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For Your Own Good: Problematic Punishment in *Becuhkotai* and *Ki Tavo*

This thesis explores four modern Torah commentaries and their treatment of the curse catalogues described in Lev. 26: 16-56 and Deut. 28:14-69. Through detailed analysis of the style and content of each commentary, along with the movement (if any) with which it is affiliated, certain commonalties and differences are revealed, offering the modern-day Jew insight into the larger issues at stake. The overall lesson learned is that, regardless of denomination or agenda, contemporary commentators, when writing for the purpose of creating a synagogue Bible or study commentary, handle "troubling" texts contrary to modern value-norms differently than they handle the other, less controversial material. The result each time is a commentary whose actual verse by verse exegesis diverges from the initial statement of each that all of the Torah has value for Jews today. The thesis is divided into six chapters: The first - an introduction; the second - W. Gunther Plaut's *The Torah: A Modern Commentary;* the third – J.H. Hertz' *Pentateuch and Haftorahs*; the fourth – David Lieber's *Etz Hayim*; the fifth – Richard Friedman's *Commentary on the Torah*; and last – concluding reflections. Beyond these sources, the commentaries of the medieval *pashtanim* Rashi and Nachmanides were referenced, along with sources exploring the various approaches to biblical study from traditional, pre-critical study to critical scholarship, and even post-critical school of thought. This comprehensive analysis of the variant ways to approach the Hebrew Bible (hereafter: HB) results in a thesis offering new insights into the ways in which Jews understand the Torah and their overall theology today.

FOR YOUR OWN GOOD:
PROBLEMATIC PUNISHMENT IN *BECHUKOTAI* AND *KI TAVO*

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Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

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Table of Contents

"If there has ever been a book which has thriven in a plurality of contexts, it is surely the Hebrew Bible."[1] These words of modern biblical scholar Jon D. Levenson offer one of the only available conclusions unifying the main schools of thought on the Hebrew Bible/ *TaNaKh*/ HB. Throughout time, the approach to study and understanding of the HB has expanded both from within and without the text. Traditional study of *TaNaKh* assumes the divine origin of Scripture and the gift of the words of the Torah to Moses by God/Yahweh. Traditionally, Bible study was undertaken by observant Jews, themselves wholeheartedly invested in the preservation of the faith and in the interpretation of *TaNaKh* in line with their religious commitments. According to tradition, Moses received Oral Torah in addition to the written Torah from God on Sinai. Torah, in its broad sense, including its traditional interpretation, governs the entire world view of traditional Judaism. The laws and morals to which traditional Jews adhere and the structure of their lives are all bound up in one divinely-written and ordained sacred text. This is not to say that the traditional view of *Torah m'Sinai* excludes the search in Torah for meaning applicable to modern time. It is rather to say that meaning is derived out of the HB from the HB and its self-validating tradition. According to Levenson, from the earliest Torah commentaries and *Midrashim*, attempts were made to foster meanings apart from the "plain sense" meanings directly suggested by the book itself. It must be understood however, that: "There could be concentric circles of context, but the smaller circle, the plain sense, finally yielded to the larger one of the tradition, however constituted."[2] It should be mentioned that whereas in early medieval biblical study, the

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1 Levenson, Jon D. "The Hebrew Bible, The Old Testament, and Historical Criticism." *The Future of Biblical Studies: The Hebrew Scriptures.* 19.

2 ibid. 20.

authentic?", because the entire tradition is unquestionably authentic in its eyes. In the words of Isaiah 40:8, "The word of God endures forever."

Beginning as early as the 1500's, scholars raised new, previously unheard of questions regarding the *TaNaKh*, all surrounding the one issue that adherents of Judaism considered unquestionable: authenticity. Religious traditionalists assume that the sacred text represents the expression of a "reliable God." Beginning with Renaissance and the Reformation, many assumptions were called into question, first in Christian and then later, Jewish circles. Prior to the Reformation, the Bible was the possession of the Church. Individuals were not permitted to interpret the Bible on their own, and under Roman Catholic control, the Vulgate was the only permitted translation of the Bible. Essentially, the Reformation opened the Bible to all of society. In his late 16th century life, the Dutchman Hugo Grotius (1583-1645), renowned as the father of international law, wrote of the potential for different biblical interpretations based on variant translations of the Bible. In addition, Grotius wrote a Bible commentary whose notes focused on "philological and historical issues" rather than theological concerns.[5] In the early 17th century, the political philosopher Thomas Hobbes (1588-1679) went so far as to reject Mosaic authorship of the Pentateuch, postulating in *Leviathan* a much later date of authorship than that of the time of Moses. In addition, Hobbes believed the entire HB was completed after the exile.[6]

