

TERMS OF ENDEARMENT: A (VERY) FRESH LOOK AT BIBLICAL LAW

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THE CONCEPT OF LAW

On this simple account of the matter, which we shall later have to examine critically, there must, wherever there is a legal system, be some persons or body of persons issuing general orders backed by threats which are generally obeyed, and it must be generally believed that these threats are likely to be implemented in the event of disobedience. This person or body must be internally supreme and externally independent. If, following Austin, we call such a supreme and independent person or body of persons the sovereign, the laws of any country will be the general orders backed by threats which are issued either by the sovereign or subordinates in obedience to the sovereign.¹

The second chapter of H.L.A. Hart's monumental contribution to jurisprudence closes with a discussion of the proposition that behind the throne of every legal system there must be a 'sovereign' issuing 'orders backed by threats'. Chapter three opens with a consideration of laws that do not constitute 'orders backed by threats' – laws that we keep by habit, such as driving on the left if we are English, and laws that confer power on private individuals to make contracts, or empower officials to try cases as judges or make rules as ministers.² It is easy to see why biblical scholars, like the legal theorists represented by Austin in Hart's discussion, have concentrated on the sovereign obedience model to the exclusion of all others. The notion of law as orders issued by a supreme and independent being who punishes the disobedient appears at first glance to fit the Bible like a glove. In this chapter I shall try to remove or at least loosen the glove, focusing on aspects of biblical law that are not merely distinct from the sovereign model, but are in tension with it. I shall argue that the 'flexibility' of

¹ H.L.A. Hart, *The Concept of Law* (Oxford: Oxford University Press 1961-1994), p. 25.

² Hart is reacting to the model proposed by John Austin in *The Province of Jurisprudence Determined* (London: 1832/1954).

the law is demonstrated by various means, not least the many instances of central characters who break the law without obvious retribution; that God is in some sense subordinate to Torah as law; that the law survives not just in spite of, but precisely because of, the irregularities in its application; that the Bible's marked reticence about the application and enactment of the law supports the anti-authoritarian thesis developed here; and that this thesis is also supported by the unsettled character of the law that emerges from the emphasis in biblical narrative on the natural and historical consequences of breaking it, rather than on institutionally administered sanctions. Finally, I shall try to show that the notion of law as obedience to a sovereign figure, if generalized, renders it near impossible to identify and explore some of the primary values and functions of biblical law.³ Before proceeding, I must make the obvious point that the Bible has a range of images and idioms for conveying and exploring law. Most conventionally, it offers lists of rules and regulations with their attendant punishments and rewards.⁴ Most influentially, I think, the Bible equates law with God's word and explores it through narrative interactions, and these latter will my focus here. I am not suggesting that all narratives in which God addresses the human protagonist should, or even may, be read as explorations of divine law and the appropriate human response. Rather, I am claiming that narratives in which God issues a clear instruction that appears to demand obedience may usefully be read as a guide to how people should ideally respond to laws that occur in straightforwardly legal contexts, such as law codes.

MULTI-FUNCTIONAL BIBLICAL LAW

Any society whose legal code applies simultaneously to itself, the world at large and the cosmos must inevitably confront the question of how best to regulate law. How, for example, can law be prioritised and enforced without alienating, or worse decimating, the people it binds? How can we avoid the culture of intimidation in a quasi-police state where armed men patrol the streets to guard against infractions? A society in which law reigns supreme over almost every aspect of waking life, and in which death or some form of exclusion features prominently among penalties

³ I dedicate this chapter to Hyman Gross – loyal friend and stimulating conversation partner of more than two decades – and thank him for drawing my attention to the relevance of H.L.A. Hart's work to my present interests. Hyman knew how much this connection would please me; Hart made a great impression in my formative years, when I was fortunate to have opportunities to converse with him.

incurred, would quickly find itself with few surviving members! Two obvious options present themselves. The first is to diminish the significance of the law, or even dispense altogether with its enforcement, focusing instead on the values and ideals it was intended to promote. This represents my understanding of Christianity's response to biblical law.⁵ The second option is to maintain law in its pure form whilst granting immense dispensations in its application. This I see as the Jewish approach.

Although ancient Israel was by no means unique in the ancient Near East in having a law code (indeed, some of Israel's laws had probable Near Eastern origins⁶), it is unique in presenting its laws in the context of narratives that describe their formation and application.⁷ This contextualizing presentation has a dramatic impact. No other ancient Near Eastern law code includes provisions for what happens when its laws are broken, other than the statutory curses and cuttings off. Viewed in isolation, the biblical law codes are no different. But although there are no provisions within the legal codes themselves for reinstatement following major infraction, the narratives in which biblical law codes are embedded demonstrate that the laws indeed can be broken without risk of total exclusion. Unlike Hammurabi, so far as we can infer from his code, God the divine law-giver seems to be more or less infinitely flexible. The best example of God's flexibility in relation to the law occurs in the Sinai narrative itself. While Moses is on Mount Sinai collecting the Ten Commandments, the Israelites are busy building the Golden Calf. When Moses discovers that Israel has broken the crucial exclusive fidelity commandment even before he is safely down the mountain with the two tablets, he responds by breaking the tablets, literally. Yet the covenant survives. Moses returns to Mount Sinai and God gives him another set of commandments, this time allowing for a greater level of human participation – God dictates and Moses writes. The narrative in which Israel's laws are embedded thus

⁴ E.g., Exod. 21-23, and Deut. 21-25.

⁵ I am aware that this represents an oversimplification, and that I should perhaps be speaking about St. Paul, not about Christianity as a whole, but I think my view is not without justification. I take this opportunity to acknowledge that polarizing discussions about love and law, some well-intentioned and others less so, have no doubt stimulated my interest in showing that biblical law and love are inextricably intertwined.

⁶ See e.g., V.A. Hurowitz, 'Hammurabi in Mesopotamian Tradition', in Y. Sefati *et al* (eds.) *An Experienced Scribe Who Neglects Nothing': Ancient Near Eastern Studies in Honor of Jacob Klein* (Bethesda MD: University Press of Maryland, 2005), pp. 497-532.

⁷ This reading is offered by J. Norhnberg in *Like unto Moses: The Constituting of an Interruption*. Indiana University Press (Bloomington: Indiana University Press, 1995).

establishes once and for all that even those who break the core commandments can expect a second chance (at least). The laws themselves are not made to adapt to human fragility – we assume that the second set of tablets contains the same commandments as the first – but the law-giver shows himself to be extremely flexible over their application.

Although Exodus 32-34 may be the most vivid example of how narrative extends and underpins law, there is a sense in which almost all biblical narrative may be thus interpreted. The Hebrew Bible abounds with tales of righteous people who break laws with impunity. Indeed, it is hard to identify figures who do not commit minor infractions, and significant characters tend to break the laws, or at least their spirit, quite dramatically.⁸ David, the king who commits adultery and then arranges for his pregnant partner's husband, a loyal officer in his own army, to die on the front-lines, is the clearest example, but there are many others. The first couple eats the forbidden fruit. Noah may be righteous in his generation, but he celebrates saving the world by getting drunk and thus creating an opportunity for his son to do something illicit with him. Lot escapes destruction at Sodom and Gomorrah, but he too falls prey to the woes of sex and alcohol. Abraham lies about his relationship with his wife, causing her to end up in the harem of a foreign king – twice! Aaron participates in the manufacture of the golden calf, and Moses loses patience with Israel over a rock and forfeits his place in the Promised Land.

There are many possible explanations for what seems to be a systematic attempt by Hebrew Bible authors to undermine their central characters. Moses' absence in the Passover *Haggadah* is traditionally related to anxiety about competition; too much emphasis on Moses might lead Jews to infer that he, rather than God, brought them out of Egypt. In fact, the fear of competition is arguably not a rabbinic invention but a theme deeply engrained in Exodus itself. Why else does God choose a reluctant leader with a speech defect and a hot temper who cannot delegate? Noah's drunkenness, Lot's incest, Abraham's readiness to compromise his wife for financial gain, and David's adultery (and worse) may thus be intended to emphasize that no human beings can compare with God, who is the only perfect role model. Or is he?

⁸ G.W.Hepner, *Legal Friction* (forthcoming, Peter Lang) offers the most detailed discussion I know of the extent to which biblical narratives respond to biblical laws.

Perhaps more pertinent than anxiety over competition between people and God is the fear of tension between potential role models, human or otherwise, and the law. Even God is not idealized in the Hebrew Bible. He seems to have a hot temper and a short memory, requiring a rainbow to remind him to keep his covenant (Gen. 9:13-15); he consistently overreacts to sin, requiring prophet intercession to prevent him from destroying his own people (Exod. 32:9-14); and he systematically withholds punishment from those he loves, punishing their innocent offspring instead (2 Sam. 12:13-14, Isa. 3:5-8). The fact that a delayed reckoning, understood in its ancient Near Eastern context, may be a sign of divine mercy rather than favouritism or injustice,⁹ does not detract from the general point. According to the Hebrew Bible, even God needs a legal code and mechanisms to help him enforce justice. Biblical narratives serve to show that Israel depends ultimately on law; even if God brought them of Egypt, thus negating their contractual obligation to Pharaoh, it is not God but Torah law that determines their welfare in the land.

Paradoxically, biblical accounts of humans who break laws and yet retain their proximity to God are indispensable in helping to keep law viable. Without a means of demonstrating the limitations of application that does not compromise the law itself, the law would ultimately be rejected or downgraded. Narrative accounts of realistically drawn characters, not positive or negative role models, were thus central to the project of maintaining and prioritizing law. This perspective on the relationship between law and narrative is diametrically opposed to what I take to be Martha Nussbaum's view of philosophy and tragedy in *The Fragility of Goodness*.¹⁰ Nussbaum sees tragedy as demonstrating the limitations of philosophy as a universal moral system by showcasing situations it cannot address. Far from undermining law, biblical narratives use complex characters who commit infractions yet stay within the system to make the essential point that biblical law can survive application.

Finally, the notion that law was not primarily, or at least not only, practical is reinforced by the absence of narratives that describe the application of laws. A

⁹ Muffs, *Love and Joy*, pp. 9-48 .

¹⁰ (Cambridge: Cambridge University Press, 1986). John Barton outlines its possible application to biblical ethics in 'Reading for Life' in J. Rogerson *et al* (eds.), *The Bible in Ethics* (Sheffield: Sheffield

possible exception occurs in Jethro's consultation with Moses just before the Sinai revelation (Exod. 18:17-27), though this may have been an editorial afterthought, intended to address precisely the concern I raise here. Moreover, the theme of broken law runs throughout the Bible; there is no golden age, not even in prospect, and no moment when Israel looked set for a life of obedience on the land. Furthermore, given our knowledge of historical circumstances, law may be better characterized as explanatory rather than causal. For example, Deuteronomy's claim that the worship of other gods will lead to drought (Deut. 11:13-21) does not imply the existence of a carefully calibrated system of punishments and crimes in which the crime of idolatry is punished by lack of rain, but points rather to a set of causes and effects in which drought was attributed to idolatry. To give another example, dependence on the surrounding nations, or mixing with foreigners within Israel, could result in the loss of national autonomy, which might well end in exile. At the same time, the law offers a structure in which national autonomy could be promoted and which, if adhered to, could prevent assimilation and exile. Thus the representation of assimilation as a crime and exile as its particular punishment had its own sociological logic, and, at the same time, may have generated respect for the law and underscored the notion of its divine source (who but God could have executed the threat of exile?).

LAW AND ORDER

Among the many complex functions of law outlined by Lawrence Rosen in his book *Law and Culture* is the ordering of the cosmos:

...the predominant point of some legal systems may be the maintenance of cosmological sense rather than 'practical' dispute resolution. Two examples are worth noting in this regard, those of Jewish law and Tibetan law. Jewish law from the Mishnaic period ... starts from the supposition that it is the human power to create categories that fulfills God's intended purpose. Reason operates by posing examples that, while they may seem so unreal as to be outlandish, actually serve to hone and enact the vital requirement that one attain purity by discerning and maintaining the proper categories into which all things should fall. Unusual examples test this capacity... It is not, of course, the situations per se that are the issue: It is that using such cases to demonstrate that the law is part of the entire

process of being holy by maintaining a world in which things are true to their kind.¹¹

What Rosen claims for Mishnaic law, I claim for the Bible itself. I focus on one particular way in which biblical law may be said to have ordered the world, in the broadest sense of that term, of ancient Israel. My reading turns its back on the arena of crime and punishment, telegrams and anger, that law usually inhabits, and see law instead as a vehicle for unending, interactive engagement – that is, a two-way process between people of different status, between people of equal status, and, above all, between people and God. The closest approximation of this dialogic engagement is erotic love, and its ultimate goal, theologically speaking, is intercession. As in my earlier chapters on the kingship of God and Abraham at Sodom and Gomorrah, I adopt here the definition of intercession developed by Yochanan Muffs in his seminal article, ‘Who will stand in the breach?’. That is, I see intercession as the prophet’s central task – standing in the breach to protect Israel from divine anger – and I see law alongside prophecy as a key vehicle of intercession in the Bible.

