves when it comes to the distress itself." In such cases, they should direct their prayers "towards the utility of God's Presence."[37] So if a person's suffering is a consequence of the fact that they are feeling hatred, the Baal Shem Tov recommends that his Hasidim pray about it and thereby disconnect from the evil within them, "to correct them, to lift them up through the words of the prayer."[38]

In his commentary on the name of Judah, the Baal Shem Tov explains the moment when we generally relate to prayer as a request for ourselves or for others. It is an alleviation of the distress embedded in this name "whose character is one of thankfulness and praise to Him, may his name be blessed…because every form of distress is contained within this name, and when he brings to it thankfulness and praise as I mentioned above, the distress is alleviated."[39] For, according to the Baal Shem Tov, at the moment when we praise God, we receive everything—even our sufferings—in love. In this way, the distress is alleviated.[40]

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[35] Baal Shem Tov, 1:179.
[36] Baal Shem Tov, 1:179.
[37] Baal Shem Tov, 1:244.
[38] Baal Shem Tov, 1:247.
[39] Baal Shem Tov, 1:361.
[40] Baal Shem Tov, 1:361.

### One's Relation to Sickness and the Illnesses of Others

According to Hasidism, "The Divine Presence relieves the sick person, as it is said (Psalm 41) 'God will relieve him on his sickbed, and in his mercy will relieve me as well.'"[41] This worldview defines the role of a single individual's prayers for a sick person as follows:

> During prayers for the sick and for any distress that may befall a person, he should mention the sick person there and make the *Yichud* in his Name, in order to sweeten the judgment that is bound up with his Name…and one should not go on at length about this to those who understand science, because it is a great secret and should not be touched upon in writing.[42]

### Hasidism and Spiritual Care: Professional Thoughts

A glance at the quotations taken from the Baal Shem Tov and his disciples about coping with sadness and melancholy testifies to the fact that the spiritual training of Hasidism at the start of its development actually bears a great similarity to the second wave of professional insights in spiritual care. Like the influence of Carl Rogers, these teachings emphasize the direct training of human consciousness. The Baal Shem Tov saw in melancholy and sadness a danger to an individual's spirit and body and to their influence on their environment—that is, a danger to the world. He therefore instructed his students to address this tendency, which takes hold of everyone at some time, by finding the necessary balance. A person's spiritual balance is also upset when they are absorbed in their inclinations. If their frame of mind leads them in this direction, then, for the sake of balance, they must limit the degree to which these inclinations are expressed.

These ideas are reminiscent of Maimonides's guidance of people toward the golden mean. Yet early Hasidic teachings take a spiritual and psychological step beyond this, suggesting that those who are deep in melancholy should behave as wicked people do—eating, drinking, and being joyful—so long as they remember that God is the source of the food, the drink, and the joyfulness. Maintaining this perspective, along with being aware of God

[41] Baal Shem Tov, 1:138.
[42] Baal Shem Tov, 1:116.

and negating oneself in His presence, forms the cognitive basis for improving an individual's spiritual condition. In addition to these inner practices, yearning for a state of humility (if nothing else) lightens the burden of their troubles and sufferings.

The Baal Shem Tov recommends that people pray for themselves, for the improvement of their enemies' virtues (if the latter is the source of their sufferings) and for the sick person at whose head lies God's Presence. However, he does not go into detail regarding the exact process that makes such prayer psychologically possible.[43] It goes without saying that if we were to trace the philosophical lines of thought behind these spiritual practices in the writings of his successors—particularly Naḥman of Bratslav, who expressed (perhaps more than anyone else) his ideas about the problem of sadness and melancholy—we would have access to a broader development of the tools available to individuals as they struggle with this spiritual and psychological problem.

A separate issue is our own professional question about today's spiritual care providers in Israel, who turn to Hasidism as both a spiritual source and a magnet for professional spiritual practices. Given that all of Hasidism is rooted in the world of Torah—the world of kabbalistic cosmology and the keeping of the commandments—can these practices be helpful to members of the secular or traditional community who are not part of this world of kabbalistic beliefs, ideas, and customs? It seems that the secularization of Hasidic practices is already taking place in the work of spiritual care providers in Israel, whether consciously or not. If there is within this article the potential to enrich them, then that is a positive outcome.

The possibility of expanding the viewpoint of an individual who is suffering from physical, emotional, or spiritual pain may be couched in other ways that do not necessarily involve phrases like "the distress of God's Presence" or "the unity of God." We may ask a person who is seeking spiritual care what sort of broad worldview may ease their mind. Prayer may also undergo a process of secularization, if that is necessary in the context of spiritual care, by means of guided imagery. Furthermore, we may assume that this is why this particular tool of spiritual care is used so widely by Israeli spiritual care providers. On the basis of the Baal Shem Tov's instructions for prayer, a person may imagine themselves in an improved situation, may picture

[43] This may also be due to the fact that all the statements appearing in his name are from his many students, some of whom were only indirectly connected to him. They are therefore offered as individual fragments.

something that makes them happy, and so may emerge in good spirits from the guided imagery which replaces traditional prayer for them.

Of course, at the highest level of spiritual care we may see how it is possible to be thankful for each aspect of life, including the difficult ones. Testimonies and stories about spiritual care do in fact describe these kinds of situations; however, they are difficult to grasp and require a great deal of motivation and psychological strength, and this is true in both the Hasidic and the rationalistic contexts, whether religious or secular.

Be that as it may, examining the ways in which the Baal Shem Tov's sayings address the problem of melancholy gives us a road map, one that leads us to ask at every turn: Have we opened up a worldview broad enough to allow people to rise above their personal suffering? Have we led ourselves to imagine, to hope, to pray for something good? Have we been thankful for what exists? If we have expressed our thoughts about all of these situations, then we have made use of the basic tools available to the spiritual care provider, and Hasidism may serve in this context as a resource to that end.

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# Redemption of Captives/ Freeing of Hostages:

## Classic Sources and Their Contemporary Applications

**Moti Kaplan and Miriam Berkowitz**

The mass abduction by Hamas of 251 Israelis, along with their massacre of 1,139 other civilians, soldiers and foreign nationals on October 7, 2023 brought the topic of kidnapping to the center of public discourse in Israel.[1] People with varying political and social agendas have cited halakhic sources to justify their claims, whether to facilitate the hostages' release at any cost or to refuse to release convicted terrorists in exchange for their freedom and continue the war with Hamas even if it means the hostages are likely to die. This article will examine the classic sources in their original contexts, clarify the principles and assumptions that underpin their rulings, and apply them to today's reality.[2] While we express our opinions, we attempt to differentiate between sources and our *ḥidushim*. In the tradition of Beit Hillel, we give voice to opposing views in order to give the reader a clearer understanding of the topic.

### There is No Greater Mitzvah than Redeeming Captives

Classic Jewish sources see *pidyon shevuyyim*, or the redeeming of captives, as an essential responsibility of individuals and communities. Maimonides

[1] Kidnapping has also taken place in other lands, including medieval Europe and Egypt, whether for economic motives, religious conversion, political pressure, or antisemitic motives. See, for example, Minna Rozen, *The Mediterranean in the Seventeenth Century: Captives, Pirates and Ransomers*, Quaderni Mediterranea 32, http://minnarozen.co.il/documents/Quaderno_32.pdf and https://dokumen.pub/the-jews-in-medieval-egypt-9781618117489.html.

[2] This article is based on traditional sources cited by Moti Kaplan, "'Eit pidyon shevuyyim," *Yashar* (October 16, 2023), https://www.yashar-magazine.co.il/post/עת-פדיון-שבויים, written on October 8th and later translated into English with significant changes in the structure and the flow of the argument, as well as added and omitted sources, as "Time to Redeem the Captives," *Yashar*, https://www.yashar-magazine.co.il/post/time-to-redeem-the-captives. All translations, including of classical texts, are the authors' unless otherwise noted.

is most emphatic about including it in his halakhic discussion of the biblical mitzvot. The only reason it is not listed as one of the 613 mitzvot is because it encapsulates *several* biblical commandments. **"There is no greater mitzvah than redeeming captives,"** writes Maimonides (in the sense that it includes many other mitzvot).

> Redeeming captives takes precedence over feeding the poor and clothing them, **since the captive is included among the hungry, thirsty, and naked and is in mortal danger**. And one who averts his eyes from redeeming them transgresses "do not harden your heart or shut your hand," and "do not stand idly by the blood of your neighbor"…and nullifies the commandments: "You shall surely revive your brother"…"You shall love your neighbor as yourself," and many similar precepts (Maimonides, *Mishneh Torah*, Gifts to the Poor 8:10).

The main rabbinic discussion is found in the Babylonian Talmud, which interprets the words of the prophet Jeremiah:

> "Thus says the Lord: He who is for the sword, to the sword; he who is for famine, to the famine; and he who is for captivity, to captivity," and Rabbi Yochanan said… The sword is more severe than death… famine is more severe than the sword… but captivity is more severe than all of them, as they all are encompassed within it (b. Bava Batra 8b).

The Shulchan Arukh confirms:

> The redeeming of captives takes precedence to sustaining the poor and clothing them. And there is no mitzvah as great as redeeming captives. Therefore, if one has designated money for any [other] mitzvah, they can redirect it to redeeming captives.... Every moment that one delays in redeeming captives, when it is possible to expedite, it is considered as if one has shed blood (Shulchan Arukh, Yoreh Deʿah 252:1–3).

### Captives Are Not Redeemed for More than Their Value

While the sages' overall commitment to the mitzvah is clear, there is discussion and debate around the cost the community should—or may—bear to redeem captives.

> The captives are not redeemed for more than their actual monetary value, *mipnei tiqqun haʿolam* [possibly translated as "for the betterment of the world"]; and one may not aid the captives in their attempt to escape from their captors *mipnei tiqqun haʿolam* [probably so that kidnappers will not be more restrictive with their captives to prevent them from escaping]. Rabban Shimon ben Gamliel says: For the betterment of the captives [presumably so that kidnappers will not avenge the escape of the captives by treating other captives with cruelty] (m. Gittin 4:6).

The sages are divided over the meaning of *tiqqun haʿolam* in this mishnah (b. Gittin 45a; see also Rashi).

The Gemara discusses whether the Mishnah is concerned with burdening the community with heavy financial obligations and implies that individuals with sufficient funds are permitted to redeem themselves or others at any cost. It also seeks to prevent giving rogues an incentive for future abductions and implies that paying a high price is not acceptable even when the means are available.[3]

> **A dilemma was raised before** the Sages: With regard to **this** expression: **For the betterment of the world,** is **it due to the** financial **pressure of the community?** Is the concern that the increase in price will lead to the community assuming financial pressures it will not be able to manage? **Or perhaps** it is **because** the result of this will be **that they will not seize and bring additional** captives, as they will see that it is not worthwhile for them to take Jews captive? The Gemara suggests: **Come** and **hear** an answer based on the fact **that Levi bar Darga redeemed his daughter** who

[3] Maimonides adopts the second view: "We do not redeem captives for more than their value *mipnei tiqqun haʿolam*, lest the enemies pursue them to capture them" (*Mishneh Torah*, Gifts to the Poor 8:12).

> was taken captive **with thirteen thousand gold dinars.**
>
> Abaye said: And who told us that he acted in accordance with the wishes of the Sages? Perhaps he acted against the wishes of the Sages, and this anecdote cannot serve as a proof (b. Gittin 45a).[4]

The story seems to indicate that private citizens may pay excessive sums to redeem a captive if they so choose. Therefore, it must be that the reason for the ordinance was to avoid an excessive burden being placed upon the community. On the other hand, if the ordinance was instituted to remove the incentive for kidnappers to capture Jews, a private citizen would also not be permitted to pay an excessive sum.

While the gemara is inconclusive in this sugya, several pages later it introduces the concept of *piquaḥ nefesh:* when life is in danger and, there is room to argue, also even when hostages face physical danger that is not life-threatening, loss of dignity, or emotional suffering, the community may pay a higher price.

## Risking the Lives of Captives

The sages are divided on the matter of ransoming captives whose lives are in danger. Some argue that even in this situation it is inappropriate to redeem captives for more than their value, since this would encourage the captors to continue kidnapping, which would endanger the wider community. Others contend that in the face of a threat to life it is proper to redeem captives at any financial cost, even if this poses a risk to future lives. The Babylonian Talmud illustrates the importance of *piquaḥ nefesh* with the following story:

> The sages taught: There was an incident with Rabbi Yehoshua ben Hananiah who traveled to the city of Rome. He was informed: There is a child[5] in prison, very handsome, with beautiful eyes, and his hair is arranged in braids. Rabbi Yehoshua stood at the entrance to the prison and asked, "Who caused Jacob to be despoiled and Israel to be robbed?" (Isaiah 42:24). The child answered, "Was it not

[4] Koren-Steinsaltz William Davidson edition, Sefaria.org. The words in bold are the actual words in the Gemara, and the other words are added in order to clarify its meaning.

[5] The Hebrew is *tinoq*. Translations of the Babylonian Talmud into modern Hebrew often misinterpret this word because they use its modern Hebrew meaning ("baby"), although the context here makes clear that it means "child," a common rabbinic use of the word.

> the Lord? We sinned against Him…and did not heed His Torah." Rabbi Yehoshua said, "I trust that this child will issue rulings to the people of Israel." He swore an oath that he would not leave there until he had redeemed him for any amount the captors demanded. It was said: He did not move from there until he ransomed him for a large sum" (b. Gittin 58a).[6]

In the rabbinic context, the value of a captive was determined according to what each person would be sold for as a slave on the market based on age, health, and potential for work. It was a purely economic analysis and did not take into account the impact of the captive's loss to friends, family, and the community.

One explanation is that Rabbi Yehoshua was trying to raise the value of the boy by showing that he would be a future scholar and teacher of many (*gadol baTorah*). This reading formally respects the rule but changes the facts and assessment of the boy's worth. Another possible understanding is that the boy was in danger of sexual abuse. Why else would the Talmud mention his beauty? It was widely known that Roman culture encouraged pedophilia, and the atmosphere in a Roman prison was dangerous.[7]

The Tosafot on Gittin 58a hasten to explain what allowed Rabbi Yehoshua to seemingly override the ruling of the sages not to ransom captives for a large sum:

> "**for whatever** amount of **money that they demand**." He was legally allowed to do this because where **there is a threat to life, we redeem the captives for more than their value**. This is like what **we say in Chapter "Hasholeach"** (above, page 47a) **about one who sells themselves and their children to idol-worshippers**, and this is true **a fortiori here where there is a murderer. Alternatively**, he was allowed to redeem the child for more than his worth **because** he possessed **great wisdom** (Tosafot to Gittin 58a)[8].

[6] Koren-Steinsaltz William Davidson edition, Sefaria.org. The words in bold are the actual words in the Gemara, and the other words are added in order to clarify its meaning.

[7] See also the story of how Rabbi Meir went to great lengths, risking temptation and censure, to rescue his sister in law from a Roman brothel, in b. Avodah Zarah 18a-b.

[8] Sefaria Community Translation. The words in bold are the actual words in the Tosafot, and the other words are added in order to clarify its meaning.

Presumably the community agreed and followed Rabbi Yehoshua's judgment.

In the situation involving hostages taken by Hamas, where rape, posthumous rape, gang rape, and other unnamable offenses are daily occurrences, this talmudic story is a powerful precedent for immediate and intensive efforts to redeem all the captives, starting with teens, children, and women.

*Piquaḥ nefesh* was so important to the sages that they introduced an additional aspect of how to redeem captives. The Mishnah states: "**and one may not aid the captives** in their attempt to **escape**, *mipnei tiqqun haʿolam*." In other words, we do not try to use heroic measures to rescue the hostage. The details of this additional provision regarding facilitation of escape deserve exploration in a separate article. Suffice it to say that we have seen the danger to soldiers and hostages alike involved in heroic rescue efforts in the current war. Success is far from guaranteed, and further loss of life may occur. Negotiation is therefore the preferred method.

### Redemption of Hostages as a Spiritual Imperative

To compete our survey of the classical sources, an incident involving Rabbi Pinḥas ben Ya'ir suggests that the redemption of captives is so important that even the laws of nature should be overturned in order to accomplish it:

> It is based on the incident **where Rabbi Pineḥas ben Ya'ir was going to** engage in **the redemption of captives**, and **he encountered the Ginai River. He said to** the river: **Ginai, part your water for me and I will pass through you**. The river **said to him: You are going to perform the will of your Maker and I am going to perform the will of my Maker**, to flow in my path. With regard to you, it is uncertain whether you will **perform** His will successfully, **and** it is **uncertain** whether **you** will **not perform** His will successfully. **I** will **certainly perform** His will successfully. Rabbi Pineḥas ben Ya'ir **said to** the river: **If you do not part, I** will **decree upon you that water will never flow through you**. The river **parted for him**. There **was a certain man who was carrying wheat** for the preparation of *matza* **for Passover**. Rabbi Pineḥas ben Ya'ir **said to** the river: **Part** your waters **for that** person **too, as he is engaged in** the performance of a **mitzva**. The

> river **parted for him**. There **was a certain Arab [*taya'a*] who was accompanying them**. Rabbi Pineḥas ben Ya'ir **said to** the river: **Part** your waters **for that** person **too, so that he will not say: Is that** what **one does to a person who accompanies** him? The river **parted for him. Rav Yosef said: How great is this man**, Rabbi Pineḥas ben Ya'ir, greater **than Moses and** the **six hundred thousand** who left Egypt, **as there,** at the Red Sea, the waters parted **one time, and here** the waters parted **three times.** The Gemara asks: **And perhaps here too,** the waters parted **one time,** and the river began to flow again only after all three of them passed. **Rather,** this man was as great **as Moses and** the **six hundred thousand** children of Israel (b. Hullin 7a:10–11).[9]

In splitting a river to save the life of one captive, Rabbi Pinḥas ben Ya'ir is compared to the greatest Jewish leader, who split the Red Sea and thereby saved the entire Israelite people. This is a powerful statement of the importance of redeeming captives in rabbinic law and lore.

### Then and Now: How Do the Sources Apply Today?

How can we apply precedents and principles in the traditional sources to the ethical discussion concerning the 251 Israeli and foreign men, women, and children kidnapped by Hamas on October 7, 2023, particularly the question of how Israel should negotiate for the release of the ones who remain alive and captive in Gaza? How should these precedents and principles influence our thinking about Hamas's proposed deal, which would likely mean Israel agreeing both to release over one thousand Hamas supporters, many of them convicted terrorists who will likely attempt to organize future attacks against Israel and to stop the war in Gaza in return for releasing the hostages who remain alive?

The rabbinic sources were written in a specific historical context. Captors were usually individuals or groups whose aim was financial gain. The redeemer was an individual or generally a small Jewish community. And the captives were usually individuals or small groups. Today's reality is quite

[9] Koren-Steinsaltz William Davidson edition, Sefaria.org. The words in bold are the actual words in the Gemara, and the other words are added in order to clarify its meaning.

different: The perpetrator is highly organized, has clear political and military goals and the resources to achieve them, and is willing to use force, psychological warfare, or violence for the sake of harming the captives and their redeemers. The potential redeemer is the State of Israel, with its attendant financial, military, social, and other resources to pay for captives and protect its citizens in the future. The perpetrators kidnapped 251 people, a large group of whom remain alive in Gaza, along with the bodies of others who are deceased. Furthermore, the entire country is invested in the outcome of the war.

These differences lead to important conclusions. In each section, we will present the arguments of those who cite "we do not redeem captives for more than their worth" either without regard to the differences in circumstance, or with the goal of relating to the circumstances from a different perspective. After we present these arguments, we will make a case that current circumstances *do* change the calculation of worth and warrant extreme efforts to release the hostages. If our conclusion differs from legalistic precedents, which, we will show, are often taken out of context, we see it as an authentic expression of the spirit of the law and core Jewish values.

The deals on the table have involved two main parts: ending the war and releasing between seven hundred and thousands of Palestinian prisoners, mostly convicted terrorists, approximately ten prisoners for every one remaining hostage. The following sections pertain to today's situation:

## The Perpetrator is a Paranational Group with Military and Political rather than Economic Motives

Those who prioritize continuing the war and do not want to pay a high price to redeem the hostages are mostly on the right of the political spectrum. For them, ending the war would be a tactical and strategic mistake; it would allow Hamas to declare victory, regroup, retrain, remain in power, and plan its next attack. It would mean that lives of all the soldiers killed so far will have been lost in vain, and it would show Israel to be weak and easily manipulated. Those who adopt this line of thought also take into account the future harm that released prisoners may cause, which in their view makes the cost too high. Previous experience with terrorists released in the Gilad Shalit exchange in 2011—in which 1,027 mostly political prisoners were released in exchange for Shalit—as well as the testimony of Hamas activists themselves tells us that they will seek to kidnap, kill, or otherwise harm

many more Israelis in future.

Those who prioritize bringing the hostages home focus on what they regard as an extremely significant fact, namely, that the captors are a military organization whose charter calls for the elimination of Israel. This adds to the weight and urgency of the *piquaḥ nefesh* consideration. When an abduction is driven by financial motives, the kidnapper might simply abandon the person if their community does not pay the ransom. In this context, a hostage's life is not usually in danger. But that is not the situation here. Hamas has kept the abducted captive for months, in underground tunnels or in homes of terrorists in Gaza. News footage, testimony by the few released captives, and eyewitness accounts by Israeli soldiers report that the hostages suffer daily torment, suffering, and humiliation, including being deprived of food, sleep, light, and fresh air; being told that no one cares about them or is going to rescue them; and beating, rape, and other sexual abuse of both female and male hostages. Hamas would have no qualms about killing hostages if they are no longer useful as deterrents to IDF invasions. Indeed, they already have killed some hostages and nearly 1,500 other Israelis.

The impact on the hostages if they remain in captivity is thus certain. Continuous torment and suffering await them, and many of them will not survive. By contrast, the security implications of agreeing to the demands for returning terrorists—paying ransom and delaying military action, which may encourage the terrorists to attack us again—are only possibilities, even if experience tells us that Hamas is likely to attempt them. If the Israeli government and all who are committed to Israel's security are wise enough to stand guard and not to be complacent, then neither this great evil (the suffering of the hostages) nor any other evil, such as repeated terror attacks, will befall us.

In addition, like other groups whose goal is the destruction of Israel or the harming of Jews worldwide, Hamas needs no encouragement. They will seek every opportunity to attack us in myriad ways, if God forbid, we do not stand our guard, whether or not we secure the release of these hostages. As Rabbi Ovadiah Yosef wrote, possibly in the context of the Entebbe kidnapping:

> Most rabbinic authorities are of the opinion that in a situation of danger, we do redeem captives for "more than their value," and we have not found among the great rabbinic

> authorities anyone who says the opposite. It seems that actually this is the course that we are compelled to take.... And even when the ransom exceeds their value, and there is a concern that they will further raise the [ransom] fee, despite this, when there is an immediate danger, we do not take that into account, because in any case, they will do everything in their power to kidnap, kill, and murder in order to disrupt the ordinary course of life in the State of Israel (Yabia Omer part 10, chapter 6, section 6).

The innovation in Rabbi Ovadiah's statement applies in our current situation as well. These murderers need neither encouragement nor incentive; rather, they do everything to sow death and destruction. If we show special concern for our hostages, it makes no difference to their kidnappers. Nevertheless, it must be acknowledged that this situation is not straightforward. Ignoring the fact that yielding to the terrorists' demands validates the effectiveness of kidnapping, it is presumable that Hamas followers would perceive this as a national victory. It is hard to bear the fact that securing the release of the hostages (essentially saving lives) involves political and security considerations that have consequences for the general public. Yet it is also hard to bear the possibility that the country might not redeem any one of us, were we held hostage. Either way, the only means to prevent this dilemma in the future are vigilance, fortitude, and continuous defensive and proactive measures to protect our citizens. In cases of danger to life—or, one might argue, even to human dignity—the principle of *piquaḥ nefesh* tips the balance in favor of redeeming the captives, even at a higher cost, and even despite concern about the possible future security of soldiers and citizens.

### Israel is a State

Those who prioritize continuing the war and do not want to pay a high price to redeem the hostages argue that it would be foolish to accept Hamas's terms. The whole country's morale would be harmed if we are perceived to lose the negotiation. The national honor would also suffer. These considerations must be added to the total cost, rendering the negotiation prohibitive.

By contrast, those who prioritize bringing the hostages home focus on the fact that Israel is an independent state with financial resources, an army, and extensive intelligence capabilities. These assets mean that we should

be able to protect ourselves in the future. The argument that paying a high price will encourage future kidnappings is therefore not enough to warrant letting the hostages die in captivity.

In historic cases when it was only a matter of financial interest, the hostage might have been able to negotiate directly with the captors or somehow get word to the community via the captors that he was willing to participate in the cost. But today, when the hostages are political pawns, stuck in tunnels with no means of communication and usually no common language, and when the captors want not money but political goals, the captives do not have the power at their disposal to give the captors what they want, so it is not a parallel situation, and the topic cannot be something that applies only in the past. It only makes sense as part of the historical background. We saw in b. Gittin that there may be room for a captive to pay a price exceeding his objective value in order to redeem himself. Many legal authorities believe that even when it concerns a demand for payment exceeding the captive's own value, abductees are authorized to pay from their private funds in exchange for their release. This position is of significant consequence concerning the obligation and capacity of the state to redeem hostages, as Rabbi Shaul Israeli taught:

> Since our soldiers went to war on a mission on behalf of the state, for the defense of the people…there exists an implicit, unwritten, but self-evident commitment, that any means at the state's disposal must be taken to redeem them if they fall captive. Just as there is an obligation in the event of their injury, God forbid, in war, there is no less an obligation to take any action aimed at their release.... And since the power invested in the state in this regard is by virtue of the obligation it has undertaken in return for their service, it is as if the hostages were redeeming themselves, in which case no restriction exists, and the provision that "we do not redeem the captives for more than their value" is not relevant (*Havat Binyamin*, part 1, 16).

The fact that Israel is a state adds additional factors to the cost analysis. Israel encouraged settlement of the borders and drafted the soldiers who were exposed to danger in October.

## Individual Abduction versus Mass Abduction

Those who prioritize continuing the war and do not want to pay a high price to redeem the hostages could potentially say it is not a large enough group to warrant endangering the rest of the country. (We are not familiar with arguments that use the large number of hostages as a reason to continue the war.) By contrast, when those who prioritize bringing the hostages home discuss the parameters of redeeming captives, they seem to focus on a single captive or a few captives.[10] In the current situation, a large group—men, women, and children, including some who are elderly, sick, injured, or wounded and people who are in mortal danger—are at risk. This is not a matter of private versus public interest, as might occur in the case of an individual captive, where a private interest might clash with the economic well-being or security of the general public. In our situation, two public interests are competing with each other. The imperative to redeem captives seems even stronger in this case, given that they are in serious danger and that they are a large group of people. The hostages have become a national symbol of mutual caring and interconnection. To continue our lives, going to cafés and to work, while they languish in tunnels without sunshine or fresh air, terrified of ongoing physical, emotional, and mental degradation and fear that each day will be their last, is to harden our hearts. The sheer number of hostages tips the scales even more toward compelling the government to act—and act quickly.

## Social Implications of Freeing the Hostages

If Israel does not place redeeming the hostages as the highest priority, and especially if they die in captivity, it will impact the morale of the country, including relatives and friends of hostages, soldiers, and other implicated parties. These factors are hard to quantify but are significant and ought to be taken into account as we calculate the value of the the hostages in negotiation for a deal. They are already having negative effects, including loss of faith in Israel to protect its citizens, loss of the willingness to serve, and loss of interest in living near the borders. The cost is immeasurable, and even though other groups in the country argue that, on the contrary, morale would be damaged by ceding to Hamas and ending the war before

[10] A notable medieval exception was Don Yitzhak Abarbanel, who redeemed approximately two hundred Jewish captives taken in the siege of Arzila, Morocco using personal funds and funds collected from the Portuguese Jewish community.

the job is finished, we consider it a moral imperative to save the hostages. Furthermore, "the impact on the morale of the army could be significant. Once a soldier knows that [the state] is not committed to doing everything in its ability to free him—including being prepared to release murderers in exchange for his freedom—his motivation to fight in the service of his country will be reduced" (Rabbi Yuval Sherlow, Jewish Ethics (25): Redeeming Captives). We would also argue that the concept of value should include future contributions that the hostages will make to the world if they are saved, a in the story of Rabbi Yehoshua ben Hananiah and his rationale of *gadol baTorah* to save the young boy from prison in Rome.

We can also take into account the cost to the families of this extended agony. They feel abandoned and in limbo. Some seem even to have died from the pain and anxiety. Never in previous experience was there a situation in which thousands of people—brothers sisters, parents, children, colleagues, friends—experience daily dread that they might hear that their loved one has been killed, and worry about his or her treatment at the hands of people who do not respect basic human mores, much less international law. It is a situation of tremendous *'inui din*, or delayed judgment. While this factor was not taken into account in the past or not expressed because negotiations were more immediate, we consider that the toll on the hostages' families and circles of acquaintance ought to be taken in account when weighing the total price worth paying.

## Conclusion

In the Mishnah, the expression *tiqqun ha'olam* refers to the smooth running of society, discouraging highway robbery and roguish kidnappings and is cited as a reason not to pay a high price to redeem captives. In our case, *tiqqun ha'olam* would be served by the exact opposite action, by a supreme effort to negotiate for the group of captives, in hope that the damage to their physical and mental health is not irreparable, and in order to save them from even one more day of suffering. While Jewish law encompasses multiple opinions, the view expressed here is a legitimate, authentic halakhic opinion. The moral compass seems very clear. Every effort should be made to negotiate the release of hostages without delay.[11] There is ample scope in Jewish law, and in basic common sense, to pay a high price for returning

[11] Maimonides adopts the second view: "We do not redeem captives for more than their value *mipnei tiqqun ha'olam*, lest the enemies pursue them to capture them" (*Mishneh Torah*, Gifts to the Poor 8:12).

the hostages, in order to save their lives; avoid future emotional, physical and psychological abuse; and let other soldiers and civilians know that if they are in danger, the country will do its utmost to save them, too, fulfilling the biblical commandments of "loving your neighbor as yourself" and "not standing idly by the blood of your fellow." Halakhah, tradition, and conscience all point to the same conclusion. In cases where the captives' lives are in danger, the principle of *piquaḥ nefesh* tips the balance in favor of redeeming the captives even at a high cost and saving their loved ones from an agonizing, drawn out state of uncertainty, dread and *'inui din*. We recommend that this approach become the mainstream Jewish approach to the question of redemption of political hostages in our times.

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# בית המשפט העליון בשבתו כנביא ישראל

**כיצד ניתן לראות את בית המשפט העליון בישראל כממשיך דרכם של נביאי ישראל ומממש את תפקידם ההיסטורי בעת המודרנית.**

**ענת קציר**

נראה כי מעולם לא היה נתון בית המשפט בישראל בקונפליקט מרכזי ומעורר מחלוקת בצורה כל כך רועשת ורוגשת. כאילו נקרע בין קולות פוליטיים וחברתיים, ומוצא עצמו במרכז סערה ציבורית ופוליטית מרכזית המאיימת לשנות את פני המדינה לנצח. גם בימים טרופים אלו, של אחרי השבעה באוקטובר, המחלוקת סביב בית המשפט הישראלי לא פסקה, ונראה כי סדר היום הפוליטי מותח את הגבולות ומייצר מכבש לחצים המשפיע על אמון הציבור במערכת מתוך מטרה לשרטט מחדש את גבולות הגזרה במערכת האיזונים בהובלה של מדינת ישראל.

בצורה הנאיבית ביותר, ניתן לומר כי מצד אחד של המתרס מצוי בית המשפט העליון, וציבור המגדיר עצמו כליבראלי ומתקדם ומהצד השני, ההנהגה הפוליטית וציבור המגדיר עצמו כשמרן.

ניסיון השינוי הנוכחי נוצר כ"סופה מושלמת" של אינטרסים פוליטיים וכח פוליטי של קואליציית 2023. בראש האינטרסים, רבים תולים את הקטליזטור לשינוי בצורך פרסונאלי של ראש הממשלה להימלט מההשלכות המשפטיות של פרשיות בהן הוגש כנגדו כתב אישום. בנוסף, תהליכים רבים בשנים בהן ציבורים מסוימים, בעיקר החרדים והמתנחלים, מצאו עצמם כנפגעים מפסיקות בית המשפט, ולאור צורך דוחק בזמן בשינויים בעלי השפעה ארוכת שנים על צורת ודרך חייהם בשלו מבחינתם התנאים לשינוי.

האירוניה, לדעתי, טמונה בכך שלמרות שרוב הציבור החרדי/מתנחלי הצטרף למחאה כנגד בית המשפט והניסיון לשנותו, אותו בית המשפט אותו הם מנסים לשנות הינו בעצם התגלמות דרכם של נביאי ישראל בעת העתיקה. במאמר זה אנסה להציג את בית המשפט כגוף שבהתנהלותו מושך קו מגשר ברור להיסטוריה היהודית וממשיך למעשה את המסורת עתיקת היומין של ביקורת ובקרה על השלטון היהודי בארץ ישראל.

בכוונתי להצביע על הגורמים המשותפים בין נביאי ישראל בעת העתיקה לבין בית המשפט העליון של מדינת ישראל המודרנית, תוך כדי ניתוח סיפורי הרקע של הנביאים/שופטים, ייעודם, תפקידם, יכולת ההשפעה, מקור הכוח ודוגמאות למאבקים השונים בין אלו לבין השלטון—אז וכיום

*הנביא המקראי –*

כמה נביאים היו בעת העתיקה? מחד, מוזכרים 48 נביאים שונים בשמם. מאידך, מוזכר הסיפור על הנביא אלישע שהסתיר 100 נביאי ישראל מאיזבל המלכה. התלמוד מפרש זאת כך (מגילה יד ע"א): "תניא, הרבה נביאים עמדו להם לישראל כפליים כיוצאי מצרים, אלא נבואה שהוצרכה לדורות נכתבה, ושלא הוצרכה לא נכתבה" כלומר, למעשה, רבים היו אותם הנביאים בעת העתיקה, אולם רק מעטים והמצוינים מבין הנביאים, שיש מנבואתם לימוד לדורות נשתמרו בתנ"ך עד ימינו.

שלוש תקופות מרכזיות היו לנביאים בהיסטוריה היהודית ראשונים, תקופת מעבר, ואחרונים. הרב יואב אוריאל מחלק תקופות אלו ביתר פירוט[1]; נביאים ראשונים: התקופה העוברית (משה ויהושע) התקופה הטרום מלכותית והטרום נבואית (תקופת השופטים), תקופת שמואל ומקור הקשר בין הנבואה למלכות, התקופה הגדולה של דוד ושלמה, תקופת שורשי הפירוד (ירבעם-נדב), תקופת ניצני התנתקות המלוכה ומהנבואה (בעשא-עמרי), מלחמות המלכות בנבואה (אחאב ואליהו), תחילת תופעת נביאי השקר (תקופת אחאב), התעלמות המלכות מן הנבואה (אחזיהו), תקופת אלישע. ככלל, כפי שמציין הרב יואב אוריאל "כאשר עם ישראל נמצא בבריאות מלאה, אז מצא את כוח הנבואה קשור בקשר הדוק עם מלכות ישראל של אותה התקופה. 'סדר היום' של מלכות ישראל, ובאופן כללי יותר – המצב הלאומי והפוליטי של העם יהיה חלק עיקרי מהתייחסותם של הנביאים" (שם).

