

Mishna Rosh Hashana 2:9 | משנה ראש השנה ב:ט

<p>[Preceded by discussion in which Rabban Gamliel and Rabbi Yehoshua disagree about how to identify the new moon, according to which the Jewish new year is established.] Rabban Gamliel sent him [Rabbi Yehoshua] [a note, saying] 'I summon you to come visit me, carrying your walking stick and coins, on the day that according to your calculations is Yom Kippur. Rabbi Akiva went and found him brooding. He said to him, "I have a verse that teaches that all that Rabban Gamliel did has already been established, as it is written (Leviticus 23) 'These are the festivals of God, holy ingatherings that you shall invoke' – whether in their [correct] time or not, I do not have festivals other than these." He came to Rabbi Dosa ben Horkanus. He said to him: "If we come to adjudicate after Rabban Gamliel's court, we will need to adjudicate after every court that has adjudicated from the time of Moses until now, as it is written (Exodus 24), "And Moses went up along with Aaron, Nadav, Avihu, and seventy elders of Israel." And why were their names not specified? In order to teach that each and every threesome that forms a <i>beit din</i> in Israel is like the <i>beit din</i> of Moses. He took his cane and his coins in his hand and walked to Rabban Gamliel in Yavne on the day that, according to his calculations, was Yom Kippur. Rabban Gamliel stood up and kissed him on his head, saying, "Come in peace, my master and my student! My master in wisdom, my student in that you accepted my decree.</p>	<p>[במשנה הקודמת מתנהלת מחלוקת בין רבן גמליאל לבין רבי יהושע באשר מה מהווה עדות קבילה לראיית המולד, מה משפיע על קביעת ראש חודש.] שלח לו רבן גמליאל, "גוזרני עליך שתבוא אצלי במקלך ובמעוטיך ביום הכפורים שחל להיות בחשבונך." הלך ומצאו רבי עקיבא מצר. אמר לו, "יש לי ללמוד שכל מה שעשה רבן גמליאל עשוי, שנאמר, (ויקרא כג) 'אלה מועדיי' מקראי קדש, אשר תקראו אתם, – בין בזמן בין שלא בזמן, אין לי מועדות אלא אלו." בא לו אצל רבי דוסא בן הרפינס. אמר לו: "אם באין אנו לדון אתר בית של רבן גמליאל, צריכין אנו לדון אתר כל בית דין ובית דין שעמד מימות משה ועד עכשיו, שנאמר (שמות כד), 'ויעל משה ואהרן נדב ואביהוא ושבעים מזקני ישראל. ולמה לא נתפרשו שמותן של זקנים, אלא ללמד, שכל שלשה ושלשה שעמדו בית דין על ישראל, הרי הוא כבית דינו של משה." נטל מקלו ומעוטיו בידו, והלך ליבנה אצל רבן גמליאל ביום שחל יום הכפורים להיות בחשבונך. עמד רבן גמליאל ונשקו על ראשו, אמר לו, בא בשלום, רבי ותלמידי, רבי בחכמה, ותלמידי שקבלת את דברי:</p>
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Babylonian Talmud, Tractate Shabbat 31 a-31b | בבלי שבת לא ע"א-לא ע"ב

<p>Rabba bar Rav Huna said: Any person who has Torah in him but does not have fear of Heaven is like a treasurer [gizbar] to whom they gave keys to the inner doors of the treasury but they did not give keys to the outer door. With what key will he enter? Although the Torah is the inner key, without fear of Heaven one cannot gain access to the genuine Torah. Similarly,</p>	<p>אמר רבה בר רב הונא כל אדם שיש בו תורה ואין בו יראת שמים דומה לגזבר שמסרו לו מפתחות הפנימיות ומפתחות החיצונות לא מסרו לו בהי עייל מכריו רבי ינאי חבל על דלית ליה דרתא ותרעא</p>
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<p>Rabbi Yannai would proclaim: Woe unto one who does not have a courtyard, and who makes a fence for the courtyard, i.e., a person who lacks fear of Heaven and is nevertheless involved in Torah study. Rav Yehuda said: The Holy One, Blessed be He, only created His world so that people would fear before Him, as it is stated: "And God has so made it that men should fear before Him" (Ecclesiastes 3:14).</p> <p>The Gemara also related that Rabbi Simon and Rabbi Elazar were sitting. Rabbi Ya'akov bar Aḥa passed and went adjacent to them. One said to the other: Let us stand before him as he is a man who fears sin. The other said to him in response: Let us stand before him, as he is a man of Torah study. He said to him: I said to you that he is a man who fears sin, and you said me that he is a man of Torah study? The former is much greater praise than the latter.</p> <p>The Gemara remarks: Conclude that Rabbi Elazar is the one who said that he is praiseworthy because he is a man who fears sin, as elsewhere he also spoke in praise of fear. As Rabbi Yoḥanan said in the name of Rabbi Elazar: The Holy One, Blessed be He, has in His world only fear of Heaven alone, as it is stated: "And now, Israel, what does the Lord your God ask of you, but to fear the Lord your God" (Deuteronomy 10:12). And it is written: "And unto man He said: Behold [hen], the fear of the Lord, that is wisdom; and to depart from evil is understanding" (Job 28:28), as in the Greek language they call one hen. Apparently, fear of God is of primary importance. The Gemara concludes: Indeed, conclude that Rabbi Elazar is the one who said so.</p>	<p>לדרתא עביד אמר רב יהודה לא ברא הקב"ה את עולמו אלא כדי שייראו מלפניו שנאמר (קהלת ג, יד) והאלהים עשה שייראו מלפניו</p> <p>ר' סימון ור' אלעזר הוו יתבי חליף ואזיל ר' יעקב בר אחא א"ל חד לחבריה ניקו מקמיה דגבר דחיל חטאין הוא א"ל איך ניקו מקמיה דגבר בר אוריין הוא א"ל אמינא לך אנא דגבר דחיל חטאין הוא ואמרת לי את בר אוריין הוא</p> <p>תסתיים דרבי אלעזר הוא דאמר דגבר דחיל חטאין הוא דא"ר יוחנן משום ר' אלעזר אין לו להקב"ה בעולמו אלא יראת שמים בלבד שנאמר (דברים י, יב) ועתה ישראל מה ה' אלהיך שואל מעמך כי אם ליראה וגו' וכתיב (איוב כח, כח) ויאמר לאדם הן יראת ה' היא חכמה וגו' שכן בלשון יוני קורין לאחת הן תסתיים:</p>
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ירושלמי חגיגה ב:א | Jerusalem Talmud, Tractate Hagigah 2:1