LAW LIKE LOVE

As I interpret it here, Torah law is the vehicle that preserves and regenerates God’s loving relationship with Moses (Israel). Its central task is to record and perpetuate the combined voices of God and Moses, and the loving engagement they reflect, so that future generations of Jews may recreate this dialogue in their own engagement, using law as an agent of intercession against God’s angry attempts to annihilate them. Perhaps the most significant consequence of my understanding of law as a record of a dialogue that has the capacity to function as an agent of intercession is that it calls into question the importance of obedience in relation to law. On my reading, law does not bring order and stability to the cosmos by imposing a set of terms and conditions that Israel must keep. Rather, it reminds God that he should do nothing that might endanger, let alone terminate, his relationship with Israel. In this respect, biblical law has a close parallel in John Donne’s love letters, as he characterises them in ‘The Valediction’. Donne wants to show his lover how she can ‘anger destiny’ when he is gone by reading the love letters they wrote to each other and reflecting on their value

¹¹*Law as Culture. An Invitation* (Princeton: Princeton University Press, 2006), pp. 175-176.

as a model for future lovers. The letters written by Donne and his lover are more than a gift of love and the mechanism for reciprocation; they regenerate, record and preserve for posterity the loving relationship they initiated.¹² It is important to recognize that Donne does not identify the letters as his replacement, although the substitution will occur only once he is dead. Rather, they will embody his *engagement* with his lover, and in this respect they can act on his lover's behalf in his absence, and as a model for future lovers who neither knew nor cared for Donne and his mistress, but strive like them to 'anger destiny', as destiny angers them, through their immortal love:

Study our manuscripts, those myriads
Of letters, which have past 'twixt thee and me,
Thence write our annals, and in them will be
To all whom love's subliming fire invades,
Rule and example found;
There the faith of any ground
No schismatic will dare to wound,
That sees, how love this grace to us affords,
To make, to keep, to use, to be these his records.¹³

Needless to say, the parallel is not perfect, since in our case God is both one of the lovers whose letters are preserved, and the force of destiny that, in Donne's case, strives to annihilate immortal love. Nevertheless, this comparison helps elicit what may be the key feature of my reading, namely, the extent to which it undermines the standard equation of biblical law and God's voice in soliloquy in favour of the view that law combines the voices of God and Israel.

I should note that, while these claims about biblical law may be radical,¹⁴ they should not, on reflection be surprising. First, the attitude they reflect is a pragmatic necessity. Second, since Israel almost never obeys the laws, it would be strange indeed if the biblical authors offered law as a form of protection based on obedience. And third, the dialogic aspect of law fits well with the Deuteronomic perception of law as a substitute for worship following the centralization of the cult. An unintended

¹² In this respect, the model I am proposing here is similar to the Torah as *כתובה* (*ketubah*) midrash in *Lam. R.* 3.21, reproduced in Chapter Three. In both cases, Jews read a text to recall the love between God and Israel.

¹³ From 'A Valediction: of the Book'.

¹⁴ I am not aware of others who see the erotic potential for biblical law. David M. Carr, e.g. makes no mention of this aspect of law in *The Erotic Word. Sexuality, Spirituality and the Bible* (Oxford: Oxford University Press, 2003).

side-effect of the proposed closing down of local shrines was that ‘direct’ encounters with God were reserved for those with access to Jerusalem. Deuteronomy offers the observance of law as a substitute for encounter with God via the sacrificial cult, which suggests that for the Deuteronomic author the keeping of the law is a form of worship intended for the keeper/worshipper’s benefit. Cultic worship aspired to manage the world through expressions of gratitude and the removal of wrong-doing and its consequences. If law is seen as a replacement for the cult, giving those it binds a focus in the absence of a shrine or temple, it should come as no surprise that the potential for intercession is built into the very fabric of biblical law. That is, we should expect to discover upon further analysis that law substitutes for what its framers perceived as lost engagement, and that one of its functions was to serve in an intercessory role in place of what was lost.

HEARING VOICES: RABBI ELIEZER AND THE CAROB TREE

The idea that a central task of law is to maintain order in the world by preserving engagement, at all times and at any cost, between one Israelite or Jew and another and between God and Israel is articulated with particular clarity in the much-analysed talmudic story of Rabbi Eliezer and the oven of Akhnai (*BT Baba Metzia 59b*). This narrative has been used by so many commentators, in support of so many diverse and inevitably conflicting claims, that it is practically the source of whatever validation a reader hopes to find.¹⁵ But since the story of the Talmud’s most famous dispute functions as a perfect building block for my model of law as a type of erotic engagement, I shall risk adding another voice to the chorus.

The narrative has two distinct parts, which I shall analyse one at a time.

וזה הוא תנור של עכנאי. מאי עכנאי? - אמר רב יהודה אמר שמואל:
 שהקיפו דברים כעכנא זו, וטמאוהו. תנא: באותו היום השיב רבי אליעזר
 כל תשובות שבעולם ולא קיבלו הימנו. אמר להם: אם הלכה כמותי - חרוב
 זה יוכיח. נעקר חרוב ממקומו מאה אמה, ואמרי לה: ארבע מאות אמה: אמרו
 לו: אין מביאין ראיה מן החרוב. חזר ואמר להם: אם הלכה כמותי - אמת

¹⁵ I shall not offer a bibliography here, but see especially J. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: John Hopkins University Press, 1999), pp. 34-63. Rubenstein’s f.n. 1, pp.314-315 lists a selection of scholarly discussions of this text.

המים יוכיחו. חזרו אמת המים לאחוריהם. אמרו לו: אין מביאין ראיה מאמת המים. חזר ואמר להם: אם הלכה כמותי - כותלי בית המדרש יוכיחו. הטו כותלי בית המדרש ליפול. גער בהם רבי יהושע, אמר להם: אם תלמידו 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 אמר 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 (שמור כ"ג) אחרי רבים להטת. - אשכחיה רבי נתן לאלוהו, אמר ליה: מאי עביד קודשא בריך הוא בההיא שעתא? - אמר ליה: קא חייד ואמר נצחוני בני, נצחוני בני.

...and this was the oven of 'Akhnai. Why [the oven of] 'Akhnai? — Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: 'If the *halakhah* agrees with me, let this carob-tree prove it!' Thereupon the carob-tree was torn a hundred cubits out of its place — others affirm, four hundred cubits. 'No proof can be brought from a carob-tree,' they retorted. Again he said to them: 'If the *halakhah* agrees with me, let the stream of water prove it!' Whereupon the stream of water flowed backwards — 'No proof can be brought from a stream of water,' they rejoined. Again he urged: 'If the *halakhah* agrees with me, let the walls of the schoolhouse prove it,' whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: 'When scholars are engaged in a halakhic dispute, what have ye to interfere?' Hence they did not fall, in honour of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: 'If the *halakhah* agrees with me, let it be proved from Heaven!' Whereupon a Heavenly Voice cried out: 'Why do ye dispute with R. Eliezer, seeing that in all matters the *halakhah* agrees with him!' But R. Joshua arose and exclaimed: 'It is not in heaven.' What did he mean by this? — Said R. Jeremiah: Given that the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline. R. Nathan met Elijah and asked him: What did the Holy One, Blessed be He, do in that hour? — He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.'

As usually interpreted, the Akhnai oven narrative deals with authority and legal interpretation. Rabbi Eliezer operates on the assumption that *halakhah* (Jewish law) was fixed on Mount Sinai and handed down unaltered from one generation of approved rabbis to another. Rabbi Joshua represents the opposite point of view – God gave the Torah to Israel on Mount Sinai, and *halakhah* must henceforth be debated afresh in each generation; not even God himself can intervene unilaterally to affect the halakhic process. The story is generally understood as a polemic by adherents of

‘majority rule’ (Joshua) versus ‘tradition’ (Eliezer). I shall not repeat or even attempt to summarise the many analyses that have gone before. Rather, I shall focus on an aspect of the narrative that is not generally discussed, namely, its emphasis on Torah as a blend of divine and human voices. Exegetes who treat this aspect of the narrative at all approach it historically: see here (some of) the rabbis validating their own activity and their oral Torah. As suggested by its enormous popularity among commentators, however, the significance of the story of Rabbi Eliezer and the carob tree transcends its original context. My interest is not what it has to say about the historical relationship of oral to written Torah, important as that is, but its timeless exploration of the themes of law, intercession, and engagement with God.

The Akhnai narrative opens with a dispute – nothing remarkable there! – over whether or not a particular type of oven is pure. This, of course, is a serious issue in talmudic terms; no doubt in full awareness of where it could lead, rabbis did not simply overturn the decisions of other rabbis on matters of purity and impurity. Having brought ‘all the arguments in the world’ to this particular dispute, Rabbi Eliezer resorts to a different strategy for winning the debate: summoning not further argument but miracles. One by one, Rabbi Joshua disqualifies as a source of evidence the walking carob tree, the river that runs backwards, and the study house whose walls incline but do not fall. Finally, Rabbi Eliezer calls upon God himself and, in a scene reminiscent of Woody Allen’s memorable encounter with Marshall McLuhan in ‘Annie Hall’, a voice from heaven gives its unqualified endorsement of all Rabbi Eliezer’s halakhic rulings. Several observations are in order. First, Rabbi Eliezer has already made all the arguments in the world; his new strategy is not, as I have just noted, more powerful argumentation, but nor does he actually appeal to miracles. Rather, he seeks intercession, hence the verb **יִכַּחַד**, which is most often associated with reproach or reproof, but also signals constructive third-party intervention, especially through argument.¹⁶ Rabbi Eliezer requests, and receives, a divine endorsement that will guarantee victory over Rabbi Joshua and end their dispute once and for all. But Rabbi Joshua rejects the divine intervention with the words, ‘The Torah is not in heaven’, a near quotation of Deuteronomy 30:12. Using the Torah (in Deuteronomy, the clearest possible blend of the voices of God and Moses) against

¹⁶ See *BDB* **יִכַּחַד** ad loc., which includes ‘argue with’, ‘convince’, ‘correct’, and ‘reason with’ among its

God (his own, single voice), Rabbi Joshua wins the day. The narrative conclusion underscores his victory. While all this is going on down below, Elijah passes by the heavenly throne and hears God laughing while lamenting to himself, ‘My sons have defeated me, my sons have defeated me’.

Once the argument has been concluded in his favour, Rabbi Joshua excommunicates Rabbi Eliezer. At this point, the narrative focus shifts from Rabbi Joshua to Rabban Gamliel, the head of Rabbi Joshua’s Academy at Yavneh, and the brother of Eliezer’s wife, Ima Shalom (‘Mother Peace’):

It was said: On that day all objects which R. Eliezer had declared clean were brought and burnt in fire. Then they took a vote and excommunicated him. Said they, ‘Who shall go and inform him?’ ‘I will go,’ answered R. Akiba, ‘lest an unsuitable person go and inform him, and thus destroy the whole world.’ What did R. Akiba do? He donned black garments and wrapped himself in black, and sat at a distance of four cubits from him. ‘Akiba,’ said R. Eliezer to him, ‘what has particularly happened to-day?’ ‘Master,’ he replied, ‘it appears to me that thy companions hold aloof from thee.’ Thereupon he too rent his garments, put off his shoes, removed [his seat] and sat on the earth, whilst tears streamed from his eyes. The world was then smitten: a third of the olive crop, a third of the wheat, and a third of the barley crop. Some say, the dough in women’s hands swelled up.

A Tanna taught: Great was the calamity that befell that day, for everything at which R. Eliezer cast his eyes was burned up. R. Gamliel too was travelling in a ship, when a huge wave arose to drown him. ‘It appears to me,’ he reflected, ‘that this is on account of none other but R. Eliezer b. Hyrcanus.’ Thereupon he arose and exclaimed, ‘Sovereign of the Universe! Thou knowest full well that I have not acted for my honour, nor for the honour of my paternal house, but for Thine, so that strife may not multiply in Israel!’ At that the raging sea subsided.

Ima Shalom was R. Eliezer’s wife, and sister to R. Gamliel. From the time of this incident onwards she did not permit him to fall upon his face. Now a certain day happened to be New Moon, but she mistook a full month for a defective one. Others say, a poor man came and stood at the door, and she took out some bread to him. [On her return] she found him fallen on his face. ‘Arise,’ she cried out to him, ‘thou hast slain my brother.’ In the meanwhile an announcement was made from the house of Rabban Gamliel that he had died. ‘Whence dost thou know it?’ he questioned her. ‘I have this tradition from my father’s house: All gates are locked, except the gates of wounded feelings.’