שני רכיבים מהותיים מבטאים את הקשר של הנביא ללאומיות – הקשר בין כח הנבואה לעם ישראל כולו, והקשר הספציפי בין הנבואה ובין המושל, מלך ישראל. לגבי הראשון, חשוב לזכור כי כל נביא קשור לדור המסוים אשר בו הוא חי ובוא ואיתו הוא פועל. זאת, מעבר לקשר של העקרונות הכללים של חיי ישראל. מלך ישראל הוא זה שמייצג את ריכוז הכח של כללות עם ישראל, ומשכך, הקשר של הנבואה לעם ישראל חייב לבוא לידי ביטוי בקשר בין הנביאים למלך הפועל בזמנם, ואיזון עדין בין הנביא למלך הוא זה שמאפשר פריחה ושגשוג של הממלכה והעם

מאיפה "צמחו" הנביאים? הרקע התרבותי והסוציו-אקונומי שלהם כמו גם הגאוגרפי היה מגוון ביותר.

בספר דברים נכתב "**נָבִיא** מִקִּרְבְּךָ מֵאַחֶיךָ כָּמֹנִי יָקִים לְךָ יְ־הוָה אֱ־לֹהֶיךָ, אֵלָיו תִּשְׁמָעוּן" (י"ח 15), רמז לכך שהנביאים צריכים לצמוח מהעם, להיות כשאר האדם. בעוד ישעיהו הנביא, לפי תלמוד בבלי, היה בנו של יהואש ואחיו של אמציה, שהיו מלכי יהודה, יואל הנביא הפגין בנבואותיו ידע חקלאי עמוק, מה שכנראה מעיד על רקע של עובד אדמה ומיכה המרשתי מתייחס למעמד הנמוך כ"עמי" וההנחה הרווחת היא כי הגיע מבין המעמד הנמוך. בעוד לתפיסת התלמוד נביא צריך להיות אדם בעל שאר רוח והוא בבחינת "חכם, גיבור ועשיר", הרי שקיימת השאיפה לפיה עם ישראל כולו יגיע לדרגת "נביאים" כפי שנאמר "ומי ייתן כל עם ה' נביאים כי ייתן ה' את רוחו עליהם" (במדבר י"א, 29).

צמיחת הנבואה הקלאסית ונושאי הטפותיה מגיעים על רקע שני גורמים מרכזים בישראל: הגורם החברתי-כלכלי והגורם המדיני.

על רקע הקמת וצמיחת המלוכה בישראל גדל הקיטוב בין מעמדות העם – ההבדל בין האריסטוקרטיה החדשה לדלות רוב העם—שהחריפה בעיקר אחרי פילוג המלוכה ועקב ריבוי מלחמות. תוכחה כנגד חוסר המוסר שברקע החברתי-כלכלי משותפת לכלל הנביאים, ברמת חומרה זו או אחרת. (מיכה ב, 1-2 "הוֹי חֹשְׁבֵי־אָוֶן וּפֹעֲלֵי רָע עַל־מִשְׁכְּבוֹתָם; בְּאוֹר הַבֹּקֶר יַעֲשׂוּהָ, כִּי יֶשׁ־לְאֵל יָדָם: וְחָמְדוּ שָׂדוֹת וְגָזָלוּ, וּבָתִּים וְנָשָׂאוּ; וְעָשְׁקוּ גֶּבֶר וּבֵיתוֹ, וְאִישׁ וְנַחֲלָתוֹ" ; עמוס ב' 6 "כֹּה אָמַר יְ־הוָה עַל-שְׁלֹשָׁה פִּשְׁעֵי יִשְׂרָאֵל וְעַל-אַרְבָּעָה לֹא אֲשִׁיבֶנּוּ עַל-מְכָרָם בַּכֶּסֶף צַדִּיק וְאֶבְיוֹן בַּעֲבוּר נַעֲלָיִם" ; עמוס ג' 9 "הַשְׁמִיעוּ עַל אַרְמְנוֹת בְּאַשְׁדּוֹד וְעַל אַרְמְנוֹת בְּאֶרֶץ מִצְרָיִם וְאִמְרוּ הֵאָסְפוּ עַל

[1] https://www.bneyzion.co.il/מאגר-השיעורים-והמאמרים/נושאים-כלליים-בתנך/נבואה-ונביאים/המלכות-והנבואה-בישראל/היחס-בין-המלכות-והנבואה-בתקופות-הראשונות-של-עם-ישראל

הָרֵי שֹׁמְרוֹן וּרְאוּ מְהוּמֹת רַבּוֹת בְּתוֹכָהּ וַעֲשׁוּקִים בְּקִרְבָּהּ״ ; יחזקאל ז׳ 13-15 ״כִּי הַמּוֹכֵר אֶל־הַמִּמְכָּר לֹא יָשׁוּב וְעוֹד בַּחַיִּים חַיָּתָם כִּי־חָזוֹן אֶל־כָּל־הֲמוֹנָהּ לֹא יָשׁוּב וְאִישׁ בַּעֲוֹנוֹ חַיָּתוֹ לֹא יְתַחַזֵּקוּ: תָּקְעוּ בַּתָּקוֹעַ וְהָכִין הַכֹּל וְאֵין הֹלֵךְ לַמִּלְחָמָה כִּי חֲרוֹנִי אֶל־כָּל־הֲמוֹנָהּ: הַחֶרֶב בַּחוּץ וְהַדֶּבֶר וְהָרָעָב מִבָּיִת אֲשֶׁר בַּשָּׂדֶה בַּחֶרֶב יָמוּת וַאֲשֶׁר בָּעִיר רָעָב וָדֶבֶר יֹאכְלֻנּוּ:״)

התסכול בעם עקב המצב המדיני המתדרדר עקב המלחמות הרבות, ועל רקע עלית אימפריות אזוריות גרם להופעתם של הנביאים הגדולים בשעות הגורליות לעם ישראל (ולעולם כולו).

בניתוח תורת הערכים של הנביאים הקלאסיים, ניתן לראות כי אלו הציגו את תורת עליונות המוסר ואפילו הפירוש כי הדרישה האמיתי של האל מהאדם היא מוסרית ולא פולחנית. ניצנים לכך אפשר לראות כבר בתוכחתו של נתן כנגד דוד המלך (פרשת אוריה, שמואל ב׳ י״ב 7-12: ״כֹּה-אָמַר יְ־הוָה אֱ־לֹהֵי יִשְׂרָאֵל, אָנֹכִי מְשַׁחְתִּיךָ לְמֶלֶךְ עַל-יִשְׂרָאֵל, וְאָנֹכִי הִצַּלְתִּיךָ, מִיַּד שָׁאוּל. וָאֶתְּנָה לְךָ אֶת-בֵּית אֲדֹנֶיךָ, וְאֶת-נְשֵׁי אֲדֹנֶיךָ בְּחֵיקֶךָ, וָאֶתְּנָה לְךָ, אֶת-בֵּית יִשְׂרָאֵל וִיהוּדָה; וְאִם-מְעָט—וְאֹסִפָה לְךָ, כָּהֵנָּה וְכָהֵנָּה. מַדּוּעַ בָּזִיתָ אֶת-דְּבַר יְ־הוָה, לַעֲשׂוֹת הָרַע בעינו (בְּעֵינַי), אֵת אוּרִיָּה הַחִתִּי הִכִּיתָ בַחֶרֶב, וְאֶת-אִשְׁתּוֹ לָקַחְתָּ לְךָ לְאִשָּׁה; וְאֹתוֹ הָרַגְתָּ, בְּחֶרֶב בְּנֵי עַמּוֹן. וְעַתָּה, לֹא-תָסוּר חֶרֶב מִבֵּיתְךָ— עַד-עוֹלָם: עֵקֶב, כִּי בְזִתָנִי, וַתִּקַּח אֶת-אֵשֶׁת אוּרִיָּה הַחִתִּי, לִהְיוֹת לְךָ לְאִשָּׁה. כֹּה אָמַר יְ־הוָה, הִנְנִי מֵקִים עָלֶיךָ רָעָה מִבֵּיתֶךָ, וְלָקַחְתִּי אֶת-נָשֶׁיךָ לְעֵינֶיךָ, וְנָתַתִּי לְרֵעֶיךָ; וְשָׁכַב עִם-נָשֶׁיךָ, לְעֵינֵי הַשֶּׁמֶשׁ הַזֹּאת. כִּי אַתָּה, עָשִׂיתָ בַסָּתֶר; וְאֲנִי, אֶעֱשֶׂה אֶת-הַדָּבָר הַזֶּה, נֶגֶד כָּל-יִשְׂרָאֵל, וְנֶגֶד הַשָּׁמֶשׁ״) כמו גם בזעמו של אליהו על אחאב (כרם נבות, מלכים א׳ כ״א 17-19: ״וַיְהִי דְּבַר יְ־הוָה אֶל אֵלִיָּהוּ הַתִּשְׁבִּי לֵאמֹר. קוּם רֵד לִקְרַאת אַחְאָב מֶלֶךְ יִשְׂרָאֵל אֲשֶׁר בְּשֹׁמְרוֹן הִנֵּה בְכֶרֶם נָבוֹת אֲשֶׁר יָרַד שָׁם לְרִשְׁתּוֹ. וְדִבַּרְתָּ אֵלָיו לֵאמֹר כֹּה אָמַר יְ־הוָה הֲרָצַחְתָּ וְגַם יָרָשְׁתָּ וְדִבַּרְתָּ אֵלָיו לֵאמֹר כֹּה אָמַר יְ־הוָה בִּמְקוֹם אֲשֶׁר לָקְקוּ הַכְּלָבִים אֶת דַּם נָבוֹת יְלַקּוּ הַכְּלָבִים אֶת דָּמְךָ גַּם אָתָּה״) וזה המשיך ביתר שאת אצל עמוס כמו גם ישעיהו, מיכה, ירמיהו ישעיהו השני זכריה והושע.

הנביא עמוס, שהתנבא בימי בית ראשון על ממלכת ישראל וממלכת יהודה בימי עוזיהו בן עמציה וירבעם בן יואש. עמוס הגדיר עצמו כרועה צאן ״לא נביא אנוכי ולא בן נביא״ ובנבואותיו הדגיש את החטאים שבין אדם לחברו ולא רק בין אדם למקום. עיקר תוכחתו מופנית לאלו השומרים על מצוות שבין אדם למקום אך לא במצוות חברתיות ומוסריות. משל ״פָּרוֹת הַבָּשָׁן אֲשֶׁר בְּהַר שֹׁמְרוֹן. . . . הָעֹשְׁקוֹת דַּלִּים הָרֹצְצוֹת אֶבְיוֹנִים הָאֹמְרֹת לַאֲדֹנֵיהֶם הָבִיאָה וְנִשְׁתֶּה״ הינו דוגמא חדה ללעג שרחש לנשות יהודה העשירות המתנהלות בחוסר מוסריות. הנביא ירמיהו נולד לחלקיהו בן שפן/שלום (שהיה כהן גדול, נביא ועשיר). לפי המתואר, קיבל את תפקידו בגיל צעיר למרות שסירב תחילה (״כי נער אנכי״), ותפקידו זה הוגדר כ ״רְאֵה הִפְקַדְתִּיךָ הַיּוֹם הַזֶּה עַל הַגּוֹיִם וְעַל הַמַּמְלָכוֹת לִנְתּוֹשׁ וְלִנְתוֹץ וּלְהַאֲבִיד וְלַהֲרוֹס לִבְנוֹת וְלִנְטוֹעַ״ (א׳ 10). בתור ״נביא החורבן והפורענות״, פנו עיקר נבואותיו לעם, שריו וכהניו שפעלו בחוסר מוסריות. בזמן מלכות יהויקים הפך ירמיהו ל״אויב העם״ כאשר הוכיח וניבא כנגד יהויקים והתנהגותו הנהנתנית בניגוד לאביו—״אביך הלוא אכל ושתה ועשה משפט וצדקה אז טוב לו״ (כ״ב, 15)

ניתן לעמוד על ההבדל בין השופטים המקראיים לנביאים – בעוד השופטים היו בעלי סמכות לקבוע ולשנות עובדות, כמו גם להעניש אנשים, בדומה לבית משפט פלילי של ימינו, כוחם של הנביאים הוא בתוכחה שמטרתה לגרום לאחרים (לעם, להנהגה) לשנות דרכיהם. רוב הנבואות נועדו לאוזני העם כולו, למען יראו ויראו, גם באם התוכחה הייתה כלפי השלטון. הבדל זה, מציב את הנביאים, כביכול, בעמדת חולשה – כוחה של נבואתם תלוי לחלוטין בפועלו של השלטון

והמוכנות לקבלת הסמכות שבתוכחה ומכאן לשינוי התנהגותי (שלא תמיד אכן התרחש). פומביות הנבואות מספקת חיזוק לנביא ברתימת הסכמת העם וקבלת הנבואה כאלטרנטיבה להתנהלות השלטון. מאידך, ביקורת יתר מצד הנביא, או כזו שאינה מכירה במגבלות כוחה עשויה לגרום לתחושת נרדפות של השלטון וכתוצאה מכך ניסיון פגיעה בנביא.

במעבר לימינו אנו, ולמדינת ישראל, במגילת העצמאות, מיד אחרי "אנו קובעים", הפסקה הראשונה שמגדירה את אופייה של המדינה היהודית דורשת: "**מְדִינַת יִשְׂרָאֵל** תִּהֵא פְּתוּחָה לַעֲלִיָּה יְהוּדִית וּלְקִבּוּץ גָּלֻיּוֹת; תִּשְׁקֹד עַל פִּתּוּחַ הָאָרֶץ לְטוֹבַת כָּל תּוֹשָׁבֶיהָ; **תִּהֵא מֻשְׁתָּתָה עַל יְסוֹדוֹת הַחֵרוּת, הַצֶּדֶק וְהַשָּׁלוֹם לְאוֹר חֲזוֹנָם שֶׁל נְבִיאֵי יִשְׂרָאֵל**; תְּקַיֵּם שִׁוְיוֹן זְכֻיּוֹת חֶבְרָתִי וּמְדִינִי גָּמוּר לְכָל אֶזְרָחֶיהָ בְּלִי הֶבְדֵּל דָּת, גֶּזַע וּמִין; תַּבְטִיחַ חוֹפֶשׁ דָּת, מַצְפּוּן, לָשׁוֹן, חִנּוּךְ וְתַרְבּוּת; תִּשְׁמֹר עַל הַמְּקוֹמוֹת הַקְּדוֹשִׁים שֶׁל כָּל הַדָּתוֹת; וְתִהְיֶה נֶאֱמָנָה לְעֶקְרוֹנוֹתֶיהָ שֶׁל מְגִלַּת הָאֻמּוֹת הַמְּאֻחָדוֹת."

ההדגשה, באותו המשפט כי יסודות החרות הצדק והשלום יהיו בבסיס המדינה הצעירה, כמו גם הקישור של יסודות אלו לחזונם של נביאי ישראל נכתבה תוך שימת לב רבה גם לחזון העתידי וגם לקישור העבר היהודי והחזון שהציגו נביאי ישראל לגבי צידוק מוסרי וצדק חברתי.

היה זה מנחם בגין שכתב על שלטון החוק ועליונות המשפט תחת הכותרת "ובמדינתו פנימה יהיה הצדק השליט העליון, השליט גם על שליטיה"[2]. בדברו על ז'בוטינסקי[3] אף ציין "בפשטותו, צדק הלא היא מלחמה נגד היפוכיו. . . .נביא אלא ארבעה מהם: רשע, עוול, מירמה ומזימה. המלחמה באלה והשאיפה לעקור אותם, הרי הוא הצדק האנושי בפשטותו. כאבותינו, **כנביאים**, כחוזינו כמחוקקינו. . . .דרשו צדק לעמכם, דרשו צדק מעמכם. כי זה הרעיון המופשט והפשוט, הממשי והנצחי, המוסתר והמופיע, המודבר והמנצח, הנותן טעם לחיי אנוש, קדושה לפועלו, אחרית לתקוותו: צדק צדק תרדוף".

להרכבו של בית המשפט העליון נודעה משמעות משפטית אך גם משמעות ציבורית וחברתית. לפי גישת הריאליזם המשפטי, השופט לא רק משתמש בכישורי המשפט שרכש כי עם גם בהשקפת עולמו, בדומה לנביאים, ומכאן יש חשיבות לדמוגרפיה של שופטי בית המשפט העליון. ההתפתחות בגישה זו ברורה על רקע השינויים בהרכבו של בית המשפט – החל בהקמתו בשנת 48 עם שלושה שופטים גברים (אחד מהם דתי) שאינם מזוהים עם מפלגות שאינן המרכז הפוליטי, דרך הוספת שופטים ספרדים (1962), נשים (1977) וערבים (2004).

לבית המשפט העליון בהוויה הציבורית ישנה חשיבות רבה, ולפי סקרים האמון בו גבוה משמעותית מאמון הציבור בגופים אחרים (כנסת, ממשלה, מפלגות), אך אמון זה נמצא בשחיקה מתמדת – מ-80% אמון בשנת 2000 לרמה של 52% בשנת 2020[4]. בעוד בתקופת הנביאים, היו הללו אחראים על רדיפת הצדק ווידוא כי ערכי המוסר האוניברסליים נשמרים ע"י השלטון, עליונות המשפט הישראלי היא זו שצריכה לספק כלים אלו לפי החזון העתיק. מכיוון שכך, לפתחו של בית המשפט העליון, בשבתו כבג"ץ, מגיעות עתירות רבות העוסקות במחלוקות בציבור עם משמעויות פוליטיות. עתירות אלו עומדות בבסיס מחלוקות

[2] https://db.begincenter.org.il/wp-content/uploads/2019/02/הפרדת-רשויות-ועליונות-המשפט-בדמוקרטיה-הישראלית-בהשקפתו-של-מנחם-בגין.pdf/

[3] זאב ז'בוטינסקי והמלחמה על צדק 26.7.1963

[4] https://www.dyoma.co.il/מדד-דיומא-636-אמון-הציבור-בבית-המשפט-העליון-על-פי-מדד-הדמוקרטיה-הישראלית-של-המכון-הישראלי-לדמוקרטיה

ומאבקים הגורמים במתכוון לפגיעה ושחיקה במעמדו של בית המשפט, מתוך קריאת תיגר על עצם התערבותו של בג"ץ בנושאים אלו. ביקורת חריפה על בית המשפט מצד המערכת הפוליטית/שלטונית אינה דבר חדש כלל ועיקר. בשנת 2011, נשיאת בית המשפט העליון, דורית ביניש דרשה בנאום חריג "משך מספר שנים מתנהל מסע התופס תאוצה משנה לשנה, במטרה להחליש את מערכת המשפט ובראשה בית המשפט העליון. זהו מסע של דה-לגיטימציה שבראשו עומדים מספר פוליטיקאים, חברי כנסת ואף שרי ממשלה, שמנצלים את חסינותם ומוסרים לציבור הרחב מידע מוטעה ומטעה שהידרדר להסתה המופנית נגד בית המשפט, נגד חבר שופטיו ונגד עבודתו השיפוטית"[5] דומה הוא הדבר ליחס לו זכו נביאים רבים מצד חלק מהמלכים אותם ביקרו בעבר

נבחן מספר מקרים ומאבקים מפורסמים של בית המשפט העליון בשנים האחרונות.

בג"ץ בבלי נגד בית הדין הרבני הגדול[6] מהווה את אחד מפסקי הדין הבסיסיים בדיני המשפחה בישראל. תחת הרכב שלושה שופטים בראשות הנשיא מאיר שמגר, המשנה לנשיא אהרון ברק והשופט שלמה לוין קבע בשנת 1994 בית המשפט תקדימית כי "על כל בתי הדין הדתיים להפעיל, בסוגיות 'אזרחיות' נלוות שאינן חלק מענייני המעמד האישי (כפי שדיבור זה מתפרש על-פי דין המדינה) הנתון לסמכותם, את המפשט האזרחי הכללי, כפי שפורש על ידי בית המשפט העליון". הרקע לבג"ץ זה הינו קשר בין בני הזוג בבלי שנסתיים בגרושין. הבעל כרך בגירושין גם את המזונות וגם את חלוקת הרכוש, ולכשגרושתו פנתה בתביעה לבית המשפט המחוזי לגבי חלוקת הרכוש, נדחתה פנייתה בטעון כי הסמכות לדון בעניינם נתונה לבית הדין הרבני. האחרון דחה את תביעת הגרושה למחצית הרכוש בפוסקו כי הלכת השיתוף אינה חלה בבתי הדין הרבניים. משכך, פנתה הגרושה לבג"ץ. משמעות פסיקתו של בג"ץ הינה כי בית הדין הרבני מחויב לפסוק בהתאם לנורמות המשפטיות האזרחיות מלבד בסוגיות הקשורות לנישואין וגירושין (וזאת, כיוון שפסק הדין של בית הדין הרבני פוגע בחוק שיוויון זכויות האישה – 1951).

בשנת 2011 ניתן בג"ץ 05/11437 קו לעובד ואחרים נגד משרד הפנים ואחרים (מוכר יותר כבג"ץ נוהל עובדת זרה, והמשכו בדנג"ץ 11/3860)[7]. בעקבות העליה בהיקף הבאת עובדים זרים לישראל החל בשנות ה-90, החלו ניסיונות חקיקה לצמצום בעיות הנלווה לתופעה זו. בין השאר, גובש "נוהל עובדת זרה" (2009) שמחייב עובדת זרה לעזוב את ישראל עד 90 ימים מיום הלידה ואם מעוניינת האם לחזור ולקבל אשרת עבודה, תאלץ לעשות זאת ללא התינוק. בפסיקתה זו האחרונה של השופטת אילה פרוקצ'ה (יחד עם השופט סלים ג'ובראן והשופט אליקים רובינשטיין) התקבלה הכרעה פה אחד שקבעה כי הכפייה על אישה לבחור בין המשך תעסוקה לבין הגשת זכותה לאימהות אינה מתיישבת עם התפיסות הערכיות והמשפטיות-חוקתיות בישראל. הגדיל ועשה השופט רובינשטיין והתייחס למסורת היהודית בציינו כי עם ישראל נצטווה לאהוב את הזר, וציטט "ואהבתם את הגר כי גרים הייתם בארץ מצרים" (דברים י' 19) וגם כי יחס מיוחד זה לזר מתבטא גם במעמדו של הזר במשפט בכלל ובדיני העבודה בפרט "תורה אחת ומפשט אחד יהיה לכם ולגר הגר אתכם" (במדבר ט"ו 16)

[5] https://www.mako.co.il/news-law/legal/Article-ee71db624baf331017.htm

[6] https://www.cwj.org.il/sites/default/files/בגץ%20201000-92%20בבלי%20נ27%20בית%20הדין%20הרבני.doc

[7] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C11/600/038/n06&fileName=11038600_n06.txt&type=4

גם בעניינים הקשורים לתרבות ניתן למצוא פסיקות כנגד השלטון – בבג"ץ 16/9647 של האגודה לזכויות האזרח בישראל נגד שרת התרבות והספורט משנת 2016[8], נדרש בג"ץ לעניין בו תקנה השרה מירי רגב (חודש לאחר שמונתה לתפקיד) את מבחן הענקת תמיכה למוסדות תרבות על בסיס הופעות ביהודה ושומרון (הופעת – נתמכת. נמנעת – הפסדת). במקרה זה, דעת הנשיאה חיות והמשנה חנן מלצר כנגד דעת השופט דוד מינץ פסלה את סעיף הבונוס. בפסיקה זו ניסה בג"ץ לאותת למפלגות שלטון כי למרות השאיפה להיטיב עם בוחריהן תוך תמיכה בפעילויות המתאימות למדיניות השלטון, בג"ץ לא יאפשר חקיקה ופסיקה מסוג זה.

לעיתים, התערבות בג"ץ היוותה קטליזטור לפתרון בעיה, גם באם לא היה זה בג"ץ עצמו שהכריע את הכף: המאבק להשוואת קצבת הנכות לשכר מינימום (מאבק הנכים) החל בצורה אינטנסיבית בשנת 2017. הרקע למאבק בשיעור העוני של נכים בישראל שגדל בשנים 2002-2014 פי ארבעה לעומת הגידול בשיעור העוני בכלל האוכלוסייה[9] ולפי דו"ח של מינהל המחקר והתכנון של הביטוח הלאומי נמצא בו החרפה בשיעורים גבוהים יותר. עתירה שהגישו ארגוני נכים לבג"ץ בשנת 2017 ציינה כי ב-16 השנים נשחקה קצבת הנכות מול כל המדדים המקובלים. ועדות ויוזמות חקיקה, כמו גם פעילות ציבורית החלו בכנסת ה-17 (2006) שחלקן הבשילו בכנסת ה-20 (2015). קמפיין מחאה ארצי להשוואת קצבת הנכות לשכר המינימום פרץ בעזרת הרשתות החברתיות בשנת 2015, תחת השם "נכה, לא חצי בן אדם" (כפרפרזה לציטוט מתוך וועדת כנסת: "מדינה שקובעת ששכר המינימום הוא 4300 ש"ח צנועים מצפה מנכה שיתקיים מ-2300ש"ח. מה הוא, חצי בנאדם?"[10] מספר ניסיונות חקיקה נפלו על חודו של קול בשנים 2015 ו-2016, ובשנת 2017 מינה שר האוצר כחלון ועדה בראשות פרופ' ירון זליכה לבחינת נושא הקצבאות. לפני פרסום המצלות הועדה, עצומה של קואליציית ארגוני הזכות לבריאות דרשה כי "אנו החתומים מטה. . . . קוראים לשר האוצר ח"כ משה כחלון, לעשות צעד אמיץ ולהוציא את הנכים במדינת ישראל ממצב של עוני מרוד לקיום כלכלי נאות. היום ולא בעוד 5 שנים!" רגע לאחר פרסום מסקנות ועדת זליכה, מינה ראש הממשלה ועדה חדשה בראשות פרופ' אבי שמחון לבחינת הנושא. מהלך זה, כדוגמא נוספת לגרירת רגליים ומשיכת זמן ע"י הכנסת והממשלה, גרם להסלמת מאבק הנכים ובמקביל הגישו ארגון הגג של הנכים, ארגון נכה, לא חצי בן אדם והשופטות בדימוס ברכה אופיר-תום וציפורה ברון עתירה לבג"ץ בדרישה להשוואת קצבת הנכות לשכר המינימום. בפנייתם, טענו ארגוני הנכים כי המדינה מפרה את חוק יסוד "כבוד האדם וחירותו" משום שהיא מפלה לרעה את הנכים ומביאה אותם להתקיים מתחת לקו העוני. בתשובה לבג"ץ טענה הכנסת כי ארגוני הנכים לא הוכיחו שקצבת הנכות אינה מאפשרת את הזכות לקיום אנושי בכבוד. במקרה זה, בג"ץ התערב בפרשיה זו עקב גרירת הרגליים של הפוליטיקאים, ואכן, התערבות זו גרמה לשינויי חקיקה שפתרו והשוו את התנאים לציבור הנכים.

השנים האחרונות מייצרות דוגמאות רבות ומאוד טעונות לתוכחה וההתערבות של בג"ץ עם השלטון.

אחד המקרים המעטים בהם התערב בג"ץ בעבודת הכנסת הינו בג"ץ 20/2144 של התנועה

[8] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C16/470/076/K22&fileName=16076470.K22&type=4

[9] https://www.haaretz.co.il/0000017f-dbd1-df9c-a17f-ffd9783a0000

[10] http://main.knesset.gov.il/Activity/Committees/Foreign/News/Pages/181114א.aspx

למען איכות השלטון בישראל ואחרים נגד יושב ראש הכנסת ואחרים[11]. כבר בשנת 2013 נבחר ח"כ יולי אדלשטיין ליו"ר הכנסת ה-19, תפקיד אליו נבחר שוב גם בכנסת ה-20 וה-21. מתוך עקרון הרציפות (הוא המשיך בתפקידו זה גם בכנסת ה-22 וה-23). אלא, שימים ספורים לפני השבעת הכנסת ה-23, הגישו מספר סיעות, המונות יחדיו 61 ח"כים, בקשה לקיים דיון בנושא בחירת יו"ר כנסת חדש. יומיים לאחר מכן, הודיע אדלשטיין כי לא יקבע בסדר היום בחירת יו"ר חדש, דבר שגרר פניה לבג"ץ. לפני שפסקו, דרש הרכב חמשת השופטים בראשות הנשיאה אסתר חיות, המשנה חנן מלצר והשופטים ניל הנדל, עוזי פוגלמן ויצחק עמית, ב23 למרץ 2020 כי ישיב היו"ר אדלשטיין אם הוא נכון להעלות נושא זה על סדר היום של הכנסת לא יאוחר מ25 למרץ 2020. שעה לאחר שהוגשה לבית המשפט התגובה (דחיה מוחלטת) של היו"ר, פסק ההרכב פה אחד כי על אדלשטיין לכנס את המליאה לבחירת יו"ר בהקדם האפשרי ולא יאוחר מ25 למרץ. כפי שציינה הנשיאה חיות "הסירוב הנמשך לאפשר הצבעה במליאת הכנסת. . . .חותר תחת יסודות התהליך הדמוקרטי. . . .אין מנוס מן המסקנה כי בנסיבות שנוצרו מדובר באחר מאותם מקרים חריגים שבהם נדרשת התערבותו של בית משפט זה על מנת למנוע פגיעה בשיטת המשטר הפרלמנטרית שלנו". (באחרית דבר, אדלשטיין התפטר מתפקידו כדי שלא יעלה את הנושא על סדר יומה של המליאה, ובג"ץ קיבל פס"ד נוסף בערב ה-5 במרץ שבו נקבע כי למרות ההתפטרות שטרם נכנסה לתוקף, תוטל על ותיק חברי הכנסת, עמיר פרץ, הסמכות התחומה ומוגדרת שיוכל לקיים את פסק הדין הראשון ולכנס את המליאה לבחירת יו"ה. למחרת, ב26 למרץ, נבחר בני גנץ להיות יו"ר הכנסת ה-23).

בג"ץ 23/2412 של התנועה לאיכות השלטון בישראל נגד הכנסת ואחרים, הידוע גם בשמו "בג"ץ חוק הנבצרות"[12] נדון בהרכב מורחב של 11 שופטים. הרקע לתביעה היתה עתירתה של התנועה למען איכות השלטון נגד היועמ"שית גלי בהרב-מיארה[13] בדרישה להוציא את ראש הממשלה לנבצרות. בעקבות הוראה של השופטת דפנה ברק-ארז ליועמ"שית לנמק מדוע לא לבצע נבצרות זו (10 פברואר, 2023). הכנסת הזדרזה (23 במרץ 2023) לחוקק תיקון לחוק יסוד: הממשלה המאפשר הוצאה לנבצרות של ראש ממשלה רק בשל אי-מסוגלות פיזית או נפשית ורק בהודעת ראש הממשלה אחרי אישור ברוב מיוחד בוועדת הכנסת או בהחלטת רוב מיוחד של הממשלה שתקבל אישור נוסף של רוב מיוחד בוועדת הכנסת (על בסיס חוות דעת רפואית) ועוד אישור נוסף במליאת הכנסת. חוק זה סומן כאחד שבא להגן ספציפית על ראש הממשלה בנימין נתניהו על רקע משפטו הפלילי. ב3 בינואר 2024 פסק הרכב בג"ץ כי התיקון לחוק יחול רק מהכנסת הבאה ולא מהכנסת הנוכחית. בעמדת הרב כתב השופט פוגלמן (מ"מ הנשיא) כי "תיקון זה הוא נקודת קיצון בתהליך ממושך של שחיקה במעמדם של חוקי היסוד ובניצול הקלות שבה ניתן לתקנם לצרכים אישיים-נקודתיים. הוראות התיקון כוננו על מנת לשרת תכלית פרסונאלית מובהקת. . . ." בג"ץ זה כנגד חוק הנבצרות מעלה עוד נקודה חשובה בבוחננו את בג"ץ כמבקר השלטון. מהן

[11] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C20/440/021/V14&fileName=20021440.V14&type=4

[12] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C23/120/024/M24&fileName=23024120.M24&type=4

[13] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C23/580/011/A01&fileName=23011580.A01&type=4

הגבולות בהן מותר לבג"ץ להתערב בפעולות השלטון? לנשיא אהרון ברק יוחסה הממרה "הכל שפיט", שגרמה ל"מהפכה שיפוטית" ופתחה את הדלת להתערבות (יש שיגידו) מוגזמת של בית המשפט בהחלטות שלטוניות. בחינה מדוקדקת יותר מגלה (בג"ץ רסלה, פסקה 47 לפסק דינו של השופט ברק, 1988) כי "סכסוך הוא שפיט מוסדית, אם ראוי לו לסכסוך שיוכרע על-פי המשפט בבית המשפט. סכסוך אינו שפיט מוסדית, אם ראוי לו לסכסוך שלא יוכרע על-פי אמות מידה משפטיות בבית המשפט. השפיטות המוסדית עוסקת אפוא בשאלה, אם המשפט ובית המשפט הם המסגרות הראויות להכרעה בסכסוך. השאלה אינה אם ניתן להכריע בסכסוך על-פי המשפט ובבית המשפט; התשובה על שאלה זו היא בחיוב. השאלה היא אם רצוי להכריע בסכסוך – שהוא שפיט נורמאטיבית – על פי אמות מידה משפטיות בבית המשפט"[14] כלומר, למרות שכביכול ניתן להיעזר בשיפוט לפתרון כל סוגיה שהיא, לא בכל סוגיה ראוי שיתעסק בג"ץ. ולראיה, לאורך השנים נמנע בג"ץ מהתערבות בנושאי חוץ וביטחון מובהקים כמו גם הנושאי מדיניותה של ישראל ביהודה ושומרון, הסכמים מדיניים וכו'. המגוון והרקע השונה של שופטי בג"ץ ושבתם יחד בהרכבים משתנים לדיונים, מאפשר וויסות עצמי של בג"ץ. גם בג"ץ חוק הנבצרות, שבעניינו התקבל אומנם פסק הדין בהכרעת רוב (6 שופטים), כלל דעת מיעוט שנשמעה היטב מפי השופט סולברג שקבע ". . . .הניסיון להסיק על תכליתו הפרסונאלית מחוץ ללשונו, ובנסיבות חקיקתו, כרוך בהבחנה בלתי-משכנעת בין מניע לבין תכלית; <u>בהצרה של סמכות הרשות המחוקקת והמכוננת, ביחס לענייניים התלויים ועומדים לפני בית המשפט</u>; ובאימוץ הגדרה שגויה של תחולה רטרוספקטיבית". סוגייה זו, של "גבולות הגזרה" ויחסי איזון הרשויות ובעיקר בג"ץ מול הרשות המחוקקת (מכוננת) והרשות המבצעת הינה בבסיס ה"מהפכה המשפטית" והמחאה הציבורית החזקה שהחלו בארבעה בינואר 2023.