<p>Four entered the Garden [Paradise]. One cast a look and died. One cast a look and went mad. One cast a look and cut among the shoots. One entered safely and departed safely.</p> <p>Ben Azzai cast a look and was stricken. Of him Scripture says: "If you have found honey, eat only enough for you" (Prov. 25:16)</p> <p>Ben Zoma cast a look and died. Of him Scripture says, "Precious in the sight of the Lord is the death of his saints" (Ps. 116:15)</p> <p>Aher cast a look and cut among the shoots. Who is Aher? Elisha ben Abuyah, who slew the young scholars of the Torah. They say: He used to kill every disciple he saw</p>	<p>ארבעה נכנסו לפרדס. אחד הציץ ומת אחד הציץ ונפגע אחד הציץ וקיפץ בנטיעות אחד נכנס בשלום ויצא בשלום.</p> <p>בן עזאי הציץ ונפגע עליו הכתוב אומר (משלי כה) דבש מצאת אכול דיך.</p> <p>בן זומא הציץ ומת. עליו הכתוב אומר (תהילים קיז) יקר בעיני ה' המותה לחסידיו.</p> <p>אחר הציץ וקיפץ בנטיעות.</p> <p>מני אחר? אלישע בן אבויה שהיה הורג רבי תורה. אמרין כל תלמיד דהוה חמי ליה משבח באוריתא הוה קטיל ליה. ולא עוד אלא דהוה עליל לבית וועדא</p>
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mastering the Torah. Moreover, he used to enter the schoolhouse, and when he saw the pupils in the presence of the teacher he would say, "What are these doing here? This one should be a mason, this one should be a carpenter, this one should be a fisherman, and this one should be a tailor."

When they heard this they would leave [the teacher] and go [and become workmen]. Of him Scripture says: "Let not your mouth lead you into sin" (Ecc. 5:5). For he ruined his own deeds. Also at the time of persecution they [the Romans] made [the Jews] carry burdens [on Shabbat], and the Jews arranged it that two people should share one load, because of the rule that two people doing one piece of work [are not liable in regard to a Shabbat violation]

Elisha said, "Make them carry loads by themselves." They went and made them carry them by themselves, but they arranged to unload in a *karmelit* [neither private nor public ground], so that they might not bring them out from the private to public ground [which is forbidden].

Elisha said, "Make them carry bottles" [which would get broken if left lying].

R. Akiva entered safely, and departed safely. Of him Scripture says, "Draw me after you, let us run" (Song of Songs 1:4).

R. Meir was sitting teaching in the schoolhouse of Tiberias. Elisha, his master, passed by, riding on a horse on Shabbat day. They came and said to him, "Look, your master is outside." He stopped his teaching and went out to him.

He said to him, "What were you expounding today?" He said to him, "And the Lord blessed the latter days of Job more than his beginning" (Job 42:12).

He said to him, "With what [verse] did you begin to expound it?"

He said to him, "And the Lord gave Job twice as much as he had before" (Job 42:10), for he doubled for him all his wealth.

Elisha said, "Alas for the things that are lost and not found. Akiva, your master, did not explain it thus, but, 'And the Lord blessed the latter days of Job from [i.e. because of] his beginning' on account of the merit of the commandments and good deeds that he possessed in his former state."

He said to him, "And what else have you been expounding?" He said to him, "Better is the end of a thing than its beginning" (Ecc. 7:8). He said to him,

והוה חמי טלייא קומי ספרא והוה אמר מה אילין יתבין עבדין הכא אומנותיה דהן בנאי אומנותיה דהן נגר אומנותיה דהן צייד אומנותיה דהן חייט. וכיון דהוון שמעין כן הוון שבקין ליה ואזלין לון. עליו הכתוב אומר (קוהלת ה) אל תתן את פיך לחטיא את בשרך וגוי.

שחיבל מעשה ידיו של אותו האיש. אף בשעת עקתא הוון מטענין לון מטילין והוון מתכוונין מיטעון תרי חד מטול משום שנים שעשו מלאכה אחת, אמר אטעונין יחידאין. אזלין ואטעונין יחידאין והוון מתכוונין מיפרוק בכרמלית שלא להוציא מרשות היחיד לרשות הרבים. אמר אטעונין צלוחיין אזלין ואטעונין צלוחיין.

רבי עקיבה נכנס בשלום ויצא בשלום עליו הכתוב אומר (שיר השירים א) משכני אחריך נרוצה וגוי.

רבי מאיר הוה יתיב דרש בבית מדרשא דטיבריה. עבר אלישע רביה רכיב על סוסיא ביום שובתא. אתון ואמרין ליה הא רבך לבר פסק ליה מן דרשה ונפק לגביה. אייל מה הויתה דרש יומא דין? אייל (איוב מב) והי ברך את אחרית וגוי

אייל ומה פתחת ביה

אייל (שם) ויוסף הי את כל אשר לאיוב למשנה שכפל לו את כל ממונו. אמר ווי דמובדין ולא משכחין. עקיבה רבך לא הוה דרש כן אלא (שם) והי ברך את אחרית איוב מראשיתו בזכות מצות ומעשים טובים שהיה בידו מראשיתו.

אייל ומה הויתה דריש תובן. אייל (קוהלת ז) טוב אחרית דבר מראשיתו. אייל ומה פתחת ביה? אייל לאדם שהוליד בנים בנערותו ומתו ובזקנותו נתקיימו, והוי טוב אחרית דבר מראשיתו. לאדם שעשה סחורה בילדותו והפסיד ובזקנותו ונשתכר הוי טוב אחרית דבר מראשיתו לאדם שלמד תורה בנערותו ושכחה ובזקנותו וקיימה הוי טוב אחרית דבר מראשיתו. אמר ווי דמובדין ולא משכחין עקיבה רבך לא הוה דרש כן אלא טוב אחרית דבר מראשיתו בזמן שהוא טוב מראשיתו, ובי היה המעשה.

