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Letter from the Editors

Dear reader,

After a five year hiatus, *Makom* is excited to publish its sixth issue and to share the following compositions with you. This issue includes a poem by Gilad Barach, and four academic papers written by Kadya Chavkin, Evan Gorstein, Benjamin Simon, and Hillel Steinmetz, and the subjects range from Hebrew grammar to Rabbi Joseph B. Soleveitchik’s approaches to Zionism.

In our endeavor to publish *Makom* for the first time in several years, we couldn’t help but think about the discourse surrounding Jewish life on campus. The popular discourse tends to revolve around issues of antisemitism and Israel, and the voices of students are often invoked to comment on these issues. As important as these issues are, student voices should not be limited to commentary on these issues.

The diversity of subjects and styles thus reflects the mission of *Makom* as a journal on Jewish thought for undergraduate students. As evidenced by this issues, undergraduates are deeply engaged with a wide range of
questions and ideas, and they are excited to create exceptional works of scholarship and works on Judaism and Jewish thought. In reviving *Makom*, we hope to provide a medium through which students can pursue personally meaningful Jewish questions and share their discoveries with passionate young scholars, poets, and artists.

Publishing a journal that had been dormant has not been without difficulties, and we are grateful for the diligence and patience of our editorial team and writers. We would also like to personally thank Dr. Nancy Pardee for all of her support throughout this publishing process.

As an editorial stance, we have opted to preserve most of the original works submitted, including bibliographic style preferences.

We are excited to see Kadya Chavkin take our place as the next Editor-in-Chief. We are sending her our best wishes and blessings. We hope that *Makom*, in its revived state, remains a place for undergraduates to share, read, reflect, and think together for many years to come.

Yours,
Hillel Steinmetz & Raina Weinstein
On Mount Moriah
Gilad Barach

We have been walking
up this mountain for years.
As we ascend, we do not speak,
my father and eye.
I cannot find the courage
to ask him why he is so bitter.
Internally, I imagine that
I only need to wait,

Yes! Surely my father is on some
pious mission,
I tell myself. Surely he is
sacrificing our love
for something greater
and that one day, his loyalty
to that greater being
will stop testing him,
and we will be able to talk
about our journeys, and our silences, and
everything in between.
The Use of Accents and Pausal Forms in List Sections of the Twenty-One “Prose” Books of the Hebrew Bible

Kadya Chavkin

This essay gives an introduction to accentuation and pausal forms, two types of syntactic division found in the twenty-one books of the Hebrew Bible. I will provide an overview of these two forms’ function in the narrative sections, and a more in-depth account of their functioning in the list sections. Using the evidence compiled from various lists in Deuteronomy, I will show that Yeivin’s theories concerning the accents of lists are more commonly accurate than those of his concerning pausal forms in lists. Further, I will argue that the kind of accentual and pause forms used in lists is not an older form, but merely a different one more suited to the recitation of lists.
The Accentual System in the Narrative Sections of Twenty-One Books

In the twenty-one “prose”¹ books of the Hebrew Bible, the first² system of logical syntactic division is the accentual system. The accents are musical markers (that is to say, they are supposed to make the text sound interesting for the listener), but they also function to let the reader know what is going on in the story by showing which words are most closely related to each other and when the sentence ends. There are two types of accents: conjunctive (accents that connect words) and disjunctive (accents that mark division). Of the disjunctive accents scholars have identified four “grades” or “levels” -- levels which, as Israel Yeivin helpfully points out, are “relative, not absolute.”³ That is, it is not that

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¹ These are the twenty-one books of the Hebrew Bible that have one accentual system, as opposed to the books of Job, Psalms, and Proverbs, which use another system, which will not be discussed in this section. Calling the twenty-one books the “prose” books is a matter of convention and should not be taken as a claim that these books contain no poetry in them.

² It should be noted that there are other ways to mark syntactic division (not to be confused with text division markers, of which there are many more), such as are discussed by Revell in his 2016 essay “Terminal Markers in the Masoretic Text” published in the Journal of Semitic Studies (namely, the Nesiga and conjunctive waw with qames), but they will not be discussed in this essay.

disjunctives of a higher level indicate a shorter pause than disjunctives of a lower level, but merely that the clause of a disjunctive of level three, for example, is divided by a disjunctive of level four.\textsuperscript{4} The accents therefore mark how each verse and clause is structured.

E. J. Revell goes even further, arguing that the accents \textit{primarily} show “musical phenomena, not pauses,”\textsuperscript{5} but this seems to be mere conjecture at best. After all, much has been written on the subject of the accentual system as a syntactic system. What the original producers of the chant intended -- whether it was to help the listener understand what was going on, or to make the reading simply more interesting for the listener -- is likely unknowable at this point.

Normal narrative verses are typically divided based on syntax, such as where the thematic middle of the phrase is, which words are connected to each other, and which phrases are not to be connected to each other. This is often used to help interpret the sentence in question. One famous example involves a potentially heretical verse that the Masoretes “fixed” using accents so that it would not seem

\begin{footnotesize}
\begin{enumerate}
\item Ibid.
\end{enumerate}
\end{footnotesize}
heretical. This is Isaiah 45:1, which Miles Cohen claims is one of “the most obvious cases of a Masoretic commentary,” and which reads:

כה-אמר ה׳ למשיח ולכורש השחוקי בימי אחרון לפניו ו赎回 וירם ומחי מלתם אפתח בפתח לפניו ודלתים ושוורים לא יסגרו

The problematic part of the phrase occurs at the beginning, since it naturally would read: “Thus says the Lord to Cyrus, His anointed one who I have grasped…” This is not obviously a problem, as it could merely mean that the Lord appointed Cyrus as king, and nothing more, were it not for the frequent use of the word מושע to have the larger meaning of Messiah. Some might interpret this verse, then, to mean that King Cyrus was the Messiah, which was surely incorrect, at least in the eyes of the Masoretes. Therefore, Cohen argues that the original, which should have been a simple segol phrase, as follows:

כה-אמר ה׳ למשיח ולכורש

became, instead:

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7 Any translations are mine.
8 And indeed this is how Rashi interprets the phrase, writing, כל שם זוהה קרוי מושע ("Every name of greatness is called anointed").
9 That is, a phrase where the main disjunctive is a segol. See Appendix A.
Therefore, instead of meaning “Thus says the Lord to Cyrus, His anointed one,” it is more easily interpreted as “Thus says the Lord to Cyrus, concerning His anointed one,” which is indeed the midrashic explanation of the verse given in the Babylonian Talmud. This is because the accent in the first on לכרוש is the conjunctive accent munah which connects it to the following word, since the following word has the disjunctive accent segol. The version as it appears in the Leningrad Codex (the version Cohen argues is altered), shows the disjunctive accent zarqa on the word למשיחו, and the conjunctive accent munah on לכרוש, meaning that לכרוש is not connected to למשיחו but to the word that follows. This is even reflected in the lineation of Biblia Hebraica Stuttgartensia, which puts a space between למשיחו and לכרוש, but does not comment on its choice to do so.

In the list sections of the Hebrew Bible, accents behave somewhat differently. As Yeivin defines a list, it can be as short as two words long, as long as they are in parallel with

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10 Megilla 12a: ’וגו כורש על לך אני קובל למשיח ה ("And is it that Cyrus was the Messiah? Rather, [read homiletically], “The Lord said to the Messiah, I am complaining to you about Cyrus, etc”).
11 Biblia Hebraica Stuttgartensia is an academic copy of the Hebrew Bible, based largely, although not completely, on the Leningrad Codex.
one another (he gives the example of).

In the case of two words, he writes that the two words “are joined by a conjunctive accent.”

