

To Tehila Yona, Rina Zimra, and Shalev David

Kinder, reach beyond coherence

כי לעולם חסדו

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Acknowledgments

One of the very few advantages of being an underemployed adjunct professor was having spare time.

A friend, Jonathan Lapin, asked me a question on Shabbat Toledot. “Why didn’t Isaac just take back the blessing he had given to Jacob and give it to Esau?” My answer to Jonathan elicited the following response: “That’s stupid!” I could have just agreed with Jonathan and saved myself seven years of work. But as previously noted, I had some spare time.

The middle book of *Coherent Judaism* was inspired by a Time Magazine story promoting what would become Robert Wright’s forthcoming title, *The Moral Animal: The New Science of Evolutionary Psychology*.¹ At the time, I was studying in Jerusalem at the Hebrew University, and a guest professor from UCLA, Neil Malamuth, happened to be teaching a course on evolutionary psychology. Upon my return to Brandeis University, I recruited our historian of science and overall mensch, Silvan Schweber (z”l), to keep me honest on the science while I wrote my dissertation on the Jewish responses to Darwinism. Arthur Green supervised the thesis, patiently helped me acquire the tools of the trade, and went on to write far too many letters on my behalf. My debt to them both is deep and ongoing.

In the acknowledgements from my dissertation, I was able to thank a few people from my slog through graduate school who were supportive when I needed it most. I am delighted to be able to thank them, again, in print: the Raphael family, the Bornstein Stacks family, Marsha Slotnick, and my in-laws, Susan and Joseph Milstein. With a wink to the Talmudic tradition that it takes three to make a person (mother, father, and God),

1 New York: First Vintage Books, 1994.

I dedicated my dissertation to my folks (z”l) and my sister Roxanne. My parents showed me what relentless love looks like. My sister led the way for making Judaism and Israel central parts of my life.

In the middle of writing my first book, it became clear to me that my ignorance of Jewish law was preventing me from doing the kind of research I wanted to do. My family’s former congregational rabbi, Bradley Shavit Artson, had become the dean of the Ziegler School of Rabbinic Studies in Los Angeles. His gracious cooperation, along with that of Cheryl Peretz, the Associate Dean, was instrumental in negotiating a path toward ordination where I could focus my attention on Talmud with Aryeh Cohen and *halakhah* with Elliot Dorff. Both Aryeh and Elliot gave generously of their time and talent.

Many friends have contributed their precious time to help make this text more intelligible to the non-specialist. Sol Kempinski, Todd Kobernick, and Michael Marks were part of the minyan at Congregation Beth Am in San Diego where this project took root. Other friends in San Diego, Alina Levy and Bard Cosman, patiently waded through many of the early chapters and offered very helpful feedback. The Copley Library staff of the University of San Diego was both generous and instrumental in facilitating my research during my four years there.

In the Spring of 2019, as I was concluding the manuscript and thinking about my next project, a rabbinic position opened up in Elkins Park, Pennsylvania. The process of writing *Coherent Judaism* had opened me up to the possibility of becoming a congregational rabbi. I have been serving Congregation Adath Jeshurun since the summer of 2019. I am blessed to be part of this community, and I look forward to a deep, rich, and enduring relationship. Adath Jeshurun members Skip Atkins, David Seltzer, Allan Freedman, and Meryl Sussman each read sections of the manuscript and offered helpful advice. I am grateful.

Rabbis and/or Doctors Leon Wiener Dow, Abraham Havivi, Avner Ash, and Jonah Rank each gave of his subject matter expertise and read sections of the manuscript in its final stages. They did their best to warn me of my missteps. I am very appreciative of their comments and concern.

Although not without asterisks, my life has been charmed. I met my wife when she was twenty-one and asked her to marry me before she knew any better. Best decision of my life. Although, truth be told, my

mother did push. In the following pages, my wife appears as a muse, a travel companion, and a sage. That's about right.

