



## Introduction

Religion responds to historical crisis because it forms a critical component in the shaping of the public order of society and culture. Forming and re-forming, a religious community embodies what people do together to solve problems, and thus the political decisions of the group flow from their religion.

This book illustrates that fact by examining three case studies provided by Judaism in its formative history. These case studies are turning points—occasions of transformation—in the historical unfolding of what became normative Judaism. Each turning point signals a defining moment in that history, starting in the fifth century B.C.E. and continuing to the definitive statement of that Judaism with the formation of the Talmud about 600 C.E. In each case a wholly new corpus of coherent ideas took shape and provoked an unprecedented kind of canonical writing—Judaic writing—to embody the fresh statement. In this fashion Judaism addressed a chronic problem when it became acute and responded through its own transformation. That is, Judaism revised the received system and structure of its religion. Its new canonical writings were intellectual initiatives taking entirely unprecedented forms. These writings, then, signal the transformation of Judaism at each of its turning points.

### The Public Side of Faith

Why highlight the public aspect of religion—exemplified by Judaism—as a medium of problem-solving in the Israelite social order? The recognition of the public character of religion competes with another view, which sees religion as a private practice or philosophy to the exclusion of its

application to issues of social order. In this latter context people speak of “my God,” not “our God,” of personal conversion to the exclusion of the social mores demanded of the community and for its nurture, and, in the case of Judaism, one hears the oxymoron, “my Judaism,” as though public “Judaism” could sustain quite private versions. Whatever for? Now the religion of this other view takes shape in the encounter between God and the individual in quest of God. Religion consequently is deemed not public nor accessible to universal reason and criticism. So at most it can be reported upon, but not studied as a set of facts about what people say and do together.

In principle none who holds the view advocated here denies that religion takes place in the arena of private life. But once people one-by-one find God, they ordinarily seek out others who affirm the same encounter. They forthwith form a community of like-minded persons to explore the consequences of the encounter with God. The result of the personal encounter therefore persists in public activity and gives shape to enduring institutions. Thus religion is not only private, representing individuals’ response to the inner searching of the heart, but soon changes public behavior and in time informs public policy.

Once we recognize that religion does not fulfill itself wholly through the personal quest for direct encounter with God, the public side of faith emerges. When this occurs we can address religion as a social, shared enterprise in social or political setting: religion does become a formative component of culture. In this book I wish to show how at three critical junctures in its history, successive systems of Judaism addressed and resolved critical issues that Jews faced as a community. From the resources provided by the history and texts of normative, that is rabbinic, Judaism I mean in this book to right the balance of our appreciation of the contribution of religion to both private and public life. And in so doing, I highlight the power of religion to confront crises in society and culture and particularly in the case of Israel to allow its people to transcend despair.

Three qualifications require attention. They are framed in answer to questions or objections that often arise. I do not offer here on behalf of religion arguments usually characterized as apologetics, utilitarianism, or reductionism.

First, this book is not an exercise of apologetics for Judaism, rabbinic Judaism, religion, religions, or religiosity. I do not claim that because religion shapes society, religion is more than merely relevant, that it is true, or that it accomplishes worthy goals, e.g., in the case of Judaism, the perpetuation of the Jewish people. In affirming the public side of faith, we need not engage with the truth-claims of any one of the religions, let alone of religion viewed whole. We only recognize why it is that religion—religions—endures as the definitive factor in humanity’s social order. Religion endures through the entire history of humanity. It is not going to go away, and it demands close study by anyone who wants to

understand the human condition and its future. Whether we place a positive or negative evaluation upon religion in no way pertains.

Second, I do not mean to suggest that religion serves only because it is useful. My goal is to understand what religion is and how it works. It is not my purpose to advocate for religion over irreligion, let alone one religion over others. Religion is a principal formative force in society and culture for much, though not all, of humanity. If we cannot conduct public affairs without studying politics, economics, organizations and institutions, and other secular activities, we cannot understand the human condition without some theory in mind of what religion is and how it makes its impact on the human community. Religion is treated here as an independent variable and its ideas as unmediated responses to public issues.