בימים טרופים אלו, ומיד לפני סיום כתיבת שורות אלו, פסק בג"ץ שוב בצורה תקדימית בעניין גיוס בחורי הישיבות, נושא בו המחוקק משך רגליו במשך שנים ארוכות ומהווה סממן בוטה לחוסר שווין וצדק בין חלקים שונים של החברה הישראלית. למרות, ואולי אל אחת כמה וכמה בגלל, הקולות הרועמים הקמים על בית המשפט וכנגד התערבותו בסוגיות הקריטיות לחברה הישראלית, ממשיך בג"ץ להוות קול ברור ומנומק המשווה לסעד משפטי-ערכי לחברה הישראלית, לעיתים גם כנגד הממשל, על בסיס אותו חזון עתיק, ולמען המסורת והערכי השלום הצדק והשווין, ממש כמו הנביאים הגדולים עליהם ובעזרתם נבנתה האומה. כפי שרשם המשנה לנשיאה, השופט רבלין בבג"ץ חוק האזרחות והכניסה לישראל תשס"ג:[15] "ס. לא התיקון הראשון לחוקת ארה"ב הוא מורנו, אלא דברי הנביא "קְרָא בְגָרוֹן אַל תַּחְשֹׂךְ כַּשּׁוֹפָר הָרֵם קוֹלֶךָ וְהַגֵּד לְעַמִּי פִּשְׁעָם וּלְבֵית יַעֲקֹב חַטֹּאתָם" (ישעיהו נח, א), וגם דברי משורר התהילים "נְצֹר לְשׁוֹנְךָ מֵרָע וּשְׂפָתֶיךָ מִדַּבֵּר מִרְמָה" (תהלים לד, יד). עמדתי על כך בעניין אונגרפלד:

"חברי מקדש את חופש הביטוי, ולא יתכן חולק על חשיבותו העצומה של זה במדינה דמוקרטית, לא כל שכן בביקורת על השלטון, שהיא חלק מרכזי בשיח דמוקרטי. מי לנו גדולים מנביאי ישראל, ששילמו—בודאי בחלקם—מחיר אישי יקר על ביקורתם כלפי השלטון. . . . במשפט הישראלי נוטים אנו לרעות בשדות זרים בהאדרתו של חופש הביטוי, אך זהו מה שלימדונו

[14] https://www.nevo.co.il/psika_word/elyon/padi-na-2-441-l.pdf

[15] https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/07/660/004/030&fileName=07004660_030.txt&type=2

הנביאים, והכרזת העצמאות של מדינת ישראל קובעת כי המדינה 'תהא מושתתת על יסודות החרות, הצדק והשלום לאור חזונם של נביאי ישראל'. . . ."

לדידי, האחריות שנפלה לידי בג"ץ בימינו, דומה לנטל שנגזר על הנביאים בעת העתיקה. בג"ץ, בשבתו כבית משפט גבוה לצדק, נדרש בימינו לספק הכרעות בנושאי טוהר השלטון, זכויות אדם והגדרת הגבולות החברתיים בהתייחסות למצוות/חוקים שבין אדם לחברו, קרקעות, גיאו-פוליטיקה, וכדומה. עם זאת, אני לא אטען שבג"ץ הוא מוסד ללא דופי. שופטי בג"ץ, לא בשונה מהנביאים, לא נקיים משילוב רגשות אישיים ואג'נדות בתוך קבלת ההחלטות. עם זאת, דווקא תכונות אנושיות אלו, הן מבחינתי שמחזקות את הקשר הישיר בין גורל הנביא לגורל עמו, בין גורל בג"ץ לגורל ישראל. או כפי שרשם השופט מישאל חשין, בפסק דין משנת 1994: "אינני חש עצמי כמי שיושב במגדל שן. בתוך עמי ישבתי ובתוך עמי אנוכי יושב: אני בו והוא בי. וגם על מקומי כיום באוהל-של-משפט, ריח הגלימה שעלי כריח השדה. שנים רבות הייתי יוצא ובא בשערי בית המשפט הגבוה לצדק כבא-כוחם של מתדיינים, ויודע אני בי כיצד נהגתי אני וכיצד נהגו אחרים כמותי. בית המשפט הגבוה לצדק ראינו בו, עמיתי ואני, מקדש-מעט, וקודם היכנסנו אליו התקנו עצמנו לקראת אותה כניסה: נטלנו את ידינו להיכנסנו בבור-כפיים, היטבנו שער ראשינו והסרנו רבב מעל בגדינו."

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# ״בכל דור ודור קמים עלינו...״
# שנאת ישראל והשיח הרבני[1]

יובל כץ

## מבוא-הבעיה שמציגה שנאת ישראל לרבנים

האם שנאת ישראל[2] היא לא רק עובדה היסטורית לאורך כל תולדות עם ישראל אלא גם עובדה תיאולוגית שתמיד נמצאת ברקע וזולגת לתוך מחשבת ישראל לסוגיה השונים? אפשר לקרוא את ההיסטוריה היהודית כולה כהיסטוריה של התמודדות מול שנאה. התמודדות עם שנאת ישראל היא אחת המשימות המוטלות על כל דור של רבנים והוגי דעות יהודיים. גם בימים אלה, אחרי שקמה מדינה יהודית מצד אחד והעולם נראה פחות מושפע מהשיח האנטי יהודי של העבר, עדיין צצות ועולות תופעות של שנאת ישראל בעוצמה מפתיעה. זה נכון במיוחד אחרי האירועים הנוראיים של שמחת תורה, תשפ״ד.

סיפור המיוחס לרב מקוצק מספר על יהודי ואשתו השוהים בביתם. כשלפתע נפתחת הדלת ונכנס קוזק, חובט ביהודי ונוהם משהו. היהודי לא מבין אבל אשתו אומרת לו שהקוזק בטח שמע שהוא חזן ולכן רוצה לשמוע ניגון. היהודי שר משהו אבל הקוזק לא מרוצה וחובט בו. אשתו אומרת לו שישיר משהו אחר. הוא שר ומקבל חבטות, שר ומקבל חבטות. כאן מסתיים הסיפור, כאשר היהודי מנסה, ללא הצלחה, למצוא את הניגון שירצה את הקוזק ויפסיק את הכאב.

הנמשל של סיפור זה יכול להיות הניסיון של האדם להתמודד עם מציאות שבה לא ברור מה המסר שבא הסבל להעביר או אפילו החיפוש של האדם את המעשה שירצה את אלוהים. אבל בפשטותו, אפשר להבין את הסיפור כתקרית של שנאת ישראל. בתוך מציאות של פוגרומים ואלימות אנטי יהודית שבה ליהודי אין שליטה על ביתו וגופו. שניהם הפקר מוחלט והיהודי הוא רק אובייקט לשנאת ישראל. במציאות זו נכנס זר ותוקף מסיבה לא ברורה. היהודי מנסה להבין ולהגיב אך המציאות הכואבת לא באמת בשליטתו. הסיפור יכול להיות משל לניסיון היהודי הפשוט להבין את שנאת ישראל ולברר מה ניתן לעשות מולה. היהודי לא יכול לברוח או להתגונן אלא רק לנסות ולרצות. לשם כך הוא צריך להבין את מה שנאמר לו, הוא מקבל פרשניות מאחרים שלא בהכרח סובלים כמוהו אבל אין לו דרך יותר טובה לתקשר עם החובט. סיפור זה מדגים לנו כיצד המציאות האנטישמית במזרח אירופה תורגמה ועובדה מחדש על ידי הרבנים לנרטיבים בעלי משמעות דתית. המציאות האנטישמית הופכת לשאלה קיומית על מהות החיים היהודיים והרוחניות היהודית. מציאות זו מופנמת ונדרש מהקורבן למצוא תשובה רוחנית לאלימות נגדו, מעבר למציאות ההיסטורית של תקופתו.

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[1] מחקר זה נעשה בתמיכת האקדמיה האוסטרית למדעים במסגרת פרוייקט המחקר Veränderungen antisemitischer Diskurse und ihre Rezeption innerhalb jüdischer Gemeinden in Österreich

[2] במאמר זה השתמשתי במילים שונות לשנאת ישראל כמו: אנטישמיות, שנאת יהודים, ואנטי יהדות לחילופין. למרות ש״אנטישמיות״ התבססה במחקר, במיוחד בלועזית, כמושג המקובל, אני מוצא אותו מבלבל ולא מדויק שהרי שמיות מתיחסת רק לאלמנט הגזעי שהומצאה כדי להיות לשון נקיה לשנאת יהודים בגרמנית (Judenhaß). ״שנאת ישראל״ הכוללת לחילופין את שנאת דת ישראל, עם ישראל ומדינת ישראל (או כל ייצוג פוליטי אחר של יהודים) נראה לי כמונח המוצלח יותר. לפעמים מופיעים גם מונחים אחרים אם הם מתאימים יותר להקשר. במאמר זה מצוטטים גם הוגים שמשתמשים במונחים אחרים.

כאשר היהודי לא מצליח להבין את הקוזק, כאשר הסובל לא מבין את הסיבה לסבל, זה מעמיק את הסבל. אבל לפעמים אי אפשר להבין את הסבל, שפת הקוזק נסתרת. אבל אם לא ניתן למצוא סיבה אז אולי ניתן לחפש משמעות כפי שמכוונת האמירה החסידית: "א־לוהים אל תחלוק איתי את סיבת הסבל שלי כי אני לא ראוי לדעת אבל עזור לי להאמין שאני שאני סובל בשבילך".[3] למשמעות יש יכולות תרפויטיות שמאפשרות לשאת של הסבל, כפי שכבר גילה לנו ויקטור פרנקל בספרו האדם מחפש משמעות.[4] ההכנסת הסבל למסגרת של עולם מלא משמעות היא התרופה הטובה ביותר לסבל. לדוגמא בעבר מתקפות אנטישמיות רצחניות הושוו לעקדת יצחק[5] וכפי שכתב החוקר ירושלמי (ארה"ב 1932-2009) "האימה הוסברה והיגון אולי בחלקו מצא נחמה".[6]

הספרות הרבנית לדורותיה מתמודדת, כמו היהודי מהסיפור, עם מציאות שהיא לפעמים מאוד עוינת ומנסה לפענח אותה, להבין אותה. האישה שמלווה אותם ומנסה לעזור להבין היא המסורת היהודית עצמה. במסורת זו נעזרים הרבנים כדי להבין את העולם סביבם. בתורם הם יהפכו לחלק מאותה מסורת שמנסה לתרגם את משמעות הסבל לסובל. לתרגם את הנהמות של הקוזק ליהודי

חלק מהרבנים והוגי דעות ניסו להמעיט מערכה התיאולוגי של השנאה והרדיפה, של הסבל והמוות. למשל הרב האנגלי נורמן סלומון, בעודו כותב על השואה, כתב שהיהדות הרבנית אף פעם לא התמקדה בסבל, גם לא זה שנגרם משנאת ישראל, אפילו שהיא לקתה בהרבה ממנו.[7] יכול להיות שפרטי הסבל הספציפיים פחות מעניינים את הספרות הרבנית. אבל שנאת ישראל והסבל שנגרם ממנה היא מוטיב חוזר במחשבה הרבנית. ירושלמי גם מתאר את חוסר העניין הרבני בפרטים ההיסטוריים של הרדיפות. הוא כותב על הנטיה היהודית להתאים אירועים או תופעות בנות זמנם לתוך מודלים ישנים ומוכרים. רדיפות הם תוצאת הגלות שהיא תוצאה של חטאי העבר. לרבנים אין רצון למצוא חידושים במתרחש סביבם, כל הדברים החדשים נתפסים כחלק מדפוס מוכר. אולי גם הדברים הנוראים ביותר הם פחות נוראים אם הם חלק מתוכנית אלוהית ארוכת טווח. כל רודף יהודים הוא המן, יהודי החצר שמנסה לעזור הוא מרדכי, נוצרים הם עשיו ומוסלמים הם ישמעאל. היחסים בין יהודים לגויים נקבעו כבר במדרשים ואגדות ואין עניין בפרטים העכשווים המסוימים.[8] יתכן שתגובה זו שאינה מעוניינת בפרטים ההיסטוריים (כפי שירושלמי מתאר את התגובה לפרעות חמלניצקי), היא תוצאה של חוסר האונים של הקהילה היהודית בעולם הפוליטי. היהודים יכולים להגיב רק במישור הרוחני ע"י חיפוש פנימי וניסיון למצוא משמעות בסבל. בסופו של דבר הפרעות נגד היהודים נזכרו ונתפסו רק מבחינת חשיבותם הדתית.[9]

ההיסטוריה של השיח הרבני סביב שנאת ישראל היא לא רק ניסיון לטעת משמעות בסבל אלא לעיתים גם להנחיל תובנות לגבי שנאה זו ולהציע דרכי התמודדות שונות מולה. השיח בא להתוות דרכים המאפשרות הישרדות בתנאים קשים שונים. אפשר אולי אפילו לדבר על היתרון ההישרדותי בקיום השיח הזה.

המסורת הרבנית לאחר חורבן בית המקדש השני בנתה תצפיות ונרטיבים משלה. היא גם במידה רבה יצרה את חגי ישראל כדוגמאות לשנאת ישראל בהיסטוריה. נראה ששנאת ישראל

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3 Herzberg, *Judaism*, 199-200.

4 פרנקל, האדם מחפש משמעות: מבוא ללוגותיראפיה.

5 הברמן, ספר גזירות אשכנז וצרפת, 32.

6 Yerushalmi, *Zakhor*, 39.

7 Solomon, *Judaism and world religion*, 198-200.

8 Yerushalmi, *Zakhor*, 36.

9 Katz, *Exclusiveness and Tolerance*, 153-154.

מעסיקה את המחשבה הרבנית מראשיתה. מאמר זה בא להצביע על כמה מההסברים והתשובות שנותנת המסורת הרבנית. מהמדרש בספרות התנאית והאמוראית, דרך ימי הביניים, והסיפורים החסידיים ועד ההגות הרבנית של התקופה המודרנית. השיח הרבני שב וחוזר לנושאים של שנאת ישראל והתגובה אליה.

מאמר זה בהחלט אינו ממצה אלא רק מחפש נטיות ומגמות בספרות הרבנית לדורותיה. אין במאמר זה גם מתודולוגיה היסטורית שמחפשת את ההתפתחות של התגובות הרבניות לשנאת ישראל, אלא יותר שיטה פנומנולוגית המתבוננת במגוון התגובות לפי סוגיהם. כמו הגישה הרבנית עצמה, עמדת המאמר היא א היסטורית ולכן גם לא עוקבת אחרי הסדר הכרונולוגי של ההוגים והרעיונות. המאמר מהווה סקירה תאולוגית הגותית של כמה מרעיונות השונים מהתנ״ך ועד זמנינו לפי סוגם.

במאמר זה אין עניין בתופעת שנאת ישראל כשלעצמה, אין כאן ניסיון להבין אותה, את מקורותיה, סוגיה, ודרכי הפעולה שלה. העניין של מאמר זה נטוע רק בשיח הפנים יהודי והפנים רבני. איך בשיח הזה, מבינים המשוחחים את המתקפות עליהם כיהודים, איך המתקפות האלה משפיעות עליהם, מאיפה הם חושבים שהם מגיעות, למה הם מייחסים חשיבות ולמה לא, איך הם חושבים שאפשר ואפילו צריך להגיב לשנאה הזאת שהם חווים.

## סוגים, מאפיינים וצורות של שנאת ישראל

ישנו שיח ער כיום סביב הגדרת שנאת ישראל. הדיון הנוכחי מעמיד הגדרות שונות אחת מול השניה, למשל זו של הצהרת ירושלים[10] מול ARHI[11] אבל שני נסיונות אלה הם לא היחידים.[12] יש כאלה הנוטים לראות בשנאת ישראל בת זמננו שלוש סוגים עיקריים, אנטישמיות מהימין (שמקורה במסורת האירופית-נוצרית), מהשמאל (שיונקת מהשיח הפוסט מודרני והסובייטי), ומהאסלאם.[13] חלוקה מודרנית אחרת היא לקלאסית-דתית, מודרנית-גזעית, וחדשה- פוליטית. הראשונה והעתיקה היא שנאת דת ישראל, על רקע המחלוקות והמאבקים הדתיים בין הדתות המונותאיסתיות. יאן אסמן[14] רואה ביריבות בין הקבוצות המונותאיסטיות השונות עניין מובנה שאי אפשר להימנע ממנו. שהרי אם יש אל אחד ואמת אחת, כל מאמיניו חייבים להאמין ולנהוג כאחד. כל ניסיון של שינוי המצב האמוני-חברתי הקיים אינו יכול אלא להביא לעימות שבסופו שנאה. שנאה זו מוכרת לנו מהמאבקים של הנצרות והאסלאם בתחילתם. לפי פיירסטון[15] התסכול שעולה מתוך המאבק לזכות בלגיטימיות נכנס לתוך כתבי הקודש של הקבוצות האלה וכך מנציח את העוינות הקדומה. שנאת ישראל מהסוג השני היא על רקע גזעי, אנטישמיות, שנאת הגזע השמי. שנאה זו צמחה על רקע המהפכה המדעית והגיעה לשיאה תחת הנאצים בגרמניה. השלישית היא שנאה על רקע פוליטי. שנאת הקשורה למדינת ישראל אבל לא מסתפקת בביקורת לגיטימית על

[10] https://bit.ly/mj682-jmdecl (accessed 7.6.24)

[11] https://holocaustremembrance.com/resources/working-definition-of-antisemitism-he (accessed 7.6.24)

[12] החילוק העיקרי בין הצהרות הוא על היחס למדינת ישראל ובאיזו מידה שנאת ישראל או ביקורת לגיטימית היא חלק המדיון סביב מעשיה וקיומה של מדינת היהודים.

[13] למשל הדוח הממשלתי
https://www.gov.il/BlobFolder/reports/antisemitism_report_2023/he/anti-semitism_Doh_Antishemiyut_2023_WEB.pdf (accessed 7.6.24)

[14] Assmann, *Of God and Gods: Egypt, Israel, and the Rise of Monotheism.*

[15] Firestone, *Muslim-Jewish Relations.*

ממשלת ישראל אלא על ידי הצבת סטנדרטים כפולים שוללת את הלגיטימיות של ביטוי עצמי פוליטי של היהודים.[16]

ניסיונות אלה הם ביטוי עכשווי לסווג את שנאת ישראל ולתת בה סימנים. אבל הנסיון זה להבין את סוגי השנאה השונים הוא לא חדש, ואפשר לראות בספרות הרבנית סיווגים שונים של שנאת ישראל. למשל בספר התפילות של הרבי מברסלב (1772-1810) שנכתב ע"י תלמידו נתן שטרנהרץ (1780-1844) אפשר למצוא תפילות רבות המוקדשות לשנאת ישראל. בתוך תפילות אלה הוא מגדיר את השנאה כמחשבה ועצה רעה: "המחשבות אשר חושבים ויועצים עלינו בכל עת בין העכו"ם המושלים עלינו".[17] שנאת ישראל במחשבה יוצרת אמירות כמו "לכו ונכחידם מגוי ולא יזכר שם ישראל עוד" ואת תוצאות האמירות האלה רואים במציאות ועליהם מתפללים: "תבטל כל הדינים וכל הגזרות שאינן טובות מעלינו".[18] מתואר כאן תהליך. כך מתפשטת השנאה מהמחשבה אל האמירה ולבסוף אל המעשה. בשנאת ישראל יש כמה דרגות: מחשבות, אמירות, דינים, וגזרות. השנאה עצמה נמצאת במחשבה אבל מופצת ומתממשת במיציאות.

בתפילותיו של הרב מברסלב אפשר למצוא גם את הפסוק הבא: "אין לנו מנוחה מרדפינו ושונאינו בגשמיות וברוחניות".[19] אפשר לפרש את תפילתו כהבנה של רדיפה בשני מישורים זה שקשור למישור הפיסי, שנאה בגשמיות שהיא רדיפה נגד גופם ואולי גם רכושם של היהודים. לעומת זאת יש גם רדיפה במישור הרוחני שהיא אולי באה להראות על מאמצים לרדוף את דת היהודים ומנהגיהם אולי בכוונה לבולל אותם בקרב האוכלוסייה שמסביב להם. תפילה זו יוצרת חלוקה לשני סוגי שנאה או לשני ביטויי שנאה. הם יכולים לקרות במקביל או בנפרד. מצד אחד פגיעה ביהדות (ברוח) מצד שני פגיעה ביהודים (הגשמיים).

הרב מרדכי קפלן (1881-1983) מחלק בין שני סוגים של שנאת ישראל. סוג אחד נגרמת בגלל שישראל מסרבים להתבולל. זוהי שנאת ישראל הקלאסית, קפלן קורא לה השנאה ליוצא הדופן.[20] זוהי שנאה הנובעת מהדבקות של היהודים בדרכיהם המיוחדות. מהסירוב שלהם להיטמע לחברה מסביבם ולאמץ את ערכיה ומנהגיה. הסוג השני הוא שנאת ישראל השוללת את היהודי מעיקרו ואפילו מתעצמת בגלל שהיהודים מנסים להתבולל. מקור השנאה הוא לאלה שמחפשים דמיון ושוויון שאינו במקומו. שהרי שונות הישראלים אסור שתעומעם. הדמיון יוצר אי נוחות אצל הגויים. אי נוחות זו מתבטאת בשנאה. קפלן טוען ששנאת ישראל המוקדמת, בחברות היווניות, הרומייות, הנוצריות או המוסלמיות, היא בגלל שהיהודים סרבו להתבולל. כאשר הם התבוללו הם התקבלו.[21] אבל השנאה המודרנית לעומת זאת דוחה את היהודי בגלל גזעו והוא אינו יכול להתבולל, ניסיון כזה יתקל בעוד יותר עוינות.[22] הדעה הקדומה הזאת היא כבר לא לשונה בחברה, אלא לזר הלא מוזמן שמרגיש עצמו בבית.[23] מבחינה זאת אנטישמיות מודרנית זאת היא תגובה על חציית הגבולות בין החברה היהודית ללא יהודית. שכן עכשיו היהודי מהווה תחרות להלא

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[16] ראה שרנסקי, *מקורות האנטישמיות החדשה: הרהורים על השנאה שמסרבת לדעוך*.

[17] ברסלב, *ליקוטי תפילות*, תפילה כ"ז, עמ כ"ב-כ"ג.

[18] ברסלב, *ליקוטי תפילות*, תפילה ס"א, עמ תכ"ב.

[19] ברסלב, *ליקוטי תפילות*, חלק בית, תפילה נ"ה, עמ שי"ז.

[20] Kaplan, *Judaism As a Civilization,* 73

[21] Kaplan, *Judaism As a Civilization,* 70

[22] Kaplan, *Judaism As a Civilization,* 71

[23] Kaplan, *Judaism As a Civilization*, 72 In the original English:"The dislike of the unlike."

יהודי.[24] לפי קפלן המאניה, השיגעון, הזו לרדיפת היהודי המתבולל עד הדור העשירי היא גורמת לכישלון בהתבוללות היהודית.[25]

## שנאת ישראל כגזרת גורל

אחת המגמות הבולטות בשיח הרבני הוא לראות את שנאת ישראל כגזרת גורל שלא ממש קשורה למעשי היהודים.

כל שנה בפסח קוראים היהודים בהגדה: "בכל דור ודור עומדים עלינו לכלותינו והקב"ה מצילינו מידם". היגד זה הוא לא רק תיאור של המצב במצרים או אפילו של ההיסטוריה בכלל, אלא גם תיאור של המצב העכשוי ואפילו נבואה לגבי מה ניתן לצפות בעתיד. לפי היגד זה שנאת ישראל אינה עניין היסטורי אלא מצב קבוע, גזרת גורל, שאולי יש לה גם סיבות מיידיות אבל הן אינם יכולות להסביר את הקיום הקבוע של שנאת ישראל.

במדרש ישנו סיפור על הקיסר אדריאנוס (מדרש איכה רבה ג:כ), שהיה קיסר בזמן הדיכוי האכזרי של מרד בר כוכבא.

> "חד יהודאי עבר קדם אדריאנוס ושאל בשלמיה. אמר ליה: מאן את? אמר ליה: יהודאי. אמר ליה: ואית יהודאי עבר קדם אדריאנוס ושאיל בשלמיה? אמר: איזילו וסבו ראשיה. עבר אוחרן חמא מה איעביד בקדמייא ולא שאל בשלמיה. אמר ליה: מאן את? אמר ליה: יהודאי. אמר ליה: ואית יהודאי עבר קדם אדריאנוס ולא שאל בשלמיה? אמר ליה: איזילו וסבו רישיה. אמר לו סנקליטין שלו: לית אנן ידעין מה אילין עובדי דאת עביד. דשאיל בשלמך מיתקטיל, דלא שאיל בשלמך מתקטיל. אמר להון: ואתון בעיין מלכה יתי איך אנא בעי למקטלה בשנאי?"

בסיפור זה מגיעים יהודים שונים לפניו והוא תמיד מוצא סיבה להתנכל להם, גם כאשר הסיבות נראות כלא רציונליות וסותרות זו את זו. פעם בגלל ששאלו לשלומו ופעם בגלל שלא שאלו לשלומו. כאשר מעמתים אותו עם חוסר העקביות של החלטותיו הוא עונה שאין למנוע ממנו להלחם באויביו. כלומר אדריאנוס השתמש בנימוקים טקטיים שונים כדי לרדוף יהודים בלי קשר למטרה האסטרטגית שהיא המלחמה הכללית ביהודים. אפשר להבין מדרש זה כמסביר את חוסר הקשר העמוק בין ההסבר המיידי לרדיפת היהודים לבין הסיבות העמוקות ו"האמיתיות".

דוגמא נוספת והרבה יותר מאוחרת לעמדה זה היא כתבי הרב יום טוב ליפמן הלר (1579-1654 אשכנז) שקבע שסליחות צריכות להאמר בעשרים לסיון על הפוגרומים של 1648 ובכל זאת אין צורך לכתוב סליחות חדשות. שהרי "מה שקרה עכשיו דומה למה לרדיפות של זמנים עברו וכל מה שקרה לאבות קרה גם לבנים. על מה שקרה דורות קודמים כבר כתבו סליחות וסיפרו על האירועים" והוא קובע שכל אותם רדיפות מכל הזמנים: "זה הכל אחד".[26] הרי אין מה לחדש בסליחות הרי השנאות, גם הישנה, וגם החדשה, הן זהות. כלומר שלפי הרב ליפמן אין בנסיבות

[24] Kaplan, *Judaism As a Civilization,* 73

[25] Kaplan, *Judaism As a Civilization,* 76

[26] הברמן, *פיוטיו ושיריו של רבי יום טוב ליפמן הלר.*

העכשוויות שום דבר מעניין כי הרדיפות הם תמיד אותו הדבר. יותר מאוחר, בסוף המאה ה־16 יהודים שרצו למצוא משמעות בסבלותיהם חיפשו אותו בקבלה הלוריאנית ותלמידיו.[27] שם הם מצאו שכל הרשע מקורו עוד לפני הבריאה, בפגם טרגי בראשית היקום.

אחד הניסיונות למצוא את הסיבות העמוקות לשנאת ישראל מסתמך על הבנת הרבנים את דמותו של עשיו.[28] המקרא (בראשית כה: כב-כג) מספר על הולדת עשיו ויעקב: ״וַיִּתְרֹצְצוּ הַבָּנִים בְּקִרְבָּהּ וַתֹּאמֶר אִם-כֵּן לָמָּה זֶּה אָנֹכִי וַתֵּלֶךְ לִדְרֹשׁ אֶת-יְהוָה. וַיֹּאמֶר יְהוָה לָהּ שְׁנֵי גֹיִם בְּבִטְנֵךְ וּשְׁנֵי לְאֻמִּים מִמֵּעַיִךְ יִפָּרֵדוּ וּלְאֹם מִלְאֹם יֶאֱמָץ וְרַב יַעֲבֹד צָעִיר״. המפרשים רואים בהריון ובלידה סימנים להיסטוריה של צאצאיהם לאורך הדורות. יש כאן כמעין מעשי אבות סימן לבנים. כלומר גזרה שנועדה להתקיים עוד לפני שעם ישראל בכלל התקיים. מדרשים שונים מסבירים את שנאת ישראל לפי סיפור זה ונותנים לה מימד תאולוגי וקוסמולוגי. בבראשית רבה ס״ג ז׳ אנו מוצאים שרבי אלעזר ״אומר דָּבָר אַחֵר שְׁנֵי שׂוֹנְאֵי גוֹיִם בְּבִטְנֵךְ, כָּל הָעוֹבְדֵי כּוֹכָבִים שׂוֹנְאִים אֶת עֵשָׂו, וְכָל הָעוֹבְדֵי כּוֹכָבִים שׂוֹנְאִים אֶת יִשְׂרָאֵל״ לפי עמדה זו השנאה לבני יצחק היא נתונה מראש. פרשנים מאוחרים יותר היו צריכים להסביר למה.

ישנם הסבורים ששנאת ישראל נגרמת בגלל חשיבות עם ישראל וקרבתו לקב״ה. חנוך זונדל בן יוסף (נפטר ב־1859), מחכמי פולין, מפרש את ההגד של רבי אליעזר בבראשית רבה:[29] ״שני שנואי גוים דריש שני כמו שנואי וטעם הודעה זו לרבקה הוא דרך נחמה לה. שיצאו ממנה חשובים בעולם עד שיהיו שנואים מצד קנאת העולם בהם״. רבי שמואל יפה אשכנזי (1525-1595) מחכמי ישראל באמפריה העות׳ומנית לאחר גירוש ספרד[30] מסכים עם פירושו של העץ יוסף: ״שני שנואי גוים. דריש שני כמו שנואי גוים. ונתבשרה רבקה בזה כי תוליד בנים חשובים אשר יהיו שנואים בשביל שיתקנאו בהם.״ לפי פירושים אלו העם שמוצאו מיעקב כל כך חשוב ומשפיע בעולם זה, עד כדי כך ששאר העמים מקנאים בו ושונאים אותו. חשיבות גוררת שנאה ויש יחס ישיר ביניהם. ככל שיותר חשובים כך יותר שנואים. ישראל הכי חשובים ולכן גם הכי שנואים. המדרש חוזר אחורה לתורה ומסביר את איבת האומות ליהודים כנגזרת ממוצאם.

חלק מהרבנים מבינים את סיפור ההריון של עשיו ויעקב כתחילתה של שנאה מופלאה ביניהם. לפי פירושים אלו שנאת ישראל היא שנאת צאצאי עשיו לצאצאי יעקב. התחרות המובנית בין האחים ברחם אימם מסבירה את השנאה ביניהם וגם את השנאה שהתפתחה בין צאצאיהם. למשל רבינו בחיי (ספרד 1255-1340) מפרש את תיאור ההריון[31] ״ויתרוצצו הבנים בקרבה״. הוא מתאר את ההריון כשונה מהריונות רגילים. שאין דרך תאומים להתרוצץ ולגרום לצער האם. בעיניו זהו סימן לכך שצאצאי הילדים יהיו שונאים זה לזה. ״שני גוים בבטנך״ הוא הסבר שבא להרגיע את האם. אין בעיה רפואיות בהריון אלא, סימן תיאולוגי. ההתרוצצות שלהם מראה שמהם יצאו ״שתי אומות זו כנגד זו״.[32] לפי פירוש זה לא כל העמים שונאים את ישראל בגלל חשיבותם אלא צאצאי עשיו במיוחד שונאים לישראל. שנאה נובעת מרקע משפחתי. את אותו רעיון ניתן למצוא במדרש ספרי[33] ששם רשב״י מצוטט כאומר ״עשיו שונא ליעקב״. בגרסאות אחרות של מדרש זה, למשל

[27] Yerushalmi, *Zakhor*, 73.

[28] See Langer, Esua- *Bruder und Feind*.

[29] זונדל, *עץ יוסף על בראשית רבה*, ס״ג ז׳.

[30] . אשכנזי, *היפה תואר על בראשית רבה*, ס״ג ז׳.

[31] אבן חלואה, בראשית כ״ה:כ״ב:א׳.

[32] אבן חלואה, בראשית כ״ה:כ״ב:א׳.

[33] ספרי על בהעלותך ט׳ פסוק י׳.

של רש״י, כתוב ״שהלכה היא, בידוע שעשו שונא ליעקב״. רבנים מאוחרים יותר מפרשים מכאן ששנאת ישראל היא נצחית. הלא מדובר בקביעה שאי אפשר לשנותה.[34] לעומתם יש אחרים שאומרים שיש איך לשנות את שנאת עשיו, כפי שיעקב עשה כאשר נכנע לעשיו.[35] הרב יששכר בער הכהן כ״ץ המכונה גם ברמן אשכנזי (המאה ה-16) בספרו מתנות כהונה פירש ה״במעיך״ טוען שהשנאה של עשיו ליעקב היא בגלל שהוא ״שונאו של הקב״ה במעייך וזה עשו״. השנאה של עשיו לישראל היא לא רק מסיבה משפחתית אלא היא על השם עצמו, השנאה לישראל היא רק בגלל שהם מייצגים את האלוהות בקרב העמים.[36] עשיו הוא גם שונא לקב״ה ומשום כך ליעקב.

בספרה על האנטישמיות, הרבה הצרפתית הורווילור עוקבת אחרי התפתחות פרשנית זו ומבינה מתוך הספרות הרבנית ששנאת ישראל יכולה להראות כמחלה משפחתית המתגלה בעמלק, צאצא עשיו, דרך המן האגגי, ועד העמלקים המודרנים שהם האנטישמיים של ימינו. שנאה זו לפי הרבה הורווילור היא גם משום שהיהדות מיצגת את החוקים ועמלק מהווה שבירה של חוקים אלא. לכן גם העמלקים המודרנים שונאים לישראל משום שישראל שוללים את עצם הלגיטימיות של עמלק.[37]

## תפקיד האנטישמיות בעולם

לפי לשון המשנה (ברכות נד.) ״חייב אדם לברך על הרעה כשם שמברך על הטובה״. אמונה באל אחד שהוא כל יכול פירושה שהכל קורה ברצונו. אין דבר יכול להתקיים ללא רצון הקב״ה. הטוב והרע. גם שנאת ישראל אינה יכולה להתקיים ללא רצון השם. שנאת ישראל היא חלק מהתוכנית האלוהית ויש לה תפקיד בעולם. חלק מהרבנים ניסו להבין את תפקידה של שנאת ישראל. מה היא עושה לעם ישראל. מה היא מאפשרת ומה היא מונעת. הסבל שנגרם משנאת ישראל הוא יצירת האל כמו כל שאר הדברים ולכן אין להתעלם ממנו ואין להכחיש אותו, צריך במקום זאת להבין את משמעותו במסגרת של עבודת השם וקיום מצוותיו.

בסיפור הקוזק והזוג היהודי רואים את תפקיד שנאת ישראל שבאה לערער את שלוותו של היהודי לעודד אותו לנסות ולחפש את הניגון הנכון. גם כאשר היהודי בביתו עם אשתו, במבצרו, תחת גפנו ותחת תאנתו אסור לו להירגע ולהיות על מי מנוחות. היהודי חייב להמשיך להיות ערני וחד. שנאת ישראל דורשת שיהיה בתנועה ובחיפוש מתמיד.