Coherent Judaism is dedicated to our children at a moment when paying attention is painful. The health of our nation is under siege by a microscopic virus; our democratic institutions are being bludgeoned; our civil discourse coarsened; our relationship with Israel is unstable; and our planet is increasingly inhospitable. We repeat to our children, with waning conviction, "This is not normal." We listen to their despair and struggle to honor their perceptions while not conceding the future, their future. We, as a people, have trekked through this valley of dry bones more than once. It was there that our ancestors first abandoned hope—*avda tikvateinu* (Ezekiel 37:11). Ezekiel encouraged us, and we carried on sowing with tears. Although not without asterisks, our harvest has been bountiful.

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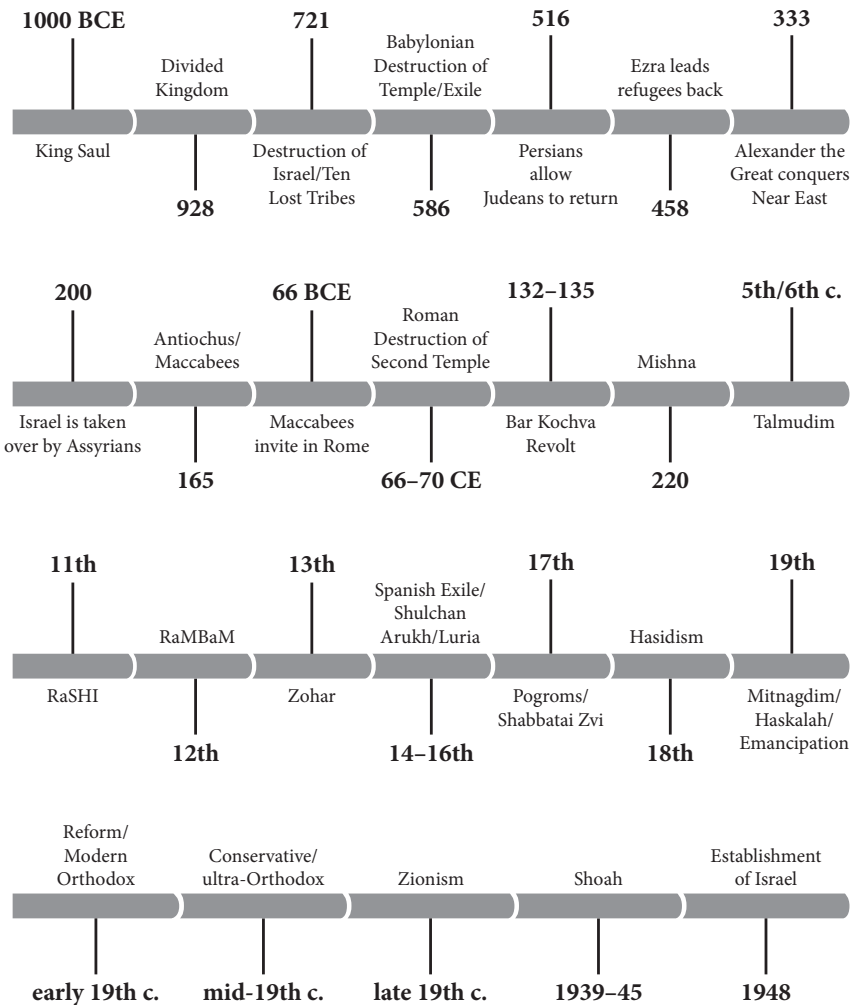
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Rosh Hodesh Elul 2020

List of Abbreviations

- b. Babylonian Talmud, also known as the Bavli. All Talmudic references are to the Bavli unless otherwise noted.
- h. halakhah. A specific halakhah from RaMBaM's Mishneh Torah (M. T.)
- m. mishnah
- M. T. Mishneh Torah by RaMBaM, 1180
- O. H. Orach Hayim, one of the four major sections of the halakhic works by Rabbi Yakov ben Rabbeynu Asher (author of Arba'ah Turim) and Yosef Caro (author of Shulchan Arukh)
- S. A. Shulchan Arukh by Yosef Caro, 1565
- t. tosefta
- y. Jerusalem Talmud, also known as the Yerushalmi
- Y. D. *Yoreh De'ah*, one of the four major sections of the halakhic works by Rabbi Yakov ben Rabbeynu Asher (author of Arba'ah Turim) and Yosef Caro (author of Shulchan Arukh)