Seeing Rabbi Eliezer’s distress at being excommunicated, God afflicts the world with natural disasters, paralleling perhaps, as Rubenstein suggests, the three miracles that Eliezer brings as ‘proof’ in Part One. But the excommunication stands. Knowing that

her husband's reinstatement would entail her brother Gamliel's death, Ima Shalom prevents Rabbi Eliezer from performing the particular form of intercessory prayer that would guarantee a divine response.¹⁷ But one day she is distracted, Rabbi Eliezer performs the powerful prayer, and a shofar blast from Rabban Gamliel's house is the sign that its occupant had died.¹⁸ Whereas Rabbi Joshua was the clear victor in Part One, Rabbi Eliezer's victory in Part Two is undermined by some distressing side-effects, and by no means turns the tables. Part Two does not conclude with a voice from heaven admitting defeat or proclaiming victory. Indeed God's voice is notable absent in the second narrative (even the miracles and answered prayers draw more attention to Rabbi Eliezer than to God), and the only audible sound is the shofar call announcing the death of Rabban Gamliel. Added to this, the narrative contains more than a hint that a real victory would have been represented by a different kind of intercession: the successful reconciliation by Ima Shalom (the Mother of Peace!) of her husband and her brother.

The most important explanation for the apparently conflicting conclusions of Parts One and Two lies in the precise details of the dispute between Rabbi Eliezer and Rabbi Joshua. Many exegetes have commented on the Akhnai Oven but, as far as I know, they are united in seeing the three miracles as arbitrary, reflecting at most the episode's naturalistic setting in a study house near a river and an orchard. As I read this text, the choice of the miracles is determined by wordplay, each alluding to an aspect of Torah study, the explicit subject of Rabbi Joshua's punchline ('it is not in heaven'). I am grateful to Gershon Hepner for supporting my intuition that wordplay plays a central role in this narrative by identifying a crucial example that I had not seen.¹⁹ Two commonly offered interpretations of Akhnai are that it is the name of the oven's owner, or that it is derived from the Aramaic form of the Greek *echis* or *echidna*, snake. On this latter account, the oven is so called because it is made from a coil of clay and has the appearance of a snake. The Talmud itself appears to allude to

¹⁷ This too echoes Josh. 6:6, 10-11, where Joshua intercedes for Israel by means of petitionary mourning rituals. For a discussion of petitionary mourning, though without reference to this example in Joshua, see S.M. Olyan, *Biblical Mourning. Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004), pp. 62-96, and by prostrating himself. But God, taking the role of Ima Shalom, tells him to rise; Israel must pay for its sins.

¹⁸ Cf. perhaps Josh. 6:5, 20 (see below for a discussion of an intertextual relationship between these texts), where the sound of the shofar precedes the destruction of the Jericho.

¹⁹ Personal communication.

a snake when it reports R. Yehudah's claim in the name of R. Samuel that 'they surrounded it with words like a snake, and declared it impure'. According to Hepner, however, Akhnai alludes to Joshua 7, in which Achan (cf. Akhnai) violates the *herem* at Jericho and Joshua (cf., R. Joshua) is required by God to burn by fire Achan and all that he owns. Hepner's reading of Akhnai is consistent with the Talmud's own parsing of the term 'they encircled him with words'. At first glance the verb 'encircle', **הִקִּיף**, seems simply to apply to the snake, but it also represents a second allusion to Joshua 6, where the same verb describes the encircling of the city of Jericho (v. 3). Read in this light, the talmudic narrative condemns R. Eliezer from the outset. In declaring the oven ritually pure, Eliezer is equated with Achan, who risked bringing calamity on all Israel (Josh. 6:18) by taking for himself three objects (cf. Eliezer's three miracles), namely silver shekels and a gold wedge that had been designated for the LORD (6:18), and a Shinar mantle that should have remained in the city and been burned. For violating the *herem* by clinging to a mantle he should have burned, Achan is himself burned. Rabbi Eliezer is not burned, but his opponents do the next best thing, excommunicating him (cf. *herem*) and *burning* all those objects that he had declared ritually pure. In other contexts – the Elijah and Elisha narrative in 2 Kings 2, for example – a mantle, **מִטְּלָא**, signals the transmission of authority from one generation to the next.²⁰ By equating R. Eliezer with Achan, who takes a mantle that God had designated for the *herem*, the talmudic author is, at the very least, undermining R. Eliezer's claim to be an heir to Sinai tradition. Indeed, since the mantle stolen by Achan had been designated not for another wearer, but for total destruction, the talmudic author may intend to undermine the concept of inherited authority altogether, as is suggested by other elements of this narrative. As well as denigrating R. Eliezer through the association with Achan, the talmudic author elevates R. Joshua, the man in whose honour walls refuse to fall, by comparing him to the biblical Joshua, on whose authority walls fall down, and who is the rightful heir of Moses.

I turn now to the 'miracles' themselves, all of which involve word plays relating to some form of Torah study. First, the word **הַרְוֵב** (*harov*), carob tree, is an anagram of

²⁰ Elijah, a figure traditionally identified by the rabbis as a source of explication for legal disputes that cannot be resolved, provides in our narrative the information about God's response to this event ('my

Horeb, Deuteronomy's name for Sinai.²¹ This reading is reinforced by the traditional image of the Torah as a tree ('it is a tree of life for those who grasp it'),²² and by the associations of the verb עקר, to uproot, which the Talmud applies to mountains in connection with a certain approach to scholarship. Indeed, in the context of a discussion precisely equivalent to this one, *BT Berachot* 64b contrasts an עוקר הרים, literally, 'uprooter of mountains' (a scholar skilled in dialectic), with a 'Sinai', a scholar, such as R. Eliezer,²³ who has a comprehensive overview of tradition.²⁴ Since the Talmud's concern does not seem to be the strict designation of these terms to R. Eliezer and R. Joshua respectively, but rather to make a structural point, their exact significance need not concern us here. Suffice to say that the עוקר הרים is traditionally set up in opposition to the 'Sinai', from which we can infer that, far from securing the Sinai tradition, the author of the narrative takes R. Eliezer to be undermining it. The second miracle likewise contains a wordplay concerning Torah. The term אמת המים (*amat ha'mayim*) literally a specified length of water, may be read in unpointed Hebrew as two separate words, אמת (*emet*) and המים (*ha'mayim*), both of which signify Torah in the Talmud. The notion of Torah as truth, אמת, is axiomatic in Jewish tradition, and *BT Berachot* 8b equates them explicitly: אמת זו תורה, truth this is Torah. And as for water, what, as the Talmud itself asks repeatedly, is water if not Torah?²⁵ The third miracle needs no

sons have defeated me').

²¹ I thank Gershon Hepner for this suggestion.

²² Prov. 3:18, of wisdom but understood as Torah already in *Mishnah Pirkei Avot* 6.7.

²³ I thank Menachem Fisch (personal communication) for pointing out to me that R. Eliezer is an exemplary 'Sinai', never leaking even a drop of tradition from his lined cistern.

²⁴ This concerns the rivalry between R. Joseph and Rabbah in 309 CE over precisely this issue (who should be head of the Academy): R. Abin the Levite said: Whoever tries to force his [good] fortune will be dogged by [ill] fortune, and whoever forgoes his [good] fortune will postpone his [ill] fortune. This we can illustrate from the case of Rabbah and R. Joseph. For R. Joseph was 'Sinai' and Rabbah was 'an uprooter of mountains'. The time came when they were required [to be head of the Academy]. They [the collegiates] sent there [to Palestine] to ask, As between 'Sinai' and an 'uprooter of mountains', which should have the preference? They sent answer: Sinai, because all require the owner of wheat. Nevertheless, R. Joseph would not accept the post, because the astrologers had told him that he would be head for only two years. Rabbah thereupon remained head for twenty-two years, and R. Joseph after him for two years and a half. During all the time that Rabbah was head, R. Joseph did not so much as summon a cupper to come to his house.

²⁵ See e.g., *BT Avodah Zarah* 5b commenting on Isa. 55:1, and *BT Baba Kama* 7a, 17a. The term אמת המים also occurs in *BT Taa'nit* 5b/6a as one of a concentrated group of Torah images: [R. Nahman] said: Pray Master, bless me. He replied: Let me tell you a parable - To what may this be compared? To a man who was journeying in the desert; he was hungry, weary and thirsty and he lighted upon a tree the fruits of which were sweet, its shade pleasant, and a stream of water flowing beneath it; he ate of its fruits, drank of the water, and rested under its shade. When he was about to

unpacking; the study house whose walls incline whilst yet maintaining respect for all those within is simply the place where Torah is interpreted and where no interpretation can be suppressed.²⁶ In each case, something strongly identified with Torah intervenes with the aim that one Rabbi's point of view will trump the point of view of another Rabbi. In each case, the intervention is rejected; Torah (not, as usually understood, miracles) cannot be used in this way. This is made explicit with the final intervention – the voice from heaven that mistakenly thinks it is Torah! Rabbi Joshua rejects this hubristic assertion with his reminder, based on a proof-text from Deuteronomy, that the Torah is not in heaven.

Precisely what Rabbi Joshua finds unacceptable in the notion of Torah heaven is clarified by a glance at the verbs used in connection with each miraculous intervention. In order to move from its place (מקומו, a rabbinic name for God), the carob tree must be uprooted. In addition to my comments above on the verb עקר, uproot, I note also its highly negative association with barrenness. In the context of the implicit debate over 'chain of tradition' (Rabbi Eliezer) versus 'interpretation afresh' (Rabbi Joshua), it implies that Rabbi Eliezer is both disassociating Torah from God and depriving it of descendants, namely, the sages in each generation who will keep it alive by debating it afresh. The verb חזר has a range of meanings, but in this context it indicates that the Torah/channel of water does not merely change direction, but twists back awkwardly on itself, running perversely against the grain. Significantly, perhaps, the water (Torah in talmudic language, as noted above) now flows *behind* the disputing scholars, as if beyond their reach.²⁷ Most telling is the verb used in relation to walls of the Torah/study house, הטה (incline or lean). As

continue his journey, he said: Tree, O Tree, with what shall I bless thee? Shall I say to thee, 'May thy fruits be sweet'? They are sweet already; that thy shade be pleasant? It is already pleasant; that a stream of water may flow beneath thee? Lo, a stream of water flows already beneath thee; therefore [I say], 'May it be [God's] will that all the shoots taken from thee be like unto thee'. So also with you. With what shall I bless you? With Torah? You already possess Torah. With riches? You have riches already. With children? You have children already. Hence [I say], 'May it be [God's] will that your offspring be like unto you'. Strictly speaking, R. Nahman's נמשל (nimshal) interprets the channel of water as children, but there is no need to read the equations so rigidly, especially since water is not elsewhere to my knowledge identified with offspring.

²⁶ An allusion may be intended to Josh. 6:5, which predicts the collapse of Jericho's city wall once the troops have completed seven circuits on the seventh day.

²⁷ To continue with the Joshua resonances, the water that runs behind, אחריו, them recall the Valley of Achor, עכור, the site of Israel's calamity, עכר, and the place where Joshua stones Achan and burns the proscribed objects he took from Jericho (Josh. 7:24-26).

well as signalling an undesirable motion for walls, the verb alludes directly to the Exodus 23:2 proof-text used by Rabbi Jeremiah: ‘After the majority you shall incline’. Talmudic rabbis routinely remove Torah verses from their original context and use them as required for their own needs. In its original context, the Exodus verse seems (it is difficult to be sure) to object to ‘leaning’:

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרַעַת וְלֹא־תִעֲנֶנָּה עַל־רַב לְנֶמְטַת אַחֲרֵי רַבִּים לְהַמִּטָּה

You shall not side with the multitude [majority] to do wrong; you shall not give perverse testimony in a dispute to pervert the course of justice.

That is, Exodus rejects the application of pressure by a powerful disputant to guarantee victory over his fellow. Rabbi Jeremiah transforms Exodus 23:2 in three ways: he removes the negative – the ‘you shall not...’ of Exodus becomes the Talmud’s ‘you shall...’; he renders the ambiguous term רַבִּים (the more powerful group, not necessarily democratically determined) as a democratic majority; and he privileges the verb’s constructive meaning (incline towards, in the sense of being influenced by or drawn towards) over its negative meaning (lean on, in the sense of pressure or coerce). The Akhnai narrative thus asserts that Torah, the implied ‘one’ addressed by Rabbi Joshua, must incline towards the rabbinic majority, *not* lean on it to secure a particular outcome. And by his own example, he shows that leaning towards, or being drawn towards (a more accurate account of the process involved here) may even entail being quoted out of context and having its original plain meaning reversed. The test of whether or not Torah has been used appropriately is not whether or not it settles an argument, but whether or not a discussion can continue. Rabbi Eliezer’s application of Torah, had it been successful, would have ended the dispute once and for all: Rabbi Eliezer is *always* correct and there is nothing to be gained by arguing with him. Torah as used by the other rabbis – and it is worth noting that there are three opponents of Rabbi Eliezer in this story, a halakhic majority – simply constitutes a stage in the ongoing halakhic process. Even God’s twice-repeated, ‘My sons have defeated me’, is not the signal that he is bowing out, but merely that he accepts a limited role in the discussion. The three rabbis, led by Rabbi Joshua, have prevented God from privileging his voice over theirs to foreclose the debate, and God acknowledges that they were correct to do so.