רבים אחרים ראו את שנאת ישראל כמו השבת. כמאמר אחד העם, ״יותר משישראל שמרו את השבת שמרה השבת אותם״.[38] כך גם האנטישמיות נחשבה בעיני חלק מההוגים כשומרת על עם ישראל. שומרת על הזהות המיוחדת שגם אם ינסה היהודי להכחישה, יזכירו לו. למשל ליאו שטראוס חשב שהאנטישמיות החזיקה את היהודים בזהותם ותמשיך להכריח את היהודים להמשיך להתקיים כקבוצה נבדלת.[39] קפלן הסכים איתו וכתב: ״במדינות מערב אירופה, רק האנטישמיות, שמסרבת להכיר אפילו בנישואי תערובת וטבילה כמספיקות לדה-יהדות, היא

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[34] למשל: פיינשטיין *אגרות משה חו״מ חלק ב*, סי׳ ע״ז., חיות, *דרכי משה*, *כל כתבי כרך א*, עמוד תע״ט.

[35] למשל הנקין, *תשובות איברא*, סימן קט״ז.

[36] כ״ץ, *מתנות כהונה על בראשית רבה*.

[37] Horvilleur, *Anti-Semitism Revisited: How the Rabbis Made Sense of Hatred.*

[38] גינצברג, *כל כתבי אחד העם*, רפ״ו.

[39] שטראוס, לשם מה להישאר יהודי? מתוך *ירושלים ואתונה*.

שמונעת מהיהדות להיעלם לחלוטין".[40] לפי זה אומות אירופה לא מאפשרות לאדם להיפרד מהזהות היהודית איתה נולד, וכך מכריחות אותו לחיות כיהודי וחלק מהקולקטיב היהודי. קפלן אף הקדיש תת פרק לאנטישמיות[41] בו בוא טוען האנטישמיות היא החומה שלא נותנת ליהודים לצאת וכך גם שהם מנסים להתבולל הם מגלים שאין להם לאיפה ללכת.[42]

קפלן מבין את שנאת ישראל החדשה לא רק כחומה אלא גם כדלק במנועי ההתחדשות של עם ישראל. הוא כותב "האנטישמיות המודרנית שימשה, ללא ספק, כממריץ ראשי להתחדשות הרוח היהודית, הניכרת בתנועה להקמת בית לאומי יהודי, בחידוש השפה והספרות העברית ובמאמצים הרקולניים. לשחזר את הקהילות היהודיות המרוסקות. . . . כשהיהודי מפגין אנרגיה חברתית מרוכזת יותר ורוחניות עדינה יותר כהגנה מפני סכנות הדמורליזציה שאליהן חושפת אותו האנטישמיות, איש לא יעצור נגדו שהוא עושה סגולה של הכרח ונאלץ לעלות לפסגות של הישגים רוחניים בגלל איום ההשמדה".[43]

יש אחרים שחושבים שהאנטישמיות היא לא רק חומה, אלא היא חומה עם כתובת עליה. כתובת שצריך לפענח כדי להבין את תפקיד החומה. כתובת זו היא, היא הסיבה האמיתית לקיום החומה. רבנים שונים קוראים את משמעותה של כתובת זו באופנים שונים. יש כאלו שכתובת זו קוראת להם לקיום התורה. הרב קוק כותב "שנאת העמים ורדיפתם תזכיר השוכחים שאנו עם לבדד גוי איתן בכל תנאיו"[44] אנטישמיות היא הדרך שבה האל מוודא שלא נשכח את הייחודיות שלנו כעם ומהי המשימה שלנו. הרב סולובייצ'יק כותב: לפי ההלכה "היסורים באים כדי לרומם את האדם לטהר את רוחו ולקדשו"[45] הסבל מחייב את האדם לשוב בתשובה שלימה. כלומר האנטישמיות ואפילו השואה באו על מנת לדחוף את בני העם היהודי להשתפר בעבודת השם שלהם. עבור הרב סולובייצ'יק, שנאת ישראל אינה מציבה שאלה קיומית. זה בהחלט לא אתגר אישי. זוהי מציאות קולקטיבית עבור יהודים ללא קשר לעמדתם הדתית. הוא מקשר בין יהודים באמצעות ברית גורל. גורל הדדי שגורם להם לפעול למען הישרדותם כקולקטיב. אולם זה לא מקשר אותם בברית יעוד. זה שמור ליהודים בעלי דעות דומות. שמאמינים ומתרגלים כמו סולובייצ'יק.[46] סולובייצ'יק חושב שהסבל הוא חלק בלתי נפרד מהעולם והמחשבה שאפשר להדביר אותו היא אשליה. אשליה שאין היהדות שותפה לה.[47] כלומר אין אפשרות בעצם להדביר את שנאת ישראל, היא קיימת ויעודה האמיתי ידוע רק לקב"ה. לפי סולובייצ'יק לשאוף לייעוד הוא הדרך הנכונה להתמודד עם הסבל. ההלכה היא זו שקובעת את דרכי התמודדותינו עם הסבל, אבל לא מתוך שאיפה לחסלו.

לרב השל יש קריאה מיוחדת משלו של הכתובת על קיר האנטישמיות. השל מבין את האנטישמיות שהוא עד לה כקריאה אישית לו עצמו. אבל אפילו יותר מזה, כהצלה מחטא. השל כותב ב 1937 אחרי עליית הנאצים לשלטון ולפני שואת היהודים, על יהודי ספרד שניצלו

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40 Kaplan, *Judaism As a Civilization*, 3.

41 Kaplan, *Judaism As a Civilization*, xlvii, 70-76.

42 Kaplan, *Judaism As a Civilization*, 70.

43 Kaplan, *Judaism As a Civilization*, 76.

44 קוק, *לנבוכי הדור*, 60.

45 סולובייצ'יק, *קול דודי דופק*, 10.

46 סולוביצ'יק, קול דודי דופק.

47 סולוביצ'יק, קול דודי דופק, 8.

מהחטאים של כיבושי הספרדים על ידי גירוש ספרד.[48] אולי הוא חושב ומכוון להצלה של יהדות אירופה מהאשמה של פשעי של הנאציזם שרק התחילו. זאת היא קריאה רדיקלית של ההיסטוריה היהודית. שנאת ישראל מצילה את ישראל מהשתתפות במעשי השנאה. "והקדוש ברוך הוא מצילנו מידם" היא מיד אלו הבאים לכלותינו מוסרית ואת צלם האלוהים שלנו. היהודים הם הקנרי במכרה והם סובלים ראשונים בחברה מדרדרת, ואם הם לא מצליחים לעצור את ההידרדרות המוסרית, הם מורחקים ממנה כחסד, כדי להרחיק אותם מהחטא.

שנאת ישראל מופיע לא רק בדיונים מדרשיים או פילוסופיים אלא גם בכאלה הלכתיים. כפי שראינו לעיל הנימוק לכתוב קינות וסליחות חדשות או להשתמש בסליחות חדשות במועדים מתבסס על הרעיון ששנאת היהודים היא בעצם תמיד אותה תופעה ולכן ניתן לאחד את מועדי האבל ולהשתמש בטקסטים ישנים בשביל לציין רדיפות חדשות. מנהג נפוץ כתגובה לאסונות ותקיפות אנטישמיות הוא כתיבת סליחות.[49] למשל סליחות שחוברו לעשרים בסיון עקב אירועי 1171.5.26[50] שאז גם חודשו ע"י הרב שבתאי כץ.[51] גם היום יש אזכרה של השואה בימי אבל כמו ט' באב ושימוש של טקסטים קדומים ביום השואה.

הנימוקים ההלכתיים הנפוצים של מפני "דרכי שלום"[52] ומשום "איבה"[53] המעודדים יחס חיובי לגויים בקביעות הלכה מגיעים גם מתוך חשש מהתפרצותיות של שנאת ישראל. נימוקים הלכתיים אלה מופיעים גם בהקשרים אחרים כמו בין אנשים מישראל, בני זוג וכולי. העיקרון נראה דומה אפילו שהניסוח שלהם פעם הוא חיובי, התורה רוצה שנהיה בשלום, ופעם שלילי, חכמים רוצה להימנע מאיבה. אותו חשש עלה בקשר ליחסי יהודים ונוצרים באזורים האוקראינים של הממלכה פולנית במאה ה17. שם היהודים ניהלו אחוזות מתוקף היותם מייצגים של האצולה הפולנית. החשש משנאת הלא יהודים שימש סיבה שבגללה הרב יואל סירקס (פולין 1561-1640) אסר להפעיל שררה על הגויים.[54]

אם יש כאלו שרואים בשנאת ישראל שומרת על היהודים מהתבוללות, יש אחרים שרואים בה מכשול הצטרפות לעם ישראל. בתלמוד אנו מוצאים את ההפחדה למתגייר שלא להצטרף לעם ישראל בגלל שהם "נרדפים"[55] זוהי דוגמה לשימוש מעשי-הלכתי בשנאת ישראל כדי לברר מי באמת רציני לגבי הרצון להתגייר ולהפוך ליהודי.

הסבל שנגרם משנאת ישראל מהווה גם ברית הקושרת את היהודים ביחד ומחייבת אותם. כתוצאה מקשר מיוחד זה יש גם חיוב להכיר בזכויות יהודים אחרים. כך אנטישמיות הייתה חלק מהדיון בהכרה בלהט"בים. בהחלטת כנסת הרבנים נראה שהאנטישמיות היא חלק מברית שקושרת את כלל היהודים, גם להט"ב, ומחייבת לכן לתת להם זכויות מלאות בקהילה.[56] אם הם סובלים כיהודים, הם משלמים את מלוא "דמי החבר" של השתייכות לעם ויש להתייחס אליהם

[48] Heschel, *Don Jizhak Abravanel*, 30.

[49] Yerushalmi, *Zakhor*, 45.

[50] Yerushalmi, *Zakhor*, 47.

[51] Yerushalmi, *Zakhor*, 50.

[52] למשל במשנה גיטין- נ"ט:ע"ב "אין ממחין ביד עניי עובדי כוכבים בלקט שכחה ופאה מפני דרכי שלום". וגם ס"א:ע"א "ושואלין בשלומן מפני דרכי שלום".

[53] למשל "אין אנו יכולים להעמיד עצמנו מלשאת ולתת עמהם שבניהם אנו יושבים...ועוד משום איבה ויראה" בעל האור זרוע על מסכת עבודה זרה צ' ע"א.

[54] Katz, *Exclusiveness and Tolerance*, 152.

[55] בבלי יבמות מ"ז עמ' א.

[56] Dorff, *Modern Conservative Judaism*, 289.

כבני הקהילה לכל דבר ועניין. אפילו שישנם דרכים לאפשר הלכתית להט"ביות מכל מני סוגים ברור שנימוק זה פועל אפילו אם עבור אלה שחושבים שיש טעם לפגם בהתנהגות ההלכתית מסויימת.

## תגובות ופתרונות לשנאת ישראל

שאלה שהאנטישמיות מציבה ליהודי יכולות להיות תשובות רבות. אחד מהם נמצא בסיפור על הבעש"ט[57] עצמו ועל חיפושיו אחר שכנו בשמים.[58] מסופר על הבעש"ט, מייסד החסידות, שרצה לדעת מי יהיה שותפו לחדר בגן עדן. סקרנותו הביאה אותו לחפש אותו והוא מצא את האיש והחל לעקוב אחריו. הוא שם לב שהאיש הוא זללן ללא מעצורים ולא יכול היה להבין למה הוא שותפו בגן עדן. סודו של הזללן התגלה כסיפור של לינץ אנטישמי שבו שרפו את אביו הרזה שהפיץ רק אור חלש ולזמן קצר. לכן הבן אוכל ומקפיד להיות גדל גוף, כדי שאם ישרפו אותו הוא יראה למרחוק ולהרבה זמן. היהודי הזה ענה לאירוע האנטישמי הטראומטי שלו בכך שהפך את עצמו למגדלור פיזי. אור גדול שיזכיר לעולם שיהודים נמצאים כאן ואסור לשכוח או להתעלם מהם. כל מעשיו, התנהגותו הגרגרנית מכוונים לאותה מטרה אחת. עושה את עצמו כמה שיותר גדול אז כשישרפו אותו, כמו שעשו לאביו, הוא לא יהיה רק אש קטנה ופתטית. הוא יגדיל בקידוש השם. סיפור זה מבוסס כנראה על סיפור דומה שמספר על איש שרצה לאכול הרבה כדי שהצוואר שלו יהיה רחב ולא יוכל להחתך במכה אחת.[59]

יש רבנים שאינם חושבים שיש פתרון לשנאת ישראל כפי שאין פתרונות לסבל עצמו. הרב סולובייצ'יק מציע תגובה פילוסופית שהרי אין הוא רואה תגובה מעשית שבאמת תעזור. אבל רבנים אחרים חשבו על פתרונות שונים בתבססם של תפיסתם את האנטישמיות ועמדת התיאולוגית.

לפי מסורת ברסלב, דרך ההתמודדות עם שנאת ישראל עוברת דרך עבודת השם. כמו כל שאר הקשיים איתם אנשים מתעמתים. גם לשנאת ישראל רק אלוהים יכול למצוא פתרון. כפי שכתוב ליקוטי תפילות: שניתן "להמתיק כל הדינים ולבטל כל הצרות וכל הגזרות מעלינו ומעל כל עמך בית ישראל ע"י הניגונים לבד שתשמע קול רינתנו ויערב לך רינונינו ותרחם עלינו ותושיענו"[60] כלומר שדרך התפילות והניגונים של היהודים יתעורר הקב"ה וילחם את מלחמתם מול שנאת ישראל. הרב מברסלב גם מבקש מהקב"ה "זכור את הצדיקים שמתו על קידוש השם ותמתיק את כל הדינים והגזרות".[61] כלומר הוא חושב שיש תקווה להשפיע על השם עם מעשים של קידוש השם.

להשל יש תגובה מעשית למדי. הוא מאמין שכדי לקיים את ערכיו, שהיקפם רחב מהקהילה היהודית, יש ליצור בריתות עם אנשים מחוץ לגבולות קהילתו. השל יתר בריתות עם אנשים כמו כמו מרטין לותר קינג וריינהולד ניבהור, שהיו יכולים להיות שותפים לחזון הנביאים כפי שהשל הבין אותו.[62] את מעורבותו בשיח מחוץ לקהילה ניסח ב"אף דת היא לא אי".[63] לפי השל "אנטישמיות

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[57] הבעל שם טוב, רבי ישראל בן אליעזר שנפטר ב1760.

[58] גרסה של הסיפור אפשר לקרוא כאן: https://bit.ly/mj682-zusha (7.7.2024)

[59] וינברג, *בית אברהם, עה"ת ומועדים*, ר"ח.

[60] ברסלב, *ליקוטי תפילות*, תפילה כ"ז, עמ' כ"ב-כ"ג.

[61] ברסלב, ליקוטי תפילות, תפילה פ"ז, עמ' תקכ"ד.

[62] השל, *אלוהים מאמין באדם, היהדות, הציונות והצדק החברתי*, 67.

[63] Heschel, *No Religion is an Island*.

היא אנטי-נצרות ואנטי-נצרות היא אנטישמיות״.[64] כלומר מצד אחד הוא רואה בתקופתו את האנטישמיות לא כעניין פרטי של היהודים אבל מצד שני גם רדיפתם של הנוצרים היא בעיה יהודית. מול שני הדתות יש אויב משותף שמחייב אותם להרגיש שותפות גורל. בניגוד סולובייצ׳יק השל רואה בנוצרים שותפים לברית גורל ואולי אפילו לברית ייעוד שמחברת אותם עם בוראם.

המסקנה התיאולוגית של השל מהעוול של האנטישמיות העולה שהוא עד לו היא ערך השוויון. ערכו המוחלט של האדם אינו הודות למעלתו, אף לא הודות לאמונתו. ערכו המוחלט של האדם הוא הודות למעלתו של אלוהים. בכל מקום שתראה עקבותיו של אדם, שם שוכנת נוכחות אלוהים. השל מציע ברית גורל כלל אנושית. בטקסט אחר, שבו השל מדבר על השואה, הוא מביא ציטוט מהבש״ט שכל רוע שאדם ראה הוא צריך לחשוב על מעשיו שלו.[65] כפי שראינו השל רומז שגורל היהודים להיות נרדפים החוצה מחברות לא צודקות בגלל חסד אלוהי. מכאן אפשר להבין שאם היהודים ילחמו נגד העוולות סביבם ויצליחו לשנות את החברה שבה הם שוכנים לטובה, לא יהיו נרדפים ע״י שנאת ישראל. לכן הפתרון הטוב ביותר נגד שנאת ישראל הוא לא להלחם נגד שנאה זו באופן פרטני אלא בכל שנאה ועוולה ובכל גילוי של גזענות. למשל הגזענות נגד השחורים, שהשל היה מאוד מעורב במאבק נגדה. תקוות השל היא שתוצאות מאבק זה יהיו תיקון פני החברה וכך יתבטל הצורך לרדוף את היהודים מחוץ לחברתם והם ינצלו. אם ברית היעוד של סולובייצ׳יק מצמצמת את משמעות שנאת ישראל לכדי זה שהיא רק רלוונטית לחלק בעם ישראל שמבין את הייעוד הנגזר ממנה. אצל השל הרלוונטיות של שנאת ישראל חורגת אף מעבר לגבולות ברית הגורל ששותפים לו כל עם ישראל, היא מקבלת משמעות כלל אנושית לפי השל נגזרות ממנה חובות עם ישראל כלפי כלל החברה האנושית.

הרב קפלן סבור שכאשר שהאנטישמיות הופכת מסוכנת מכדי להסתפק בהתנגדות פסיבית בלבד מצד היהודים. יש צורך במאמץ מאורגן שצריך לנבוע מפילוסופיה כלשהי של חיים יהודיים קולקטיביים. חשוב לקפלן לנסח פילוסופיה נגד אנטישמיות וכל יצירותיה. גם הרב קפלן, כמו השל, סבור שהמאבק באנטישמיות מצריך מאבק מעבר לאינטרסים היהודים הצרים. מאבק זה הוא חלק ממאבק רחב יותר הכולל מאבקים לזכויות קבוצות מיעוט, לאומיות, אינטרנציונליזם, סובלנות וכולי.[66] בזמנינו המוטיבציה לשיח בין דתי ולהכרה חיובית באמונות אחרות גם נקשרת בחשש משנאה. למשל הרב אליוט דורף רואה בעמים ואנשים מדתות אחרות שותפים פוטנציאלים וכמובן רואה מגמה מתמשכת של ירידה בשנאת ישראל.[67] הוא טוען, שבמידה מסוימת בגלל ירידה בשנאת ישראל, התנועה המסורתית הכירה בחשיבות של אמונות אחרות כשבילים לאלוהים עבור חסידיהם ועל ידי טענה זאת כולנו יכולים ללמוד אחד מהשני. יש אפשרות אפילו להבין טענה זו כאומרת שירידה בשנאת ישראל צריכה להיות מתוגמלת עי הכרה בחיוב של דתות אחרות ואפילו ללמידה מהם.

[64] Heschel, *No Religion is an Island,* 118.
[65] Heschel, *The meaning of this hour*, 448.
[66] Kaplan, *Judaism As a Civilization*, 175.
[67] Dorff, *Modern Conservative Judaism*, 316.

## שנאת ישראל ותגובות אליה בלוח השנה היהודי

מעבר להגדים רבניים מפורשים לגבי שנאת ישראל, אפשר לראות גם בסיפורי החגים סימני התמודדויות שונות עם שנאת ישראל. לפי אמרה מוכרת, המוטו של חגים יהודים הוא ״ניסו להרוג אותנו. שרדנו. בוא נאכל!״ לוח השנה היהודי נראה סובב סביב תקריות של רדיפת יהודים והתמודדות היהודים איתם. האופן שבו מובנים חגים אלו מספק לנו מודלים של שנאת ישראל ותגובות אליה. פורים הוא אולי החג המובהק בהקשר זה. הספר התנ״כי הקשור אליו, מגילת אסתר, מספק קרקע פורה לתובנות רבניות לגבי שנאת ישראל. כבר בסיפור הקדום ובפרשנות הרבנית אליו אפשר למצוא תשובות רבניות אפשריות למקור האנטישמיות, איך היא פועלת ומה הם התגובות האפשריות אליה. אחת הדמויות המרכזיות במגילת אסתר הוא האדם הראשון המוזכר בתנ״ך שהוא בעל זהות יהודית כללית ולא שבטית. מרדכי נקרא יהודי למרות שהוא לא משבט יהודה אלא משבט בנימין. כפי שכתוב: אִישׁ יְהוּדִי הָיָה בְּשׁוּשַׁן הַבִּירָה וּשְׁמוֹ מָרְדֳּכַי בֶּן יָאִיר בֶּן־שִׁמְעִי בֶּן־קִישׁ אִישׁ יְמִינִי.[68] בנבל המרכזי במגילה, המן, ניצתת השנאה ליהודים בגלל הסירוב היהודי להיטמע ולהיות כמו שאר העמים. המן הרי כועס על מרדכי שלא כיבד אותו כמנהג המקום בגלל מסורתו היהודית ככתוב: וַיַּרְא הָמָן כִּי־אֵין מָרְדֳּכַי כֹּרֵעַ וּמִשְׁתַּחֲוֶה לוֹ וַיִּמָּלֵא הָמָן חֵמָה[69] מכאן גם מסיק לגבי הבעייתיות של כל עם ישראל שמסרב להיטמע וכך הוא גם טוען בפני מלך אחשוורוש ככתוב: ״ישנו עם אחד מפוזר ומפרד בין העמים בכל מדינות מלכותך ודתיהם שונות מכל עם ואת דתי המלך אינם עושים ולמלך אין שווה להניחם אם על המלך טוב יכתב לאבדם״.[70] שנאת המן למרדכי היא בגלל שהוא לא נותן לו את אותם מחוות של כבוד שאחרים נותנים לו. השונות של מרדכי שנתפסת כזלזול, מיוחסת במוחו של המן לכל היהודים. המקרה הזה הוא דוגמה לשנאת כל היהודים ללא קשר לאיום הפוליטי או התועלת שלהם כקולקטיב. שנאה כזו שאפשר אולי למצוא בסיפור יציאת מצרים.

סיפור פסח הוא גם קרקע עשירה למחשבה על שנאת ישראל. רבנים מצביעים על סיפור יציאת מצריים כדוגמא לאנטישמיות. הרב יונתן זקס (1948-2020) משווה בהגדה המבוארת שלו בין הרדיפה של בני ישראל במצריים לרדיפות אנטישמיות.[71] גם הרב חיים אייזנברג (נולד ב־1950) משווה בין שנאת ישראל לגזרות פרעה.[72] אבל האנטישמיות של מצרים שונה מזו של סיפור הצלת יהודי פרס. במצרים השנאה היא בגלל הצלחת היהודים והיותם נתפסים כאיום על הממלכה ככתוב ״הִבָּה עַם בְּנֵי יִשְׂרָאֵל רַב וְעָצוּם מִמֶּנּוּ״. (שמות א:ט) בסיפור פסח, פרעה ראה בבני ישראל איום על ביטחון ממלכתו. פרעה לא נוטר טינה ליהודי מסוים אלא רואה את כולם כסכנה. מנקודת מוצא זו הוא מסיק לגבי מדיניות רצויה לכל בן ילוד, ללא קשר למעשה מסוים שעשה, ״היאורה תשליכוהו״. סיפור פסח מספק מודל של שנאת ישראל המביאה תחילה לעבדות אכזרית ולבסוף לניסיון השמדה פיסי.

סיפור חנוכה מספק מודל אחר של רדיפה שהיא יותר נגד דת ישראל וביטויה הפוליטי ופחות נגד בני ישראל כגזע. בחנוכה היה ניסיון להשמיד את היהדות ע״י גזרות נגד מנהגי היהודים. ט׳

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[68] מגילת אסתר ב:ה.

[69] מגילת אסתר ג: ב-ז.

[70] מגילת אסתר ג:ח.

[71] זקס, *פסח על שום מה?*, 161-178.

[72] Eisenberg, *Auf das Leben*, 107-114.

באב מציין את חורבן המרכז הפוליטי והדתי של היהודים. השמדה של המסגרת הדתית והפוליטית של עם ישראל וכן השמדה של מספר גדול של יהודים. זהו אסון שאין ממנו הצלה. במועד זה אין "שרדנו. נאכל" אלא "הושמדנו. נצום". נשאר רק להפנות את המבט השמיימה ולקוות לרחמים. במהלך הזמן הוסיף כל דור ודור את קינותיו שלו. את כאבו על האסון של זמנו. כך השתלבו הרציחות של מסעות הצלב, לפוגרומים של חמלניצקי, ולהשמדה של השואה. החורבן של הבית היה למודל של רדיפה שאין לה פתרון. התגובה שנעשתה גם הפופולרית ביותר לאורך אלפי שנות הגלות היא הזיכרון הליטורגיה שנוצרו. תגובה זו ניתן לראות בתפילות שנוצרו. למשל במסורת הברסלבית ובהגות שאינה רואה פיתרון לרדיפות אלא חלק מהגורל היהודי, כפי שראינו בפירושים הקשורים לדמות עשיו ובהגותו של סולובייצ'יק.

בפורים, הפיתרון הוא דרך הטמעות מסויימת בסביבה הגויית וקשרים לשלטון. אסתר מסתתרת ולא מגלה את זהותה היהודית וגם מרדכי קרוי על שם האל הבבלי, מורדוך. התגובה של מורדכי היא להיטמע. לשלוח את אסתר. לא כיהודיה, להסתנן אל חוגי השלטון. לשחק את המשחק הלא יהודי ולנצח בו. לצאת מהצללים כיהודיה רק כשצריך להציל את העם. הפתרונות של מגילת אסתר לשנאה הם התבוללות תרבותית ועזרה הדדית. יש כאן לגיטימציה להתבוללת אבל מוגבלת, להתבוללת של נבחרים, כאסטרטגיית הגנה של כל העם. סיפור פורים הוא מודל להצלה מרדיפה ע"י השלטון והתפילה ברסלבית מתיחסת לזה. בתפילה יש תקווה שכמו בימי אסתר "יתהפך לב הקיסרים והשרים עלינו לטובה".[73] חגי פורים שני ציינו מקרים היסטוריים דומים נחגגו בקהילות יהודיות שונות. היהודים נעזרו בדוגמא של פורים כדי ליצור פורים שני שהונהג בתגובה לאירוע מאיים עם סוף טוב. למשל פורים של נברונה שבו קהילה יהודית ניצלה מפרעות ע"י מושל מקומי[74] גישה זו השמה דגש על קרבה לסביבה הלא יהודית ושיתוף פעולה איתה "מפני דרכי שלום" נפוצה בכתבי הרבנים לאורך הדורות.

בפסח, הפתרון הוא היפרדות מן הרודף ויצירת ישות נפרדת בעלת מבנים וחוקים נפרדים. ישראל יוצאים ממצרים, נפרדים מהם, בונים זהות לאומית יחודית ומקבלים את התורה, חוקה המיוחדת להם. את המסורת הפוליטית של חנוכה, כפי שהיא מופיעה בספרי המכבים, זנחו חז"ל והם פיתחו והדגישו את המימדים האמוניים והניסיים של החג. עם התעוררות הלאומיות היהודית נבנה חנוכה גם כחג שי ישועה פוליטית וגבורה יהודית מול דיכוי דתי- פוליטי.

אפשרת אחרת להגדיר סוגי שנאת ישראל היא אינדוקטיבית מול דדוקטיבית.[75] כמו בהגדרות הלוגיות: לימוד דדוקטיבי הוא מהכלל לפרט. מתוך כלל שכבר ידוע לנו אנחנו יכולים להסיק משהו לגבי מקרה פרטי. במקרה של שנאת ישראל זה אומר שבגלל שידוע משהו לגבי היהודים באופן כללי, למשל שהם רוצחי תינוקות אפשר להסיק על מקרה יותר פרטי למשל מצב היסטורי כלשהי, ואדם מסוים. לימוד אינדוקטיבי הוא מהפרט אל הכלל. לימוד מתוך מקרה או מקרים פרטיים לכל המקרים הדומים. במקרה של שנאת יהודים, אם נפגשנו עם יהודי אחד תאב בצע אז אפשר להסיק על כלל הציבור. את שני המקרים האלו אפשר לראות גם בנרטיביים היהודים. השנאה המשפחתית שהזכרנו יכולה להראות כאינדוקטיבית. בגלל יחסים משפחתיים ספציפיים בעבר נוצרים שנאות בין עמים. מקור האנטישמיות האינדוקטיבית יכול להיות מובן דרך המוצא המשפחתי של המן האגגי- מעמלק ועשיו, או דרך חוסר ההיענות של מרדכי לדרישות של המן.

[73] ברסלב, ליקוטי תפילותת חלק בית, תפילה ב', עמ' כ"א.

[74] Yerushalmi, *Zakhor*, 47.

[75] See Katz, Reden gegen Hass, Interreligiöser Dialog als Weg zum Abbau von Antisemitismus.

השנאה הכללית נובעת משנאה ליחיד או ממקרה מסוים ומתפשטת משם. השנאה המוצגת במגילת אסתר היא אינדוקטיבית: המן, נבל מגילת אסתר, הסיק את שנאתו בתהליך אינדוקטיבי ממרדכי לכל אלו עם אותה זהות יהודית. בפורים, השנאה של המן היא אינדוקטיבית, מהפרט לכלל, במובן שמתוך מקרה של יהודי אחד, מרדכי, המן נהפך שונא לכל היהודים. הרדיפה של בני ישראל במצריים היא דדוקטיבית, מן הכלל אל הפרט. בגלל הסכנה שמהווים כל היהודים לפרעה, נרדף גם גיבור סיפור פסח, משה, ומאוים במוות בטביעה. אפשר אולי להגיד ששנאת ישראל כיום היא לרוב דדוקטיבית, כלומר בלי הכרות כלשהי עם יהודי או יהדות ממשית אלא מתוך דעות כלליות ולא מבוססות על יהודים בכלל שמתוכם נגזר יחס עוין לכל יהודי באשר הוא.

הסיפורים והמסורות סביב המועדים מספקים מודלים שונים של רדיפה ודרכים שונות להתמודדות איתם. הם כמעט מהווים ספר הדרכה, פעולות ותגובות, כל סוג רדיפה ופתרונה. אנתולוגיה של סיפורים ופרשנותם שנבנתה לאורך הדורות שניתן להשתמש בה כדי להבין ולהתמודד עם המציאות היהודית. המסורת הרבנית שנבנתה על גבי דורות מקנה לנו את המסורות האלה. כל ילד וילדה בגן כבר לומדים את המצבים והתגובות והם מוטמעים בהם, מייצרים אינטואיציות ואינסטינקטים שישמשו אותם כל ימי חייהם במודע או לא במודע, אם יתקלו בשנאת ישראל ברחוב, בעיתון, או על גבי מרקע. כך המסורת הרבנית העתיקה ורבת הקולות מתרחבת ומוטת ההשפעה שלה יוצאת הרבה מעבר לשיח הפנים רבני.

## סיכום

את התגובות שניתן למצוא במסורת הרבנית לשנאת ישראל אפשר לחלק לתגובות תאולוגיות-פילוסופיות ותגובות מעשיות. תגובות בתחום המחשבה ותגובות בתחום ההלכה. בין תגובות אלה עשויים להיות יחסים שונים שהרי לפעמים ההבנה התאולוגית גוררת תגובה מסוימת. המסורת הרבנית מבחינה בכל מיני סוגים של שנאת ישראל. יש את השנאה לאחר. שנאה לשונות דתית ותרבותית של עם ישראל. שנאת ישראל קלאסית כפי שאפשר למצוא בסיפור אסתר. יש שנאה להצלחה של עם ישראל, פחד שמה הוא ישתלט. תפיסתו כאיום. "ישראל-פוביה" כזו שמביאה לדיכוי והשמדה כמו שאפשר לראות בסיפור יציאת מצרים. יש שנאה לשונות המדינית של עם ישראל, רצון לספח אותו לשלטון מדיני אחר, לשלול את החופש שלו. שנאה כזו אנו רואים בסיפור מרד המכבים. הבעיה היא שכל סוגי השנאה האלה מופיעים לסירוגים, לפעמים כבודדים, ולפעמים יחדיו. וכאשר מנסים לפייס או להילחם בסוג אחד של שנאה, שאר הסוגים ממשיכים להכאיב ואפילו הסבל מהם מתגבר. כמו ההידרה המיתולוגית, כאשר ראש אחד אחד שלה נכרת, ראש אחר בצבץ ועלה. עולה השאלה האם הראש החדש אפילו חלק מאותה מפלצת או שהוא מפלצת חדשה לגמרי המוזנת ממקום מאחר ובצורה אחרת.

שנאת ישראל ותוצאותיה הוסברו והיו בשימוש על ידי רבנים כדי להניע לפעולה או לחוסר מעש במשך דורות והמסורת הרבנית הרב קולית נתנה לנו לא רק הסברים שונים לשנאה אלא גם תשובות שונות כיצד להתייחס לשנאת ישראל. בזמננו הרבנים מאותגרים בנטל הזה. הם מתמודדים עם המון זועם ברחובות ושוב יש צורך להסביר ולענות. חלקם עשויים להרגיש שצעקות ההמון הן רק הקול הנוכחי של תופעות עתיקות יומין, חלקם עשויים להרגיש שהקולות קוראים לנו להיות יהודים טובים יותר, אנשים טובים יותר. יש שיגידו שלהיות יהודים טובים יותר פירושו להתקומם נגד הקולות האלה ולהילחם בהם ככל שנוכל, לאשר מחדש את הערך העצמי והזכויות

הקולקטיביות שלנו, יש שיגידו שלהיות יהודים טובים יותר פירושו לחזור בתשובה ולתקן את הדרך בה אנו מתייחסים למקום או לא.נשים. אנו מוצאים שכל התשובות הללו נמצאות במסורת שלנו בטקסטים ובסיפורים העתיקים ביותר שלנו. הדור הנוכחי של רבנים יכול לדעת שהוא לא לבד, כמו תמיד הוא יכול להיעזר בדורות שקדמו לו. הדור הזה יכול וחייב להיות בקיא בשיח של הרבנים מהדורות הקודמים ולאור כך למצוא תשובות משלו לשנאה.

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# *"Gam ʿeirev rav ʿalah itam"*: Forsaking or Fostering Fellowship?

**Daniel Z. Siegel**

Much has been written about the *ʿeirev rav*, or "mixed multitude," that accompanied Israel in its exodus from Egypt. For the eighteenth-century Hasidic leader Jacob Joseph of Pollonoye, however, this is not solely a story of the past but a lesson of significant pertinence for the present. The tale of the *ʿeirev rav*, as presented in his seminal work, *Sefer toledot Yaʿaqov Yoseif ʿal haTorah*, (henceforth *Toledot*) is a call to his contemporaries, as to all would-be authentic Jewish communities, to engage in a process of self-reckoning and self-rectifying.