"How did you begin to expound it?" He said to him, "[By comparing it] with a man who begot children in his youth and they died, then in his old age he started again. The end of the matter was better than its beginning. [Also by comparing it] with a man who did business in his youth and lost money, while in his old age he made a profit. The end of the matter was better than its beginning. [Also by comparing it] with a man who learned Torah in his youth and forgot it, while in his old age he learned and remembered it. [lit., kept it alive] The end of the matter was better than its beginning." He said, "Alas for the things that are lost and not found! Akiva, your master, did not explain it thus, but, 'The end of a thing is better than its beginning' – so long as it is good from its beginning. And so it happened to me.

"My father, Abuyah, was one of the important people in Jerusalem. When the day of my circumcision came, he invited all the important people of Jerusalem and sat them down in one room, with R. Eliezer and R. Joshua in another room. When they had eaten and drank they began stamping their feet and dancing. R. Eliezer said to R. Joshua, "While they are occupying themselves in their way we will occupy ourselves in our way.' So they sat down and engaged in the study of the Torah, from the Pentateuch to the Prophets, and from the Prophets to the Writings. And fire fell from heaven and surrounded them. Abuyah said to them, 'My masters, have you come to burn my house down around me?' They said, 'God forbid!' But we were sitting searching around in the words of the Torah from the Pentateuch to the Prophets, and from the Prophets to the Writings, and the words were as alive as when they were given from Mt. Sinai.' And the essential attribute of their being handed over at Sinai? They were given only by fire; 'And the mountain burned with fire to the heart of heaven' (Deut. 4:11) Abuyah, my father, said to them, 'My masters, if this is the power of the Torah, if this son of mine lives I will dedicate this son of mine to Torah.' Because his [original] intention was not pure, therefore it was not realized in the case of this man [Elisha, speaking of himself in the third person]."

He said to him, "And what else have you been expounding?" He said to him, "Gold and glass cannot equal it" (Job 28:17). He said to him, "How did you begin to expound it?" He said to him, "The words of Torah are hard to acquire like vessels of gold but easy to lose like vessels of glass. Just as vessels of gold and

אבויה אבא מגדולי ירושלם היה ביום שבא למוהליני קרא לכל גדולי ירושלם והושיבן בבית אחד ולרבי אליעזר ולר' יהושע בבית אחד. מן דאכלון ושתון שרון מטפחין ומרקדקין

א"ר ליעזר לר' יהושע עד דאינון עסיקין בדיהון נעסוק אנן בידן וישבו ונתעסקון בדברי תורה מן התורה לנביאים ומן הנביאים לכתובים וירדה אש מן השמים והקיפה אותם. אמר להן אבויה רבותיי מה באתם לשרוף את ביתי עלי? אמרו לו חס ושלום! אלא יושבין היינו וחוזרין בדברי תורה מן התורה לנביאים ומן הנביאים לכתובים והיו הדברים שמיחים כנתינתן מסיני והיתה האש מלחכת אותן כלחיכתן מסיני. ועיקר נתינתן מסיני לא ניתנו אלא באש (דברים ד) וההר בוער באש עד לב השמים. אמר להן אבויה אבא: רבותיי אם כך היא כוחה של תורה, אם נתקיים לי בן הזה לתורה אני מפרישו. לפי שלא היתה כוונתו לשם שמים לפיכך לא נתקיימה באותו האיש.

א"ל ומה הייתה דורש תובן

א"ל (איוב כח) לא יערכנה זהב וזכוכית. א"ל ומה פתחת ביה?

א"ל דברי תורה קשין לקנות ככלי זהב ונוחין לאבד ככלי זכוכית ומה כלי זהב וכלי זכוכית אם נשתברו יכול הוא לתזור ולעשותן כלים כמו שהיו אף תלמיד חכם ששכח תלמודו יכול הוא לתזור וללמדו כתחילה. א"ל דייך מאיר עד כאן תחום שבת. א"ל מן הן את ידע? א"ל מן טלפי דסוסיי דהוינא מני והולך אלפיים אמה. א"ל וכל הדא חכמתא אית ביך ולית את תזר בדך? א"ל לית אנא יכול. א"ל למה? א"ל שפעם אחת הייתי עובר לפני בית קודש הקדשים רכוב על סוסי ביה"כ שחל להיות בשבת ושמעתי בת קול יצאה מבית קודש הקדשים ואמרת שובו בני חוץ מאלישע בן אבויה שידע כחי ומרד בי.

וכל דא מן הן אתת ליה אלא פעם אחת

glass, when they are broken, can be repaired and become as they originally were, so a scholar who forgets his learning can turn and learn it [again] as at the beginning." He said to him, "[You have gone] far enough, Meir. Here is the Shabbat limit." He said to him, "How do you know it?"

He said to him, "From the steps of my horse which I am counting; he has gone two thousand cubits." He said to him, "You have all this wisdom, yet you do not repent!"

"I cannot," he said. "Why not?" R. Meir said to him. Elisha said, "Once I was passing before the Holy of Holies riding upon my horse on the Day of Atonement which happened to fall upon a Shabbat, and I heard a *bat kol* coming out of the Holy of Holies saying, 'Repent children, except for Elisha ben Abuyah, for he knew my power yet rebelled against me!'"

Why did this happen to him? Once Elisha was sitting and studying in the plain of Ginnosour, and he saw a man climb to the top of a palm tree, take a mother bird with her young and descend safely. The following day he saw another man climbing to the top of the palm tree; he took the young birds, but released the mother. When he descended, a snake bit him and he died. Elisha thought, "It is written, "... you shall let the mother go, but the young shall you take to yourself; that it may go well with you, and that you may live long' (Deut. 22:6). Where is the welfare of this man, and where his length of days?"

