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Continuity and Change in Rabbinic Judaism

Judaism, Christianity, and Islam share a common concern, namely how to preserve a connection and commitment to ancient Holy Scriptures and their traditional interpretations while at the same time adapting them to the present reality. Too much focus on preserving a literal understanding of Holy Scriptures and tradition leads to a situation where traditional laws and customs conflict with modern sensibilities, or appear irrelevant to the modern reality, whereas a complete abandonment of traditional texts and values may give rise to a sense of rootlessness and loss of identity. Trying to steer a middle course between these two extremes—and not leaving religion entirely in the hands of those who adhere to an extremist understanding of it—is also a concern shared by many Jews, Christians, and Muslims.

This book focuses on the ways in which Jewish tradition manages the balancing-act between continuity with the past and adaptation to the present. A key element in this project is the hermeneutic tradition that the Jewish leadership developed in the aftermath of the loss of the second temple when it was imperative to find ways to adapt to a life without a temple and ensure the survival of Judaism. The strategies developed then still play a significant role in the denominations of contemporary Judaism and highlight the connection between classical rabbinic Judaism and its modern expressions.

With its main focus on the rabbinic period, the book also provides an introduction to rabbinic Judaism and literature. Since the Jesus movement—the earliest stage of Christianity—was a Jewish phenomenon whose main figures, Jesus and Paul, engaged in the hermeneutics of their time in order to adapt the Bible to current realities and persuade people that their interpretation of Judaism was the correct one, a chapter on the Jesus movement and aspects of biblical interpretation in the New Testament has been included in this presentation of Jewish hermeneutical tradition.

The ways in which Jewish tradition understands the interaction between the word of God and human interpretation of it is intimately connected to the ways in which the rabbis envisioned the revelation of the Torah at Sinai, and it is to this issue that we will turn first. This first chapter of the book revolves around the rabbis' perceptions of the giving of the Torah at Sinai, the event at which Israel becomes God's special people and is appointed the guardians and interpreters of God's word. The ways in which this event was understood by the rabbis reveal how they understood their mandate to apply and develop the divine word entrusted to them. In order to put these ideas in a historical context, chapter 1 also includes a brief survey of the emergence of the rabbinic movement from Second Temple Judaism. The second chapter presents the results of the rabbis' mandate to apply and develop the divine word as preserved in the Mishnah and the Talmuds, two major works of rabbinic literature. Chapter 3 deals more specifically with rabbinic biblical interpretation and the approach to the Bible that gave rise to these interpretations, and with the relationship between biblical interpretation and rabbinic law and theology. Chapter 4 focuses on the Jewish character of the early Jesus movement and the ways in which knowledge of early Jewish hermeneutic tradition may contribute to our understanding of the beginnings of Christianity. The last chapter focuses on the ways divine revelation is perceived in contemporary Judaism and the balance between continuity with the past and adaptation to the present in the denominations of contemporary Judaism, as illustrated by the debates and procedures surrounding their decisions on issues of Jewish law.

COMMITMENT TO THE BIBLE—FREEDOM OF INTERPRETATION

Jewish tradition is characterized by the constant tension between commitment to the Bible on the one hand, and a considerable freedom in interpreting and adapting its meaning on the other. When reading the laws of the Pentateuch, one finds relatively little correspondence between what is prescribed there and how modern Jews live. The law of retaliation, for example, as stipulated in Exod. 21:23-25 (parallels Lev. 24:17-21; Deut. 19:18-21)—“But if other damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise”—is obviously not applied even by the most Orthodox Jews today. Nor are defiant sons punished by death as pre-

scribed in Deut. 21:18-21: “If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. They shall say to the elders of his town, ‘This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard.’ Thereupon the men of his town shall stone him to death.” By contrast, many religious Jews use different dishes for meat and dairy products, and refrain from driving, writing, knitting, and handling money on the Sabbath, commandments and prohibitions that are nowhere to be found in the Bible. Put bluntly, some biblical commandments do not seem to be kept at all, while other rules, which do not appear in the Bible, are scrupulously observed.

The solution to this ostensible paradox is found in the interpretive process that began the moment the Hebrew Bible was considered a normative text, and which reached its apex during the rabbinic period ca. 70–600 C.E. The Hebrew Bible was old and in need of clarification and interpretation already at the time of the destruction of the second temple in 70 C.E. when rabbinic Judaism began its formation. Some biblical words were no longer in use, others had taken on a different meaning, yet other expressions and phrases proved too vague and required interpretation in order to be applied in every day life.

For instance, the laws for the Sabbath (Exod. 20:8-11, 31:13-17) say that no work may be done on the seventh day of the week, and that no fire may be kindled (Exod. 35:1-3). No further details are given, and if one wishes to heed this prohibition a definition of the word “work” is imperative. Precisely which activities are referred to by the word “work” was established by the rabbis, ostensibly by means of scriptural exegesis, and in this way much of rabbinic tradition developed. In much the same way the tradition to use different sets of dishes for meat and dairy products developed based on Exod. 23:19. The verse simply states that it is forbidden to “boil a kid in its mother’s milk,” but it would eventually be understood to have a much broader meaning.

In other cases, a biblical passage required reinterpretation because the original meaning could not be reconciled with the worldview and ethics of a later time. This is the case both with the rules concerning the “defiant son” and the verses stipulating “eye for eye, tooth for tooth.” It appears likely that the latter was originally an expression of the principle of retaliation, but already within the Hebrew Bible itself (Exod. 21:23-25 and Lev. 24:17-21) the emphasis is on compensation rather than retaliation. In

rabbinic literature, the aspect of retaliation is completely interpreted away and the verses refer to economic compensation only.¹ In the case of the “defiant son,” the rabbis introduced a series of impossible conditions that had to be met in order for this regulation to apply, effectually rendering the law nonfunctional.²

Developments and changes are the product of a combination of internal and external factors. Some grow out of ideas and principles inherent in Jewish tradition while others are primarily the result of outside influences. Some changes develop gradually and the need to justify them may occur only a long time after they have actually taken place, while other changes are more radical and deliberate. The process of interpretation and adaptation, especially in case of sudden and conscious innovations, involves a difficult balancing act. What some people consider legitimate and necessary adaptations, others perceive as unwarranted tampering with the Bible and tradition in order to suit modern secular sensibilities. To a large extent, it was disagreement over the pace of adaptation that led to the development of different Jewish denominations in the late nineteenth century. Pace aside, however, the ability to transform and adapt to new circumstances has proved instrumental for the vitality and survival of Judaism.

To be sure, there have been reactions against rabbinic interpretive tradition and the way it has transformed the Bible on various occasions throughout history. The best known is probably the Karaite movement, which emerged in the ninth century and which rejected the oral tradition of the rabbis and maintained that only the Bible was authoritative. Striving to adhere to the original meaning of the commandments of the Hebrew Bible, they rejected many rabbinic innovations. Over time the Karaites developed their own interpretive system, but it does not seem to have been as flexible as that of the rabbis, and while it enjoyed popularity during several centuries it eventually could not compete with rabbinic Judaism.

1. *Mekb. R. Ishmael* Nezikin 8 (Lauterbach vol. 3:62–69); *m. B. Kama* 2:6, 8:1–3; *b. B. Kama* 84b–84a. For a survey of the understanding of the principle of retaliation in ancient Near Eastern texts, biblical and Jewish tradition, see Larsson, *Bound for Freedom*, 162–67.

2. *b. Sanh.* 71a.

INTERPRETATION AS AN IDEAL

How is it possible, then, to reinterpret biblical texts, give them new meanings, and derive details not found there and still claim continuity between the Hebrew Bible and rabbinic Judaism and between rabbinic Judaism and contemporary forms of Judaism? How can one justify an interpretive process that at times completely transforms what appears to be the original meaning of the biblical text? A rabbinic parable has the following to say:

By what parable may the question [of the difference between Scripture and oral tradition] be answered? By the one of a mortal king who had two servants whom he loved with utter love. To one he gave a measure of wheat and to the other he gave a measure of wheat, to one a bundle of flax and to the other a bundle of flax. What did the clever one of the two do? He took the flax and wove it into a tablecloth. He took the wheat and made it into fine flour by sifting the grain first and grinding it. Then he kneaded the dough and baked it, set the loaf upon the table, spread the tablecloth over it, and kept it to await the coming of the king. But the foolish one of the two did not do anything at all. After a while the king came into his house and said to the two servants, "My sons, bring me what I gave you." One brought out the table with the loaf baked of fine flour on it, and with the tablecloth spread over it. And the other brought out his wheat in a basket with the bundle of flax over the wheat grains. What a shame! What a disgrace! Need it be asked which of the two servants was the more beloved? He, of course, who laid out the table with the loaf baked of fine flour upon it.³

According to this parable, interpretation is an ongoing process that transforms the meaning of the biblical text. At first it may seem as if the servant who faithfully preserves what he was entrusted with is the one who acts in accordance with God's will, but it is the other one, the one who utterly transforms the wheat and flax, who is called wise. Thus, it becomes apparent that what God desires is active participation on the part of humans, resulting in a transformed, refined product. The wise servant understands God's intention and by means of his intellectual ability transforms what he was given into something new and useful. The text ends by

3. *S. Eliabu Zuta 2.*

saying: “The truth is that when the Holy One gave the Torah to Israel, He gave it to them as wheat out of which the fine flour of Mishnah was to be produced and as flax out of which the fine linen cloth of Mishnah was to be produced.”⁴

In other words, the parable suggests that new interpretations of the biblical text are not only legitimate but desirable and even superior to the original product. According to this view, God expects humans to search for new meanings, develop and adapt the Bible to new circumstances. It is the one who engages in such a project who acts in accordance with God’s will, not the one who safeguards the original meaning. The aim is not to establish the original or literal meaning of a given biblical passage, or attempt to reconstruct the circumstances in which it was composed, but rather to interpret and adapt it for contemporary times.

