לִדְרוֹשׁ וְלָתוּר בַּחָכְמָה (קהלת א:יג)

Inquire And Explore With Wisdom

Rabbi Michael Graetz

הרב מיכאל מרדכי יוסף גרץ

Talking Torah תורה שבעל פה

How Torah Talks to Us when We Talk Torah

A case presentation of the Process of Midrash through generations, which shows how the basic ideas of Judaism were mined and refined from the gold lode of Torah.

בראשית

Volume 1 Genesis

And Introduction

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וְנָתַתִּי אֶת לִבִּי לִדְרוֹשׁ וְלָתוּר בַּחָכְמָה ... (קהלת א, יג)

מהו **"ולתור"** להעשות תייר בחכמה... שיר השירים רבה פרשה א

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Dedication

To those I love:

My wife: Naomi bat Sarah ve-Yehezkel,

Our children: Ariella, Tzvi Yehudah, Avigail

Our daughter-in-law Shirley, our sons-in-law Menashe and Eitan

Our grandchildren: Itamar Yehezkel, Harel Meir, Uriah Avshalom, Meirav Sarah, Ayelet Lucy, Talya Miriam, and Shirah Esther Salaam

For whom I pray every day:

"May they be faithful to You, God, and to your Torah, and to each other. May they be safe and healthy, and may they help, honor, protect, encourage, and support each other at all times. May they be honored by all people, because they honor all people".

Preface

This book is appearing on my 75th birthday, which coincides with Purim 5775. I have been blessed all of my life, from the moment of birth until now. My parents Marion, Meir ha-Levi, and Marjorie, Miriam, enabled me to be the man I became. My studies in philosophy at Columbia University, and in Judaism at JTS enriched my knowledge and sharpened intellectual skills and acumen. My teachers and lifelong friends from those years were very important in helping to shape my views.

The central source of my life has been my wife, Naomi. Her constant support is precious beyond any perfect pearls. It was her urging which enabled me to finish this project, and produce this book.

Our children, Rabbi Ariella Graetz Bar Tuv, Rabbi Tzvi Graetz, and Avigail Graetz added depth and meaning to life, and this was made even greater by our sons and daughter in law, Menashe Bar Tuv, Dr. Shirley Graetz, and Eitan Herman. The addition of grandchildren just makes it all better, and adds a satisfaction that is like a gift of more soul. Itamar Yehezkel, Harel Meir, Uriah Avshalom, Meirav Sarah, Ayelet Lucy, Talya Miriam and Shirah Esther Salaam, yes that is the birth order, all the boys first than all the girls. The blessings of family are precious and life sustaining.

In addition I was blessed in my work by so many colleagues and friends. I was given the gift of an amazing Kehillah of people, Magen Avraham in Omer, who not only suffered me as their rabbi for 30 years, but who also enabled and encouraged me to pursue my studies and to strive to fulfill dreams and fanciful visions of a more vibrant and intellectually sound Judaism. This included their granting me leave to help begin the Masorti Movement in Israel.

I also want to thank those who have specifically contributed to this book. I have already mentioned Naomi, my wife, who engages me in study of Torah every day. And my good friend, Rabbi Martin S. Cohen, who not only has supported this project from the beginning, but has been a source of inspiration.

Without a devoted community of family, friends, students and colleagues all of my life's enterprise would not have been as meaningful, fruitful and sustaining as it has been until today. I have been truly blessed.

INTRODUCTION

The Title of this book *Li-Drosh ve-Latour be-Ḥokhmah*, *Inquire and Explore with Wisdom*, is taken from the Biblical verse *Kohelet* 1:13. The verse proposes that a person must examine the world by relying upon wisdom. It is not merely inquiry that needs wisdom, but one must explore using wisdom. Explore implies more than mere inquiry. It implies experiencing what one is studying, analyzing it in a careful and detailed way. The Hebrew verb *latour* is also the word that is used today for tourism. One is a *tayyar*, a tourist, and in this sense it means exploring in order to know, in order to experience and enrich. The Midrash interprets this verse to mean that one should become "a tourist of wisdom" [Song R. 1] I thought of naming the book *A Torah Tourist*, but in the end decided to follow the classic Jewish custom of naming books using Biblical verses.

TALKING TORAH "TORAH SHE-BEAL PEH"

The major intellectual and religious creation of rabbinic Judaism, indeed the concept that is unique and defines rabbinic Judaism as a religion, is the doctrine of two Torahs [in Hebrew *torot*], a *torah she-bikhtav*, usually rendered as "written Torah", and a *torah she-be'al peh*, usually rendered as "oral Torah".

This major and constitutive doctrine of rabbinic Judaism enables the creation of the process of Midrash and applies that process to the texts of the Torah, indeed of the whole Bible. Midrash is another major intellectual and religious creation of rabbinic Judaism, and it is the engine that drives the vehicle of revelation, called *ruaḥ ha-kodesh*, literally the Holy Spirit assumed for oral Torah. Some might argue that the creation of Midrash was what enabled or led to the concept of two *torot*. It is not possible to totally determine which came first and enabled the other. One thing, however, is clear that the two together constitute the double helix of rabbinic DNA.