Not surprisingly, the themes I have highlighted in this talmudic narrative emerge most clearly in the Bible in Deuteronomy. Reading Deuteronomy in light of the Akhnai Oven reveals a crucial dimension of the biblical text that can easily be overlooked. In Deuteronomy, it is emphatically not the case that Torah (probably Deuteronomy itself) is synonymous with the word/voice of God. Torah is rather a blend of two voices – the voice God and the voice of Moses – and their respective utterances. Deuteronomy records and preserves the engagement of these two voices in a form that Israel can repeat, emulate, and use for its own future benefit as a vehicle of intercession.

RABBI HAYIM VITAL'S DREAM AND MOSES AS TORAH

In my brief discussion of Donne's 'Valediction', I noted that the true role of the love letters is revealed only once one of the lovers has died. When that occurs, their letters replace not the departed lover, but the engagement the lovers can no longer have. This template fits Deuteronomy almost perfectly, as I shall try now to show by reading it through the lens of a mediaeval Jewish mystical text, the dream of Hayim Vital:

Rabbi Hayim Vital once dreamed that it was the custom of Israel to bring the body of Moses into the synagogue once a year on Shavuot²⁸ to commemorate the giving of the Torah at Mount Sinai. Now the day of the festival had arrived, and the body of Moses was brought into the synagogue at Safed. It took many men to carry the body into the synagogue, for it was at least ten ells long. Then the body, wrapped in a white robe, was placed on a very long table that had been prepared in advance. But as soon as the body of Moses was stretched out on the long table, it became transformed into a scroll of the Torah that was opened to its full length, from the first words to the last. And in the dream they began to read the words of the Torah, starting with creation, and they continued until they reached the last words, *in the sight of all Israel* (Deut. 34:12). All this time the rabbi of Safed sat at the head of the table, and Hayim Vital sat at the foot. And in the dream it occurred to Hayim Vital that while the rabbi of Safed sat closest to the account of creation, he was closest to that of the death of Moses. And when the scroll of the Torah had been completely read, the rabbi said, 'The time has come to bring the garments to clothe the body of Moses.' And at that moment the scroll of the Torah became the body of Moses once again, and they clothed it and set a girdle around it. That is when Hayim Vital awoke, and for hours afterward it seemed

²⁸ This detail in Howard Schwartz's rendition has no basis in the original, where the events described in the dream are reported to have taken place either on *Hoshana Rabbah* or on *Simchat Torah*.

to him as if the soul of Moses was present in that very room.²⁹

As interpreted in Hayim Vital's dream, the Law is not given directly on Mount Sinai, but enters the synagogue in the form of the body of Moses. On this account, what God gave Israel in the first instance was not a book, but a man. This complex text functions on several different levels, at least one of them arising from possible messianic aspirations attributed to Hayim Vital. It is worth noting the connection between the transformation of body into text and the intercessory element introduced to the text through these messianic aspirations. In his dream, the giving of the Law is mediated through Moses even more vividly and concretely than in Deuteronomy itself, and this enables Moses, and hence the Torah scroll into which he is transformed, to function more effectively as an intercessor.

The process I have described in Hayim Vital's dream plays out in slow motion in the Bible itself. In Deuteronomy, the flesh and blood Exodus Moses slowly metamorphoses not into his own voice, but into a recorded dialogue with God; throughout Deuteronomy, it is barely possible to ascertain whether Moses or God is speaking – it changes within the course of a single pericope – and whether they are addressing individuals or the collective Israel. Examples of the less 'human' presentation of Moses in Deuteronomy as compared to Exodus are legion. Exodus attributes to Moses characteristics such as impatience and a quick temper, whereas for Deuteronomy Moses is more or less infallible. His inability to delegate, resolved by an intervention from Jethro in Exodus, is not mentioned in Deuteronomy, and the golden calf episode, which reflects primarily on Aaron but from which no-one emerges well, is barely acknowledged. In these ways, Deuteronomy replaces the cult of personality (cf., Deut. 13:2-7) with the absolute authority of written law, a process which is completed with the death of Moses, when his continued presence is symbolized by a Torah scroll that preserves neither his solitary voice nor God's, but the deep intertwining of the two.

Deuteronomy 31 reports God's final speech to Moses:

²⁹ This abridged version is from H. Schwartz, *Gabriel's Palace* (Oxford: Oxford University Press, 1993), p. 100. For a full translation of the Hebrew text, see M. Faienstein, *Jewish mystical autobiographies: Book of Visions and Book of Secrets* (Mahwah NJ: Paulist Press, 1999), pp. 106-108.

The LORD said to Moses: You are soon to lie with your fathers. This people will thereupon go astray after the alien gods in their midst, in the land they are about to enter; they will forsake Me and break My covenant that I made with them. Then my anger will flare up against them, and I will abandon them and hide my countenance from them. They shall be ready prey; and many evils and troubles shall befall them. And they shall say on that day, ‘Surely it is because our God is not in our midst that these evils have befallen us.’ Yet I will keep My countenance hidden on that day, because of all the evil they have done in turning to other gods. Therefore, write down this poem and teach it to the people of Israel; put it in their mouths, in order that this poem may be My witness against the people of Israel. When I bring them into the land flowing with milk and honey that I promised on oath to their fathers, and they eat their fill and grow fat and turn to other gods and serve them, spurning me and breaking my covenant, and the many evils and troubles befall them – then this poem shall confront them as a witness, since it will never be lost from the mouth of their offspring. For I know what plans they are devising even now, before I bring them into the land that I promised on oath. That day, Moses wrote down this poem and gave it to the Israelites. (Deut. 31:16-22)

The word NJPS translates here as ‘poem’ is **השירה**, for which ‘the song’ is both the more familiar and the preferable translation. Unlike a poem, which may be read silently or internally, a ‘song’ is incomplete without performance. Even the notion of a song in the heart, or running through the mind, is best understood as the recollection or re-enactment of a performance; in these instances, we do not sing the songs ourselves, but replay our own singing or the singing of others. Moreover, the interplay of words and music, text and performance, mirrors the very two-way engagement that the song preserves and intends to stimulate. Second, the Hebrew **למען תהיה לי השירה הזאת לעד בבני ישראל** (31:19) is not well served by ‘in order that this poem may be My witness against the people of Israel’, and the same applies to **וצרות וענתה השירה הזאת לפניו לעד** (31:21), ‘this poem shall confront them as a witness’. The main problem in each case is presented by the prepositions. NJPS renders the **ב**, *bet*, in **בבני** as ‘against’, but ‘with’ or ‘amongst’, seems more plausible. And what does **לי** (*li*) mean? Does God seek a witness for his benefit or a witness to his presence or activity? The context, to which we now turn, provides some answers to these questions.³⁰

³⁰ J.H. Tigay, *Deuteronomy, JPS Torah Commentary* (Philadelphia: JPS, 1996), explains ‘witness against’ with reference to the covenant. When Israel fails to keep its terms and conditions, and is punished as a consequence, God will be able to show that they had been warned. I find this unsatisfying, not least because it fails to explain why Moses was told to ‘put it in their mouths’ (make them memorize it)?

In the passage cited above, God tells Moses that he will soon die, whereupon the people will turn to alien gods and break their covenant with God. A flaring up of divine anger will ensue, and God will turn away from his people. Clearly, God's predictions are causally connected to Moses' death, but precisely how? One answer is that Moses had previously performed two related functions; he kept the people's attention on God and God's attention on the people. Without Moses, the people will turn to other gods, as they did according to Exodus when Moses went up Mount Sinai, and God will turn away from them, as he did during the Babylonian Exile. On this reading, Moses is playing the role of prophet as described by Yochanan Muffs in 'Who Will Stand in the Breach'. First and foremost, he is an intercessor, a divine anger manager. Since God's predictions are desirable neither for Israel nor God, God intends to replace Moses as best he can. It is the סֵפֶר תּוֹרָה (*Sefer Torah*), the scroll of the law, that will stand in for Moses when he has gone, as is indicated by the continuation of the above passage, where Moses responds to God's instructions. No doubt some of what follows may be attributed to the text's composite nature, but, as I hope to show, the conjunction of Song and Torah serves a crucial function in the text in its final form.

Whereas God instructed Moses to record the words of a song, in line with Deut. 32:1-43, Moses speaks to the people about the Torah. Both Song and Torah feature in the following pericope (Deut. 31:24-30):

When Moses had put down in writing the words of this Teaching to the very end, Moses charged the Levites who carried the Ark of the Covenant of the LORD, saying: Take this book of Teaching and place it beside the Ark of the Covenant of the LORD your God, and let it remain there as a witness against you. Well I know how defiant and stiffnecked you are: even now, while I am still alive in your midst, you have been defiant toward the LORD; how much more, then, when I am dead! Gather to me all the elders of your tribes and your officials, that I may speak all these words to them and that I may call heaven and earth to witness against them. For I know that, when I am dead, you will act wickedly and turn away from the path that I enjoined upon you, and that in time to come misfortune will befall you for having done evil in the sight of the LORD and vexed Him by your deeds. Then Moses recited the words of this poem to the very end, in the hearing of the whole congregation of Israel.

The conflation of Song and Torah, the subject of major exegetical conflicts, has important consequences. Let us imagine two separate texts, one about the song, where people have to learn the words, and another about the Torah, where, unusually,

neither content or performance is emphasized. To be sure, Moses promises to ‘speak all these words’ to the people but, in contrast to some other Deuteronomic texts, there is no suggestion that they need to absorb their content, repeat them back, transmit them to others, or live according to them. It is emphatically not the case that the Israelites will be persuaded by the words of the Torah to keep the laws. On the contrary, neither God nor Moses doubts that they will soon be distracted by other gods. So what is the point of all these words? As translated by NJPS, this passage describes the anger of God and Moses towards Israel, and the threat of a witness against them. This passage answers the question: Who will intercede for Israel once Moses has gone? Not, then, who will bear witness *against* Israel, but who will bear witness *amongst them*. The answer is the Torah, not because it will remind the people of their obligations, but because it will remind God of his loving relationship with Israel, conducted in its most intense form with Moses.

To see precisely what it is that God is being reminded of, we must return to the song. By conflating the song and the Torah, Deut. 31 in its final form goes a step further than the שמע, making it clear that we are dealing with something more complex than a visible sign, akin to the rainbow or the blood on the doorposts. In this context, the words of Torah will be effective through literal performance – not by being obeyed, or even necessarily by being understood or accepted, but simply through recitation. And on this reading at least, they owe their effectiveness to their capacity to reproduce for God – anywhere and at any time – his dialogic engagement with Moses. Hidden in a box, inaccessible to the future generations who might use them, Donne’s love letters could not fulfil their function. Likewise, Deuteronomy’s Torah cannot be hidden in a box (Deut. 31:26, ושמרתם אתו מצד ארון, ‘place it *beside* the Ark’), but must be seen, learned and performed. This is revealed by a complex piece of textual redaction (Deut. 31-32) that blends the law with a song for recitation.

EROS AND LAW

Deuteronomy, the law book of law books, promotes and sustains a relationship between God and Israel that is best characterized as erotic; law is its intimate grammar. Torah will serve as an amulet – a vehicle of intercession – for all Israel,

just as the שמע, *Shema*, will function on individual gates and doorposts in Deut. 6: 4-9. What Deuteronomy 31 clarifies in, or perhaps adds to, the narratively earlier text is the information that God himself is the present danger. The Torah and שמע serve similarly to the rainbow (Gen. 9:15) or the blood on the doorposts (Exod. 12:13), all signs to remind God that he should refrain from utter destruction. This explains why the Torah is next to the Ark, not in it; it is there to serve as a visible reminder to God. This representation and re-enactment of intercession is the beginning of Jewish liturgy. The liturgical interest in preserving and regenerating the engagement between love and Israel is manifest in many Jewish prayers, but the role of law is especially clear in אהבת עולם (*Ahavat Olam*), Eternal Love, the blessing that introduces the שמע in the daily evening service:

With Everlasting Love you have loved your people, the House of Israel. You have taught us Torah and commandments, laws and judgements. Therefore, Lord our God, we will speak of your laws when we lie down and when we rise up, rejoicing in the words of your Torah and your commandments for ever and ever. For they are our life and the measure of our days; we will meditate on them day and night. May you never take your love away from us.

Here, already, the mood intensified and the erotic component of the engagement emerges quite clearly. God provides a matrix that Israel can impose upon the world and which will shape every thought and action of his people, from the moment they wake up in the morning until they falls asleep. This template, identified as a gift symbolising God's love, enables Israel to contemplate him in every waking hour, and thus reciprocate; it is the lens through which every action and event can be examined and interpreted. Who can fail to recognize this account of 'true love'?