In the case of his example, the first word is joined to the second word by means of conjunctive merḥa. When the list consists of three words (or phrases consisting of words in construct), Yeivin writes that “the first usually has a conjunctive, the second a disjunctive” and the last usually a disjunctive. One example from the Pentateuch is where the sequence is merḥa (conjunctive) tifḥa (level two disjunctive) silluq/sof pasuq (level one disjunctive). Lists of four words are “generally divided into two pairs.” This is true for longer lists as well.

To show this in practice, in terms of a slightly longer list, presented below is an analysis of Deuteronomy 14:4-5 (the list starts in the middle of verse 4 and continues until the end of verse 5):

12 Leviticus 25:44.
14 Such as, the house of Levi.
16 Exodus 25:3
17 Yeivin, Introduction to the Tiberian Masorah, 175.
However, in verse 4, the word קֶשׁ is, both times, used in construct with the word that follows. According to Yeivin, when words appear in construct (when there are only two words, at least), the first will be marked with a conjunctive and the second with a disjunctive. This means that regardless of their position in the list, they will show that accentual pattern. Furthermore, since this (verse 5) is a verse that is several words long, it follows that there is an atnah in the logical middle of the verse, seeing as the atnah occurs in the syntactic middle of a phrase. As mentioned earlier, this middle is not the technical spatial middle, but rather the thematic middle. Since this is a list, and there is no real syntactic middle, the middle in this case is much closer to being the spatial middle. However, since the accents for lists work in pairs, the atnah must be situated, in order to be in the middle, on either the ויחמור (which is where it is in reality) or the ודישן. This shows that the pattern theorized by Yeivin holds true fairly well.

*Pause in the Twenty-One Books*

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18 Ibid., 178.
Pause is, comparatively speaking, much simpler than the accentual system. Pause is called such because, as Thomas Lambdin explains, it is an indication for the formal reader of the text to break briefly in their recitation.\(^\text{19}\) The pausal forms have no musical value, and do not show much syntax besides showing where the middle of the phrase is and where the end is. In accentual terms, this means that they should only appear with grade one accents.\(^\text{20}\) There are cases, however, where pausal forms appear with accents of lower grade, most commonly \textit{zaqef} but others as well, and sometimes even with conjunctive accents. Pausal forms can be identified because they differ “in features of vowel pattern and/or stress position from the (generally) more common contextual form which is used in other positions.”\(^\text{21}\) This often means having longer vowels.

In narrative sections, pauses usually occur in the middle of the verse (the thematic center, not the spatial center). In list sections where “the items composing the list


\(^\text{20}\) As Revell rightly points out, however, \textit{atnah} and \textit{silluq} do not always have pausal forms. Sometimes they appear with the more regular forms. E. J. Revell “The Occurrence of Pausal Forms,” \textit{Journal of Semitic Studies} 57 (2012), 213.

\(^\text{21}\) Ibid., 213.
are relatively short” (that is, the list is), however, it has been argued that pauses occur every two or three words. A list is defined by Revell as “a set of successive words, phrases, or clauses, which are used in parallel in that each performs the same function in the clause, or in the wider context in which they stand.”

Sometimes the accentual system lines up with the pausal list system and shows verses in list sections of only a few words each. This may be seen in Nehemiah 12:2-6 and Numbers 1, to give two examples.

However, it is not always the case that the pausal system and accentual system line up perfectly in the list sections. Although, as E. J. Revell notes, “the two systems very often coincide,” they are not the same. Revell writes that pause “is a feature of the language, not a product of the biblical chant.” In other words, the pausal forms are not associated with specific accents because of the accents themselves (the biblical chant), but rather due to the way that a speaker of the language would pronounce words depending on where they were in the sentence (making the pausal forms a “feature of the language”).

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22 Ibid., 220.
23 Revell, “Pausal Forms,” 168.
24 Ibid., 165 fn 1.
This can be seen in the following example:

This list is found in the fourth commandment in the Deuteronomistic account of the Revelation at Mount Sinai.\(^{25}\)

The word is treated in this instance as though it is pausal by both Yeivin and Revell.\(^{26}\) They seem to treat it this way because it *should* be pausal: that is, it is in a list, so it ought to be pausal because it is in the right position. This is a rather circular way of showing that lists have pausal forms every two or three words, however.

It should be noted that the word שֶׁיָּדוָּה does indeed have a disjunctive accent, albeit one of grade four (*a pazer*). שֶׁיָּדוָּה has a *munāḥ* (*a conjunctive accent*), שֶׁיָּדוָּה a *teliša gedolah* (*a grade four disjunctive*), שֶׁיָּדוָּה a *revia* (*grade three*

\(^{25}\) I have only vocalized the forms which are pausal (or, importantly, which could be pausal), in order to highlight them. For example, the word שֶׁיָּדוָּה is expected to be pointed שֶׁיָּדוָּה following Genesis 29:18 and Leviticus 19:29. While these examples are of שֶׁיָּדוָּה and not שֶׁיָּדוָּה this does not present a problem. The only instances of שֶׁיָּדוָּה occur following שֶׁיָּדוָּה and are in lists and are also pausal. The *sheva* is representative of the way that pronominal suffixes are added to monosyllabic nouns. However, it should be noted that some of the words I have vocalized are not necessarily pausal, such as שֶׁיָּדוָּה, which has this vocalic pattern in all of its occurrences.

disjunctive), and a *zaqef katon* (a grade two disjunctive that very frequently occurs with pausal forms). Also interesting in this verse is its last word, כמות. It is in pause and thus appears to be normal -- except for accent as it has both a *silluq* and an *atnah* (this problem is prevalent for both versions of the Ten Commandments). Geoffrey Khan believes that this is due to two varying inherited traditions of how the text is to be read.\(^{27}\)

Since this verse does not contain very many pausal forms, one of which is not necessarily even a pausal form at all, I provide another example to further show the pattern. Deuteronomy 16:14 reads:

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ושמחת בָּחֳגֶ֑ךָ אתה ובּוכֶּ֑ךָ וּבִתֶּ֙ךֶָּ וּעֲבָדְךָ וּאָמָ֔תְךָ וּהֲלוֹאָ֤ו ולְהָרֶ֙וֶתְךָ וּכְוַתָּ֔ם
והאלמנה אשֶר בּשָׁעֲרֶ֑יךָ:
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Again, only the pausal forms are vocalized in order to highlight them.

However, not all lists exhibit this pattern. For example, see Deuteronomy 14:4-5, the same example examined in the section on accents in lists (and again, the list

\(^{27}\) Geoffrey Khan *A Short Introduction to the Tiberian Masoretic Bible and its Reading Tradition.* Piscataway: Gorigas Press, 2014, 41. A more traditional approach reads each commandment as though it were a single verse and uses one set of accents for public readings and one for private readings (thanks to Nisan Chavkin, a local *ba’al koreh*, for this information).
starts in the middle of verse 4 and continues until the end of verse 5):

שר נבחי יְהוּדָּה נבחי

According to the rules outlined by Lambdin\textsuperscript{28} and Paul Jouon and T. Muraoka,\textsuperscript{29} none of the words in this list are in pause except for זמר. However, some of the forms are no doubt in pause, but simply do not show pausal forms, such as יַחְמֻר and עִזִֽ֑ים. This is because pause primarily affects $a$-class vowels and $shewas$, not $i$-class vowels. As a $hiriq$ is already grammatically long, it cannot be lengthened in pause. This does not solve the problem of why the other words do not appear to be in pause, though. The answer seems to be that Yeivin’s theory does not hold true for all lists. Revell acknowledges this, writing that pausal forms “terminate items, or units formed of groups of items, which make up a list, in over 100 cases”\textsuperscript{30} -- thus acknowledging that, as there are surely more than 100 lists in the Hebrew Bible, pausal forms do not behave this way in all lists.