In Jewish tradition, the Bible is always read through its later interpretations. In order to learn how a given commandment should be performed, one consults the law codes, that is, the outcome of centuries of interpretation and application of the biblical commandment. As the Jewish philosopher Abraham Joshua Heschel (1907–1972) aptly put it: “Judaism is based on a minimum of revelation and a maximum of interpretation.”⁵ It is because of this tradition of interpretation that Judaism, already at the beginning of the Common Era, differed significantly from the Israelite religion of the Hebrew Bible, and the same interpretive tradition continues to shape Judaism today. Comprehending the way in which Jewish tradition itself justifies change while at the same time claiming continuity with the biblical text and the past is the key to understanding Judaism in both its ancient and contemporary forms.

What characterizes Judaism, perhaps more than anything else, and establishes continuity from the Hebrew Bible through rabbinic Judaism to modern Jewish denominations is the emphasis on the need for constant interpretation of the Hebrew Bible in order for it to remain relevant. In the view of the rabbis, this was an effect of the nature of revelation. Once the Torah was given to Israel at Sinai, God renounced his influence over its interpretation, as it were, and entrusted it to the rabbis who were convinced that they were given divine authority to develop and interpret it. “It [the Torah] is not in heaven” (Deut. 30:12), as they famously assert

4. Ibid.

5. Heschel, *God in Search*, 274.

in a story from the Babylonian Talmud.⁶ The essence of Jewish tradition, then, can be characterized as an ongoing dialectical process between divine revelation and human creative interpretation.

THE SOURCES

The interpretations that developed as a result of a constant reading and explaining of the biblical text were at first transmitted orally, but as they continued to expand, it eventually became necessary to collect and redact them. The most important rabbinic works are the Mishnah, redacted in the early third century, the Jerusalem and Babylonian Talmuds, and collections of biblical interpretations, known as midrash. The Palestinian and the Babylonian rabbinic communities both commented and added material to the Mishnah, thus giving rise to two Talmuds: the Jerusalem Talmud (Yerushalmi), also called the Palestinian Talmud, which developed in the land of Israel between the third and fifth centuries, and the Babylonian Talmud (Bavli), which evolved in Babylonia between the third and the seventh centuries.

At first glance, one may get the impression that rabbinic literature is a rather homogenous collection of texts, since it contains a similar terminology and seems to share certain assumptions about the Bible and how it should be understood. But a closer look reveals a variety of genres, attitudes, and style. In addition, there are differences in concerns and attitudes between early rabbinic sages (*tannaim*) and later ones (*amoraim*), between Palestinian and Babylonian rabbis, as well as between legal and narrative texts (*halakhah* and *aggadah*).

The term for legal teachings, *halakhah*, is derived from the Hebrew root *halakh*, meaning “to walk,” and is concerned with legal matters. It is sometimes briefly defined as “Jewish religious law,” and accordingly deals with matters such as the eating of unleavened bread during Passover, keeping the dietary laws, fasting on the Day of Atonement, and the like. *Halakhah* establishes a minimal requirement and provides answers to questions such as “what,” “when,” and “how.”

The term *aggadah*, derived from the Hebrew verb *lehagid* (“to tell”), is usually translated into English as “lore” or “storytelling” and refers

6. *b. B. Metzia* 59b.

to stories, legends, parables, homilies, theological reflections, and practical advice; in short, everything in rabbinic literature that is not halakhah. Aggadah often provides the rationale behind the commandments. The terms can also be said to distinguish between an external and an internal aspect of the word of God since a commandment often has both a legal, minimal aspect (halakhah) and an ethical, maximal aspect that cannot be measured (aggadah).⁷ In Heschel's words:

Agada deals with man's ineffable relations to God, to other men, and to the world. Halacha deals with details, with each commandment separately; agada with the whole of life, with the totality of religious life. Halacha deals with the law; agada with the meaning of the law. Halacha deals with subjects that can be expressed literally; agada introduces us to a realm which lies beyond the range of expression. Halacha teaches us how to perform common acts; agada tells us how to participate in the eternal drama. Halacha gives us knowledge; agada gives us aspiration. Halacha gives us the norms for action; agada, the vision of the ends of living. Halacha prescribes, agada suggests; halacha decrees, agada inspires; halacha is definite; agada is allusive.⁸

In spite of their differences, halakhah and aggadah are intimately connected, like two sides of the same coin. In comparing the relationship between them to that between ice and water, or a book of law to a book of poetry, Hayyim Nahman Bialik (1873–1934) emphasized the intimate relationship between the two. Halakhah is concerned with external things and aggadah with internal ones: “[halachah] is concerned with the shell, with the body, with actions; [aggadah] with the kernel, with the soul, with intentions.”⁹

After this brief introduction, we now turn to a short survey of historical events and circumstances leading up to the emergence of rabbinic Judaism for the purpose of providing a context for the rabbinic ideas about divine revelation and its relation to human interpretation.

7. Larsson, *Bound for Freedom*, 190–92.

8. Heschel, *God in Search*, 336–37.

9. Bialik, *Halachah and Aggadah*, 9.

FROM SECOND TEMPLE JUDAISM TO RABBINIC JUDAISM

Second Temple Judaism

A major event that contributed to the emergence of rabbinic Judaism was the loss of the second temple, built by the returning exiles from Babylonia in the early sixth century B.C.E. and expanded by Herod the Great shortly before its destruction by the Romans in 70 C.E. Rabbinic Judaism developed from Second Temple Judaism, an era in Jewish history ranging from 538 B.C.E., when Cyrus of Persia allowed the Jewish exiles in Babylonia to return to their native land and rebuild the temple, through the reign of Alexander the Great and his successors until the destruction of Jerusalem by the Roman armies in 70.

In 332 B.C.E., Alexander the Great defeated the Persians, marking the beginning of a new era known as the Hellenistic period. After the death of Alexander in 323 B.C.E., his vast empire was divided between his most powerful generals. Judea was first controlled by the Ptolemaic dynasty, ruling over Egypt, and then, in 198 B.C.E., came under the power of the Seleucids, the rulers of Syria.

Alexander's conquest of the east produced a fusion of Greek and Oriental culture known as Hellenism, naturally also affecting the Jews. Through the Seleucid rule, the Jews in the land of Israel were exposed to Greek language, fashion, religious practices, and educational curriculum, including philosophy and physical training. The Jews were divided in their attitude toward Hellenistic culture and while many aristocrats, including members of the priesthood, were attracted by it, others vehemently opposed it.

In the mid-second century B.C.E., the Seleucid ruler Antiochus IV Epiphanes dedicated the temple in Jerusalem to pagan rites, provoking the outburst of an uprising that had long been in the making. In this rebellion, known as the Maccabean Revolt, the Jews of Judea, led by the priest Judah, managed to take control of the temple, purged it from the pollution of pagan rites, and re-inaugurated it—an event still commemorated by the celebration of Hanukkah. However, the uprising was not simply a Jewish protest against increasing Hellenization. The Maccabees were themselves attracted to Greek culture, and the Greek influence continued under the rule of the Maccabees. The Maccabees achieved political sovereignty in

142 B.C.E. and assumed the offices of both king and high priest; their kingdom lasted until 63 B.C.E., when the Romans conquered Jerusalem.¹⁰

The Maccabean period (164–63 B.C.E.) saw the emergence of a number of Jewish movements that were to play an important role during the final years of the Second Temple period. Some of these groups emerged in protest against the Maccabees' usurping the office of high priest, a hereditary office to which the Maccabees had no legitimate claim in the eyes of many Jews. One such group of separatists formed a settlement at Qumran by the Dead Sea, isolating themselves from what they considered the illegitimate and evil leadership of the temple. They seem to have been very particular about Sabbath and purity regulations and awaited an imminent final battle between the "Sons of Light" (their own community) and the "Sons of Darkness" (their enemies).

Another group was the Sadducees, of whom very little is known. They are typically portrayed as wealthy aristocrats with strong links to the priesthood who, according to the Jewish historian Josephus and the authors of the New Testament, denied the resurrection of the dead.¹¹ Recently, however, nearly every aspect of this standard picture has been challenged,¹² and accordingly our knowledge about the Sadducees appears to be even more scant than before.

A third group was the Pharisees, whose main characteristic appears to have been the belief in an oral tradition alongside the Bible. This oral tradition included laws about ritual purity and other details concerning oaths, Sabbath observance, and marriage. In addition there were other groups such as the Samaritans, who did not recognize the Jerusalem temple and had a temple of their own on Mount Gerizim. They also had a different version of the Pentateuch, and did not recognize the two other parts of the Jewish bible—the Prophets (*Nevi'im*) and the Writings (*Ketuvim*)—nor any oral tradition. In addition to these groups, several messianic movements emerged during the first century.

