



## THE COMMANDMENTS IN ISRAEL'S CULTURES

### Introduction – the problem in the State of Israel

The problem of the *halachic* laws – their underlying reasons, the manner of their observance, and, especially, their formal status in the State of Israel – arose as an intensely emotional issue immediately upon the state's establishment. Were the laws of the new state going to reflect the ideas of a secular legal system, in keeping with the ideology of its largely non-observant citizens, or would the reborn Jewish state be governed by the Rabbinic legal system, the Halachah? Or, by way of compromise between these two opposing positions, should a fusion or mixture of both systems, some kind of hybrid or synthesis between democracy and theocracy, be attempted? Many pondered the dilemma: in what manner and to what extent should the *halachic* legal system be reactivated in the diverse spheres of modern life? The Halachah, it was argued, had insured Jewish survival throughout the long periods of oppressions and catastrophes. One could not deny, of course, that as the nation's independence diminished, the jurisdiction of Jewish law had contracted correspondingly. (Talmudic rulings like, "The law of the kingdom is the law," acknowledged the precedence of Gentile law over Jewish law in secular matters and testified to the Halachah's subordinate legal status.) Nonetheless, the Halachah continued to govern both private and communal aspects of a Jew's life in exile. Moreover, even before the founding of the state, the Rabbinate in Palestine exercised jurisdiction in family law. Should all Jewish courts in Israel, then, be required to enforce the laws of the Torah, or should Rabbinic courts exist side by side with secular courts?

Both the Ashkenazi and the Sephardi Chief Rabbis at the time gave the matter much thought. Ashkenazi Chief Rabbi Herzog recognized that the Jewish state would be neither quite theocratic nor entirely democratic. Separation of "church" and state was out of the question, but, he acknowledged, the realization of the desirable structure would demand of the Rabbinic authorities profound study and care. Sephardi Chief Rabbi Uziel wrote in much the same vein: the task before us, he said, was to find a

way of fusing the Torah with the exigencies of the state, of indelibly imprinting the Torah upon the state in a manner fitting the character of the Holy Land and the Jewish people.<sup>1</sup> Opinions diverged widely precisely over the "fitting" manner in which religion and the new political reality could be reconciled. These ranged from rigidly uncompromising Orthodoxy to advocacy of *Torah im derech 'eretz* (Torah-rule combined with worldly approaches), in the neo-Orthodox style, to still other positions favoring the preservation of the Torah's tradition based only on the *ideas* embodied in its laws, rather than on the literal sense of the laws themselves. And, of course, there are many in Israel today who wish to minimize the status, authority, and scope of the Halachah or to separate entirely between state and Halachah.

I submit that our theory on the multiplicity of Jewish cultures may shed new light on this dilemma. Perhaps by gaining a better understanding of how differently the commandments were conceived in the ages of faith, we can expand the horizons within which our choices in this "church-state" dilemma must ultimately be made, and thus add clarity to a difficult issue.

### The commandments in the Biblical versus the Talmudic culture

The transition from the Biblical world to the Talmudic framework was one of the most decisive transformations the Jewish people was destined to undergo in its long history. So momentous was the change that it is evidenced even in seemingly external-semantic clues. Take, for example, the imagery applied to Israel itself in these two cultures. In the Bible Israel is depicted as a youth, a beloved son, sometimes as a bold warrior, or as a young virgin, a daughter of Zion, a bride and betrothed, or even as a young she-camel. In the Talmudic culture the central image is that of the yoke – the "yoke of *mitzvot*" and the "yoke of the Kingdom of Heaven." The Biblical author who laments over the destruction of the First Temple knows that the youth that is Israel will not brook the terrible yoke thrust upon him; Israel balks at the harsh judgment. The author's heart aches for the young man who "sit[s] alone and sigh[s]" over the yoke that lies heavy upon him (Lam. 3.28). In what seems to be an attempt to glean some sort of lesson from the terrible disaster, the author of Lamentations comments despondently on the young Judaeon sitting amidst the ruins of Jerusalem awaiting mercy: "It is good, too, for a man to carry the yoke in his youth" (Lam. 3.27). How is it, then, that in the Midrash (*Lamentations Rabbah*) this yoke is embraced without reservation as a thing to be desired, a holy burden ordained by God? The Daughter of Zion, Israel the boy and man, the valiant warrior, have been metamorphosed into the Congregation of Israel, a collective body which obediently extends its neck into the yoke of Torah and commandments. The emphasis placed by the Talmudic culture on the observance of

the commandments has no parallel in the Biblical culture. The latter knew that one was enjoined to observe and practise, but only the former turned the performance of a precept into the very essence and heart of its creed, thereby turning Judaism into a religion of observances. The Talmudic culture certainly did not ignore the importance of faith and homiletics, of Torah-study and exegesis. But the new emphasis was on acts, on the total immersion of body and soul in the performance of the precepts.<sup>2</sup>

#### The source of Biblical laws: the covenant

Let us now consider three aspects of the commandments in Israel's cultures: the source of the commandment, its nature, and the reason or justification given for its observance. What is the source of the commandment? In the Biblical culture the answer is relatively simple: the commandment is written in the law of Moses. This code contains accounts of deeds and events, instruction in ethics and faith, as well as specific statutes and laws. The Torah's laws, however, are clearly more than mere formulations of a legal code such as Hammurabi's; they are the words of the living God as enounced by His Prophet. We will not, I trust, be charged with nineteenth-century liberal-rationalist apologetics when we say that the essence of the Torah is not its political and social legislation, but rather the religious and ethical content that embodies an ideal constitution, a blueprint for God's kingdom. For this reason, incidentally, one finds that Biblical law, unlike legal systems based on a political-organizational conception, neglects at times to mention the penalty for an offence. Its purpose, it appears, was to guide the Israelites in the "path of righteousness." Many of the Bible's laws are actually ancient customs, accepted usages in the life of the tribes, desires and noble aspirations, instructions, admonitions, warnings, and intimations of future destinies. The Holy Scriptures are very broad in nature and do not even contain a political constitution in the form of a detailed kingship law. The Torah contains elements of state law, but it is not essentially a book of political statutes. Moreover, one surmises that what the Torah and other Biblical writings *do* contain by way of a political constitution was already outdated at the time the kingship was instituted in the kingdoms of Judaea and Ephraim.

The anchoring of all Biblical law in the idea of a covenant has been frequently pointed to in Scriptural research as the most unique feature of this law. Let us then briefly examine this extraordinary idea that nurtures all of Biblical law. Varying expressions, distinct in coloration and in depth of tone, are given in the Bible to the nation's relationship with its God. The essence of the tie between the Almighty and His worshipers was expressed in a complex array of attributes, reflective of God's sway over the forces of creation and of nature, over the lives of men and states, and over the events

of history: God is Israel's King, the Creator of the universe, the Judge of all the earth, a faithful Shepherd. Such epithets for the deity were not unique to Israel's tribes; other nations and faiths had, in larger or smaller measure, conceived similar appellations. But in addition to these concepts and to the experiences which had triggered them, Israel developed a concept uniquely its own; this was the idea of the covenant. The God who had brought Israel out of Egypt and had given His people the land of Canaan, was Israel's ally and covenantal partner. Perhaps the most remarkable thing about this covenant was the freedom in which it was undertaken. It sprang from a conscious act of volition and choice, a testimonial not so much to the lordship of God, as to the freedom of the nation that elected to enter into it. The bond between the two covenanted partners was by no means a normal, self-evident tie; neither was it weighted with a terror of nature and of nature's master; it was not, that is, a magical bond. It was, above all, a voluntary and freely undertaken engagement.

The covenant between God and people also determined the nature of the bond between people and land. Other ancient nations might experience a natural-magical adhesion to their lands. Israel's tie to its land was made conditional upon certain human choices and acts, upon the will to ethical commitment, upon the nobility of man's differentiation from his surroundings in an act of free will. In general, other nations clung to their lands with primordial instinct – strong, healthy, opaque to the transcendent. But for Israel, its dwelling in the land was by no means a self-evident and routine natural event that occasions no questioning or wonderment. The experience of the covenant taught Israel that the three constituent elements of its world – its existence as a nation, its inheritance of the land and its divine partner in the covenant – were inextricably interwoven by virtue of a volitional act it had undertaken for a certain purpose. It was as though without this tie, each of these elements were rendered meaningless.

The concept of the covenant was transplanted into the distant past and was counted in the historical experiences of all past generations, until eventually the unfolding of the entire Jewish history from the earliest beginnings came to be viewed in its light, as though Abraham's covenant were periodically renewed. In any event, the ancient Hebrews had the option at Sinai of *not* entering into the covenant, yet they accepted it in freedom. It was a covenant contracted not over matters of ritual, but over concerns of law and justice (see Jer. 34).