\textsuperscript{30} Revell, “The Occurrence of Pausal Forms,” 220.
Pausal Forms in Lists as an Older System of Division

In his section on the pausal form in lists sections of the Hebrew Bible, Yeivin makes the interesting claim that it “is probable that pausal forms in such positions reflect an earlier stage of the reading tradition.”\(^{31}\) If this was indeed the case, it would seem more likely that the use of pausal forms in lists merely reflects a different intonation pattern used when reading list sections. Revell notes that this conflicts with the Mishnaic and Greek reading traditions regarding lists, “where a pause is usually marked after every item in a list,”\(^{32}\) but this would still support the argument that the way of reading lists was simply different, and not obviously older, than the way of reading narrative or poetry, since it shows that other reading traditions differentiated between lists and narratives, even if not in exactly the same fashion.

Between the accentual and pausal systems of syntactic division in the Hebrew Bible, pausal forms are comparatively simpler, except in the case of lists in the Hebrew Bible, where both the accentual system and the

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pausal system function in similar ways to group the items in the list into groups of two or three (generally two for the accentual system, either two or three for the pausal system). However, this pattern does not always hold true, especially in the case of the pausal forms, where lists frequently do not show the expected pattern. Additionally, it has been hypothesized that the grouping of list items into twos or threes is an older form of division. This essay argues that that is not a necessary conclusion, but rather that the groupings of twos or threes pattern of pausal forms could simply be the way that lists were read, especially given the existence of other traditions that also differentiate between list-reading and narrative-reading.
Bibliography


## Appendix A. List of accents mentioned in essay.

<table>
<thead>
<tr>
<th>Accent Name</th>
<th>Accent symbol on aleph</th>
<th>Level</th>
</tr>
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<tbody>
<tr>
<td><em>Silluq</em></td>
<td>( ::\text{א} )</td>
<td>Disjunctive, 1</td>
</tr>
<tr>
<td><em>Atnaḥ</em></td>
<td>( \text{א} ̃ )</td>
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Rabbi’s Parentage and the Rabbinic Patriarchate

Evan Gorstein

In a letter dating from c. 230-240 CE, the Christian scholar Origen refers to a Jewish “ethnarch,” who, he claims, differs only slightly from a king and possesses the power to administer capital punishment. Historians now identify the political office described by Origen as that of the Jewish nasi or “patriarch,” who, during the 3rd and 4th century CE, enjoyed extensive renown in the Jewish communities of Palestines and the Diaspora and who, in the position of communal leader, was endowed by Rome with a certain degree of lego-judicial authority. Published in 2003 in the Journal of Jewish Studies, Sacha Stern’s paper “Rabbi and the Origins of the Patriarchate” argues against the traditional view that this political-communal office began in 20 BCE with Hillel the Elder and lasted for over 400 years in an uninterrupted line of patrilineal succession. Through a

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33 Origen, Letter to Africanus 14
close study of rabbinic sources, Stern demonstrates that the title of patriarch was first consistently applied to Rabbi (R. Judah I) in the 2nd or 3rd century CE and that “the emergence of this title in Rabbi’s period clearly suggests the institutionalization of patriarchal leadership, and perhaps…the very creation of this institution.” Stern further suggests that Rabbi did not descend from the line of rabbis beginning with Hillel and ending with R. Simeon b. Gamaliel II, but rather from an aristocratic family with no prior association with the rabbinic movement.

In this paper, I begin by discussing the sources in the Babylonian Talmud that present Rabbi as the son of R. Simeon b. Gamaliel II. I then examine conflicting parallel sources in the Palestinian Talmud and put forward Stern’s argument that Rabbi did not come from a long line of eminent rabbis, but from a wealthy aristocratic family in the Galilee. After presenting both sets of sources and arguing that Stern correctly identifies Rabbi’s family origins, I suggest the possibility that Rabbi acted to conceal his aristocratic family origins in an effort to identify himself with the rabbinic dynasty of Hillel that preceded him. The

35 Ibid. 196.
historical arguments made in this paper, as in Stern’s, are based on the “evidence” of rabbinic sources. Following Stern, I do not assume that these rabbinic sources are transparent transmissions of rabbinic history, but rather that they have some relevance to the reality in which they were produced and that through a close comparison of rabbinic narratives to their parallels in earlier rabbinic compilations, one can come closer to understanding the nature of these narrative, their literary origins and subsequent development. While some of these sources will prove to be literary constructs, we will be able to use others for historical purposes, provided we keep in mind Stern’s overarching qualification that the “historical thesis that emerges does not go beyond what it is: a history of the patriarchate as inferable from rabbinic literature.”

Lists of the leading patriarchs for each generation first appear in the late Geonic period (800-1000 CE) in Babylonian historiographical works like Seder Tannaim we-Ammoraim (Hebrew for Order of the Tannaim and Amoraim). According to the tradition there represented, the status of patriarch was passed down in a father-son succession beginning with Hillel in the year 20 BCE and proceeding all the way to R. Gamaliel VI, who led from 400 to 425 CE. Hillel was the last
president of the Sanhedrin, the supreme court of rabbinic memory which ceased to exist when the Temple was destroyed in 70 CE, and he was therefore a natural choice for the rabbinic genealogies to represent as the first patriarch. Nonetheless, external sources—epigraphy, as well as Greco-Roman and patristic literature—which corroborate the existence of a Jewish patriarch who acted as a socio-religious leader of the Jews of Palestine in the 4th and 5th century are completely silent with respect to the existence of such an institution during the first two centuries CE. On the other hand, rabbinic sources refer to several rabbis living in the first two centuries CE as nasi but do not mention the position with respect to later centuries. The rabbis who receive the title nasi in rabbinic literature are part of the same family dynasty recorded in the Geonic lists. For example, the Babylonian Talmud applies the title of nasi to R. Gamaliel II and R. Simeon b. Gamaliel II, the rabbis who directly precede Rabbi in the Geonic lists, in six different places.36

Rabbi, who also receives the title nasi throughout rabbinic literature, might then be seen as a member of the

same hereditary dynasty, and indeed he is represented as the son of R. Simeon b Gamaliel II in four different places in the Babylonian Talmud. Although Stern is able to dismiss two of these sources outright, there are still two passages he must deal with that seem to present legitimate evidence that Rabbi’s father is R. Simeon b. Gamaliel. The first is a story that centers on the relationship between R. Eleazar b. R. Simeon and Rabbi. Both disciples of R. Simeon b. Gamaliel, they develop a rivalry, and when Rabbi Eleazar insults Rabbi, the latter complains to his father. His father, who is identified in the passage as R. Simeon b. Gamaliel replies, “My son, do not be upset, for he is a lion son of a lion, and you are a lion son of a fox.” The second source is a halakhic dispute, in which Rabbi refers to R. Simeon b Gamaliel as his father:

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37 B.Mo’ed Qatan 22b is dismissible on the grounds that it’s the product of the stammaitic (anonymous) redactor and thus a late addition, according to M. Jacobs, Die Institution des jüdischen Patriarchen: Eine quellen- und traditionskritische Studie zur Geschichte der Juden in der Späntantike, Tübingen: Mohr Siebeck, 1995; B.Horayot 13b-14 is dismissible on the grounds that it’s the literary creation of the late Talmudic period and depicts Amoraic Babylonian institutions, rather than Tannaitic Palestinian ones, according to D. Goodblatt, על סיפור ה’קשר נגד רבן שמעון בן גמליאל בני, Zion 49, 1984, 349–74.