Third, I do not propose to reduce religious faith only to an exercise in communal problem-solving through manipulation of religious attitudes and convictions. I do not represent religion as the upshot of a collective fantasy indifferent to actuality. I do not suggest that, in the service of this-worldly tasks, people willfully manipulate eternal, revealed truth that they believe God has vouchsafed to them. I am not claiming that they change their faith to accommodate reality. Such a collective resort to cynicism treating religion as instrumental would mock the convictions with regard to revealed truth that animate the faithful. It also contradicts human nature, which does not take kindly to deliberate misrepresentation. Religious people are not to be denied the fundamental integrity of their conviction nor the sincerity of their piety—certainly not in these pages nor by me, a practicing Jew.

That is why the processes of accommodation, adaptation, and redefinition traced in the three case-studies set forth here are easier to describe and analyze than to explain and interpret. Three times over we shall see how Judaic religious systems responded through reform and renewal of the received Judaic construction (“Judaism”) to manage critical turnings in the Israelite social order. What I argue for here is the power of self-evidence to camouflage reform as renewal. In reflecting on what in their original context are perceived as obvious meanings and inescapable doctrines, people take for granted that earlier expressed religious truth addresses their very immediate dilemmas and pertains to what engages them. Religious responses to crisis represent a massive exercise in “self-evidence.”

Let me explain what I mean through a simple case of broadly conceded self-evidence: the Holocaust and the state of Israel are the givens of contemporary Judaic consciousness. It is impossible to imagine a contemporary community within Judaism that was studying the book of Job or Isaiah’s suffering servant (Isa 53–54) that would not once refer to the problem of evil represented by the people of Israel who were confined in Auschwitz. This is because the Holocaust defines one of the givens of contemporary Judaic consciousness. Nor can one imagine a

group considering Ezekiel's prophecy of Tel Aviv (the hill of Spring) and his vision of the dry bones that would not invoke the miracle represented by the creation of the State of Israel. These people understand that Isaiah and Ezekiel prophesied to another age long ago. But they also take for granted that the prophets speak today. That is why they study the record of their prophecy and what has been imputed to that prophecy. With religion we deal not with what people argue as a plausible proposition, but with what they know as absolute, categorical fact.

To generalize, Jewish people (though not they alone) take for granted that Scripture speaks to them: that is why they turn to it to begin with. Their contemporary condition then instructs them on what they should seek. The given condition shapes their reading and response to what they find in Scripture. It is not what they profess, but what they take for granted, that defines matters. The contemporary facts of life impose form and meaning on the self-evidence that shapes religious faith. Holocaust-theologians do not manipulate Job to their task, nor do Zionists force Ezekiel to serve theirs. To them, the relevance of Job or Ezekiel is inescapable. The faithful do not manipulate truth; they build on the foundations of fact as the survey of their understanding of reality defines those facts.

### **What Is at Stake in this Book?**

Why should we think at just this time about religion, here exemplified by Judaism, as a tool for problem-solving? And why should we study the transformations in the history of Judaism in the context of the challenge of crisis and the response by the religious community of its reconstruction and renewal of the received faith? It is because, these days, throughout the English-speaking world, people are placing too much stress on the personal side of religion, its benefits to the individual and its impact upon him or her. What makes the matter timely is the contemporary stress within religious life upon the individual and the personal and private experience reported by the faithful.

I therefore deem it worthwhile to take Judaism as an example of the traits common among religions, specifically its impact upon the public, social, and communal life; how religious ideas formed by those that hold them relate to the social world, and how the faithful confront the political world. Since I wish to show how through religious doctrine and activity people solve problems, I take up the case of Judaism, among many possible candidates, to make the point. Here I mean to set forth the perspective in detail, if not to prove the principle through a variety of probative cases. I trust that in the future others will contribute examples from other world religions.

