



The Ziegler School
of Rabbinic Studies

בית המדרש ע"ש זיגלר

Walking with God

Edited By
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and Deborah Silver

דרכיה דרכי נעם

In Memory of Louise Held

The Held Foundation

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ZIEGLER SCHOOL OF
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RABBI BRADLEY SHAVIT ARTSON

DEAN AND VICE PRESIDENT

IN THE GLORY DAYS OF THE MIDDLE AGES, TWO TITANS OF JEWISH THOUGHT, Rabbi Moses Maimonides (the Rambam) and Rabbi Moses Nachmanides (the Ramban) sparred. Their argument: was the obligation to believe in God one of the 613 commandments of the Torah, or was it the ground on which all the 613 commandments stood? Neither disputed that Jewish life flows from the fountain of faith, that connecting to God is a life-long journey for the seeking Jew and a pillar of Jewish life and religion.

Not only the Middle Ages, but the modern age affirms that same conviction. Conservative Judaism, in *Emet Ve-Emunah: Statement of Principles of Conservative Judaism*, affirms, “We believe in God. Indeed, Judaism cannot be detached from belief in, or beliefs about God. ... God is the principal figure in the story of the Jews and Judaism.” In the brochure, *Conservative Judaism: Covenant and Commitment*, the Rabbinical Assembly affirms, “God and the Jewish People share a bond of love and sacred responsibility, which expresses itself in our biblical *brit* (covenant).”

It is to aid the contemporary Jew in the duty and privilege of exploring that relationship, of enlisting the rich resources of Judaism’s great sages through the ages, that the **Ziegler School of Rabbinic Studies at the American Jewish University**, in partnership with the **United Synagogue of Conservative Judaism** and the **Rabbinical Assembly**, has compiled and published this adult education course focused on Jewish apprehensions of God. 12 essays and worksheets will open a wide range of insights and conceptualizations of the One who is beyond all words, beyond all conceptualizations, yet – paradoxically – who is as close as the human heart and who permeates all space and time. Typical of Conservative Judaism, these essays integrate traditional and academic insights and approaches, celebrate the pluralism of Jewish diversity throughout history, and insist that open-minded and critical study can energize a faith attained without blinders.

It remains our happy duty to thank the **Held Family Foundation**, and especially **Mr. Harold Held**, dear friend to the Ziegler School of Rabbinic Studies and the American Jewish University, and a philanthropic visionary, for making the production and dissemination of this remarkable tool possible. I’d also like to thank **Dr. Robert Wexler**, President of the American Jewish University for his steady support and encouragement of this project from its inception, and **Rabbi Jerome Epstein** and the **United Synagogue of Conservative Judaism**, and **Rabbi Joel Meyers** and the **Rabbinical Assembly**, for their partnership in producing the project. Thanks to Rami Wernik, Acting Dean of the Fingerhut School of Education, for his expertise as a pedagogue. And it is also a personal pleasure to thank my student and colleague, **Ms. Deborah Silver**, whose professionalism, insight, patience and diligence have produced a work of real excellence.

May the Holy Blessing One enliven your study, awaken your heart, and open your soul to the wonders of the Divine, and may the essays and worksheets which follow help you to walk the time honored path of Torah and mitzvot in a spirit of wonder, pluralism, openness, intellectual honesty, and strengthened faith.

B’virkat Shalom,

Rabbi Bradley Shavit Artson

Dean, Ziegler School of Rabbinic Studies

Vice President, American Jewish University

HOW TO USE THIS BOOK

INTRODUCTION

This book is the first in the Ziegler Adult Learning series. Our aim is to provide high quality, stimulating and challenging materials to enable adults to expand their understanding of the basic concepts and tenets of Conservative Judaism – and to expose them to the thinkers, texts and ideas which underpin our tradition. The audience we have in mind is the questioning adult congregant who might not be entirely familiar with Jewish sources.

The book will enable you to teach a series of twelve adult education classes on the subject of God. It contains twelve self-contained units, which are arranged chronologically. Eleven of these comprise:

- an essay
- a set of four texts, with questions
- a fifth text for further/creative study
- session suggestions

The final unit has no essay: instead, it provides an opportunity for participants to reflect upon and consolidate their learning.

RESOURCES

For each session you will need:

- the essays (for session 1, essays 1 and 2; for the rest, the essay for the subsequent session to hand out at the end)
- copies of the texts

It will also be useful to have copies of the Tanakh, in Hebrew and in English.