Perhaps the most significant scholar to exemplify the transition from the traditional pre-critical view of the Hebrew Bible to what would eventually become

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5 Hayes, L.H. "Grotius, Hugo." *Dictionary of Biblical Interpretation.* Vl I, 470.

medieval commentaries themselves were not considered part of the sacred text, modern Orthodox study oftentimes includes these medieval commentaries as part of the canonized biblical material itself.[3] When observant Jews read the Bible, they do so with the view of the authoritative oral tradition passed from God to Moses at Sinai, and through the lenses of Jewish tradition. We should note that no commentary on specific books exists from late antiquity; in fact, there were no surviving *pashtanim* until the Middle Ages, arising largely as a response to the Karaites. Some rabbis never interpreted a verse out of its context - *peshuto*, thus *ain mikra mi-yaday yotzei peshuto.* Rashi redefined the term *Peshat,* however, to mean that a text that never loses its plain sense. This concept, the one we take as the definition of *Peshat* today, is medieval: a verse can have a plain sense interpretation and can have a different meaning at the same time. This permits an extended blurring of the line between the so-called "plain-sense" meaning of the text, as termed by Levenson, and what, at one point, was modern commentary on the plain sense text itself. In this regard, when the early *pashtanim* and rabbis found contradictory texts, they would exert every effort to find a way to harmonize them. According to Levenson, "By harmonizing incongruities, the tradition presents itself with a timeless document, one that appears to speak to the present only because the historical setting of the speaking voice or the writing hand has been suppressed, and all voices and all hands are absorbed into an eternal simultaneity."[4] The goal of all study according to this traditional, pre-critical approach is to ensure the vitality of the text in the present and in the future. Traditional study of the Hebrew Bible does not question "what is

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3 Sperling, S. David. *Students of the Covenant.* 5.

4 Levenson, Jon D. *The Future*...21.

critical biblical study was Baruch deSpinoza (1632-1677), himself a Sephardic Jew. In his 1670 book *Tractatus Theologico-Politicus*, Spinoza tracked the biblical verses that Ibn Ezra, in a coded manner, had postulated were not written by Moses. Spinoza added his own questionable verses, concluding the Torah was written long after Moses had lived.[7] In *Tractatus*, he wrote that, "...freedom to philosophize not only can be granted without harming religion or the welfare of the state, but cannot be taken away without also taking away the welfare of the state and the religion itself." Spinoza claimed that the HB was a human book, yet that all knowledge of the HB needed "to be sought solely from itself."[8] People could derive from the text knowledge of the nature and properties of Hebrew, interpretation in relation to context solely by means of signification of the words, and knowledge of the author of each biblical book.[9] What developed into a more advanced, pre-critical view assumed a written text had always existed and that in order to understand it, one needed to find its appropriate historical context. These precursors to the critical method of biblical study have:

> ...sought to develop a hermeneutic that respects the integrity of the received text for the purposes of literary analysis or theological affirmation, without in the process slipping into a fundamentalistic denial of historical change... no intellectually responsible exposition of it can take place without locating the text unshakably within the historical circumstances of its composition.[10]

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6 Wallace, D.D. "Hobbes, Thomas." *Dictionary of Biblical Interpretation.* Vl I, 511.

7 Blenkinsopp, Joseph. *The Pentateuch.* 2,3.

8 Buttrick, George Arthur (ed). "Biblical Criticism." *Interpreter's Dictionary of the Bible.* 410.

9 Cooper, Alan. "On Reading the Bible Critically and Otherwise." *The Future of Biblical Studies.* 62.

10 Levenson, Jon D. "The Hebrew Bible..." 23,24.

Leopold Zunz, founder of *Wissenschaft des Judentums* (the Science of Judaism) called for the restudy of literary and documentary sources of Judaism using the critical methods of *Wissenschaft*.[11] The German tradition of historical understanding asserted that "...only historical inquiry can approach an understanding of matters human because only such matters change in non-repetitive fashion...that different cultures, different nations, and different epochs within the overall life of a nation each demand different categories of understanding...that history has a history."[12] However, it should be noted that in early circles of *Wissenschaft des Judentums*, study of the Bible was mainly ignored.