## Why Judaism in Particular?

Judaism in its formative period serves our purpose because the three turning points in this period of its history are well-documented and are signaled by the writing of new kinds of books. Transformations in the Judaic system and structure correspond to, are recorded in, and ratified by, additions to the canon. Each principal moment in its formative history, embodied in its canonical writings, moreover, are defined by what in retrospect we can see as a time of crisis. Such critical changes—turnings—have threatened the integrity of the faith, its plausibility, relevance, and self-evidence, and have therefore called into question the future of the community of Israel sustained by that faith. But at each of these turnings, the inner logic of the faith yielded ideas that systematically responded to the challenge of the hour. That logic came to solid expression in books of lasting influence. In the present work the books we examine are the Pentateuch, the Mishnah, the Talmud, and the rabbinic Midrash. This unfolding canon of Judaism embodies a sequence of responses to challenges of an intellectual and existential character.

At the three critical turnings we will examine here, we will discover that Judaism solved problems by reshaping itself, its way of life, its worldview, and even its theory of who and what the “Israel” of which the faith speaks is and to which (in its view) its Scripture refers. Through the Judaic religious system, its people responded to, and solved, fundamental problems. This they did by rethinking the received tradition. They reshaped it in accord with a logic they deemed to be found therein, and found a new way of writing it all down. At each turning point a new kind of writing, first the Pentateuch, then the Mishnah, and finally the Talmuds and Midrash, recorded the result of that rethinking and reconstruction. When we consider the cases treated here, we find instructive examples of the thesis announced at the outset: through religion humanity solves problems.

What responses qualify as exemplary, and how are they documented? I focus on three interrelated systems of ideas and the writing that realized them in permanent form, a form that has had ongoing influence for almost two millennia: the Pentateuch (ca. 450 B.C.E.), the Mishnah (ca. 200 C.E.), and the Talmuds and Midrash (ca 400–450 C.E.). These systems of ideas and their canonical writings I set forth as intellectual records of the religious responses to social and political problems, as well as the cultural dilemmas that transcend abstract theology. At issue, however, are not books alone. I do not portray merely how a crisis prompted someone to write a book. The thesis that animates this account concerns a religion viewed whole, the entirety of Judaism, its rites and rituals, ideas and issues. This religion is most readily studied in the books it values as authoritative. That is why I address the governing constructions of ideas as

embodied in official writings. I describe the way in which the thoughtful Israelites at several points of crises set forth in documents, in time accepted as canonical, the coherent conceptions needed to guide people in shaping religious expression.

I need not apologize for my stress on books in the study of a religion that has sustained itself through books, beginning, after all, with Scripture. The intellectual expression of religion demands attention whether for its systematic theology or for its unsystematic, episodic religious teachings. What matters is that the intellectual expression of a community is accessible to us in the very language of those that valued these particular ideas. We are able by direct encounter with their own writing to introduce our own questions and perspectives—our interest in the political and social foundations of the community's religious teaching. If we want to know how the ideas that people formed solved the problems that they experience, we are wise to take up the books they wrote in the aftermath of crisis and turning.

## **The Program of Exposition**

I propose no continuous history of ideas, a narrative of the history of the formation of Judaism through its principal writings seen in context. I regard such a project as well worth the effort, but I have a different one in mind. Rather, I wish to make the simple point just now set forth, exploring some principal turnings in the history of Judaism as a public exercise in problem-solving. To that end I select for description, analysis, and interpretation three moments of transformation. Each represents an occasion for Judaism to serve the Jewish people as the means for solving its problems and each comes to realization in writing. There are, of course, other candidates for analysis as transformations in response to turning points in politics and culture besides those treated here. I in no way claim that these exhaust the possibilities. I only maintain that from the contemporary perspective these texts represent the three most significant moments of transformation for the formative age of Judaism. The brief account that follows shows the principle of selection that governed my choices as to canonical writings and intellectual initiatives.

### *The Torah of Moses*

We begin with the formation of the Torah, often called the Pentateuch or the Five Books of Moses, and its statement to a world in flux in the fifth century B.C.E. It was at this time during the exile and return that a system took shape that would define the inner structure of nearly all Judaic religious systems from antiquity to the present day. During this pe-

riod the first turning point yielded the Torah, attributed to Moses at Sinai and proclaimed by Ezra in Jerusalem about 450 B.C.E.. This initial Judaism turned the inchoate and diverse traditions of pre-exilic Israel, that is, Israel before 586 B.C.E., into the Torah of Moses. This transformation marked the origin of the Judaism embodied by the Torah. By transforming received traditions into a coherent and authoritative story, the first system took shape at the turning point marked by the return of the Israelite exiles to Jerusalem—often called Zion—following the destruction of the temple in 586 B.C.E. by the Babylonians—the temple built by Solomon almost four centuries earlier—and the restoration of Israel to its land in 538 B.C.E. by the Persians.