He did not know that R. Jacob had explained it before him: "That it may go well with you" in the World to Come which is wholly good, "And that you may live long," in the time which is wholly long.

Some say because he saw the tongue of R. Judah the Baker, dripping blood, in the mouth of a dog. He said, "This is the Torah, and this its reward! This is the tongue that was bringing forth the words of the Torah as befits them. This is the tongue that labored in the Torah all its days. This is the Torah and this its reward! It seems as though there is no reward and no resurrection of the dead."

But some say that when his mother was pregnant with him, she passed by some heathen temples and smelled their particular kinds of incense. And the odor pierced her body like the poison of a snake.

Sometime later Elisha fell sick. They came and told R.

היה יושב ושונה בבקעת גינוסור וראה אדם אחד עלה לראש הדקל ונטל אם על הבנים וירד משם בשלום. למחר ראה אדם אחר שעלה לראש הדקל ונטל את הבנים ושילח את האם וירד משם והכישו נחש ומת. אמר כתיב (דברים כב) שלח תשלח את האם ואת הבנים תקח לך למען ייטב לך והארכת ימים איכן היא טובתו של זה איכן היא אריכות ימיו של זה?

ולא היה יודע שדרשה ר' יעקב לפניו ממנו למען ייטב לך לעולם הבא שכולו טוב והארכת ימים לעתיד שכולו ארוך.

ויש אומר ע"י שראה לשונו של ר' יהודה הנחתום נתון בפי הכלב שותת דם אמר זו תורה וזו שכרה זהו הלשון שהיה מוציא דברי תורה כתיקן זה הוא הלשון שהיה יגע בתורה כל ימיו זו תורה וזו שכרה? דומה שאין מתן שכר ואין תחיית המתים.

וי"א אמו כשהיתה מעוברת בו היתה עוברת על בתי עכו"ם והריחה מאותו המין והיה אותו הריח מפעפע בגופה כאירסה של חכינה.

לאחר ימים חלה אלישע. אתון אומרין לר"מ הא רבך באיש אזל בעי מבקרתיה ואשכחיה באיש. אייל לית את חזר בד

אייל ואין חזרין מתקבלין

אייל ולא כן כתיב (תהילים ז) תשב אנוש עד דכא עד דיכדוכה של נפש מקבלין.

באותה שעה בכה אלישע ונפטר ומת והיה ר"מ שמח בלבו ואומר דומה שמתוך תשובה נפטר ר'.

מן דקברוניה ירדה האש מן השמים ושרפה את קברו אתון ואמרין לר"מ הא קבירה דרבך אייקד. נפק בעי מבקרתיה ואשכחין אייקד. מה עבד? נסב גולתיה ופרסיה עלוי אמר (רות ג) ליני הלילה וגוי. ליני - בעולם הזה שדומה ללילה. והיה בבוקר - זה העולם הבא שכולו בוקר. אם יגאלך טוב - יגאל זה הקב"ה שהוא טוב דכתיב ביה (תהילים קמה) טוב ה' לכל ורחמיו על כל מעשיו (רות

Meir, "Behold, your master is ill." He went, intending to visit him, and he found him ill. He said to him, "Will you not repent?" He said, "If sinners repent, are they accepted? He replied, "Is it not written thus: 'You cause a man to repent up to the point when he becomes dust' (Ps. 90:3)? Up to the time when life is crushed are repentant sinners received." At that moment, Elisha wept, then he departed [this life] and died. And R. Meir rejoiced in his heart, thinking, "My master died in repentance."

When they buried him, fire came down from heaven and consumed his grave. They came and told R. Meir, "Behold, your master's grave has been set on fire." He went, intending to visit it, and found it burning. What did he do? He took his long prayer cloak and spread it over the corpse saying, "Pass the night," (Ruth 3:13). Stay in this world which is like the night. 'And it shall be in the morning' (Ruth 3:13). This is the world to come which is all morning. 'If he will redeem you, well and good; let him redeem you' (Ruth 3:13) – this is the Holy One, blessed be he, of whom it is written: The Lord is good to all, and his compassion is over all that he has made' (Ps. 145:9), 'And if it does not please him to redeem you, then as the Lord lives, I will redeem you'" (Ruth 3:13) Then the fire was extinguished. They said to R. Meir, "If they ask you in that world, 'Who do you intend to visit [first], your father or your master' [What will you do]?" He said to them, "I will visit my master first, and after that, my father."

They said to him, "Will they hearken to your plea [for Elisha]?" He said to them, "Have we not been taught thus: *They may save the casing of the scroll together with the scroll and the casing of the tefillin together with the tefillin* [M. Shab. 16:1]? Elisha Aher will be saved through the merit of his [study of the] Torah."

Some time later, Elisha's daughters went to receive alms from Rabbi. Rabbi decreed saying, "Let there be none to extend kindness to him, nor any to pity his fatherless children" (Ps. 109:12). They said to him, "Rabbi, do not look upon his deeds but on his Torah." At that moment Rabbi wept and decreed that they should be provided for. He said, "If these are [the children] raised by this man who labored in the Torah for the wrong motives, how much more would be achieved by the one who labors in it for the right motives!"

R. Eleazar said in the name of Ben Sirah, "Why attempt to find out what is hidden from you? Why

ג. ואם לא יחפוץ לגאלך וגאלתיך אנכי חי ה', ואיטפיית. אמרון לר"מ: אין אמרין לך בהווא עלמא למאן את בעי למבקה לאבוך או לרבך? אמר לון אנא מיקרב לר' קדמי, ובתר כן לאבא. אמרון ליה: ושמעין לך? אמר לון ולא כן תנין: מצילין תיק הספר עם הספר תיק תפילין עם התפילין מצילין: לאלישע אחר בזכות תורתו.

לאחר ימים הלכו בנותיו ליטול צדקה מר' גזר רבי ואמר (תהילים קט) אל יהי לו מושך חסד ואל יהי חונן ליתומיו. אמרו לו: ר' אל תבט במעשיו הבט בתורתו. באותה השעה בכה ר' וגזר עליהן שיתפרנסו. אמר מה אם זה שיגע בתורה שלא לשום שמים ראו מה העמיד מי שהוא יגע בתורה לשמה על אחת כמה וכמה.