Indeed, one rabbinic source offers a metaphor in which the written Torah is likened to sheaves of wheat and flax in their natural state. The oral Torah is likened to a fine loaf of bread and a beautiful table cloth made out of the raw wheat and flax [*Eliyahu Zuta 2*]. In this metaphor, written Torah, which is a gift to humans directly from God, is raw material which God expects and hopes that humans will make into productive, life sustaining and beautiful things. In this source, it is God's decision to create humans with intelligence and understanding, the image of God that is embedded in each human, which enables humans to produce things from the raw material. God gives humans not only the raw material but also the intellectual and spiritual tools, if they will but use them, to make wonderful creations that please God.

Another metaphor might be that Midrash is a method of textual exploration, as mining is a geological exploration of the earth, whose goal is to mine the precious metals and gems embedded in the texts. In this case spiritual, religious, ethical and social concepts and norms found in the narratives and the legal sections of the Bible are like gems formed in the earth which humans may extract by using intelligence and understanding and discussion. According to this analogy, the Bible is the earth formed by Divine influence and will, and Midrash is the tool which mines it and finds the precious items within.

This metaphor is implied, but not overt, in another rabbinic source text of Moses who ascends to Heaven to receive the Torah. Moses finds God affixing coronets to certain letters, and when he asks why God is spending time on such decorative additions to the

letters, God tells Moses that a certain man will arise in the future, Akiba ben Joseph, that is Rabbi Akiba, who will expound many rulings based upon even the forms of the letters. This analogy seems to fit the idea that the Torah, even in its shapes, is to be mined for lessons [*Menahot 29b*].

MIDRASH: THE TOOL FOR TALKING TORAH

The process of Midrash arises out of major theological and religious insights of the group of religious leaders known as the sages, in Hebrew *ḥazal* "the sages of blessed memory". Those insights include:

1. The conception of all humans being created with an inherent "image of God".
2. Humans and God being partners in creation, in particular of Oral Torah, even though we know that the rabbis also fixed the written Torah, even introducing special changes in the received text when they felt necessary by a system of reading a word in a different way than it is written; and some rabbis held that Moses said some verses on his own [*Meg. 31b* and *BB 14b* where other figures write], or that some rules were decreed by God at the suggestion of righteous humans [e. g. cf. *Ta'anit 23a* and others].
3. Humans and God take on mutual obligations that arise out of the partnership.
4. The diversity of creation is mirrored by the diversity of thought among humans.
5. Language and thought are the instruments of creation and renewal.
6. The overall goals of Torah, of God's revelation, are compassion, loving-kindness, righteousness, justice, mercy, life and peace.

From all of the above it should be clear that the terms "written" and "oral" signify much more than the medium of the two *torot*. Those terms signify the different characteristics of the two *torot*. Written is a fixed form with words that are identifiable both individually and in the context of sentences and paragraphs, etc. This does not mean that a written form is static, for in Hebrew, words are not fixed. Rather, they are flexible because of their roots and conjugations which may make for multiple understandings of the written word. Indeed, in the passage cited above in *Menahot*, even the shape and form of the letters may lead to many different understandings.

Still, the most flexible is the oral form, which implies conversation which by its nature is complex and multi-vocal. Oral may even include objection or contradiction, as conversations often do, and thus the spectrum of understanding possible in an Oral Torah may be quite broad. But, although the spectrum may be quite broad, it is not open- ended or infinite, since the written words do impose some boundaries to possible interpretation. In the example given above from *Eliyahu Zuta*, for example, the products created from the raw material cannot be totally different from what the material will allow. One might create a cake from the wheat instead of bread, or a pretzel, but one could never create an apple or a pear from the wheat. In that sense, as this source says, the Oral Torah is also from the mouth of the Mighty One, but in a different way from a literal one.

Indeed, I propose to include in the suggested translations for the phrase *torah she-be'al-peh* the phrase "Talking Torah". The phrase expresses perfectly, to my mind, the dialogic nature and partnership implication of Torah. For when we talk of Torah the Torah talks to us in new and wondrous ways. It is a reciprocal phrase, in that the operative process of talking is both directed at the Torah, and reciprocally coming from the Torah. It implies the necessity of dialogue with the Torah in order for humans to remain in contact with God's revelation of the Divine "inner Self" with the hope and goal of having it enrich,

lead, inspire and support the human "inner self". This reciprocal process is known as "Midrash".

IMPLICATIONS OF THIS THEOLOGY IN THE WORLD

There were two major outgrowths of this conceptual framework. One was a sociological and religious revolution, and the other was the introduction of a major theological proposition. The sociological revolution lay in the very conception of Midrash as a partnership with God and a revelation made manifest in the study of sacred texts, the written Torah. The discussion and analysis of the written Torah became the standard by which one measured personal achievement, and by virtue of which one personally came into touch with the Divine. Mishnah Horayot 3:8 overturns the old order of society's hierarchy. From this mishnah we learn that a person's status is connected to study and mastery of the two *torot* rather than to birth status or traditional tribal affiliation. In mishnah Avot 2:8, Rabban Yohanan ben Zaccai, the reported "founder" of the system of Rabbinic Judaism, states that the reason that a person is created is to study as much Torah, meaning both the written and oral, as possible. It is the goal and vocation of life.