38 B.Bava Metzia 84b-85a (this and all subsequent translations, unless otherwise noted, are Stern’s).
[If the owner of the fig tree said to him:] “Fill this basket for yourself with figs from my fig tree”--he may eat from them casually [without tithing], and [before eating them as a regular meal], he must tithe them as demai…What does this apply to?… so are the words of Rabbi. Rabban Simeon b. Gamaliel says, “What does this apply to?” Said Rabbi, “My words appear [better] than the words of Father.” (B.Eruvin 32a)

In both sources, the Babylonian Talmud presents Rabbi as the son of Rabbi Shimon b. Gamaliel and thereby supports the historical model of succeeding patriarchs advanced by the later Geonic rabbis.

Stern points out, however, that this model carries with it assumptions of “[e]arly origins, patrilineage, and continuity” which are “comfortable historical notions which we should view with suspicion.” The model of a hereditary dynasty originating with Hillel and including Rabbi is belied, moreover, by sources from earlier rabbinic literature. In the parallel versions of the halakhic dispute between R. Simeon b. Gamaliel and Rabbi that appear in the Tosefta and Palestinian Talmud, Rabbi refers to R. Simeon b. Gamaliel by
name, rather than calling him “Father.”\textsuperscript{39} This variation is particularly significant, since it is prohibited for a son to refer to his father by name.\textsuperscript{40} The Palestinian Talmud also contains an account of the rivalry between R. Eleazar b. R. Simeon and Rabbi, which, although quite different from the Babylonian version, contains the same line attributed to Rabbi’s father about Rabbi being the “son of a fox”:

R. Joshua Daromia said before R. Yosa in the name of R. Aha: “The weaver’s reed: Rabbi [rules one is] exempt, R. Eleazar b. R. Simeon [rules one is] liable.”

Rabbi said to him, “So I have heard from your father!”

He [R. Eleazar b. R. Simeon] replied, “I served my father standing, in a way that you did not serve him sitting.’

But was Rabbi a disciple of R. Simeon b. Yohai [R. Eleazar’s father]? Was he not a disciple of R. Jacob b. Qodshai?

Rather, this is what he [R. Eleazar b. R. Simeon] replied: “I served my father standing, in a way that you did not serve your master sitting.”

When R. Eleazar b. R. Simeon came in to the assembly house, Rabbi’s face would seethe. His [Rabbi’s] father said

\textsuperscript{39} \textit{T.Ma’aserot} 2:5 = \textit{Y.Ma’aserot} 2:1.

\textsuperscript{40} The explicit prohibition is found in \textit{B.Quiddushin} 31b and assumed in the Palestinian Talmud in \textit{Y.Megillah} 4:10. The only other places where a sage calls his father by name without ‘abba’ are \textit{T.Ma aser} Sheni 1:13 (p. 87) and \textit{T.Shabbat} 13:2 (p. 128), which according to Stern, are “highly exceptional, and as much in need of of explanation as our passage from \textit{T.Ma aserot}.”
to him, “But he is right! He is a lion son of lion, whereas you are a lion son of a fox.”
When R. Eleazar b. R. Simeon died, Rabbi sent to ask his wife [in marriage]. She replied, “Should a vessel that was used for the holy be used for the profane?” (Y. Shabbat 10:5)

Here, however, Rabbi’s father is not identified as R. Simeon b. Gamaliel. In fact, as Stern astutely observes, the story hinges on the fact that Rabbi’s father is of no particular rabbinic authority. He tells his son that he is merely “the son of a fox,” whereas R. Eleazar, whose father is the eminent rabbi R. Simeon b. Yohai, is “the son of a lion,” and this lack of rabbinic pedigree explains why he is rejected as “profane” by R. Eleazar’s widow at the end of the story. Stern also notes that were Rabbi the son of the R. Simeon b. Yohai, he would have been trained either by his father or by one of his eminent contemporaries. Here, however, we are told that Rabbi was the disciple of the minor figure R. Jacob b. Qodshai. This passage thus conveys the impression that Rabbi did not come from a rabbinic family. As we have seen, the Babylonian Talmud assumes that Rabbi’s father is R. Simeon b. Gamliel, and it therefore goes on to interpret the statement “You are a lion son of a fox” as an expression of his modesty. According to Stern, however, the Palestinian
account is the original tradition, and the Babylonian Talmud has repurposed the “son of fox” line to reflect the later Babylonian tradition that Rabbi descended from the line of Hillel through R. Simeon b. Gamliel. In analyzing both of these parallels, Stern assumes that because the redaction of the Jerusalem Talmud predates that of the Babylonian Talmud by over 200 years, the Babylonian material is a posterior reworking of earlier Palestinian traditions. Finding no early rabbinic sources that represent Rabbi as the son of R. Simeon b. Gamaliel, Stern argues that the passages from the Babylonian Talmud cited above deliberately distort Rabbi’s family background to reflect the Babylonian tradition that Rabbi descended from the line of Hillel, who founded a patriarchal family that dynasty that lasted until 425.

Stern finds further evidence for his theory that Rabbi did not descend from this line of sages in the discrepancies in wealth and political standing between them. Whereas R. Simeon b. Gamaliel II was an impoverished Judean refugee

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41 The transformation of aggadot (Rabbinic narratives) originating in Palestine as they move to Babylonia is a well-documented phenomenon. See Shamma Friedman, "On the Historical Aggada in the Babylonian Talmud," in Saul Lieberman Memorial Volume (New York, 1993) and, for an example, "The Further Adventures of Rav Kahana: Between Babylonia and Palestine," in ed. Peter Schaefer, The Talmud Yerushalmi and Graeco-Roman Culture, vol. 3 (Tübingen, 2002), 247-271
from the Bar-Kokhba war, Rabbi is represented in early rabbinic sources as a wealthy man who was politically connected to Rome. Of particular importance is the report in *Y. Shevi’it* 6:1 that the Roman Antonius gave to Rabbi a lease of two thousand fields. This statement, along with other stories about the relationship between Rabbi and Antonius suggest that Rabbi had relationships with high ranking Roman officials.\(^{42}\) If Rabbi were the son of an impoverished refugee, this wealth and political standing would be hard to explain. It is hard to imagine, moreover, that Antonius, an administrator of the Roman imperial estates, would lease such a large holding to someone who did not already belong to the landed class. For this reason alone, Stern’s suggestion that Rabbi was born into an aristocratic, landowning family in the Galilee is compelling.

The historical picture that emerges from Stern’s study of the rabbinic sources thus points toward Rabbi’s origins in the aristocracy. If accepted, Stern’s revisionist conclusion, which challenges the common view that Rabbi descended

\(^{42}\) Although Antonius is impossible to identify and many of these stories seem legendary, that he is represented in the Talmud as a Roman empire is enough to convey an impression of Rabbi as someone who had political connections with high-ranking Roman officials.
from R. Simeon b. Gamaliel, gives rise to another set of historical questions: How, at what point in time, and for what purpose did Rabbi’s true family background become concealed? According to Stern, the tradition that Rabbi descended from the rabbinic line beginning with Hillel was fabricated in the late Talmudic period and represents “a typically Babylonian attempt to rationalise or homogenise the history of the rabbinic movement in Palestine.” In truth, however, this tradition may have emerged much earlier, and may in fact have been generated by Rabbi himself, as he made an effort to present himself in continuity with the rabbinic dynasty beginning with Hillel. In Y. *Kilayim* 9:3, Rabbi refers to Hillel as “my ancestor” (זקני), and he names his children Gamaliel and Simeon in the fashion of the rabbis that came before him in Hillel’s dynasty. Furthermore, Rabbi’s claim of Davidic descent in passages such as B. *Shabbat* 56a may also be a claim of descent from Hillel, as the tradition that Hillel descended from David existed as early as the fourth century. It seems, on the basis of these claims, that Rabbi himself wished to be viewed as maintaining the dynastic legacy of the major sages who came