ר' לעזר בשם בר סירה: פליאה ממך מה תדע עמוקה משאול מה תחקור במה שהורשיתה התבונן אין לך ענין בנסתרות.

search out what is deeper than Sheol? Reflect [only] on what is permitted to you. Hidden things are no concern of yours”

Leon Wiener Dow

The Going

A Meditation on Jewish Law

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נעשה ונשמע [*Na'aseh ve-nishma*], we will do and we will hear. Rosenzweig is right to say that this phrase conveys the primacy of the act, hinting further that our hearing, our understanding, is secondary both in sequence and in importance. We hear differently, he correctly points out, when we hear in the doing.⁴ But Rosenzweig's gloss fails to capture a vital aspect of *na'aseh ve-nishma*: the utterance of the children of Israel at Sinai—and yes, it is of significance that the Torah is revealed to all of the people as a people—is a communal utterance, and it is in the plural. That is, *na'aseh ve-nishma* is not, first and foremost, a manifesto of existential philosophy. It is a statement of the deepest ethos of the Jewish community: We will do. And we begin our doing by saying that we will do. The doing is definitive of the community, and halakha is that doing. Halakha cannot speak; it can only do, and so my attempt in this chapter to give it a voice is an attempt to dress it in an outfit that is too small.

TEASING APART COMMUNITY, COMMUNAL NORM, AND COMMUNAL ACTION

And yet, despite the way in which a community defines itself in its doing, the two never conflate fully. The community and the communal norm can be teased apart. An element of communal belonging can consist of the communal norm that I (or we) do not observe. A different form of observance—or even non-observance—can comprise a form of observance.

The halakha is the normative life of the Jewish community, but the two entities are not coterminous. As we shall see when we examine the subject of *maḥloket*, the halakhic system can withstand diversity in the realm of opinion, and, to an astounding degree, even when it spills over into the realm of praxis. In fact, *maḥloket* serves as a connecting wedge. On the one hand, it divides the community, fracturing it into splinter groups. On the other hand, it serves as a bridge that traverses the chasm that separates the communities.

Yet, in one well-known incident, Rabban Gamliel asserts with crude force the limits of halakhic flexibility, as determined by the limits of *maḥloket* to bridge the ravine of practice separating two communities. In this incident, Rabban Gamliel, the President, and Rabbi Yehoshua disagree about what constitutes valid testimony for the new moon.⁵ This disagreement, in turn, spurs a fundamental disagreement regarding the fixing of the calendar, and Rabban Gamliel, known for his authoritarian nature, pulls rank. He issues an

edict to Rabbi Yehoshua that he must take his cane and coins and travel to see him on the day that is, according to Rabbi Yehoshua's calculations, Yom Kippur. Rabbi Yehoshua, in great consternation, consults Rabbi Akiva and Rabbi Dosa Ben Horcanus, both of whom tell him that he must do as Rabban Gamliel demands. Rabbi Yehoshua does so, and, as he enters, Rabban Gamliel stands—a gesture of respect issued by someone of lower status to someone of higher status—and kisses Rabbi Yehoshua on the forehead, an indication of affection from someone of higher status to someone of lower status, proclaiming, “Come in peace, my teacher and my student. My teacher in wisdom, my student in accepting my decree.”

What at first glance may appear in this story to be a demand for conformity in behavior constitutes only the surface of a discussion whose depths touch upon the way in which place and time define community. In essence, Rabban Gamliel is arguing that the cohesiveness of the halakhic community can overcome geographical distance—but only on the condition that the community shares time. That is why he must force the hand of Rabbi Yehoshua, who calculates the calendar differently. Even if we share the same space, Rabban Gamliel says, that is insufficient for us to participate in shared communal life: we must meet in time.

SHARED TIME

What does it mean for human beings to meet in time? Ultimately, it implies that individuals relinquish a part of their autonomy in order to share their doing with others in time. “My” time becomes “our” time. We are wont to do that precisely because of the depth of the impingement upon our autonomy. We prefer to send an email or text message, or to leave a voicemail, rather than to speak to the person over the phone, for in the former instances we remain in full control of our time. When we meet someone in time we choose to forego some portion of our independence. It is an act of heteronomy, the *sine qua non* of community.

This decision is a momentous one precisely because of the import—existential and philosophical—of “my time.” For what is “my time” if not my borrowed time, that thing I stake my very existence on, the thing that’s most truly mine even if it’s not truly mine, as I live in the valley of the shadow of my death while it draws inexorably near? For even if I don’t know when it will come, I know this with certainty: with every passing instant it has come closer. Thus, to participate in the life—which is to say, the time—of community is to stake my life in that of the community. I trade in a

portion of my temporality for the flash of eternity that the community promises. The glimmer in the eye of the grandparent present at her grandchild's entry into the community is the refraction of the light of eternity: in that moment, she is taken to the precipice of her lived years and offered a glimpse of the life that goes on, the pulsating wave of life which continues forward, even as she recedes from its crest.

HALAKHA: SHARED DOING IN THE SPACETIME MANIFOLD

At this point, we can formulate an interim definition of the halakha: the Jewish communities' shared—but not identical—doing in time. Rooted in and emergent from the learned conversation of Torah, it is an aspirational doing that seeks to infuse every crevice of our momentary, this-worldly existence with significance. And because every piece of existence can refract divine light, every interaction—indeed, every action, even the most private ones—holds open the promise of expressing holiness. The fundamentally communal nature of this aspiration implies that communal life in all of its manifestations can be an avenue of expression for this aspiration. In this way, the community's dual pull of shared space and shared time becomes an opportunity—nay, an obligation—for instantiating holiness and eternity in this world.