#### *The covenant and the laws*

It is important for our understanding of the commandments in the Torah to bear in mind that the covenant was a form of mutual obligation; there is little evidence in the Bible of mutual obligations in private affairs which do

not take the form of covenants. Yehezkel Kaufmann asserts that faith in the covenant was the base for that "peculiar Israelite mixture of law, morality and cult."<sup>3</sup> The Bible was not, of course, immune to influences from the surrounding dominant civilization (any more than were subsequent Jewish cultures in their milieux). Scholars who have compared Biblical law to other legal systems of the ancient Near East, especially to Mesopotamian jurisprudence, have pointed to many similarities between the laws of the Bible and the code of Hammurabi (c. 1700 BCE). An entire literature has arisen around this comparison which need not be elaborated here.

It is the dissimilarity between the two legal systems that is more interesting than the points of similarity. In the ancient Near Eastern states the king alone was the source of authority and the wielder of power, both lawgiver and judge. The laws of Babylonia are inscribed on memorial tablets celebrating the justice and integrity of the deceased monarch, proclaiming his greatness of spirit to all future generations. An infraction of Babylonian law was considered an offense against the king's authority and honor. In contrast, the laws of the Torah symbolize the tie between God and His people, and an infraction of the law is an offense against God, rather than against the king. The law stands above the arbitrariness of mortal rulers, who are themselves subject to it. Moreover, the law of the Torah contains no special laws for each class in society; one law obtains for all Israel and even for the alien residing in its midst.

These obvious differences stem from a culture which derived the authority for all injunctions and interdictions from the idea of a covenant between people and God, a sort of contract aimed at uniting the nation and transferring governance from the state to the plane of the divine contact. The covenant binds all of Israel's tribes into a single national unit and does not distinguish between religious and secular law (*ius* and *fas*), between criminal or social law and ritual commandments. All three codes of laws in the Pentateuch (the Covenant Code, Exod. 20.22-3, 33; the Priestly Code, Lev. 17-26; and the Law of Deuteronomy, Deut. 12-26) begin with ritual commandments and move on to social and criminal legislation. These laws are not imposed from without by a king or a charismatic leader, but are accepted by a people after hearing the words of the covenant.

True, other cultures also had gods who handed down laws to men. Shemesh, lord of the heavens, gave Hammurabi his code. He and Sin, the moon god, maintain the order of the world so that day and night, summer and winter may not cease. In the western Semitic world there was a god named Zedek (Justice), as we learn from Scripture: "Melchizedek King of Salem", "Adonizedek King of Jerusalem" (Gen. 14.18; Ps. 110.4; Josh. 10.3). The promise held in the name did not, however, bind the god himself to act in justice. The god of the ancient Hebrew was from the outset not only an omnific ruler of the world, but also a just judge of all the earth. The

demand to be just was incumbent upon God himself: "Shall not the judge of all the earth do what is just?" (Gen. 18.25). God's essential quality is seen as ethical and redeeming.

The Torah contains laws in three separate codes which differ in style, in order of presentation, and in content, and much has been written on this subject and needs no repeating. There are few laws which appear in identical form in each of the three sources. What all three codes have in common, as Kaufmann pointed out, is that peculiarly Israelitic phenomenon of a "tradition [that] knows no secular legislative authority. Ideally, only the prophet, as the spokesman of YHWH, can legislate."<sup>4</sup> Elders and monarchs could act as judges; they could not make laws.

What is most important to us here is that all three legal codes in the Pentateuch are anchored in the idea that God contracted a covenant with Israel regarding the laws He gave them. The great differences between each of the codes and within each code testify that there existed in ancient Israel a well-developed legal-ethical literature, and that the law was not a political constitution formulated by the king's scribes, but the law of God as given to priests, Prophets, and a succession of spiritual men.

#### The commandments and the covenant in the Talmudic culture

The idea that the commandments stemmed from the Biblical covenant was retained by the Talmudic Sages. There are scholars who believe that, during the Second Temple and in subsequent Mishnah and Talmud times, the concept of the Biblical covenant was transformed into a notion of public consent, and that this became the basis of the Oral Law. As proof they cite the Talmudic dictum, "We should not impose upon the community unless the majority of the community will be able to stand it" (*Bab. K. 79b* and elsewhere). Haim Tchernowitz, for example, claimed that according to the Talmud, the Torah's authority rested on the concept of the covenant and on the community's consent, and that this consent embodied the idea of a Rousseau-style social contract, wherein the law's authority is seen as emanating from the general will and the mutual consent of the nation.<sup>5</sup> But this is a very dubious theory. According to the Sages, the law does not exist merely because the community desires it; of course, a commandment which most of the community cannot tolerate is ineffective and must be abolished, but nowhere does the Talmud speak of a ruling which should be abolished merely because people do not want it.

Scholars like Tchernowitz attempted to confer upon the Talmudic concept of the commandments an ethical and rational autonomy; the acceptance of heaven's yoke was made dependent upon the community's consent. E.E. Urbach rightfully comments that thinkers of this liberal school (Tchernowitz, Moritz Lazarus, and earlier precursors), who sought in the

Oral Law an autonomous, human ethic emanating from the demands of man's reason, were voicing their own wishful thoughts, not the intention of the Sages.<sup>6</sup> Numerous interpretations have been rendered by such scholars in this faulty manner, especially when dealing with Talmudic dicta that if this or that *mitzvah* had not been commanded in the Torah, by right it should have been commanded, i.e. that there were commandments the rationale and sense of which were simply self-evident, mandated by human reason. None of these sayings, however, change the plain fact that in the eyes of the Talmudic Sages the law was theonomic and not autonomous: God alone was the Giver of the commandments.

Clearly, the idea of the covenant underwent a very fundamental change during the Talmudic culture. The aspect of free choice did not perhaps entirely disappear, but it was transposed to a distant past, to the time of the giving of the Torah. No longer do we see before us a party engaged in a present, live covenant; instead we have a tradition of a covenant. Whosoever desires to cleave to God, must take upon himself the yoke of *mitzvot*. The notion "yoke" was brought to bear upon the fulfillment of all the practical commandments. There was a yoke of Torah, a yoke of matrimony, a yoke of one's profession – all were incumbent obligations one had to fulfill by specified deeds.

Commandments lacking sufficiently clear reasons, or the meanings of which were not self-evident to human reason, were called by the Sages "covenants." Some of these had a foundation in the covenant contracted in the Torah, such as circumcision or the Sabbath (often referred to in the Bible as "a sign" and "a covenant"). The Sages, however, expanded the concept "covenant" to include, for example, the prohibition of mixing milk and meat. Rabbi Simeon says: "Thou shalt not seethe a kid in its mother's milk.' Why is this law stated in three places? To correspond to the three covenants which the Holy One, blessed be He, made with Israel: One at Horeb, one in the plains of Moab, and one at Mount Gerizim and Mount Ebal." This saying has a number of versions. Elsewhere, Rabbi Simeon makes the even bolder claim that the covenant was made not only over the prohibition of mixing meat and milk, but over *all* other commandments.

The Sages also deemed it a singular privilege to fulfill the commandments under conditions of peril and persecution, which call for suffering and sacrifice. There are many sayings on the merit of suffering and its connection with the covenant, such as: "Precious are chastisements, for just as a covenant was established concerning the land, so also a covenant is established by means of chastisement. For it is said: 'The Lord thy God chastiseth thee' [Deut. 8.5]. And it is also written: 'For the Lord thy God bringeth thee into a good land' [Deut. 8.7]."<sup>8</sup> We learn, therefore, that he who is in the yoke, is in the covenant. The dramatic events that first brought about the contracting of the covenant between God and the Patriarchs, and

later between the lord of the Prophets and all of Israel are submerged in the Talmudic culture in myriad *halachic* commandments. The Sages expounded, "I will bring a sword upon you, that shall execute the vengeance of the covenant [Lev. 26.25]; now 'covenant' means nothing else but the Torah" (*Sab.* 33a), whereby they referred both to the commandments of the Torah and to its study. I believe we may rightly conclude that the concept of the covenant was essentially changed. It was transposed to a happening in the distant past, to a non-recurring event which was no longer subject to modification, and which the nation was commanded to accept as the Sages interpreted it.

#### *Coercion and free choice*

The Rabbis surely regarded the community's consent to the commandments as desirable and important at any period, although, as we have said, it was not a precondition for the covenant's force. Rabbi Abdimi ben Ḥama's famous *derash* that the verse, "And they stood *under* the mount" (Exod. 19.17), "teaches that the Holy One, blessed be He, overturned the mountain upon them like an (inverted) cask, and said to them, 'If ye accept the Torah, 'tis well; if not, there shall be your burial'" (*Sab.* 88a) was an exceptional view. The Rabbis generally did not share the opinion that the Torah had been forced upon the nation from above, like an overturned cask. They did not believe in coercion. A man must accept the Torah willingly. However, as there is no mention of free consent between covenanting parties who conclude a conditional agreement with each other, the only freedom that remains of that Biblical concept is the Rabbis' freedom to interpret the Torah.