43 Parallels are in Y. *Ketubot* 12:3 = *Genesis Rabbah* pp. 305-6.
44 See also Y. *Taanit* 4:2 = *Genesis Rabbah* pp. 1259.
before him. Meanwhile, in no rabbinic source does Rabbi mention his belonging to a privileged, aristocratic family or in any way use his aristocratic status to justify his authority. Rather than acting in the capacity of an aristocrat, Rabbi acts as a rabbinic leader, concerning himself with the study of Torah and the adjudication of law until the very end of his life. In the Babylonian account of Rabbi’s deathbed testimony, Rabbi summons the sages of Israel and orders them, “Do not eulogize me in the small towns, and reconvene the study sessions at the yeshiva after thirty days of mourning. My son Simeon will be the Sage. My son Gamaliel will be the Patriarch. Ḥanina bar Hama will sit at the head of the yeshiva.” In his last words, Rabbi expresses his wish that study should continue as it did during his lifetime and that his sons and Ḥanina bar Hama should succeed him in leading the people through the study and interpretation of the law. Instead of discussing the inheritance of his aristocratic privileges, he concerns himself with “rabbinic” matters, making provisions for communal life after his death.

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45 B.Ketubot 103a-b (translation taken from the William Davidson digital edition of the Koren Noé Talmud).
This effort on the part of Rabbi and his successors to institutionalize the rabbinic patriarchate may have played a contributing role in the normalization of rabbinic Judaism in the coming centuries. During this period, the rabbinic movement transformed from a phenomenon restricted to an erudite network of teachers and disciples living in Judea to the normative form of Judaism throughout both Palestine and the Babylonian diaspora. One major step in this process was Rabbi’s redaction of the Mishna, which was intended for a wide audience (not just scholars) and which was eventually accepted as authoritative by all Jews. Stern speculates that the spread of rabbinic Judaism may have been facilitated to a certain degree by the political connections and social prestige that accrued to Rabbi and his successors due to their aristocratic privileges. It is also the case, however, that during the tenure of Rabbi, the rabbinic movement began to include Jews from lower classes, as the rabbis became more involved in social institutions like the synagogue.46 By establishing the patriarchate as a rabbinic

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institution, Rabbi may have contributed to this expansion of the rabbinic movement beyond the halls of the academy.
This essay will explore the religious Zionist philosophy of Rabbi Joseph B. Soloveitchik (commonly known, and for the remainder of this essay referred to, as “the Rav”). In this essay, I will attempt to situate the Rav’s unique brand of religious Zionism within his broader halakhic framework, particularly by focusing on the question of politics within Judaism and how this question informs his approach to the State of Israel. I will argue that at the heart of the Rav’s halakhic approach to the state in general lies a fundamental tension, one that plays out in his halakhic approach to the State of Israel. More specifically, the Rav displays an idealistic view of the State of Israel when discussing its holiness and broader religious significance; but regarding more concrete matters like religious legislation...

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47 Many thanks to Rabbi Shalom Carmy, Rabbi Mark Gottlieb, and Alan Rubenstein for their thoughtful suggestions and guidance. Needless to say, any errors or misinterpretations are mine only.
and religious political leadership, the Rav is pragmatic and, at points, even deeply skeptical toward politics and the State.

*Halakha and the state in its “historical-philosophical essence”*

The approach I am taking in this essay—proceeding from the Rav’s general political thought to his specific views on the State of Israel—is grounded in a letter that the Rav wrote in August 1957 to Moshe Meisels, editor of the Hebrew periodical Ha-Do’ar. The Rav writes:

Analysis of the problem of the State of Israel is rooted in our general political philosophy. It is impossible to begin a practical historical overview of our issue based upon a specific individual case. It must rather be based upon a halakhic-philosophic inquiry regarding the general issue of a political state and its essential nature. (Community, Covenant and Commitment, entry 26)

Even though the State of Israel surely carries a religious and historical significance for Jews that other states do not, analysis of its place within Judaism must be subjected to the halakhic method and as such must proceed
from the general to the specific and from the abstract to the concrete. This kind of formal investigation contains three stages, corresponding to three questions that build on each other.

The first question is whether the concept of the state even exists in Judaism, or whether it is a “foreign weed.” Based on how the Rav proceeds, although he does not explicitly answer the question, we can assume that Judaism does recognize the state. The second stage of inquiry is whether “Judaism’s affection for the state” is “instrumental or as an ideal.” Again without an explicit answer, we can formulate that Judaism does in fact view the state as an “ideal-value” based on the next question. The third stage of inquiry is whether the state qua ideal-value occupies a central place in Judaism “as an autonomous value, or on its periphery, as a conditional value.” Though the Rav does not provide answer to this third question, his earlier comments provide some indication of what such an answer might look like.

Before calling for the three-staged inquiry as the basis of a Jewish political philosophy, the Rav begins his letter to Meisels by distinguishing his brand of Zionism from those of the anti-Zionists, “‘whose eyes are shut,’” and the
“dreamers” who “identify the State with the [fulfillment] of the highest goal of our historical and meta-historical destiny.” The Rav’s normative approach strikes a balance between the two extremes: it “would express gratitude for [the State’s] establishment out of a sense of love and devotion, but would not attach excessive value to the point of its glorification and deification.” In light of his criticism of the “dreamers,” we can say that the Rav does not view the state—the State of Israel, at least—as occupying a place at the “core of the system” as an “autonomous value.”

It appears, therefore, that the Rav sketches the contours of a halakhic approach to the state in this short letter. On the one hand, the state is not just instrumental: it is an “ideal-value” embraced affectionately by the tradition. On the other hand, the state’s significance is secondary and its holiness is not “originally rooted,” and it should not be taken to reflect the highest historical or meta-historical aspirations of the Jewish people. This sketch, though, should not be taken as final, for as will become clear shortly, the Rav’s approach to the state is not so simple.

*Politics, Masorah, and the Sadducees*
In the essay “Against Religious Pragmatism,” which appears in Halakhic Morality, the Rav espouses an approach to politics and the state that is strikingly different from his approach in the Meisels letter. “Against Religious Pragmatism” explores the question of politics and Judaism through the prism of Antigonus of Sokho’s maxim in Pirkei Avot 1:3 and the subsequent schism between the Sadducees and Pharisees.

“Be not like servants who serve their master because they expect to be rewarded, but be like servants who serve their master not anticipating a reward. And let the fear of Heaven be upon you.” (Avot 1:3)

Antigonus’ maxim expresses what the Rav calls Judaism’s “imperativist” approach to religion and ethics, which he contrasts with the eudaemonistic approach. Eudaemonism assigns only instrumental significance to the ethical and religious act. “The ethos is nothing but a method of obtaining happiness,” the Rav writes. “It is immaterial whether the method of achieving this end is one of unlimited hedone, in keeping with the teaching of Epicurus, or that of
self-discipline and renunciation of all carnal needs and pleasures” (94).

In Judaism’s worldview, by contrast, “the religious norm is binding upon man and impels him to act in a certain manner because the divine will is endowed intrinsically with ethical authority and omnipotence, and it implies an imperative as regards man’s actions” (96). To be sure, “there is a reward for the righteous, yet they must not look forward to it while performing the act” (104).

The Rav, citing aggadic tradition (Avot de-Rabbi Natan 5:2), writes that the Sadducee movement grew out of eudaemonic opposition to Antigonus’ aphorism: “If there is reward,” the Sadducees reasoned, “why should the service of God be uninterested in it, without thought of gain or advantage to accrue from such service?” (104) This outlook culminated in the “politicization of the masorah community,” the idea that “Jewish nationhood or peoplehood is to be conceived in terms of a political community whose highest ideal is statehood” (emphasis added, 105). If the telos of religion is man, not God, then religious tradition should be the handmade of politics and the human good. If, on the other hand, “the telos of the
masorah community is God” (105), then Judaism cannot hold statehood as its highest ideal and must instead be directed toward pure service of God.