### *The Mishnah*

The Mishnah was the first document of normative Judaism beyond Scripture itself and contains the initial writing down of the Oral Torah. The Mishnah took over the Pentateuchal system recapitulating its main points in a fresh way and in a new medium of expression. This new systematic statement emerged as a response to the despair precipitated by the failed wars against Rome in 66–73 C.E. and in 132–135 C.E. and their aftermath. The Pentateuchal paradigm had failed, signaled by the loss of the reconstructed temple in Jerusalem and by the resulting permanent cessation of the blood atonement rites of animal sacrifice that the Torah had prescribed in 450 B.C.E. following their restoration by the returning exiles in 538 B.C.E.

### *The Talmuds and Midrash*

These texts reflect the work of what is now called rabbinic Judaism. There are two Talmuds, one composed in the land of Israel (ca. 400 C.E.) and the other in Babylonia (ca. 600). Through the Talmud the earlier Mishnah would find its way into the social world of the Jewish people. The system of rabbinic Judaism with its distinctive traits—sanctification in the here and now as the condition of salvation at the end of time, the whole embodied in a system of action-symbols and rules of conduct—emerged not in the Mishnah but in the first of the two Talmuds, the Jerusalem Talmud, usually referred to as “Yerushalmi.” That same system also imposed itself on the Judaic reading of Scripture in such compilations of midrash—texts of scriptural interpretation such as *Genesis Rabbah* and *Leviticus Rabbah*. The Talmud and the Midrash emerged as responses to two challenges, first, as a response to the rise of Christianity to political hegemony in the Roman Empire, and second, as a response to a systemic anomaly and asymmetry in the Pentateuchal-Mishnaic system. The shift in the external political situation of Judaism marked by the recognition of Christianity as the state religion of Rome (discussed in chapter four) and

the internal logic of the then-existing Judaic system (discussed in chapter five) combined to produce these texts of normative rabbinic Judaism.

The completed rabbinic system established a theology of history congruent with that of Scripture and an eschatology realized in a doctrine of a Messiah. In this final synchronization of the Pentateuchal and the Mishnaic systems with its inclusion of history and Messianic eschatology, however, the historical narrative was understood in terms of the Mishnah, not those of the earlier Pentateuch. The Halakhic category-formations governed, their theology endured. When, moreover, the Pentateuchal history was “Mishna-ized,” and the doctrine of the Messiah adopted and the sage understood to be the model of the Messiah, rabbinic Judaism was complete. That is the story documented in the fifth chapter. Chapter six asks why the Pentateuchal-Mishnaic system, as reconfigured by the Talmudic-Midrashic system, persisted as it has for a millennium and a half as the single paramount Judaism, and why it continues today to define Judaism for the majority of practicing Jews.

These three turning points do not exhaust the transformations in the history of Judaism that warrant attention. Certainly others present claims as compelling as those chosen. Qabbalah is one example of a reform of Judaism that yielded Reform, Orthodox, and Conservative Judaism. But the three cases in this book mark the most important moments of change in the formation of rabbinic Judaism. They form a continuous story of successive systems. They serve their purpose, which is to underscore the character of religion, exemplified by Judaism, as a shared and public enterprise of believing communities, a way in which people work together to solve problems.

## What Exactly Do We Mean by “Judaism”?

Having used such language as “Judaism” and “religious system” and “Judaic religious system” (hereafter “Judaic systems of the social order”), let me now define those operative terms and categories for this book.