Timeline of Important Events



Introduction

The Incoherence of the Philosophers. No, that was not my original title for this book. That title was taken about 1,000 years ago by the Persian theologian Al-Ghazali (c. 1058–1111) for his critique of Aristotelian philosophy (which included science). *The Incoherence of the Philosophers* generated opposition. The following century, Ibn Rushd (also known as Averroes, 1126–1198) published *The Incoherence of The Incoherence*.

In the past fifteen years, celebrated authors have published books with similarly provocative titles ranging from the belligerent to the dismissive: *The God Delusion* (2006), *Breaking the Spell* (2007), *God is not Great* (2008), *Religion without God* (2013), and *Outgrowing God* (2019). Some of these authors are called New Atheists. Parallel to Ibn Rushd, they were motivated to attack popular religion because of the pernicious influence that, from their perspective, religious leaders wield over scientific education and culture in the United States. One difference between our medieval Muslims and the New Atheists is that only the Muslims were experts in theology. The New Atheists tend to parrot the blather of tele-evangelists. One goal of *Coherent Judaism* is to educate my contemporaries on the history, diversity, and sophistication of Jewish theologies.

Coherent Judaism is a less antagonistic title vis-à-vis science and philosophy than *The Incoherence of Philosophy*. By my own criteria listed below, there can be no coherent theology without recognizing and accommodating the truths of history and science. But my title does implicitly charge contemporary expressions of Judaism with being less than coherent. Here are my three criteria for any coherent Judaism:

- 1) Judaism must be *internally* coherent and remain faithful to its overarching values of compassion, righteousness, and

stewardship, beginning with our own tribe, but like love, radiating outward;

- 2) Judaism must *cohere* with what we know to be true about reality. A critical embrace of all disciplines, particularly history and science, enhances our ability to bring to light more divinity in our world;
- 3) Judaism must cohere, in the most robust form consistent with the first two principles, with *traditional* Judaisms.

Conservative Judaism, the movement with which I identify, is not internally coherent because it continues to privilege Torah law over rabbinic law even though it admits that they are both equally human (principle number 1). This privileging leads to hypocrisy and legal fictions which are unbecoming and self-sabotaging.

Orthodox Judaism, in its rejection of critical biblical scholarship, does not cohere with what we know to be true about the composition of the Torah (principle number 2). Such willful ignorance leads to legal outcomes, specifically vis-à-vis women and homosexuals, which are immoral.

Reform Judaism, in its rejection of the binding force of *Halakhah* (Jewish law), does not cohere with a fundamental principle of historical Judaism that obliges us to certain behaviors (principle number 3). The exclusion of the language of obligation within Reform, because of its emphasis on personal autonomy, promotes individual religious feeling at the expense of group identity and solidarity.

Each of the three major American denominations violates a criterion for coherence. My primary goal in *Coherent Judaism* is to offer a vision of God and God's relationship to creation, combined with a posture for our response to that vision, that is internally consistent, coheres with everything else we know to be true about reality, and draws deeply and abundantly from the wells of our ancestors. Hence, *Coherent Judaism* is divided into three books: theology, theology of creation, and the philosophy of Halakhah.

The category of *constructive theology* is not a native term to Judaism. For reasons that will be discussed in the third chapter of book one, the rabbis who wrote the Midrash and Talmud foregrounded halakhic practice over theology. Consequently, throughout my academic career, Christians

have informed me that Judaism has no theology. Since my doctorate is in Jewish thought and theology, I feel obligated to engage.¹ “What you may mean,” I suggest gently, “is that Judaism has no *systematic* theology or *dogmatic* theology as does Christianity.” The rabbis agreed to disagree about theology for the sake of agreeing about practice. Hence the rhyme: Judaism is more about deed, and Christianity more about creed.