At this point, though, we reach a conundrum. Up until now, the Rav’s criticism of the Sadducees—that they made statehood the highest religious ideal—appears to be consistent with his general approach that he outlined in his letter to Moshe Meisels. The provisional conclusion of that letter is that Judaism maintains an “affection” for the state—an affection rooted in idealism, not mere instrumentalism—but that it does not view the state as the highest good. However, the Rav makes a further claim in the essay at hand, a claim that is categorical and seemingly at odds with his previous approach: “the Oral Law is incommensurate with a political community” (106). He gives two reasons in support of this sweeping statement. The first is that law, as enforced by the state, is inherently coercive. The physical force (“sanction”) behind a law necessarily “constitutes the chief motif” that induces obedience.

This, it’s worth noting, is certainly a controversial claim—are all laws obeyed “chiefly” in order to avoid punishment? If, as the Rav claims, the answer is yes, then this poses a problem: once force is introduced, humans obey
the law not for its own sake—or for the sake of God, if the law is grounded in the masorah—but for their own sake, so that they are not punished for violating the law. Thus, “political pure imperativism is nonexistent” since obeying a law backed by force is unavoidably self-regarding. Freedom of action is a necessary condition for the pure imperativism that Judaism requires, and both fear and external constraint disrupt this essential freedom. Accordingly, “only within an apolitical masorah fellowship”—one that eschews both coercive sanction and fear—“is the pure imperativistic motif commensurate with the spiritual climate” (105).

The second reason for the conflict between Oral Law and political community is that the external, ceremonial, symbolic quality of politics is diametrically opposed to the “formlessness,” “creativity,” and “ceremoniallessness” of the Tradition (106). Political power is given “via a symbolic medium - election or inheritance. This acquisition of power is consummated through a formal act - induction into office, the taking of an oath, etc.” (106). These formalizing, symbolic, ceremonial acts contain an “almost magical quality.” By contrast, the “very trait of the Oral Law is its formlessness, its streamlined movement, its creativity, its
ceremoniallessness, and its aversion to anything of magical origin” (ibid.). The Torah “is a living monologue which becomes a dialogue between generations” which comprises the totality of the community members’ existence. Edmund Burke famously called political society a “primeval contract,” a “partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born” (Burke, 85). For the Rav, by contrast, it is not politics—which is marked by “fossilization” and “stagnation”—but rather Torah that is the “ever-expanding continuum of a living, multidimensional tradition” (“ARP,” 106).

In brief, not only is the political community not the highest ideal, but it is “incommensurate” with Torah. How, then, are we to square this with the Rav’s other statements in his letter to Moshe Meisels and other works such as My Affiliation with Mizrachi and Kol Dodi Dofek? Even more urgently, how can the Rav support Zionism, a decidedly political movement, if the political community is inimical to Torah Judaism?

“Descent in Order to Ascend”
One may look for an analytical and abstract way to resolve this tension. To that end, one could, perhaps, examine whether the Rav’s subject matter in both cases (i.e. the political community and the state) is the same, or whether there are subtle but important differences between them. I am not convinced that such an attempt to resolve the tension analytically would be successful, even if a closer philosophic analysis of the Rav’s subject matter is warranted. The reason why this tension cannot be resolved in the abstract realm is that the Rav does not fully resolve the tension in the practical realm (i.e. vis-à-vis the State of Israel). Both strands of thought—the state as an ideal-value with transcendent, religious significance and the state as fundamentally opposed to the Oral Tradition—are, to varying degrees, expressed in the Rav’s approach to the State of Israel. The former comes through most clearly in abstract discussion of the holiness of the State, while the latter is most pronounced in the Rav’s engagement with concrete issues of legislation and political leadership.

In discussing the holiness and religious significance of the State of Israel, the Rav establishes Judaism’s “aspiritive relationship” (CCC, entry 26) to the State, even while
emphasizing that the State’s holiness is not inborn but rooted in Israel’s covenantal mission. On the subject of religious legislation, the Rav affirms that the State and its political institutions must be infused with religion, but his skepticism toward non-educational religious legislation are reminiscent of his deeper misgivings about fear, coercion, and ceremonialism in “Against Religious Pragmatism.” Furthermore, the Rav views political involvement only as a necessary “descent for the sake of ascent,” and he staunchly resists any idealization of political negotiations and bureaucracy. This idea of “descent for the sake of ascent” is crucial and warrants further exploration.

In the fifth of the Chamesh Drashot, the Rav directly addresses the necessity of political involvement in Israel on the part of religious Jews. Politics, he writes, is not holy but rather a “descent in order to ascend” (185); it unavoidably sullies the hands. And yet, “the entire institution of ritual washing of the hands exists only because hands are busy!” Politics itself is never purified or elevated in this paradigm—only those who necessarily participate in political life. In clarifying this principle, the Rav cites the justification for violating Shabbat in order to save a person’s life: “The Torah said: transgress one Sabbath for him so that he may observe
many Sabbaths”” (CD, 185). So too with politics: “the wasted time and the bargaining” are made worthwhile by their achievements (187), but the negotiations themselves should not be considered holy. Here, again, we see traces of the Rav’s misgivings (expressed in “Against Religious Pragmatism”) about the political community. The State in its “historical-philosophical essence” may not be a “concession to the evil inclination,” (CCC, entry 26), but politics certainly is.

Halakha and philosophy aside, the issue of religious political engagement was also intensely personal for the Rav. After the Ashkenazi Chief Rabbi of Israel, R. Yitzhak Herzog, passed away in July of 1959, many religious and communal leaders urged the Rav to submit a bid for the position. Despite his insistence upon the practical need for political leadership, the Rav was conflicted about the decision and ultimately decided not to pursue the position. No doubt, personal and practical factors weighed heavily on his decision. However, the Rav’s reservations about the position are also in many ways reflective of his deeper qualms about politics. “I hate formalities,” the Rav explained in a 1960 interview. “I hate being separated from the common person
because of an official position as a rabbi and I dislike ceremonies” (CCC, entry 31). He also noted his disdain for the “close relationship of the rabbinate to the political powers,” calling it “sha’atnez [forbidden mixtures of clothing]” (ibid). “A government,” the Rav asserted, “has no authority to crown rabbis!”

In the final analysis, Rav Soloveitchik’s view of politics and the state is characterized by dialectic and unresolved tension. In one sense, the state—especially the State of Israel—is an “ideal value,” embraced affectionately by tradition. On a more practical level, however, the political realm is given to “fossilization” and “stagnation,” a far cry from the “ever-expanding continuum of a living, multidimensional tradition” (“ARP,” 106) and at best a “descent in order to ascend.” There remains much more to add to this preliminary sketch of Rav Soloveitchik’s halakhic approach to politics and the state. Indeed, out of the sources of halakha, a new political worldview awaits formulation.


Soloveitchik, Joseph Dov. *The Rav Speaks: Five Addresses on Israel, History and the Jewish People*. Toras HoRav Foundation, 2002. (Referenced in the essay as *Chamesh Drashot*)
Rabbinic Conceptions of Torah In *Avot* And Its Role in The Establishment of a New Religious Society

Hillel Steinmetz

In the first century of the common era, Judaism went through radical changes. Beginning with the Pharisees, a new form of Judaism developed, whose interpretation of the Hebrew Bible emphasized earlier practices, and de-emphasized the importance of the temple. Rabbinic Judaism seems to have emerged from the Pharisees during the destruction of the Second Temple in the first century, and it took form following the failure of the Bar Kokhba revolt in the second century. By then, the Second Temple was destroyed and many Jews found themselves living under the rule of large empires, in exile, or both. Under these conditions, Rabbinic Judaism re-envisioned the Jewish political order. In doing so, it developed new conceptions of the transcendent and the immanent.