The prayer אהבת עולם, with its references to lying down and rising up, is clearly engaging with the first paragraph of the שמע (Deut. 6:4-9), as one would indeed expect given its place in Jewish liturgy. The connection between this rabbinic prayer and its biblical context foregrounds a crucial question about how the authors of both texts understood love between people and God:

You shall love the LORD your God with all your heart and with all your soul and with all your might. Take to heart these instructions with which I charge you this day. Impress them upon your children. Recite them when you stay at home and when

you are away, when you lie down and when you get up. Bind them as a sign upon your hand and let them serve as a symbol on your forehead; inscribe them on the doorposts of your house and on your gates.

The *עֲמֻמָּה* intensifies the sense of engagement by being strikingly self-referential; not merely a law that commands certain acts of observance, it commands the observer to reaffirm constantly, to himself and/or others, that he is indeed observing the laws.³¹ Influenced in part, perhaps, by the problem of determining how love can be commanded, many scholars have argued that love is not to be understood as an emotion here, but as a semi-legal obligation derived from a specific relationship.³² This is a plausible reading; we cannot assume that ancient writers experienced emotions in the way that we do. Yet it is hard to avoid the thought that such an understanding of love arises from the view of Deuteronomy as a secularizing document that removes many spheres of life (eating meat, for example) from Temple control. Far from being a force for secularization, Deuteronomy as I read it extends the sphere of divine influence to every corner of human existence. Erotic love, where a declaration is insufficient while constant demonstrations are positively enhancing (or am I conforming to gender stereotypes now?), is the model for achieving this end. Finally, support for an erotic reading of the *עֲמֻמָּה* might be adduced from its traditional third paragraph in Jewish liturgy, Numbers 15:37-40. Worshippers are urged to contemplate the fringes on their garments so that they do not ‘follow their hearts and their eyes’ and turn to lust, but rather ‘remember and perform’ the commandments so they can be holy to God. Since what is inappropriate here is expressed as lust (literally, whoring), it seems plausible that what the author has in mind in relation to the commandments involves an appropriate form of erotic engagement.

I turn now to an excellent example outside Deuteronomy of Torah/law conceived as a vehicle for erotic engagement: Psalm 119. The provenance of this collection of 175 alphabetically-ordered meditations on law and love is uncertain, but its language, imagery and concerns suggest a 5th or 4th century BCE date. The absence of specific references to Jerusalem may indicate a Diaspora setting, although its author may have

³¹ This excellent point was made by my husband, Peter Lipton, during a sermon at Beth Shalom Reform Synagogue, Cambridge, 2007.

³² J.W. McKay, ‘Man’s Love for God in Deuteronomy and the Father/Teacher—Son/Pupil Relationship’, *VT* 4 (1972), pp. 426-435. See p. 426, f.n. 1 for selection of those who hold this opinion.

neglected to mention Jerusalem because he saw a future with Torah not Temple, or because, living in Jerusalem, he took it for granted; Psalm 137, the Bible's most powerful tribute to Jerusalem, almost certainly originated in exile. Between the lines of Psalm 119 lie tantalizing glimpses of a biography: a pious youth ('How can a young man keep his way pure?', v. 9) in search of rigorous instruction ('Blessed are you O LORD, train me in your ways', v. 12), but lacking appropriate teaching ('I have gained more insight than all my teachers', v. 99), and perhaps a little arrogant ('I have gained more understanding than my elders', v. 100). The young man's peers may have mocked him for his piety ('The insolent have dug pits for me, flouting your teaching', v. 85), and the authorities harassed him for his zeal ('Princes have persecuted me without reason', v. 161), though we may well wonder whether their hostility was provoked by certain born-again tendencies ('Before I was humbled, I went astray, but now I keep your word', v. 67). But his commitment is now beyond question ('I am resolved to follow your laws to the utmost forever', v. 112). The law is a source of strength ('support me as you promised so I may live', v. 116) and of joy (Your decrees are my eternal heritage, my heart's delight', v. 111).

For the author of Psalm 119, law is at once the sign of God's love and the mechanism for reciprocation: 'I open my mouth wide, I pant, longing for your commandments. Turn to me and be gracious to me, as is your rule with those who love your name', vv. 131-132. Especially given the textual feminization of the speaker – inevitable or at least likely when God is the erotic partner – his open-mouthed invitation is itself a form of reciprocation.³³ The young man uses law to train his mind, not in legal matters, but to acquire an intense form of attention: 'Happy are those who observe his decrees, who turn to him wholeheartedly', v. 2. Reciprocation occurs through memory and being reminded. The study and application of law, when lying down and when rising up, creates a lens through which every thought and deed is refracted, and is at the same time a sign of the beloved in his absence: 'I remember your name at night, O LORD, and obey your teaching', v. 55.

Somewhat less passively, the law is the means by which the partners affect each other. It is striking – and crucial in this respect – that the psalm speaks both of *learning* the

³³ I intend to examine elsewhere the gendering of intercession in some biblical and many rabbinic texts.

law, and of being *taught* it: ‘I have not departed from your rules, for You have instructed me. How pleasing is Your word to my palate, sweeter than honey’, vv. 102, 103. Teaching, at least in its ideal form, is dynamic. As well as delivering information, teachers react to students and revise their lesson plans accordingly. A loving relationship does not leave one partner fixed and unaffected by the other. For the psalmist, then, law is the sign of God’s love, training him to love God more deeply: ‘O how I love Your law, it is my study all day long’, v. 97). But it also his means of affecting God, and here lies the key. The verses of Psalm 119 that are not expressions of love and longing articulate fear and anxiety. As the psalm progresses, both emotions intensify, and the psalm draws towards a close with ‘May my plea reach you, O LORD; grant me understanding according to Your word. May my petition come before You; save me in accordance with your promise,’ vv. 169-170. The psalmist’s ability to engage God through an intense language of desire is fundamental to his hope of gaining divine protection at times of need.

OBEDIENCE AND EROS

Thus far I have suggested that law records and preserves engagement between God and Israel, and that it affects God, by which I mean that law performs an intercessory function. Law’s crucial function is to keep engagement alive, and this is where a significant difficulty arises in terms of our usual thinking about biblical law. For almost all Bible scholars, especially Christian exegetes, the ideal response to biblical law is obedience; one way or another, obedience is at the heart of any legal enterprise. Yet, as we have seen, it has scant role to play in either the **שׁמֵר** or Psalm 119 and indeed, to go one step further, it is fundamentally incompatible with engagement. To obey a law is to foreclose engagement, in some cases because obedience leaves no further scope for engagement – the action is complete – and in others because obedience ends thoughtful engagement and, most importantly, the capacity to affect the other party. Following orders merely reinforces the person who issued them; it is *resisting* an order that can potentially affect and change the issuer.

The notion that obedience may not be the intended response to biblical law is supported by the surprising difficulty of locating a verb in biblical Hebrew that means

unambiguously ‘to obey’. The English terms ‘obey’ and ‘obedience’ relate to Hebrew terms that may sometimes evoke obedience, but are arguably far from the rigid meaning often ascribed to them. The idiom most often equated with obedience is *שמע בקול* (*shema be'qol*) literally ‘hear the voice’. While listening to or even hearing someone may entail doing what he says, it is just as often a request for empathy, understanding, or simple engagement. Even in the texts most strongly associated with obedience – Deuteronomy’s highly conditional legal material, for example – the term can be interpreted at least as plausibly without reference to obedience. Similarly, while ‘obey’ may be among the meanings of *שמר* (*shamar*), this translation by no means conveys the full range, and the notion of engagement is present at least as often (as in ‘keep’ the sabbath day, where ‘obey’ is far too narrow to do justice to the concepts and activities involved).

A glance at a text in which hearing and divine voices feature prominently highlights the problem. In Genesis 3, God tells Adam not to eat from the tree of knowledge of good and evil, but Adam eats from the tree nevertheless, and is banished from the garden as a consequence. It is generally assumed that Adam’s crime was disobedience, but two textual details point to a different interpretation. What led to Adam’s expulsion was not his initial disobedience in eating the fruit, but his subsequent failure to engage with God. First, the narrative that begins with the prohibition against eating from the tree of knowledge of good and evil and ends with expulsion from the garden is centrally concerned with voices.

They heard the sound [lit. voice] of the LORD God moving about in the garden at the breezy time of day; and the man and his wife hid from the LORD God among the trees of the garden. The LORD God called out to the man and said to him, ‘Where are you?’ He replied, ‘I heard the sound [lit. your voice] of You in the garden and I was afraid because I was naked, so I hid. Then He asked, ‘Who told you that you were naked? Did you eat from the tree from which I had forbidden you to eat?’ The man said, ‘The woman you put at my side – she gave me of the tree, and I ate.’ (Gen. 3:8-12)

The two-fold occurrence of *שמע* and *קול* here are significant. As usually understood, they would connote obedience, but that seems implausible here. Although there is no obvious Hebrew alternative for ‘sound’, the word *קול* is

redundant in this context; it would have been sufficient to state that Adam heard God. The use of *קוּל* signifies not a divine instruction, then, but God's presence in the garden. More generally, it is hard to reconcile the notion that Adam's obedience to God is the narrative theme with the exchanges between Adam and Eve and Eve and the snake. First, Eve eats the fruit not because she is responding to a command issued by the snake, but because she has been engaged by the snake. Likewise, Adam has not been commanded by Eve to eat, but drawn by her into her conspiracy with the snake. Secondly, as commentators are fond of noting, God's response to Adam invites engagement. He does not address Adam with an accusation, or a question relating directly to his crime, but rather with an open question – Where are you? – giving Adam room to respond as he sees fit. God's question cries out for engagement, but Adam responds by hiding, adding insult to injury with his confirmation that he has ignored God while listening to other voices (Eve's and, indirectly, the snake's). The final straw is not, in fact, eating the fruit – the eaten fruit ends with Adam and Eve's awareness of their nakedness – but God's realization that Adam will not engage with him. The couple's awareness of their nakedness had various possible outcomes, but it leads to a rejection of God through concealment (the hiding of bodies). God gave them a second chance to hear him, but once again Adam hid – his whole body this time – and refused to engage.

The person missing from the final installment of this narrative is Eve. She engaged with the snake and then with Adam, but did not enter into the negotiations with God. One possible explanation for her absence emerges from a superficial comparison of the roles of Eve and Sarah in Genesis 3 and Genesis 22. Both narratives open with a command that should properly involve a man and a woman (husband and wife, mother and father), but which in fact excludes the woman. In each narrative, the man jeopardizes his future descendants by refusing to engage with God – Adam because, while still childless, he disobeys a command that clearly concerns the engendering of desire and fruitfulness, and Abraham because he obeys a command endangering offspring he already has – and in each narrative the woman is barred from an engagement which represents the ideal human response to divine commands of any kind, but particularly of this nature.

Before moving to Genesis 22, my focus for the remainder of this chapter, I want to draw attention to another text that, in some respects, belongs in this discussion – the Exodus Sinai narrative. Exodus 19:1-20:23 abounds with commandments, voices (from the ‘voice’ of the shofar to the voices of God and Moses, see esp. 19:19) and barely concealed sexuality (the theophany begins with the instruction that Moses should not go near a woman, 19:15, and it ends with a prohibition against ‘revealing nakedness’ on the altar steps, Exod. 20:23, cf. Lev. 18:6-19). What prevents me from considering Sinai in detail here (other than constraints of space and time) is that my interest now is the presence or absence of female figures in texts dealing with responses to the law, and what we can infer from that about the appropriate human response to divine commands. I do not think the role of women is a pressing concern for the authors of the Sinai narrative. Having said that, though, I cannot resist noting that the authors of *Exodus Rabbah* felt otherwise. Not only do they put women up at the front of the Sinai narrative, but they relate their presence directly to Genesis 3 and the temptation of Eve. *Exodus Rabbah* interprets the parallelism in Exodus 19:3 (‘say to the house of Jacob and declare to the sons of Israel’) as evidence that both men and women were present at Sinai – ‘house’ signifies for them women and ‘sons’ signify men.³⁴ And why, according to the midrashic author, does God mention women before men? He is correcting his disastrous error in the Garden of Eden, when he issued a commandment to Adam alone that should have been addressed both to Adam and to Eve. Had Eve received direct instruction about the tree of knowledge of good and evil, the rabbis reason, she would not have made the mistake of eating its fruit.

DISOBEDIENCE AND THE AKEDAH

In the final section of this chapter, I want to explore more fully the topic I have introduced here, namely Abraham’s proper response to the divine command issued in Genesis 22:2, and the significance of Sarah as a voice that may reasonably be understood as a challenge – implicit or explicit – to the divine command. In what follows, I shall attempt to read Genesis 22 as a polemic *against* obedience to God’s word. My support for this reading will be two-fold. On the one hand, I shall look at the interplay in this text of the language and imagery of hearing and seeing, and on

³⁴ *Exod. R.* 28.2.

the other, I shall suggest that Sarah's absence in Genesis 22 signals an absence of intercession in the form of engagement. While this latter interpretation cannot be derived from Genesis 22 read alone, it can, I think, be inferred from an inner-biblical intertext, Numbers 22. I shall explore this intertext via rabbinic commentaries that are clearly aware of parallels between Abraham and Balaam, and seem to me to be sensitive in addition to their implications for intercession and engagement.