Since the sources are so few, usually later than the events they purport to describe and often tendentious, it is difficult to form an opinion about the various groups, the relationship between the different factions, and of the relationship between the factions and the common people who perhaps

10. Cohen, *From the Maccabees*, 35–45; Hengel, *Judaism and Hellenism*; Levine, *Judaism and Hellenism*, 3–32.

11. Matt. 22:23–33; Mark 12:18; Luke 20:27; Acts 23:8; B. J. 2.164–65.

12. Goodman, "Place of the Sadducees," 139–52.

did not belong to any group at all. It is generally acknowledged that Second Temple Judaism was very diverse, but how diverse is a matter of perspective. While it is customary to emphasize the sectarian nature of Second Temple Judaism, it is possible that a too narrow focus on the divisions and diversity in Jewish society may obscure the common denominators, such as belief in one God, the Torah, and the temple. Even if there were different views on the temple cult and different interpretations of the Torah, these likely still functioned as unifying factors.¹³

Some scholars suggest that the Sadducees and Pharisees are better understood as an integral part of the elite within mainstream Judaism rather than sectarian groups. The common scholarly emphasis on their distinctive features may have made the differences between them seem larger than they actually were. For the author of the Gospel of Matthew, for example, Sadducees were just another group of Jewish leaders alongside the Pharisees (Matt. 3:7, 16:1, 16:11-12). Given that they seem to have competed with each other and probably tried to appeal to the same segments of the Judean population, they presumably emphasized their differences. As a consequence, the sectarian divisions may have been important among priests, scribes, and others who belonged to one of these groups, especially in Judea, but their impact on Palestinian Jewish society as a whole was probably rather limited.¹⁴

The Roman-Jewish Wars

In 66 C.E., revolts against the Romans broke out in several Syrian cities, quickly developing into a war that ended with the destruction of the Jerusalem temple in 70 C.E. Although there was no mass expulsion of Jews, many fled the country and others were impoverished through confiscation of their lands. Judea became a Roman province and a punitive tax that had to be paid annually to the temple of Jupiter Capitolinus in Rome, known as the *Fiscus iudaicus*, was imposed.

It is evident that the loss of the temple meant a reorientation of Judaism, but how dramatic that reorientation was remains a matter of scholarly debate. On the one hand, the temple was a religious center for Jews both in the land of Israel and in the Diaspora, ensuring the community's

13. Sanders, *Practice and Belief*; Schwartz, *Imperialism*, 49–99.

14. Schwartz, *Imperialism*, 91–99, Baumgarten, *Flourishing of Jewish Sects*; Goodman, “Place of the Sadducees,” 147.

connection with the divine realm as well as playing a major role in the celebration of holidays, but on the other hand a majority of Jews lived outside of Jerusalem and had no daily contact with the temple. For the priests and ruling class who lost their power and influence, the loss of the temple was probably acutely felt, but the emergence of synagogues as a place where people gathered to pray and study the Scriptures during the late Second Temple period had to some extent prepared Judaism for an existence without the temple. Initially those aspects of religious life that did not require the temple, such as prayer, gained in importance, and eventually prayer was considered a replacement of sacrifices and by some even regarded as superior to them. Gradually a new leadership emerged based on learning rather than descent.¹⁵

Rabbinic sources seem careful not to pose a direct relationship between Second Temple Pharisees and post-temple period rabbis, but most scholars nevertheless believe that there is a strong connection between the two even if the two groups are surely not identical. Like the Pharisees, as they are described by Josephus and the New Testament, the rabbis followed an oral tradition and carefully observed laws of ritual purity, the Sabbath, and festivals. Rabban Gamliel I and his descendants, who according to Josephus and the New Testament were Pharisees, seem to have occupied a leading position within the rabbinic group around the year 100 C.E., further strengthening the tie between Pharisees and rabbis. Also, whenever rabbinic sources relate differences of opinion between the Pharisees and Sadducees, the rabbis always side with the Pharisees. However, the early rabbinic movement was likely made up of a variety of people and probably included priests and former Sadducees as well. Possibly, the reason for the reluctance of the early rabbinic movement to identify with the Pharisees was a wish to avoid sectarian division and present the rabbis as the leadership of all of Israel.¹⁶

The fact that Sadducees as a group lost their position of power after the fall of the second temple does not mean that individual priests immediately disappeared from their key positions in society. On the contrary, there is evidence that the priests remained interpreters of the Torah a long time after the temple had ceased to be the center of Jewish life, and they probably competed with the rabbis for power and influence. The rabbis eventually won the day, but this was likely a rather prolonged process.

15. Bokser, "Rabbinic Responses," 37–61; Bokser, "Wall," 349–74.

16. Cohen, "Significance of Yavneh," 31–41; Lapin, "Origins and Development," 208.

Along with the development of the rabbinic movement, a new office of leadership, known as the patriarchate, slowly emerged. The origin and exact nature of this office as well as the relationship between the patriarch and the rabbinic group is obscure and a matter of scholarly debate. According to earlier historical accounts, the patriarch was recognized as the leader of the Jews in the land of Israel both by the Jews and the Roman authorities already in the immediate post-temple era, enabling him to function as a link between the two. However, recent scholarship suggests that the patriarchate remained an informal and internal Jewish affair until the end of the fourth century, when the Romans legally recognized the patriarch as the leader of the Jews.¹⁷

A new uprising against the Romans broke out in 132 C.E., led by Bar Kokhba, believed to be the Messiah by some of his followers. The rebellion, which lasted for three years, took place primarily in Judea, and many Jews seem not to have participated or even supported the war. The circumstances surrounding the uprising are not altogether clear, but possible direct and indirect causes often mentioned are the unrest caused by the sizable Roman military presence in Judea, economic decline, influence from Jewish uprisings against Trajan in the Diaspora, a possible ban on circumcision, and the construction of a temple to Jupiter on the Temple Mount. The revolt was crushed and the Jews were expelled from Judea and Jerusalem and in its place the Roman city *Aelia Capitolina* was built. The province *Judaea* was renamed *Syria Palaestina*, “Philistine Syria,” to emphasize to the Jews that the land no longer belonged to them.¹⁸

Now the center of Jewish life shifted from Judea to the Galilee where the Mishnah, the Jerusalem Talmud, and the classical Midrash collections were subsequently compiled. Although the Christianization of the Roman Empire meant increasing hostilities against the Jews, Jewish life in the Galilee nevertheless continued to flourish also after the demise of the patriarchate in 425, as evidenced by the remains of large synagogue constructions from the fifth and sixth centuries. However, slowly a new Jewish center emerged in Babylonia, which would eventually replace the land of Israel as the center of Jewish life.

17. Goodblatt, *Monarchic Principle*, 131–231; Goodman, “Roman State,” 127–39; Hezser, *Social Structure*, 405–49; Levine, “Status of the Patriarch,” 1–32; Schwartz, “Patriarchs and the Diaspora,” 208–22. For a survey of the scholarly debate, see Goodblatt, “Political and Social History,” 416–23.

18. See Eshel, “Bar Kochba Revolt,” 105–27; Schäfer, “Causes,” 74–94.



Fig.1. The Bar'am Synagogue, Galilee, late fourth century c.e. Photograph by Anders Runesson.

The Emergence of Rabbinic Judaism

Rabbinic sources portray the reorientation of Judaism in the aftermath of the destruction of the second temple as a series of rapid reforms that took place in Yavneh, a place south of modern-day Tel Aviv, where, according to tradition, Rabban Yohanan ben Zakkai assembled the leading sages of his time to orchestrate necessary adaptations to a life without the temple, ensuring the survival of Judaism. For instance, customs once performed only in the temple and Jerusalem were decentralized and moved to synagogues and homes and performed throughout the country in commemoration of the temple (*m. Rosh Hash.* 4:3). New rituals were formed for festivals celebrated in the temple, such as Passover and the Day of Atonement. One gets the impression of a rabbinic movement that rapidly ascends to power, gaining a substantial influence over the Jewish population, establishing courts and ordaining disciples.