### *Judaism*

When people use the word “Judaism” they use it only in the singular, and they assume they refer to a single religion, or religious tradition, extending (if not from creation) from Sinai to the present. By “Judaism” many assume they speak of a single, unitary, harmonious, continuous religious tradition beginning at Sinai and continuing to the present day essentially unchanged. That represents not only a theological construct, which is appropriate, but a historical, descriptive one, which is challenged by facts of history and culture. When they use the word “Judaism” in that

way, as people often do, they find the confrontation with change and diversity difficult. Things changed over time and not always in a way consistent with the received tradition. Moreover, different conceptions of what "Judaism" has been, is now, and should be, have competed for the loyalties of the same folk. "Judaism" with its native category "Torah" as counterpart, represents a theological, not a descriptive historical category. This theological category imposes itself on the selection, and then the description, analysis, and interpretation of the data that forms an understanding of Judaism that is single, normative, unitary, harmonious, continuous—all the way back to God's revelation at Sinai. In such a categorization judgments as to what is normative or representative, and as to who decides such matters, abound. Judaism outside such a theological framework then precipitates confusion. Moreover arguments ultimately beyond resolution on what is authentic or true Judaism, and what is false or not normative, take over. Those arguments, which may be critical to theological discourse, impede the understanding through description, analysis, and interpretation of social and cultural facts.

Not only so, but in contemporary discourse (and for some time now) not a few people understand "Judaism" to refer to a secular ethnic culture and not a religious tradition at all. The result is that by "Judaism" people frequently mean "everything and its opposite." Such lack of definition paralyzes secular analytical discourse concerning the religion, or to the religious tradition, to which people make reference when they use the word "Judaism." A different category-formation is required for the social and historical study of religions, for a religions-historical study of any complex religion such as is represented by "Judaism," "Christianity," "Islam," "Buddhism," "Hinduism," and others. These "-isms" and "-ities" make concrete abstract theological judgments and are frequently imposed, to begin with, by outsiders seeking simple constructions for complex data. This tendency to reify is generally understood in the academic study of religions.

### *Judaic Systems of the Social Order*

Instead of using the indeterminate "-ism," "Judaism," I refer to the several "Judaic systems of the social order," meaning by this term, various Judaic systems, commonly but not always of a religious character, when I am defining a determinate group of Jews' social and cultural construction. That is to say, I define the genus of which I speak, a religion, as well as the species of that genus, in the present context, not Judaism pure and simple, but only "a Judaism."

Specifically I understand by a religious system three constituent components, which fuse into one: (a) a worldview which, by reference to the intersection of the supernatural and the natural worlds, accounts for how things are and puts them together into a cogent and harmonious

picture; (b) a way of life which expresses in concrete actions the worldview and which is explained by that worldview; and (c) for the purposes of this book a social group calling itself "Israel" for which the worldview accounts, which is defined in concrete terms by the way of life, and which, therefore, gives expression in the everyday world to the worldview and is defined as an entity by that way of life.

A Judaic system then comprises not merely a theory found in texts and distinct from social reality, but an explanation for the group "Israel" that gives social form to the system and an account of the distinctive way of life of that group. "A Judaism" is not a book, and no social group took shape because people read a book and agreed that God had revealed what the book said they should do. Let me state with emphasis: *A Judaic system derives from and focuses upon a social entity, a group of Jews who (in their minds at least) constitute not "an Israel" but "Israel," and hold to their religious system not as "a Judaism" but as "Judaism," pure and simple.*

Why invoke the social entity first, and then the ethics or way of life and the ethos or worldview in succession? It is because a systemic social entity is essential to the construction. For it is conceivable that a Judaic system could treat as not essential a variety of rules for everyday life. In modern times that indifference to rule-making for this morning's breakfast proves characteristic of a number of "Judaisms." Or such a Judaic system may fail to articulate elements of a worldview to answer a range of questions other "Judaisms" deem fundamental. Contemporary "Judaisms" do not treat as urgent many of the philosophical and theological questions found absorbing by earlier system-builders. But no Judaic system can omit a clear picture of the meaning and sense of the category "Israel" (as a people group, not a national entity). Without an "Israel" (in contemporary terms, an answer to the question, "who is a Jew?"), a social entity in fact and not only in doctrine, we have not a system but a book. And, as I have already emphasized, a book is not "a Judaism," for it is only a book. In this book we will follow a sequence of Judaic religious systems, each set forth in its distinct canon, each addressing a critical issue with a self-evidently valid response. Each of my three "turning points" mark new beginnings: evidence of systemic origins.