The theological proposition was the creation of a category of revelation which the rabbis called *ruaḥ ha-kodesh*, literally the Holy Spirit. This was posited as the vehicle of revelation which enabled the rabbis to include the books of the Writings in the Bible as sacred literature [cf. Song R. 1, 8 and others]. Thus they created a continuum in the notion of revelation. In addition to the Biblical vehicles of revelation through prophecy or priestly ceremonies as found in the Torah and Prophets, they added a new vehicle of revelation, namely wisdom, inquiry and intellectual analysis. They created, as was their norm, a term for this category which clearly makes it part of the spiritual enterprise of humans, and connected it to the Divine by the appellation "holy". Thus we have wisdom, represented by the "wisdom literature" of the Writings, as a manifestation of *ruaḥ ha-kodesh*, "the Holy Spirit. The rabbis intended that this religious phenomenon was to carry on even after the destruction of the second Temple, and saw it as characterizing the revelatory credentials of Midrash and their own workings of the Written Torah.

The root of the word Midrash in Hebrew is the verb *DaRaSH*. The meanings associated with this verb have to do with inquiry, demand, investigation. Indeed, the idea of demanding of a text, from ancient times long before I was born, that it speak to me, encapsulates all of the insights mentioned above. I inquire and investigate the text, and demand that it speaks to me now in my world and within my cultural context, while the actual text itself is the link and connection to the original revelation. This is so, even if the outcome of the Midrash seems to be opposite or even contradictory to the original text.

Summary: Knowledge and Intellectual power are outcomes of the Holy Spirit which exists because of the partnership of man and God.

HALAKHAH AND *AGGADAH*

One of the many confusing aspects one encounters when studying rabbinic literature is the apparent difference between *halakhah* and *aggadah*. To confuse matters even more both categories are developed by the process of Midrash. This implies that both are rooted in Midrash. Thus, many questions arise about the nature of Midrash, and the differences, if any, between Midrash *halakhah* and Midrash *aggadah*. Indeed, Midrash is a method, a way of

understanding deeper meanings and root values so that it becomes the indispensable method of religious inquiry into revealed texts.

My teacher, Rabbi Abraham Joshua Heschel set out to describe the wholeness of the system of *halakhah* and *aggadah*. He showed that the attribution of hierarchical value to these two different types of religious texts, the widespread notion that *halakhah* was of greater religious value than *aggadah*, was not the intention of the founders of rabbinic Judaism. They thought of the two as a 'whole' and neither side could exist or be of value without the other side.

He began an exploration of this approach in his monumental work *Torah Min Ha-Shamayim*, but was unable to finish it because of his tragic and untimely death. The part which he published was dedicated to the *aggadah*. He demonstrates his two major points about the *aggadah* in this work: 1] that there are systematic and consistent explorations of the insights and understandings of the *aggadah*, that is, it was studied and taken as seriously as *halakhah*; and 2] the *aggadah* was the systematic expression of the sages' comprehension of the divine pathos. Heschel quotes the statement that one who wishes to apprehend God's ways must study *aggadah* [*Sifrei Devarim ekev 49*].

Heschel's understanding of divine pathos is the key to the religious system known as Judaism. Its roots lie in the prophets of the Bible, from Moses to Malakhi. The rabbis conceived of themselves as continuing the prophetic sensitivity to Divine pathos as a central theological proposition. Unlike the prophets, however, contact with the Divine was not through direct perception of speech; but rather through a profound study of texts. The expression of this was in the *midrash aggadah* on the narrative portions of the Bible. There is no question that the outcome will be different approaches, and the main question will be identifying the spectrum that defines these differences. For Heschel, the spectrum encompasses the two main schools of the development of rabbinic Judaism, namely, the school of Rabbi Akiba and the school of Rabbi Yishmael. Even if we admit that this is a simplification of the literature at hand, still it is a useful and accurate tool to use to delineate the boundaries of the spectrum which was accepted by the rabbis as the possible boundaries of their religious beliefs and theology.

RELATIONSHIP BETWEEN *HALAKHAH* AND *AGGADAH*

In *Yevamot 89a* we learn that anyone who wishes to be part of Israel must live their life according to three principles – acts of mercy, behaving humbly, and deeds of compassion. And in another passage, *Sotah 14a*, it is written that the whole of the Torah is compassion from beginning to end. From this we learn to identify the goal of living a life as a Jew. Jewish religion and its sources are an eternal quest for and a constant effort of explication of how to achieve this goal.

Whoever studies the legacy of Jewish texts arrives at an important principle: one cannot distinguish between narrative and statute. In other words, there is no *halakhah* without *aggadah* and there is no *aggadah* without *halakhah*. Concept, emotion, spirit, ethics, form, deed, and enactment are all interwoven with each other. What are the implications of this? Whoever tries to separate them out one from another, or who attempts to rank them as more or less important is in error. Not only that, but any such attempt to reduce Judaism in such a fashion produces a result akin to that produced on a person's body when they are prevented from obtaining food or water – the body is reduced, the spirit suffers, and in the end death ensues. [cf. Heschel, TMS Vol. 1 p. xvi footnote 4]