Scholars affiliated with the critical school of biblical study seemed to be responding to a crisis in historical understanding. Julius Wellhausen (1844-1918) is considered the pioneer of biblical historical criticism. Through his formulation of the Documentary Hypothesis, Wellhausen developed a new method for reconstructing the life and religion of the Israelites.[13] Wellhausen represented just the beginning of the

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11 Sperling, S. David. *Students*... 15.
It should be noted that the Wissenschaft movement tended to avoid the subject of Bible, as its adherents prioritized nationalism. They chose to study sources of Jewish tradition in a Gentile world, thus the Torah proved entirely too Judeo-centric, focusing on the life of the Jew in the Israelite world. Zunz did not address the subject of biblical criticism explicitly until the age of 80, largely because until that point, Zunz felt the majority of biblical scholarship was being done by Christians, who viewed the Hebrew Bible as a prelude to the NT. Study of Talmud, Zunz felt, would be more fitting avenue for Jewish scholars to pursue given their "hold on the market."

12 Oden, Robert A. Jr. "Intellectual History and the Study of the Hebrew Bible." *The Future of Biblical Studies*. 3,4.

13 Luther and Spinoza reacted to the fact that the ruling powers were restricting study of the Bible so that an individual was unable to study the Bible in and of itself. They did not respond to extra-biblical evidence because it was simply unavailable to

critical study of the OT, because he restricted his study to the biblical books themselves, largely avoiding the use of extra-biblical evidence from the Ancient Near East (hereafter - ANE).[14]

With the increasing availability of extra-biblical material in the late 19th and 20th centuries, later historico-critical scholars began to use this information more and more. In William Foxwell Albright's (1891-1971)introduction to one of Gunkel's works,[15] he wrote that Wellhausen, "'...was essentially isolationist' and for him 'the ancient Orient...exerted no serious influence on early Israel,' while Gunkel made early and extensive use of extra-biblical evidence from the Ancient Near East."[16] It is also interesting to note that, with this new era of scholars in the very late 19th century, developed "...a stress once more upon the scholars' personal and spiritual relationship with the material and with the era under investigation."[17] What evolved was the need for more focus on individuals and groups in order to comprehend the greater human setting of the historical text. Scholars in this field believed in the value of finding the greater human world behind the text. In the words of Gunkel, "'The cardinal principle of historical study is this: That we are unable to comprehend a person, a period , or a

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them. Wellhausen also sought understanding of the Bible, however, his lack of response to extra-biblical evidence was not due to the lack of availability of such evidence. At the same time at Wellhausen's *Proleggomena* was published, Europe was opening up to the Middle East, providing significant extra-biblical evidence that had previously been unavailable.

14 It should be noted that Wellhausen was himself an Arabist, taking much interest in the Bedouin culture. As such, he would use some limited Bedouin practices in comparison to the Bible.

15 An English edition of *The Legends of Genesis*

16 Oden, Robert A. "Intellectual..." 7.

thought disassociated from its antecedents, but that we can speak of a real living understanding only when we have the antecedent history."[18] For form critic Johannes H.H. Gunkel (1862-1932), critics needed to find the oral tradition behind the written text, and to compare the text with those of neighboring ANE cultures. What unites the critical view is the common interest of the critics in the historical context of the sacred texts, reading the Bible against the background of literature contemporary with it. Critical biblical scholarship includes one of the goals of traditionalists: preserving the "plain-sense" meaning of the text.[19] But, according to Levenson, "...historical critics place all the emphasis on development and historical change and fearlessly challenge the historicity of the foundational events."[20] What differs here is that, according to this late 19th/ early 20th century view, the "plain-text" is not explicit, isolated, and eternal, but rather hidden and limited to only a certain period in history, greatly influenced by the broader world surrounding it. Historical criticism has no assumptions of stability or continuity; its only commitment is to restore the text to its original historical context. What is unique to the historical critic is that he, "...is uncompromisingly honest...exploits the incongruities and the discontinuities as part of his or her effort to decompose the root

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17 ibid. 8.