For the first session, you might also wish to provide every participant with a notebook. This will serve as a journal, in which the participant's own thoughts and insights can be recorded. If your budget will not accommodate this, it is nevertheless strongly recommended that participants be encouraged to bring their own resources so that they can journal, and/or for you to bring spare paper to every session. Busy congregants are unlikely to be able to keep these materials in their minds from session to session, and a journal will provide them with tangible evidence of their learning, as well as something to refer to after the course is over. You might also wish to provide a ring binder, or a folder of some kind, in which participants can keep the essays and texts.

SUGGESTED SESSION FORMAT

Below is a basic format, with timings, for a two-hour session. Please feel free to amend it as it suits you – you might wish to allow more time for chavruta and less for group work, for example.

INTRODUCTION (5 MINS)

Orientation – recap and consolidate what happened in the last session. Elicit the main points of the essay for today/issues/questions/problems the essay raises (we strongly recommend eliciting rather than 'teaching' – easier on you, and it involves the participants more. It will also be quicker and allow more time for chavruta.)

HOW TO USE THIS BOOK

CHAVRUTA (30 MINS)

Study of texts in chavruta

GROUP WORK (35 MINS)

- Presentation from the chavruta groups
- Consolidation of what has been learned from the texts

BREAK (10 MINS)

- (If you use a text for part 2 of the session, you can hand it out here)

GROUP STUDY (40 MINS)

- Various options are provided: see individual session suggestions

CLOSEDOWN/JOURNAL (10 MINS)

- What did we learn?
- How does what we learned today sit in the context of previous sessions?
- Journal entries
- Hand out the essay for next time.

A FEW POINTS TO NOTE:

- We recognize you are busy! The session notes have been designed to enable you to prepare your teaching quickly and easily, so you might want to read them even before you begin to prepare the essay and texts. Basically, if you read the essay & have some answers to the questions on the chavruta texts you will be ready to run the session.
- Four chavruta texts are provided per session, with questions to help guide the study. The idea is that you split your participants into four chavruta groups. Initially, give each group one of the texts. When the time comes to report back, give every group all of the texts so that they can study them as their colleagues report on them, and take them home. This technique enables a lot of learning to be covered in a comparatively short time, and has the added benefit of empowering participants to teach each other. Then again, the sessions are packed and the material is rich, so you might want to be selective.
- You may wish to use only two, or only one, of the texts for chavruta. The session has been designed to work whatever you decide. We only have one plea – please let the participants interact with the actual texts. Even when they are complex – and some of them are – there is a magic in people studying together which invariably means that precious insights arise and are shared. If you wish to change the questions at the bottom of every text to help focus the discussion, please feel free – they are only suggestions.
- It is entirely up to you what you do with the second part of the session. You can use the fifth text, or come up with something of your own – we give some ideas in the session outlines. We have sometimes made the fifth text one with which the participants might already be familiar so they can look at it with new eyes.
- Finally, please do not feel limited by the texts we have provided. There is a huge amount of material outside this book which could be used, and which, for reasons which include copyright and space limitations, we have not been able to include. Popular song lyrics, for example, are a rich resource.

GOD IN HALAKHAH

RABBI DANIEL S. NEVINS

In physics, one frequently studies the rules of motion with a “given” assumption that simplifies the process of study. *Assuming* the absence of gravity, a vacuum, and the lack of friction, objects can be expected to move at a specific velocity with a precise force. Reality, of course, is much messier. Objects interact in unpredicted ways, yielding a physical reality which is difficult to understand. Nevertheless, the laws of physics remain in force, governing each movement with great power and even beauty. While the simplicity of the “given” may be necessary to begin studying physics, it is the complexity of reality which makes this discipline achieve its greatest value.

So too is it with another system that describes rules of motion. We call this system “halakhah,” which means “pathway.” The halakhah is designed to work under certain “givens.” For example, it initially assumes that the People Israel has theocratic sovereignty over the Land of Israel, and that our religious worship is centered still upon the daily operation of the holy Temple in Jerusalem. Within these assumptions, halakhah can prescribe and even predict the conduct of the entire nation of Israel living in covenant with God.

In the thirteenth century, the great legalist and philosopher Maimonides wrote a code of halakhah called *Mishneh Torah* (“Repetition of the Law”) which worked under this assumption. He described the function of the Jewish king, the Sanhedrin and the entire range of sacrifices, despite the fact that none of these institutions had existed for the past twelve centuries. In this idealized reality, God’s presence is clear and unquestioned. God provides the Land, the rain and food, the Temple and all of the blessings enjoyed by Israel.