*Avot*, often translated into English as “Ethics of the Fathers,” is the only volume of the *Mishnah*, a compendium

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48 Cohen, 128-9, 155-6; Sharon 328-9.
of Jewish law, that does not contain any actual law. Instead, it contains adages quoted in the names of various rabbis that discuss, among other things, philosophical questions, the importance of Torah study, and how an individual should act towards God and towards others. This paper aims to understand how early rabbis developed a new political order through an analysis of Avot. I argue that Avot proposes a political order that rests upon knowledge of the Torah. In other words, in Avot, the Torah is made to be transcendent, and carries several implications for the establishment of a community on the basis of Torah study.

In the absence of a Jewish polity and the Second Temple, the rabbis were forced to redefine the Jewish political order. During the Second Temple period, the Jews living in Palestine were afforded some degree of autonomy and formed various political and religious institutions. The Temple in Jerusalem was the focal point of Jewish practice, and was largely controlled by the kohanim, the priests, who are considered to be descendants of Aaron. Among the priests were High priests—priests who could claim to have a lineage of a higher status—who had greater power over
various religious matters. Another institution, the Sanhedrin, was a court and perhaps legislative body that was afforded some jurisdiction by the Roman empire. It was led by priests, but its members included communal leaders who were not priests and who belonged to various sects. A Jewish revolt against Roman rule in 66 CE ultimately resulted in the destruction of the Second Temple and the abolishment of the Sanhedrin. The elimination of the earlier institutions and leadership allowed for the rabbis to take on a new political role. A new office, the patriarch, emerged, which was occupied by a rabbi in Israel. Eventually, the various laws advanced by the rabbis were compiled as the *Mishnah* in about 200 CE, a move spurred by the patriarch Rabbi Yehudah HaNasi (and one that generated controversy). Included in the *Mishnah* was tractate *Avot*.

*Avot* was not unique in terms of genre—many works of wisdom literature predate it—but unique in its association of wisdom with Torah study. The Hebrew Bible, for

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49 Cohen, 106-7.
50 Ibid. 220-2.
51 Sharon, 242.
52 Tropper, 249.
53 Cohen, 222-3.
54 Ibid.
example, includes the Book of Proverbs which also contains various aphorisms; Ben Sira, an earlier work of wisdom literature, explicitly links wisdom with the Torah, even imbuing it with a certain theological importance. Therefore, Rosen-Zvi argues that neither aphorisms nor the “theologization” (to use his terminology) of the Torah is unique to *Avot*. Rather, what distinguishes *Avot* from other Jewish wisdom literature is the association of wisdom with rabbinic institutions of learning. In other words, wisdom is not merely the Torah itself, but rather *Torah scholarship* as well. Wisdom, for the rabbis, is thus associated with their practice of studying Torah.

Indeed, Torah study takes on a crucial role in Jewish political life following the destruction of the Second Temple and the increase of the Jewish diaspora. In *Avot*, many rabbis contend that Torah study is the ultimate goal of Jewish practice. Rabbi Yohanan ben Zakkai argues that Torah study is the purpose of an individual’s creation. He states: “If you have learned much Torah, do not claim merit for yourself, because for this purpose you were created.” In

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55 Rosen-Zvi, 172-3.
56 Ibid.
57 Sharon, 328-9; Avery-Peck 127.
58 *Avot* 2:8.
other words, the aim of Jewish life is to study Torah.\textsuperscript{59} Many other rabbis agree that Torah study is the \textit{telos} of every Jewish male,\textsuperscript{60} arguing that not studying Torah is injurious to one’s soul. Rabbi Shimon has a particularly strong opinion on the matter, arguing that someone who interrupts his Torah studies in order to marvel at the beauty of the natural world commits a sin that should be punishable with (what can be translated as) the loss of his soul.\textsuperscript{61} In other words, the rabbis placed an incredibly high value on Torah scholarship.

Indeed, some passages in \textit{Avot} imply that the Torah itself is transcendent. The most explicit of these passages is \textit{Avot} 3:5 in which Rabbi Nah\textsuperscript{62}unya ben Haqaneh states:

“Anyone who takes upon himself the yoke of Torah, removes from himself the yoke of government and the yoke of the way of the world.”\textsuperscript{62} The Torah, according to Rabbi Nah\textsuperscript{62}unya, renders the world and its governments irrelevant; the Torah external to this world and makes one

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\textsuperscript{59} It is not clear whether this purpose is particular to Jews: In \textit{Avot} 6: 2 Rabbi Yehoshua states that Mount Horev wails over the fact that humankind has not accepted the Torah. Rabbi Aqibah, on the other hand, seems to think the Torah is unique to Jews (\textit{Avot} 3:14).

\textsuperscript{60} In general, rabbinic literature does not consider women to be able to participate in religious leadership. The question of women participating in rabbinic leadership is interesting, but beyond the scope of this paper.

\textsuperscript{61} \textit{Avot} 3:7.

\textsuperscript{62} \textit{Avot} 3:5. Translation my own.
external to the world. A similar placement of the Torah as external to this world can be seen in Avot 4:14. According to Rabbi Nehorai, an individual should consider Torah study to be so important to that he must willingly go into exile in order to find a place of Torah learning. Rabbi Nehorai’s advice of going into exile is especially remarkable given the trauma that exile had on Jews at the time of Avot’s writing. His point is clear: the Torah is so important that one must leave both his home—and even possibly a land deemed holy—in order to study it. In sum, the rabbis place the Torah external to this world.

Importantly, according to the rabbis, it is not a single divine truth that must be sought out through Torah study that imbues the Torah with importance, but rather the entirety of the Torah is transcendent. Continuing the discussion of the eternal from the previous passage, Avot 5:17 states that all disagreements that are for the sake of heaven are eternal, and those not for the sake of heaven will die out. The passage references the arguments between two competing Torah scholars, Hillel and Shammai, as an example of an argument that will continue to endure.

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63 Avot 4:14.
Although Jewish law invariably adjudicates in accordance to Hillel’s opinion (except for several cases), Jewish legal literature always cites Shammai’s opinion. (In fact, Jewish legal literature almost always includes dissenting opinions.) I believe that the passage in Avot is not simply asserting the importance of the dissenting opinion, but is rather quite literal in its assertion that the arguments themselves are what persist forever. In other words, the passage is asserting that Torah scholarship—as exemplified by Hillel and Shammai’s arguments over the correct interpretation of Jewish law—*is in itself eternal*. This claim of the eternity of various disputes, especially when considered with the encouragement of the reader to engage in Torah study, indicates that *Avot* largely understands the whole of the Torah, and not divine truths within it, to be transcendent.\(^64\)

In other words, the Torah is not simply a way of life subordinate to some other transcendent divine truth, but rather is in itself wholly transcendent.