In the Christian world, theology has a privileged history. The two universities where I taught each had divinity schools. Vanderbilt University’s Divinity School shares faculty and cross lists courses with the Department of Religious Studies, where I was housed for four years. University of San Diego, a Catholic university, features a single department for both theology and religious studies. Historically, Christians write theology and have institutional homes in which to do so. The Jewish world is more compartmentalized.

For the most part, rabbinical schools train rabbis for the pulpit, and graduate programs train scholars for the academy. Although questions of personal meaning and theological truth were not out of place in rabbinical school, as they were in graduate school, such questions were not usually encouraged. The unspoken assumption in both institutions was that we needed to get our bellies full of traditional texts before we were entitled to think theologically for ourselves.

One problem with that model is that it doesn’t stimulate new theological thinking because there is neither an institution nor an association dedicated to the task. In 2013, Brill published the first in a series of books called *The Library of Contemporary Jewish Philosophers*. The editors, Hava Tirosh-Samuelson and Aaron W. Hughes, introduced the series by making a distinction between Jewish philosophy as an academic discipline and Jewish philosophy as constructive theology.² Part of their hope, articulated at the end of their introduction, is that the series will function

1 “Jewish Thought and Theology” is the name of the department at the Hebrew University of Jerusalem where the faculty for Jewish philosophy, mysticism, and related fields are housed. At my *alma mater*, Brandeis University, the Jewish thought and theology program is housed in the Near Eastern and Judaic Studies Department. It was decided to label the department “Jewish Thought and Theology” at the Hebrew University to make its area of study absolutely clear.

2 Hava Tirosh-Samuelson and Aaron W. Hughes, “Editors’ Introduction to the Series,” in *Menachem Fisch: The Rationality of Religious Dispute*, ed. Hava Tirosh-Samuelson and Aaron W. Hughes (Leiden: Brill 2016), xiii.

as a virtual association to encourage thinking and debate.³ Notice that the title of the series—*The Library of Contemporary Jewish Philosophers*—avoids the term *theology*. The editors explain that Jewish theology is only one category of Jewish philosophy, and in this series they are casting a wide net.

Until the twentieth century, Jews didn't usually describe what they wrote as *theology*, even when it was. In the Middle Ages, when Jews mimicked their Muslim neighbors and wrote what we today would call theology, they did not use that word. Those Jews were writing in Judeo-Arabic—Arabic words but with the Hebrew alphabet. The word *theology* existed in medieval Arabic, but it wasn't used in Jewish works or in their Hebrew translations. The term doesn't exist because in the Jewish worldview, theology (what we think about God) is not separable from religion (what we do based on our theology). Indeed, there's no word for *religion* in biblical or rabbinic Hebrew, either. Both elements were intertwined in Jewish identity. Furthermore, those "theologies" from the Middle Ages were not accepted by all Jews, perhaps because we have no central authority.

In summary, rabbinic religiosity did not foreground theology; no single theology was universally accepted when Jews did begin writing theology; theology, as a discrete discipline, was not a distinct category for Jews until modernity; and the gap between studying traditional texts and writing Jewish theology has still not been bridged institutionally or organizationally. Even when Solomon Schechter published a book on rabbinic theology in 1909, he called it *Some Aspects of Rabbinic Theology*, as a way of distinguishing his work from Christian models of such thinking. Schechter disavows any pretense of systematic or dogmatic theology in both his preface and introduction. It is, therefore, at least understandable why some Christians think Judaism has no theology.

Given that books one and two of *Coherent Judaism* comprise an extensive survey of Jewish theology from the Torah to today, I found the term suitable. Appending the adjective *constructive* to modify *theology* signals that I am not offering a Jewish version of systematic or dogmatic theology, but neither am I engaged in an exclusively academic analysis. I am, self-consciously, constructing anew. In Christian circles, constructive

3 Ibid., xv.

theology as a *model* comes closest to what Judaism has always been and what Jewish theologians have always written. The first description that Jason A. Wyman, Jr. offers in his *Constructing Constructive Theology* is that “Constructive theology is pluralistic and dialogical.”⁴ Judaism’s foundational texts, the Torah, the Midrash, and the Talmud, lend themselves to such a characterization, particularly the rabbinic literatures of Midrash and Talmud.