18 ibid. 9. Additionally, out of this, we see not only the development of historico-critical biblical study, but in addition, the formation of the form-critical approach, addressing the issue that true historical understanding involves a prior understanding of the human ties to composition and transmission of the texts.

19 For the modernist, the plain sense refers to the sense meant at the time of authorship and can coexist with no other sense. For the traditionalist, the plain sense can also include additional interpretation, i.e.. Midrash, etc.

20 Levenson, Jon. "The Hebrew..." 20.

into its several strata in order to deconstruct the history that redaction has repressed."[21] What could be revealed from opening this so-called "repressed" material was not only a picture of the Israelite community in the context of its neighbors from one isolated period of time, but also, the situations surrounding the body of cumulative, variant traditions reflecting the life and religion of the community in various periods of its history.

Just as the critical school of biblical study evolved out of earlier approaches, so too can it be said that the post-modern approach to the Bible has grown out of its critical antecedents. In contemporary scholarship, there is a dialectic and interplay between the process of transmission of the traditional material and the traditional material itself.[22] In addition, the concern for areas beyond the isolated historical context of the text has assumed new importance in interest fields of biblical scholarship.

Whereas Gunkel innovated the use of extra-biblical texts to add specificity and understanding to the contexts in which the texts were written, post-Modern biblical thought considers the political, social, psychological, religious and cultural aspects of the texts all as factors worth exploration. According to A.K.M. Adam:

> Modern biblical criticism reflects the given knowledge by which generations of critics have progressed from naivete to the sophistication that enables them to distinguish exegesis. Post-modern biblical interpretation, on the other hand, flouts the received wisdom of the discipline in the interest of learning those things that modern criticism will not reveal.[23]

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21 ibid. 48.

22 Knight, Douglas A. *The Traditions of Israel.* SBL Dissertation Series 9. 5.

23 Adam,A.K.M. "Post-Modern Biblical Scholarship." *Dictionary of Biblical Interpretation.* VI II, 306.

The question of the reliability and "faithfulness" of the tradition still proves a common tie among all areas of biblical scholarship.

> Relevant issues include: the existence of some common 'genuine historical recollection'... whereby at least the basic fact or essence or kernel of tradition was allegedly remembered and guarded, in contrast to the details and embellishments; the practiced ability of the Semitic mind – both ancient and modern—to retain accurately a great mass of literature; and the devices (mnemonic, poetic, associative) employed to aid the memory.[24]

In a lecture series on the future of biblical studies, Robert Oden said, "...the study of the Hebrew Bible and of the religion of Israel exists in a context quite different from that in which our immediate and more distant ancestors worked."[25] The entire arena of modern biblical scholarship remains notably amorphous and seemingly all-encompassing. On this, Jon Levenson described the setting of the movement as, "...the perceived explanatory power of several new disciplines whose titles were still neologism in the era before the First World War – disciplines like psychology, anthropology, and especially sociology."[26] Now the task was to examine the meaning and function of religious and social phenomena whose existence in the Hebrew Bible was assumed.

Earlier scholars such as William Robertson Smith (1846-1894) and Emil Durkheim (1858-1917) pursued this goal. To them, the focus of religion fell less on the goal of divine societal intervention, and more on the preservation and welfare of society itself. According to Durkheim, "*L'idee de la societe est l'aime de la religion.*" For post-

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24 ibid. 9.

25 Oden, Robert A. Jr. "Intellectual..." 1.

modern biblical scholars, the Israelite religion serves as a reflection of the entire social structure; thus, the two entities of Israelite religion and society exist in direct relation to one another, affected by one another in an almost symbiotic way.