The law, eventually known as the *halakhah*, attempts to fashion the ethical and spiritual principles of the Biblical and Rabbinic narratives into rules of conduct, statutes to which we are obliged to adhere. However, it is clear that the intent is not to form them into dry regulations merely for the purpose of upholding them. Rather, the law is conceived of as a way of life based upon a constant review of the rules in light of the consequences that occur in reality as a result of keeping the rules according to the above stated principles. What is described as "change" in the *halakhah* can only be understood as a challenge concerning how the internal value of a particular deed is judged at a particular time. When there is awareness that keeping the rule creates an opposite consequence to the ethical or spiritual consequence for which it was designed, then we are obligated to amend the rule in order to strengthen the principles. True, the *halakhah* changes, but the interpretation of this process as "change" is too simple. The term "develops" is more appropriate, for the *halakhah* develops within a process of various factors: the realities of life in a given situation and a given time and place, spiritual and ethical principles, new knowledge, and even *zeitgeist*, a *milieu* of an age, and also the development of the understanding of values as a result of other conceptions coming into play regarding those values.

This testing of the *halakhah*, which may result in the development of new approaches and new inferences in the existing *halakhah*, is a necessity. It is an obligation that every Jew, male and female, must shoulder at every moment of their life. To fulfill this obligation presupposes not merely taking on the deed as a responsibility, but first to study it and examine its outcome in society. I mean that the eternal meaning of the *halakhah* is the consequence of the strengthening of morality by means of the law. The love of God is revealed only in the relationships between humans. The path of observance of the *halakhah*, the acting out of it among people, this is the instrument which enables this "revealing" to take place.

Now it is clear that every Jew, man or woman, is obligated to be familiar with and to internalize these principles. For if they do not, they will not be able to pursue this constant quest and will not succeed in fulfilling the mitzvoth and the Torah. We must begin with the principles of faith, upon which all of Jewish religion is based. Foremost among them is that humanity is created in God's image – all of humanity, without exception. In addition, as is made clear by the explication of the *mishna* that represents this principle, we understand that every man or woman is worth the whole world *[mishna Sanhedrin 4:5*].

From this idea flows the second great principle – that every man and woman is responsible for the being, the life of all others. This is precisely because the other is different from me, even though we have in common God's image, I am obligated to serve the other. This theology of this conception of the origin of moral responsibility is found in *Sanhedrin 4:5* in the lessons derived from the Biblical narrative of the creation of humanity through only one single couple. [For the most comprehensive presentation of this idea cf. the writings of the philosopher Emanuel Levinas.] The recognition of God's greatness as the creator of humanity all of whom are both equal and different reaches a pinnacle in the blessing *meshaneh ha-briyot* [*Berakhot 58a*]. Even when a person is deformed, and seeing such a person might arouse in us feelings of disgust, we are forbidden to ignore that person or to think that person of lesser worth; instead we are obligated to bless God for this difference.

This internal revelation of my own obligation towards the other, the demand to serve the other, who is different from me, this is the very basis of the *halakhah*, and it is prior to any rational formulation of specific regulations. The strongest statement of this principle is God's Torah, the Torah which all of humanity will desire to learn, the Torah whose study

will cause humans to stop learning to make war. The service of God, which is at the base of the Torah, is the shrinking from war. It is worthwhile to inquire into God's Torah and not war's torah. All of the means of making war are meant to undergo a transformation of purpose, and to become instruments for the welfare and life of all humanity in the entire world [cf. *Micah 4:1-5*, cf. *Isaiah 2:2-4*].

Our sources contain many ethical and spiritual values which are found in Biblical narrative. The halakhic sources attempt to mold clearly defined actions, that is, *halakhah* – a way of living, a way in which we are able to fulfill our human responsibility by virtue of the fact that we were created in the Image.

Halakhah is thus the fulfillment of responsibility – responsibility which is presented as integral to full "partnership" with God. This partnership includes the laws and the processes, as well as the special responsibility of partnership. In the midst of this we learn that the foundation of the absolute value of every human is what causes the responsibility to honor the other and their opinion. On the one hand, these pluralistic opinions are necessary as part of the nature of humans, precisely because not all of them will agree to the same thing. On the other hand they are necessary because of the belief that every human is created in God's image, and is thus worth the whole world. Furthermore, the Torah is a Torah of truth, and the seal of the Holy One is truth, "when is the seal of the Holy One truth? At the time when He consults the heavenly court." [Talmud Yerushalmi (Vilna) Sanhedrin 1, hal. 1). Moreover, absolute truth, like the infinite Holy One, is just not comprehensible to the finite human mind. Thus, it is most appropriate that pluralistic opinions exist in the inquiry into Torah, as well as the positive emphasis which exists in the tradition in regards to the positive need for pluralistic opinions. Furthermore, in the Yerushalmi passage cited above the process which makes the seal of truth manifest is consultation with the court!

The obligation or the responsibility to inquire into Torah and to express one's opinion about their study is a direct outcome from the infinity of the Torah, which is truth. The unbounded, unmeasurable nature of truth means that the Torah has an infinite number of explanations. In order to express that absolute truth it would take an infinite amount of humans, each one of them listening to God's voice in themselves and announcing it to others. This is impossible, and thus all "truths" enunciated by humans in the study of Torah are by definition not absolute truths.