As in physics, in halakhah one moves from this idealized vision to a far more complicated reality. Halakhah today addresses a world without a Temple, in which Jewish law is considered optional by most of the world’s Jews, including the vast majority of the residents of Israel. Our question is whether God’s presence can still be discerned in a system which is so far removed from its ideal state.

Put another way, when the Temple was destroyed and the people of Israel were exiled, what became of God? Without the central shrine, God would seem to have exited the stage of history. Indeed, the book of Deuteronomy (31:18) describes exile in terms of God “hiding the presence” from the people of Israel. Without the Temple, God’s dwelling place, there would seem to be no further manifestation of God’s presence among the people. How then, did the people of Israel manage not only to survive, but to thrive, during two millennia of dispersion?

The answer, paradoxically, is the halakhah, or Jewish law. No matter that the “givens” of Jewish existence have been taken away. No matter that the halakhic assumptions of a Temple and a theocracy are no longer true, and not even desired by the majority of today’s Jews. Nevertheless, it is the law which has allowed Jews in disparate cultures and centuries to maintain their collective identity. And it is the law which has allowed Israel to feel God’s presence even in the bleakest of circumstances. In the years following the Roman destruction of the Temple in 70 C.E. a new class of Jewish leaders entitled “rabbis” boldly asserted the continued presence of God within the community of Torah study.

This concept is stated emphatically in Tractate Berakhot (8a): “From the day the Temple was destroyed, the Holy Blessed One has no place in His world other than the four cubits of halakhah alone.” The fixed physical shrine has been replaced by a mobile, dynamic expression of the covenant. In Tractate Avot (3:6) Rabbi Halafta states: “Wherever ten Jews sit and study Torah, God’s presence dwells in their midst.” In Abrahamic fashion, he then lowers the threshold so that the same can be said wherever five Jews study Torah together, or even three, or even two, or even one. Where there is Torah study, there is God. The Torah has replaced the Temple as divine abode. But what, exactly, is the halakhah?

Simply stated, halakhah refers to Jewish law. Yet there are other Hebrew synonyms for Jewish law: *mishpat* (“justice”), *din* (“judgment”), and, of course, Torah (“instruction”). What need is there for an additional term? Each word has its

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own associations. *Mishpat* alludes to justice with a capital J—the abstract ideal of a good society. *Din* refers to specific rulings, but also to the stringent quality of the law. Torah of course includes a world of associations linking human teaching with its divine origin. What then of *halakhah*? This term literally means “pathway”; it is thus a metaphor of motion. The law is not a fixed object, neatly contained on a bookshelf. Just as God is infinite and irreducible, and just as the people Israel is constantly adapting to the demands of covenantal life, so too the connective tissue that links Israel to God is dynamic. That vibrant connection is known as halakhah.

Moses repeatedly asserts the association of God’s presence amidst Israel with the people’s observance of the law. In chapter four of Deuteronomy (verses 7-8), he commands his people to “cling to the Lord your God,” for what other nation has God so close nearby, or has such righteous laws and statutes? Implicit in Moses’s sermon is his belief that when the people of Israel maintains righteous law, then God is in their midst.

The Jewish people has privileged religious practice over abstract faith as the way to welcome God’s presence. As Rabbi Joseph Karo states in the opening words of his famous code, the *Shulchan Arukh*, “A person should strengthen himself to rise like a lion in the morning to serve his creator!” By following the daily discipline of the halakhah, a person welcomes God into his or her life. Even meditation is used by the rabbis to enhance, rather than to replace, the discipline of serving God through the halakhah.

In the blessing prior to the recitation of Shema, Jewish liturgy describes God’s love in legal terms. God shows great love for “his people” by gifting them with Torah and commandments. In the first paragraph of the Shema, Israel is instructed to show love for God by studying the law and by observing its commandments. Enshrined in the central creed of Judaism is thus the faith that the halakhah binds Israel to God in love. Even the words of the Shema are less about theology than about fidelity. “Understand this, Israel: The Lord is our God, the Lord alone!” This famous statement tells us little about the nature of God, but much about the loyalty expected of Israel towards God.

Ironically, the Rabbis felt that occasion could arise in which God’s presence would be disruptive of their practice of legal interpretation. In one of the most startling passages in rabbinic (or even religious) literature, the Rabbis tell God to stay out of their deliberations, for “the law was given at Sinai, and is no longer determined by a heavenly voice” (*Bava Metzia* 59b). While this might seem disrespectful, in truth the Rabbis felt that their greatest service to God was not in emulating the prophets, but rather in constructing a portable and durable place for God in the law. At times the law requires submission, but there are also moments in which religious leaders need to assert their own authority, even in apparent conflict with divine instruction.