How then do we differentiate one "Judaism" from some other? When we identify "Judaisms" in one period after another, we begin by trying to locate, within the larger group of Jews, those social entities that see themselves, and are seen by others, as distinct and bounded. Such distinct groups ("Israels") present to themselves a clear account of who they are, what they do, and why they do what they do: the rules and explanations of their shared, collective, corporate "Judaism." "A Judaism" addresses a social group, an "Israel," with the claim that their group is not merely "an Israel" but "Israel" itself, "Israel" in a nutshell, "Israel" in its ideal form, Israel's saving remnant, the *state* of being "Israel," the natural

next step in the linear, continuous history (“progress”) of “Israel,” everything, anything, but always “Israel.”

### *From Judaisms to Judaism*

So “a Judaism,” a Judaic system, constitutes a clear and precise account of a social group, the way of life and worldview of a group of Jews, however defined. Speaking descriptively, therefore, we can identify no single “Judaism,” no linear and incremental history of one continuous “Judaism,” for there has never been “a Judaism,” only “Judaisms.” But as I argue in chapter one on the Pentateuchal transformation, there is a single paradigmatic and definitive human experience that each “Judaism” re-works in its own circumstance and context.

“Judaism” then serves to refer to a particular religious tradition that comprises a variety of expressions. I maintain two complementary propositions: (a) no religious system (within a given set of related religions) recapitulates any other; (b) nevertheless all religious systems (within a given set) recapitulate resentment. A single persistent experience for generation after generation captures what, for a particular group, stands for the whole of the human condition: everything all at once, all together, the misery and the magnificence of life.

What I have said requires the immediate specification of that single paradigmatic experience to which all “Judaisms” everywhere and under all conditions refer. That experience is set forth in chapter one, but it pertains to all three components of this account of how “Judaism” solves a social and intellectual problem—how it resolves a crisis. Thus I maintain we may speak of “Judaism” in a secular framework of cultural analysis despite the diversity of Judaic systems that history has produced, illustrated in this book by the Pentateuch (and Prophets), the Mishnah, and the Talmud and Midrash.

As a matter of fact, we may identify that generative and definitive moment, precisely as all “Judaisms” have, by looking into that same Scripture. All “Judaisms” before modern times have identified the Torah as the written statement of God’s will for the Jewish people. I suppose that to start we should specify that formative and definitive moment, recapitulated by all “Judaisms,” from the story of Creation to Abraham his offspring, Isaac and Jacob. Or perhaps we are advised to make our way to Sinai and hold that the origin of “Israel” occurs at God’s descent from heaven.

Allowing ourselves merely the retelling of the story of the religion deprives us of required insight. Recapitulating the story does not help us understand the religion. Identifying the point of origin of the story as text, by contrast, does. For the text tells not just what happened on the occasion to which the story refers, e.g., the creation of the world, but how (long afterward and for their own reasons) people wanted to portray

themselves. The tale in text, therefore, recapitulates the resentment that springs from that point of crisis which the group wishes to explain, transcend, and transform. It is what permits us to speak not only of "Judaisms" but also of "Judaism."

However subcategorized, all "Judaisms" in this sense form a single species of the larger genus, religion. For all religions used some materials in common and exhibit some traits that distinguish each of them from every other species of the genus religion. That is what makes of them a single species. Each Judaism retells in its own way and with its distinctive emphases the tale of the Five Books of Moses, the story of a not-a-people that becomes a people. This people has what it has only on condition, and it can lose it all by virtue of its own sin. That is a terrifying, unsettling story for a social group to recount of itself because it imposes an acute self-consciousness and a chronic insecurity upon what should be the firm foundation of society. The collection of diverse materials joined into a single tale on the occasion of the original exile and restoration from that exile, because of its repetition in age succeeding age, precipitates the recapitulation of the interior religious experience of exile and restoration—always because of sin and atonement. But I have gotten ahead of my story, which unfolds in the initial Judaic system, as I explain in chapter one.