The Sages differed in their opinions about this matter of coercion and choice; they agreed generally with Rabba's opinion that if a man desires the Torah, he makes it his own:

One should always study that part of the Torah which is his heart's desire, as it is said: "But whose desire is in the law of the Lord." Raba also said: At the beginning (of this verse) the Torah is assigned to the Holy One, blessed be He, but at the end it is assigned to him (who studies it), for it is said: "Whose desire is in the Law of the Lord and in his (own) Law doth he meditate day and night" (*Ab. Zar.* 19a).

The commandments are obligatory, but it is also obligatory to love them, and to fulfill them, not only out of fear or hope for reward, but out of love. These are, of course, the classical arguments and cravings of all dominant cultures: first to have their authority accepted in subservience and fear, later to see it loved and accepted for its own sake. Moreover, many, if not all, of the champions of the Talmudic culture saw in the commandments and in the warnings about their detailed observance the very essence of Scripture.

They queried: "Why were the Ten Commandments not said at the beginning of the Torah?"<sup>9</sup> Underlying this question is the assumption that the commandments are the quintessence of the Torah, and that Israel was elected to receive the Torah for the exclusive purpose of their fulfillment.

### *Three Talmudic ideas regarding legitimation*

The issue of the commandments was far from simple for the Talmudic Sages. The Bible explicitly forbade any additions or detractions from the written word. The Sages had to vindicate the innovations entailed in their legislation, both to themselves and against the attacks of Sadducees and various sects. In order to effect this legitimation, the Rabbis advanced three propositions, by virtue of which they could clear their way to innovating *halachot* in the light of their own ontology.

The first proposition maintained that the statutes and ordinances contained in all the books of Holy Scriptures require interpretation, and that only the interpretation of the Sages accurately renders their true meaning. The second idea was that the Torah was given to Moses at Sinai complete with all its subsequent interpretations and nuances. The third thesis argued that not only Moses and the Prophets had received their authority from Sinai, but that upon each Sage in every generation authority devolved from that same source.

Let us examine these three central Talmudic propositions, which later cultures of faith likewise adopted as the solid foundation for the validity of innovated commandments. Each culture, of course, interpreted these propositions in the light of its own ontology, but no full-fledged Jewish culture during the ages of faith was ever antinomian, i.e. favoring abolition of the Torah's commandments as previously interpreted by the Talmudic Sages. To be sure, one could always find individuals and minorities who rejected, in lesser or greater degree, the third proposition. The debate over the authority of the Sages reappeared in one form or another in each culture.

### *The purpose of the commandments*

Post-Talmudic cultures diverged considerably when it came to understanding the nature of the commandments. What was the commandments' purpose? How do they alleviate a Jew's distress, i.e. what is their soteriological value for the salvation of the individual soul and for the redemption of Israel? The precepts of the Torah, we have said, were viewed as incumbent upon Israel regardless of whether or not their underlying reasons were clearly understood; they were the essence of the covenant between God and His people. In fact, the Torah rarely elaborates on the

reasons for the commandments. Isaak Heinemann pointed out in his detailed study on this subject<sup>10</sup> that, in the Torah's view, the precepts are enjoined because they reflect both the Creator's will and man's ethical conscience. Even "irrational" commandments, i.e. commandments the motives of which elude man's comprehension, never contradict the universal human ethic. The assumption is that from the legislator's point of view they are, in fact, entirely rational.

Where the Torah does provide reasons for specific commandments, Heinemann classified them as follows: God's authority, as an expression of a commandment's value ("I am the Lord," or "You shall fear the Lord your God"); ethical reasons, such as the requirement to leave a portion of the harvest to the poor; historical reasons, for example, commandments connected with Passover, and remembrance of the covenant (laws regarding fringes and phylacteries); emotional reasons, aimed at arousing feelings of sympathy, pity, and love (for the alien, the slave, the needy); various logical and utilitarian reasons. The Torah stresses: "It is a thing very near to you, upon your lips and in your heart ready to be kept" (Deut. 30.11), i.e. it is not beyond your understanding, although, as we have said, neither is it conditional upon your understanding; it emanates from a superior legislating authority.

The Sages laid great stress on the need to accept the yoke of the commandments even against one's own inclination or reason. They exhorted man to practise them with a whole and willing heart. They did not, of course, view this yoke as necessarily vexatious and oppressive; rather, being God's will, it was viewed more as a voluntary commitment. But the minority opinion of Rabbi Hanina could also be entertained: "He who is commanded and fulfills (the command) is greater than he who fulfills it though not commanded" (*Kid.* 31a).

The Sages emphasized that the commandments were useful to man, that God, in imposing the *mitzvot*, had wanted to "grant merit" upon Israel, to "refine" them; after all, He Himself had no need to be worshiped. They distinguished between "rational" commandments and commandments which were based not on reason but rather on Revelation (*Mitzvot shim'iyot*, to borrow a later expression). Counted among the rational commandments was the ruling *midah keneged midah* ("measure for measure"), as well as precepts whose reasons were symbolic, such as the four species on the Festival of Sukkot, precepts that had a pedagogical value (to remind or to teach a lesson), and all the social-ethical commandments. Heinemann notes<sup>11</sup> the curious fact that when we survey the reasons given by the Sages for the commandments, the ethical motives appear relatively infrequently. It never occurred to them, as later philosophers would claim, that circumcision or the prohibition of certain foods were useful, rational measures for the curbing of one's passions. It was only later philosophers

who, in order to distill the sharp heteronomy of a precept ordained from above, felt they had to find for the observance of commandments persuasive reasons. The Sages, more ingenuous perhaps in their faith and tradition than the philosophers, had greater confidence that a just and merciful God, their Father in heaven, would not ordain rules which were not for the benefit and edification of His children; they did not probe for the meaning of the commandments. Probes, questions, and doubts were the fit occupation of a more critical consciousness than theirs was. It was generally accepted in the Talmudic culture that the reasons for the commandments were: to reward those who practise them; to "refine" or "discipline" people (*letzaref bahen et haberiot*); and to add holiness. It was said, for example, about the Sabbath: "'For it is holy unto you.' This tells that the Sabbath adds holiness to Israel."<sup>12</sup> There were some Sages, especially among the Amora'im, who ruled that one should not attempt to discover the motives for the commandments at all, for what if the motives remain hidden, or, if revealed, are found unsatisfactory, tending rather to promote discord and heresy? Commandments which had no clear purpose (e.g. the red heifer, or the laws of ritual cleanness) were known as *hukim* (statutes) and had to be kept simply because they were so ordained by God. This is the meaning of Rabbi Yoḥanan ben Zakkai's famous instruction to his disciples: "By your life! Neither the dead person defiles nor does the water purify; only this is the decree of the Holy One, blessed be He. The Holy One, blessed be He, hath said: I have ordained a statute, I have issued an edict, and thou hast no right to transgress mine edict."<sup>13</sup>

Talmudic scholars in our generation have established that the notion of the "joy of *mitzvah*" was doubtlessly a polemical concept directed at those who sought to fulfill precepts on account of the reasons underlying them. The commandments had to be fulfilled for no other reason than that they had been ordained by God. The Talmud says: "'That delighteth greatly in His commandment' (Ps. 112.1): In his commandments, but not in the reward of His commandments" (*Ab.Zar.* 19a). A Jew must rejoice at the very observance of the commandment, not at the resultant material or spiritual reward. The Sages allowed that by first engaging in the commandments not "for their own sake," a man will eventually keep them "for their own sake," for pure and disinterested motives. Generally, however, they held that it was not a requirement for the commandments to be performed with intentness, except, of course, for prayer.

Subsequent Jewish cultures generally accepted this idea that commandments were given in order to bestow rewards upon their practitioners, or to refine their intentions and deeds, or to increase holiness, but opinions differed as to the nature of the reward, the refinement, and the holiness. No one seriously questioned the above-stated basic three tenets regarding the importance of the newly introduced Talmudic commandments: "Halachot

are the body of the Torah," announced the Sages.<sup>14</sup> And even: "Not a day passes in which the Holy One, blessed be He, does not teach a new law in the heavenly Court."<sup>15</sup> They acknowledged that Halachah was difficult and oppressive, as we learn from the Tanna debe Eliyahu: "In order to study the words of the Torah one must cultivate in oneself the (habit of) the ox for bearing a yoke and of the ass for carrying burdens" (*Ab.Zar.* 5b). Yet it had to be fulfilled. The emphasis was always on the importance of the deed, the practice. "Is study greater, or practice?" the Sages asked. Even Rabbi Akiba, for whom study was of the utmost importance, gave due tribute to practice: "Study is greater for it leads to practice" (*Kid.* 40b). Rabbi Simeon ben Gamliel, however, said outright: "Study is not the most important thing, but deed" (*Avot* 1.17). The dispute among the Sages was mainly about the origin of certain commandments, and especially about the status of the Ten Commandments.