Halakhah, as it developed in Judaism, implements all of these principles as a religious path. It is important to remember that the *halakhah* is a religious idea and not solely a system of laws, as many think. The *halakhah* has certain characteristics which are similar to those of a legal system or a system of laws, and to a certain extent it does function according to those characteristics. But, the essence of *halakhah* is that of a religious system and not legal one. But, since a legal system strives to be clear and its application lucid, as opposed to the complexity of a spiritual or religious system, so a Jew must be careful not to take the easier course, which relates to *halakhah* solely as a legal system, and forget that at its root it is a spiritual-religious system. The main goal of *halakhah* is not to preserve itself to the letter of the law, but rather to serve a spiritual process which cultivates ethical and decent relationships between people.

Halakhah is a process which tries to concretize in real life, through deeds, the values and our conceptions of God's will which flow from our religious faith and experience. Since ethical awareness is a central part of religious experience, it is clear that ethical principles must form an integral part of the halakhic process. Even if those principles are not stated

explicitly in the Torah, that is, to some extent they are "outside" of the Torah, nevertheless they are assumed to be part of the obligation which God expects from humans. As such they are part of Torah, and rabbinic tradition strove to find a way to include them via the process of Midrash. [For more on this cf. *Tifereth Yisrael*, Yakhin on *Kedushin 1*; Avi Sagi, *Judaism: Between Religion and Morality*, Hakibbutz Hameuhad, 1998; Moshe Halbertal, *Interpretive Revolutions in the Making*, Magnes Press, 1999.]

Furthermore, outside of the halakhic system there is a goal in whose name we fix *halakhah* and try to keep it through deeds, and that is the existence of the world by virtue of God's compassion. In extreme situations, what the *halakhah* usually defines as transgression may turn out to be greater than a plain mitzvah [cf. Rabbi Michael Graetz, "Day 26," *Va-Yamodu ba-Omer*, Shiluv Press, 2001, pp. 60-61]. The worldview expressed in a majority of Jewish sources is religious pluralism based on the individual difference between every human being [Rabbi Michael Graetz, "Days 19, 20, 22, 23, 49," *Va-Yamodu ba-Omer*, Shiluv Press, 2001 citation cf. p. 46-47, 48-49, 52-53, 54-55, 106-107 "]. The *halakhah* rests upon the personal commitment of each individual, first and foremost, to the principles of God, not ONLY to the laws themselves.

Having said all this, the *halakhah* exists and is kept alive in a specific Jewish society, in a specific place and in a specific time. Furthermore, *halakhah* contains many rules which are not inherently or directly connected to morality or ethical behavior. This includes the voluminous *halakhot* of ritual observances in Jewish religion, such as holidays or kashrut among others. Even though one can discern ethical or moral issues in the sections of *halakhah*, such as the relationship between the individual and the community, the actual rules of which Etrog one may take on Sukkot are not directly connected to ethical concerns. In many ways the lack of distinction between *halakhot* which directly impact on the state of justice or morality in society, and those whose impact is tangential causes confusion among many Jews. However, all of these cases are part of the formation of the *halakhah*.

The reality of a time and place, together with the specific Jewish community, make up the most important factors in the *halakhah*. *Halakhah* is the means by which the Jewish community expresses itself, and at the same time it helps to mold it. Keeping the *halakhah* brings with it the keeping of national values such as loyalty and belonging. The values of Torah, Divinity and the nation of Israel are woven together in the *halakhah*.

According to our approach, the main characteristics of the *halakhah* are:

1. The *halakhah* flows from the desire to live in accord with God's pathos ["God's belief"], and the means to that end involves a striving to cleave to those Divine qualities which characterize God's presence in the world.
2. The *halakhah* is a dynamic process which develops in every generation.
3. *Halakhah* always integrates the tradition of Israel with the existential needs of a generation.
4. *Halakhah* strives to infuse into human life the qualities of justice, righteousness, compassion and joy.
5. *Halakhah* encompasses many different opinions, and is based upon a pluralistic approach to these differences.
6. Ethical qualities and concern for the dignity of others are to be found at the center of the halakhic process.

The obligation of the Jews is not merely to keep the *halakhah* in the formulations handed down to us, but rather, as I have said, to observe it in a particular way, so that the ethical,

spiritual and religious values embodied in the formulations are maintained. It is clear that this is possible only when there is constant inquiry, constant testing of, and constant sensitivity to the practical consequences of our actions "according to the halakha".

To summarize: we present here three hubs of inquiry: principles of faith, the partnership of humans and God, both found in the *aggadah* and the *halakhah* as a religious process which constitutes a vehicle for implementing the principles and the partnership in every day actions.

Finally, I believe that in these questions of *halakhah* we must always take into account the view of Rabbi Heschel: "Judaism is not another word for legalism...The law is the means, not the end...The Torah is guidance to an end through a law. It is both a vision and a law. Man created in the likeness of God is called upon to re-create the world in the likeness of the vision of God" [Abraham Joshua Heschel, *God in Search of Man*, NY, 1955, cf. p. 323 ff.].

WHAT I AM TRYING TO SHOW IN THIS BOOK

This book reflects a slightly random sample of Midrashim and subsequent interpretation connected to Midrash. Why is it just 'slightly' random? Each verse explicated here jumped out as "difficult" to understand, that is, each verse contains questions to which a normal healthy inquisitive mind would be inclined to seek answers. What kind of questions seem to arise of themselves out of the texts examined here?