While earlier scholarship described the events in much the same way as rabbinic literature presents them, envisioning the rabbinic ascent to power and the reorientation of Judaism as a rapid and orderly process, and the rabbinic movement as having a substantial influence over the Jewish popu-

lation already in the second century, a more critical reading of the sources has recently led to major revisions of this account. Scholars are now more inclined to regard the reforms after 70 C.E. and the adaptation to a life without the temple as a lengthy informal process and the rabbis as a small elite group with no central organization that only gradually gained power and influence. The historicity of the rabbinic assembly at Yavneh has also been questioned by some scholars, who argue that rather than being a historic event, it should be understood as a “foundation myth,” in which later developments were retrojected back to the first century.¹⁹

In its initial stages, the rabbinic movement seems to have consisted of individual rabbis with no formal authority. They sometimes acted as judges, but most Jews probably handled their affairs through Roman courts. They seem to have met to study in private houses, in villages and towns throughout the country, but there seem to have been no formal rabbinic institutions. During the end of the fourth or beginning of the fifth century, more permanent and organized academies began to develop, but the great academies (*yeshivah* in Hebrew and *metivta* in Aramaic) that are described in the Babylonian Talmud with a fixed location and a distinct hierarchy seem to have emerged only in the amoraic or even post-amoraic period.²⁰

Rabbinic influence over the synagogues was initially rather limited. Archeological remains, mainly from the Galilee, as well as early rabbinic sources seem to suggest that the synagogues were usually led by prominent or affluent members of the local community and frequented by ordinary people, whereas the rabbis and their disciples preferred their study houses. However, during the third and fourth centuries, as the rabbis sought to become the religious leaders of all Jews and gradually strengthened their position in general, their influence over the synagogues seems to have increased. A number of rabbinic texts from this time depict them as preaching and teaching in the synagogue before a lay audience.²¹

Thus, the rabbinic movement likely remained a loose-knit network, a self-proclaimed religious elite with loose ties both to other rabbis and to the population at large throughout the second century. This movement began to gain influence only in the third century, or even later in the view of some

19. See Boyarin, “Tale of Two Synods,” 28–30.

20. Goodblatt, “Political and Social History,” 423–27; Rubenstein, “Social and Institutional Settings,” 58–74.

21. *Lev. Rab.* 32.7, 35.12; *y. Meg.* 3:1; Rubenstein, “Social and Institutional Settings,” 64; Levine, “Sages and the Synagogue,” 201–22.

scholars. Such a loose network of religious specialists, with only limited influence on people outside of their own circles, was hardly in a position to establish a common halakhah. The traditional scholarly account of a centralized rabbinic movement—in which unity was achieved either by excommunicating rabbis with deviant views, or by declaring disputes to be the ideal and all rabbinic views, however contradictory, to reflect the divine will²²—has given way to a view of the early rabbinic movement as a loosely organized group fraught with internal divisions.²³ The rabbis eventually won the day, but probably never by attracting a large number of adherents; rather, they constructed an ideal of what Judaism should be like. Through rabbinic literature, those ideals helped shape all later forms of Judaism, eventually giving the rabbis a posthumous victory.

The main reason for the emergence of a new scholarly view is a more critical approach to rabbinic sources. The earlier reconstruction was to a large extent based on sources from the Babylonian Talmud that describe events and conditions in the land of Israel several hundred years earlier. There is now a heightened awareness that these accounts are colored by the concerns and ideology of a later period, and they are no longer taken as reliable evidence of events in the land of Israel during the two first centuries. Scholars are now very careful to distinguish between early and late sources and between Palestinian and Babylonian texts when trying to reconstruct the early rabbinic period. There is also a greater awareness that rabbinic literature, being the product of the religious elite, is likely to exaggerate rabbinic importance and influence and that common people did not necessarily share their particular concerns and interests.

22. *m. Eduy.* 5:6, *b. B. Metzia* 59b. In an often-cited article from 1984 (“Significance of Yavneh,” 27–53), Cohen argues that the rabbis achieved hegemony by consensus building rather than expelling people with whom they disagreed. According to this view, the rabbis promoted a society that tolerated and even encouraged vigorous debate, a grand coalition of different groups and parties that agreed to disagree.

23. For a survey of the development of the rabbinic movement, see Hezser, *Social Structure*; Hezser, “Social Fragmentation,” 234–51; Rubenstein, “Social and Institutional Settings,” 58–74; Boyarin, *Border Lines*, 151–201; Goodblatt, “Political and Social History,” 423–27; Lapin, “Origins and Development,” 213–18; Schwartz, *Imperialism*, 103–28. Other scholars take a middle ground, arguing that, although the rabbinic movement was not as powerful and influential as earlier scholarship maintained, it also was not as marginal as some have argued recently. See Miller, for example, *Sages and Commoners*; Levine, “Sages and the Synagogue,” 201–22.

The realization that the rabbinic movement was not as powerful and uniform as was previously believed also has consequences for the understanding of rabbinic literature. Whereas scholars of an earlier period tended to harmonize or explain away contradictory rabbinic viewpoints and contradictions within or between different sources, there is now a greater readiness to acknowledge the possibility that the sources contradict each other and possibly reflect views of different rabbinic constellations and ideologies. We turn now to the significance the rabbis attributed to the giving of the Torah at Sinai and the different ways in which they envisioned it.

THE REVELATION AT SINAI

Exodus 19–24 describes how God descends on Mount Sinai and makes a covenant with Israel, giving them the Torah. It is this event that creates the special relationship between God and Israel and shapes their self-understanding. Accordingly, the giving of the Torah is seen, together with the exodus from Egypt, as the most important event in the history of the people of Israel and the biblical account of these events is the subject of numerous commentaries.

The Bible tells us that God begins his conversation with Moses by reminding the Israelites of what he has done for them, “You have seen what I did to the Egyptians, how I bore you on eagles’ wings and brought you to me” (Exod. 19:4). The foundation of the covenant is God’s unconditional saving act of bringing his people out of Egypt, and only when he has introduced himself in this way does he ask for a response from the Israelites. As a sign of their acceptance of the covenantal relationship that God is offering them, they are asked to embrace the commandments of the Torah: “Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples [*mi-kol ha-‘amim*], for all the earth is Mine. You shall be to Me a kingdom of priests and a holy nation [*goy qadosh*].”²⁴ The original meaning of the Hebrew word *qadosh*, translated as “holy,” is actually “separate,” and accordingly, a holy people is a people set apart from other peoples. Translated literally the Hebrew text says that Israel is God’s treasured possession “from all other peoples.” Unfortunately, the phrase is sometimes translated, “you shall be a special

24. Exod. 19:5-6.

treasure to me above all people,”²⁵ reflecting the understanding that a holy people is better than others. Such a rendering misses the point that holiness is a matter of separateness rather than excellence. This aspect of holiness is actually illustrated by the Jewish wedding ritual, in which the groom says to the bride, “Behold you are sanctified/separated (*qeddushah*) for me through this ring.” This obviously does not mean that the bride is better than other women, only that she is set apart for the groom.²⁶

The biblical text presents the election of Israel as an act of grace and the holy people as a people set apart for a particular purpose, a purpose that is hinted at in the reason God gives for making Israel his special people, “for all the earth is mine.” The text seems to be saying that God also has the other nations in mind when he chooses Israel to be his special people. Election implies obligations rather than advantages, and this is the common understanding of what it means to be God’s chosen people in Jewish tradition.²⁷

The covenant between God and Israel creates a special bond between them, a relationship that rabbinic literature often describes as a marriage.²⁸ In some texts, the Torah represents the marriage contract,²⁹ while in others Israel is portrayed as being married to the Torah.³⁰ Many of these texts seem to be saying that to be God’s chosen people is like being married to God, which means separation from other peoples with all the difficulties that such isolation entails.

The isolation and sometimes hostility from their neighbors give rise to ambivalent feelings about being God’s chosen people, feelings that are often expressed in parable form in which God is represented as a king and Israel as his wife. The image of a king who forbids his wife to have anything to do with her neighbors and then leaves her alone for extended periods of time without giving any explanation for his absence illustrates the way Israel sees her relationship to God. The long absences makes the wife fear that her husband has left her for good, but as she remains married

25. See, for example, the New King James Version.

26. See also Lev. 20:26, “You shall be holy to me, for I the Lord am holy, and I have set you apart from other peoples to be mine,” where the “setting apart” appears to be a synonym of “holy.”

27. See Larsson, *Bound for Freedom*, 126–33.

28. See, for example, *Mekh. R. Ishmael* Bahodesh 3 (Lauterbach vol. 2:219); *Pirque R. Eliezer* 40 (Friedlander, 41).

29. *Lam. Rab.* 3.21.

30. *Sifre* Deut §345.

to him she cannot remarry or even have a friendly daily relationship with her neighbors.³¹

God's giving of the Torah at Mount Sinai was accompanied by thunder and lightning according to Exod. 20:15: "And all the people saw the thunder [*ha-qolot*] and the flames [*ha-lapidim*]." The word *qol* (plural *qolot*), translated as "thunder," can also mean "voice," so an alternate rendering would be that God's voice was heard at the moment of revelation. The somewhat awkward use of a single verb "see" with regard both to the lightning and the thunder/voice was noted by the rabbis and gave rise to the question of how a sound can be seen. A number of rabbinic sources explain this irregularity to mean that God's words emerged as tongues of fire, which could be seen by the people, an exegesis that also explains the plural form "flames." Accordingly, God's words were understood to be both audible and visible. This understanding is probably also informed by the description of God's revelation of the Torah in Deuteronomy where the word "fire" occurs time and again (Deut. 5:4, 22, 23, 24, 25, 26). The connection between God's word and fire is expressed also in Jer. 23:29, "Behold, My word is like fire—declares the Lord—and like a hammer that shatters rock!"³²

Another peculiarity in the verse is the plural form "voices" (*qolot*), which some rabbinic sources explain to mean that God's voice was divided into many voices, each one speaking a different language.³³ This interpretation of "voices" can be understood against the background of an early Jewish tradition according to which God offered the Torah to all the peoples of the world, only giving it to Israel after the other peoples had rejected it on the grounds of its content. Israel, however, immediately accepted it with the words, "All that the Lord has spoken we will faithfully do!" (Exod. 24:7).³⁴ Thus, this tradition explains and justifies Israel's position as God's special people. God offered to give the Torah to all the nations of the world and accordingly they have only themselves to blame

31. See, for example, *Lam. Rab.* 1.56, 3.21; and Stern, *Parables in Midrash*, 56–62, 79–82.

32. *Mekh. R. Ishmael Bahodesh* 9 (Lauterbach, 2:266); *Sifre Deut* §343; *Pirqe R. Eliezer* 41, and Larsson, *Bound for Freedom*, 135; Fraade, "Hearing and Seeing," 250–54; idem, *Tradition*, 45.