Jacob Joseph begins one of his primary discussions of the golden calf incident with a nod to the prevailing notion regarding the principal transgressors: "For it is known that the principal perpetrator of the calf transgression is the *ʿeirev rav* (*iqar ḥet zeh shel ʿeigel yatsah meiʿeirev rav*). As is noted in the *Zohar*, as well."[1] He then adds:

> However, a small portion of Israel became psychological partners with the *ʿeirev rav* (*shenishtatfu qetsat Yisraʾel bemaḥshavah*)… And that which he (Simeon son of Yochai) said: "Israel could not have conceivably committed such a transgression (*lo hayu Yisraʾel reʾuyin leʾoto ḥet*),[2] he means to say that they (the Israelites) of themselves could not have conceivably committed this transgression… For it was the *ʿeirev rav* who were the actual transgressors (*befoʿal*) and the fault (or blemish, *pegam*) adhered to Israel by virtue of their being interconnected and of one source (or root, *shoresh ʿeḥad*) with the *ʿeirev rav*; for Moses was their source (or root), as the Ari had written…and, thus, he (had) wanted to convert them.[3]

[1] *Zohar* II, 191a (Ki Tissa).

[2] The talmudic text reads *velo Yisraʾel reʾuyin leʾoto maʿaseh* (b. Avodah Zarah, 4b).

[3] Cf. "For the *ʿeirev rav* (which Moses sought to convert) are of the sparks of Moses, in the secret (*sod*) of 'Go, descend, for your people has corrupted itself' (Exodus 32:7)." Ḥayyim Vital, *Sefer*

> But it was not that the Israelites of themselves could have conceivably committed this transgression (causing one) to say this transgression extended from them to the *ʿeirev rav*, as I have written regarding the verse "The pious (*ḥasid*) are no more, the faithful (*emunim*) of humankind have vanished" (Psalm 12:2)—that one can interpret (this verse) from its beginning clause to its ending clause or from its ending clause to its beginning clause…[4] But here it is not (the case that the verse can be interpreted in "either direction").
>
> For the Israelites could not have conceivably committed this transgression except to instruct with regard to repentance. I mean to say, in order that they don the garment (*yilbeshu levush*) of the *ʿeirev rav*, and then, when these few individuals, who in seeking the welfare of the faithful of Israel (*shelomei emunei Yisraʾel*) were (thereby) caught somewhat in this transgression along with those realms, repent, all the realms are raised with them… This is only that they should learn to include themselves with all the realms (levels, *madreigot*, of community) as Samuel the prophet did…
>
> And this is the essential purpose of the human being, and from this may future generations, as well, learn the great way in the service of the Lord (*ʿavodat Adonai*). This is what I remembered and received from my master (the Baal Shem Tov), mouth to mouth, and it is not possible to explain in a book, but consider this and understand (*Toledot*, 476 [Naso]).[5]

Jacob Joseph's remark regarding the interconnection and common root of Israel and the *ʿeirev rav*, which lies at the center of this passage, serves both a descriptive and prescriptive purpose. It is of descriptive import insofar as it indicates that the Israelites have the "blemish" of the *ʿeirev rav*'s trans-

*eits ḥayyim* (Unterhandler, 1890), part 2, gate 32, chapter 2, 36a (page 71).

[4] The assumed textual basis for this reading is the introductory "because" (*ki*) appearing in both segments of this verse. Instead of viewing *ḥasid* and *ʾemunim* as equivalents within a parallel construct, the midrashic reading treats them as separate parties—thus, "because the pious are no more, the faithful of humankind have vanished" or "because the faithful of humankind have vanished, the pious are no more."

[5] Jacob Joseph, *Sefer toledot Yaʿaqov Yoseif ʿal haTorah* (Moznayim, 1973).

gression adhering to them. In prescriptive terms, this common bond, as he proceeds to explain, calls upon Israel to rectify the transgressing *ʿeirev rav*. However, what is deemed the fuller significance of this prescription is only suggested here by Jacob Joseph in his calling these few individuals, who elect to take upon themselves this required action, the "seekers of the welfare of the faithful."

The expression "seekers of the welfare of the faithful" is applied in 2 Samuel 20:19 to a "wise woman" who intervenes to avoid the division and/or destruction of the Israelite nation upon the heels of a rebellion against David and his kingdom. If there are "seekers of the welfare of the faithful," as there were among the few Israelites who took upon themselves rectification of the golden calf transgressors, then the people might be preserved.

In addition, by reminding us of the rightful action of the "wise woman," this same expression, "seekers of the welfare of the faithful" (*shelomei emunei Yisraʾel*) echoes and further clarifies Jacob Joseph's intent in citing the verse "The pious (*ḥasid*) are no more, the faithful (*emunim*) of humankind have vanished," with his attendant observation that this verse can be interpreted from its beginning clause to its ending clause or in reverse fashion. Indeed, as Jacob Joseph's following words indicate, while one may generally believe that the pious perish because there are no faithful to support them, in truth, the opposite might be the case:

> I have heard from the deceased Rabbi Judah Leib Pistener, an explanation of the verse…"The pious are no more, the faithful of humankind have vanished" that (this means that) the pious are no more inasmuch as the faithful of humankind have vanished. For one has impact upon the other due to their (common) unity. However, it was told to him in a dream that perhaps the interpretation of the verse is the reverse: "Since the pious are no more, the faithful of humankind have vanished" (*Toledot*, 133 [Shemot]).

Thus, while the *ʿeirev rav* is initially presented as being "known" to be responsible for effecting Israel with its transgression, a closer examination that takes into account Jacob Joseph's observations suggests that Israel might be responsible for the *ʿeirev rav*'s transgression and, thereby, their own implication in this transgression as well.[6]

[6] Perhaps, then, the beginning clause and ending clause that flank Jacob Joseph's central statement regarding Israel and the *ʿeirev rav* being of one source (common unity) can also be understood

While Jacob Joseph contends that one cannot read the verse both ways in the sense that it was the Israelites themselves who transgressed with the golden calf, and their transgression "extended" to the *ʿeirev rav*, this does not exclude our entertaining a dual reading of this verse in holding Israel accountable for the transgression of the *ʿeirev rav*. As he makes clear, Israel can and should be held responsible for not seeking the welfare of the *ʿeirev rav*. Thus, in considering Tosafot's commentary to Rabbi Ami's statement that "the red heifer (*parah ʿadumah*) effects atonement" (b. Moʿed Qatan 28a), Jacob Joseph writes:

> And if you were to say, as Tosafot had written, that it (the red heifer) was to atone for the incident (*maʿaseh*) of the calf, this is difficult (*qasheh*)—for (is it not the case that) whoever transgressed in the presence of witnesses and having received prior warning (*hatraʾah*) were killed by the Levites, and (those who transgressed) without prior warning were smitten by the plague, and (those who transgressed) without the presence of witnesses were examined (with the guilty being punished), as were the suspected adulteresses.[7] And those who remained, of what need were they of atonement for the calf by means of the (red) heifer? …And it appears to me that (in essence) this question was asked by (Rabbi Moses) Alshekh: "Why is Israel in need of *sheqalim* as an atonement (ransom) of the soul (*kofer nefesh*) for the calf?" …And he responds "(it is necessary) for they did not protest (*miḥu*) (their making of the calf)… (which they should have done) inasmuch as they are fellows (*ki ʿareivim zeh bazeh, responsible for each other*)."[8]

in employing the "beginning to end" and "end to beginning" interpretive principle. Because the *ʿeirev rav* has transgressed, as described in the beginning portion of this passage, Israel, which is interconnected with them, is to assume the prescribed responsibility as presented in the ending portion of this passage—namely, for rectifying its transgression. Or, inasmuch as Israel did not assume its responsibility of concerning itself with the *ʿeirev rav* as prescribed in the ending portion of this passage, it, being of one source with them, transgressed as described in the beginning part of this passage.

[7] Cf. b. Yoma 66b; b. Avodah Zarah 44a; and Pesiqta Rabbati 10. This tripartite division, in punishing the guilty parties, is based upon the three instances of punishment for the golden calf transgression recorded in the biblical text: Exodus 32:27–28; 32:35; and 32:20 (cf. Numbers 5:12–31).

[8] Cf. "Behold, it is written 'They shall stumble upon one another' (Leviticus 26:37), one upon the iniquity (*ʿavon*) of the other, teaching us that all Israel are fellows/responsible for one an-

> So, too, here, with regard to the (red) heifer, it comes to atone for the calf incident, for they did not protest (or seek) to prevent it by virtue of (or as required by) fellowship (*mitsad haʿareivut*) (*Toledot*, 542 [Ḥuqqat]).[9]

Jacob Joseph's remark regarding Moses desiring to convert the *ʿeirev rav*, which appears in the midst of his presenting Israel and the *ʿeirev rav* as being "interconnected" and "of one source," is significant in that it simultaneously indicates that both the leader and the people are connected to the *ʿeirev rav* and calls our attention to the critical and well-known midrash underlying his opening statement that it is "known" that the *ʿeirev rav* is the "principal perpetrator" of the golden calf transgression. The biblical text clearly portrays Israel as transgressing with the golden calf and makes no mention in this regard of the *ʿeirev rav*. However, in alluding to this midrash by means of this particular reference to Moses, and thereby having the *ʿeirev rav* rather than Israel committing the calf transgression itself, Jacob Joseph, as we shall see, effectively further exposes the unmet responsibility of Israel and of Moses as well.

We now turn to the midrash explaining that it was the *ʿeirev rav*, whom Moses sought to convert, that perpetrated the calf transgression:

> "Go (*lekh*), descend (*reid*), for your people (*ʿamkha*) (whom you have brought up from the land of Egypt) has corrupted (*shiḥeit*) itself" (Exodus 32:7). It is not written here "the people" but "your people." Moses said: "Master of the Universe, whence are they my people (alone)?" The

other" (b. Shevu'ot, 39a).

[9] The rabbis consider the words "Each (Israelite) shall give a ransom for himself…a half-sheqel" (Exodus 30:12–13) to indicate that the *sheqel* was to serve as atonement for the golden calf (y. Sheqalim 2:3; cf. Tanhuma, Ki Tissa 10). Earlier, commenting on Ki Tissa itself, Jacob Joseph writes:

Why half a coin and not a full one (*shaleim*)? Rabbi Shlomo Alkabets, as cited by the Alshekh, explains the reason, and these are his words: "To teach Israel its relationship to unity; so that it should not occur to anyone (*bal yaʿaleh ʿal halev*) that he is separate from his companion (*ḥaveiro*)—for it is as if each individual is a half and in his interconnecting (*behitḥabro*) with each member of Israel he becomes complete (*shaleim*) (*Toledot*, 242).

After noting that the Alshekh proceeds to "flesh out" the "words" of Alkabets by adding that the sheqel atones for the golden calf, inasmuch as Israel did not protest or seek to prevent this transgression, Jacob Joseph concludes: "And, perhaps they would say 'who renders us fellows (*ʿareivim*)'? Thus, the Blessed One indicates (*rimeiz*) to us, by means of the half-sheqel, that each individual, when together with his companion (*ḥaveiro*) is one."

> Holy One Blessed be He said to him: "Your people, they are, for, when they were still in Egypt, I said to you (Exodus 7:4): 'I will bring out My hosts, My people' (the next words being 'the children of Israel'). I (thereby) told you not to mix (*leʿareiv*) with them a mixed multitude (*ʿeirev rav*). (But), you being humble and noble (or fitting, *kasher*), said to Me: '(One) always accepts the penitent (*hashavim*).' But, I, knowing what they would do, said 'No.' But I did what you wanted, and it was these very ones, being idolaters, that created the calf. (Moreover), they, having created it, caused My people (*ʿami*) to transgress." Note, it is not written here "This is our God (O Israel Who brought us up from the land of Egypt)" but "This is your God (O Israel Who brought you up from the land of Egypt)." For the "proselytes" (*gerim*) who came up with Moses, they were the ones who made it (the calf) and who said to Israel, "this is your God." Therefore, the Holy One Blessed be He said to Moses: "Go, descend, for your people has corrupted itself" (Exodus Rabbah 42:6).

The expression *ʿeirev rav*, which appears in the Bible on this one occasion—"and a mixed multitude (*ʿeirev rav*) went up with them" (Exodus 12:38)—hearkens back to the fourth plague, *ʿarov* ("mixture"). It is in this plague, denoting mixture, that separation between the Israelites and Egyptians, in terms of being plague victims, first occurs, thus implicitly encouraging the Egyptians to mix with the Israelites, or become converts.

Indeed, the words "your people" (*ʿamkha*) and "My people" (*ʿami*), which appear in the biblical verses cited by this midrash ("your people have corrupted themselves" and "I will bring out…My people"), are reminiscent of the verse constituting God's warning prior to the onset of *ʿarov*: "For if you will not send My people (*ʿami*) then I will send the *ʿarov* against your people (*ʿamkha*)" (Exodus 8:17). In the very separation of "My people" and "your people," as highlighted in the final words of the forewarning, "And I will make a distinction (*pedut*) between My people (*ʿami*) and your people (*ʿamkha*)" (Exodus 8:19), is an invitation to the Egyptians to mix with the Israelites, becoming converts in recognizing the Lord, as the immediately preceding verse suggests: "And I will set apart (*hifleiti*)… So you will come to know that I am the Lord" (Exodus 8:18).

While the biblical narrative suggests that the *ʿeirev rav* was a positive outcome of the Lord's successful plan, this midrash (perhaps reflecting, to some degree, the people's experience with converts at the time of its composition) presents the *ʿeirev rav* as a "project" gone awry undertaken by an accepting but short-sighted Moses. Not only did the Israelites (Moses) not successfully convert the *ʿeirev rav*, but the *ʿeirev rav* was capitalizing on this failure by converting the Israelites.

Still, considering Jacob Joseph's comments regarding the Israelites failing to meet the requirements of *ʿareivut* ("fellowship") in not protesting (or seeking to prevent) the transgression of the *ʿeirev rav*, we must ask: Is it the latter who was feigning fellowship with Israel? Or was the former engaging in a false fellowship with the *ʿeirev rav*? Moreover, unlike the midrash that presents the *ʿeirev rav* causing Israel to transgress with the golden calf, Jacob Joseph, as we have seen, does not present the Israelites as parties to the transgression itself. Indeed, those few individuals who did involve themselves in the calf incident in order to rectify the *ʿeirev rav* whose "welfare" they were seeking serve to implicate rather than exculpate the Israelites, most of whom, according to Jacob Joseph, did not assume the responsibility of *ʿareivut*. Thus, we are being asked to carefully consider in whom lies the fault of forsaking fellowship.

Even as a few Israelites stepped into the breach, one must ask, as did the *ʿeirev rav* (per the midrashic reading, which Jacob Joseph here adopts), where Moses was at this critical juncture: "When the people saw that Moses was long in descending (*laredet*) from the mountain…they said (to Aaron)…'Come make for us a God who will lead us, for that man Moses, who brought us up (*heʿelanu*) (from the land of Egypt), we do not know what has become of him'" (Exodus 32:1).

Moses's responsibility for the *ʿeirev rav*, as indicated by the midrash and Jacob Joseph's statement that he sought their conversion, is also expressed in the latter's following observation:

> "(Jethro heard) all that God had done for Moses and for Israel His people" (Exodus 18:1). It (the text) means to say "his people"—belonging to Moses, that is, the *ʿeirev rav*, as it says "(Go, descend,) for your people (whom you have brought up from the land of Egypt) has corrupted itself" (Exodus 32:7) (*Toledot*, 179–80 [Yitro]).[10]

[10] Jacob Joseph identifies *Yisraʾel ʿamo* ("Israel, his people") in the first part of Exodus 18:1, with

Accordingly, it is not without suggestion that Jacob Joseph uses the verse "The pious are no more, the faithful of humankind have vanished," which he explains can be interpreted to mean either that the people cause the leader to fall or the reverse, when he expounds upon the verse "Go Descend!, for your people (whom you have brought up from the land of Egypt), has corrupted itself" (*Toledot*, 474 [Naso]). Indeed, the midrash presents a distraught Joshua, contemplating what will become of the people in the absence of Moses, crying and saying: "The pious are no more, the faithful of humankind have vanished" (Deuteronomy Rabbah 11:10).

As the rabbinic tradition contends that the leader of the community (or generation) who does not protest (or seek to prevent) the wrongdoings of its members is "seized" for its transgression (*nitpas beʿavon hador*), so Jacob Joseph recognizes the responsibility Moses needed to assume for the *ʿeirev rav* and its actions.[11] The intervention of those few Israelites who "donned the garb of the *ʿeirev rav*" to "raise" them up, therefore, is generally ascribed to God's chosen, mediating representative, as can be seen in the following parable Jacob Joseph was fond of citing:

> The parable which I heard from my teachers that a minister (*sar*) went out (from the presence of the king) to return the prince (*ben hamelekh*) to the king after he had distanced himself from him. And he had to don the clothes of the people of the village (*lehalbish bigdei anshei hakefar*), where the prince now was, so he would have some connection (*hitḥabrut*) with the prince whereby he could enter into a conversation with him and raise him up (*ʿalta lo*) (*Toledot*, 397 [Emor]).

In assuming, if only for the sake of appearances, the corrupted character (*roaʿ hamiddot*) of the estranged prince, the loyal minister becomes what he is not in order to rescue one who is not what he has become.[12] "The purpose

"your people whom you have brought up" (Exodus 32:7), thus rendering them the *ʿeirev rav* (whom Moses brought up). The second part of Exodus 18:1, "(And) that the Lord brought Israel out of Egypt" he presents as referring to Israel proper, which the Lord had taken out. Consider, as well, his explication (in *Toledot*, 179–80) regarding the term *Elohim*, which appears in the first part of Exodus 18:1, and its association with *ʿeirev rav* and the designation *Adonai*, which appears in the second part of Exodus 18:1, and its connection with Israel.

[11] *Kallah rabbati*, chapter 6; cf. b. Shabbat 54b: "Whoever is able to protest/seek to prevent wrongdoings (*limḥot*)…and does not protest/prevent (*miḥah*)…is seized (*nitpas*)."

[12] Because the word *middot* signifies character traits and, at times, clothes in terms of the phys-

of this," Jacob Joseph concludes, is "to return him to the palace. And, this going (*halikhah*) of the minister, whereby he goes and distances himself from the royal manner (laws or customs, *nimusei malkhut*) is, at the same time, a coming (*bi'ah*), so that he can return the prince to the King, the King of the Universe" (*Toledot*, 397 [Emor]).[13]

The presentation of this parable and his accompanying comments regarding *halikhah* and *bi'ah* further elucidates for us Jacob Joseph's reading of the midrash regarding Moses's people. As *halikhah* for Jacob Joseph denotes *yeridah* ("descending"), and *bi'ah* signifies *'aliyah* ("ascending"), the minister's *halikhah* ("going") from the King (or God) in *yeridah* ("descending") among the people in need of rectification culminates in the minister's *bi'ah* ("coming") to the King/God in *'aliyah* ("ascending") and raising himself and the rescued individual.[14]

When, then, God commands Moses to "Go (*lekh*), descend (*reid*), for your people whom you have brought up (*he'eleita*) from the land of Egypt have corrupted themselves," He is reminding him of that great contingent in fellowship (*'eirev rav*) with Israel which he succeeded in bringing up but for which he must now descend yet again in order to raise up once more. God's words to Moses can thus be seen to reflect what the *'eirev rav* already sensed, as presented in the biblical narrative: "When the people saw that Moses was long in descending (*laredet*)…they said…'Come make us a God… for that man Moses who brought us up (*he'elanu*)…we do not know what has become of him" (Exodus 32:1).

Jacob Joseph's concluding remarks, that the purpose of the individuals "donning the garment of the *'eirev rav*" is "to include themselves with all the

ical "measure of the man," Jacob Joseph explains "What is the donning of the village clothes in which the prince is ensconced? It appears to me it is the corrupted character which the minister assumes" (*Toledot*, 397 [Emor]). Thus, the minister here is like the few intervening individuals whom Jacob Joseph described as "psychological partners" with the *'eirev rav*.

[13] Cf. *Toledot*, 380–81 (Emor). Consider, as well, the parable of the prince residing in the village (*kefar*), and needing to return to the palace/king in the *Zohar* I, 245b (Vayyeḥi). The rabbis had earlier distinguished between the villager (*ben kefar*), distant from the king, and the townsman (*ben kerakh*) in the presence of the palace/king (b. Ḥagigah, 13b).

[14] Cf. "'Go (*lekh*) to the people (and sanctify them)' (Exodus 19:12) and it (the text) did not say 'come (*bo*) to the people'. . . .for it is for a higher purpose, to raise up (*ha'alot*) the lower level to the higher one. As is the secret meaning of 'Through this (by first engaging in *halikhah*) can Aaron (then) come (*yavo*) into the sanctified realm (*haqodesh*) (Leviticus 16:3). And in order for him to be able to raise up (*leha'alot*) he must first go down to that same (lower) level so that he can raise it up (*leha'alotah*) as we have mentioned in the parable of the minister who changed his clothes. . . .to raise the prince to the king. (*Toledot*, 317 [Metsorah]; cf. *Toldot*, 87 [Vayyeitsei] and 200 [Yitro]). Sometimes, Jacob Joseph employs *ratso vashov* for *halikhah*/*yeridah* and *'aliyah*/*bi'ah*, respectively (*Toledot*, 81 [Vayyeitsei]).

levels, as Samuel the prophet did, and [that] this is the essential purpose of the human being…and the great way in the service of the Lord," recall the intervention of Samuel on behalf of the people, as explained by the rabbis: "And Samuel said: 'We have transgressed.' Rabbi Samuel the son of Rabbi Isaac said: 'Samuel donned the cloak (*ḥalukah*) of all Israel'" (y. Taʿanit 2:7). While the biblical text says, "And they came together at Mizpah and they said: 'We have transgressed'" (1 Samuel 7:6), inasmuch as the previous verse cites Samuel as saying "And I will pray on your behalf," Rabbi Samuel presents this prophet as taking upon and including himself in the transgression of Israel.[15] Jacob Joseph's reference to Samuel now serves to further our understanding of his presentation of Moses's response to God.

> And through this, the plea (*taʿanat*) and phraseology (*melitsat*) of Moses on behalf of (*ʿavur*) Israel can be understood: "*Ana* (generally denoting beseeching or bewailing), this people have committed a great transgression" (Exodus 32:31)…And "I" is inclusive of all of them. For Moses is the root of all of them. "(Thus), when I say the people have committed a great transgression it is fitting (*raʾuy*) to immediately forgive inasmuch as I confess (*mitvadeh*) in the name of all of them, as did Samuel" (*Toledot*, 477 [Naso]).[16]

As Samuel had admonished Israel for transgressing (1 Samuel 7:3) and then said "I will pray on your behalf" (1 Samuel 7:5), thus leading the rabbis to put the words "We have transgressed" into the mouth of Samuel in order to indicate that he was assuming (responsibility for) their transgression, so Moses, having said to the people "You have committed a great transgression and now I will ascend (*eʿeleh*) to the Lord, perhaps I can make atonement (*akaprah*) for your transgressions" (Exodus 32:30), is now, in Jacob Joseph's reading of the word *ana*, in the (Aramaic) sense of "I," intervening and assuming the transgression of Israel. Having thus descended in fellowship with the people, it is only fitting that we now find God saying to Moses: "Go (*lekh*), ascend (*ʿaleh*) from here, you and the people you have brought

[15] This exegesis thus serves to address the formulation "He who answered Samuel at Mizpah, may He answer you," which appears in the fast day service discussed here in the talmudic text (cf. b. Taʿanit,15a).

[16] The word *ʿavur* ("on behalf of") here reflects the *ʿareivut* ("fellowship") that derives from or demands one's being an *ʿareivon* ("surety") or *meʾareiv* ("assuming a pledge") on behalf of another.

up from the land of Egypt" (Exodus 33:1).[17]

For Jacob Joseph, a student of the Baal Shem Tov and a pioneer of the Hasidic movement, the *ʿeirev rav* was a critical subject, as his above-cited comments reflect. Indeed, the *ʿeirev rav* held personal import both for him, as a Hasidic leader, and in terms of his contemporary community.

> And we will seek to explain the calf episode, as written in the Torah, as being eternal. For, it is difficult to say "what was, was".... For, indeed, it is recurring, as we see with our own eyes...because Israel was divided (*nivdalin*) and separated (*mufrashin*) from the *ʿeirev rav* in two ways: in eating, for they did not eat the same food (Israel alone eating the manna) and they did not mix but secluded themselves (with God, in prayer and study), without the *ʿeirev rav*, in the clouds of Israel (the "clouds of glory" that went before Israel). The calf was an outcome of this, with the claim "let us be fully included with you".... And my own eyes, not those of a stranger, have seen this battle waged constantly against one who seeks to sanctify himself and to be separate, to pray in a minyan of his own, inasmuch as it is impossible to pray in a public community wherein the people perform the commandments in a rote manner (*betsibbur sheʿosin mitsvot anashim melumdah*) and for several other similar reasons. And, with regard to eating, I will not declare my generation ritually fit (*lo akhshir dori*),[18] for everyone slaughters, even those who are not expert in the laws of slaughtering and are not God-fearing (*Toledot*, 459–60 [Naso]).

As Moses and Israel separated themselves from the *ʿeirev rav*, so did Jacob Joseph and his community. However, like Moses, Jacob Joseph did not see himself as abandoning the *ʿeirev rav*. The interpretation based upon Rab-

[17] While the "invitation" *lekh, ʿaleih*, which appears after Moses's "atonement" for the people and thus serves to counterbalance the command *lekh, reid*, which is issued before Moses addresses the transgressors, agrees in spirit with Jacob Joseph's description of ascension born of descension, it is not fully consonant with his coupling of *halikhah* and *biaʾah* with *yeridah* and *ʿaliyah*, respectively.

[18] An allusion to Rabbi Naḥman's comment (*akhshur dari*) regarding the mishnaic statement "butchers are not trustworthy" (b. Hullin, 93b).

bi Pistener's dream, in which it is the leaders who are responsible for the vanishing of the faithful, as explained in the following passage, reflects the reality of his time as seen by Jacob Joseph:

> And as Moses was the leader for his entire generation… so in each and every generation the head, those who are (truly) fit (*hakesherim*), are from the sparks (are the reincarnated souls) of Moses our master, as it is written: "What was is what will be" (Ecclesiastes 1:9).[19] …And as it was in the generation of Moses, so it is in every generation, for there is an *ʿeirev rav* in each and every generation…[20] And, when the people (*ʿeirev rav*) saw that Moses, who is the fitting (*kasher*) rabbi in their city, "was long" in coming to attend to their needs…they rose up with cunning (*betaʿaromet*) and said: "Make for us a god who will go before us" (Exodus 32:1).
>
> As in our time, there was an informing (or denouncing, *mesirah*) to the government saying: "We need a leader." And they explained their words in saying "'for this man (*zeh haʾish*) Moses we do not know what has become of him' (Exodus 32:1)…for we need a leader with whom we can be included as one, in eating and in prayer."
>
> And, thus, (does the golden calf episode) serve as an intimation (*remez*) for generations that because a group of individuals creates its own minyan and does not at all eat with them, that this is reason for the *ʿeirev rav* to create a golden calf…the golden calf, which refers to the "gods of gold" (*elohei zahav*, Exodus 32:31) who were appointed by the government for gold. And because of this, now many are the rabbis in the city. And that which is written "[make for us a god (of gold)] who will go (*yelkhu*, plural) before

[19] Rejecting, as he had, "what was, was," Jacob Jospeh, in citing the observation of Ecclesiastes ("what was, will be") regarding the leader of each generation being of the sparks of Moses, is alluding to *Zohar*, Eqev, 273a, which comments that "in each and every generation, Moses will be reincarnated" (cf. the Tsulam commentary on this passage and Isaac Luria, *Shaʿar hagilgulim* (Lipschitz, 1911), introduction 20 (20a).

[20] Jacob Joseph again echoes the *Zohar* (Eqev 273a), which reads "one generation goes another comes" (Ecclesiastes 1:4) as "the generation which goes will be that which comes, again" (*hador sheholekh husheba*).

> us" is because they desired many gods (of gold) (*Toledot*, 461 [Naso]).

Accordingly, Jacob Joseph's discussion of the *ʿeirev rav* is, at least in part, a message regarding the contemporary corrupt leaders and their rabbis, the "gods of gold." Jacob Joseph's personal involvement in the events described, which until this point is only intimated, is soon made explicit: "The above recorded events, from beginning to end, happened to me, the writer, and it is thereby indicated (*merumaz*) why precisely 'this man' (*zeh haʾish*) ordered the making of a house of study/prayer (*beit hamidrash*) in Szarogrod" (*Toledot*, 461 [Naso]).

Thus Jacob Joseph, seeing himself as the Tsaddik, the fitting (*kasher*) leader of the generation, and following in the footsteps of Moses (of whom he is the reincarnation, as indicated by the self-appellation *zeh haʾish*, Exodus 32:1), separates himself and his Hasidim from the *ʿeirev rav* in prayer, study, and eating, as did Moses. As the biblical *ʿeirev rav*, because of the separation, asked for a new leader and created the calf to replace Moses, so the contemporary *ʿeirev rav*, because of the separation of Jacob Joseph and his followers, proceed, together with their leaders, to reject and expel this Tsaddik and his Hasidim (this separatist *beit hamidrash* perhaps serving as the first such institution of its kind within the nascent Hasidic movement) in favor of their golden calf rabbis. In the words of Jacob Joseph: "to chase them (he and his adherents) from the city and to dissolve his minyan" (*Toledot*, 471 [Naso]).

Jacob Joseph had been progressively demonstrating his sympathies toward these "new Hasidim." Thus it is related that, having been impressed by Rabbi Aryeh Leib (the Rebuker/*Mokhiaḥ* of Pollonoye), one of the Besht's disciples, whom he allowed to assemble a Shabbat minyan in his house, Jacob Joseph proceeded to invite the Szarogrod community to a *seʿudah shelishit* of these visiting Hasidim. "(This action) was startling to them (the Szarogrod authorities) for they believed him not to be a Hasid, but when his intentions became apparent, the city members began to fight with him."[21] When, soon thereafter, he "ordered the making of a house of study/prayer" and maintained his own minyan, Jacob Joseph made clear his allegiance. Having entertained and engaged in what were deemed dangerous practices of the emerging devotees of the Baal Shem Tov, with whom he was evidently

[21] Avraham Rubenstein, ed. *Shivḥei haBesht* (Rubin Mass, 2003), 100–101.

aligning himself, Jacob Joseph was rejected and ousted by the established authorities of Szarogrod.[22]

While more securely practicing Hasidism in Nemirov and then more actively propagating it in Pollonoye, where he was appointed the "Rebuker of Pollonoye" upon the death of Aryeh Leib, it was the appearance of his *Toledot* in 1780, the first printed Hasidic work, that served to further formulate and give voice to this movement's teachings. Its publication heightened the polemic, placing Jacob Joseph at its center, and precipitated the ensuing Vilna ban of 1781 calling for separation from these "Ḥashidim" ("suspected ones") and "their new book."[23] In the words of one "defender of the faith":

> And regarding the matter of the book, that has reached your land in the month of Menachem (Av), 1781, which was authored by the rabbi of the community of Pollonoye, Jacob Joseph. Its quality and character is one of moral instruction/admonition (*musarim*) and novel expositions (*ḥidushim*), which are expounded based upon his particular path in understanding the Torah, at the *seʿudah shelishit*. And it is a new way that he learned and received from their

[22] Celebrating *seʿudah shelishit* in the particular manner they did, maintaining their own minyanim (with new and differing elements), and insisting on meticulously and correctly honed slaughtering knives were but a few of the derided practices for which this "sect," of which Jacob Joseph was now considered a member, was being attacked. For further discussion of this subject, see Mordecai Wilensky, "Hasidic-Mitnaggedic Polemics in the Jewish Communities of Eastern Europe," in *Essential Papers on Hasidism*, ed. Gershon Hundert (New York University Press, 1991), 248–66 as well as the source literature in Mordecai Wilensky, *Ḥasidim umitnaggedim*, 2 vols. (Mossad Bialik, 1990), 1:28-69 and 2:77, 165–66, 249–50.

[23] By exchanging the letter *shin* for *sin*, their opponents rendered these self-proclaimed "pious ones" (*Ḥasidim*) as being of disrepute or suspect (*ḥashidim*) instead; see "The 1781 Vilna Ban," reproduced in Wilensky, *Ḥasidim umitnaggedim*, 1:102–5 and cf. Wilensky's foreword [101]). Although Jacob Joseph was the Besht's chief disciple, it was Dov Baer of Miedzyrzecz, their head from 1760 (upon the death of the Besht) until 1772, who transformed the Hasidim from a small group to a movement. Relocating its center from Podolia to Volhynia, which was more central to the Polish kingdom, and dispatching emissaries to White Russia, central Poland, and Lithuania, the expanding movement incurred the ban of the Vilna community, headed by Rab Elijah ben Solomon (the Vilna Gaon) in 1772. Following the ban, and after the Hasidim had assumed a more defensive posture, tensions subsided until the publication of Jacob Joseph's *Toledot*. See Wilensky, "Hasidic-Minaggedic Polemics," 244–245. Simon Dubnow, "The Maggid of Miedzyrzecz," in *Essential Papers on Hasidism*, ed. Gershon Hundert (New York University Press, 1991), 68–69 asserts that, indeed, it was this ban of 1772 that motivated Jacob Joseph to begin "compiling" his *Toledot* in Polonnoye. Dubnow also provides here a more detailed discussion of Jacob Joseph's life after he left Szarogrod (ca. 1748) and until he arrived in Pollonoye (1770).

> teacher, who is called Israel Baal Shem Tov. And, its (or his) aim is to entice and seduce all of Israel to walk in their path and to no longer walk in the path of the holy Torah and in the path of our predecessors, may their memory be blessed.[24]

Particularly inciteful, then, for these established authorities and their rabbis, was the *Toledot*'s dubbing them as corrupting leaders of the *ʿeirev rav*. Indeed, they believed, Jacob Joseph and his followers were not only seeking to subvert the traditional ways but also presenting the true champions of the faith, and not its dangerous detractors, as the ones seeking to mislead the people.[25] Not surprisingly, the *Toledot* was reportedly (repeatedly) burned.[26]

For Jacob Joseph, it was their preoccupation with Torah study that separated these *ʿeirev rav* rabbis from, and caused the dissolution of Torah among, the people. Thus, he explains:

> When he said "that he (the rabbinic scholar) should not habituate himself to this," (he meant that) he should not be diligently engaged in his study (of Torah) all the time. Rather, he should intermingle (or enter into fellowship, *yitʿarev*) with the general populace, as well.... By this, he will understand that the Holy One Blessed be He is to be found among all levels (*madreigot*) of people, and he can intermingle (or enter into fellowship, *lehitʾarev*) with all human beings. Then he (the rabbinic scholar) will not become arrogant (*yagis daʿato*) but, on the contrary, he will judge them (the general populace) meritoriously (*Toledot*, 88 [Vayyeitsei]).[27]

[24] David of Makow, "Shever poshʿim," in Wilensky, *Ḥasidim umitnaggedim*, 2:145.