Against the backdrop of this understanding of the halakha, it becomes clear why prayer so often—even if unnecessarily—occupies a central place in attempts to understand the halakha. Heschel could call mitzvot “prayer as deed” precisely because the multilayeredness of prayer offers a profound cross section of the halakhic moment.⁶ The event of prayer brings to the fore not only the undeniable centrality of theology to the halakhic system, in addition to the poles of קבע וכונה [*keva* and *kavana*]⁷—fixed structure and intentionality. More important to the context of our discussion, prayer demands the individual's very innermost—the deepest, hardly-effable recesses of her soul—all the while insisting that she sacrifice some of her particularity in order to participate in a larger communal endeavor. When those two forces come together into one fabric—be it hesitatingly or enthusiastically, awkwardly or gracefully—the individual constituent strands are never effaced. Then—and only then—may the individuals and the community, separately and together, utter those privileged words that the halakhic tradition limits to דבר שבקדושה [*davar she-bikdusha*], a matter of holiness.

If the halakha is shared doing in time, then—given the impossibility of separating space and time from the unified manifold that they comprise—we must acknowledge the halakhic community’s spatial dimension. The rabbis crafted a calendar that enabled Jews outside of the Land of Israel to participate in the shared time of the Jewish community, overcoming physical distance. In so doing, they posit the supra-territorial nature of the halakhic community. Yet, we know well from our attempts to bridge physical distance through the myriad of mechanisms that technology has put at our disposal, a person on the screen or on the phone can be there for us—but never here with us. The full depth of human existence requires presence in all of its rich connotation.

SHABBAT AND THE DEMARCATION OF HALAKHIC COMMUNITY

The centerpiece of the halakhic life is, no doubt, Shabbat, for it is all about this unfettered, uncompromised presence—in time and in place. Heschel wrote a beautiful and powerful meditation on Shabbat as a palace in time, and his descriptions of Shabbat’s ability to bring eternity into time are as accurate as they are profound.⁷ Yet *The Sabbath* fails to capture the intricate weave between time and place that Shabbat entails. The very first Mishnah in the tractate of Shabbat portends one of the principle themes of the whole tractate: an unrelenting attempt to cast a contour of space that gradually extends the private space of the individual into a blurred continuum with the shared space of the community.⁸ These extended lines continue in one fashion or another—regulating the ability to move physical objects from one place to another—until they reach ערום שבת [*tehum Shabbat*] “the area of Shabbat,” the geographical area beyond which a person may not walk on Shabbat (approximately 1 km from the outer boundary of the community). Bound to her community on Shabbat, the individual may nonetheless extend her own “Shabbat area” in one direction beyond the 1 km limitation, but with each extension in that direction she must limit herself in the opposite direction. The result of this complex nexus of laws is that the 25 hours of Sabbath—for what is the Sabbath if not a piece of time, carved out from time’s continuum—do more than align the individual with the rhythm of cosmic time, forcing her to cede all pretense that she can be master of anything, even her own time. They also bind her to a physical space—and to the community of individuals who inhabit that space during those hours.⁹

The story is told, in different variations, of the rabbi-turned-apostate, Elisha ben Abuya, who rode on his horse through the Jewish community on Shabbat, thus violating Shabbat publicly. At that time, Rabbi Meir—his student, a sage so prominent and so dominant that it is said that the anonymous voice of the Mishna is his and that, further, whenever the sages of the Mishna determined that the halakha was not according to his position, it was only because they failed to understand the depth of this thought¹⁰—is poised in the house of study, offering his weekly homily. Rabbi Meir’s students rush in to tell him that “his rabbi” is passing by, and Rabbi Meir stops mid-sentence and dashes outside to greet his teacher and to speak words of Torah with him. (Can you imagine a teacher of such enormous stature doing this?) Their exchange—fascinating and edifying as it is—is eclipsed only by its abrupt conclusion. You must turn around, Elisha says to Rabbi Meir. Why?, asks Rabbi Meir. Because I’ve counted my horse’s footsteps, and so I know that we’ve now reached (what is for you) the area of Shabbat. Rabbi Meir enjoins, if you know so much Torah, how can you not live out that Torah in deed?! Return! —by which Rabbi Meir means, return to the normative fold of the community. Elisha responds that, existentially speaking, he cannot do so.

The story—even in the skeletal version I have offered—is rich beyond our ability to exhaust here, touching upon questions of the relationship between study and lived ideas; the nature of human freedom; teacher-student relationships; and the possibilities, and limits, of pluralism in Torah study and in halakhic praxis. It is this last point that is relevant for our present discussion: namely, the import of Rabbi Meir and Elisha’s arrival at the border of the Shabbat area. Up until that point, they could talk Torah together, an intimate *hevruta*, two learners in dialog—perhaps playful, perhaps aggressive—engaging in the spoken word. Yet this is a camaraderie and intimacy of two—sharing Torah and sharing a journey walking together. But they are unable to share in the life of the same community, which is why Rabbi Meir, upon reaching the border of the area of Shabbat, must turn around, even while Elisha—sensitive though he may be regarding Rabbi Meir’s needs and observances—rides on. He, for his own sake, cannot turn back: he is not a part of the community that binds—and limits—Rabbi Meir. Rabbi Meir, for his part, mourns—ostensibly for Elisha, whom he fears will be punished for his apostasy. But the reader senses that, in fact, Rabbi Meir is mourning the poverty of the community that cannot contain Elisha in its midst. They are not part of the same lived community, and it is that border of the area of Shabbat, where space and time join in a

delicate weave to bind individuals into shared fabric of action, that testifies to the gulf that separates them.

In this story, the border at which Rabbi Meir and Elisha part ways demarcates not only the area of Shabbat that confines and defines that specific geographic halakhic community, but the halakhic community in its broadest sense. Indeed, though we have spoken thus far about shared communal action in the ritual spheres of prayer and Shabbat, the halakha claims relevance in every sphere of a person's lived life, so surely the borders of the halakhic community must include in their midst arenas of action far more variegated than those associated with ritual behavior. Business dealings; attitudes toward parents, children, and elders; distributive justice, social justice, and treatment of disadvantaged; care for the environment and the physical world; the composition and integrity of family units; intimate relations; matters of equity; relations between neighbors; the ordering of everyday social intercourse: surely these must all define the halakhic community, with border markers no less distinct than the 2000 *אמה* [*amah*] which define the "ins" and "outs" of the Shabbat borders of the community. Yet also, issues not overtly ethical in nature—sexual mores; conventions and uses of language and speech; attitudes toward body and physicality; our consumption of food and drink; choices about how to spend our time and what content with which to fill our days, our eyes, and our souls—all of these are matters of halakha not merely because they offer opportunities for lived-out Torah, encapsulating our aspirations for holiness in our daily actions. They are halakha because, without exception, they all—even the ones that take place in spaces of intimacy and privacy—draw from, express, and contribute to communal norm.