- First are questions of Hebrew language;
- questions about unique words,
- unusual usages of words,
- words which seem to be loan words from other tongues, and not originally Hebrew at all.
- Secondly, related to Hebrew language and words are questions of syntax or context.
- Sometimes there are questions about narrative. For example, asking why a particular section belongs in the place it occupies in Scripture as it has come down to us.
- This query may lead us to wonder whether it is connected by more than mere juxtaposition to its context.

So what am I trying to show? I am trying to show what profundity, intellectual depth, spiritual and theological insight, and moral insight we gain by asking and answering those questions. In short, I am trying to show how the process of Midrash transforms a fairly simple text into a goldmine of spiritual, religious and intellectual insights. In a sense another Torah grows out of the original one, and it is infinitely self-sustaining.

In theory there is a wide range of possible answers to each one of the questions, and one of the major characteristics of Midrash is that such a range is always found. Indeed, if we would be true to the process of Midrash we will find new and different answers in our own day, and so the process continues. It is not limited to what was discovered, but continually adds on to itself and continually relates to what are burning issues at a given point in time and in a given society. Furthermore, once published it becomes almost impossible to discard the Midrash as part of the Torah. It is bound up in the bond of life of the Torah, and to that extent the two *torot* are fused in a bond of meaning and sanctity.

In short, the process of Midrash is perfectly suited to the enterprise of a living religion that sustains, enlightens and supports people who take it seriously.

WHAT THEMES REPEAT IN OUR STUDY?

We will see that certain themes repeat over and over in our study of Talking Torah. At the end of this introduction is a chart which contains a key to these themes, each of which is indicated by mnemonic letters. The implication is that these are central themes at the very heart of the self-identity of Rabbinic Judaism. These themes may be grouped in categories.

1. **The first category has to do with Hebrew language and syntax and the literary narrative styles of the Biblical text.** In these examples we learn about the **Hebrew** language as the main factor in the structure of Torah and as the basis of Midrash [**H**],
2. and about the **literary** characteristics of Midrash [**L**]. Indeed, the very nature of Hebrew language, the fact that multiple meanings are inherently available in Hebrew words, because words are formed from roots and conjugative constructs, imparts multi-possible meanings to Scriptural narrative at all times.
3. Literary characteristics include such features which are used as *leitmotifs* in Biblical narrative such as the plot device of ***Midah*** *ke-neged Midah*, just deserts [**MI**]. The Midrashic ear pays special attention to "superfluous" words in the Biblical Narrative. It seems as if there is an assumed axiom that the Biblical text must be as economic as possible, kind of an extension of Occam's razor. If it repeats something or has a word not necessary to understand the plain meaning of a phrase, that superfluous element signifies something special that we would not be able to know if it had been left out. Another favorite literary sign that Midrash is needed is the proximity of seemingly unrelated events in Biblical narrative. Some special meaning is signaled by unwarranted proximity. A mainstay stable of Midrashic attention to language is the Midrashic practice of using similar language as an attempt to reach a "plain" meaning of the text. If similar words or phrases or even structure appear in two or more places in the Bible, the Midrash assumes that this is to teach even more lessons. This device is wildly open and creative, and since Hebrew can work in many ways, there may be more than one "plain" meaning to extract from similarities of language. One of the main points of this book is to expose the English reader to the richness of Midrash through its main sources of richness, the Hebrew language and the way the Biblical narrative is arranged. A lack of knowledge of Hebrew means that a person must rely on a translation when reading the Bible. However, translation has a major drawback, one of many, in that it must perforce chose one equivalent per word. This fact leads to a destruction of the multi-layered complexity of Hebrew. Furthermore, a translator, with very good reasons, might chose one which is the least fruitful in allowing multiple meanings. I have tried to explain the Hebrew and literary basis of each commentary by explicating the Hebrew text of the Midrash for readers confined to English.
4. **The second category includes matters of theology and religious philosophy which the Midrash develops from the Biblical text.** Some of the major themes recur in Midrashic literature in very different situations, books of the Torah, and narrative story lines. Midrashic **theology** seems to assume the pathos of God, that is, the interpretation by Midrash assumes an emotional involvement of God [cf. p. 41 **T**]. The notion of pathos is one of the underpinnings of the rabbinic idea of covenant as partnership and midrash is the outcome of that partnership in that is posits that

human beings are partners with God in the creation of the Torah in all its multivalent splendor.

5. This partnership of God and humans is based upon the religious doctrine that **knowledge** and intellectual power are part of the Holy Spirit which exists because of the partnership of man and God [**K**]. It is also related to the theological idea that humans are created in the image of God. In addition this notion of partnership emphasizes responsibility of one for the other. It includes moral behavior, i. e., validating human moral autonomy, and implies a warning of how concentrating obsessively on injustice, or on God's wrath or destructiveness, can lead to assuming a pessimism or fatalism that might devalue moral conduct. Midrashic theology seeks to reveal the process and pathos of Divine actions as part of a program for developing specific courses of actions for humans that imitate God's actions.