From the rabbinic perspective, God has provided all of the tools necessary to interpret the law: biblical text, oral tradition, and logic. Well, nearly all of the tools! There are more than 300 points in the Talmud where the Rabbis are unable to resolve the law. In such cases the Talmud simply states an acronym: *Teyku—Tishbi Yitareitz Kushyot Uba’ayot*—the messianic harbinger, Elijah the Tishbite, will resolve all remaining problems and questions. Has God absented from the law in such points of ambiguity? Not at all! Each unresolved legal issue increases yearning for the redemption. When the messiah arrives, some will be most eager to see the Temple rebuilt, others to see the dead resurrected, and still others the onset of world peace. But one senses that the Rabbis are most eager to greet the messiah with their thorniest halakhic questions. Only by resolving these legal matters will God’s presence become completely manifest in the law.

Until the messianic era, it is the responsibility of rabbis to interpret the halakhah. How are they to do this? What values, what procedures and what texts are the foundation of sacred law? “The Lord will establish you as His holy people, as He swore to you, if you keep the commandments of the Lord your God and walk in His ways (*Deuteronomy* 28:9).”

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The foundation of halakhic process, as indicated in this verse, is to fulfill God's promise that Israel shall become a holy people. Israel exists to *become* holy (Leviticus 19:2); only the rebel Korach could claim that Israel already *is* holy (Numbers 16:3). Observance of the commandments and following God's path are the tools provided by God in order to fulfill our covenantal mandate.

It is significant that this verse differentiates between observing the commandments and walking in God's ways. The latter verb, from which we derive the notion of halakhah, implies that there is more to walking with God than simply fulfilling the mitzvot. Indeed, the Midrash reads this verse as a requirement that Israel emulate God's compassion and patience: "Just as God is patient with sinners and accepts their repentance, so should you be patient with each other when it benefits the other, but not be patient when another is suffering (Midrash Eliahu Rabbah 24)."

As such, the goal of the halakhic process is to lead the people of Israel toward their destiny as a holy people. This process requires halakhic guides to challenge and criticize at times, and to offer compassion and patience at other times. Halakhah is a living process by which the eternal truths of Torah govern the conflicted and messy lives of human beings.

Rabbis who accept responsibility for halakhic interpretation must always keep in mind the goal of guiding their fellow Jews towards holiness through the mechanism of *mitzvot*. In an era when personal autonomy has effectively become the regnant theology, halakhah seeks to restore a sense of humility in the Jewish soul. The imposition of limits that control the diet, the speech and the habits of every Jew is meant to sanctify life. This is why many *mitzvot* are accompanied by the blessing "*asher kidshanu bimitzvotav*." God makes us holy through His commandments.

Halakhic process constrains the individual to follow paths of practice, both ritual and moral, which come from our tradition of Torah. As such, halakhah is essentially a conservative force. Textual and lived precedents are the normative guides for halakhic process. Yet this very same process must never be reduced to a formalistic application of rules. The rules are called righteous, after all (Deuteronomy 4:8). The very heart of the halakhic process is to challenge its practitioners to walk in God's ways, emulating the values of justice and compassion which suffuse the Torah.

There have been times in Jewish history in which the halakhah was criticized for being not a forum for welcoming God, but a substitute for the divine presence. This was the initial complaint of the Hassidim, a charismatic early modern sect. The Hassidim never rejected the law per se, but rather objected to the formalistic observance of its dictates. For example, the verse (Leviticus 6:2) "*Zot Torat ha-olah*" literally means, "This is the instruction of the burnt offering [*olah*]," but the Hassidim read the final object as a verb: "This is the Torah that ascends." They complained that many pious Jews offered an arid expression of Torah study and prayer that could never ascend. Like a bird coated in oil, their halakhah had been stripped of its defining quality—the ability to soar to God. The Hassidim did not reject the law; they rejected the formalistic application which reduced halakhah to an artless arithmetic.

Just as God's presence can be exiled from the Land of Israel, so too can God be exiled from the halakhah. It is the duty of all Jews to approach the law not only as a legal or even moral discipline, but also as an expression of deep spiritual connection to God. The rabbis referred to this progression as moving from observing the "Torah from reverence" to "Torah from love."