#### *The status of the Ten Commandments*

The status accorded to the Ten Commandments is of particular importance in evaluating the *mitzvot* in relation to the first and second Talmudic propositions we have mentioned, i.e. that the *mitzvot* required the Sages' interpretation and that this interpretation originated at Sinai. Despite the Sages' insistence that divine revelation in *all* generations and to *all* the Prophets was focused in that non-recurring event at Sinai (or perhaps precisely because of this insistence), they could not assign special merit to the Ten Commandments. They could grant no pre-eminent status to certain commandments over others. This is the inescapable paradox resulting from their assumption that the Torah – Written and Oral – was all given at Sinai, that it rested upon the Ten Commandments, yet was not entirely encompassed in them.<sup>16</sup> As Rabbi Levi ben Ḥama said in the name of Rabbi Simeon ben Lakish:

What is the meaning of the verse: "And I will give thee the tables of stone, and the law and the commandment, which I have written that thou mayest teach them?" [*Exod.* 24.12] "Tables of stone": these are the Ten Commandments; "the law": this is the Pentateuch; "the commandment": this is the Mishna; "which I have written": these are the Prophets and the Hagiographia; "that thou mayest teach them": this is the Gemara. It teaches (us) that all these things were given to Moses on Sinai (*Ber.* 5a).

The Sages did not share Philo's view that the Ten Commandments merited a more honored status than other precepts; that idea, as scholars have rightfully pointed out, appears only in *midrashim* of the late Ge'onitic period. Rashi cites Rabbi Sa'adiah Ga'on's work on this question in his commentary on *Exod.* 24.12:

"The tablets of stone, and the law and the commandment which I have written to teach them" – all the six hundred and thirteen commandments are implicitly contained in the Ten Commandments and may therefore be regarded as having been written on the tablets. Rabbi Saadia specified in the *Azharot* which he has composed those commandments which may be associated with each of the Ten Commandments.<sup>17</sup>

The Sages did not believe that the Ten Commandments contained every law, or that they alone were given to Moses at Sinai, but they did, apparently, believe that in and between each of the Ten Commandments its own commentaries and refinements were already contained: "Between every two commandments were written the sections and the minutiae of the Torah."<sup>18</sup>

We summarize here by saying that in dealing with the question whether all commandments were actually contained in the Ten Commandments, or whether to each of the Ten were appended commentaries, refinements, and eductions (using the hermeneutic principles with which the Torah was to be interpreted), the Sages were anxious not to overstate the importance of the Ten Commandments. They were thus in a better position to refute the claim that the Ten Commandments alone were given at Sinai.

#### *Legitimation and polemics in the Talmudic culture*

The third and most polemical proposition that the Sages advanced for the legitimation of their need to innovate, namely, that their authority was bestowed upon them on the occasion of that first giving of the Torah at Sinai, was widely discussed in the Talmudic culture. Rabbi Akiba's contention that the Torah had been given with all its refinements and minutiae by Moses at Sinai was an attempt to eliminate the distinction between the two Laws – Written and Oral – thereby legitimizing the Sages' authority to interpret the Torah and to expand its meaning with all manner of new precepts. This was done, of course, in the belief that they were not actually engaged in independent innovation, but were simply taking the implicit and general meanings of the Torah and moving them, via the newly innovated details, into the realm of the explicit. And Akiba was not talking here of the discretionary innovation permitted to a man desiring to go beyond the strict "letter of the law" (*lifnim mi-shurat ha-din*), to do more than is the minimal justice required of him, an activity which, though voluntary, is extremely important (as we learn from Rabbi Yoḥanan: "Jerusalem was destroyed only because . . . they based their judgments (strictly) upon Biblical law and did not go beyond the requirements of the law" (*Bab.M.* 30b). No, Akiba was thinking of innovation in matters pertaining precisely to the strict letter of the law.

This polemic in the Talmud concludes with the triumphant declaration

that Sages do indeed have the authority to change and innovate. With sovereign consciousness the Sages embrace the great rule: "There is authority in the hands of the Sages." With great self-assertion they advise: "Be more careful in (the observance of) the words of the Scribes than in the words of the Torah" (*Erub. 21b*). They believed that a Sage was superior to a prophet, that there was no need to "pay attention to the Bath Kol [the heavenly voice]" (*Ber. 52a* and elsewhere). It was sufficient for Sages to discuss and to conclude, their decision was law.

#### *Innovations of the Talmudic culture – a summary*

As we listen to these clamors for legitimation we cannot help sensing that the molders of the Talmudic culture were fully aware they had created a system of meanings very new and quite different from the Biblical framework. Gedaliahu Alon justly observed<sup>19</sup> that the early Sages did not necessarily seek validation for their authority in the Written Torah; the Oral Torah, although anchored in the Written Torah, had, they believed, its own validity. Hillel the Sage, for example, in attempting to convince a proselyte who declared himself prepared to accept the Written but not the Oral Torah, did not seek in Scripture support for his argument. He said rather: "As you accepted the Written Torah on faith, so accept the Oral Torah on faith" (*Sab. 31a*). Alon concluded from this that the Sages viewed both laws as equally valid; one did not require the other for validation of its truth. This view seems to find further support in the formulation given by the Sages for Israel's chosenness: God "chose them and their words" as he had chosen Moses and the Prophets and their words. Alon cites a *baraita* attributed to Rabbi Akiba: "Blessed is the Lord, God of Israel, who chose the words of Torah and the words of the Sages, for the words of the Torah and the words of the Sages abide forever."<sup>20</sup>

Let us add here one more important distinction that separates the Talmudic culture from the Biblical. The Biblical constitution evolved from the early traditions of the tribes and from all that the legislator, in obedience to God's word, put before the nation. It contained not only matters of religious ritual, but all the manifestations of Israel's tradition throughout the ages. The Talmudic constitution on the other hand undertook a monumental task of regulating and disciplining all aspects of life to the Written Law and its interpretations. The canonization of Torah, Prophets, and Hagiographia subordinated the nation to the strict discipline of the Torah's laws as they were interpreted by the new class of Bible interpreters, first the Scribes, later the Tanna'im. The Torah was henceforth conceived as a book in which God's will had been revealed, its laws were His commandments, and every Jew was personally responsible for their observance. The notions of personal reward and punishment express this

change. Moreover, the Torah was elevated beyond the accidents of time and place and was identified with the divine wisdom that antedated the world's creation. It was no longer given to change, except through its authorized interpreters who, however, insist that they themselves have not changed, added, or detracted at all.

The practical precepts of the Torah, such as the sanctity of the Sabbath and the Holy Days, circumcision, marriage laws, dietary laws, mourning and burial laws, all were expanded in the Talmudic culture to an intricate web of rules: detailed laws of *kashrut*, which entirely forbade certain foods or the manner of their preparation, the strict prohibition on eating milk with meat or meat with milk products, the prohibition of eating bread if a portion of its dough had not been set aside (*hallah*), the interdiction to consume fruits within three years of their planting (*orlah*), the prohibition on libation wine (*nesekh*), or wine which had been processed by Gentiles. The Rabbis defined thirty-nine main classes of work ("fathers of work," *avot melachah*) forbidden on the Sabbath and various other activities derived from these main classes ("offspring," *toladot*); every aspect of a Jew's life, his dress, manners, conduct, and deeds, was placed in a web of laws and ordinances – a strict codification by the promulgators of Halachah.

Alon's view cited above is not a lone opinion, but its conclusions, as regards both the perspectivistic examination of Israel's cultures and the changed values manifested in the different ontologies, have not yet become sufficiently clear to scholars. Indeed, to many they appear puzzling, even unsubstantiated. Professor Yesha'ayahu Leibowitz, for example, clearly realizes that the Talmudic conception of the commandments is quite dissimilar to that of the Bible, but this realization seems to have no bearing on his acceptance of the "yoke" of Torah and commandments as construed by the Sages. The religion of Israel, the world of the Halachah, of the Oral Law, Leibowitz states sharply, was not created by Holy Scriptures; rather, the Holy Scriptures are one of the institutions of the religion of Israel. From a religious and a causal-logical viewpoint, the Oral Law, being the world of the Halachah, antecedes the Written Law, which is the world of faith and values.<sup>21</sup> Leibowitz concedes that the creators of the Talmudic culture felt they possessed supreme authority to interpret the stories of the Bible and its laws according to their own conception, i.e. he realizes that the Sages defined the meanings of the Biblical culture as they saw fit (as Alon maintained), or as he puts it: "The Halachah of the Oral Law, which is a human creation, draws its authority from the words of the living God in the Bible, but it is the former that determines the content and meaning of the Written Torah." Nonetheless, Leibowitz cleaves to the Talmudic culture, or rather to the later Rabbinic culture, as if this were the only system of meanings which so treated its predecessors, and as if it were the only one of the seven Jewish cultures to possess real legitimacy.