I have several reasons for concluding my discussion of obedience and the law with this particular text. First, Abraham's faithful obedience is traditionally seen as at the very heart of Genesis 22, and from the earliest times exegetes have focused on his willingness to sacrifice his beloved son in response to a command from God. Second, Genesis 22 is surely the Bible's most sophisticated exploration of the theme of obedience. And third, God's command to Abraham to sacrifice his son is not merely an example of a standard exchange between a divine ruler and his human subject, but may be said in some respects to involve all future readers, whether as aspiring Abrahams or as symbolic descendants on whose behalf he acted. It is, indeed, the best biblical example of the 'sovereign' model of law discussed by Hart in the extract from *The Concept of Law* with which I opened this chapter.

Perhaps the chief indication that Genesis 22 in its final form questions obedience as an appropriate response to a divine command is the narrative's problematic outcome; an account that opens with an order and ends with narrowly averted human sacrifice is surely a poor advertisement for obedience. The story's superficially happy ending has distracted many readers from this sobering conclusion, but others have refused to be deflected from the significance of Abraham's obedience when taken to its logical conclusion. Here, in the most powerful example I know, is Wilfred Owen showing where this kind of thinking can lead:

So Abram rose, and clave the wood, and went,
 And took the fire with him, and a knife.
 And as they sojourned both of them together,
 Isaac the first-born spake and said, My Father,
 behold the preparations, fire and iron,
 But where is the lamb for this burnt-offering?
 Then Abram bound the youth with belt and straps,
 And builded parapets and trenches there,
 And stretched forth the knife to slay his son.

When lo! an angel called him out of heaven,
 Saying, lay not thy hand upon the lad,
 Neither do anything to him. Behold,
 A ram, caught in a thicket by its horns;
 offer the Ram of Pride instead of him.
 But the old man would not do so, but slew his son,
 And half the seed of Europe, one by one.³⁵

The biblical Abraham, unlike Owen's 1914-18 reincarnation, listened to the angel, but the poem drives home a point that most readers work hard to overlook: following orders is an indispensable cog in the machinery of war, as is the willingness of old men to let young men die on their command. The fact that God's original instructions, unamended by the angel, would have led to the death of Isaac and the possible termination of Abraham's line – he had already banished Ishmael on instructions from Sarah confirmed by God – can be taken as a sign that Genesis 22 is at the very least ambivalent about obedience. Indeed, there is a sense in which the outcome of Genesis 22 is negative on any reading. Although Isaac does not die, his relationship with his father is damaged beyond repair; Isaac and Abraham return separately from Moriah and no further interaction between them is reported. The text neglects even to mention that Abraham unbound Isaac from the altar. The lack of subsequent engagement between Abraham and Isaac is underlined by the events directly following, and I shall return later to this important subject.

The tradition of revering Abraham for his obedience begins with God's promise to Isaac that he will be blessed and increased on account of his father's merit:

I will make your heirs as numerous as the stars of heaven, and assign to your heirs all these lands, so that all the nations of the earth shall bless themselves by your heirs – inasmuch as Abraham obeyed Me [lit. heard my voice] and kept My charge: My commandments, My laws and My teachings. (Genesis 26:4-5)

This promise alludes directly to God's earlier promise to Abraham in Genesis 22: 'because you have obeyed my command [lit. heard my voice]' (Gen. 22:18).

If שמע בקול is translated 'obey' in this context, as in NJPS above, the logic of the allusion is hard to comprehend. Can the author or redactor really have intended God to tell Isaac that he would be blessed *because* his father was willing to bind him on an altar and hold a knife to his throat? The Genesis 26 allusion to Genesis 22 is, I think,

more readily comprehensible if **שמע בקול** is translated not as ‘obey’ but as ‘engage’. On this reading, rather than reminding Isaac that his father was willing to kill him, God is reassuring Isaac; despite appearances to the contrary (the knife at the throat) Abraham had in fact attempted to intercede on his behalf. But where is the textual evidence for this? The evidence, I believe, comes in the form of the ram. Abraham began by following God’s instructions without discussion, but he followed his own initiative when he sacrificed the ram instead of Isaac. To be sure, in the text in its final form, Abraham sacrifices the ram only after an angelic intervention telling Abraham not to lay a hand on his son, but nevertheless his action represents an effort to safeguard Isaac (God has changed his mind once, why not again?), along with his typological descendants, whose fathers may henceforth offer animal sacrifice instead of their sons.

It is possible in addition that the promise that Abraham’s descendants will be blessed along with all the nations of the world because he heard God’s voice (22:17,18) alludes to Abraham’s sacrifice of the ram as well as, or even instead of, his willingness to sacrifice Isaac. There are several reasons for favouring this reading. The reference point is verse 16, ‘By myself I swear, declares the LORD: Because you have done this matter, **הבדר הזה**, and have not withheld your son, your favoured one...’. The interpretation hinges upon whether two separate actions (this matter *and* not withholding Isaac) are mentioned here, or only one (this matter, *namely* not withholding Isaac). In the former case, ‘this matter’ must refer either to the sacrifice or to the naming of the mountain, or perhaps to a combination of the two. Of these options, it seems to me most likely that **הבדר הזה** (this matter) refers exclusively to the sacrifice of the ram and the engagement with God that it represents. From a grammatical point of view, the transition from the positive ‘because you have done this’ to the negative ‘you did not withhold’ is jarring if the same object is intended in each clause. If, on the other hand, a change of object is intended, the grammatical shift signals this. From a theological point of view, the association of **הבדר הזה** with the sacrifice of the ram fills an awkward gap. As noted above, Abraham sacrificed the ram on his own initiative and not according to a divine instruction. On

³⁵ ‘The Parable of the Old Man and the Young’.

the assumption that **הַבְּדֵר הַזֶּה** is the sacrifice, the text indicates God's approval through the promise of blessings that is subsequently attached to it. If, however, **הַבְּדֵר הַזֶּה** refers to the non-withholding of Isaac, Genesis 22 contains no sign that God approved of Abraham's sacrifice of the ram. Finally, the allusion to this verse in a speech to Isaac is more plausible from a psychological point of view if **הַבְּדֵר הַזֶּה** is understood to refer to the sacrifice of the ram, and thus falls under the umbrella of **שָׁמַעַת בְּקוֹלִי**. Rather than commending Abraham for his obedience, namely his willingness to kill Isaac, this verse is commending him for his eventual willingness to engage, manifested by his identification of the ram as an acceptable substitute for Isaac. Yet even if Abraham's sacrifice of the ram – the one act he has *not* been commanded to perform – is indeed an action that goes some way to redeeming him, the overall picture remains negative. I have mentioned in passing the long-term damage to the relationship between Abraham and Isaac, and now I want to examine further the extent to which the text marginalizes Abraham once he leaves Moriah.

THE SIGNIFICANCE OF SARAH

Genesis Rabbah links Sarah's death with Isaac's near-sacrifice:

And Abraham came to mourn for Sarah. Whence did he come? R. Levi said: He came from Terah's funeral to that of Sarah? Said R. Jose to him: But Terah's burial preceded Sarah's by that of two years? In fact he came from Mount Moriah (Sarah having died of grief. Therefore the account of Isaac's binding comes close to the passage, And the life of Sarah was etc.) (*Gen. Rabbah* 58.5)

On this rabbinic reading, Sarah died of a broken heart, excluded from a drama in which she should have been at centre stage. Similar interpretations feature in many feminist analyses. Phyllis Tribble makes the general point in 'The Sacrifice of Sarah', and it is central in Carol Delaney's *Abraham on Trial*, which draws parallels between Sarah and 'Mrs. Christo', a woman in 1990s California condemned to near-silence both by her husband as he set out to kill their young daughter, and by the court who tried him. While plausible and challenging in many respects, the focus on the marginalization of Sarah helps eclipse another case of narrative marginalization that may be more significant – the marginalization of Abraham. As I interpret these texts, Sarah's absence at Mount Moriah reflects positively on Sarah and negatively upon the

events that occurred there, while Abraham's gradual exclusion after Moriah reflects negatively both on Abraham and upon the events that occurred. Isaac comforts himself for Sarah's death by finding a wife whom he immediately installs in her tent. *Genesis Rabbah* constructs its own elaborate edifice on Sarah's 'tent', but it stays close to the spirit of its biblical source:

And Isaac brought her into his mother's tent. You find that as long as Sarah lived, a cloud hung over her tent; when she died, that cloud disappeared, but when Rebekah came it returned. As long as Sarah lived her doors were wide open; when she died that liberality ceased; but when Rebekah came, that open-handedness returned. As long as Sarah lived there was blessing on her dough, and the lamp used to burn from the evening of the Sabbath until the evening of the following Sabbath; when she died these ceased, but when Rebekah came, they returned. And so when he saw her following in his mother's footsteps, separating her challah in cleanness and handling her dough in cleanness, straightaway, *And Isaac brought her into his mother's tent.* (50.16)

As any woman with a mother-in-law, however beloved, will see at once, this is a hymn to Sarah, not Rebekah. A young wife, taken by her husband to live in the residence recently vacated by his dead mother, finds herself entertaining, baking bread, and even shopping for long-burning candles *à la mama*. Who has more power – the newly-wedded wife, or the now forever perfect dead mother? While Rebekah may comfort Isaac for Sarah's death, she by no means displaces Sarah. As I shall now show, Rebekah does, however, displace Abraham.

Genesis 22 does not end with Isaac's release from the altar, as might have been anticipated. Instead, we find a genealogy listing eight sons of Abraham's brother, Nahor. Only the youngest is taken up by the text: 'And Bethuel gave birth to Rebekah'. The reference to Rebekah has a striking impact; Rebekah, and to a lesser extent Bethuel, stand out as the only figures of interest in an otherwise unmemorable list. The pair resurfaces in Genesis 24, where Abraham commissions his servant to go and find a wife for Isaac:

And Abraham was now old, advanced in years, and the LORD had blessed Abraham in all things. And Abraham said to the senior servant of his household, who had charge of all that he owned, 'Put your hand on my thigh and I will make you swear by the LORD, the God of heaven and the God of earth, that you will not take a wife for my son from the daughter of the Canaanites among whom I dwell, but go to the land of my birth and get a wife for my son Isaac.' And the servant said to him, 'What if

the woman does not consent to follow me to this land, shall I then take your son back to the land from which you came?’ Abraham answered him, ‘On no account must you take my son back there!’ (24:1-6)

Although Rebekah is secured ultimately as a result of a deal between the servant and God, the servant cites Abraham twice in his request for divine assistance:

O LORD, God of my master Abraham, grant me good fortune this day, and deal graciously with my master Abraham (24:12).

It is important that Abraham remains at the forefront of the narrative here. His presence serves to highlight his imminent exit from the stage, and the test devised by the servant to identify a wife for Isaac helps to speed his departure. Surely it was calculated to identify a woman with the attribute that exemplified her future father-in-law – hospitality:

Here I stand by the spring as the daughters of the townsmen come out to draw water; let the maiden to whom I say, ‘Please lower your jar that I may drink’, and who replies, ‘Drink, and I will also water your camels’ - let her be the one whom You have decreed for Your servant Isaac. Thereby shall I know you have dealt graciously with my master. (24:13-14).

The servant’s test leads him to a woman so hospitable that she takes care of animals as well as humans, and the parallels with Abraham become even more evident once she materializes:

He had scarcely finished speaking, when Rebekah, who was born to Bethuel, the son of Milchah the wife of Abraham’s brother Nahor, came out with a jar on her shoulder. The maiden was very beautiful, a virgin whom no man had known. She went down to the spring, filled her jar, and came up. The servant ran toward her and said, ‘Please let me sip a little water from your jar’. ‘Drink, my Lord’, she said, and she quickly lowered her jar upon her hand and let him drink. When she had let him drink his fill, she said, ‘I will also draw for your camels, until they finish drinking.’ Quickly emptying her jar into the trough, she ran back to the well to draw and she drew for all his camels. (24:15-20)

As well as possessing precisely that form of hospitality that Abraham exhibited towards the angels who announced Isaac’s birth (Gen. 18:2-8), Rebekah is a member of Abraham’s own family. And the connection between the two is sealed when Bethuel and Laban bestow upon Rebekah a blessing that is near-identical to God’s blessing of Abraham after he has sacrificed the ram:

And they blessed Rebekah and they said to her, Our sister you should live for a thousand generations and your offspring should possess/inherit the gates of those who hate them. (24:60)

God promised Abraham that his descendants would possess the gates of their enemies, and now comes a blessing for Rebekah that, taken at face value, indicates that Abraham's blessing will be transmitted through her.