Psalm 19 states that "The teaching of the Lord is perfect, restoring the soul" and continues to claim that God's instruction leads to wisdom, joy and enlightenment. The halakhic process leads to these benefits by restricting individual autonomy and challenging each Jew to pursue the covenantal promise of becoming holy to God.

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The term halakhah, “pathway,” implies a deliberate and calm rate of progress. Not skipping, nor leaping nor scampering, but walking. Not stopping, nor digging in, but walking. This metaphor of movement illuminates the great power of our legal tradition.

Precedent, both textual and practical, is the point of origin that sets the course for our walk with God. But the vision of redemption is what gives purpose and orientation to the path ahead. *Piskei Halakhah*¹ which do not grow organically from precedent disrupt the path and endanger the collective nature of this Jewish journey. But a rear-facing walk that fails to view our covenantal goals and prefers to return to some edenic past threatens to endanger the entire future of our people.

The *posek*² must demonstrate deep knowledge and reverence for halakhic precedent. He or she should exhibit great humility, but should also recall the teaching of Hillel: “Do not say that a matter cannot be understood, for in the end it will be understood (Mishnah Avot 2:4).” Rather, the *posek* should survey the available arsenal of texts and practices in order to equip the Jewish people to continue on its collective path to holiness.

On one level, the authority of halakhah is even throughout the system. Nevertheless, there is an established differentiation between rules which are Biblical, and those which are rabbinic. Rulings which are understood to be of Biblical origin and which have been reaffirmed by rabbinic interpretation are assumed worthy of the greatest respect and fidelity. If the tension between our goal of holiness and our respect for precedent becomes too great, the *posek* must employ interpretive ingenuity in order to maintain reverence for the Torah while giving relevant religious guidance to the people of Israel. Topics that have elicited such reinterpretation in modern times have included slavery, ethnic cleansing, the laws of *mamzerut*,³ and the subjugation of women.

Daniel Boyarin writes about discovering a “usable past” which may involve “finding ways to contextualize and historicize recalcitrant and unpalatable aspects of the culture such that we can move beyond them.” He adds that, “for that past to be usable, it must carry conviction (at least for me) that it is a plausible reconstruction based on the data before us.”⁴ What is true for an academic scholar is equally valid for a religious leader whose goal is to guide current and future Jews ever closer to the covenantal ideal of holiness.

Halakhah cannot be practiced alone. The covenant between God and Israel is collective. Even after the incident of the golden calf, Moses rejects God’s offer to wipe out Israel and start afresh with him. Therefore, the collective responsibility of Israel for the covenant is enormous.

Tragically, the people of Israel has had persistent difficulties observing even the most fundamental tenets of the covenant, such as the prohibition of idolatry. Yet, flagrant violations of the covenant did not succeed in changing its terms. The people were ignored by God, chastised by the prophets and exiled, but they were always welcomed to return in repentance to God.

Thus it would be false to suggest that popular abandonment of the *mitzvot* has the capacity of changing the terms of the covenant. Judaism remains a collective enterprise growing out of three millennia of Torah and *mitzvot*, and stretching ahead toward the redemption. Individuals who abandon the practices and beliefs of Judaism do not have the capacity to alter God’s covenant with Israel.

¹ Halakhic rulings.

² The person making the halakhic ruling

³ These relate to the legal position of the issue of illegal marriages.

⁴ Daniel Boyarin, *Carnal Israel*, University of California Press, 1993 p.20.



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Nevertheless, it is evident that the collective understanding of holiness has significant theological and normative power:

- In ancient times, spoken prayer was devalued in comparison to animal sacrifice. Two millennia after the destruction of our Temple this “service of the heart” is understood as superior.
- In ancient times, gentiles were often viewed as the profane opposite of holy Israelites. Today we realize that other religious cultures can guide their best practitioners toward holiness, and that our own holy Torah can be distorted into a tool of intolerance and even violence. We balance humility towards other people with pride in our sacred tradition.
- In ancient times, Jewish men described the socially subservient status of women as religiously ordained and perhaps biologically determined. Today our collective understanding of holiness has clarified that the covenant includes men and women equally, and that all share equal dignity as creatures fashioned in the image of God.
- In ancient times, homosexual intimacy was understood to be an abomination—a direct attack upon the Torah’s teaching of holiness. Today, Conservative *poskim* are struggling to understand the predicament of gay and lesbian people and to investigate how the Torah’s lessons of holiness can govern their lives.

Popular practice cannot abrogate the tradition, but the collective Jewish judgment of how to become a holy nation can motivate *poskei halakhah* to interpret our tradition in novel ways that are not only usable, but are also challenging and conducive to a life of holiness.