33. *b. Shabb.* 88b; *Exod. Rab.* 5.9, 28.6; *Midr. Psalms* 92.3. Cf. Acts 2:1–11.

34. *Mekh. R. Ishmael Bahodesh* 5 (Lauterbach, 2:234–37); *Sifre Deut* §343; *b. Avod. Zar.* 2b–3a; *Exod. Rab.* 27.9; *Lev. Rab.* 13.2. See also Fraade, *Tradition*, 28–48; and Larsson, *Bound for Freedom*, 135–36.

for their current status outside of the covenant. Their refusal to accept the Torah affects their relationship with Israel's God, and according to at least one rabbinic source it makes them subject to the Torah's judgment.³⁵ According to Jewish tradition, God made this covenant not only with the Israelites who were physically at Sinai but with all future generations as well (Deut. 29:10-15).

However, rabbinic literature also contains a different tradition about the giving of the Torah at Sinai, according to which Israel did not voluntarily accept it. According to Exod. 19:17 (cf. Deut. 4:11), the people were standing "at the foot of the mountain," but as the Hebrew preposition could be understood to imply that they were actually standing *under* Mount Sinai, some sources claim that God held Mount Sinai above the Israelites, threatening to drop it on top of them if they did not accept the Torah.³⁶ According to this tradition, election is definitely not seen as a privilege.



Fig. 2. Sunrise at Mount Sinai, Egypt. Photograph by Anders Runesson.

DIVINE REVELATION AND HUMAN INTERPRETATION

The Torah that was revealed at Mount Sinai was by the rabbis understood to include not only the Hebrew Bible but also oral instructions about its interpretation and application. Although the term "Torah" in its most restricted sense refers to the five books of Moses, its sense gradually

35. See, for example, *Exod. Rab.* 5.9.

36. *b. Shabb.* 88a. See also *Mekh. R. Ishmael* Bahodesh 4 (Lauterbach, 2:219).

expanded to include all of the Hebrew Bible, referring also to the parts known as the Prophets and the Writings. Eventually, “Torah” came to be used also to designate the explanations, interpretations, and applications that according to the rabbis accompanied the Bible, and the idea arose of a dual Torah, one written (the Hebrew Bible) and one oral (interpretations of the Written Torah), both originating at the moment of revelation. Thus, Torah in its most expanded sense refers to the entire revelation in both its written and oral forms. Accordingly, “instruction” would be a better rendering of “Torah” than the rather common translation “law,” since the word “law” normally refers to obligations and requirements only.

The revelatory event is envisioned in slightly different ways in rabbinic literature with early sources tending to portray humans as playing an active role as interpreters of God’s word. *Sifre*, a third-century midrash to Deuteronomy, describes it as follows: “*He cared for him* [Deut. 32:10]. With the Ten Commandments. This teaches that when [each] utterance [commandment] went forth from the mouth of the Holy One, blessed be He, Israel would see and understand it and would know how much interpretation [*midrash*] could be inferred from it, how many laws [*halakhot*] could be inferred from it, how many *a fortiori* arguments could be inferred from it, how many arguments by verbal analogy could be inferred from it.”³⁷

Another early source, *Mekhilta de-Rabbi Ishmael*, a commentary on the book of Exodus, likewise emphasizes the role of humans as interpreters of God’s word: “Rabbi says: This is to proclaim the excellence of the Israelites. For when they all stood before Mount Sinai to receive the Torah they interpreted the divine word as soon as they heard it.”³⁸ These texts envision revelation as consisting of two parts: God’s giving of the Torah on the one hand, and Israel’s reception of it on the other, making the latter an active participant in the revelatory event.³⁹ According to this view, interpretation is not a belated exercise aiming at reconstructing the original meaning of God’s word, but an ongoing process contained in revelation itself. Accordingly, human interpretation is part of divine revelation, a

37. *Sifre* Deut. §313. Translation based on Fraade, *Tradition*, 60–61.

38. *Mekh. R. Ishmael* Bahodesh 9 (Lauterbach, 2:267).

39. In Fraade’s words: “Thus, even at the very moment of revelation, the people of Israel were not simply passive *receivers* of the divine word, but already empowered by God as the active *perceivers* of its multiple hermeneutical (and performative) potentialities,” Fraade, *Tradition*, 62.

view that enabled the rabbis to derive from the biblical text laws that are not explicitly stated there and through analogy to formulate laws for new phenomena that are not mentioned there at all.

The rabbis saw themselves as participating in the process of developing the meaning of the Torah, exposing what is hidden in it and making explicit what is implicit there. Thus, they preserved transmitted traditions while at the same time subtly transforming them, as illustrated by the chain of Torah transmission in the Mishnah: “Moses received Torah from Sinai and transmitted it to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets transmitted it to the men of the Great Assembly. They said three things: Be thorough in judgment, raise up many disciples, and make a fence around the Torah. Simeon the Just was among the last of the Great Assembly. He used to say: . . . Antigonus of Sokho received [Torah] from Simeon the Just.”⁴⁰

The chain of tradition continues with five pairs of teachers, each of whom adds their own teaching to what he has received and then transmits the transformed Torah to the next link in the chain. The last pair is that of Hillel and Shammai, pre-70 sages and immediate predecessors of the rabbis, who pass on what they have received and taught to Rabban Yohanan ben Zakkai (*m. Avot* 2:8), who according to tradition established the rabbinic academy of Yavneh. In this way the rabbis stand in direct continuity with Sinai. Each generation in this chain, beginning with Moses, transforms as it transmits tradition and that which is added is no less Torah than that which precedes it, since it all in some form originated at Sinai.⁴¹

The rabbis saw themselves as the present-day extension of the biblical elders, who accompanied Moses onto Mount Sinai (Exod. 24:1, 9) and were appointed leaders and judges by him (Num. 11:16-25). It is in part their link to these elders that allowed them to claim both to have inherited the authority to transmit the Torah received at Sinai and to be its authoritative interpreters.⁴² As the immediate successors of the men of the Great Assembly, the rabbis saw themselves as heirs of the biblical prophets, the former messengers of the divine will. As prophets no longer existed, according to rabbinic historiography, they had in effect replaced the prophets, claiming that the gift of prophecy had been taken from the prophets and given to them: “R. Avdimi from Haifa said: ‘Since the day

40. *m. Avot* 1:1–3. My translation.

41. Fraade, *Tradition*, 69–70.

42. *Ibid.*

when the Temple was destroyed, prophecy has been taken from the prophets and given to the Sages.”⁴³ Thus, religious authority that had formerly belonged to the prophets was transferred to the rabbis.

These rabbinic claims to authority were in all likelihood part of the rabbis’ attempt to establish themselves as the legitimate custodians and heirs of biblical tradition. Palestinian Judaism in the first century C.E. consisted of a number of competing religious groups, such as the Samaritans, remnants of the Pharisees and Sadducees, various groups of Jesus disciples, and the emerging rabbinic movement, each of whom claimed to be the sole and authentic heir of biblical tradition. The rabbis probably also faced competition from the priests, who in Second Temple times had the authority to teach and to adjudicate laws and traditions and whose status and authority most likely continued to be a factor long after 70 C.E. It is significant that all mention of priests is omitted in the chain of tradition in tractate *Avot*, but this almost certainly does not mean that they had disappeared from the political and religious arena. Rather, it appears to be a conscious effort by the rabbis to eliminate them as a link in the chain of tradition from Sinai and an attempt to establish the sole legitimacy of the rabbis and their oral tradition.⁴⁴

A number of texts show that the rabbis were aware that their interpretations at times produced an understanding of the biblical text that was radically different from its original meaning. In addition to the parable of the wheat and flax, there is the well known story from the Babylonian Talmud about Moses’ visit to R. Aqiva’s study house:

Rav Yehudah said that Rav said: At the time when Moses ascended on high [to receive the Torah] he found God sitting and attaching crowns to the letters. He said to Him, “Master of the Universe! who stays your hand [from giving the Torah now, without the crowns]?” He said to him, “There is a certain man who will live a few generations into the future, and Aqiva b. Yosef is his name. He will derive heaps and heaps of laws from all the tips [of the crowns of the letters].” He said to him, “Master of the Universe! Show him to me.” He said to him, “Turn around.” He [Moses] went and sat at the back of eighteen rows of students [among the most inferior students], but he did not understand what they were

43. *b. B. Batra* 12a. Compare *S. Olam Rab.* 30; *y. Avod. Zar.* 2:7.

44. See Fraade, *Tradition*, 69–75; Boyarin, *Border Lines*, 77–86; Stern, *Midrash and Theory*, 32.

saying. His strength failed him. When they came to a certain matter, his [Aqiva's] students said to him, "Master, how do you know this?" He said to them, "It is a law [given] to Moses at Sinai." His [Moses'] [peace of] mind was restored.⁴⁵

During the many centuries that separate R. Aqiva from Moses, the laws of the Torah had been interpreted and adapted so much that even Moses, to whom the Torah was first entrusted, does not recognize it and accordingly feels ill at ease. From the decorations of the letters and the details of the text, generation after generation of interpreters have derived heaps and heaps of laws in the course transforming its meaning. Moses' unease at not understanding R. Aqiva's teaching reflects the rabbis' awareness that their interpretations had transformed the Torah beyond recognition and, perhaps, their concern that their teachings may not be a legitimate continuation of biblical tradition.