Let us now look at how the commandments were perceived in two other

Jewish cultures: the Poetic-Philosophic and the Mystical. It will become evident that each of these cultures deals sovereignly with its predecessors, no less with the Bible than with the Talmud, and each one indeed "determines the content and the meaning of the Written Torah." We begin with Rabbi Sa'adiah Ga'on and his method of rationalizing the commandments.

#### Rational and revelational commandments in the Poetic-Philosophic culture

Rabbi Sa'adiah Ga'on (892–942 CE) sought to base the commandments on a conception of religious rationalism. As explained in his *Book of Doctrines and Beliefs*, the religion of Israel was founded upon "the necessary science" and withstood its rigorous tests. As one of the founders and early molders of the Poetic-Philosophic culture, Sa'adiah argues sharply with those who maintain that decisions based on reason and logic lead to heresy: this is the vulgar opinion of fools, who turn darkness into light and light into darkness. To those who argue that the great Sages of Israel, Talmudic and others, had explicitly warned against esoteric speculation (*ma'aseh bereshit* and *ma'aseh merkavah* mysticism, i.e. the mysteries of Creation and the mysteries of the Godhead), the Ga'on replies: "It cannot be thought that the Sages should have wished to prohibit us from rational inquiry seeing that our Creator has commanded us to engage in such inquiry in addition to accepting the reliable Tradition. Thus He said, 'Know ye not? Hear ye not? . . . Have ye not understood the foundations of the earth?' [Isa. 40.21]"<sup>22</sup> Our Sages only wanted to deliver the masses from error. But in fact any Jew capable of meditation, thought, and study may engage in these, and for two reasons: "(1) In order that we may find out for ourselves what we know in the way of imparted knowledge from the Prophets of God; (2) in order that we may be able to refute those who attack us on matters connected with our religion."<sup>23</sup> The "reliable Tradition" bids us engage in philosophical contemplation – this is a basic assumption in the Poetic-Philosophic culture and one that legitimates this opening of gates to a whole new conception. The Ga'on stressed this point on numerous occasions, presaging Maimonides' statement in the *Guide for the Perplexed*:

It was not the object of the Prophets and our Sages . . . to close the gate of investigation entirely, and to prevent the mind from comprehending what is within its reach, as is imagined by simple and idle people, whom it suits better to put forth their ignorance and incapacity as wisdom and perfection, and to regard the distinction and wisdom of others as irreligion and imperfection.<sup>24</sup>

The third chapter of the *Book of Doctrines and Beliefs*, which discusses the origin and nature of the commandments, states that God bestowed upon man two great acts of kindness:



The first of His acts of kindness towards His creatures was the gift of existence, i.e. His act of calling them into existence after they had been non-existent . . . Thereafter He offered them a gift by means of which they are able to obtain complete happiness and perfect bliss . . . This gift consists of the commandments and prohibitions which He gave them.<sup>25</sup>

The fulfillment of the law is a greater reward than bliss received by God's grace alone, for "one who obtains some good in return for work which he has accomplished enjoys a double portion of happiness in comparison with one who has not done any work and receives what he receives as a gift of grace." This is so clearly a judgment of reason that it is impossible for God Himself to ignore it. Therefore He commanded that He should be adored and thanked for His Creation and for the Torah.

All commandments can be classified in two categories, perhaps along the lines of the above-mentioned two acts of God's kindness. The first category is "confirmed by speculation" and contains commandments to learn to know God and worship Him in sincerity, as well as admonitions against returning His bounty with ingratitude. For example, one is prohibited from vilifying or treating Him with contempt. This set of laws consists of commandments and prohibitions which allow for civil behavior among people, such as prohibitions against killing, cheating, or lying: "He did not permit us to trespass upon one another's rights nor to defraud one another."<sup>26</sup> This first set of laws is called "Laws of Reason" (*mitzvot sichliot*).

The Second Class of Law consists of matters regarding which Reason passes no judgment in the way either of approval or disapproval so far as their essence is concerned. But our Lord has given us an abundance of such commandments and prohibitions in order to increase our reward and happiness through them.<sup>27</sup>

These laws, instances of which are the "Sabbath and Festivals; the selection of certain individuals to be Prophets and Leaders; the prohibition to eat certain foodstuffs; the avoidance of sexual intercourse with certain people," etc., are called "Laws of Revelation" (*mitzvot shim'iyot*), because they were revealed to Israel at Sinai. Of course, it is impossible for the Revelational Laws to be entirely bereft of motive or sense, or, as the Ga'on puts it: "One cannot fail, upon closer examination, to find in it some slender moral benefits and rational basis."<sup>28</sup> Although God's wisdom is far above human understanding, there is in the Revelational Laws some "rational basis" compatible with human understanding. The mission of the Prophets, for example, though revelational by definition, is also important for the rational laws, whose practice

cannot be complete unless the prophets show us how to perform them. Thus, for instance, Reason commands gratitude towards God for the blessings received from Him, but does not specify the form, time, and posture appropriate to the expression of

such gratitude. So we are in need of prophets. They gave it a form which is called "Prayer"; they fixed its times . . . , etc.<sup>29</sup>

Sa'adiah Ga'on energetically argues against the contentions of Christians and Karaites that the Torah and the commandments are likely to change or to be abrogated, or that they have already been abrogated by God. The Ga'on states categorically that in every sphere of activity there is a "reliable tradition" and there are truthful conveyors of that tradition. A ruler's command, for example, is accepted by his people even when it is conveyed through emissaries. Not in every instance can we rely solely on our senses. People generally accept a "true report":

And unless there was a true tradition in this world, a man would not be able to know that a certain property was owned by his father, and that this is an inheritance from his grandfather, nor would a man be able to know that he is the son of his mother, let alone that he is the son of his father.<sup>30</sup>

The Ga'on declares: "Reliable tradition is as true as the things perceived by sight." And the proof: numerous instances where Scripture states that the Torah is "a covenant for ever" and "for your generations." In each such instance the reference is to both Laws, the Written and the Oral. In this context we read the famous lines:

Moreover, our people, the Children of Israel, are a people only by virtue of our Laws [i.e. by virtue of *both* Laws – the Written and the Oral], and since the Creator has declared that our people should exist as long as heaven and earth exist, it necessarily follows that our laws should continue to exist as long as heaven and earth are in being, and this is what he says, "Thus saith the Lord . . . If these ordinances depart from before Me . . . then the seed of Israel also shall cease from being a nation before Me for ever".<sup>31</sup>

The Ga'on believed that everything that was not explicitly stated in the Written Torah was to be found in the Oral Torah, and anything that was not explicitly stated in the latter was to be determined by reason. This opinion too is very important for the legitimation of the new culture. Scriptures, claims one of the chief proponents of this culture, is not the only source of our religion. It has two additional sources: one that precedes it – the fountain of reason, and one that follows it – the source of tradition.

What is the purpose of all the commandments? Sa'adiah explains:<sup>32</sup> the purpose of all Creation is man. Despite a small and puny body, man's soul is wider than heaven and earth, for his knowledge encompasses all that they contain. Man must mount the steps of wisdom until he attains knowledge of that which is beyond them, i.e. of the exalted Creator. The purpose of all the commandments is this – comprehension of the divine wisdom and its realization.

*Maimonides on the purpose of the commandments*

Maimonides' system presents, I find, four new formulations of the reasons for the commandments, though these ideas are basic also to the entire Poetic-Philosophic culture. These are:

1 The commandments' chief aim is to bestow perfection of the soul, derived from the acquisition of intellectual knowledge and adhesion unto the Primal Cause.

2 The commandments are, in the main, a pedagogical tool; they are meant to guide men's conduct and opinions and enable the attainment of the true end. This is why these directives evince an element of God's "cunning" and "ruse."

3 The perfection of the individual and the body politic in the paths of righteousness and justice is a prerequisite for the advancement of the soul in true wisdom. The commandments seek to straighten man's character and conduct by guiding him along the middle path, the golden mean.

4 The principles of the Jewish faith are imposed in the form of commandments, i.e. knowledge of his faith is incumbent upon the Jew as an order from above.

In the interest of brevity, only the first two of these innovations will be discussed here.