   One of the major insights of Rabbinic theology stems from the Hebrew text of the Bible which applies the Hebrew verb *Alef Mem Nun*, which is usually understood as "faith" as the predicate for the subject God. In the famous Midrash about 613 mitzvoth [Makkot 23b – 24a], the idea is proposed that all of the commands could be fulfilled by observing one precept "the righteous person will live *be-emunato*, by his faith" [Habbakuk 2:4]. But, the point is not that a person must live by what they have faith in, but by "His" faith, the faith of God. Indeed, this same Hebrew word, *be-emunato*, describes the standard by which God judges all human nations [Psalm 96:13]. The theological underpinning of the Midrash is that God's faith is the basis of the very act of the creation of the world [cf. *Otzar ha-Midrashim*, Eisenstein, p. 407; and my article "*Ha-Ikaron ha-teologi be-dat ha-yehudit*," *Proceedings of the Rabbinical Assembly*, 2004, pp. 171-181].

   When we couple this insight together with the inquiry into "Divine ways" by virtue of studying the Biblical text and narrative we arrive at a powerful religious tool for formulating concrete ways for imitation Dei. One of the main goals of partnership is for humans to imitate God, that is, act as they imagine God would act in that same situation. But, and this is crucial, that decision must also be informed by a sense of whether this particular action would be consistent with Divine faith. Thus, the search for deeper understanding of God's faith crystallizes the whole enterprise of keeping all of the *mitzvoth* of the Torah in one general rule.

   In a similar vein, as part of the great project to determine how human beings can meaningfully imitate God, the Midrash also studies how humans typically act. This is part of the attempt to distinguish which parts of common human actions are NOT like those of the Divine [Cf. p. 211 TTT 93 and Heschel]. Some of the theological propositions that we find in Midrash are corollaries of axiomatic theological positions derived from the Biblical narrative.

6. For example, the notion of God's creation of humanity from one lone couple leads to corollaries such as: a)**Egalitarian** ideas in Midrash and Bible commentaries [**E**];

7. b) **Pluralism** [**P**] as the basis of Judaism's view of humanity; because each person is seen as an individual with their own potential to walk with God. This includes a central part of the rabbinic social revolution, namely, that since inquiry of Torah is the new path to serving God, and that is to fulfill the responsibilities of the covenant a system of universal education in study of the Torah had to be established. Indeed, we know that such a universal school system was established. Some Roman writers

on the Jews remark how even their youngest children know how to read and write, skills that were not widely spread even among citizens of Rome.

8. Another theme which repeats in Midrash is the tension between the **Universal** and the particular [**U**]. These texts reveal the debates and conflicts that arose as a result of the interactions between the Jewish world and the non-Jewish world in the Roman period.
9. **The third category has to do with ethics and morality.** There are varied and creative **Moral** and ethical considerations in Midrash [**M**]. One of the major innovations in the Jewish conceptions of ethics as it evolved in rabbinic tradition is the power of intention, and not only action, in defining the ethical. Indeed, moral judgment that does not take intention into account is considered to be lacking, and perhaps even untrue on the face of it. The Midrash constantly seeks to find aids to analyze and understand moral rules in Biblical narrative, and this reveals the propensity of midrash and Jewish tradition to stress moral values. Historical incidents are interpreted so as to draw general principles about how people should interact, and about which values are prior and central as opposed to those values which are derived and peripheral.
10. **The fourth category includes mitzvoth and *Halakhah*** [**H**]. The so called "legal" sections of the Biblical texts contain specific rules that are termed in Jewish tradition as Mitzvot. These sections of the Biblical narrative are included in the process of Midrash in Rabbinic Judaism. That is the same goals of Midrash are applied to these sections as to the narrative sections. The enterprise of defining specific actions meant to implement the Midrashic understanding of the legal sections is known as *halakhah* [see above]. Thus, we have in Rabbinic literature what is known as *Midrash Aggadah* [on the narrative sections of the Bible] and *Midrash Halakhah* [on the legal sections of the Bible]. Although in both the process of Midrash is the same, there are specific differences. [For a clear and comprehensive presentation of those differences see Prof. Heschel's *Torah Min Ha-Shamayim Be-Aspaklaryah shel ha-Dorot*, The Soncino Press, vol. 1 1962; vol. 2 1965; The Jewish Theological Seminary, vol. 3 1990.]
11. One of the recurring themes in *midrash halakhah* is the attempt to explicate the ***TA-amei ha-Mitzvot***, the reasons behind the *mitzvot* [**TA**]. Clearly, if one can agree on the reason a particular *mitzvah* was promulgated, one can interpret its application in new situations. One may even find that the reason no longer exists, and thus one is challenged to explain why one should be obligated at all to observe a *mitzvah* once its original reason is defunct. Because of these possibilities there was great controversy over the interpretation of "reasons" for *mitzvot*, but it was a subject always discussed and often utilized in Jewish history.

    Clearly, by virtue of the nature of the process of Oral Torah, Talking Torah, a plethora of interpretations will develop. So, *halakhah* will develop. Since *halakhah* is meant to be prescriptive, it is quite essential to examine it in order to seek patterns of development. A prescription that is useful and just in a particular time or situation, may not be so in another time or situation. In this book many *midrashim* will reveal - again and again - that there is a clear propensity for openness rather than secrecy in religion, inclusiveness rather than exclusiveness, and leniency rather than strictness. These propensities may be used to guide us in any given decision of *halakhah* at any given time in history or place in the world.