However, Moses is comforted as soon as he realizes that the Torah that R. Aqiva is teaching is the very same Torah that he received at Mount Sinai. It is the same Torah that is studied and taught even though centuries of interpretation have transformed it beyond recognition. Through the portrayal of God as R. Aqiva's partner, the rabbis seem to want to convince themselves and others that in spite of all that seems to separate their teachings from those of the Bible, there is continuity between them. Moses' realization that the law taught by R. Aqiva, in spite of its thorough transformation, is the same one with which he was entrusted at Sinai finally comforts him. This conveys the message that as long as the biblical text is taken seriously, being quoted and grappled with, new understandings of it are legitimate. As in the parable about the wheat and the flax, this story expresses the idea that as long as there is a commitment to the Bible, rethinking its meaning is legitimate and even desirable.

ORAL TORAH

During the amoraic period, a slightly different perception of revelation developed, according to which the entire rabbinic oral tradition with all its details was revealed to Moses already on Mount Sinai:

45. *b. Menah.* 29b. Translation and explanatory comments from Rubenstein, *Rabbinic Stories*, 216–17.

R. Levi bar Hama said in the name of R. Shimon ben Laqish: What is the meaning of the verse, [The Lord said to Moses], *Come up to the mountain and wait there, and I will give you the stone tablets with the teachings and commandments which I have inscribed to instruct them* [Exod. 24:12]? “Tablets” [*luhot ha-’even*] means the Ten Commandments, “teachings” [*ha-torah*] the Five Books of Moses, “commandments” [*ha-mitzvah*] the Mishnah, “which I have inscribed” the Prophets and the Writings, and “to instruct them,” the Talmud. This teaches that they were all given to Moses at Sinai.⁴⁶

R. Hiyya bar Abba said in the name of R. Yohanan: What is the meaning of the verse, *And the Lord gave me the two tablets of stone, inscribed by the finger of God, with the exact words that the Lord had addressed to you on the mountain* [Deut. 9:10]? It teaches us that the Holy One, blessed be He, showed Moses the details of the Torah and the details [that would be taught] by the Scribes, and the innovations that would be introduced by the Scribes.⁴⁷

According to these texts, revelation took the form of a body of set teachings, including even later rabbinic interpretations, such as the Mishnah and the Talmud. Such a view gives humans a much more passive role as the transmitters of a body of set and detailed teachings, rather than active participants in shaping the content of revelation. According to the most radical formulation of this position, God revealed all future interpretations and applications of the Written Torah to Moses at Sinai.⁴⁸

The idea that rabbinic tradition in its entirety was revealed in all its details to Moses at Sinai is not known to have existed in the tannaitic period and seems to have developed in rabbinic circles sometime during the mid- to late fourth century. Rather than understanding rabbinic laws and interpretations as a legitimate *human* contribution to the divinely revealed word, these texts envision rabbinic interpretations and innovations as having been divinely revealed at Mount Sinai. The term “Oral Torah” as a designation for rabbinic interpretation that appears for the first time around this time reflects this development.⁴⁹

46. *b. Ber.* 5a.

47. *b. Meg.* 19b.

48. *y. Peah* 2:6; *y. Hag.* 1:8; *y. Meg.* 4:1. See also *Lev. Rab.* 22.1, and Halivni, *Peshat and Derash*, 112–19; Halivni, “Reflections,” 50–76.

49. Kraemer, *Mind*, 117–18.

Tracing rabbinic tradition in its entirety back to the revelatory moment at Sinai leads to a view according to which rabbinic innovations are in fact no innovations at all, since they were all given at Sinai alongside the Written Torah and transmitted in detail from generation to generation. Accordingly, humans actually never invent anything but rather gradually unveil what is implicit in the Written Torah. Thus, rabbinic innovations would not be seen as human innovations but as divinely revealed laws. By contrast, the idea of revelation in the texts from the tannaitic period represents innovations as a legitimate but human interpretation of the divine word.

A concrete example may illustrate these different ways of reasoning. Those who see rabbinic tradition as having been revealed in its entirety, together even with future interpretations at Sinai, would argue that the meaning of the law of retaliation (“eye for eye” in Exod. 21:24 with parallels) is, and has always been, monetary compensation in accordance with the interpretation of the Talmud. The rabbinic interpretation is the divinely intended meaning, but humans only gradually disclose it. By contrast, those who emphasize the active role of humans in revelation would maintain that monetary compensation is a human reinterpretation of the law of retaliation but that such a rethinking of its meaning is in accordance with God’s will. A potential weakness of the latter position is that it hinges on the recognition of the authority of the interpreters. If their authority is contested, their interpretations and legislation may be disputed too.

Such a challenge to rabbinic interpretive authority may have come from groups within the Jesus movement in Mesopotamia whose identity formation and consolidation of interpretive authority reached its peak in the fourth century. Adherents of the Jesus movement read the same Bible as the rabbis but interpreted it differently, rejecting both rabbinic tradition and rabbinic interpretive authority. Claiming direct access to the divine through Jesus, who was considered a prophet, they developed a different interpretive authority with the life and death of Jesus as a hermeneutic key.⁵⁰

50. For instance, the author/redactor of the third century Syrian *Didascalia Apostolorum* and the Pseudo-Clementine writings, *Homilies* and *Recognitions*, redacted in Syria in the fourth century. For the construction of an interpretive tradition in distinction from rabbinic Judaism by the *Didascalia*, see Fonrobert, “*Didascalia Apostolorum*,” 483–509.

A common language, and the well-documented close relationship and blurred boundaries between Jews and non-Jews and between Jews and various forms of the Jesus movement in fourth century Syria,⁵¹ make it likely that the various communities were relatively familiar with one another's claims and responded to them. The fact that some of these groups seem to have had a Jewish, albeit non-rabbinic identity and shared rabbinic hermeneutic techniques would only have made things worse from a rabbinic point of view, since that would make their arguments potentially persuasive and appealing to rabbinic Jews. Claims by such Jewish communities to be in possession of prophetic authority and a tradition transmitted without human interpretation or intervention from Jesus via Peter to the community would likely be perceived by the rabbis as a challenge to rabbinic tradition.

Thus, it seems very likely that the idea that rabbinic tradition was wholly divine and revealed at Sinai developed in response to the rejection of rabbinic tradition and interpretive authority by non-rabbinic Jewish groups. Faced with their competing claims to be the true heirs of biblical tradition, the rabbis may have felt the need to strengthen their tradition by asserting that it, too, derived in its entirety directly from God, rather than being the outcome of human interpretive activity. The early rabbinic view that interpretation was inherent in the revelatory event at Sinai and that rabbinic tradition developed through constant human interpretation may have paled when confronted with these claims by non-rabbinic Jews to possess a new understanding of the Bible directly revealed by God. The idea that rabbinic tradition was divinely revealed as a body of set teachings to Moses at Sinai developed in the fourth century, coinciding with the construction and consolidation of interpretive authority by groups within the Jesus movement throughout Mesopotamia. This fact seems to suggest a connection.

The idea of a wholly divine Oral Torah may have served the purpose of bolstering rabbinic tradition and defending it against claims from competing groups, but it also raised the problem of multiple contradictory rabbinic interpretations. If rabbinic tradition was revealed as a body of set teachings, the existence of contradictory rabbinic views would seem to suggest that rabbinic tradition was not correctly transmitted. The serious problem that the view of rabbinic tradition as a body of wholly divine teachings creates, together with the relatively few traces it has left

51. For instance, Drijvers, "Syrian Christianity," 124–46.

in rabbinic literature, seem to suggest that it developed in a polemical context in response to a particular challenge. A number of post-fourth-century texts continue to assume the early view that human interpretation is part of the divine revelation, such as the story of R. Aqiva's visit to Moses' academy and the parable about the wheat and the flax. A passage from *Exodus Rabbah*, a late midrash to the Book of Exodus, even seems to argue against the idea that the oral tradition was given in the form of a body of set teachings by stating explicitly that only interpretive principles were revealed to Moses: "Could Moses have learned the whole Torah [on Mount Sinai]? Of the Torah it says: *Its measure is longer than the earth and broader than the sea* [Job 11:9]. No, it was only the principles thereof which God taught Moses."⁵²

JEWISH LAW AND DIVINE TRUTH

The rabbis maintained that when God gave the Torah to Israel, he also gave them the right and responsibility to interpret it, a claim that they based on Deut. 17:8-11: "If a case is too baffling for you to decide . . . you shall promptly repair to the place that the Lord your God will have chosen, and appear before the levitical priests, or the magistrate in charge at that time, and present your problem. When they have announced to you the verdict in the case, you shall carry out the verdict that is announced to you from that place that the Lord chose, observing scrupulously all their instructions to you. You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left."

The key phrase here is "the magistrate in charge at that time" (*shofet* = NRSV, "judge"), which in the rabbis' view entrusts the right of interpretation to the religious authority of every generation, a principle that is also embraced in modern Judaism. The authorities of later times have the same right as authorities of earlier generations to make decisions for their time, making it possible to innovate and adapt Jewish law. This permission is granted even if earlier authorities were greater in wisdom.⁵³

The verse, "you must not deviate from the verdict that they [the judges] announce to you either to the right or to the left," is in the *Sifre* interpreted

52. *Exod. Rab.* 41.6.