In addition to their interest in an increased understanding of the text as it was, post-modern biblical scholars also are interested in understanding the text in its present form. To be sure, no single method can be called post-modern biblical scholarship. According to Adam's article in The Dictionary of Biblical Interpretation:

> Time marks the biblical text as ancient, foreign, past, and thereby obliges interpreters to adopt academically approved methods to bridge the chronological gulf that separates interpreters from their biblical text... post-Modern biblical interpretation does not surpass, improve, perfect, contravene, or undermine modern biblical interpretation -- except when modern interpreters claim the exclusive prerogative to determine legitimacy on their own modern terms.[27]

So where are we left today? It seems that three schools of thought, the pre-critical/traditional, critical, and post-modern Bible study, all claim strong support throughout both the theological and scholarly worlds. Ironically, the most modern of all critical approaches opens up the approaches of long ago. Difficulty arises with the implications that each school of thought has for the others. For many adherents to both the traditional and more critical/scholarly approaches, study of the Bible in whatever context they choose is a highly personal matter. One would expect traditionalists who accept *Torah m'Sinai* to be affiliated with Orthodox Judaism. Perhaps what is less apparent is the number of so-called "secular"/ critical scholars who, although not *halachically* observant, have much of their personal religious background invested in

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26 ibid. 10,11.

their Bible study. According to David Sperling, "...for some 'secular' Jewish biblicists, study of the Bible has provided an alternative means of fulfilling religious or quasi-religious commitments."[28] It would seem that given such personal investment on the part of both parties, each of their respective searches for meaning in the HB, whether it be from within or without, would be mutually respectable. According to Douglas Knight, "The central characteristic of the Israelite transmittal process from its very inception is not a rigid, passive handing down of static traditions, but rather the recurring need felt by each generation to interpret and apply — to 're-actualize' — the old traditions for the present age."[29]

Given what would appear to be a commonality between the traditional and the critical/post-modern study of the *TaNaKh*, a tension persists. Indeed the multi-textuality of the Hebrew Bible has long been a source of significant dissension, all parties seemingly engaged in a battle over "which context shall be normative." As Jon D. Levenson stated:

> When historical critics assert...that the Hebrew Bible must not be taken 'out of context', what they really mean is that the only context worthy of respect is the ancient Near Eastern world as it was at the time of composition of whatever text is under discussion. Religious traditionalists, however, are committed to another set of contexts, minimally the rest of Scripture, however delimited, and maximally, the entire tradition, including their own religious experience.[30]

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27 Adam, A.K.M. "Post-Modern..." VI II, 305.

28 Sperling, S. David. *Students...* 4.

29 Knight, Douglas A. *The Traditions...* 5.

30 Levenson, Jon D. "The Hebrew..." 20.

Jewish Orthodoxy proves notably suspicious of any form of Bible study that would attempt to deny the full authenticity of Torah in its "as is" state. According to Sperling, "Especially objectionable to Orthodoxy has been the historical analysis of the legal sections of the Pentateuch, which provide the theoretical basis for all subsequent Jewish law."[31] In Orthodox ideology, critical biblical study tears apart the whole of the Bible. It rips it into shreds of what was once a comprehensive whole, resulting in a disparate series of historical "tidbits" no longer resembling anything close to the authentic faith of Judaism. As Levenson comments, "Historical critics take the text apart more ruthlessly than traditional *pashtanim*, ...and they lack a method of putting it back together again...traditionalists had a method that could harmonize the contradictions and, in the process, preserve the unity of the text and its religious utility."[32]

We must note that for the modern world, the most serious biblical scholarship has been done in non-Orthodox circles. Indeed, it proves difficult to bring legitimate, academically accepted truths to the table through any means that, by its nature, refuses to ask the most fundamental questions of the historical authenticity of a text. Despite this, much work has been done to break down the walls of tension separating the traditionalists from the modern scholars.

> Interdenominational Jewish collaborative efforts such as the translations and commentaries sponsored by the Jewish Publication Society and standard references such as the Jewish Encyclopedia and the Encyclopedia Judaica have attempted to mitigate orthodox criticism by professing adherence to the 'Masoretic Text' and avoiding emendations (the JPS translations); by printing articles

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31 Sperling, S. David. *Students*...4.