When the Temple was destroyed, God’s holy presence (Shekhinah) went into exile with the people of Israel. In every place where Judaism is practiced, God is present. Wherever the Torah is studied, God is present. In every kitchen where kashrut is kept, God is present. Every time that a person bends her will to the challenge of Torah, God is present. Every instance that a person expresses compassion for his neighbor, God is present. Our actions determine our access to the divine. This is the core of halakhic faith. God may not have a physical point of access in our world. But in the practice of halakhah, the Holy Blessed one of Israel is never absent.

GOD IN HALAKHAH – TEXT FOR GROUP STUDY

תלמוד בבלי, בבא מציעא נמ. ב

תנא: באותו היום השיב רבי אליעזר כל תשובות שבעולם ולא קיבלו הימנו. אמר להם: אם הלכה כמותי – הרוב זה יוכיח. נעקר חרוב ממקומו מאה אמה, ואמרי לה: ארבע מאות אמה: אמרו לו: אין מביאין ראייה מן החרוב. חזר ואמר להם: אם הלכה כמותי – אמת המים יוכיחו. חזרו אמת המים לאחוריהם. אמרו לו: אין מביאין ראייה מאמת המים. חזר ואמר להם: אם הלכה כמותי – כותלי בית המדרש יוכיחו. הטו כותלי בית המדרש ליפול. גער בהם רבי יהושע, אמר להם: אם תלמידי חכמים מנצחים זה את זה בהלכה – אתם מה טיבכם? לא נפלו מפני כבודו של רבי יהושע, ולא זקפו מפני כבודו של רבי אליעזר, ועדין מטין ועומדין. חזר ואמר להם: אם הלכה כמותי – מן השמים יוכיחו. יצאתה בת קול ואמרה: מה לכם אצל רבי אליעזר שהלכה כמותו בכל מקום! עמד רבי יהושע על רגליו ואמר: לא בשמים היא. – מאי (דברים ל') לא בשמים היא? – אמר רבי ירמיה: שכבר נתנה תורה מהר סיני, אין אנו משגיחין בבת קול, שכבר כתבת בהר סיני בתורה (שמות כ"ג) אחרי רבים להטת. – אשכחיה רבי נתן לאלהו, אמר ליה: מאי עביד קודשא בריך הוא בההיא שעתא? – אמר ליה: קא חייך ואמר נצחוני בני, נצחוני בני.

BABYLONIAN TALMUD, BAVA METZIA 59B

It was taught: On that day [of the debate regarding the ritual purity of an oven] Rabbi Eliezer replied with every legal retort in the world, but they [the other rabbis] didn't accept his view. He said to them, "If the halakhah is according to my view, this carob tree will prove it" - the carob tree was uprooted from its place by one hundred cubits (some say, 400 cubits!). They replied to him, "You can't prove it with a carob tree!" He said to them, "If the halakhah is according to my view, this stream of water will prove it" - the water flowed backwards. They replied to him, "You can't prove it with a stream of water!" He retorted to them, "If the halakhah is according to my view, the walls of the study hall will prove it" - the study house walls started to cave in until Rabbi Yehoshuah rebuked them: "Scholars are arguing with each other—what is your part in this?" They didn't fall, out of respect for Rabbi Yehoshua, but they didn't straighten out from respect for Rabbi Eliezer, and they remain thus. [Rabbi Eliezer] came back and said, "If the halakhah is according to my view, from the heavens they will prove it!" A divine voice called out, "What's with you and Rabbi Eliezer? The law is always in accord with him!" Rabbi Yehoshuah got up on his feet and said, "It is not in heaven! [Deuteronomy 30]"

What "is not in heaven?" Rabbi Yirmiah says, since the Torah was already given at Mount Sinai, we no longer listen to heavenly voices, for it says, "to follow the majority. [Exodus 23]"

Rabbi Natan found Elijah and said to him, "What did the Holy One do at that moment?" He replied, "[God] laughed and said, "My children have beaten me, My children have beaten me!"