[25] Cf. "They are the Hasidim who separate from the community of Israel…(and) rebel against the Mosaic teaching (*torat Mosheh*)…and have a deleterious effect on the society of Israel yet, in unison, they slanderously claim that it is *we* [italics mine] who are to be classified as the *ʿeirev rav*" (*Quntros Rabbi Aaron Auerbach*, excerpted in Wilensky, *Ḥasidim umitnaggedim*, 2:102.

[26] Dan Ben-Amos and Jerome R. Mintz, trans. and ed., *In Praise of the Baal Shem Tov* (*Shivḥei haBesht*) (Indiana University Press, 1970), 260 and 343 n.

[27] Jacob Joseph's words here are all the more scathing when considered in the context of the talmudic narrative to which they are alluding:

When Rabbi Elazar son of Rabbi Simeon, in returning from the house of his teacher, feeling arrogant (*daʿato gasa ʿalav*) because he had learned much Torah, said to a passer-by, who had greeted him "useless one (*reiqah*), how ugly you are, are all your fellow citizens as ugly as you?,"

Seen neither as caring for the people nor as moral exemplars, these rabbinic "leaders" were variously depicted by *Toledot* as "wise for wicked purposes" (*ḥakhamim lehara*), "Jewish demons" (*shidin yehudaʾin*), or "foxes destroying the vineyards" (*shuʿalim meḥablim keramim*).[28] Yet *Toledot*'s author argued that he was seeking not to forsake these wayward leaders, and the *ʿeirev rav*, but to rectify them. Thus, for Jacob Joseph, the *Toledot* was not a polemic to further a schism but a vehicle for returning the community to wholeness. Indeed, it was not despite but by means of this harsh criticism that the *Toledot* sought to achieve this end.[29]

As Moses, the fitting (*kasher*) leader of his generation, did not abandon the biblical *ʿeirev rav* but, descending, "raised them up" once again, so the Tsaddik Jacob Joseph, the reincarnated Moses of his time, was that fitting individual who would not forsake but, likewise descending, restore the *ʿeirev rav* of his day.[30] Jacob Joseph's title, the "Rebuker of Pollonoye" reflects

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the latter, upon arriving in his city, and hearing his fellow citizens greet Rabbi Elazar with the appellation *Rabi*, commented: "If this is a Rabbi/scholar, may there not be any more like him in Israel." When they prevailed upon him to forgive one so "great in Torah," he responded: "As long as he not habituate himself to this" (b. Taʿanit 20a-b).

While the intent of these final words is that this scholar not again treat others in this manner (cf. *Derekh erets rabbah*, chapter 4), Jacob Joseph is interpreting these words as a warning not to continue in the isolationist preoccupation with Torah study, as it leads to assuming an elitist attitude in relationship to others. Significantly, these comments are found in *Toledot*'s exposition of the word, or biblical portion of Vayyeitsei ("and he went out"), wherein Jacob Joseph discusses Jacob's emergence from being "buried" (*nitman*) for fourteen years in the Torah academy of Shem and Ever (Genesis Rabbah 68:5) as well as the talmudic story (b. Shabbat 36b) of Simeon bar Yoḥai and his son who, for twelve years, studied Torah buried in the sand of a secluded cave. In these instances, too, explains Jacob Joseph, being removed from the general populace dedicated exclusively to Torah study proved injurious of the community, as both Jacob and Simeon bar Yoḥai (and his son) subsequently learned. For further discussion of the Hasidic challenge to the "religious supremacy" of Torah study/scholarship and the mitnaggedic response, see Allan Nadler, *The Faith of the Mithnagdim: Rabbinic Responses to Hasidic Rapture* (John Hopkins University Press, 1997), 50–61.

[28] Cf. *Toledot*, 542–43 (Ḥuqqat), 673 (Shoftim), and 163 (Bo). For a presentation of these rabbis as an extension of an "oligarchical" and corrupt "kahal regime," against which Jacob Joseph was serving as a social critic, see Ben Zion Dinur, "The Origins of Hasidism and its Social and Messianic Foundations," in *Essential Papers on Hasidism*, ed. Gershon Hundert (New York University Press, 1991), 95, 106–13, 128–29, 144–51.

[29] Cf. "All Yaaqov Yosef 's texts and comments were directed toward the goal of unity and harmony between the people and the rabbis. All of his criticism against the rabbis revolved around one point: that they had brought about an internal rupture in the Jewish people by neglecting the common folk and by isolating themselves" (Dinur, "Origins," 147–48).

[30] Employing the concept of "descent for the purpose of ascent" (*yeridah letsorekh ʿaliyah*), as reflected in the previously presented parable of the king and his estranged son, wherein the Tsaddik must descend into the sinful/evil realm to raise up those who are "entrapped" with-

how, according to his *Toledot*, this "fitting individual" can best accomplish the task of restoring the fallen *ʿeirev rav*. "There are," *Toledot* explains, "two types of fitting individuals (*kesheirim*)": "One who isolates/focuses only upon himself (*mitboded bifnei ʿatsmo*) and one who seeks to benefit (*lizkhot*) others" (*Toledot*, 288 [Tsav]).[31] Identifying these individuals as the "Torah scholar (*talmid ḥakham*) who rectifies (*meiyasher*) only himself" and the "Torah scholar who rectifies (himself and) others, as well, by means of rebuke (*tokhaḥat musar*)," respectively, Jacob Joseph, making reference to the counsel "Better open rebuke than concealed love" (Proverbs 27:5), indicates which of these two "fitting individuals" is to be preferred.

> "Better open rebuke (*tovah tokhaḥah megulah*)," these are (the individuals of) the second category mentioned above, who openly rebuke (*megaleh tokhaḥat musar*) to rectify them (the transgressors). They are better (*tovim yoteir*) than (the individuals of) the other category, who (referring to the second part of the verse: "than hidden love," *mei'ahavah musteret*) are beloved (*'ahuvim*) inasmuch as they are hidden (*mustarim*) and do not openly rebuke (*Toledot*, 288 [Tsav]).

Indeed, in proceeding to offer a more felicitous reading of this verse, Jacob Joseph suggests that his very criticism of the contemporary *ʿeirev rav* and its enablers constitutes an expression of his love for them. The biblical verse is best understood as not presenting us with a disjunction of rebuke and love, for silence (as maintained by the present-day rabbinic scholars) betrays a lack of love, while rebuke (such as that offered by *Toledot*) is a sign of its

in—an idea which, for some, smacked of antinomian overtones—Jacob Joseph was sometimes labeled a Sabbatian (and a Frankist) by his opponents. The notion that Jacob Joseph needed to descend in order to rescue them certainly did not ingratiate him in the eyes of these *ʿeirev rav* rabbis. On the assertion that Jacob Joseph himself was a Sabbatian, see the "plea" of Avigdor ben Hayyim to the tsar in Wilensky, *Ḥasidim umitnaggedim*, 2:241; cf. Wilensky, "Hasidic-Mitnaggedic Polemics," 259–61. For an expanded discussion on the Tsaddik and the "idea of descent" in the *Toledot*, see Mendel Piekarz, *Beyemai tsmiḥat haHasidut* (Mossad Bialik, 1998), chapter 7. Piekarz agrees with Scholem's conclusion that Jacob Joseph and the Maggid (Dov Baer) of Miedzyrzecz "used these (Sabbatian) ideas" only in "giving them a constructive and positive twist" and "by no stretch of the imagination can (they) be viewed as Sabbatians"; see Gershom Scholem, "Tsaddik: The Righteous One," in *On The Mystical Shape of The Godhead*, ed. J. Chipman (Schocken, 1991 [repr.]), 126.

[31] Cf. *Toledot*, 511 (Shelaḥ).

very presence. Thus, Jacob Joseph adds: "Furthermore, one can interpret the verse as 'good is open rebuke when it flows (*nimshakh*) from hidden love.'" Reading the prefix letter *mem* as a preposition ("from") instead of a conjunction ("than"), the *ʿeirev rav* and those who sanction them are to understand that the rebuke of the *Toledot* emanates from the love of its "fitting" author.

Pertinent to the point this "Rebuker of Pollonoye" is making when he cites these words from Proverbs is his comment on the subsequent verse, which appears elsewhere in *Toledot*.

> And by means of this will be understood the talmudic (passage in which) "Rabbi Samuel son of Nahmani said: 'What is the meaning of the verse "faithful (*ne'emanim*) are the wounds of a friend (*oheiev*), but the kisses of an enemy are deceitful" (Proverbs 27:6)? Better the curse with which Ahiyah the Shilonite cursed Israel than the blessing with which Balaam (the evil one) blessed them.'" For Ahiyah the Shilonite was of the category of the "faithful" rebukers, but Balaam the evil one was of the (category of the) dissemblers (*hatsevuʿim*) (*Toledot*, 576 [Balaq].[32]

Further insight as to the significance of this comment is afforded the reader when he finds mentioned, in the same context, that Ahiyah is the "source" (*shoresh*) of the "faithful rebukers," who "received" his way (or teachings) from Moses, served as a judge in King David's court, and was the teacher of Elijah the prophet as well as the teacher of "my teacher" (the Baal Shem Tov).

Like Ahiyah, who brooked no association with idolatrous worship, dealing harshly with Jeraboam when he, as did the *ʿeirev rav* at Sinai, set up golden calves and proclaimed, as did they, "Behold your God, O Israel, who brought you up from the land of Egypt" (1 Kings 12:28), so Jacob Joseph, the (intimated) inheritor of this fearless rebuker's teachings, would not constrain himself from criticizing the *ʿeirev rav* and golden calf rabbis of his own day. Yet, as the curse of Ahiyah, the prophet whose harsh words inaugurated the division of the Israelite kingdom (1 Kings 11:30–36), would ultimately serve as a blessing, so Jacob Joseph's admonishments, which widened the schism

[32] The talmudic passage cited here immediately precedes the narrative, discussed earlier, of the arrogant Torah scholar who removed himself from the people.

between his emerging movement and the established Jewish community, in the end, would bring healing and unification.

Jacob Joseph's opponents understood well the import of this "Rebuker of Pollonoye" claiming legitimacy by presenting himself as heir to, and maverick in the mold of, Ahiyah the prophet. Particularly telling, however, was the insinuating message in the *Toledot*'s explanation of how Ahiyah's curse was, in truth, a blessing. Commenting upon this curse, ("And the Lord will strike Israel as a reed is shaken in water," 1 Kings 4:5) in light of the talmudic exposition, Jacob Joseph explains that this onslaught will result in a new stock replacing the old (*giz'o maḥalif*) and lead to a further strengthening of the roots (*shorashav merubin*) and attaining of new heights (*madreigot yoteir elyonot*).[33] Thus, there will be a future restoration and unification of the people, but under the new leadership of the present-day "fitting" representatives of the Mosaic tradition.[34]

Jacob Joseph's message was clear. The words he uttered regarding his expulsion from Szarogrod, *lo akhshir dori*, indeed, are to be understood as "I will not declare my (corrupt) generation fit"! However, they also mean "Will I not render my (corrupt) generation fit?" Like his biblical namesakes, Jacob and Joseph, the hated younger brothers who were estranged from the family only to return as rectifying forces in the lives of their older brothers, the beleaguered Jacob Joseph, who was ousted from the community because the authorities deemed him usurpacious, was now being called upon to restore the true outsiders to the fold of the faithful. As the Moses

[33] *Toledot*, 576 (Balaq).

[34] By means of a word play regarding his name, Jacob Joseph indicates in this context that it is individuals such as himself, rather than the arrogant *'eirev rav* rabbis, who will endure and lead the people into the future. Commenting upon the rabbinic dictum "One should be supple as a reed and not unyielding as a cedar," which serves as the concluding statement to the passage regarding Ahiyah and the adjoining story concerning the arrogant rabbi, Jacob Joseph notes that one who is humble as a reed (alluding to Ahiyah's "curse") and is thus open to rebuke or moral instruction (*musar*) from the "healers of souls" (*ḥakhamim rof'ei nefashot*) will flourish, while one who is arrogant (*gasut ruaḥ*) as a cedar (used in Balaam's blessing in Numbers 24:6) and is thus closed off to growth will wither and die. Accordingly, the words "toldot Ya'aqov Yoseif " (Genesis 37:2) tell us, says Jacob Joseph, that "one who is humble and lowly knows of himself that he has not achieved perfection of the Torah and always strives to become more complete (*lehosif sheleimut*). Thus, *Ya'aqov Yoseif* (is one) who must increase (*sheyosif*) in perfection every day." Being like the reed, the "descendants" (followers) of Jacob Joseph will continue to grow (*toledot Ya'aqov Yoseif*, albeit a grammatically wanting reading), while the cedar-like rabbinic scholars, if not rectified, will vanish. Bearing in mind another biblical verse, the reader will understand that despite his "brothers'" persistent "hatred" for him "because of his dreams and his words" (*vayyosifu seno oto ʿal ḥalomotov ve'al devarav*, Genesis 37:8), Jacob Joseph will prevail (*Toledot*, 576 [Balaq] and 370 [Qedoshim]).

of his generation, however, Jacob Joseph might have seen himself playing a unique role beyond that of the leader engaged in the recurring pattern of descending to help the *ʿeirev rav* of his time ascend.

While noting that the verse "what was will be" (Ecclesiastes 1:9) indicates "as it was in the generation of Moses, so it is in every generation, for there is an *ʿeirev rav* in each and every generation,"[35] Jacob Joseph might have seen his leadership as part of the final redemptive stage in which *dor holekh vedor ba* would cease to mean "the generation that goes will be the one that comes again" and no longer signify the recurring generational cycle of needing to rectify the *ʿeirev rav* and its enabling leadership. The golden calf episode, observes Jacob Joseph, "occurs throughout time, until the coming of our Messiah (*meshiḥeinu*)."[36] Not long thereafter, referring to his generation's *ʿeirev rav* and corrupting forces that had forced him out of Szarogrod, Jacob Joseph writes: "'They banded together against the Lord and His messiah (or, anointed one, *meshiḥo*) (Psalm 2:2),' immediately devising counsel against the Lord regarding prohibited foods, removing good butchers and appointing bad ones…as my eyes have seen and (devising counsel) against His messiah (or, anointed one)…how to expel them from the city and to dissolve his minyan" (*Toledot*, 471 [Naso]).[37] Thus *dor holekh vedor ba* (or *hador sheholekh hu sheba*) may now come to mark the end of the cycle, the messianic period in which the generation that descended (*holekh*) will now permanently ascend (*ba*).[38]

For Jacob Joseph, as for Moses, the task with regard to the *ʿeirev rav* was, therefore, a formidable and critical one. The early separation from the *ʿeirev rav* by Moses and Jacob Joseph, together with their communities, was only temporary, necessitated by the formative period of the nation (or movement).[39] As the "fitting" leaders of their generations, however, they could

[35] *Toledot*, 461 (Naso).

[36] *Toledot*, 460 (Naso).

[37] Jacob Joseph is sufficiently vague here, presenting *mashiaḥ* as a collective noun ("they are the teachers who occupy themselves with Torah study and worship"), while at the same time, perhaps, using this term in reference to himself. Similarly, while *mashiaḥ* properly means "anointed one," the context and the reference to ending the recurring cycle with the coming of the *mashiaḥ* might be of more than passing significance.

[38] As the advent of Elijah, Ahiyah's former student, signalled the coming of the end of days, expressed by the words "and he will reconcile parents with children and children with parents" (Malachi 3:23–24), so Jacob Joseph, who approvingly cites the words of Rabbi Haninah ("the (messiah) son of David will not come until the arrogant (*gasei haruaḥ*) will cease from Israel"), was seeking to effect this messianic promise of reconciling the parents (which he interprets to mean Torah scholars) and children (which he interprets to mean the people Israel) in rebuking these arrogant rabbinic "leaders" (*Toledot*, 370, 489 [Qedoshim]).

[39] Accordingly, *Toledot* presents three stages for the Torah scholar (*talmid ḥakham*), which

not abandon the *'eirev rav*. Indeed, the rebuke being offered by *Toledot*, by means of which he sought to raise the *'eirev rav* of his day, was aimed, like that of Moses, at reconciliation rather than rejection. Thus, in the passage wherein he equates his Szarogrod experience with that of Moses, Jacob Joseph writes: "The tablets (of the ten utterances) were broken…(and later) God returned and sent Moses who ground the calf into sand…and they returned and accepted him as the Rabbi (*larav*)" (*Toledot*, 471 [Naso]). Jacob Joseph's hope lay, then, in ultimately fostering rather than forsaking fellowship, so that after "descending" with the new tablets (Exodus 34:29), the *'eirev rav* would join the new way of this Tsaddik and his Hasidim and it could again (and, perhaps, for the last time) be said: "and the *'eirev rav* too ascended with them" (Exodus 12:38).

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appear to parallel his own life story. First, at the start of forging the "correct" path, he breaks away/isolates himself from the transgressing community. Having established himself in this "correct" path, he may "walk among" the members of the larger community, although "not on their level." Finally, in his later years (which is when *Toledot* was brought forth), he is to offer rebuke. See *Toledot*, 278–88 (Tsav).

# El silencio como antesala de la violencia

**Marcelo Polakoff**

No es tan difícil hablar de diálogo. Es más, retratar sus bonanzas es casi como un ejercicio cotidiano para quienes estamos inmersos en lo interreligioso desde hace tantos años, desde el mismísimo tuétano.

Por eso, tendemos a pasar de largo aquellos artículos o reflexiones que acarician lo dialogal como práctica, ya que sabemos de antemano qué es lo que se nos va a relatar. Pero no los salteamos por indiferentes, en absoluto. Lo hacemos en virtud de lo obvio, o tal vez por ese poder de anticipación que esta bendita experiencia nos brinda.

Siendo así, encuentro más desafiante plantearnos el fenómeno desde una perspectiva diferente, ya no haciendo hincapié en lo necesario del diálogo, sino buscando captar cómo justamente su ausencia es directamente proporcional al impiadoso despliegue de lo violento. Vale decir -y me animo a formularlo casi a manera de ley natural- que a medida que se exaspera el silencio, las ínfulas de lo delictuoso van cobrando mayor cantidad de víctimas.

Es hora de evidencias, y las mismas serán aportadas gracias a un texto divino: la Torá.

## El primer genocida

Se cargó a un cuarto de la humanidad, literalmente, y este atroz (y primer) genocidio está precedido tan sólo por el silencio.

Abran el texto bíblico en el cuarto capítulo del Génesis. Busquen el octavo versículo y léanlo en voz alta. En hebreo es clarísimo, pero muchas traducciones no son fieles al original, y más en este caso, ya que una traducción precisa parecería mal hecha. Bien leído, dice así: "Y le dijo Caín a Abel su hermano…y cuando estaban en el campo se levantó Caín hacia Abel y lo mató". Los puntos suspensivos probablemente sean lo más importante del versículo. Lo que no está escrito, que es precisamente aquello que dijo Caín antes de asesinarlo.

¿Qué dijo? Aunque el Midrash[1] lo imagine, no lo sabemos. La Torá, tal vez a propósito, nos dice que no dijo nada. Y entonces, lo que sí intuimos es que ante la matanza no hay palabras. Ni antes ni después. Nada hay que explique cabalmente, y menos aún que justifique, todo asesinato.

[1] Ver especialmente Bereshit Rabbah 22:7 en adelante

Ese silencio, esa falta de comunicación entre los hermanos es la que conduce al golpe. Lo que no se dice, lo que no encuentra lugar ni eco en las palabras -por más fuertes que sean- se convierte en acto, y en el acto, mata.

Lo que también está a las claras después de este relato fundante es que -en última instancia-todo homicidio es un fratricidio.

¿Y Adán y Eva? Se me aparecen tan responsables de la masacre como el propio Caín. Este último desde los hechos, y aquellos desde la ausencia, desde la omisión.

Otra lección no menos primordial. Ya que no alcanza con el verdugo para llevar a cabo la sentencia. Casi siempre se precisa de otro u otros que la apañen. Porque para que el mal se apersone, alcanza con que la "buena gente" no haga nada.

Una molesta y precisa ecuación, aplicable incluso a la más horrorosa maquinaria de destrucción que ideara el ser humano: la del nazismo.

Ya lo decía el rabino Abraham Joshua Heschel, el mismo que marchaba con el pastor Martin Luther King y del que el Papa Juan XXIII se consideraba discípulo: "La neutralidad es una ilusión. Al cabo de sus días el hombre siempre emerge como un sacerdote o como un pirata"[2].

El sepulcral silencio entre Caín y Abel es la primera garantía que certifica con holgura la penosa ecuación que diera origen a estas notas: el silencio es la puerta de la violencia.

Vayamos por la segunda de las evidencias.

**Genocida por omisión**

"La paloma volvió a él al atardecer, y he aquí que traía una rama de olivo en el pico. Así entendió Noé que las aguas habían disminuido sobre la tierra. Esperó aún otros siete días y envió la paloma, la cual no volvió más a él". (Génesis 8:11-12).

Lo digo sin tapujos: me disgusta profundamente el símbolo de la paloma con la ramita de olivo como símbolo de la paz. Y Noé tiene la culpa.

Este personaje bíblico, paradójico, por cierto, da origen a un segundo proyecto de humanidad. Es que el primero no había resultado muy alentador que digamos. Las 10 generaciones que separaban a Adán de Noé, comenzando por Caín, no hicieron más que llenar la tierra de violencia y corrupción. El escenario para su destrucción ya estaba montado. Si Dios no decidía el diluvio, seguramente los seres "in-humanos" lo habrían traído

[2] Abraham Joshua Heschel, God in Search of Man: A Philosophy of Judaism (New York: Farrar, Straus and Giroux 1955) p. 382

igual. Y quizá no hubiera quedado nadie vivo para recomenzar la historia.

Lo cierto es que Noé es elegido por ser "justo e íntegro en su generación". Los sabios talmúdicos, siempre atentos a cualquier resquicio hermenéutico del texto, se preguntan si el hecho de que sea especificado que era justo e íntegro "en su generación" implica un piropo elocuente o una crítica sutil[3]. No es una pregunta menor. Porque se puede sostener que ser justo e íntegro entre una banda de forajidos es tarea fácil para una persona promedio, y que por ende, puesto Noé en una sociedad relativamente normal, no se habría destacado en absoluto. Aunque también es dable pensar que, si pudo permanecer así de justo y de íntegro en medio de un ambiente de tanto terror, era porque sus cualidades morales excedían las del común de los mortales.

Tiendo a apoyar la primera moción. Y aporto las pruebas.

En primera instancia, Noé es prácticamente mudo. En todo el texto bíblico tan sólo pronuncia unas pocas palabras dedicadas a sus tres hijos[4], demasiado tiempo después del diluvio. Fíjense: se le anuncia que todo el planeta va a ser destruido y que sólo se salvará su familia, y él… en silencio. No le avisa a nadie. No intenta modificar la conducta de nadie. No busca soluciones alternativas para nadie. Pareciera como si no le interesara nadie, más allá de su esposa, sus tres hijos y sus tres nueras. Noé calla, y otorga.

¡Qué diferencia con Abraham, que va a estar dispuesto a pelearse con el mismísimo Dios para rescatar a los justos que podrían estar habitando Sodoma y Gomorra!

El segundo genocidio de la humanidad se produce, en gran parte, a merced del silencio cómplice del egoísta dueño de un solo arca.

Segunda evidencia. ¿Saben qué hizo Noé al salir del arca? Plantó una viña y se emborrachó[5], quedando desnudo a la vista de su familia. Triste imagen para el hombre que había sido designado para salvar el mundo. Tan triste como honesta. Demasiada carga para soportar. O un remordimiento enorme por no haber intentado otra cosa. El lenguaje de la Torá es magistral: evidentemente quedó desnudo. Carente de humanidad, despojado de la responsabilidad por los otros. Vacío de compromiso. Pasivo.

Vayamos ahora por la paloma.

Fue la prueba cabal que tuvo Noé de que las aguas habían bajado. Y de allí en más, con su ramita de olivo, el ícono prácticamente universal de la

[3] Ver Sanhedrin 108a
[4] Génesis 9:25-27
[5] Génesis 9:21

paz[6]. ¿Qué paz?, me pregunto.

Si más allá de lo sucedido o de lo no sucedido antes del diluvio gracias a la inacción de Noé, es precisamente cuando bajan las aguas que quedan al descubierto la mayoría de los desastres. Aparecen las epidemias, la podredumbre, las pestes, la desolación más amarga.

Pobre raza humana. Hemos elegido mal una y otra vez. Y creo que hemos errado hasta en el símbolo. Porque la paz de la paloma de Noé es la de un arca muy chiquita, con lugar para muy pocos. La misma paz que todavía creen tener quienes viven en islas de armonía, rodeados de la ignominia más penosa, sin darse cuenta de que más tarde o más temprano las mismas aguas turbias nos sumergirán a todos.

Si queremos paz, pues entonces no nos sentemos a mirar por la ventana cómo van cayendo las primeras gotas, ni tampoco esperemos tranquilos que bajen las aguas si ya ha llovido demasiado.

A la paz no se la mira ni se la espera. La paz se persigue. Se construye. Se amasa y hasta se lucha por ella.

La paz es enemiga de la pasividad. La paz no se proclama. Se ejerce. Se contagia, y también se defiende.

Y casi nunca está sola. Porque si la paz es Paz con mayúscula, suele estar acompañada por la libertad, la justicia y la verdad. Tal vez sea por eso que la palabra "shalom" provenga de una raíz hebrea que significa "integridad, completitud". Porque la paz que es parcial, tampoco es paz.

Noé no lo entendió. La paloma, afirma la Biblia, nunca más volvió a él[7].

**La escucha como antídoto para el desastre**

Conozco muy bien el refrán que dice "ver para creer". Pero no coincido con él.

Tiendo a priorizar más la escucha que la visión. Y no es por casualidad, sino más bien, por origen.

Es claro que vivimos en una cultura visual. En términos del genial politólogo y ensayista italiano, Giovanni Sartori, pasamos a formar parte de una nueva categoría en la cadena de la evolución humana, la del "homo videns"[8]. Aunque esto, en realidad, no es nada nuevo.

Proviene de la antiquísima cultura griega, de la que tanto abrevamos. Tal vez lo novedoso esté en la tecnología que ha multiplicado hasta el infinito

[6] Génesis 8:11
[7] Génesis 8:12
[8] Giovanni Sartori, Homo Videns: La sociedad teledirigida (México, Taurus, 1998)

la capacidad de lo visible. Nuestros pobres ojos no dan abasto como para procesar semejante cantidad de estímulos visuales a los que somos pasiva e inexorablemente sometidos.

Sin embargo, tamaña mirada no es una mirada gratuita. La estética por sí sola tiene sus costos. Ya desde épocas del Partenón y la Ilíada se asociaba el ver con el conocer. Tan hondo era ese parentesco que la semántica rotundamente lo revela: palabras tales como "reflexión", "enfoque", "visión", "evidencia" o "perspectiva" se suman a tantas otras que demuestran que el sentido de la vista era el sentido preferido del conocimiento.

Y nos quedamos solamente con ello. Una lástima, porque conocer es virtuoso de por sí. Pero suponer que por ver se comprende es un pensamiento de poca monta. Y en estas épocas de mostrar y de mostrarse, el tan pregonado "conócete a ti mismo" ha exacerbado tanto el sentido de la vista, que pareciera haber contribuido a cerrar en una mirada ególatra aquello que en un principio estaba más destinado hacia la apreciación de la belleza que se hallaba disponible en el exterior.

Pensémoslo como recurso metafórico de nuestros días. La imagen no discute, decreta. Es al mismo tiempo, juicio y sentencia. La pantalla, la de la televisión por antonomasia, simplemente no tiene interlocutores. En tanto que la asimilación de una palabra requiere del conocimiento de un lenguaje y de una lengua, la imagen -por su parte- se procesa automáticamente: se ve, y con eso es suficiente.

El arte de la visión no requiere de un otro. Es, en cierta forma, autosustentable.

Por eso, sin abandonar la vista, prefiero la escucha. O mejor, "escuchar para creer".

Es que el núcleo de la fe judía, la expresión más cabal de nuestro credo, y a la vez la frase por excelencia con la que los piadosos dejan este mundo, es la que reza: "Shemá Israel…", "Escucha, Israel, el Señor es nuestro Dios, el Señor es único"[9].

Más allá de la declaración del monoteísmo que encierra este texto deuteronomista, la clave que despliega su sentido se concentra en el verbo "escuchar".

Entramos aquí en otro plano. En otra dimensión. Porque es lo auditivo lo que caracteriza al pueblo hebreo, un pueblo que no puede ver a Dios, pero sí puede escucharlo.

[9] Deuteronomio 6:4

Escuchar es prestar atención a lo que se oye. Es dar de mi atención al otro, otro con minúscula u Otro con mayúscula. Porque para que la escucha sea cabal y comprensiva se precisa de un otro que se exprese.

Escuchar, por ende, es hacerse presente en la existencia de un tercero, es acercarse e involucrarse en un diálogo que requiere al menos dos.

En la escucha se personifica un mandato, se vislumbra una demanda ética: hay alguien más a tu lado que necesita tu distinción. Porque a diferencia de la visión, que es masiva por definición, la escucha debe ser en esencia selectiva. Y aunque el mensaje sea compartido, escuchar se conjuga en singular.

"Ozen" es "oído" en hebreo, y de igual raíz es "izún" que significa "equilibrio". Este varias veces milenario par dialéctico de la lengua hebrea ha sido corroborado no hace mucho por la ciencia médica, que ha descubierto que en el oído interno yace gran parte del sentido del equilibrio.

¿No es acaso maravilloso saber que en última instancia todo nuestro equilibrio depende de nuestra capacidad de escucha?

¿No es acaso evidente que el silencio -o la sordera recíproca- desequilibran al ser humano tornándolo en violento?

Por eso, hay que tener sumo cuidado con los silencios. Porque aunque a primera vista no se note, son muchas las víctimas de sus embrujos.

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# Philo and Rav Kook

## On the Harmony of Creation and the Creation of Harmony

**Shawn A. Weiss**

*Creation takes place in movement.*
*—Philo, On the Creation of the World*

Somewhere in the long middle section of his treatise *On the Account of the World's Creation Given by Moses*, Philo describes the life-cycle of shrubs and plants. "Now in the original creation of all things," he says, "God caused all shrubs and plants to spring out of the earth perfect, having fruits not unripe but in their prime" (Philo, *On the Creation of the World*, 33).[1] Not only were these fruits nourishment for animals and humans, but they also, and just as importantly, served "for the perpetual reproduction of their kind, containing within them the seed-substances" (Philo, *On the Creation of the World*, 33). These *seed-substances* contain within them the hidden and imperceptible "principles or nuclei of all things" (Philo, *On the Creation of the World*, 33). By causing the shrubs and plants to spring out of the earth perfect—which is to say, producing fruit—God created a golden, self-perpetuating cycle: the seed creates the plant that creates the fruit that produces the seed that creates the plant, and so on into infinity. "For God willed that Nature should run a course that brings it back to its starting-point, endowing the species with immortality, and making them sharers of eternal existence" (Philo, *On the Creation of the World*, 33). This matters not just for nature itself, but also because Philo uses the image of the self-perpetuating *seed-substance* not only with regard to plants and shrubs in particular and nature in general, but also with regard to the creation and perpetual reproduction of humankind, as well as the creation of the cosmos itself, each aspect of creation mirroring and amplifying every other aspect. "For the sake of this He both led on the beginning speedily towards the end," Philo says of God, "and made the end to retrace its way to the beginning" (Philo, *On the Creation of the World*, 33).

Philo begins his essay on Moses's account of creation with a discussion

[1] All citations of Philo are from *Philo*, Volume 1, trans. F. H. Colson and G. H. Whitaker, Loeb Classical Library (Harvard University Press, 1929).

about lawgivers and the various methods used to articulate and communicate those laws. While "some have nakedly and without embellishment drawn up a code of the things held to be right among their people," others, "dressing up their ideas in much irrelevant and cumbersome matter, have befogged the masses and hidden their truth under their fictions" (Philo, *On the Creation of the World*, 7). One method, Philo suggests, is too austere to be effective, the other too ostentatious. Moses, on the other hand, disdained both methods and "introduced his laws with an admirable and most impressive exordium" (Philo, *On the Creation of the World*, 7). Moses, we are to understand, got the laws *just right*:

> He [Moses] refrained, on the one hand, from stating abruptly what should be practiced or avoided, and on the other hand, in face of the necessity of preparing the minds of those who were to live under the laws for their reception, he refrained from inventing myths himself or acquiescing in those composed by others (Philo, *On the Creation of the World*, 7).

What I find most striking in this description is that Moses *refrained from inventing myths himself*. Given that Philo refers to Moses as the human author who composed the five books of the Torah, his suggestion that Moses refrained from inventing his own myths is especially noteworthy. Philo is not saying that the laws and narratives contained in the Torah are *not* myths (perhaps just the opposite); he is merely suggesting that, even though Moses, an author and philosopher—a real human being who existed historically in the world every bit as much as Plato—somehow composed the myths of the Torah but did not invent them. This begs the question: How do you compose something, in writing, without inventing it? Dictation seems to be one way. But whom or what was Moses dictating? Philo would say "God." After all, he says of Moses that "he had attained the very summit of philosophy" and "had been divinely instructed in the greater and most essential part of Nature's lore" (Philo, *On the Creation of the World*, 9). For humans, it does not get much more authoritative than that. One might be forgiven for imagining Moses's role vis-à-vis God to be anything less than a divine scribe, the chosen human vessel through which God's Word coursed. In light of this, "dictation" seems too technical a term. The terms "divine inspiration" or "creative inspiration" more accurately describe how Moses came to articulate the myths surrounding not only the creation of the Law,

but, Philo suggests, the Law's necessary antecedent, creation itself.

Unlike other lawgivers, who flatly state the laws or go too far out of their way to make their laws seem compelling, Moses "excites our admiration in the highest degree" (Philo, *On the Creation of the World*, 7). He does this by prefacing the laws with an account of the creation of the world. According to Philo, this juxtaposition implies that

> the world is in harmony with the Law, and the Law with the world, and that the man who observes the law is constituted thereby a loyal citizen of the world, regulating his doings by the purpose and will of Nature, in accordance with which the entire world itself is also administered (Philo, *On the Creation of the World*, 7).

Philo's assertion is unambiguous. The Law cannot exist without the world and the world cannot exist without the Law. They are inseparable. This is reminiscent of the fruit that cannot exist without the plant that cannot exist without the seed, ad infinitum. The process of generation and regeneration is one movement, a single gesture. Philo says of the world and the Law that they are *in harmony* together, and the person who observes the Law becomes *a loyal citizen of the world*. I am tempted to go even further and say that the person who observes the law will enter into the preexisting harmony between the world and the Law, becoming in the process something like a harmonious being. I believe this is what Philo is pointing us to. But still, where does the world come from? Where does the Law come from? And where does the *seed-substance*, the starting point of all generative-regenerative cycles, originate?

It is important to remember that this is all a prelude to Philo's account of the creation of the world as told by Moses. Philo has not yet approached the subject of creation directly. He must clear his throat one more time. And what a throat-clearing it is! "Now it is true that no writer in verse or prose could possibly do justice to the beauty of the ideas embodied in this account of the creation of the kosmos. For they transcend our capacity of speech and hearing." *Nevertheless*, Philo adds—and this "nevertheless" happens to be the birth, or *seed-substance*, of Jewish exegetical literature—"they must not on this account be passed over in silence. Nay, for the sake of the God-beloved author we must be venturesome even beyond our power" (Philo, *On the Creation of the World*, 9).