But here is the question. Should the servant's success in finding Isaac a wife with an uncanny resemblance to his master be read, according to the narrative's own logic, as a negative or a positive comment on Abraham? As Phyllis Trible sees it, Abraham's detachment from the world represents a spiritual ideal, necessary before he can achieve an appropriate relationship with God.³⁶ On this reading, Abraham's removal from the text would be positive. As I see it, though, both Abraham and Isaac are diminished by the events at Moriah, and the final evidence of this may be inferred from the precise terms of the announcement of Abraham's death (25:7-11), which is preceded by a list of Abraham's wives/concubines and their respective offspring:

Abraham took another wife, whose name was Keturah. She bore him Zimran, Jokshan, Medan, Midian, Ishbak, and Shuah. Jokshan begot Sheba and Dedan. The descendants of Dedan were the Asshurim, the Letushim, and the Leummim. The descendants of Midian were Ephah, Epher, Enoch, Abida, and Eldaah. All these were descendants of Keturah. Abraham willed all that he had to Isaac; but to Abraham's sons by concubines Abraham gave gifts while he was still living, and he sent them away from his son Isaac eastward, to the land of the East (Gen. 25:1-6).

The names of Abraham's sons with Keturah are, for the most part, shockingly unfamiliar, and even familiar names such as Midian are not ones we generally associate with Abraham. Keturah herself, like Abel, vanishes like 'incense'. Ishmael is not mentioned at all, although he has his own genealogy a few verses later, and nor is Hagar; both Ishmael and Hagar are arguably downgraded by their appearance on a longer list of mothers and sons expelled for the benefit of Isaac. Although Sarah is not named or implied on this list, she is prominent in the verses that ensue: Isaac and Ishmael buried Abraham in the cave of Machpelah, 'together with Sarah his wife'. Abraham, then, has twelve children, most of whom even knowledgeable readers struggle to name. Only one son counts, and he is distinguished by being his mother's

³⁶ 'The Sacrifice of Sarah', in J.M. Soskice and D. Lipton (eds.) *Feminism and Theology* (Oxford:

only child.³⁷

Sarah's focal position in the big picture of Genesis highlights both Abraham's surprising transience and, the subject to which I now turn, her absence in Genesis 22. What would Sarah have done had she been present? We can only speculate, and many have – attempting to situate Sarah in the vicinity of Mount Moriah and guess her response. The best piece of revisionism I know on this topic is the Dublin mystery play's 'Sacrifice of Isaac', which has the matriarch participate centrally in the lead-up to Moriah and in its aftermath. I quote it at length in part to give a sense of its wonderful humour, but mainly because it seems to me so entirely convincing. Hearing Abraham's plans, Sarah expresses concern – at once humorously and poignantly – that Isaac might fall off his horse and get his clothes dirty:

Then, sithe ye wol haue forthe my childe,
Goode, loke that his horse be not so wilde,
& sirs, wayte on hym, that he be not defilde
With neither cley nor fen.

Abraham brushes her off and sets out with Isaac for Mount Moriah. Once there, he shares his plan with Isaac, who assumes he has offended his father and wonders if Sarah was in the picture:

Alas, what have I displesid this lord of blisse,
that I shal be martyred in this mysse?
But, gentil fader, wot my modre of this,
that I shall be dede?

Abraham confirms that she was not:

She? mary, son, christ forbede!
Nay, to tell her it is no nede:
for whan that euer she knoweth this dede,
She wol ete affter but litel brede.

Isaac agrees that Sarah would have come too had she suspected what lay in store:

In feithe, for my moder I dare well say,
And had she wist of this aray,

Oxford University Press, 2003).

³⁷ Cf., Bathsheba, whose only son succeeds David, the father of several other children (1 Kgs. 1:28-30).

I had not riden out from her this day,
But she had riden also.

Claiming he had no choice in the matter, Abraham begs Isaac not to infer Sarah loved him more than Abraham did:

Yea, son, god must be serued ay,
Thi modre may not haue her wille all way.
I loue the as wele as she dothe, in fay,
& yit this dede must be do.

They return together to the maternal home. Hearing what has transpired, Sarah is almost, but not quite, lost for words:

Alas, all then had gone to wrake;
Wold ye haue slayne my sone Isaac?
Nay, than al my joy had me forsake!
Alas, where was your mynde?

The Dublin Mystery Play creates a vivid reconstruction of how Sarah might have responded to her son's near-sacrifice. Given her intense level of activity in events surrounding the conception, birth, and upbringing of Isaac, this does not seem entirely fanciful. Genesis itself contains ample evidence that Sarah would have resisted God's command to sacrifice her son.

The circumstances of Isaac's conception are the first indication that Sarah would not have taken lying down God's command to kill Isaac. Sarah was barren from the outset (11:30), which explains why Abraham responds sceptically to the promise of descendants (12:2): 'What can you give me seeing that I am childless?' (15:2). Yet while Abraham makes no effort to acquire an heir, Sarah is all action, convincing her husband to take her Egyptian maid, as a concubine so that she may be 'built up' through Hagar (16:2). Abraham follows her advice (literally 'hears her voice') and Hagar soon gives birth to Abraham's first-born, Ishmael. Even before Ishmael's birth, Sarah feels inadequate in comparison with Hagar (Gen. 16:5), highlighting the price she has paid in her quest for a child. Once Isaac is born and weaned, Sarah can no longer tolerate Ishmael's presence (perhaps he really does threaten Isaac), and she orders Abraham to cast him out, along with Hagar, lest he diminish Isaac's inheritance. Abraham is distressed – Ishmael is his son too – but God tells him to do what Sarah says (lit. hear her voice, 21:11-12); he has already promised that

Abraham's line will continue through Isaac, not Ishmael (Gen.17:21). Once again, Sarah has taken matters into her own hands and, once again, God's intentions turn out to coincide with her desires. While none of this establishes beyond doubt that she would have been similarly active if confronted with the command at Moriah, it is hard to imagine that she would not have resisted at all. God urges Abraham on two separate occasions to listen to Sarah's voice, once when she asks him to take Hagar as a concubine (16:2), and again when she wants him to banish Ishmael and Hagar (21:12). This renders all the more audible Sarah's (enforced) silence at Mount Moriah. Surely Sarah's was the voice to which Abraham should have attended. I turn now to another biblical narrative which both amplifies Sarah's silence, and guides the reader of Genesis 22 as to how that silence might ideally have been filled.

A BIBLICAL INTERTEXT

Rabbinic commentators already link the story of the non-Israelite prophet Balaam and his speaking ass to the near-sacrifice of Isaac,³⁸ and their connection is justified by many parallels, structural and linguistic, that are present in the biblical texts themselves. Both Abraham and Balaam get up in the morning, saddle an ass at the beginning of a divinely commanded or endorsed journey, set out with two servant boys and a load-bearing animal, and encounter an angel who reverses God's original instructions. The number three features prominently in both narratives, both describe how a man sees something significant that was there all the time, both culminate in blessings for Abraham's descendants, and both chart a movement from hearing to seeing. Building on Y. Zakovitch's notion of the reflection story,³⁹ a literary device in which, say, one narrative mirrors another with the aim of comparing their two protagonists to the disadvantage of one of them, J. Safren suggests that Numbers 22 intentionally reflects Genesis 22 in an attempt to discredit Balaam in relation to Abraham.⁴⁰ It is easy to see why Safren reaches this conclusion. As a non-Israelite who receives prophecies from God, Balaam was a problematic figure for the rabbis. Rabbinic texts rarely mention his name without a disparaging adjective (usually Balaam the evil), their profound discomfort is often traced back to the Bible itself. It

³⁸ See especially *Num. R.* 20.10-15.

³⁹ 'Reflection Story: Another Dimension of the Evaluations of Characters in Biblical Narrative', *Tarbiz* 54 (1985), pp. 165-76.

seems to me more likely that rabbinic commentaries are so hostile to Balaam precisely because the Bible is not sufficiently negative for their taste. At any rate, the desire to denigrate Balaam is surely inadequate as an explanation for the painstakingly constructed web of structural and verbal connections that links these two narratives. My explanation is the opposite of Safren's: the story of Balaam's ass (not present in account of Balaam found in Deir Allah) was inserted into the Balaam narrative to reflect negatively on Abraham's near-sacrifice of Isaac, and, more particularly, to raise questions about whether obedience is an appropriate response to a voice from heaven, even when it is safe to assume it is indeed a divine command.

My reading has some advantages over Safren's. First, the parallels between the two texts outlined above are precisely that – parallels. If we are going to draw opposite conclusions about the two figures involved, we must identify a textual justification for contrasting where we might just as easily compare. A reading in which Abraham should be construed positively while Balaam should be construed negatively might, for example, be signalled by a final narrative twist in which one figure acts differently, or where one is explicitly or implicitly praised while the other is condemned. It is hard to come up with such a signal in Genesis 22 or Numbers 22; the parallels appear to remain stable throughout. In each case, a man looked set to follow a course of action that was detrimental for Israel (the sacrifice of the son through whom the line would continue, and the cursing of the entire people). In each case, God seems to have desired (Abraham, 22:2) or at least condoned (Balaam, 22:20) the action in question, and in each case, the situation changes in Israel's favour after an animal has been killed (the ram) or harmed (the ass which, significantly, perhaps, is killed in rabbinic expansions of the story such as *Numbers Rabbah* 20.14). Finally, both central figures bring blessings to Israel. Given these strong similarities, what aspect of the biblical texts entitles us to differentiate between Abraham and Balaam?

The two biblical narratives share in addition a theological movement that encourages a similar assessment of their characters. Both texts focus intensively on the language and imagery of hearing and seeing, and in both cases what is heard is ultimately

⁴⁰ 'Balaam and Abraham', *VT* 38 (1988), pp. 105-28.

qualified or at least supplemented by what is seen. Both Abraham and Balaam respond passively to instructions they have heard. In Abraham's case, there is no suggestion that he saw God, but Balaam's experience is less easily quantifiable. The use of the verb 'to come' may suggest a visual component to his nighttime encounters with God, and his final blessing to Israel moves between the oral and the visual in a way that suggests they were simultaneous throughout ('Word of Balaam son of Beor, Word of the man whose eye is true, Word of him who hears God's speech, Who beholds visions from the Almighty', 24:3-4). Against this, vision is not mentioned in the blessings that precede the ass episode, when it is explicitly reported that God opened Balaam's eyes. Perhaps the text should be read progressively – the man who hears without seeing becomes the man whose eyes are opened. The fact that the verb *גלה*, reveal, occurs in both the ass narrative (22:31) and in the final blessing (24:4) increases the probability that the vision component in 24:1-5 is new. There is, moreover, a more comprehensive narrative shift from hearing to seeing. Balak asks Balaam three times to curse Israel. On the first two occasions, Balaam consults God and tells Balak that he can utter only those words that God has put into his mouth. On the third occasion, Balaam responds differently. He does not *hear* God's words but rather *sees* both that God wants him to bless Israel, and, more importantly, that Israel is good and merits blessing. When Balaam subsequently blesses Israel – *מה־טבו אהל־יך יעקב משכנתיך ישראל*, 'How good are your tents, O Jacob, your dwellings O Israel' (24:5) – he is not merely repeating words that God put in his mouth. Rather, he has seen for himself that blessing Israel is the appropriate thing to do. According to the narrative's own logic, God prefers prophets who report what they infer from their own observations over those who adhere slavishly to divine commands. Since even an ass can speak if God puts words in its mouth, what respect should be accorded to a prophet who simply rehearses what he has been told?

A VIEW FROM THE TALMUD

Alongside the many similarities between Genesis 22 and Numbers 22 is at least one important difference: the gender of the ass, which is male (*חמר*) in Genesis 22 and female (*אתר*) in Numbers 22. The regendering of the ass may be a key to understanding what is really at issue. Since the female ass is one of only two

speaking animals in the Bible (along with the snake), and because Hebrew is a gendered language and feminine verbs are relatively unusual in the Bible, the gender of the ass makes a strong impression, but what does it signify. I suggest that the gender of Balaam's ass sharpens the reader's focus on what is missing in Genesis 22, namely Sarah's voice challenging the divine command and interceding on behalf of her son. It seems to me that, though by no means its central focus, *Babylonian Talmud Avodah Zarah* 4a/b contains the tantalising suggestion that intercession, represented here by the female ass, lies at the heart of Numbers 22, and the talmudic authors had in mind Sarah's absence in Genesis 22 when they were busy presenting Balaam's ass, as opposed to Balaam, as a model of intercession.

Numbers 22 is cited by *BT Avodah Zarah* in the context of a discussion of Jews, gentiles and theodicy: who will be punished, why and when, and what can prevent or divert punishment? The rabbis notice a discrepancy between Ezekiel 21:8, which reports that righteous and evil alike will be punished, and Genesis 18:26, where God says that he will not punish the righteous along with the wicked. This inconsistency is resolved by the claim that even the most righteous men in Ezekiel, the elders who sit in front of the Temple and know the law from א to ת (*aleph to tav*) are not fully righteous because they failed to 'protest':

Said R. Aba b. Kahana: What is the meaning of the verse, That be far from Thee to do after this manner, to slay the righteous with the wicked? What Abraham said is: 'Sovereign of the Universe, it is profanation to do after this manner.' And does not God act after this manner? Is it not written, And I will cut off from thee the righteous and the wicked? — That refers to one who is not thoroughly righteous. But not to one who is wholly righteous? Is it not written, And begin [the slaughter] with my sanctuary, which, R. Joseph learned, should not be read my sanctuary but my sanctified ones, namely the men who fulfilled the Torah from Aleph to Tav? — There, too, since it was in their power to protest against [the wickedness of the others] and they did not protest, they are not regarded as thoroughly righteous (נמי כיון שהיה בידם למחות ולא מיחו, הוּוּ לְהוּ כְצַדִּיקִים שְׂאִינָן גְּמוּרִים).