WEAVING TOGETHER COMMUNAL ACTION AND COMMUNAL NORM

This is not to say, of course, that every action conforms to the existent halakhic communal norm; only that it is bound, in some ineluctable way, to the amalgamated sum of communal activity, which in turn exerts a profound, if often silent, impact on the ongoing evolution of the norm. Aware of this dynamic interplay between *nomos* and the community, a rabbinic dictum disqualifies any enactment that the majority of the public will be unable to uphold.¹¹ This is not merely a strategy for effective governance: it expresses a deep understanding that, as the legend goes, the Torah was not given to heavenly angels¹²: it was given to people, and the cumulative effect

of disobedience of the law is profoundly inimical, unraveling the communal norm, and, with it, the community itself.¹³

How else can we understand the advice of Rabbi Ullah to the person who has, to borrow from Nathan Englander, an unbearable urge that he must relieve?¹⁴ Rabbi Ullah suggests that the person overcome by his desire to sin—presumably sexually—go someplace where no one knows him, don black clothes, cover himself in black, and do as his heart desires, rather than desecrating the divine name publicly.¹⁵ Surely Rabbi Ullah's preference is that this person refrains from the deplorable action: the thoroughgoing nature of the command of holiness cannot apportion areas of action that are irrelevant or even insignificant.¹⁶ Yet, in the greatest rabbinic fashion, Rabbi Ullah knows how and when to recede in the face of human frailty—to be a priest and not a prophet, to use *Ahad Ha-'Am's* distinction.¹⁷ And yet, he also understands that every single action and every single inaction, every deed and every misdeed, contributes to—or gnaws away at—the communal norm. The public desecration of the divine name about which Rabbi Ullah is concerned is nothing other than the impugning of the One who commands.

THE OCULAR CONSTITUTION OF COMMUNITY: קידוש ה' [KIDDUSH HASHEM] AND מראית עין [MAR'IT AYIN]

Here Rabbi Ullah follows the well-trodden (and stunningly beautiful!) path of sages who inquired as to the idea of consecrating the divine name.¹⁸ The discussion begins modestly, with sages staking out the definition of the converse—namely, what constitutes desecration of the divine name. In my lived life, enjoins Rav, purchasing meat without paying immediately entails a desecration of the divine name. As the Talmudic discourse continues, other mundane examples abound from the lives of sages. Disparate though they are, the various actions share an unmistakable commonality: the reaction they provoke in onlookers. Basing himself upon the discussion of earlier Tanaitic sages, Abaye unsettles the reader by clarifying that ultimately the subject under discussion is the deepest question that a Jew who aspires to live halakhically must face: how do I love the Divine?

Even more startling than the clarity and challenge of the question that Abaye has posed is the convoluted, decentered answer that he proposes. To love the Divine, suggests Abaye, is to act in a way that causes others, who observe my actions, to love the divine name. That transpires, continues the

comes; Shabbat departs. The ceremony of havdallah—separation—offers within minutes a virtuoso performance of theme and variation: oneness contains division within it, precisely for the sake of its wholeness. We depart the world of oneness and enter its inner world of division, otherwise known as the six days of Creation. The time has come to create.

There is, to be sure, a sweetness of Shabbat whose fragrance lingers in the air. But I can no more remain in the nourishing confines of Shabbat than I can stay at home once I've reached adulthood and am ready to realize my higher self—out there, in the world. The infinity of Shabbat's inner stasis leads, miraculously, to an emergence outward. From within the inner quiet a voice sounds—a voice that speaks from within but is not mine. It is a voice at once calm and commanding, one that speaks with unparalleled transparency, whispering that all that is out there—right out there, just beyond me—demands my full presence.

How can I understand this voice that issues forth from a beyond that lies within? The story is told in the Talmud that during those moments of the people of Israel's spiritual stupor, in which they were seeing voices, the Blessed Holy One held Mount Sinai over their heads with an offer they could not refuse.³² Either accept the Torah or I will drop the mountain on your head and return the world to chaos. That's not command, says Rabbi Yaakov bar Aha; that's coercion, and coercion, he claims long before Locke, renders the religious act meaningless. Even the command must be chosen, freely accepted, embraced, assumed.

By recasting the voices floating visibly in the air at Sinai into a voice whose commandedness threatens, the rabbis bring to the fore the challenge of a religious life oriented around command: how can a voice from without spark an authentic doing? For if our doing were not authentically ours, why would the Divine command it? It could only be of significance to the Divine because we could have rejected it, but instead chose it. The Divine's choosing us becomes, must become, our choosing the Divine command.

The Divine held the mountain over the heads of Israel at Sinai—but they freely accepted it, קיימו וקיבלו, *kiyyemu ve-kibbelu*, at the time of Esther, says the Talmud. During the time of Esther!—that one book in the Tanakh when God is not mentioned, when Jews assert themselves as Jews and, as human beings, assume full responsibility for their well-being? That is when the rabbis understand the Jews to have accepted the Divine command? From the Divine's overwhelming and overbearing presence at Sinai, the rabbis jump over Jewish history and books of the Torah until they arrive at that moment when the Divine is most hidden. There, and only there, can

the Torah be fully accepted, can mitzva be freely assumed, can—dare I say it?—the Divine’s voice be fully heard? Only when the external manifestation of the Divine voice falls silent can the inner contours of the Divine voice be heard. Only when the demand-command ceases to threaten from without can the yoke of responsibility and responsiveness issue forth from within.