As Philo approaches Moses's account of creation, he acknowledges his, and our, inadequacy in the face of such perfect and perfectly rendered knowledge. To simply respond to such knowledge with silence would be tantamount to desecrating not only Moses, "the God-beloved author" (Philo, *On the Creation of the World*, 9), as Philo calls him, and the perfect knowledge he communicates, but also God Godself. Silence is therefore not an option. So, for the sake of God, for the sake of Moses, and for the sake of the Law, for which the myths and the narratives of Scripture, according to Philo, are its subject, *we must be venturesome even beyond our power.*

For those within the tradition who find Philo to be too much the Hellenist and insufficiently Hebraic, I would respectfully point to this moment as Exhibit A of, among other things, Philo's fully-formed first century chutzpah, which forged a path for future acts of chutzpah—in other words, for philosophically-minded, Scripture-loving Jews to maintain a certain leeway or latitude toward the text that would allow them to take imaginative and philosophical and revelatory license with regards to God's Word. I imagine this is what Philo meant when he said that we must be venturesome beyond our power. He seems to be speaking directly to us. But what does it mean to approach the holy texts with a combination of imagination, reason, and faith? What does it mean when we think we have something to say? And even more pointed: What does it mean when we believe we are *obligated* to have something to say?

This urgency to speak, to articulate in the face of the divine, I recognize as distinctly Jewish. It is based on the assumption that, when we do speak toward God, our words will somehow be heard, that our cries will register somewhere beyond ourselves and our earthly predicament. It is based, above all, on the belief that there is only one God, one ultimate source to which all existence owes its due. But still: How exactly are we supposed to do this?

Regarding our distinctive philosophical-exegetical approach to Scripture, Philo advises: "We shall take nothing from our own store, but, with a great array of points before us, we shall mention only a few, such as we may believe to be within reach of the human mind when possessed by love and longing for wisdom" (Philo, *On the Creation of the World*, 9). Pure invention, Philo suggests, is not the way. The point is not to invent something new out of nothing; rather, our job as scriptural philosophers is to select from the profound insights already arrayed before us.[2] In this sense, we are not

[2] The term "scriptural philosophy" is used by Harry Wolfson, "The Philonic God of Revelation and His Latter-Day Deniers," *Religious Philosophy: A Group of Essays* (Atheneum, 1965), 1, to

so much artificers or inventors as we are choosers and arrangers of divine wisdom, free beings capable of infinite interpretation. But even this is not the most important consideration, Philo seems to say. The key of all keys is to approach God's word *when possessed by love and longing for wisdom*. For it is only in this state that we may experience something like harmonious being, the necessary prerequisite for being *in harmony* with God.

But before we get too far ahead of ourselves, Philo needs to draw our attention, as he says, "to a matter which ought not be passed over in silence" (Philo, *On the Creation of the World*, 9). Regarding this, he writes:

> There are some people who, having the world in admiration rather than the Maker of the world, pronounce it to be without beginning and everlasting, while with impious falsehood they postulate in God a vast inactivity; whereas we ought on the contrary to be astonied at His powers as Maker and Father, and not to assign to the world a disproportionate majesty (Philo, *On the Creation of the World*, 9).

If we had any question about Philo's conception of God and the world, and the relationship between God and the world, this vital statement begins to fill in some of the gaps. If we hold the material world to be on equal or superior footing to God, we are already lost to confusion. In order to make this blunder, Philo says, we need to believe two things: that the world is without beginning and without end, and that God is inactive, unchanging substance. While Philo would agree that the world is, indeed, without end, to posit that the world had no beginning would make the world coequal with God—a nonstarter for many Jews. This would mean that God could not have created the world, since the world was always already created. And if God did not create the world, God would not have the same fundamentally beneficent relationship with the world. For, Philo writes, "it stands to reason that what has been brought into existence should be cared for by its Father and Maker," because "it is a father's aim in regard of his offspring and an artificer's in regard of his handiwork to preserve them, and by every means to fend off from them aught that may entail loss or harm" (Philo, *On the Creation of the World*, 11). God, in other words, as the creator of the universe, is *by necessity* interested in the growth and well-being of God's

describe Philo's innovation, which is, vitally, "in contradistinction to pagan Greek philosophy."

creation. Take away God's role as creator, and you take away the underlying thrust of goodness permeating the cosmos.

Philo is equally bothered with the second, interrelated claim that God is a vast inactivity. If God were a vast inactivity, then God is mere matter. And if God is mere matter, even preexistent matter, then God is just one more thing amidst a vast cosmos of things. According to Harry Wolfson, in *Studies in the History of Philosophy and Religion*, Philo "could not accept the view commonly held by contemporary students of Plato that the pre-existent matter out of which, in the *Timaeus*, the world was created was eternal."[3] But given that Philo was a great appreciator of Plato, says Wolfson, he did not want to reject Plato outright and instead "solved the difficulty by the method of harmonization."[4] He did this by postulating that there is such a thing as preexistent matter, but that preexistent matter was itself created.

"There were thus to him two creations," Wolfson says of Philo, "the creation of the pre-existent matter out of nothing and the creation of the world out of that pre-existent matter."[5] While this distinction, too, is reminiscent of some of Plato's writings, the final and perhaps most important distinction between Philo and Plato with regard to the creation of the world and God's relationship to creation is summed up by Wolfson thus: Whereas, for Plato, God's creation of the world could not have been otherwise, Philo's God, the God of Scripture, was and is "an all-powerful free-agent," who "could have either not created the world or created another kind of world."[6] In other words, the world was not fated to exist. The world—this world, our world—was created on purpose because God chose to create it. To put it even more simply: Philo's God possesses free will, and Plato's God does not. For Philo, God is not created, God is the creator of all creation, and all that is created is a creation of God's free will.

This is not to say that God created everything exactly how it is! God may be the creator of all creation, but He is not the micromanager of all micromanagement. God's mind may be the seed-substance from which all creation first grew, as Philo suggests elsewhere in his essay, but once the plant starts growing, once it starts flowering and producing fruit and thus the seed-substance from which it will regenerate, it is on its own. The self-regenerating

[3] Harry A. Wolfson, "Philo Judaeus," *Studies in the History of Philosophy and Religion*, ed. Isidore Twersky and George H. Williams (Harvard University Press, 1973), 61.
[4] Wolfson, "Philo Judaeus," 61.
[5] Wolfson, "Philo Judaeus," 61.
[6] Wolfson, "Philo Judaeus," 62.

cycle is the God-given piece; how or if any one particular plant survives is up to the plant and the habitat in which it exists. The same goes for us. Our species may be divinely created, and we may be endowed with free-will, consciousness, and two opposable thumbs, but how (or whether) we survive, thrive, or somehow manage to make our way back to the beginning—to God—is almost entirely dependent on us and how we choose to exercise our free will. It behooves us, therefore, to understand our place in creation as outlined by Philo, in which God is in harmony with the world, the world is in harmony with the Law, and the Law is in harmony with God. Where we exist, it seems to me, is somewhere in the middle of that generative-regenerative cycle, somewhere in the beginning, always speeding toward the end so that it, and we, may begin again. We find ourselves, right now, in the midst of creation. We are not above or beyond creation. Creation was not a one-time event, and we do not live in long aftermath of creation. *We are creation*. And, as a creation of God's free will, we are co-creators even now. This seems as fitting an entrance as any for Rav Kook, who, a mere nineteen hundred years after Philo, declared somewhat counterintuitively that "the love of all creation comes first."[7]

*The love of all creation comes first?* This simple, benign-seeming affirmation is more complex than it first appears. Should it not be *the love of God comes first?* After all, God is the *seed-substance* from which all creation first grew. Why does Rav Kook privilege God's creation over God? That is exactly what Philo, via Moses, warned us against—that we should not hold the world in admiration rather than the Maker of the world. What I think Rav Kook means is that we cannot go from nonbelief to loving God in one easy step. That would be like skipping all particularities in order to go directly to the universal. And while it may be a good idea *in theory* to head straight for, and to live only in, the universal, the problem is that none of us lives in the universal. Each of us lives deeply embedded in particularity. Regarding this inconvenient truth, Rav Kook writes:

> Great souls cannot dissociate themselves from the most universal concerns. All they desire and aspire for is the universal good, universal in its comprehensiveness, universal in its full width, height and depth. But the whole is

[7] Abraham Isaac Kook, "Moral Principles," 135. All citations of Rav Kook's work are from *Abraham Isaac Kook*, trans. Ben Zion Bokser (Paulist, 1978).

> constituted of numberless particulars, particular individuals and particular communities. The whole cannot achieve its highest fulfillment except through the perfection of its particular individuals, and the particular communities, whether small or large, of which it is constituted.[8]

I understand this as an order of operations, so to speak, regarding our material and spiritual life on earth. Start close in, Rav Kook seems to say. Begin where you are. Only then move outward, step by particular step. Rav Kook reminds us that we are creations, created by God, living in creation, which is to say that the particular dimensions and details of our lives matter urgently not only to the meaning of our lives, but also to the overall condition and thrust of the whole, of which we are also always a part. One of the commonalities among people I have known over the course of my life—including, first and foremost, myself—is that we are guilty of dismissing ourselves and our lives as *mundane*, *inauthentic*, *unreal*. This is more than a simple categorical error. It is a complete misunderstanding of the creation of the cosmos, the meaning of existence, and our place in it—not to mention the meaning of history, the nature of knowledge, and the presence of God in the world, among other not-so-minor considerations.

By holding Rav Kook's directionality in mind, moving *from* the particularities of creation *toward* the universality of God, it becomes evident why he would suggest to us that the love of all creation comes first. If you cannot first love the particularities of creation as you experience it, how could you possibly love God? After all, creation exists *because of God*. More than that, God's presence emanates throughout all of creation. Loving creation *is* loving God. "The higher unification," says Rav Kook, "in which everything finds its completion, rests on the influence of the knowledge of God and the love of God from which it necessarily derives."[9] In other words, knowledge of God is the worldly precondition for resting in the love of God, from which (and from whom) we originate. To put it another way, knowledge of God is our ticket to universality, to the whole, which always already exists within us.

This notion is reminiscent of Philo when he says that the key when approaching the word of God is to be possessed by love and longing for wisdom. In order to become a *harmonious being* who lives *in harmony* with God, one must approach God with love and longing for wisdom. I suspect

[8] Abraham Isaac Kook, "Lights of Holiness," 226.
[9] Kook, "Lights," 226.

that approaching God with love and longing for wisdom is not something we could *try* to do. If we *tried* to live with love and longing for wisdom, we would not be living in love and longing for wisdom, we would be *trying* to live in love and longing for wisdom. Think of the difference between loving your children and *trying* to love your children. The difference is palpable. How we come to unselfconsciously live in love and longing for wisdom, Rav Kook suggests, is through the particularities of our worldly lives. This is because

> when love descends from the spiritual realm to the created order, it descends by fragmentation into many particulars, to opposition and contradiction. It faces the necessity of confining the scope of the love bestowed to one individual for the sake of another, to many individuals for the sake of many other individuals, and to individuals in general for the sake of the all-embracing collective.[10]

This is perhaps the hardest of all the hard truths Rav Kook places before us. As human beings created by God, we are *necessarily* manifested into the world in opposition, contradiction, and fragmentation. These are not indications that something is wrong. *This is the way it is supposed to be.* We are born into opposition, contradiction, and fragmentation *in order* that we may grow our souls, expand our inner horizons, and finally, one hopes, come into love and knowledge of God, thus coming to the end that is also a beginning, so the cycle (and we) may begin again. This may explain how Rav Kook could embrace the secular Zionists all around him when he made aliyah to British Mandate Palestine in 1904. It seems counterintuitive that an Orthodox rabbi from Eastern Europe would, on a certain level, embrace not just secularism and atheism among Jews but the particular brand of Zionism those Jews produced and passionately advocated. Even though Rav Kook disagreed with the Zionist movement of his time spiritually, socially, and politically, he was able to recognize them as an authentic and necessary piece of the larger whole. Even still, when writing about those same Zionists, Rav Kook does not hold back:

> The visible developments taking place before us here are set in a humble format, replete with material and spiritual

[10] Kook, "Lights," 226–27.

> poverty. Eretz Yisrael is returning to life through modest efforts, directed by confused thinking, notions shot through with ignorance and despair, soiled with religious nihilism and an inclination to evil. In all of these there is hiding the presence of the living God. "How great are Your works, O Lord, Your thoughts are very deep" (Psalm 92:6).[11]

What I find so remarkable is that Rav Kook is able to articulate a deeply critical response to his fellow Jews, describing their spirituality as impoverished, their thinking as *confused*, their notions ignorant and despairing, *soiled with religious nihilism*, even going so far as to describe them as having *an inclination to evil*—yet, even still Rav Kook discerns beneath all of those less-than-savory Jewish behaviors and characteristics *the presence of the living God*. This is radically counterintuitive to how we usually think about the world. We usually think in dialectical, binary terms: good or evil, light or dark, friend or foe. We seldom think about our adversary as also, on another level, our ally. Yet this is precisely how Rav Kook challenges us to think. He is suggesting neither that we agree with people with whom we disagree, nor that we abandon our particular worldly perspectives, the very perspectives that give our individual lives meaning. What he is challenging us to do is to look beyond our subjective perspectives, to integrate into our thinking and doing a living awareness of divinity in creation. In other words, he is asking us to recognize the fact that we are all creations—atheists, secularists, Zionists, you name it—all of us created by God, living together in creation, *as creation*. The problem with denying humanity, integrity, or authenticity to people or groups with whom we disagree is that, by doing so, we denigrate not just those people or groups but creation itself, and, by extension, God and ultimately ourselves—sowing disharmony all the way.

Still, how do we get from the fragmentation and chaos of creation to the universal harmony of God? Compared to the harmony of creation as outlined by Philo, the creation of harmony as suggested by Rav Kook seems far more complicated. But maybe this is just an illusion. Maybe the creation of harmony is exactly as complex or as simple as the harmony of creation. Which is to say, maybe it is the same movement, a single gesture. Far be it from me to suggest how anyone could or should get from chaos to harmony; some days I can barely manage my own household affairs. Yet I can point to the

[11] Abraham Isaac Kook, "Works of Creation," 260.

fact that Philo and Rav Kook agree that the Law *specifically exists* in order to lead the observant Jew *from* the chaos of creation *to* the harmony of God.

I did not know that Philo and Rav Kook shared this vision when I decided to write about them. What initially drew me to this seemingly odd couple of Jewish thinkers, separated by one continent and two millennia, is their shared proclivity for digressive, personal, nonsystematic writing. As far as I know, we have no evidence to suggest that Rav Kook ever read Philo, and I am quite certain Philo never read Rav Kook.[12] Yet these two unclassifiable Jewish philosophers share much in common, not least of which is the abiding centrality of Moses within Jewish life. While Philo locates the laws, as articulated by Moses, as a necessary partner to harmony and creation, my first assumption regarding Rav Kook was that he did not hold the laws in quite the same esteem. Needless to say, my first assumption proved incorrect.

In his essay "The Sage is More Important Than the Prophet," Rav Kook weighs the relative merits of the Jewish prophet against those of the Jewish sage, finding that the prophet, while better able to "describe the evils of life and to protest against them vigorously," is less capable than the sage of probing the "particular conditions that preserve life and safeguard it from even the most minor defects that are due to generate very destructive consequences."[13] Among these *destructive consequences* include the "slow negligence" of the performance of the commandments, leading to a "process of erosion, destroying the vessels in which is stored the exalted spirit."[14] Notice the key role of *the performance of the commandments*. When we fail to observe the laws, we *erode* our capacity for spirit. While Rav Kook does not come right out and say it, I imagine he would agree that our capacity to live as *harmonious beings, in harmony* with God, would be severely diminished as a result.

The prophet Moses, however, "discerned simultaneously the claims of general principles as well as of the exacting demands of the particulars."[15] This is because, as Rav Kook and Philo both point out, God revealed this perception to Moses "from mouth to mouth" (Numbers 12:8). Moses was prophet and sage, sage and prophet. But, as we know, there was never an-

[12] We do know that Rav Kook's student Rabbi David Cohen, the Nazir of Jerusalem, quotes Philo extensively in his work *Qol hanevu'ah*. It seems highly likely, therefore, that Kook knew of Philo, even if he never read him.

[13] Abraham Isaac Kook, "The Sage is More Important Than the Prophet," 253.

[14] Kook, "Sage," 253.

[15] Kook, "Sage," 254.

other like Moses. Moses was a singular occurrence. It is not given to even the most learned sages or visionary prophets to know the full details of both the particular and the universal simultaneously. Regarding our built-in limitations, Rav Kook leaves us with a tantalizing, if inscrutable, provocation: "At the end of the present epoch, when the light of prophecy will begin to have its revival, as we are promised, 'I shall pour out My spirit on all flesh' (Joel 3:1), there will develop a reaction, a pronounced disdain for the particulars."[16] This will continue, Rav Kook says, "until the radiance of prophecy will reemerge from its hiding and reveal itself not as an unripe fruit, but as the first fruits full of vitality and life," thus bringing us back to the image of the *self-regenerating seed* that creates the plant that creates the fruit that produces the seed, forever and ever, Amen. "This transcending of one-sidedness," says Rav Kook, "will vindicate the vision of unity expressed by the psalmist: 'Mercy and truth have met, justice and peace have kissed, truth will rise out of the earth and mercy will show itself from heaven; the Lord will also bestow what is good and our earth will bring forth its bounty' (Psalm 85:11)." Rav Kook concludes his essay with these words: "The soul of Moses will then reappear in the world."[17] In the margins of my text, I scribbled: *What does this mean? How would we know?* I do not know what this means, and I do not know *how* we would know. But if Philo can imagine Moses to have been a real person, alive in the world, and if Rav Kook can see secularism and atheism as necessary pieces in the larger movement toward God, then we can imagine the reappearance of Moses's soul, generating and regenerating itself, through us, within us, again and again.

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[16] Kook, "Sage," 254.
[17] Kook, "Sage," 255.

# *Yashan Noshan*

## From the Archives of Conservative Judaism

## *Attah Kiddashta*: A Poetic Midrash on Genesis 2:1-31

*Conservative Judaism 34:1, September/October 1980*

**Mayer I. Gruber**

First attested in the eleventh century *Maḥzor Vitry,* the following poem appears in most subsequent versions of the fourth benediction of the Sabbath *amidah:*[2]

*attáh kiddáshta et-yom-ha-shevi'í lishmékha*
*takhlít ma'aséh shamáyim va-áretz*
*uverakhtó mikkól hayyamím*
*vekiddashtó mikkól hazzemaním*
*vekhén katúv betoratékha*[3]

The poem consists of five lines, the first two of which contain four stresses each, and the last three of which contain three stresses each, as indicated by the accent marks in our transliteration. The metric pattern attested here is well-known from the Book of Jeremiah.[4] Nevertheless, current prayerbooks print the five lines as though they were prose.[5]

The poem should be translated as follows:

You hallowed the seventh day for Yourself,
The end of the Creation of the heavens and the earth.
And You blessed it more than all the days,
And You hallowed it more than all the festivals.[6]
And so it is written in Your Torah.

As an introduction to the recitation of Genesis 2:1-3, this poem is a most ingenious interpretation of those verses. The biblical verses read as follows:

> There were ended [the labors of making] the heavens and the earth and all their array.
> God ended on the seventh day His work, which He had done, and He desisted on the seventh day from all His work which He had done.
> God blessed the seventh day, and He hallowed it, for thereon He desisted from all His work which God created for doing.

The point of this passage is that the end, i.e., the culmination and the purpose of Creation, was the blessing and hallowing of the Sabbath, which took place on the seventh day. The centrality of the Sabbath in the Creation story found in Gen. 1:1-2:3 is obscured by those who emend Gen. 2:2 to read "God ended on the *sixth* day His work which He had done..."[7] The emended text suggests that the crowning act of Creation was not the blessing and hallowing of the Sabbath but the creation of humankind on the sixth day.

The key word in the poem *Attah Kiddashta* is the Hebrew word *takhlit,* "end," which, like the English word "end," means both "completion" and "purpose."[8] This noun is derived from the same root as that of the verb forms *vayekhullu,* "there were ended," and *vayekhal,* "He ended," in Gen. 2:1-2. By asserting that the Sabbath was "The end *(takhlit)* of the Creation of the heavens and the earth" in a poem used to introduce Gen. 2:1-3, the poet indicates that he interprets *vayekhullu,* "there were ended" in Gen. 2:1, to mean "They found their fulfillment." He likewise indicates that he interprets *vayekhal,* "He ended" in Gen. 2:2, to mean "He brought to fulfillment," and he suggests thereby that the *vav* in *vayyishbot,* "And He desisted," be taken as a subordinate conjunction rather than as a coordinate conjunction.[9] Thus Gen. 2:2 is taken to mean "God brought to fulfillment on the seventh day His work which He had done when He *sabbathed* on the seventh day from all His work which He had done." The final line of the poem, "And so it is written in Your Torah," reminds us that the poet believes that he is paraphrasing Gen. 2:1-3.

Now the verb *vayekhal* in Gen. 2:1-2 may be taken as a pluperfect meaning "He had completed" or as a declarative verb meaning "He declared His work completed." In any case the verb, which the author of *Attah Kiddashta* took to mean "He brought to fulfillment," must refer to God's inauguration of the Sabbath unless "on the seventh day" is emended to "on the sixth day."[10] This emendation is to be rejected for two reasons: (1) *lectio difficilior*

*praestat;* and (2) Gen. 1:1-2:3 seeks to inform us that the seven day week culminating in the Sabbath is part of the primordial scheme.[11] The alternative adopted by *The Torah,* (second ed., Philadelphia: Jewish Publication Society, 1967), "On the seventh day God finished the work which He had been doing, and He ceased on the seventh day from all the work which He had done," clearly implies that interrupting an uncompleted task for the sake of the Sabbath is not a divine virtue! Hence this translation is at odds with the ideology of Gen. 1:1-2:3.

In an era plagued by an ecological crisis brought about by humankind's assumption that it is the crown of Creation, it is helpful to have the poem *Attah Kiddashta* remind us that Gen. 1:1-2:3 contradicts that assumption.

The biblical passage, as rightly interpreted by the poem, insists that the Sabbath, rather than humankind, is the crown of Creation.[12]

**NOTES**

[1.] I am grateful to my teacher, Prof. Robert Gordis, for his having read an earlier version of this article and for his having made some very valuable suggestions for its improvement. I alone am responsible for whatever faults remain.

[2.] A.Z. ldelsohn, *Jewish Liturgy and Its Development* (New York: Holt, Rinehart & Winston, 1932), p. 132; see Simḥah ben Samuel of Vitry, *Maḥzor Vitry,* S. Hurwitz, ed. (Nuremberg: S. Bulka, 1923), p. 143. Philip Birnbaum, *Daily Prayer Book* (New York: Hebrew Publishing Co., 1949), p. 267 errs when he says that this poem "appears in the ninth century Siddur of Amram Gaon... " While the poem is found in the Bodleian Library MS. of *Seder Rav Amram,* completed at Rhodes January 3, 1426, it is not found in the more reliable MSS. of *Seder Rav Amram.* The appearance of our poem in that MS. of *Seder Rav Amram* is one of the many instances where that MS reflects the influence of the French rite. See Tryggve Kronholm, *Seder R. Amram Gaon, Part II: The Order of Sabbath Prayer* (Lund, Sweden: CWK Gleerup, 1974), pp. xi-xii; 22-23.

[3.] For the Hebrew text in Hebrew characters see Philip Birnbaum, *Daily Prayer Book,* p. 267; Morris Silverman, ed., *Sabbath and Festival Prayerbook* (New York: Rabbinical Assembly of America and United Synagogue of America, 1946), p. 22; David de Sola Pool, ed. and trans., *The Traditional Prayer Book for Sabbath and Festivals* (New York: Behrman House, 1960), p. 65; Chaim Stern, ed., *Gates of Prayer* (New York: Central Conference of American Rabbis, 1975), p. 136.

[4.] See John Bright, *Jeremiah, Anchor Bible,* Vol. 21 (Garden City, New York: Doubleday & Co., 1965), pp. cxxxii-cxxxviii.

[5.] See the prayerbooks cited in n. 2 above.

[6.] The author of this poem adopts the view that "blessed" and "hallowed" in Gen. 2:3 are synonyms. For this view see A.B. Ehrlich, *Mikra ki-Pheshuto,* 3 vols. (Berlin: H. Itzkowski, 1899-1903), I:4 (in Hebrew). Hence the poet is able to create two parallel clauses "And You blessed it more than all the days (of the week)// And You hallowed it more than all the festivals (of the year)." The basis for determining that "days" here means "days of the week" is the fact that throughout Gen. 1:1-2:3, which is the inspiration for our poet, "day" means "day of the week." The basis for determining that *zemanim* "times" means "festivals" is the use of the term *zemanim* in other liturgical compositions such as the fourth benediction of the festival *amidah* and the festival *kiddush.*

[7.] So, Septuagint, Samaritan Version, *Peshitta,* 1111d *New English Bible. Good News Bible: The Bible in Today's English Version* (New York: American Bible Society, 1976) renders "by the seventh day," which amounts to the same thing as emending the number.
[8.] Chaim Stern, *Gates of Prayer,* p. 136, appropriately renders "goal."
[9.] For numerous examples of biblical Hebrew *vav* interpreted as a subordinate conjunction see Harry M. Orlinsky, *Notes on the New Translation of the Torah* (Philadelphia: Jewish Publication Society, 1969), index, s. v., waw. Construing *vayekhal* as the predicate of a subordinate clause and *vayyishbot* as the predicate of the main clause in Gen. 2:2, Bruce Vawter, *On Genesis: A New Reading* (Garden City, New York: Doubleday & Co., 1977), p. 61, renders "Since on the seventh day God was finished with the work he had been doing, he rested on the seventh day from all the work he had undertaken."
[10.] Cf. E.A. Speiser, *Genesis, Anchor Bible,* Vol. I (Garden City, New York: Doubleday & Co., 1964), p. 7; Gerhard von Rad, *Genesis: a Commentary,* rev. ed. (Philadelphia: Westminister Press, 1972), p. 62; Vawter, p. 61.
[11.] See commentary of Samuel b. Meir (c. 1085-1174), ad loc. in the *Rabbinic Bible,* and see now Vawter, p. 61.
[12.] Contrast Mark 2:27: "The Sabbath was made for man and not man for the Sabbath." The latter is distinct from the idea attributed to R. Jonathan b. Joseph in Babylonian Talmud, *Yoma* 85b: "It [the Sabbath] is handed over to you, but you are not handed over to it." The New Testament assertion in its context challenges the Pharisaic view that the whim of humankind should be subordinated to the Sabbath. The talmudic assertion in its context means only that the saving of human life takes precedence over the Sabbath.

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# Weeping with All the Letters of the Alphabet: The Book of Lamentations in Acrostic Translation

**Joseph H. Prouser**

*"I weep for you with all the letters of the alphabet."*
*– Chaim Grade, Yiddish novelist, mourning the 1952 murder of twenty-four Jewish Russian intellectuals, which was ordered by Stalin*

## Chapter 1

1 **A**las! How can this be? Jerusalem, the once great and populous city, the crown jewel among city states, now sits alone, like a widow: forlorn, bereft, servile!

2 **B**itterly she weeps through the night, tears running down her cheeks. There is no one to tender her loving comfort. All her presumed friends have betrayed her. They are now her enemies.

3 **C**onsumed by misery and overwhelmed by abject servitude, Judah is consigned to exile, with no prospect of rest or respite. All the forces of persecution have placed her in dire straits.

4 **D**esolate of holiday pilgrims, the very streets of Zion mourn. Her gates are all deserted. Her priests sigh in despair. Her young daughters anguish. She is bitter and despondent.

5 **E**nemies of Zion are ascendant! Her detractors are serene and sated. God has chastened Jerusalem for her many transgressions. She sees her infant young led into captivity by the enemy.

6 **F**air Zion is deprived of all her glory. Her princely leaders now roam about like deer: in desperate search of pasture, powerless as they flee before the predator.

7 **G**one is all she cherished in former times. Now suffering pain and degradation, Jerusalem has no one to support her. Her people have fallen into the hands of an enemy who derides her undoing.

8 **H**ow grievous must be Jerusalem's sin! She is an outcast. Those who once esteemed her now hold her in contempt, for they have seen her debased and dishonored. She herself gasps and recoils.

9 **I**mpurity sullies her! She can give no thought to the future. She has fallen so terribly low; she is disconsolate. See, Lord, how the enemy has compounded my anguish!

10 **J**erusalem's enemies have laid hands upon her and all she holds dear. She has beheld foreigners—debarred by Your command from even entering Your covenantal community—invading her very Sanctuary.

11 **K**eeping themselves alive by trading prized possessions for food, her groaning populace searches for bread. Look, Lord! See my wretchedness!

12 **L**ook about, all you passersby, and see. Is there any pain like that which I have suffered? That which I have borne? That which the Lord, in His righteous wrath, has inflicted upon me? May you never know the like!

13 **M**y very bones burn with the fire God dispatched from on high; I am beset, ensnared in the net God Himself spread for me. He has left me desolate in an age of misery.

14 **N**eck bowed by the heavy yoke of my transgressions, I bear a burden imposed on me by God's own hand. My strength is gone. The Lord has reduced me to so lowly a state, I shall never rise again.

15 **O**ur God has repudiated all the men of stature in my midst. He has designated this season for the predation of our youth. He has trampled, as in a wine press, virginal Fair Judea.

16 **P**laintively I bewail these losses, my eyes filled with tears. Any measure of comfort, of spiritual recovery, is but a distant hope. My children, too, are inconsolable. The enemy is triumphant.

17 **Q**uite without anyone to comfort her, Zion extends her hands in vain supplication. At God's command, Jacob is beset, surrounded by his enemies. Jerusalem is a befouled outcast in their midst.

18 **R**ight the Lord is, for I have violated His word. Hear me, fellow nations; behold my anguish: my young sons and daughters have been taken into captivity.

19 **S**o I call out to those who have professed their love for me, but they have deceitfully turned against me. My priests and my elders have perished in the city, as they searched for food in their desperate effort to survive.

20 **T**ake note of my distress, Lord: my innermost soul is in torment! My heart is broken within me, for I know how wrong, how faithless I have been. The sword may threaten outside, but it is my inner recesses where I sense death.

21 **U**pon hearing my sighs, none came to comfort me. All my enemies heard of my misfortune and rejoiced that You have brought about the recompense You threatened. May they suffer the same fate!

22 **V**iew their **W**ickedness, and e**X**ecute justice upon them, just as **Y**ou have penali**Z**ed me for my many transgressions. My sighing is endless; I am sick at heart.

## Chapter 2

1 **A**las! How can this be? The Lord in His anger has utterly rejected Fair Zion. From the very heavens, He has cast majestic Israel down to Earth, sparing, in His day of wrath, not even the Sanctuary that was His footstool.

2 **B**roken and battered are the dwelling places of Jacob. Mercilessly, the Lord has, in His anger, razed to the very ground the fortress strongholds of Fair Judea. The kingdom and its nobles are profaned.

3 **C**ut down is the pride of Israel! In His anger, God has withdrawn His protective right hand in the very presence of the foe! He has loosed a raging,

all-consuming fire upon Jacob.

4 **D**eploying His bow like a sworn enemy, taking aim like a bitter foe, God has slain all He formerly looked upon with such favor and delight. He has poured out His wrath like fire upon Fair Zion's shrine.

5 **E**xecuting His onslaught like a foe, God has laid waste to Israel, laid waste her fortifications, destroyed her fortress strongholds. He has multiplied weeping and wailing, keening and crying in Fair Judea.

6 **F**elling His own Tabernacle like a crop ripe for harvest, the Lord has destroyed His cultic center. Zion's festivals and Sabbaths are consigned to oblivion. In His fierce anger, God has renounced king and priest.

7 **G**od has rejected His altar. He has spurned His Temple and ceded to the enemy the walls of our sacred citadel. It is now they who raise a commotion in the House of the Lord, as on a Festival day.

8 **H**e determined to destroy, to dispatch the walls of Fair Zion. The Lord was calculating in His resolve and did not withdraw His hand from the destructive plan. He brought grief to every wall and rampart; they anguish together.

9 **I**n ruins lie her gates; her beams and buttresses are broken. Her king and her nobles have been exiled. Torah is no more. Her prophets are granted no further vision from the Lord.

10 **J**erusalem's elders sit low on the ground, wrapped in sackcloth, placing dust upon their heads in mourning for Fair Zion. The young daughters of Jerusalem are bowed in abject grief.

11 **K**eening and weeping at such length that my eyes have no more tears, I am aggrieved to my very core. I spew bitter bile on the ground at the downfall of my beautiful nation, at the sight of children and suckling infants sheltering in the streets of a once renowned city.

12 **L**anguishing like those mortally wounded, asking for their mothers: "Where is the grain and wine?" Their tender lives expire in the street, clutched to their mothers' bosoms.

13 **M**y beloved Jerusalem, how can I do you justice in describing your beauty? With what images can I console you, innocent Fair Zion? Your tragedy is as profound as the sea. Who will bring you healing?

14 **N**egligent prophets spoke only of trivial, unimportant matters. They did not address your corruption so as to restore you to your proper course. Their prophecies dwelt on superficial trivialities.

15 **O**nlookers wave dismissively at the very sight of you. They hiss and shake their heads at Fair Jerusalem, the city once celebrated for its consummate beauty, a joy to all the Earth.

16 **P**etulant enemies jeer at you, hissing and gnashing their teeth. They say: "We have destroyed her! How we have waited for this day; now it has finally come about!"

17 **Q**uashing His own inclination to mercy, the Lord has made good His threatened course. He has carried out the devastating sentence He prescribed in ages past. Now your prideful enemies, your bitter foes can rejoice over You.

18 **R**est not your eyes! Grant yourself no respite! The walls of Fair Zion cry their hearts out; let your tears flow like a mighty stream, day and night.

19 **S**tand ready! Call out in the night, at the earliest of watches. Pour out your heart like water in the very presence of the Lord. Extend your hands to Him in prayerful intercession for the lives of starving infants, expiring at every street corner!

20 **T**ake note, Lord! Behold the victims You have dealt with so heartlessly! Mothers consuming their own fruit: helpless newborn babies! Priest and prophet: slain, Lord, in Your own Temple!

21 **U**nderfoot, young and old alike lie in the street. Our young daughters and our sons, felled by the sword. It is You who killed them on Your day of anger. You butchered them. You showed no mercy.

22 **V**indictive foes have done away with children I struggled to raise and to

nurture. On the Lord's day of **W**rath, none survived e**X**termination, none whom **Y**ou called to account escaped Your bla**Z**ing fury.

## Chapter 3

1 **A**ffliction has been my constant lot, subject to the rod of God's own wrath.

2 **A**bsolute darkness drives my destiny, impels me to my fate.

3 **A**gain and again, throughout the day, His hand has struck at me.