Some translators assume that Ezekiel's righteous men fail to protest against the wickedness of others, but the broader context, a discussion of divine anger and its management, suggests that they fail rather to intercede. Unlike Abraham at Sodom and Gomorrah, Ezekiel's elders do not try to convince God to limit or redirect his anger and act justly towards the righteous. This reading is supported by the ensuing

discussion, which turns to the question of who can stand before God, that is, stand up to God and turn away his anger. How often, it asks, is God angry, and for how long? God is angry every day, is the reply, but only for a moment. And who knows precisely when that moment will occur? The wicked Balaam!

No creature could ever precisely fix this moment, except Balaam the wicked, of whom it is written who knew the knowledge [the mind] of the Most High.

Not surprisingly, the suggestion that Balaam knew the mind of God provokes rabbinic anxiety, and the text moves quickly to qualify it. How could Balaam have known the mind of God? He did not even know the mind of his donkey. Numbers 22 contains ample evidence of this last claim: Balaam repeatedly fails to see why his ass is swerving from side to side, and he overlooks entirely her past unswerving loyalty to him. Yet the rabbis overlook these obvious features of the biblical text and construct instead a complex argument between Balaam and the ass, in which she eventually forces him to confront an aspect of their relationship that he would have preferred to overlook:

Is that possible [that he knew the mind of God]? He did not know the mind of his animal, how could he have known the mind of the Most High! What is meant by the words ‘he did not know the mind of his animal’? At the time when he was seen riding on his ass, they said to him, ‘Why do you not ride on a horse?’ And he replied, ‘I consigned mine to the meadow. Whereupon the ass said, ‘Am I not your ass?’ Just for carrying burdens’, he interrupted. ‘Upon whom you have ridden,’ she continued. ‘Only casually,’ he interrupted again. ‘Ever since I was yours,’ she interrupted again. ‘What is more [she added], I have carried you by day and have been your companion [performed as a wife] by night’ (for the word I was accustomed [ההסבין הסכנתו], used here, is analogous to the word let her be his companion [סוכנתו] used elsewhere [of Abishag in 1 Kgs.1:4].)

For the Talmud, in contrast to the Bible, it is not the ass’s clear sightedness or even her loyalty that wins the day, but her superior powers of argument. Read in this light, ‘knowing the mind of God’ has two distinct meanings. The first, explicit in the Talmudic text, is the knowledge of precisely when God is angry. The second, only implicit, but closely related to the first, assumes that to know a mind is to possess the power to overcome it in argument. The ass knows Balaam’s mind and can thus persuade, convince or overwhelm him in argument – indeed, she can literally change his mind. Balaam, however, does not know the mind of his ass and therefore cannot

change it. On the assumption that the ass's special strengths were chosen for the express purpose of highlighting Balaam's particular weaknesses, we can see at once what Balaam's fatal flaw was believed by the rabbis to be. He could not intercede (argue with God) on behalf of others, and was thus incapable of performing the central task of prophecy. Balaam's failure to intercede for Israel is highlighted by God's need to restrain his *own* anger – a true prophet would have done it for him:

What, then, is the meaning of *He knew the knowledge of the Most High*? — He knew the exact hour when the Holy One, blessed be He, is angry. This, indeed, is what the Prophet is alluding to when he says, O my people, remember now what Balak king of Moab consulted, and what Balaam son of Beor answered him from Shittim unto Gilgal; that ye may know the righteousness of the Lord. Said R. Eleazar: The Holy One, blessed be He, said to Israel, O my people, see how many righteous acts I did for you, in that I abstained from anger all those days, for had I been in anger, none would have remained or been spared of Israel's enemies (i.e., Israel).⁴¹ This, too, is what Balaam refers to when he says, How can I curse, seeing that God doth not curse, and how can I be wrathful, seeing that the Lord hath not been wrathful?

This re-reading raises a question. If the point of the talmudic exchange is not, as usually suggested, to damage Balaam's reputation by accusing him of bestiality,⁴² but rather to demonstrate the limits of his power to intercede, why highlight – still more than the Bible does – the ass's gender? One possible answer may be found in the talmudic insistence that Balaam's ass is his wife (explicit in the Hebrew, אִשְׁתּוֹ). A structural comparison of Genesis 22 and Numbers 22 makes it clear that Abraham and Balaam are equivalents. At first glance it appears that the asses, male and female, should also be equivalents, but a second glance reveals that the feminization of the ass and the introduction of her voice makes Balaam's ass into the structural equivalent of a figure present only by her absence in Genesis 22: Sarah. I suggest that the Bible introduced the figure of the ass in Numbers 22 to highlight what Sarah would have done at Mount Moriah had she been present, namely, interceded for her son.⁴³

Although *BT Avodah Zarah* makes no explicit mention of Abraham or Genesis 22, the juxtaposition of this text with a reference to Abraham's negotiations at Sodom and

⁴¹ 'Israel's enemies' means 'Israel' in this context.

⁴² See *Num. R.* 20.14, which cites Lev. 20:16 on women who lie with animals, and claims that God deprived animals of speech to prevent them from seducing people as the ass seduced Balaam.

⁴³ Another biblical text that may serve a similar purpose is 2 King's 4:8-37, in which the wealthy Shunammite, a formerly barren woman married to an old man, rides a she-ass to a mountain to ask Elisha to revive her dead son. It is easy to see why midrashic texts link the Shunammite with Sarah, especially in view of 2 Kgs. 3:27, in which the king of Moab offers his first-born son as a burnt offering.

Gomorraah show that not merely did its authors have Abraham in mind, but they had in mind particularly the subject of Abraham's intercession. That the author of the dialogue between Balaam and his ass is also indicated its structural similarity to the dialogue between God and Abraham in *BT Sanhedrin* 89b. This dialogue, often associated with Rashi, takes the occurrence of **ס** in Gen. 22:2 as its point of departure for a midrashic expansion of God's command that Abraham should sacrifice Isaac:

[God said] 'Take your son'. He [Abraham] said to Him, 'I have two sons'. He [God] said to him, 'Your only one'. He said to Him, 'This one is the only son of his mother, and that one is the only son of his mother.' He said to him, 'Whom you love.' He said to Him, 'I love them both.' He said to him, 'Isaac.'

Both midrashic expansions create a dialogue based on a combination of biblical citations (God/Balaam) and rabbinic responses (Abraham/the ass), and in both cases the rabbinic responses represent resistance to the original speaker.

Why, asks *BT Sanhedrin* 89b, does God circumlocute in Gen. 22:2, rather than simply demanding, 'take Isaac'? The answers are highly pertinent to our present concerns. First, it establishes beyond doubt that Abraham heard God correctly (the general context is a discussion about the fate of prophets who report words they have not heard – they are slain by heaven). And second, it provides what Genesis 22 otherwise lacks: an attempt by Abraham to resist God's command or at the very least to stall. The implications of this are extraordinary. In Genesis 22, as many rabbinic commentaries note, Abraham does not resist the command to sacrifice his beloved son, despite the his fierce advocacy on behalf of the citizens of Sodom and Gomorraah. Likewise, in Numbers 22, the 'prophet' Balaam does not resist orders, but follows exactly what he is last told to do, whether by the king of Moab or by God. In the biblical narrative, the female ass contrasts with Balaam, twisting and turning to avoid the messenger of God who is blocking her path, and she proceeds to argue logically and effectively with Balaam when he confronts her. The Talmud expands the argument between the ass and Balaam in the context of diverting or redirecting divine anger. The message is clear. Although things turned out well in the end, with Balaam recognizing that Israel deserved blessings, he should have engaged more actively from the outset – resistance is a prophet's proper response to God. Bearing this in

mind, the parallels between Genesis 22 and Numbers 22, especially as interpreted by the rabbis, yield a different message: Abraham should have engaged with God at Moriah as he did at Sodom and Gomorrah. Obedience was not the desired response to a divine command.

SUMMING UP

Biblical law is often equated with the voice of God. In this chapter, I have tried to show that law in the Bible, especially in Deuteronomy and texts that share its essential worldview, may be better understood as the combined voices of God and Israel. As I conceive it, biblical law reflects, represents and requires engagement. Obedience to law, is not merely unimportant, but may be negative, at least where it forecloses engagement. On this reading, which I do not for one moment take to be the only way of thinking about biblical law, law functions above all as a mechanism of intercession, generating engagement with God on Israel's behalf. In its most intense and effective form, this intercessory engagement between God and Israel over law is quasi-erotic, as is indicated in some biblical (Ps. 119) and rabbinic texts where engagement involves a woman or a 'feminized' man. Examples of such texts may be found in the midrashic parable on the death of Moses, which represents him as the wife of a king who preserves the life of their son by helping the king control his anger, and in the two midrashim on Genesis 12:1 that represent Abraham as the princess of Tyre and our 'little sister who has no breasts' from the Song of Songs.⁴⁴

With all this in mind, I have argued that even Genesis 22, the biblical text identified above all with obedience, may be a polemic against it. Had the story remained a one-way conversation – God speaking and Abraham responding – it could only have ended badly with the death of Isaac. Abraham was required to argue, as he did at Sodom and Gomorrah, or to offer something else instead (substitution is after all the absolute essence of sacrifice), which is precisely what he does. Omri Boehm reads the angelic interventions in Genesis 22 as later additions that mask Abraham's

⁴⁴ I am grateful to members of the London Forum in Jewish Antiquity, and especially to its convenor, Moshe Lavee, for their generous and helpful responses to an exploratory paper on gendered intercession in rabbinic texts (December 06) that emerged from the analyses presented here.

disobedience.⁴⁵ In what Boehm envisages as an earlier version of the narrative in which there were no angels, Abraham's sacrifice of the ram would have been directly contrary to his unamended instruction to offer up Isaac. Without commenting here on compositional and redactional questions raised by Boehm, I shall note that the angelic interventions can be read quite differently. Rather than masking Abraham's obedience, they may be seen as textual indicators that what Abraham eventually did was what God wanted all along. That is, Genesis 22 promotes not obedience but a gradually intensifying engagement culminating in the identification of something that could be offered in place of God's original request. Without the angels, this claim would be controversial. With the angels, there can be no question that God did not in fact want what he said he wanted!

I need hardly say that many writers have wrestled with ethical issues raised by God's apparently inflexible demand for obedience in Genesis 22, but I cite just one – legal theorist, Ronald Dworkin:

Imagine yourself in the position of Abraham holding a knife over the breast of his son, Isaac. Suppose you believe you have an absolute religious duty to obey your God, no matter what, and also an absolute moral duty not to injure your own child, no matter what, and you conceive these duties as independent in their source. Your theology insists both that God's authority in no way stems from the morality of his command and that morality's authority in no way stems from God's command. So long as you hold these convictions, you will be certain that you cannot avoid doing wrong. You are, as it were, subject to two sovereigns – God and morality – and in the tragic difficulty that, at least as you understand the situation, the command of each counts as nothing in the eyes of the other. You must choose, and each choice is a final and terrible disloyalty.⁴⁶

I do not delude myself that my interpretation of Genesis 22 would, or should, reassure Dworkin and those who share his concerns, but I do think that it bears directly on his paradox of the two sovereigns, God and morality. As I have read this biblical text, a choice is not required. Human engagement over divine commands will inevitably involve an appeal to moral values acquired independently, not to mention such aspects of human experience as emotional attachment, and indeed the intention from the outset was that law, as packaged and delivered to Israel, would demand such

⁴⁵ 'The binding of Isaac : An inner-biblical polemic on the question of "disobeying" a manifestly illegal order', *VT*, 52,1 (2002) pp. 1-12.

⁴⁶ *Justice in Robes* (Cambridge MA: Harvard University Press, 2006), pp. 110-111.

engagement.

In *The Concept of Law*, H.L.A. Hart sought to complicate traditional discussions of law by showing that the notion of a supreme being issuing orders backed by threats is not a helpful model for thinking about all kinds of law. For reasons quite different from Hart's, I have wanted to complicate that notion in relation to biblical law. This is partly because it fails to account for a great deal of biblical law of the cosmic ordering type, but mainly because it fails to do justice to even those texts that appear to conform to the traditional model. Biblical law, like Balaam's ass as the rabbis recreate her, is a complex beast, but it seems to me to function as a mechanism for intercession that works both by offering a vehicle through which intercession can take place, and by preserving examples of intercession that were effective in former times. These examples can serve at once as a model of how law can function as vehicle for intercession, effective for its capacity to demonstrate to God that his relationship with Israel is and always has been dialogic, based on engagement and drawing on enduring love.