Judaism is a text-centered enterprise which places interpretation as a vital element of its theology. Michael Fishbane, one of the few Jewish academic theologians, speaks of “hermeneutical theology.”⁵ My first book *Torah through Time: Understanding Bible Commentary from the Rabbinic Period to Modern Times* presents a series of case studies in hermeneutical theology. Christian constructive theologians adopt a similar posture in their own work. “The human element of interpretation and theological construction, in polyphonic, pluralistic, historicized complexity, characterizes constructive theology.”⁶ Without making the claim that the rabbis were post-modernists, certain aspects of their theology sit comfortably within the post-modern matrix.

Constructive theology for Christians promotes what has been integral to Judaism since the Torah: a vision of a messianic future that demands our commitment to just and righteous behaviors. The politics and economics of Torah and Talmud are concrete expressions of the commitment to those values. “Constructive theology is a critically conscious integration of interdisciplinarity and activism/advocacy.”⁷ Much of the focus of Christian constructive theology is grounded in the Torah’s liberation motif.⁸

Where constructive theology can energize Judaism is in the application of Halakhah to the domain of *tikkun olam* (social justice). The Talmud is our foundational model for such applications, but the impulse to generate new Halakhah has atrophied as its scope has narrowed in

4 Jason A. Wyman, Jr., *Constructing Constructive Theology: An Introductory Sketch* (Minneapolis: Fortress Press, 2017), vii.

5 Michael Fishbane, *Sacred Attunement: A Jewish Theology* (Chicago: University of Chicago Press, 2010).

6 Wyman, *Constructing Constructive Theology*, xxvi.

7 *Ibid.*, 73.

8 *Ibid.*, 127–29 and 147–48.

modernity.⁹ “The distinctive variety of engaged, activist theology that constructive theology embraces is always based in critical insights derived from other fields expanded into a theological zone, and put toward causes of justice.”¹⁰

In 2014, for example, Rabbi Shmuly Yanklowitz publicly withdrew his support from factory farmed meat, poultry, and dairy because the unethical treatment of animals violates Halakhah.¹¹ More concerning, from the perspective of human health, are the dangers from zoonotic (animal-borne) disease. When rabbis spotlight the practices of bad actors and the dangers of their practices, the likelihood of effecting change increases. We should not minimize our potential impact through our actions at the consumer level or our innovations in the fields of husbandry and health. A *takkanah*, a noun form of *tikkun*, in its original halakhic context means a legal remedy. Ultimately, as I will argue in the conclusion, we should amend government regulations that oversee the food industry. Constructive Jewish theology leverages the wisdom of the tradition to remedy the ills of society. That’s what we see in the Torah, and that’s what we see in Midrash and Talmud. Thus, constructive Jewish theology recovers and reactivates traditional Judaism’s activism and advocacy.

Lest I give the misperception that marrying Halakhah and *tikkun olam* is solely a function of traditional, premodern Judaism, both nineteenth-century Reform and neoorthodox leaders in Germany deployed the rhetoric of ethical progress. As we will see toward the end of book one, *Bildung* (edification) became a surrogate religion for German Jews in the era of Emancipation. Since our major denominations emerged from Germany, it is logical that they all promoted ethics as the summit of piety. Here is the father of neoorthodoxy in 1838, Rabbi Samson Raphael Hirsch, rousing all Jews to be in the vanguard of progressive change. For Hirsch, being a light unto the nations is not enough. He wants us to lead the charge with torches.

9 Eliezer Berkovits, *Not in Heaven: The Nature and Function of Jewish Law* (New York: Ktav Publishing House, 1983), 86.

10 Wyman, *Constructing Constructive Theology*, 120.

11 See <https://www.wsj.com/articles/shmuly-yanklowitz-why-this-rabbi-is-swearing-off-kosher-meat-1401404939>.

Picture every son of Israel a respected and influential priest of righteousness and love, disseminating among the nations not specific Judaism—for proselytism is forbidden—but pure humanity.¹²

Hirsch constructed a Judaism for post-Emancipation German Jewry; I hope to help frame a Judaism for the twenty first century.