4 **B**eaten until my flesh and skin are worn away, He has broken my bones.

5 **B**uffeted by misfortune, I am immured in my own misery.

6 **B**enighted as those long dead, I dwell in gloom and obscurity.

7 **C**onfined as I am, I cannot escape. My chains weigh heavily upon me.

8 **C**ry and plead as I may, my prayers go unheeded.

9 **C**onfounding my path with great obstacles, He has left me nowhere to turn.

10 **D**oom portends from the Lord; He is a bear on the hunt, a prowling lion.

11 **D**isrupting my life's course, He has left me in a wretched state.

12 **D**eploying His bow against me, He takes aim and looses His arrows.

13 **E**viscerated am I by the lethal cache within his quiver.

14 **E**nduring the mockery of the nations, I am made a laughingstock.

15 **E**nduring a full portion of bitterness, I have had my fill of gall.

16 **F**linging me down into the dust, He has ground my teeth with gravel.

17 **F**orget contentment! My soul is bereft of peace.

18 **F**orsaking all hope of recovery, I acknowledge before God: "I am lost."

19 **G**all and poison recall my affliction, they mirror my misery.

20 **G**rieved by recurring memories, my spirit is brought so very low.

21 **G**rasping for hope, I take this truth to heart:

22 **H**eavenly grace is not entirely ended; God's mercy is never exhausted.

23 **H**ow abundant is Your faithfulness, renewed with every morning.

24 **H**e is my portion, my soul insists. I therefore maintain hope in Him.

25 **I**t is good to trust in the Lord, to seek Him and so gain His favor.

26 **I**t is good to nurture silent hope, to await the Lord's salvation.

27 **I**t is good to shoulder this task beginning in one's youth.

28 **J**ust wait in lonely silence, for this is the moral load imposed by God.

29 **J**udicious abasement is our course; there may still be hope.

30 **J**ust or not, forbear, welcome the humiliating blows of your attackers.

31 **K**now that the Lord does not reject in perpetuity.

32 **K**indness abounding, God shows mercy after His corrective measures.

33 **K**ey to His justice: God does not inflict gratuitous suffering.

34 **L**owly prisoners trampled underfoot?

35 **L**awful rights shamelessly denied?

36 **L**axity in defense of justice? These the Lord will not abide.

37 **M**an's plans will come to naught, unless the Lord ordains it.

38 **M**isfortune and success alike emanate from the divine will.

39 **M**isguided are our grievances. Let us regret only our own sins.

40 **N**ote well and thoughtfully our ways. Let us turn back to the Lord.

41 **N**ot our hands but our hearts we must lift up to God in Heaven.

42 **N**oxious sins we have committed, and You have not forgiven us.

43 **O**penly pursuing us and cloaked in anger, You have slain without mercy.

44 **O**bscuring Yourself as in a cloud, You remain impervious to our pleas.

45 **O**bjects of disgust and revulsion have You made us among the nations.

46 **P**erpetually our enemies decry us.

47 **P**anic and peril are our lot, insecurity and instability.

48 **P**ools of water issue from my eyes at the downfall of my beautiful people.

49 **Q**uailing and crying without end, I find no relief.

50 **Q**uietude eludes me. May God in Heaven look upon my plight.

51 **Q**uaking with grief, I see all that has befallen the daughters of my people.

52 **R**elentlessly my foes hunt me, as those who stalk a game bird.

53 **R**elegating my life to the pit, they hurled rocks at me.

54 **R**ising waters engulfed me; I was sure I was finished.

55 **S**inking to the darkest depths, I called upon Your name, O Lord!

56 **S**hut not Your ears; hear my voice, my plea, my entreaty!

57 **S**alvation was forthcoming as I called upon You. You said: "Have no fear!"

58 **T**aking up my cause, Lord, You redeemed my life.

59 **T**hink of the wrongs my enemies have inflicted. Divine Judge, bring me justice!

60 **T**heir vindictive plots against me surely do not escape Your attention.

61 **U**gly invective and unsavory scheming against me, You have heard it all.

62 **U**ttering threats, my enemies plot against me all day long.

63 **U**nstinting, my foes' every movement is orchestrated to harm me.

64 **V**engeance **W**ill be Yours, Lord. Ve**X** them as befits their crimes.

65 **V**ouchsafe for them only heartache. **Y**our curse be upon them!

66 **V**anquish them! In Your **Z**ealous wrath, root them out from under the very heavens of God!

## Chapter 4

1 **A**las! How can this be? That which was golden has grown tarnished. Once lustrous gold is dull and debased. Precious gems lie discarded in the gutter.

2 **B**eloved children of Zion—gold in their own right—Alas! They are now discounted as earthen shards, the leavings of some unknown artisan. How can this be?

3 **C**ould jackals deny their young? Refuse to suckle their pups? Yet my once

beautiful nation has descended into just such cruelty, like scavenger birds abandoning their nestlings in the desert.

4 **D**esperate and destitute, suckling infants thrust out their tongues in thirst; young children ask for bread, but not a slice is to be had.

5 **E**lites who once feasted on delicacies expire in the streets; those raised in luxury are glad to eat from garbage heaps.

6 **F**orsooth, the punishment of my beloved nation exceeds even that imposed upon Sodom, which was destroyed in but a passing moment, with no such protracted suffering.

7 **G**entlemen once purer than the driven snow, as wholesome and hale as milk, their radiant complexions ruddier than rubies,

8 **H**ave grown ashen and sickly, unrecognizable as they roam the streets, their skin hanging on bones now brittle as kindling wood.

9 **I**t is better to die by the sword than to fall victim to hunger, succumbing to stabbing hunger pangs, without even weeds or wild plants to sustain you.

10 **J**udean women, renowned for their compassion, have been reduced to cannibalizing their own children, just to survive amid the destruction of a once beautiful nation.

11 **K**indling a fire in Zion which razed it to its very foundations, the Lord has loosed His full measure of fury, pouring out His blazing wrath.

12 **L**anded nobles, kings and their peoples will hardly believe that such vile enemies could penetrate the gates of Jerusalem.

13 **M**easured was this punishment for the sins of her prophets, the iniquity of her priests, who tolerated the shedding of innocent blood in her midst.

14 **N**one could so much as touch their garments in veneration, so soiled were they with blood, as they wandered aimlessly through the streets.

15 "**O**ff with you! You carriers of defilement!" they would cry at their approach. "Off with you! Stay away! Do not touch us!" So they just roamed and rambled about endlessly. Even other nations said "You may no longer dwell among us."

16 **P**rovidence has expelled them. God will countenance them no more, just as they no longer show deference to their priests, nor are they gracious toward their elders.

17 **Q**uietly we have waited; expectantly we wait still, but the nation is powerless to act. Even now it is in vain; our search for assistance only strains our eyes.

18 **R**outed and driven from the very streets, our end is at hand. Our days are done; the end has come.

19 **S**wifter than eagles in flight were those who pursued us. They drove us into the mountains; in the wilderness they lay in wait for us.

20 **T**he Lord's anointed king, our salvation, our very life's breath, was caught up in their snares, he whose protection afforded us the opportunity to live as a nation among others.

21 **U**nto you, Fair Edom—dwelling in the Land of Uz—this bitter cup will pass in due course. In your drunkenness, you will reveal your shame.

22 **V**isiting fitting punishment upon you, Fair Edom, God will expose your sinfulness. But He **W**ill e**X**ile **Y**ou no further, Fair **Z**ion; your punishment is complete.

## Chapter 5

1 Remember what has become of us, Lord. Just look and see our deplorable condition.

2 Our rightful inheritance has been usurped by strangers. Our homes have gone to outsiders.

3 We have been orphaned, bereft of a father. Our mothers are as widows.

4 We must pay to drink our own water. Every scrap of firewood comes at a price.

5 Our pursuers are breathing down our very necks. Though exhausted, we have no prospect of rest.

6 We have turned to Egypt, imploring them for relief, and to Assyria to provide us with bread.

7 Our fathers sinned and are no more, and we suffer the consequences of their transgressions.

8 Slaves rule over us and there is no one to free us from their clutches.

9 We obtain bread at the risk of our very lives; mortal danger is everywhere.

10 Our skin burns like an oven; our hunger has left us feverish.

11 They have ravished women in Zion, our young daughters in the towns of Judah.

12 They have hanged our princely leaders with their own hands, sparing not even the elderly.

13 Young men are forced to carry millstones; young boys stumble under the weight of firewood.

14 The men of experience and wisdom no longer convene to offer counsel; young men have desisted from their music.

15 Our very capacity for joy is extinguished; our jubilation has turned into mourning.

16 The crown has fallen from our head. Oh! Woe! All because of our sins.

17 Our hearts are sick over this! Our eyes are beclouded,

18 Because of Mount Zion, reduced to ruins, now the haunt of foxes.

19 Though You, Lord, will reign forever. Your throne is secure for all generations.

20 How could You so thoroughly forsake us, abandoning us for so very long?

21 Allow us to return to You, Lord, and we will return in sincere contrition; renew us as in days long ago!

22 Or have You absolutely rejected us? Are You that thoroughly infuriated with us?

Allow us to return to You, Lord, and we will return in sincere contrition; renew us as in days long ago!

## Notes on Translation

The goals of this translation are threefold. The first is to render the meaning of the Hebrew with reasonable accuracy, remaining faithful to the original, and the second is to replicate the pattern and effect of acrostics without unduly altering the content. It is the defining assumption of this translation that the acrostic form is critical to the message of the book, its ritual function, and its literary artistry. Finally, the third goal is to provide an accessible and felicitous English version that will serve the academic demands of the student and the standards of the scholar but no less so the spiritual and liturgical needs of the individual worshipper and congregation.

The English alphabet, at twenty-six letters, is longer than the Hebrew *aleph-bet* with its twenty-two letters. The final verse (or, in chapter 3, verses) of each acrostic chapter thus begins with the letter V: for example, "View their wickedness…." To maximize the acrostic effect of the translation in English, each V verse also includes the letters W, X, Y, and Z, which are highlighted, even though they are not necessarily at the beginning of words: for example, "He **W**ill e**X**ile **Y**ou no further, Fair **Z**ion." The anomalous change in the order of the *peh* and *ayin* verses in chapters 2–4 is not reflected in this translation.

For a study of the function of acrostic in biblical literature generally and the book of Lamentations specifically, see Joseph H. Prouser, "Darkness on

the Face of the Deep: Lamentations as Midrash on Creation," *Conservative Judaism* 56, no. 4 (2004), 37–42. For a discussion of constrained writing in biblical translation, see Joseph H. Prouser, *Initial Instructions: A Translation Celebrating the Book of Genesis in Lipogram* (Ben Yehuda, 2016), xi–xvii, 97–102. The title of this translation and its epigraph are taken from Chaim Grade, "Elegy for the Murdered Yiddish Writers" (*Ikh veyn af aykh mit ale oysyes fun dem alef-beys*). The victims of Stalin's purge were members of the Jewish Anti-Fascist Committee.

1:1 ***How can this be?*** On the interrogatory nature of the term *eikhah*, see Kenneth Brander, "Between 'Eicha–Lamentations' and 'Ayeka–Where Are You?,'" Times of Israel (blog), July 20, 2018, https://blogs.timesofisrael.com/between-eicha-lamentations-ayeka-where-are-you/, who writes: "Eicha, God; how? How did we get to the point that there is such a rift between Your 'chosen people' and Yourself?" See also Marita Anderson, "Eicha: The Most Difficult of Questions," *Atlanta Jewish Times*, August 12, 2016, and commentary below on 4:2 and 5:22.

***forlorn, bereft, servile*** While these adjectives are not attested explicitly in the Hebrew, they dramatize and clarify the force of the "widow" imagery: the social displacement, emotional isolation, and material desperation of the widow in the biblical world.

1:2 ***presumed friends*** Compare NJPS: "allies."

1:3 ***Judah*** This form of the exonym is used for the national designation *Yehudah*. When used in its more poetic, combined, metaphorical form (*bat Yehudah, betulat bat Yehudah*), "Judea" is used. See, e.g., 1:15; 2:2, 5.

***rest or respite*** This translation reflects the alliteration of [*lo*] *matsa Manoah*.

***dire straits*** About the concluding words of this verse, *bein hametsarim*, NJPS notes "meaning of Hebrew uncertain." For a brief discussion of the term, see Joseph H. Prouser, "Say Little, Do Much: The Three Weeks," *Crescent City Jewish News*, July 14, 2023.

1:12 ***May you never know the like!*** The phrase *lo' aleikhem* is moved from the beginning of the verse for clarity.

1:16 ***Any measure of comfort, of spiritual recovery, is but a distant hope.*** Compare NJPS: "Far from me is any comforter / Who might revive my spirit."

1:21 ***May they suffer the same fate!*** In direct contradiction to the sentiment in 1:12, "May you never know the like." This dramatic contrast evinces the disorientation and conflicted emotional state of the bereft mourner.

2:1 ***utterly rejected*** This translation identifies *ya'iv* as derived from *to'eivah*, which is often rendered "abomination"

2:5 ***weeping and wailing, keening and crying*** This reflects the assonance of *ta'aniyyah va'aniyyah*.

2:8 ***determined to destroy, to dispatch*** The threefold alliteration reflects the assonance in *ḥashav… lehashḥit ḥomat*. The repetition of the guttural *ḥet* onomatopoetically suggests a choking death rattle, hence, "to dispatch." Compare Genesis 22: *vayyiqaḥ et hama'akhelet lishḥot et beno*.

2:9 ***beams and buttresses are broken*** This reflects the threefold assonance in *ibbad veshibbar beriḥeha*.

2:10 ***Jerusalem's elders sit low on the ground…mourning for Fair Zion.*** This translation avoids the unsolicitous, because historically charged, "Elders of Zion." See NJPS.

2:12 ***like those mortally wounded, asking for their mothers*** Treating *ḥalal* ("mortally wounded") as the subject of *le'imotam yo'mru* ("asking for their mothers") is based on the tragic, if well-documented history of battlefield wounded calling out for their mothers. See, for example, "'Mother!' The Cry of War's Wounded; Mrs. Philip Snowden, Here, Calls Their Appeal the Most Terrible Feature of Battle," *New York Times*, June 27, 1915. Viscount Snowden was a member of Parliament and the first Labour Party Chancellor of the Exchequer. See also "When Soldiers Cried for Morphine, Their Mothers," *Morning Call*, May 27, 2002.

2:14 ***trivial, unimportant matters*** This is a translation of *shav' vetafeil*. As William Bennett observed, "If we are surrounded by the trivial and the

vicious, it is all too easy to make our peace with it," quoted in John Hood, "What Bill Bennett Used to Understand," *National Review*, August 25, 2016.

2:19 ***Stand ready!*** The Hebrew word here is commonly translated, "arise," "rise," or "get up." As suggested by the statement of Urban League president Marc Morial: "We stand ready to work together, where possible, in helping rebuild not only homes and businesses, but most importantly, lives of those who so desperately need our help."

2:20 ***heartlessly. . . . helpless*** The translation captures a symmetry reflecting the ironic etymological connection of *ʿolalta* and *ʿolalei*: God toys cruelly with the People of Israel, while loving mothers dandle their infants.

3:5 ***immured*** This is a translation of *banah ʿalay vayyiqaf*. To immure is literally "to enclose within walls," here, in biting contrast to the demolition of Jerusalem's city walls; see, e.g., 2:7, 8, 18. Immurement was a particularly cruel (and slow) form of execution, mentioned by Thucydides in his *History of the Peloponnesian Wars*: "there was no length to which violence did not go; sons were killed by their fathers, and suppliants dragged from the altar or slain upon it; while some were even walled up in the temple of Dionysus and died there." See also Sir Walter Scott's notes to his epic poem "Marmion": "among the ruins of the abbey of Coldingham were some years ago discovered the remains of a female skeleton which, from the shape of the niche, and the position of the figure seemed to be that of an immured nun." Apt parallels to the subject matter of Lamentations, both of these sources describe desecrations in places of worship.

3:6 ***Benighted as those long dead, I dwell in gloom and obscurity.*** "Benighted" (*bemaḥshakim*) as in John Milton's "He that has light within his own clear breast May sit in the centre, and enjoy bright day: But he that hides a dark soul and foul thoughts Benighted walks under the mid-day sun; Himself his own dungeon."

3:23 ***How abundant is Your faithfulness, renewed with every morning.*** Both the liturgical timing and the specific language of *Modeh Ani* were inspired by this verse. It is intriguing that our first prescribed words of prayer each day, taught to the youngest of children, are drawn from Lamen-

tations. For additional liturgical references to Lamentations, see also 3:66; 4:11; 5:21.

3:28 ***moral load*** See discussion of this term in Laura Frances Callahan, "Motherhood and the Moral Load," *Think* 20, no. 58 (2021), 55–68.

3:40 ***let us turn back to the Lord*** Just past the mid-point of the book (3:34), this verse anticipates the contrition and penitence prescribed in the penultimate 5:21 ("Allow us to return to You"), providing internal symmetry to an already exceedingly structured book.

3:47 ***Panic and peril…insecurity and instability.*** The alliteration is based on *paḥad vafaḥat…hashei't vehashaver*.

3:48 ***beautiful people*** This translation reflects the image of the nation personified repeatedly in Lamentations as an innocent young girl: *bat 'ami*.

3:50 ***Quietude eludes me.*** This translation is inspired by Maya Angelou: "In silence we listen to ourselves, and in the quietude, we may even hear the voice of God."

3:59 ***Divine Judge, bring me justice!*** Here I am approximating poetic repetition of the Hebrew verb root in *shaftah mishpati*. Compare Abraham's plea in Genesis 18:25: "Will the Judge (*shofet*) of all the Earth not do justice (*mishpat*)?" The image is enshrined in the American Declaration of Independence ("Appealing to the Supreme Judge of the world").

3:61 ***ugly…unsavory*** This translation reflects the assonance of *herpatam…mashevotam*.

3:63 ***orchestrated to harm me*** This plays on the musical nuance of *manginatam* (verb root *nun-gimel-nun*).

3:66 ***Vanquish them! In Your zealous wrath, root them out from under the very heavens of God!*** See commentary on 4:11; the conclusion of the Haggadah passage, *shefokh hamatkha*.

4:2 ***How can this be?*** This is the only use of the word *eichah* outside

the opening words of chapters 1, 2, and 4. Its reprise here is unexpected and jarring. To capture this effect, the question ("How can this be?") is displaced, separated from the interjection "Alas!"

4:7 ***wholesome and hale*** This translation suggests the assonance in *zaku nezireha*.

4:10 ***cannibalizing their own children, just to survive*** The horror here suggested—arguably the most disturbing in an already unsettling book—may well be hyperbolic stock imagery of disaster. See the responsum of Rabbi Ephraim Oshry, *Responsa from the Holocaust*, ed. B. Goldman; trans. Y. Leiman (Judaica Press, 2001), #112, "Cannibalism": "One cannot imagine, let alone describe, the hunger that raged in the concentration camps and the ghettoes among the Jews. Even so, the Jewish people did not descend from their level of sanctity; they never ate human flesh."

***beautiful nation*** See comment on 3:48 above.

4:11 ***pouring out His blazing wrath*** This verse is the basis of the bitter expression in the Passover Haggadah: *shefokh hamatkha* ("Pour out Your wrath").

4:13 ***who tolerated the shedding of innocent blood*** The prophets and priests did not personally shed blood. Compare b. Sotah 46b, which comments on the expiatory ritual of the heifer killed in response to an unsolved murder (Deuteronomy 21:1–6).

4:15 ***roamed and rambled*** This translation reflects the alliteration of *ki natsu gam-naʿu*.

4:16 ***countenance*** This word reflects *penei Adonai…penei kohanim*.

4:17 ***Quietly we have waited; expectantly we wait still*** This translation captures the double formulation of *betsipiyyateinu tsipinu.* The cadence and rhetorical effect intended here are modeled on Abraham Lincoln's second inaugural address, which is famously replete with biblical imagery and allusion: "Fondly do we hope, fervently do we pray, (that this mighty scourge of war may speedily pass away)."

4:18 ***Our days are done*** This phrase is incorporated into the poetry of Henry Wadsworth Longfellow ("The Day is Done") and the music of Peter Yarrow ("Day is Done"), as well as the lyrics popularly (although not officially) associated with the military bugle call "Taps" ("Day is done; gone the sun").

4:20 ***salvation*** This word evokes the theologically charged messianic nuance of *meshiaḥ Adonai*.

4:21 ***Land of Uz*** It is not clear whether the biblical land of Uz is a real location or a fictional one. *Utz* may carry the meaning of "counsel," which would be especially fitting in the context of Job. This verse might accordingly be rendered "Unto you, Fair Edom—heed my counsel—this bitter cup will pass in due course. In your drunkenness, you will reveal your shame."

5:5 ***breathing down our very necks*** That is, *ʿal tsavvaʾreinu nirdafnu*. Compare NJPS: "We are hotly pursued."

5:15 ***our jubilation has turned into mourning*** Alternatively: "The Sabbath, the source of our joy and jubilation, has turned into a time for mourning."

5:16 ***Oh! Woe!*** This translation evokes the formality of *oy naʾ*.

5:18 ***haunt of foxes*** See "Fox Spotted along Walls of Temple Mount Sparks Talk of Prophecy," *Jerusalem Post*, July 27, 2023 (Tishah bʾAv 5783).

5:20 ***How could You*** This translation evinces indignant incredulity, as in Henrik Ibsen's *Hedda Gabler*: "How could you do such a thing! To that harmless old soul!" The rhetorical question here introduces the interrogative voice with which the book concludes; see 5:22.

5:21 ***Allow us to return to You*** This expression is in the prayer recited at the conclusion of the weekday, Sabbath, and holiday Torah service liturgies.

5:22 ***have You…Are You…?*** The final verse is rendered in the interrogative, which befits the devastated bewilderment of a nation stripped of its land, sovereignty, and religious cult. It also reflects the pained and

perplexed refrain of Lamentations, the only book of the Hebrew Bible whose very name is a question: *Eikhah*?! "How can this be? How could this possibly have befallen us?" So, too, the incredulous "Are You that thoroughly infuriated with us?" Understanding this verse as a question places Lamentations in the rarified scriptural company of Jonah and Nahum, both of which conclude with questions. Furthermore, ending a book with a question in order to dramatize the tragic nature, dystopian vision, or social criticism of the work is a well-established literary pattern. Examples include Ralph Ellison's *Invisible Man* ("And it is this which frightens me: Who knows but that, on the lower frequencies, I speak for you?"), Margaret Atwood's *The Handmaid's Tale* ("Are there any questions?") and Ernest Hemingway's biblically allusive *The Sun Also Rises* ("'Yes,' I said. 'Isn't it pretty to think so?'").

5:21 [reprise] ***Allow us to return to You*** In the liturgical chanting of Lamentations on Tishah b'Av, the entire verse is customarily repeated in unison following 5:22 in order to conclude the reading. This avoids concluding with the more discouraging strains of 5:21.

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**Joel Roth, *Hakol kol Yaʿakov*. The Institute of Applied Halakhah at the Schechter Institute of Jewish Studies and The Jewish Theological Seminary, 2023.**

**David Golinkin, *ʿAseh lekha rav,* volume 2. The Institute of Applied Halakhah at the Schechter Institute of Jewish Studies and The Jewish Theological Seminary, 2024.**

**Reviewed by Michael Pitkowsky**

The two volumes being reviewed are recent publications of *The Institute of Applied Halakhah at The Schechter Institute of Jewish Studies* in Jerusalem. The first volume, *Hakol kol Yaʿakov*, is a collection of halakhic essays and responsa by Rabbi Joel Roth spanning a number of decades, while the latter, *ʿAseh lekha rav*, volume 2, is a collection of more recent responsa by Rabbi David Golinkin. These two figures have been central to the development of halakhah within the Conservative and Masorti movements for many years through their writings, the many students whom they have taught, and their public speaking. On the one hand, I approach writing this review with the hesitation of putting my head between two large mountains (t. Yevamot 1:10), but there is also no *beit midrash* without something new (b. Hagigah 3a). The following are a few thoughts that came to mind when reading these two important volumes; these thoughts are less about specific halakhic opinions and more about process, method, and the place of halakhah within our communities. I will begin with Roth's volume and then Golinkin's.

In his responsum "May a Minor Read from the Torah," Roth demonstrated conclusively that until the *Magen Avraham*, a seventeeth-century commentary on the Shulchan Arukh by Avraham Gumbiner, the overwhelming majority of halakhic opinion was that it was permitted for minors to read from the Torah. "All the primary sources allow a minor to read from the Torah. The commentators on those primary sources, though occasionally adding minor restrictions, clearly accept the ruling found in those sources." Roth then continues:

> Therefore, in the absence of any better explanation of the reasoning of the *Magen Avraham*, except for the possibility that he felt that minors, by definition, do not know *lemi mevarekhim* (a contention we find difficult, to say the least), we must follow the clear and unambiguous ruling found in the primary sources, supported by many of the commentators (Roth, 104).

I am less concerned with the topic itself than with the claim that "*we must follow* the clear and unambiguous ruling found in the primary sources" (emphasis mine). This statement is somewhat tempered toward the end of the responsum, where he writes that "[it] therefore seems that, given the halachic sources discussed and the conditions of our synagogues, children under 13 years of age *may be allowed* to read from the Torah" (Roth, 105, emphasis mine). Halakhic discourse is often the result of the tension between what we understand to be a clear halakhic opinion found in literary sources and the behavior and expectations of our communities, as well as our desire to bridge the gap between these factors. The halakhic sources may unequivocally permit a certain behavior, but that does not mean that we must adopt that behavior when it goes against accepted communal traditions.

The second issue that I want to address is the role of a centralized law committee in our movement, whether it be the Committee on Jewish Law and Standards (CJLS) or the *Vaʿad halakhah* in Israel. In his responsum "Kashrut of Cheese: A New Issue," Roth addresses the possible implications of new information about the production of cheeses manufactured without rabbinic supervision and whether certain ingredients have the status of *davar ḥadash*, an ingredient of non-kosher origin that has gone through so much change that it is no longer considered non-kosher. After examining the halakhic sources and modern cheese production, Roth offers a number of possible options that the CJLS could take, and I want to bring the following quote from the option that Roth supports.

> The fourth option, the one I recommend, is for the Law Committee to disseminate this paper to the membership of the RA in order to present the facts before them, and suffice with that action alone. The advantage of this course of action is that it fulfills our responsibility to let our membership know that there is some new information about the kashrut of cheeses that they ought, at least, to, be aware of. This paper will provide them with the relevant data and allow them to act responsibly as *marei de-atra* [halakhic authorities for their communities]. In this instance, I do not think we will be remiss in our obligation to provide guidance to the membership of the RA by taking this action. Individual rabbis may be less qualified than the CJLS to determine whether something is halakhically *davar hadash*, and they may be unaware of certain decisions of the Law Committee that are based upon a psycholog-

> ical premise. Once provided with that information, however, individual rabbis are not less qualified than the CJLS to determine for themselves whether the psychological factors still apply and to take whatever actions they deem appropriate (Roth, 129–30). [The psychological factors are how people would relate to a *davar ḥadash* of pig origin.]

The status and role of law committees within our movement has been discussed on more than one occasion, and here Roth sees the CJLS as a vehicle for empowering individual rabbis to make their own decisions and not just defer to a decision of the Law Committee. I would even go so far as seeing its role as empowering all individuals, not only rabbis, to make their own informed halakhic decisions.

These examples and others in this volume show Roth's sensitivity to the place and role of the halakhic process within our communities and institutions, whether someone is a rabbinic leader, a Ramah camper, or a member of a Conservative synagogue.

Golinkin's *ʿAseh lekha rav*, volume 2 (ALR) consists of responsa that were previously published in his *Responsa in a Moment*, volume 5 (RIM) along with some additional material. I would like to bring a few examples from Golinkin's ALR to illustrate how critical scholarship and historical inquiry have a role to play in the halakhic decision-making process.

The first is an example that Golinkin himself brings in his introduction, where he briefly discusses his methodology of writing responsa; it is a source that is brought in a responsum addressing mourning practices during the COVID pandemic. Golinkin corrects the text of a responsum of the Maharil that is brought by Moses Isserles in his commentary on the Shulchan Arukh. On the basis of the corrupted text, it seems that the Maharil was of the opinion that "one does not need to mourn in time of plague" (RIM, 24; ALR, 15). Golinkin shows that the corrected text actually addresses only one mourning practice, that of sitting on the ground.

The importance of Golinkin's thorough examination of the sources becomes clear when you compare his discussion with that of the respected Orthodox halakhic authority Asher Weiss. In his volume of responsa on the COVID pandemic, *Minḥat Asher: Mageifat hakorona*, Weiss devotes a number of responsa to mourning practices during a pandemic, and in each of them he has to address the Maharil's opinion (see responsa nos. 145–47). Weiss, whose responsa demonstrate a far-reaching command of halakhic

literature, offers numerous explanations as to why this opinion was not and should not be accepted as halakhah, but that it is a corrupted text is not one of them.

A second instance of how textual scholarship might influence halakhic decision-making relates to food cooked by a non-Jew. The common term to describe this area of halakhah is *Bishul ʿakum*, which literally means food cooked by an idol worshiper. As Golinkin shows, clarifying the correct reading of halakhic sources is essential when addressing this issue. *ʿAkum* is an abbreviation of *ʿovdei kokhavim umazalot*—namely, idol worshippers, a term that was introduced into the Talmud and halakhic literature by Christian censorship. Therefore we need to stress at the outset that the correct term for food cooked by non-Jews is *bishulei* goyim and not *bishulei ʿakum*. The reading *goyim* (non-Jews) appears in the uncensored editions of m. *Avodah Zarah* 2:6, Rambam, *Laws of Forbidden Foods*, 17:9ff., and Shulchan Arukh, Yoreh Deʿah 113. The change has halakhic significance. If the Mishnah was referring to food cooked by *ʿakum* or idol-worshippers, it would be possible to permit these foods today because Muslims, according to all *posqim*, and Christians, according to many, are not idol worshippers. But the original reading is *goyim* and not *ʿakum*. (RIM, 245–46; ALR,137–38)

These are but two of the many examples in which Golinkin weaves into his responsa the fruits of textual and historical scholarship, showing how different disciplines can help enrich the halakhic decision-making process.

Both Joel Roth and David Golinkin have been indefatigable and inspiring sources for us and helped create what I would call a "usable halakhic past" to help guide our lives and communities. These two volumes are worthy representations of their scholarly output, and we can only hope to continue to benefit from their work.

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**Gila Fine, *The Madwoman in the Rabbi's Attic: Rereading the Women of the Talmud*. Maggid, 2024.**

**Reviewed by**
**Rabbi Abby Sosland**

For Gila Fine, author of *The Madwoman in the Rabbi's Attic,* a reader's relationship with the stories of the Talmud reflects a person's relationships with any Other. Fine offers four of the most common responses

to complicated talmudic texts, which parallel how humans deal with difficult Others. The first is all-out rejection, an assumption that a text is too difficult and will never speak to the reader. "This relationship can never be." A second possible response is accommodation, where the text stays unchallenged, and readers "sacrifice their identity" to make the relationship work. A third response is subjection, where the reader redefines the text and forces it to meet the modern era. "The text loses its integrity so that the readers may maintain theirs."

Fine chooses a fourth approach for her book, one built on negotiation. Instead of pushing her own reading onto the text, she understands her role as one part of a mutual connection.

> We must bring our whole selves to the encounter with the talmudic text, as we must allow the Talmud to bring its full self to its encounter with us.... It is only when we are who we are, and accept the Talmud for what it is, that a true relationship, a real act of reading—where we learn and evolve and grow—can occur. (xv–xvi)

For those of us who love Talmud but wonder if it loves us back, this book offers us a powerful tool for breaking down any form of dysfunction.

Fine understands "revision" in Adrienne Rich's sense of the word, as a re-visioning, a "seeing with fresh eyes" that involves a new way of looking at some of the most famous stories of women in the Talmud. For each one, she unpacks a classic female archetype by exploring the cultural and literary history that created it. Using a literary perspective, Fine analyzes the language, the cultural context, and the locations where each story takes place, ultimately breaking down each archetype to reflect a "*complex, extraordinary woman, as misunderstood by her own world as by generations of readers*" (xiii).

As one example, Fine associates Beruria with the archetype of overreacher (or, as Fine calls her, The Overreacherix) in the tradition of Prometheus, Sisyphus, and Icarus. While these mythic figures reach for the sky or the heavens, Beruria's overreach involves stepping over to a man's side of the world, "engaging in a typical masculine pursuit…an act of hubris." Looking through the lens of the rabbis, this is flying too close to the sun. Is this their critique of Beruria or simply a recognition of the state of the world? Fine suggests the latter, offering a perhaps overly generous reading, as she understands the rabbis to be critiquing rather than creating these gender norms. "It is through their stories that the rabbis articulated their eth-

ics of otherness." Is this enough to let the rabbis off the hook? Or is it a wishful reading? By playing with this otherness, are they not also cementing it into reality? Fine's arguments open up a whole series of fascinating questions, begging for a *ḥevrutah* (or book group, for that matter) to unpack and discuss.

In addition to the feminist rereadings, Fine's book is replete with amazing new ideas about Talmud in general, including a surprisingly original read of *tannur shel ʿAkhnai*, among other classics, and articulating the life lessons in passages that we may know well. For instance, in the rabbinic story of the destruction of the Temple, the Talmud suggests that the humility of Rabbi Zekharia ben Avkulas is what brought it about. Fine brings home the core teaching embodied in that suggestion:

> For this, precisely, is when humility goes wrong. When it undermines our confidence. When it paralyzes. When the fear of making a mistake prevents us from doing anything—which is often the greatest mistake of all. So humble are the rabbis, so lacking in conviction and a sense of their own authority, they dare not take a stand where one is urgently needed (72).

The breadth of Fine's research is astounding, as she calls on the work of scholars, philosophers, and influencers from across the ages and makes her footnotes almost as interesting as the body of the book. It is in the rereadings that she sometimes seems to push her faith in the rabbis too far. Did they really "see women as fully fledged human beings who ought to be regarded as such?" Did they really "wish for all Others to be treated this way?" It feels like an overly optimistic fantasy to imagine that the rabbis saw women in this generous light, but even when the reader might be unconvinced, the book lifts up these stories and brings fresh eyes to our reading. This is a powerful addition to the study of aggadah, allowing readers a way in, a path to bringing our own voices to the text with integrity. It is good therapy for those of us who want an open, honest relationship with the Talmud, and, just as important, it is a loving, joyful read.

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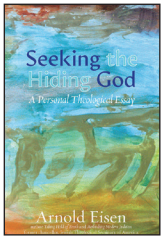


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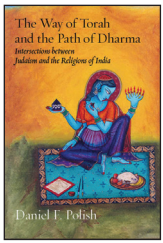


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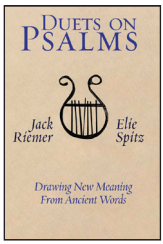


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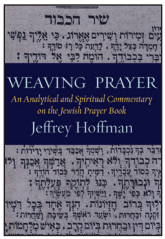


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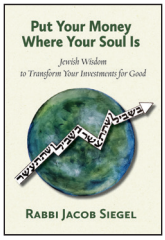


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