(Translation by Rabbi Nevins)

GOD IN HALAKHAH – TEXT 1

משנה אבות ג:ו

רבי הלפתא בן דוסא איש כפר חנניה אומר, עשרה שיושבין ועוסקין בתורה, שכניה שרויה ביניהם, שנאמר (תהלים פב), אלהים נצב בעדת אל. ומנין אפלו חמשה, שנאמר (עמוס ט), ואגדתו על ארץ יסדה. ומנין אפלו שלשה, שנאמר (תהלים פב), בקרב אלהים ישפט. ומנין אפלו שנים, שנאמר (מלאכי ג), אז נדברו יראי ה' איש אל רעהו ויקשב ה' וישמע וגו'. ומנין אפלו אחד, שנאמר (שמות כ), בכל המקום אשר אזכיר את שמי אבוא אליך וברכתיך:

MISHNAH AVOT 3:6

Rabbi Halafta from the village of Chanania says: where ten sit together immersed in Torah study, the divine presence dwells in their midst, for it says: “God stands in the divine assembly (Psalms 82:1).”¹ How do we know that this is so even for only five? For it says: “He has founded His stairway² on earth (Amos 9:6).” How do we know that this is so even for only three? For it says: “In the midst of the judges³ He will judge (Psalms 82:1).” How do we know that this is so even for only two? For it says: “Then those who revere the Lord spoke one to the other and the Lord listened and heard (Malachi 3:16).” How do we know that this is so even for only one? For it says: “In every place where I mention my name, I will come to you there and bless you (Exodus 20:21).”

(Translation by Rabbi Nevins)

STUDY QUESTIONS

- Look up the context of the quotations. What does it add?
- Why do you think God's presence dwells particularly in the process of study?
- Can God's presence dwell in a larger group than ten, do you think? Why/why not?
- Have you ever felt God's presence when you study Babylonian Talmud?

¹ “Adat” or “Eidah,” translated here as assembly, is also understood by the sages to refer to a minyan of ten.

² “Agudah,” meaning stairway can also refer to the bunch of five fingers in a hand.

³ “Elohim” can mean God, gods, or human judges. The latter sense is used here: amidst human judges—at least two of them—God is also present.

GOD IN HALAKHAH – TEXT 2

תלמוד בבלי, ברכות ה.א.

אמר ליה רבא לרפרם בר פפא: לימא לן מר מהני מילי מעלייתא דאמרת משמיה דרב חסדא במילי דבי כנישתא! אמר ליה, הכי אמר רב חסדא: מאי דכתיב (תהלים פ"ז) אהב ה' שערי ציון מכל משכנות יעקב – אוהב ה' שערים המצויינים בהלכה יותר מבתי כנסיות ומבתי מדרשות. והיינו דאמר רבי חייא בר אמי משמיה דעולא: מיום שחרב בית המקדש אין לו להקדוש ברוך הוא בעולמו אלא ארבע אמות של הלכה בלבד. ואמר אביי: מריש הוה גריסנא בגו ביתא ומצלנא בבי כנישתא, כיון דשמענא להא דאמר רבי חייא בר אמי משמיה דעולא: מיום שחרב בית המקדש אין לו להקדוש ברוך הוא בעולמו אלא ארבע אמות של הלכה בלבד.

BABYLONIAN TALMUD, BERAKHOT 8A

Rava said to Rafram bar Papa: Let the master tell us the beautiful words said in the name of Rav Hisda regarding the synagogue! He replied to him: Thus said Rav Hisda: Understand the verse, “The Lord loves the gates of Zion more than all the dwellings of Jacob (Psalm 87)” to mean: the Lord loves gates which are distinguished¹ by [study of] halakhah more than all of the houses of worship or study. This agrees with that said by Rabbi Hiyya bar Ami in the name of Ulla: Since the day the Temple was destroyed, the Holy One has no place in His world save the four cubits of halakhah alone.

(Translation by Rabbi Nevins)

STUDY QUESTIONS

- What is the difference between halakhah and worship?
- What is the difference between halakhah and study?
- Why do you think Rav Hisda made the distinction he made?
- Is there any special significance to ‘four cubits’?

¹ *Mitzuyanim*—playing on the similarity between *Tzion* (Zion) and *mitzuyan* (distinguished).

GOD IN HALAKHAH – TEXT 3

תלמוד בבלי, שבת פה.א

ויתיצבו בתחתית ההר, אמר רב אבדימי בר חמא בר חסא: מלמד שכפה הקדוש ברוך הוא עליהם את ההר כגיגית, ואמר להם: אם אתם מקבלים התורה – מוטב, ואם לאו – שם תהא קבורתכם. אמר רב אחא בר יעקב: מכאן מודעא רבה לאורייתא. אמר רבא: אף על פי כן, הדור קבלוה בימי אחשוורוש. דכתיב (אסתר ט) קימו וקבלו היהודים, קיימו מה שקיבלו כבר.