When I wrote *Torah through Time*, I wrote as a theologically sensitive academic who was teaching in Vanderbilt University’s Department of Religious Studies. Even then, I couldn’t keep my theological self separate from my academic self and included several comments under the alias of the unknown Torah commentator Meshi. *Meshi* is an acronym of my first two names, Michael Shai. As the author of *Coherent Judaism*, I have pivoted into a new identity as an academic theologian. As such, I have written as myself, in my own voice, prepared to share some of my own experiences. Academic protocols have been superseded by my passion to persuade you. I feel an urgency to enlist you in Judaism’s primary objective: to live long on the Land, the world, that the Lord, our God, has given us. The survival of Judaism requires leaders of each generation to excavate and reinvigorate aspects of our ancient traditions which will enrich our lives and offer guidance for our increasingly perilous future. The survival of our species depends on advancing an agenda with which Jews, a self-described “surviving remnant” since the days of the Torah, are familiar. We are in a unique position to lead the charge of pure humanity.

Although *Coherent Judaism* is not addressed to an exclusively academic audience, I have stocked the text with primary sources, secondary literature, and footnotes. As a text lover, I want to give others the chance to fall in love. Although paraphrasing is often easier, you should meet the sources yourselves and have the references to see them in their own contexts if you so choose. As a generalist in Jewish thought, I have included many of my expert colleagues’ analyses to assuage my “imposter complex” and to fortify your faith in my narratives. By *narratives*, I wish to convey my awareness that I am constructing a narrative arc in each of the three books. I choose what to include, how to present and interpret what I include, what to omit, and how to connect the data points. The

12 Samson Raphael Hirsch, *The Nineteen Letters on Judaism*, trans. Bernard Drachman (Jerusalem: Feldheim Publishers, 1969) letter 16, 108.

footnotes are primarily for scholars who want to look more closely at the sources.

Book one of *Coherent Judaism* is a history of Jewish thought and theology beginning with two mutually exclusive theologies, both in the Pentateuch. Some of the disputes in the rabbinic period are best explained by conflicts between these two biblical theologies. As a generalist, I believe I have seen a pattern in rabbinic Judaism that has escaped others who focus more narrowly in specific periods. Specifically, I will show that the goal of the Torah and the rabbis is one and the same: to live long on the land.

The second half of book one examines the literary and theological developments of rabbinic religiosity from the Middle Ages until today. The rise of the Talmudic commentary and law code, the clash between philosophy and mysticism, and the emergence of contextual biblical commentary dominated the Middle Ages until the exile from Spain in 1492. Shortly thereafter, Lurianic Kabbalah emerged, and the eclipse of philosophy was near total for 200 years. Only with the Emancipation and Enlightenment did Kabbalah begin to suffer setbacks, and then only in western Europe. The politics of eastern European Jewry precluded emancipation, so the revival movement there, Hasidism, remained within the four cubits of the Halakhah. The final chapter in book one examines how the threads of law, philosophy, mysticism, and Torah have been rewoven since the Shoah.

The theologies of book one lay the groundwork for *Coherent Judaism* and the intelligibility of books two and three. Book two takes us from discussions of God to discussions of God's relationship with the world. This book presents theologies of creation from Genesis One to today. Particularly in the first chapter of book two, my language attempts to capture the poetry, the song, of creation that was placed at the head of the Torah. I was inspired by the constructive theologian Catherine Keller to reflect the face of the deep.¹³ To use conventional prose to describe the mystery and miracle of creation strikes me as a category mistake. The first chapter will demonstrate how the rabbis reimagined creation,

13 Catherine Keller, *Face of the Deep: A Theology of Becoming* (New York: Routledge, 2003).

Конец ознакомительного фрагмента.

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