Maimonides distinguished in the Torah meanings that were manifest and plain, and meanings that were hidden and figurative. The plain, he thought, was but preparation for the hidden, comparing to the latter as silver does to gold. The verse, "a word fitly spoken is like apples of gold in vessels of silver" (Prov. 25.11), was brought to bear upon the relation between the manifest and the hidden in the Torah: "It shows that in every word which has a double sense, a literal one and a figurative one, the plain meaning must be as valuable as silver, and the hidden meaning still more precious."<sup>33</sup> The entire language of symbols and metaphors employed by the Torah requires study, thus anyone who construes the Torah's words literally is himself misguided and misguides others. The word *mashal* (metaphor, parable) appears in the introduction to the *Guide for the Perplexed* no less than fifty-seven times. It is the nature of a metaphor to serve as a tool of explanation and understanding, like that "taper worth only one *issar*," mentioned by the Sages, with which a man who has misplaced a valuable coin can illuminate and search his house. This, says Maimonides, is the key to our understanding of the Prophets and the Sages.

Indeed one may see in the *Book of Knowledge* section of the *Mishneh Torah* and in the *Guide for the Perplexed* an extended polemic against the literalists. Already in the first chapter of the *Guide*, wherein the concept *tzelem 'elohim*

("the image of God") is explained, we learn that Israel's Torah is "intellectual perception, in the exercise of which [one] does not employ his senses".<sup>34</sup> Hence the Torah's disapprobation of God's incorporification, its belief that He is not a physical body and that there exists no likeness between Him and His creatures: "Let us make a man in our *zelem*' [Gen. 1.26], the term signifies . . . [man's] intellectual perception, and does not refer to his 'figure' or 'shape'."<sup>35</sup> In the same sense man's purpose in life is explained in the book's final chapter as the attainment of "the true perfection of man."<sup>36</sup> The purpose is to acquire – as far as this is possible for man – the knowledge of God, the knowledge of His Providence, and of the manner in which it influences His creatures . . . Having acquired this knowledge he will then be determined always to seek loving-kindness, judgment, and righteousness, and thus to imitate the ways of God."<sup>37</sup> No wonder, then, that in an earlier chapter, in the parable of the king's palace, Maimonides rebuked the innocent mass of believers who study the Talmud without intellectual apprehension:

Those who desire to arrive at the palace, and to enter it, but have never yet seen it, are the mass of religious people; the multitude that observe the divine commandments, but are ignorant. Those who arrive at the palace, but go round about it, are those who devote themselves exclusively to the study of the practical law; they believe traditionally in true principles of faith, and learn the practical worship of God, but are not trained in philosophical treatment of the principles of the Law, and do not endeavour to establish the truth of their faith by proof.<sup>38</sup>

In these and numerous other instances Maimonides seems to be minimizing the importance of practical commandments. Witness his confident declaration in *Mishneh Torah*:

One only loves God with the knowledge with which one knows Him. According to the knowledge will be the love. If the former be little or much, so will the latter be little or much. A person ought therefore to devote himself to the understanding and comprehension of those sciences and studies which will inform him concerning his Master, as far as it is in human faculties to understand and comprehend – as indeed we have explained in the Laws of the Foundation of the Torah.<sup>39</sup>

Similar declarations can be found throughout his writings and their intent is clear. The truth demonstrated by the philosophers is not only authenticated by the Torah and Prophets, but also by the homiletics of the Sages. The Sages, too, were actually philosophers, according to the lights of their own views, but because they addressed the masses of ignorant people, their literal interpretations appear to us far removed from reason. These must be translated into the philosophical language of conceptual thought so that their true light may shine forth.

We might add here that Maimonides also leveled his polemics against the Karaites, and that this debate is apparent at a very substantive level of all

those ideas which, by imposing the commandments as a duty of faith, seek to strengthen philosophy's tie with Scriptures and Talmud. The Karaites, we know, viewed the Talmud as a new Torah unto itself. Maimonides' effort was, therefore, directed at reuniting the two Laws, Oral and Written, into one single Torah based on true knowledge. Bible and Talmud are united in a world-view validated by philosophy. Simple believers and Talmudists absorbed solely in the practical-*halachic* aspect of Torah have almost entirely ignored this ontology and have thereby let the Karaites undermine the faith.

And what is the precise nature of the commandments? They are the manifestation of God's wisdom and His will to guide Israel in the paths of His wisdom. Against those who see the commandments as arbitrary decrees, dictated by God's whim, Maimonides has this to say: "All commandments and prohibitions are dictated by His wisdom and serve a certain aim . . . There is a reason for every precept, although there are commandments the reason of which is unknown to us."<sup>40</sup> We must believe that there is indeed a reasonable motive for each commandment but that our limited understanding is not always capable of apprehending it. The purpose of the entire body of commandments is the perfection of man's soul and body, it seeks to instill true knowledge, in keeping with the intellectual capacity of each individual, in the minds of the masses, and to remove evil from their hearts "by teaching every one of us such good morals as must produce a good social state."<sup>41</sup>

#### *God's cunning and stratagem*

We have explained that Maimonides held the purpose of human life to be the contemplation of God, the adhesion of man's intellect to the divine intellect. This contemplation, however, is not a mere theoretical or abstract activity. It has a soteriological function too: as long as man cleaves to God with his intellect, the power of evil can gain no hold upon him, and the more he cleaves, the more God's providence extends over him. Contemplation of God liberates man from the randomness and contingency of this world. Knowledge thus becomes a shelter and a refuge: the path of ceaseless contemplation of God, as described at the end of the *Guide for the Perplexed*, protects man from the accidental by enveloping him in the beneficent influence of divine providence.

Providence depends upon the strength, the immediacy, and the intensity of the link that unites the human intellect with God. When a man neglects contemplation of the Primal Cause, he lays himself open to harm:

Hence it appears to me that it is only in times of such neglect that some of the ordinary evils befall a prophet or a perfect and pious man; and the intensity of the evil is proportional to the duration of those moments, or to the character of the things that thus occupy their mind.<sup>42</sup>

The constancy of God's nearness is not to be counted upon. It wavers, it has its highs and lows. To obtain God's protection, a man must "know Him" and "love Him," in the spirit of Psalm 91, as Maimonides expounds it: "When a man's love is so intense that his thought is exclusively engaged with the object of his love."<sup>43</sup>

The idea of divine providence and the love of God leads Maimonides to the idea of God's artifice and cunning. The commandments are but a method, an instrument that enables man to cleave to God; the key to their understanding is to be sought in the cunning, as it were, which the divine Teacher-Pedagogue employs as a device for Israel's instruction. This concept is referred to in the *Guide* as: "God's cunning and stratagem" (*ormat ha-Shem ve-tahbulato*), "His wisdom and stratagem" (*hochmato ve-tahbulato*), and, more explicitly, "this divine cunning" (*ha-orma ha-<sup>2</sup>elohit*).<sup>44</sup>

Maimonides knows that this is difficult for a believer to accept. Must a Jew observe the commandments knowing that they do not mean what they purport to mean, that there is a hidden ruse behind them?

I know that you will at first thought reject this idea and find it strange; you will put the following question to me in your heart: How can we suppose that Divine commandments, prohibitions, and important acts, which are fully explained, and for which certain seasons are fixed, should not have been commanded for their own sake, but only for the sake of some other thing; as if they were only the means which He employed for His primary object? What prevented Him from making His primary object a direct commandment to us, and to give us the capacity of obeying it?<sup>45</sup>

A question so skeptical of divine wisdom could be dismissed as a "disease." Maimonides attempts to allay these doubts by explaining that it is difficult for human beings to achieve the "original object" of the commandments, which is "to spread a knowledge of Him (among the people), and to cause them to reject idolatry."<sup>46</sup> Most mortals cannot easily cleave to God by intellectual contemplation. Therefore the Torah must, as it were, insinuate itself into their consciousness by "divine wisdom, according to which people are allowed to continue the kind of worship to which they have been accustomed, in order that they might acquire the true faith, which is the chief object of God's commandments."<sup>47</sup> And why is this stratagem necessary? Because human nature is but an amalgam of matter and form, feeble flesh and blood, doomed to sin, and ever needy of guidance. This nature is not given to change: "The nature of man is never changed by God by way of miracle."<sup>48</sup> Miracles may change the natural properties of a particular individual being, but they do not set out to change human nature as a whole. God could, of course, change man's nature; this is not impossible for Him, but He does not wish it, for He has no desire to deny man the freedom of choice. If man were not made of clay, if he were not subject to

human frailties as well as being master of his own free will, there would have been no need for the Prophets or for the commandments. God has no choice, then, but to devise stratagems with which to instill His knowledge in men's hearts. God's cunning in the use of the commandments is a pedagogical program whose devices are meant to guide Israel on the hard road to truth. Sacrifices, prayers, fringes, *mezuzah*, phylacteries, "and similar kinds of worship," are all aimed at inculcating the true faith, the spread of which will excise from mankind the evils of injustice and corruption.