BABYLONIAN TALMUD, SHABBAT 88A

AND THEY STOOD UNDER THE MOUNTAIN. R Abdimi bar Hama bar Hasa said: This teaches that the Holy Blessed One turned the mountain upside down over them like a barrel, and said to them, “If you accept the Torah, that is good: and if not, here is where you will be buried!”

R Aha ben Ya’akov observed: Doesn’t this undermine the authority of Torah?!

Rava said: No – because the generation accepted it during the days of Ahasuerus, as it says, “They established and accepted [Esther 9:27]” – this means, they established what they had already accepted.

STUDY QUESTIONS

- Why would the incident with the mountain undermine the authority of Torah?
- Look up the Esther reference. What does it add?
- Does Raba’s argument persuade you? Why/why not?
- We looked at the beginning of this passage in the Midrash session. Does its continuation change your understanding of it? How?

GOD IN HALAKHAH – TEXT 4

תלמוד בבלי, ברבות יטב.

תא שמע: גדול כבוד הבריות שדוחה [את] לא תעשה שבתורה. ואמאי? לימא: אין חכמה ואין תבונה ואין עצה לנגד ה' – תרגמה רב בר שבא קמיה דרב כהנא בלאו (דברים י"ז) דלא תסור. אחיכו עליה: לאו דלא תסור דאורייתא היא אמר רב כהנא: גברא רבה אמר מילתא לא תחיכו עליה, כל מיילי דרבנן אכמכינהו על לאו דלא תסור, ומשום כבודו שרו רבנן.

BABYLONIAN TALMUD, BERAKHOT 19B

Come and hear [we have been taught]: Great is human dignity, since it can override a negative commandment from the Torah. Is that really so? Should we not rather say, “There is no wisdom, no understanding and no advice which can hold up against God [Proverbs 21:30]?”

Rav bar Shabba said before Rav Kahana that this teaching concerns [the principle] “You shall not deviate from what they tell you.”¹ They laughed at him, and said: “And isn’t the commandment ‘you shall not deviate’ also from the Torah?”² Rav Kahana said: “When a great man says something, you should not laugh at it. The word [authority] of the Rabbis is [indeed] based on the negative commandment ‘You shall not deviate’, but they allow their word to be waived for the sake of [human] dignity.”

STUDY QUESTIONS

- According to Rav bar Shabba, what limits might there be on Rabbinic authority?
- According to Rav Kahana, what might those limits be?
- Do their two views differ?
- What implications do the principles in this passage have for halakhah?

¹ Deuteronomy 17:11. The full context is: ‘You shall come to the Kohanim, the Levites and the judges who will be in those days; you shall ask, and they shall tell you the word of judgment. You shall do what they tell you...according to the Torah they teach you and the judgment they tell you, you shall do; you shall not deviate from the thing they tell you, neither to the right nor to the left.’ The Rabbis saw these verses as the source of their authority to make legislation. It looks as though Rav Shabba might be saying that the principle of human dignity can override Rabbinic authority, since it derives from a negative commandment.

² In other words – overriding a Rabbinic prohibition is just the same as overriding one from Torah!

SESSION SUGGESTIONS – GOD IN HALAKHAH

In this session the group will consider the role of God in halakhah. The session format varies slightly from the usual one in order to begin with group study of a key text, with chavruta after that.

INTRODUCTION

Briefly remind people of the content of the essay. Some questions to generate a brief recap might be:

- What is halakhah?
- What, according to the author, is the place of God in *halakhah*?
- What, according to the author, is the nature and role of the *posek*?

GROUP STUDY

We suggest you begin the session by group study of the key text – Akhnai’s oven. It may be useful to have participants look up the citations to understand how they are being used to support the story. See if you can steer the discussion towards the matters dealt with in the essay – the range and scope of halakhah and God’s place in it. What does ‘lo bashamayim hi’ mean for halakhah? You might also want to go outside the story and make participants aware of its sequel – the excommunication of Rabbi Eliezer and his death thereafter.

CHAVRUTA STUDY

The four texts which have been chosen are each challenging in their own way. The Berachot 19b text in particular is rather cryptic, and participants might need some assistance in unpacking it.

In the discussions which follow, there is a risk that the class might be sidelined into a general discussion of the range, scope, legitimacy etc. of halakhic authority – especially if you have participants with strong views on that subject. You might wish gently to steer the conversation back to God – where is God in all of this, and why is that important?

CONCLUSION

Allow time for participants to journal. Hand out the essay for next time and conclude the session.

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