53. See *Eccl. Rab.* 1:4; *b. Rosh Hash.* 25b.

to mean: “Even if it appears to you that [what the religious leadership says is] right is [actually] left and [what they say is] left is [actually] right, you shall obey them.”⁵⁴ According to this interpretation, rabbinic authority knows no bounds. As the sole authoritative interpreters of the meaning of the Torah, the Torah means whatever the rabbis say it means.⁵⁵

The rabbis maintained that in extraordinary circumstances they even had the authority to annul a biblical commandment. Based on Ps. 119:126, “It is time to act for the Lord, for they have violated Your teaching,” they asserted that “to act for the Lord” could, in particular circumstances, involve the violation of the letter of a commandment in order to preserve its intention.⁵⁶ However, this principle was applied with great caution and usually only used to justify innovations that had already taken place.

A judge or an interpreter must depend on his own reasoning and intellect, and not rely on divine revelations or earlier authorities. According to Maimonides (1135–1204), the one who opposes tradition and appeals to divine inspiration is a false prophet, even if he supports his arguments with miracles. The classic story establishing rabbinic authority to legislate and interpret according to majority view even when it runs counter to God’s will appears in the Babylonian Talmud. It portrays a conflict between R. Eliezer Hyrcanus and other rabbis concerning the ritual purity of an oven. R. Eliezer presents all possible arguments to support his view, and when he still fails to convince the others, he appeals to miracles and finally asks God to intervene on his behalf:

It was taught: On that day R. Eliezer responded with all the responses in the world, but they did not accept them from him. He said to them, “If the law is as I say, let the carob [tree] prove it.” The carob tree uprooted itself from its place and went one hundred cubits—and some say four hundred cubits. They said to him, “One does not bring proof from the carob.” The carob returned to its place. He said to them, “If the law is as I say, let the aqueduct prove it.” The water turned backward. They said to him, “One does not bring proof from water.” The water returned to its place. He said to them, “If it [the law] is as I say, let the walls of the academy prove it.” The walls of the academy inclined to fall. R. Yehoshua rebuked them. He said to them, “When sages defeat each other

54. *Sifre Deut* §154. My translation.

55. Roth, *Halakhic Process*, 125–26.

56. Berkovits, *Not in Heaven*, 64–67.

in law, what is it for you?” It was taught: They did not fall because of the honor of R. Yehoshua, and they did not stand because of the honor of R. Eliezer, and they are still inclining and standing. He said to them, “If it is as I say, let it be proved from Heaven.” A heavenly voice went forth and said, “What is it for you with R. Eliezer, since the law is like him in every place?” R. Yehoshua stood up on his feet and said, “*It is not in Heaven* [Deut 30:12].” What is, “It is not in Heaven”? R. Yirmiah said, “We do not listen to a heavenly voice, since you already gave it to us on Mount Sinai and it is written there, *Incline after the majority* [Exod. 23:2].” R. Natan came upon Elijah. He said to him, “What was the Holy One doing at that time?” He said to him, “He laughed and smiled and said, ‘My sons have defeated me, my sons have defeated me.’” At that time they brought all the objects that R. Eliezer had ruled were pure and burned them and voted and banned him.⁵⁷

Here the rabbis boldly assert their authority over God. Miracles, along with a heavenly voice stating explicitly that the law is in accordance with R. Eliezer’s view, fail to make an impression on them. R. Yehoshua simply refutes the legitimacy of both, citing God’s own words and using them against him. God himself, in the act of revelation, handed over the authority to interpret and legislate to humans, or more precisely to the rabbis, and accordingly he no longer has any influence over Jewish law. Halakhah is now to be established by means of human reasoning following majority opinion, and God accepts the result of such human decision-making whatever its outcome. Halakhah must somehow be agreed upon in order to prevent chaos and sectarianism, but being based on majority opinion, such decisions are to some extent arbitrary and do not necessarily reflect divine truth. Ultimately, it is the rabbis’ own interpretation of the Torah that validates their right to interpret and defines the scope of that right, even to the point of an apparently erroneous understanding of the divine will. The assumption underlying these claims is that the development of Jewish law is providentially guided. Since the rabbis are guarded from error, even an apparent miscarriage of the divine will is in accordance with God’s will.⁵⁸

57. *b. B. Metziah* 59b. Translation from Rubenstein, *Rabbinic Stories*, 82–83.

58. For a more comprehensive discussion of these issues, see Berkovits, *Not in Heaven*, 47–70; Elon, *Jewish Law*, 240–61; Halbertal, *People*, 81–89; Roth, *Halakhic Process*, 115–52.

In refusing to concede to majority opinion and by overruling the normal legal process with his appeal to miracles and direct intervention from heaven, R. Eliezer not only endangers the unity of the rabbinic movement but also challenges the very foundation of rabbinic ideology and authority. By appealing directly to God, R. Eliezer implicitly denies the rabbis' role as intermediaries of God's word and their right to interpret and legislate that, according to rabbinic understanding, was given to them at Sinai. Such denial poses a threat to rabbinic legitimacy and authority and is likely the reason for his excommunication, a punishment that may at first seem out of proportion to his offense.

Possibly the story also reflects a conflict between the rabbis and the Jesus movement. R. Eliezer is portrayed elsewhere in rabbinic literature as having close relations to Jewish disciples of Jesus and in view of the fact that miracles and heavenly voices were associated with Jesus, it has been suggested that the rabbis have modeled R. Eliezer along the lines of Jesus, another charismatic figure who challenged the Pharisees, the religious authority of his time, and the spiritual forebears of the rabbis. The fact that R. Eliezer, a highly respected rabbi, is portrayed as being closely associated with disciples of Jesus may indicate that there were close relationships between Jewish disciples of Jesus and some members of the rabbinic movement, an intimacy that the rabbis found disturbing.⁵⁹

In spite of their confident rejection of the heavenly voice, the rabbis, paradoxically, still seem to feel the need for direct affirmation from God, as evidenced in the Elijah episode at the end. Here the prophet Elijah appears in what seems to be a postscript to the story, providing assurance that God laughs happily at being overruled and delights in human independence. As in response to the heavenly voice that intervened on behalf of R. Eliezer, Elijah, acting as a direct messenger from God, asserts that the rabbis are right to ignore the heavenly voice and that the rabbinic way of independently interpreting and legislating is indeed in accordance with the divine will.

It is evident, then, that decisions concerning Jewish law are not understood to reflect divine truth but rather are seen as pragmatic decisions in order to safeguard the unity of rabbinic Judaism. This means, at least

59. Boyarin, *Border Lines*, 168–74; Schäfer, *Jesus in the Talmud*, 49–51. For further analyses of this story, see, for instance, Rubenstein, *Talmudic Stories*, 34–63; Berkovits, *Not in Heaven*, 64–67; Elon, *Jewish Law*, 261–63; Halbertal, *People*, 48–50; Roth, *Halakhic Process*, 123–24.

theoretically, that halakhic decisions can be altered. Perhaps it may also in part explain why the Mishnah and the Talmuds often preserve minority opinions along with the majority view and the Talmud's predilection for pursuing minority opinions. If halakhic decisions are not divinely inspired but simply reflect the view of the majority of rabbis, the divine will may just as well be enshrined in a rejected minority position. In another time period, under different circumstances, the rejected opinion may theoretically become halakhah.

According to another view, God does not have an opinion on specific matters of halakhah but goes along with whatever decision is made by humans: "For three years there was a dispute between the schools of Shammai and Hillel, the former asserting, 'Halakhah agrees with us,' and the latter contending, 'Halakhah agrees with us.' Then a voice from heaven went forth saying: 'Both [opinions] are the words of the living God.'"⁶⁰ The story then explains that the reason why Hillel's position was to become halakhah was that his followers were peaceful and humble, teaching Shammai's point opinion along with their own. Accordingly, two conflicting views may both reflect the will of God, and the decision to follow one of them is merely pragmatic. This text reflects the idea that the Bible is an essentially open text having no determinate sense. God's word is susceptible to multiple interpretations, even contradictory ones, and neither one is necessarily more true or false than the other. Perhaps this position also reflects the insight that truth, in the sense of divine will, is unattainable, and that different perspectives should therefore be respected. Hillel's position did not become halakhah because it was more correct than Shammai's, but only because of the humble and conciliatory nature of Hillel and his disciples.⁶¹

The Babylonian Talmud also elsewhere emphasizes the importance of showing respect for others, and a concern to avoid embarrassing or shaming other rabbis. The atmosphere in the Babylonian academies at times seems to have been quite hostile, the animosity deriving from the intensity with which the rabbis debated points of law. In the highly structured academies with numerous students, where rank depended on ability of argumentation, respect and politeness may easily have given way to fierce competition and violence of debate. The ability of dialectical argumentation was considered

60. *b. Erw.* 13b.