*The source of the commandments, the purpose and the means*

The creators of the Poetic-Philosophic culture stressed that the object of science was to determine the causes of phenomena, especially the Primal Cause, in order to understand phenomena's origin and purpose. The same scientific approach, they thought, could explain the Torah and the commandments.

We heard earlier that the distinction between "rational" and "revelational" commandments became prevalent in Sa'adiah's time. The Ga'on traced the term revelational (*shim'iyot*) to the sense of hearing (*shem'a*), but earlier Islamic scholars had used this term in the sense of discipline (*mishma'at*) and it appears the Ga'on adopted the term and its meaning from them.

A sociological observation is in order here: the Poetic-Philosophic culture developed within a feudal aristocratic society which chose to circumscribe its conduct with intricate ceremonies and rituals, with rules of knightliness, homage to nobles, and obedience to kings. It is important to bear this factor in mind when we consider that the Torah's commandments too were viewed as an obligatory discipline emanating from a source entirely distinct from, and external to, man himself, i.e. from a transcendent and heteronomous source. The culture of the Islamic courts where these formalities of etiquette were cultivated became a model for Jews employed in the service of Arab kings and nobles. Beautiful form, perfect structure, a highly stylized mode of life, rigidly defined standards of conduct for those who would partake of life's sweet rewards – these ideals of the Arab élite in its heyday were embraced by the poets and philosophers of the Judaeo-Spanish "golden age." Such social differentiation meant separation from the life-styles, opinions, and images of "the masses" via numerous distinguishing commandments, a sort of prefiguration of the Emancipation culture's *salons*.

This phenomenon is evident in Spanish Hebrew poetry, as also in all other branches of Jewish intellectual creativity of the time. The representatives and spokesmen of the new vision, Jewish patrons of the arts, labored with tireless enthusiasm on its realization. It was an effort to endow Jewish life with the splendor and glory of forms and rules of etiquette, of pleasing

harmony and symmetry, in the classical manner then spreading in the Islamic courts: civilized conversation, the wit and playfulness of rhymes and riddles, poetry, thought, and song. The object of poetry was to beautify and elevate reality through good taste, with a delightfully complex artistry of measure and rhythm, and a multitude of clever inventions, all rendered, of course, in the culture's agreeable forms, beautifully shaped and impeccably formulated. The earlier gushing expressiveness of Eli'ezer ha-Kalir and the unpolished *midrashic* poets was found entirely unacceptable, as we learn from complaints by Abraham Ibn Ezra. This is the beginning of a host of new "revelational commandments" in matters of language and style and the imposition of strict discipline and self-control.

The courtly culture of the Jewish élite in Spain, and later in Egypt, doubtlessly influenced Maimonides. His style and thought evince a meticulous attention to the rules of symmetry and harmony. The Greek ideal of *sophrosyne* (moderation, observance of proper measure and balance), seems to have been embraced by the courtly Arab culture in which Maimonides moved. Indeed, it was his life's blood: the golden mean was for him "the way of the wise."<sup>49</sup> This measure has many names in Maimonides' works. In *Mishneh Torah*, it is called "the way of good people" and the "right way." In describing this quality he uses verbs like evaluate, adjust, measure. Initially, it may very well have been Aristotle's theory of the *Nicomachean Ethics* which gave Maimonides the tools for explaining the *sophrosyne*, that measure of restraint that characterizes the "way of the wise," but, in the main, his endeavors to organize life, opinions, and beliefs according to the rational classical model, and to give the force of commandment to beautiful ceremonies and rituals were determined by the culture of his environment and his own social standing.

Horror of the extremes is never far from men's consciousness in the Poetic-Philosophic culture. They fear the immoderate: "The right way is the mean in each group of dispositions common to humanity; namely, that disposition which is equally distant from the two extremes in its class, not being nearer to the one than to the other."<sup>50</sup> Only saints do sometimes abandon the "equal distance" from "the exact mean towards the extremes," but they do so by way of supererogation.

All commandments aimed at realizing the mean – the "way of the wise" – are "revelational" in the broad sense, because they do not emanate autonomously from human reason, but are incumbent upon the individual as an obligation, regardless of the intelligibility of their reasons.

Maimonides made an interesting and bold distinction between laws that contained a truth "which is itself the only object of that law, as, for example, the truth of the Unity, Eternity, and Incorporeality of God," that is, "true ideas" in themselves, and laws which, though indispensable, were not necessarily based on truth, laws that were

only the means of securing the removal of injustice, or the acquisition of good morals; such is the belief that God is angry with those who oppress their fellow men, as it is said "Mine anger will be kindled, and I will slay" etc. (Exod. 22.23); or the belief that God hears the crying of the oppressed and vexed, to deliver them out of the hands of the oppressor and tyrant, as it is written, "And it shall come to pass, when he will cry unto me, that I will hear, for I am gracious" (Exod. 22.25).<sup>51</sup>

As early an exegete of the *Guide* as Shem Tov Ibn Falaquera (c. 1225-90) already pointed out:

As it is commanded to believe that the Lord's anger will be kindled at those who transgress His Will, and this belief is not true, because He is not moved and His Anger is not kindled, as it is written "I am the Lord, unchanging" (Mal. 3.6), so it is necessary that the common man be moved and that he believe this, for even though it is a lie, it is necessary for the preservation of the state; therefore these commandments were called necessary beliefs, not true ones.<sup>52</sup>

In other words, most, if not all, of the commandments are based on Torah-statements which are untrue, on beliefs which are necessary, but not true. The paradoxical nature of Maimonides' method exemplifies the tension underlying the religious rationalism of the Poetic-Philosophic culture, and much has been written on it. Opponents of Maimonides, from his own contemporaries all the way down to Jacob Emden and Samuel David Luzzatto in the eighteenth and nineteenth centuries, have taken this as a convenient point of departure for their attacks, on the grounds that in abrogating the commandments' absolute validity, he jeopardized their very observance.

There were some differences of opinion among medieval scholars on reasons for the commandments, but in general all agreed that the essence of the Torah's commandments was the conferral of intellectual and moral perfection upon man. Even Judah ha-Levi, who accorded to the irrational a much larger scope in his philosophy than did Maimonides, recognized the important status of reason. It is the intellect, he said, that rules our will and our instincts and thus "the first place . . . is very appropriately given to the prayer for intelligence and enlightenment" through which man is "brought near to his Master."<sup>53</sup> The creators of the Poetic-Philosophic culture were no longer content with heteronomous, or divinely ordained, reasons for the commandments; they did not appreciate reasons from which human intellect was excluded and were prepared to do battle with those who, in Ibn Paquda's plaint, "place[d] tradition before speculation."

### The commandments in the Mystical culture

As in the two preceding cultures, in the Mystical culture, too, a distinction was made between the manifest, or the literal, in the Torah, and the hidden,

or figurative, but manifest and hidden now took on new meanings. Indeed, the distinction between the manifest and the hidden became the most characteristic methodological tool used by the Mystical ontology in its interpretation of Scriptures. This allowed for polemical discussion with the preceding cultures, but was not in itself the most important feature that distinguished this culture from the Poetic-Philosophic culture. The main difference was in the new meanings the Mystical culture attributed to concepts like God and commandments, or to the manifest and the hidden Torah.

Gerschom Scholem, his disciples, and his colleagues have studied at length how the Torah and the commandments were conceived in the literature of the Kabbalah. We shall, therefore, single out here only one thesis that emerges from these studies: in the Mystical culture the observance of commandments is assigned a divine-cosmic rationale. The commandments are not simply acts, not even parables for abstract concepts, nor pedagogical devices for the inculcation of good character and true knowledge of God. Their purpose is man's adhesion to the supernal lights and a decisive restoration of harmony (*tikkun*) in the order of the world and in the secret of the deity itself.

In this culture, too, the rule obtained that nothing in the Torah lacked a purpose, and that everything it contained was given to interpretation. As Nahmanides bluntly put it: when the Torah is read only for its literal meaning, it is "vacant and empty." God's Torah could be considered whole (*temima*) only when it was completed and perfected through the understanding of the secrets it contained. The unveiling of these secrets is the wisdom to which Kabbalah alone is privy. Each of the preceding cultures was subjected to the Mystics' polemics. Let us examine some of these expressions.