32 Levenson, Jon D. "The Hebrew..." 20.

> with the 'critical view at the end' so that potentially offensive views might be avoided by readers (the Jewish Encyclopedia); or by allotting space both to orthodox and critical views (EJ).[33]

What then, given the variant approaches to the Hebrew Bible, are the different implications and consequences of each respective method of study? It seems that despite the attempted compromise to bring the world of the traditionalists closer to the world of modernity, each school of thought results in significantly different experiences and understandings. If one is to accept that all of the words of Torah are authentic and divine, then one cannot justify ignoring or discounting any of the material, however questionable it might be to a contemporary member of main-stream society. One can be left with the question of the nature of God, a God often represented as a terrifying force of violent power and punishing capability. On the other hand, if one accepts the ways of the critical and post-modern schools of thought, thus understanding the text only in the context of broader history, understanding it as a human document, what then makes the text "sacred" or differentiated as anything more than an antiquated compilation of rules inapplicable to any form of Jewish life today?

This situation may be best illustrated by examining sections of the Hebrew Bible that rub our "21st century moral sensibilities" the wrong way. Leviticus 26:14-46 (*Bechukotai*) and Deuteronomy 28:15-69 (*Ki Tavo*) approach divine reward and punishment in ways that often troubled medieval Jewish commentators and continue, in different ways, to trouble contemporaries. Both sections of text have similar structures, detailing the rewards God will bestow upon Israel if Israel follows the divine

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33 Sperling, S. David. *Students*.... 4.

commandments and, in contrast and of particular interest for this thesis, the punishments that God will inflict if the commandments are ignored.

Although both the *Bechukotai* and *Ki Tavo* sections appear in completely separate books of the Torah, it is possible that the two sections originated in the same document and later were separated in the redacted Torah. On this idea of the original status of text, Douglas Knight commented,

> ...original units, generally limited in size and purpose, became gathered together with the other units, thereby forming a larger whole...resultant complexes could be connected or even interwoven with other complexes, until entire compositions, sources, or books were reached.[34]

For these two sections in particular, perhaps one section, was written with its author acquainted with the other's words.

The *Bechukotai* verses detail five escalating "if/then" equations all based around the consequences of breaking God's commandments. The text assumes the reader is aware of these specific commandments, as they are never explicitly listed in the initial and subsequent warnings God makes to the people. The text only explains that, by referring to commandments (*mitzvot)*, divine statutes *(chukim)* and judgements *(mishpatim)* are included. Nachmanides addresses this point, helping to specify that these functioned as the most basic of statutes.[35] The passage then illustrates five different levels of punishments, each one seven times more severe than the previous one the longer it takes the Israelites to return to God. In level one, punishments of physical illness and subordination by enemies are highlighted. Level two entails punishments affecting

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34 Knight, Douglas A. *The Traditions*...6.

35 Nachmanides. *Commentary on the Torah.* 465,466.

agriculture. Level three entails destruction of society. Level four involves escalated violence toward the people, increased subordination by their enemies, and hints of starvation. The final level details perhaps the most graphic punishments, including even the eating of children and utter destruction of all of Israelite society.

In a dramatic shift, the end of the Leviticus portion concludes with the "out clause" of the contract. This type of conclusion to a document indicates the exilic/post-exilic view that the covenant/ *brit* between God and Israel is never truly broken.[36] The entire section surrounds the re-establishment of the covenant between God and the Jewish people, hearkening back to the initial covenant made with the forefathers Abraham and Isaac. According to these seven verses, the Israelites can confess their guilt, and the punishments will cease. The *Peshat* of the text indicates that although the Israelites certainly can do *t'shuva* (repentance) and repair the breach between themselves and God, they can only do so after they have endured God's punishments. Historically, this makes sense, given the fact that Israel would have been in *galut* (exile) during the time in which the document was written, according to historical scholars. As such, it would make sense for the authors of the chapter, who were actively experiencing exile, to write of the promise of redemption coming later, as they themselves were experiencing exile first-hand. The section closes with a colophon in verse 46: "These are the statutes and judgements and laws, which YAHWEH made between him and the people of Israel at Mount Sinai by the hand of Moses." By using similar terms as were used in the opening of this section in Lev. 26:14, such as "statutes" and "judgements," this not only serves as

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36 Note: this type of unbreakable covenant is not indicated in Deuteronomy. Baruch Levine points out that the primary *Bechukotai* epilogue dates to the exile for this reason. See his article " The Epilogue..." in *Judaic Perspectives....*

the official conclusion of the passage, but also creates an envelope structure, serving to encapsulate it as a separate unit.[37]