This movement—from without to within—does not simply transpire. It is made possible—and evoked—by an inner movement on my part. Everything is in the hands of heaven, except for the *יראה* [*yir’a*], awe, that we have toward heaven, says Rabbi Hanina.³³ Despite our intuition that our innermost attitude toward the Divine is determined from without—a function of our upbringing, our innate disposition, our amalgamated experiences, and so forth, in fact it is that over which we exercise the most control. What is this inner attitude that then effectuates the possibility of hearing the Divine?

At one level, it is an outward adjustment, the movement of the pen before it touches down on the paper. Says Raba the son of Rav Huna: the person who has Torah learning but does not have an attitude of awe is like a guardian who has the keys to the inner chamber but didn’t receive the key to the outer courtyard.³⁴ To “have” Torah without *yir’a* can only be an illusion: that person does not in fact have the ability to approach Torah, to unlock its meaning. The Torah that he holds is not, in fact, Torah. The same words have a different meaning when the approach to them is through the gate of *yir’a*. Raba’s warning applies to Torah, instruction, in the broadest sense, and in this broad sense all of the world is instruction. Every interaction, every moment, is poised to offer instruction. But our ability to access that instruction depends upon our opening the outer gate and entering through the courtyard of *yir’a*. Humble, attentive, open to surprise, replete with reverence, ready to receive direction, awed at the beauty of the moment, awed by the responsibility that it contains, anxious to pursue the path it beckons.

At another level, *yir’a* is an inwardness that gently, confidently, and completely overcomes any and all outward adjustments. Immediately after the words of Raba the son of Rav Huna regarding the person who has Torah but lacks *yir’a*, Rabbi Yanai declares: what a waste to build a gate around a courtyard if you have no courtyard! *Yir’a* is an inner courtyard, an inner expanse, that no behavioral directives can fashion from without. Studying Torah and keeping the halakha are incapable of generating the inwardness that grants them their very meaning. The inner workings of the inner chamber must be fostered and crafted from materials other than Torah

and mitzvot. It is an echo chamber that is sealed to the approach from without. But in it, a voice reverberates: a voice issues forth, its powerful sound reverberates, and together—voice and echo—they break out, refusing, as they do, to be contained as inwardness. And the person inwardly attentive is left listening, sifting through the voices, struggling to distinguish authentic voice from its mere—and thus deceptive—reverberation. It is with this inwardness—and only with it—that it is possible to approach the command.

“To approach the command”? No, I cannot approach a command. I can hear a command, I can respond to a command, but I can only approach—dare I say it?—a commander. To hear the command is to acknowledge being addressed and to “know” in a way far deeper than “knowing” that there is an addresser; to hear the command is to understand that I must move, that my work is not done, that creation is left wanting; to hear the command is to know that I must strain to decipher what is being demanded of me; to hear the command is to hear commands from multiple sources, at varying decibels, many contradictory, all in competition with one another, and to merge them or to bring one to the fore while the others fade, or to realize that one is the true command at this very moment, in this very place, and to understand, to truly know, that it, and only it, must be done, even if I wonder if—while doing it!—I may be mishearing; to hear the command is to know that the eternal, for the sake of its very eternity, needs to be compacted into the moment of now; to hear the command is to know that the demand of eternity will be fashioned over the course of time but only determined, once and for all, as the demand of eternity, in the unreached future; to hear the command is to know that my deed will live for eternity, and that eternity will hold up the deed in its light, asking all to gaze upon it and inquire as to whether it is worthy of being eternalized; to hear the command is to accept the full and terrifying responsibility of deed, and the possibility of misdeed; to hear the command is to know that in my deed I not only respond to the commander, I fashion the commander; to hear the command is to hear the commander, and to be in the commander’s presence; to hear the command is to know that I am worthy of address, of being commanded.

To hear the command is to hear the commander, and to be in the commander’s presence; to hear the command is to know that I am worthy of address, of being commanded. To hold simultaneously both of these aspects of hearing the command is no small task. To do so is to hold

together the rabbinic understanding of service to the Divine as a collaboration of *yir'a* and *ahava*, love.

My rabbi and teacher would often cite the verse שׁוֹרֵי ה' לִנְגוּדֵי תְּמִיד (Psalms 16:8)—“I am ever mindful of the presence of the Divine”—as an expression of the highest of spiritual aspirations: to foster a constant “God-intoxication,” as he used to term it, an unceasing awareness of, and thirst for, the presence of the Divine.³⁵ When the Divine’s presence is a commanding one—and how could it not be?—the overwhelming sense of the Divine transpires within the framework of *yir'a*. Obligation and awe are familiar partners.

To sense the commander by hearing the command is to be in a room, back to the opened door, and feel with certainty the presence of someone who has entered silently. The presence of the One who not only avoids your direct line of vision; it does not even reach the remotest edge of your peripheral vision. It is a presence whose palpability is at once overwhelming and utterly incapable of being grasped. And in a way that is both counter-intuitive and eminently understandable, this presence is all the more commanding precisely because of its hidden, mysterious nature. To feel the presence is to be on edge, eager to respond; weary of falling into a slumber, and weary of misstep. On edge; eager; weary; responsive: so it is when, over against me, juxtaposed with my presence, is the commanding presence of the Divine.

And yet, just as I may dare to leverage the presence of the Divine into the foreground, into my direct line of vision, into the distilled “You” of the blessing that boldly places me in a position of address, so, too, I may dare to invert the distribution of power, the hierarchy, that inheres in the moment of command. With a “mere” change in consciousness—a change in consciousness that is no mere act, but rather a consummate act of self-love and of theological brazenness—I may recast the command, reclaim my deepest self, and reformulate my relationship with the Divine. I may lay claim to being worthy of address.

To be worthy of address by the Master of All That Is, the One whose voice ineluctably commands, the Infinite in every dimension and direction, the Ungraspable, the Ineffable, the Divine? What could possibly make sense of such a nonsensical proposition? The only thing more difficult than the concept of my being addressed is to make the preposterous suggestion that I may be worthy of the address. What would it mean for any human being to be worthy of address? More pointedly, given that I know intimately the