12. Another *mitzvah*, which is particularly central to the religious life of any Jew is **Prayer** [**PR**]. The paradox of defining prayer, a way of an individual to approach God whenever the individual feels the need to do so, as a *mitzvah*, an obligation or duty, is not lost in Rabbinic tradition. The very notion of "public prayer," i. e. prayer which requires a specific number to constitute a quorum is another paradoxical aspect of this mitzvah. Some *midrashim* explore prayer as a means to recognize the miraculous versus an artificial wonder. Our sense of awe needs to be cultivated, and particularly for the so-called simple and common everyday things. Those things which make life possible, even the simple acts of breathing or the elimination of waste, are opportunities for blessings which will make us aware of the miraculous in them. They are not artificial nor are they boring. They are the stuff of what our teacher Max Kadushin called "normal mysticism". By coining this categorization Kadushin attempted to capture the paradox of combining in one act the normal that is mundane and understandable, together with the mystical, which is emotional and esoteric. Reciting the blessings trains us to recognize the wonder in mundane objects or actions, which is the mystical or transcendental in seemingly normal and well understood natural events, and thus gives us an appropriate reaction to that wonder. In this way we can strive to be people who are aware of God's presence in the world. [TTT 86 p. 196; for an expansion of this approach see the works of our teachers Rabbis Heschel and Kadushin.]
13. In addition there are general themes that appear associated with all of these categories: **Basic** ideas of Judaism **[B]**
14. and **Education [ED]**.

It is significant how many times the Midrash goes counter to "accepted" ideas. Midrash favors the presentation and exploration of seemingly outlandish ideas, and seems to encourage the presentation of impossible interpretations of words and sentences, or even contradictory readings of what seem to be clear narratives. For example in the first chapter of Exodus, did Pharaoh die or didn't he? In Exodus 14 and 15, did Pharaoh die by drowning in the Red sea or didn't he? If there is any sense of censorship over possible readings of a text, it is not apparent in the Midrashic traditions that we have at our disposal. Indeed, sometimes it seems as if the more outlandish a thought may be, the more it is welcomed into the discussion. Of course, some later commentators argue over the meaning of Midrash [aka continuing the Midrashic process].

SUMMARY

It should be clear from all of the above that the claims I make about the nature of Rabbinic Judaism are based upon the examples given in this book of Midrashic traditions interpreting the Torah. There are other different and perhaps even contradictory claims that could be made about Rabbinic Judaism using different Midrashic traditions. But, in my presentation that presents no difficulty because one of the main elements which I present here is precisely a form of pluralism as a central pillar of how Torah is to be understood.

Rabbi Heschel suggested that the philosophers' notion of "confessing paradoxes" was the essence of Jewish life and thought. One should not choose between two poles of a paradox, but confess, in the sense of declaring faith or adherence, to them both. Thus, even though there are contradictory and variegated presentations of beliefs and practices in Jewish tradition, in the end we must try and view them as a whole. This is how he presented

Rabbinic tradition in his book *Torah Min Ha-Shamayim*. It fits well the rabbinic dictum regarding contradictory views on the *halakhah* among the great rabbis Hillel and Shamai, *elu ve-elu*, "both of these views are the words of the Living God, and yet the *halakhah* is according to Bet Hillel" [Eruvin 13b]. That is, the mind of God is capable of including all contradictions in one thought, but we humans need to decide, by majority rule, which of the two we will follow at any given moment.

At the very least I contend that the theology and philosophy of Torah, revelation, and mitzvoth presented here are clearly present as a well-defined tradition in Rabbinic Judaism. Thus it is legitimate and native to Judaism. My claim that it is the best and most appropriate approach for the 21st century, at the very least, in conditions of an independent Jewish state, thus cannot be dismissed on grounds of it being "foreign" or "imported".

HOW TO READ THIS BOOK

As stated above themes recur. In the book you will see the notation **TTT**. That indicates that the passage you have just read reflects these particular themes. Each theme is represented by a capital letter, or letters, in bold, and I include here the letters as a key to think about how these themes are presented in any given passage. I could have spelled this out, but if Talking Torah is not studied and reflected upon, it is useless. *Zil gemor* - Go and Inquire.

KEY TO TALKING TORAH THEMES

1	**H**	Hebrew language as basis of Midrash and as structure of Torah
2	**L**	Literary characteristics of Midrash
3	**MI**	*Midah ke-neged Midah* [narrative meaning]
4	**T**	Theology in Midrash
5	**K**	Knowledge and Intellectual power are part of the Holy Spirit which exists because of the partnership of man and God
6	**E**	Egalitarian ideas in Midrash
7	**P**	Pluralism as basis of Judaism's view of humanity
8	**U**	Universal vs. Particular in Midrash
9	**M**	Moral and ethical considerations in Midrash
10	**HA**	*Halakhah* and development of halakhah
11	**TA**	*Ta'am Mitzvot* reasons for *Mitzvot*
12	**PR**	Prayer
13	**B**	Basic ideas of Judaism
14	**ED**	Education