Rabbi Aqiba adopts an even more radical position regarding the Torah’s transcendence. In *Avot* 3:14, Rabbi Aqiba contends that the fact that humankind was created in

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\(^64\) I expand on this legalistic pluralism later in the paper.
the image of God and was made aware of being created in the image of God, is a testament to the fact that humankind is loved. 65 He then states why Israel is loved in particular:

Beloved are Israel, for to them was given a precious instrument; still greater was this love in that it was made known to them that to them [Israel] was given a precious instrument with which the world was created, for it is written (Prov. 4:2): “For I give you good doctrine; forsake not my Torah.” 66

Rabbi Aqiba is claiming that the Torah is a tool that was used in the creation of the world. He cites the book of Proverbs, which contains many passages about the role wisdom plays in the creation of this world. For example, Proverbs 3:19 states that God created the world with wisdom. In the eighth chapter of Proverbs, wisdom—who is portrayed as a female character—describes the creation of the world from her perspective: “The LORD created me at the beginning of his course […] I was there when He set the heavens into place; When He fixed the horizon upon the deep […] With Him, I was a confidant; A source of delight every day.” 67 In other

65 Avot 3:14.
66 Ibid.
67 Proverbs 8:22-30.
words, Rabbi Aqiba is building upon a mythology in the Hebrew Bible where wisdom is considered to be an instrument (and a being) that aided God in the creation of the world. Crucially, he seems to interpret the wisdom described in Proverbs as equivalent to the Torah that is studied and expounded upon by the rabbis.\textsuperscript{68} Rabbi Aqibah’s statement therefore represents another tradition of thought that views the Torah as a transcendent (perhaps even an almost god-like) instrument that can be used to create something immanent. This intellectual tradition agrees with the previous tradition over the Torah being transcendent, but it disagrees about the purpose of the Torah. According to the previous tradition, the Torah is the way for one to transcend this world, but here it is a creative instrument used to improve the current world.

The establishment of the Torah as transcendent and scholars constitute the leaders of a community. In a community devoid of political power and largely in exile, Judaism had to be asserted through religion. Avery-Peck contends that the rabbis of the time of the \textit{Mishnah} attempt to assert Jewish identity through the creation of new practices

\textsuperscript{68} Rosen-Zvi, 174-5.
that represent the old religious life of the Second Temple.\textsuperscript{69} In other words, rabbinic law establishes Jewish practices that contain symbols which creates a “imaginary” reality in which the Jewish life of the Second Temple endures. In doing so, he argues that they place activities typically relegated to the priests into the hands of anyone practicing Judaism.\textsuperscript{70} The rabbis, who maintain the knowledge of these practices, thus become leaders of the community.

My argument that the rabbis consider the Torah to be transcendent bolsters Avery-Peck’s point: the rabbis are seeking to establish themselves as leaders of the Jewish community by claiming unparalleled access to the Torah. Following the destruction of the Second Temple, living in the holy land and taking part in the practices of the temple no longer serves as a way to assert Jewish identity. Instead, it is the knowledge of these historical practices that come to represent Jewish identity.\textsuperscript{71} Therefore, in order for a community to accept rabbinic leadership, it must first agree to what rabbinic leadership has to offer: an interpretation of the Torah that properly re-envisions old practices in new

\textsuperscript{69} Avery-Peck, 131-3.
\textsuperscript{70} Avery-Peck, 134.
\textsuperscript{71} Ibid., 132-3.
environments. Indeed, the rabbis themselves saw their knowledge of Torah as a way to legitimize their leadership. *Avot* 6:5 states: “Greater is Torah than the priesthood and the kingship.” In *Avot*, it is knowledge of Torah, and the active engagement with this knowledge, that determines the political leadership of the community.

One possible implication of anchoring the social order in knowledge of the Torah is the democratization of religious leadership. If all Jewish men can study Torah, and, moreover, they are all encouraged to study Torah, then, theoretically, any Jewish male can engage in religious leadership. Moreover, *Avot* seems to encourage the teaching the Torah to others, and to not relegate it to a few scholars: in *Avot* 1:12, Hillel advises the reader to bring all living creature closer to the Torah. Furthermore, many passages in *Avot* attempt to minimize the status hierarchy between Torah scholars. *Avot* 6:3 states: “He who learns from his fellow a single chapter, or a single law, or a single verse, or a single utterance, or even a single letter—must treat him with honor.” In sum, *Avot*, at least theoretically, seems to

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72 In rabbinic literature, the word Torah is sometimes used to describe Torah study, which I believe to be the case here.
73 Chapter 6 of *Avot* is widely considered to be a later addition (see Tropper, 21).
encourage all Jewish men to engage in Torah study and demands that scholars treat each other with respect, therefore making leadership more accessible. Knowledge of the Torah is not esoteric, and any Jewish male can engage in Torah scholarship. Eligibility to take on a leadership role in this political order is not based on whether a person is of a particular lineage, wealthy, or divinely sanctioned to rule, but rather based on engagement in Torah study.

A second implication of the transcendence of Torah study is that it accommodates multiple, contradictory legal decisions to be simultaneously upheld—legalistic pluralism. Jewish law is replete with examples of legalistic pluralism, both in the practice of Jewish law and in its philosophy of law. Although Christine Hayes ultimately concludes that Jewish law is mostly theoretically monistic—it believes that there is a single true law—she notes examples of Jewish texts that assert theoretical legalistic pluralism.\textsuperscript{74} For example, one section of the Talmud explains that God did not reveal legal decisions to Moses so that the Torah can be interpreted in multiple ways.\textsuperscript{75} Moreover, she argues that the legal monism (the notion that there is one “true” legal tradition) she does

\textsuperscript{74} Hayes, 174-6.  
\textsuperscript{75} Ibid.
observe in rabbinic texts has little bearing on the decisions made by the rabbis.\textsuperscript{76} In the famous story of the Oven of Akhnai, God reveals the correct law to a group of rabbis on a particular question pertaining to purity laws, only for Rabbi Yehoshua to respond that the correct law is not to be determined by heaven.\textsuperscript{77} I believe that this relatively pluralistic attitude towards law would not be possible without the transcendence of Torah. This is not to say that the transcendence of the Torah causes legalistic pluralism, but rather accommodates it. Indeed, if the study of Torah were not considered to be transcendent, it would be difficult justify the relatively pluralistic legal practices in Jewish law. Why would anyone be willing to accept the validity of multiple contradictory opinions on religious matters (especially those that contradict divine command) if it were not for the fact that the Torah was considered to be transcendent? In other words, the notion that the Torah is transcendent elevates otherwise rejected opinions, enabling a more pluralistic system of law.

\textsuperscript{76} Ibid., 176.
\textsuperscript{77} Baba Metzia 59a-b. Accessed through Bar-Ilan University. The Responsa Project. [Ramat Gan, Israel]: Bar-Ilan University, 2000. I believe that the story of Akhnai
Moreover, the evidence I cited about the rabbis basing their leadership in knowledge of the Torah bolsters my thesis about the Torah being transcendent: it is their knowledge of the Torah that cements their leadership role. The story of the Oven of Akhnai also bolsters my claim since it indicates that the Torah plays perhaps a more important role in the political structure of rabbinic Judaism than God Himself! In other words, the Torah supplants God as a way to anchor political leadership in something transcendent.

If my argument is convincing, the manner in which the Avot generates agreement about its political structure differs significantly from that of the Hebrew Bible. The Hebrew Bible establishes a political community by having one God rule over everyone as a king. The Israelite polity is structured on a contract with a divine being\textsuperscript{78}—and one that still contains human characteristics such as fallibility, and even (possibly) a body.\textsuperscript{79} The rabbis, on the other hand, consider the Torah to be transcendent. What is most crucial for the rabbinic political order is not a powerful being, the

\textsuperscript{78} Professor Andreas Glaeser, in class notes, April 13\textsuperscript{th}. Professor Glaeser noted how the covenant bears similarities to contracts between Mesopotamian emperors and vassals kings.

\textsuperscript{79} In Exodus 22:3, God reveals his back to Moses. In Genesis 18:23, Abraham accuses God of not being a fair judge in his decision to destroy Sodom.
truth of the cosmos, or the kingdom of God beyond the material world, but rather *scholarship*. 
Bibliography


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