61. Kraemer, "Rabbinic Sources," 139–56; Roth, *Halakhic Process*, 129–30; Stern, *Midrash and Theory*, 21–22.

the highest form of intellectual acumen, and failure to respond to an objection was perceived as humiliating.⁶²

A literary analysis of the R. Eliezer story actually reveals a subtle criticism of the rabbis' treatment of R. Eliezer in this regard. The rabbis are portrayed as treating him rather harshly, "surrounding him with words," suggesting that they spoke with cunning and guile, and they punished him unnecessarily harshly by burning all the items he had proclaimed pure, eventually leading to disaster and the death of Rabban Gamliel. The story affirms the rabbis' right to debate, legislate and interpret, but criticizes the insensitive way in which they exercised this right, hurting R. Eliezer's feelings and dignity.⁶³

SEVENTY FACES OF THE TORAH

The confident assertion that multiple conflicting opinions are all valid expressions of the divine will may actually betray a sense of unease as expressed in the following midrash on a verse from Ecclesiastes:

[What does the phrase] *the sayings of the wise are like goads, like fixed nails are the masters of assemblies* [Eccl. 12:11] mean? "Masters of assemblies" are the disciples of the wise who sit in manifold assemblies and occupy themselves with the Torah, some pronouncing impure and others pronouncing pure, some prohibiting and others permitting, some declaring unfit and others declaring fit. Someone might say, "How in these circumstances shall I learn Torah?" Therefore Scripture says, *All of them are given from one shepherd*. One God gave them, one leader [that is, Moses] uttered them from the mouth of the Lord of all creation, blessed be He, as it is written, *God spoke all these words* [Exod 20:1]. Therefore make your ear like the hopper and acquire a perceptive heart to understand the words of those who pronounce impure and the words of those who pronounce pure, the words of those who prohibit and the words of those who permit, the words of those who declare unfit and the words of those who declare fit.⁶⁴

62. Rubenstein, *Culture*, 67–79.

63. Rubenstein, *Talmudic Stories*, 34–63.

64. *b. Hag.* 3b. See also *t. Sot.* 7:12; *Num. Rab.* 15.22.

If every verse of the Torah can be subject to numerous contradictory interpretations, what then is the point of studying it, and if the rabbis disagree on practically everything, how can they claim to be its sole authentic interpreters? Such doubts possibly underlie the question voiced in the text, “How in these circumstances shall I learn Torah?” The issue here is not how to establish halakhah but rather what the true meaning of Scripture is. The Karaites considered the existence of multiple contradictory interpretations within rabbinic Judaism as a sign that rabbinic tradition was a human invention, but given the rabbis’ awareness of having adapted and transformed the Bible, the question was bound to have arisen even before the Karaite movement gave explicit expression to this charge.

The problem of multiple interpretations is solved in the story by the assertion that all rabbinic interpretations and opinions are part of the Torah and the result of a single revelation. They were all spoken by the mouth of one shepherd, Moses, who received them all from one God, as it says, “God spoke *all these* words” (Exod. 20:1), that is, contradictory views and interpretive possibilities were included in the Torah from the moment of its revelation. To preclude any possibility of error in rabbinic tradition, revelation is portrayed as not fully determined, including contradictory interpretations. According to one opinion voiced in the Jerusalem Talmud, the Torah was not given in the form of clear-cut unambiguous laws, but rather for each and every word that God spoke Moses was given forty-nine arguments for declaring something pure and forty-nine arguments for declaring it impure.⁶⁵ God intentionally included in the Torah many potential meanings and left it to humans to disclose them and choose which one to apply in each and every individual case. Thus, multiple interpretations of the same biblical verse are not a consequence of later interpreters’ inability to understand the text but the outcome of God’s deliberate choice to imbue the Torah with multiple meanings. Hence, the famous rabbinic expression that there are “seventy faces [or aspects] of the Torah.”⁶⁶

The idea that every biblical verse carries many different meanings is explicitly stated in the following passage from the Babylonian Talmud: “Abbaye said: ‘For Scripture says, *One thing God has spoken; two things have I heard* [Ps. 62:12]. One biblical verse may convey several meanings, but a single meaning cannot be deduced from different Scriptural

65. *y. Sanh.* 4:2. See also *Num. Rab.* 2.3; *Midr. Psalms* 12.4; *Pes. Rabb.* 21.

66. *Num. Rab.* 13.15.

verses.’ In the School of Rabbi Ishmael it was taught: *Behold, my word is like a fire—declares the Lord—and like a hammer that shatters rock!* [Jer. 23:29]. Just as [the rock] is split into many splinters [when the hammer strikes it], so also one biblical verse conveys many meanings.”⁶⁷ God’s word is like fiery sparks produced by a hammer when it strikes a rock; the many senses that are inherent in each and every verse are released when hit by the interpretive hammer. Thus, when God gave the Torah to Israel, he also gave them the ability to discover the multiple meanings enshrined in it.⁶⁸

The Babylonian Talmud (*b. Sanh.* 88b) includes another view, according to which conflicting views are a sign of decline and failure to correctly adhere to tradition, but this notion does not seem to have been widespread in the rabbinic period. During the Middle Ages, however, it was discussed by a number of philosophers who understood the halakhic process as the transmission from generation to generation of a divinely revealed body of halakhah that was originally complete and perfect but had begun to erode as a result of carelessness in transmission. From this perspective, the multiplicity of interpretations was seen as attempts to reconstruct, through argumentation, the original and true interpretation. Medieval philosophers, such as Yom Tov Ishbili (Ritba) and Nissim Gerondi (Ran), however, further developed the rabbinic view that controversy was rooted in revelation and the body of knowledge transmitted to Moses open-ended. Accordingly, they held that it was left to the court of each generation to constitute halakhah, and in this way tradition becomes more definitive over time as each generation decides the norms out of the multiplicity of options transmitted to them.⁶⁹

STUDY AS FELLOWSHIP WITH GOD

Just as the Torah can have many different meanings, the rabbis envisioned God as possessing many countenances and appearing to Israel in various ways:

67. *b. Sanh.* 34a. See also *b. Shabb.* 88b; *Mekh. R. Ishmael* Bahodesh 7 (Lauterbach, 2:252); *Midr. Psalms* 92.3.

68. Berkovits, *Not in Heaven*, 51–53; Halbertal, *People*, 45–54; Stern, *Midrash and Theory*, 15–38.

69. See, Halbertal, *People*, 54–72.

[T]he Holy One appeared to Israel at the Red Sea as a mighty man waging war, and appeared to them at Sinai as a pedagogue who teaches the day's lesson and then again and again goes over with his pupils what they have been taught, and appeared to them in the days of Daniel as an elder teaching Torah, and in the days of Solomon appeared to them as a young man. The Holy One said to Israel: "Come to no false conclusions because you see me in many different guises, for I am He who was with you at the Red Sea and I am He who is with you at Sinai." . . . R. Hanina bar Papa said: "The Holy One appeared to Israel with a stern face, with a neutral face, with a friendly face, with a joyous face." . . . R. Levi said: "The Holy One appeared to them as though He were a statue with faces on every side, so that though a thousand men might be looking at the statue, they would be led to believe that it was looking at each one of them. So, too, when the Holy One spoke, each and every person in Israel could say: 'The divine word is addressing me.'"⁷⁰

In the view of the rabbis, God and the Torah were intimately linked to one another, and for them studying the Torah was a way of communicating with God. Accordingly, studying for its own sake (*torah lishma*) is considered far more important than the outcome of the interpretation of individual legal cases or verses. After the destruction of the temple, the Torah became the most important sign of the continued existence of the covenantal relationship between God and Israel, and the study of Torah became the principal way of preserving that relationship. Biblical interpretation became, in David Stern's words, "a kind of conversation the Rabbis invented in order to enable God to speak to them from between the lines of Scripture . . . [t]he multiplication of interpretations in midrash was a way, as it were, to prolong that conversation."⁷¹

Just as the rabbis found a diversity of legitimate interpretations in the Bible, rabbinic literature preserves multiple, often contradictory opinions voiced by rabbis. As was mentioned above, this practice may reflect the recognition that absolute truth is unattainable, and that God's will may just as well be enshrined in the minority opinion as in the one determined to be halakhah, but it is likewise possible that the preservation of multiple opinions was also part of a strategy to legitimize rabbinic Judaism. Instead of creating unity by excluding certain views, rabbinic literature creates

70. *Pes. Rav Kab.* 12.24–25.

71. Stern, *Midrash and Theory*, 31.

unity, or at least an impression of unity, by including all opinions as long as they are voiced by rabbis.

The result is an idealized image of the rabbinic academies where everyone disagrees, but a friendly atmosphere nevertheless prevails. Different opinions in questions of interpretation are portrayed as enriching, and disputes are either resolved agreeably or maintained peacefully. However, this representation may be a literary construction, created by the editors of rabbinic literature in an attempt to overcome the divisions and discord within rabbinic society.⁷² Even if it probably does not reflect reality, the image of a rabbinic society that tolerates and encourages debate and differences of opinion has nevertheless influenced Jewish tradition by constituting a model for ideal conduct. We will now turn to the rabbinic texts in which these ideas and ideals are expressed.

STUDY QUESTIONS

1. In what ways have a more critical approach to rabbinic sources affected scholarly reconstructions of the early history of rabbinic Judaism?
2. Describe the different rabbinic theologies of revelation. How do they impact the perception of adaptations and innovations and the justification for them?
3. What is the relation between Jewish law and divine truth in the rabbinic texts discussed above?

SUGGESTIONS FOR FURTHER READING

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