We have already cited earlier (chapter 1, p. 28) the Mystical exegesis on the word *bereshit* ("in the beginning"), to the effect that without the revivifying waters of Mysticism the Bible was an "arid place." Similar polemics were leveled at the Talmudic Sages. The Kabbalists said of the Talmud, the Mishnah, and the Baraita that they were but the handmaidens of Kabbalah: "The Mishnah is its [the Shechinah's] handmaiden."<sup>54</sup> They went so far as to suggest that it was the Mishnah which was responsible for Moses' death and burial outside the Holy Land: like a servant-maid who has usurped the power of the lawful mistress of the house, so the Mishnah has overpowered the tradition of Moses.<sup>55</sup> The Mishnah has overwhelmed Mystical knowledge and has thereby strangled Moses and his Torah. This, according to the *Zohar*, is the meaning of the verse: "If a handmaiden inherits her mistress" (Prov. 30.23), a clear reference to the Mishnah's displacement of the true Torah. Talmudic teachings of *halachah* and commandments are very often deemed inimical to Mystic knowledge. Thus

does the *Zohar*, by a clever anagram, ridicule the Sages of the Mishnah, the Tanna'im: אֵתְנִים = תְּנַאִים (*etanim*, strong ones) – these Sages are so “strong” with their tongue that the revered Moses, a man of impeded tongue, had better beware. Similar criticism is leveled at the Talmudic Sages, the Amora'im, whose disputations increase discord between the Shechinah and her Spouse.<sup>56</sup>

Nor is the philosophers' conception of the manifest and the hidden any more satisfying. The Kabbalists themselves often had divergent opinions on the nature of the Torah's secrets, but all agreed that it contained no intellectual knowledge, and that its wisdom was divine and superior to all human wisdoms and sciences. The Bible's verses were viewed as sparks of spiritual, divine, and angelic essences, and intimations of the relationships between these spheres and man. Its verses are, to be precise, expressions of God's names. The Bible may, therefore, be read by those who possess the requisite knowledge in this secret wisdom as the numerous combinations of the divine names. A Kabbalist studying the Torah is illumined by sparks from those supernal lights, ensconced in, and symbolized by, God's names. A world in grace, the divine cosmos in all its expanses and divisions is unveiled before him. Such divisions are the limbs and joints of the *adam kadmon*, the primeval man, the mystical anthropos, which, in turn, is one manifestation of the deity, or the *en-sof* (the Infinite). What is the nature and status of the commandments in this teaching?

#### *Two Mystical ideas regarding the commandments*

Two leading ideas in the Mystical concept of the commandments are of particular interest to the modern reader. Both have been adequately explained by Scholem and are briefly presented here. They are, I believe, at the foundation of the entire Mystical culture as it was typically expressed throughout most of its development. The first idea explains the source of the commandments; the second idea presents the enormous responsibility that observance of the commandments places upon the individual.

The book *Ra'ayah mehemnah* (part of the *Zohar*) explains that the commandments given to Israel originate from the Tree of Knowledge (also called the Tree of Death, since its fruit proved fatal to man). It was in the secret of the Tree of Knowledge that good was distinguished from evil, the sacred from the profane, the permitted from the forbidden. It was in order to restrain the powers of evil, destruction, and death, that the laws of the Torah were given. Prior to man's original sin, however, the world-order derived from the Tree of Life, which symbolizes the full emanation of holiness without the admixture of the “shells” of sins and death. At the end of days, in the Messianic aeon, the original order of the world, the order rooted in the Tree of Life, will be reinstated, and the need for the commandments as

practised today will cease to exist. The divine essence will again flow into all the worlds without hindrance, and the yoke of commandments and prohibitions will be lifted forever.

Certain hints regarding changes that will affect Halachah in the Messianic age can be found in the Talmudic culture too, but only in the *Zohar* does redemption appear primarily as a manifestation of profound spirituality, a spiritual revolution destined to unveil the Mystical (and deemed to be the literal) content and meaning of the Torah.<sup>57</sup> In a world-order rooted in the Tree of Knowledge the divine Torah has been distorted; on the day of redemption it will regain its original form. Today we know that this Mystical idea was destined to exercise great influence on the Sabbatean movement, when it was invoked as a license for release from traditional prohibitions and even as an argument that a *mitzvah* could actually be accomplished via a transgression.

The second guiding idea in the Mystics' concept of the commandments is that of the practitioner's personal responsibility for the entire world, even for the world's Creator, in the elemental battle between good and evil. By observing the Torah's commandments, a man abrogates the exile of the deity and vanquishes the powers of evil. Every deed he performs in the true spirit of the commandment is capable of tipping the scales on the side of merit, while every sin plunges him into the dark, foul embrace of the evil powers. From this battle there is no escape. The observance of commandments thus takes on a divine-cosmic dimension, and bestows merit not only on the individual, but on the collectivity, on the entire world, and on God Himself.

Clearly, observance of the commandment is seen here not as a simple fulfillment of a law. Rather, the commandment is a visible symbol hinting at the internal, secret, and hidden life of the deity, and a means that allows the Jew to approach the root of this secret. “The supernal Torah is hidden and concealed,” wrote the Kabbalist Isaiah Horowitz (“the Holy Shela,” 1565?–1630), author of *Shnei luhot ha-berit* (“The Two Tablets of the Covenant”). And because it is hidden and concealed, it is necessary for the Oral Torah to elucidate its secrets and bring to light its mysteries.<sup>58</sup>

Scattered Talmudic statements intimating that observance of commandments increased the supernal powers and added strength, as it were, to God became in the Kabbalah a complex lore on the “higher need” of the commandments. By performing commandments, man influences the deity and all the spheres, as though God had need of these acts; thus the commandments served a “higher need” than the individual's private benefit or pleasure.

Already in the book *Bahir* (compiled in twelfth-century Provence), the commandments were explained in relation to the activities of the divine spheres, a conception which spread at the end of the thirteenth century and

more so after the expulsion from Spain. Interpreters of Nahmanides explained his meaning in expounding on the verse, "Israel in whom I will be glorified" (Isa. 49.3), that when Israel performed commandments, the Shechinah was glorified. Similarly, it was explained that through the commandments all the worlds were joined and bound together, thereby enabling the Shechinah to join the Infinite One, the *'en-sof*. It is thus in the power of pious and saintly men to pronounce decrees that both "higher" and "lower" beings must obey, to cancel divine decrees, and even to subjugate the natural order to the will of their pure souls, for their will stands above the natural order and is, in fact, the will of God Himself. In short, by observing the commandments man can wield tremendous power over the world.

In this respect practical Kabbalah is closely bound up with theoretical Kabbalah. A Kabbalist who knows the meaning of the holy names and their "combinations" is like a man entrusted with "the keys to every single thing that man needs for every aspect and matter in the world." Thus declared Joseph Gikatila (1248-1305),<sup>59</sup> author of a key to the rules of Kabbalistic wisdom and to the holy names in the ten spheres, a composition offered to his readers for "practical" purposes.

Hence we conclude: he who fulfills the laws of the Torah takes upon himself responsibility not only for his own soul, but for the life of the nation, for the secret of *ma'aseh bereshit* (Creation mysticism) and *ma'aseh merkavah* (mysticism of the Godhead), i.e. for the preservation of the world and the completeness of the hidden life of the Infinite One. In Lurianic Kabbalah we learn that with the "breaking of the divine vessels," sparks of holy light fell within the ambit of the evil forces; the fulfillment of commandments, however, can bring about the restoration or mending of Creation after this breaking.

We see, then, that the Mystical culture did not reject the Halachah previously introduced by the Talmudic culture, but vested it with a new religious-cosmic dimension. By fulfilling precepts man can actually bring about the unification of Being according to its hidden orders, while transgressions violate this unity and endanger all of Creation. The *'en-sof*, the hiding God (so unlike the living God of the Bible who boldly reveals Himself in the natural order and in the history of nations), is very susceptible to the deeds of men upon whom His entire fate, as it were, depends. The commandments are not merely laws that Israel is enjoined to observe, but the hidden constitution of the whole of Creation. The purpose of their observance is to hasten the day of the "anarchic utopia" (in Scholem's phrase), when man will be freed from all prohibitions, and the Torah in all its spirituality will be revealed in the secret of the Tree of Life.

The difference between the Mystical and the Talmudic cultures as regards the commandments can now be summarized. Clearly, the Mystics did not

propound a simple, innocent doctrine on the observance of *mitzvot* and the discharge of good deeds, but an entire theory of divine-cosmic harmonization. The secret of this harmonization, or the secret of the necessary link between man and God, has been revealed to certain initiated men. These men know that the fulfillment of a precept, such as prayer, is the Mystical means that bends the deity to man's will as by the force of magic.

If there is substance in the assumptions and conclusions of this study, one can only marvel at the astonishing belief of past generations in the authority and efficacy of the Halachah. In spite of fundamental differences of opinion regarding its source and value, the Halachah acquired in the consciousness of those generations an extraordinary and, to a modern observer, most baffling "depth structure". Even in times of great anguish those believers knew that the commandment was a lamp, the Torah, a light (Prov. 6.23), that the Holy One had blessed them with Torah and commandments in order to grant them merit, and that Judaism's ultimate message was "Fear God and obey his commands; there is no more to man than this" (Eccles. 12.13).