When we examine the *Ki Tavo* segment, we notice many contextual similarities with the *Bechukotai* portion. In addition, although the Deuteronomy verses are not divided into five sections; they are organized in an overall similar structure. The passage begins with an introduction, leading the reader out of the previous blessing section and into the proceeding list of punishments. Like the *Bechukotai* introductory statement, the *Ki Tavo* verse serves as a warning to God's followers of what punishments will befall them if they fail to heed God's *mitzvot* and *chukim*. Verses 16-19 appear anomalous, given their misplaced poetic form. Once verse 20 begins, however, three general sections of curses follow. In content, many of the *Ki Tavo* curses bear uncanny resemblance to the curses in the *Bechukotai* portion. The theme of military weakness and the defeat of Israel by her enemies appears pervasive throughout.[38] Deut. 28:22 notes similar physical ailments such as "consumption" and "fever" as noted in Lev. 26:16.[39] Deut. 28:23 parallels Lev. 26:19 with mention of copper and iron, however the Leviticus verse threatens an iron sky and copper ground, where as the Deuteronomy verse reverses it.[40]

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37 Note: Much modern scholarship asserts the Leviticus epilogue is really made up of three different stages of authorship, taking the reader through the entire Babylonian exile experience. Although the work on this point is significant, it is not entirely relevant to the purpose of the thesis.

38 See Lev. 26:17a, 25b, 32, 34, 37-39, and Deut. 28:25a, 36, 43, 49, 68

39 דברים: "יככה יהוה בשחפת ובקדחת ובדלקת ובחרחר ובחרב ובשדפון ובירקון וירדפון עד אבדך..."
ויקרא: "והפקדותי עליכם בהלה את-השחפת ואת-הקדחת מכלית עינים ומדיבת נפש וזרעתם לריק זרעכם ואכלהו איביכם..."

40 ויקרא: "...ונתתי את שמיכם כברזל ואת-ארצכם כנחשה."

Lev. 26:16 carries the same threat of impaired vision as does Deut. 28:32 and 65.[41] Perhaps the most striking parallel between the two sections is that between Lev. 26:29 and Deut. 28:52-57.[42] Both describe the Israelites in such a state of desperation that they are forced to eat the flesh of their children. We should note that *Bechukotai* dedicates only one verse to this idea, where as *Ki Tavo* goes into graphic detail of the event in four long verses.[43] Blatantly lacking in the Deuteronomy verses when compared to the Leviticus epilogue is the "out-clause" section. No where in *Ki Tavo* does the author offer Israel the chance to repent, and in doing such, repair the covenant between God and Israel. Finally, *Ki Tavo* concludes with a colophon almost identical to its Leviticus counterpart. This becomes the only portion of our entire section mentioning the idea of covenant, something as mentioned above, foreign to the Deuteronomic chapter. Many scholars believe that Deut 28:69,as such, proves a later insertion by the priestly school of thought.[44] However, this closing statement acknowledges the *Bechukotai* event, adding the words, "apart from[45] the covenant God made with the Israelites at Horeb (the Deuteronomist's name for Sinai)." Such a statement would seem to say that the author of

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דברים: "והיו שמיך אשר על-ראשך נחשת והארץ אשר-תחתיך ברזל."

41 דברים: "בניך ובנתיך נתנים לעם אחר ועיניך ראות וכלות אליהם כל-היום ואין לאל ידך."
ויקרא: "ובגוים החם לא תרגיע ולא-יהוה מנוח לכף-רגלך ונתן יהוה לך שם לב רגז וכליון עינים ודאבון נפש."

42 See p. 14.

43 See also Jeremiah 19:9 and Ezekiel 5:10

44 Levine, Baruch. "The Epilogue..." *Judaic Perspectives*...22.

45 see Hebrew מלבד
דברים: "אלה דברי הברית אשר צוה יהוה את משה לכרת את בני ישראל בארץ מואב מלבד הברית אשר-כרת אתם בחרב."
ויקרא: "אלה החקים והמשפטים והתורות אשר נתן יהוה ביגו ובין בני ישראל בהר סיני ביד- משה."

the *Ki Tavo* verses not only had previous knowledge of the *Bechukotai* portion, but was keenly aware of the similarities between the two, and thus took extra concern to stress that they were two separate covenantal units.

Another option surrounds the possibility that the two sections were both modeled after an even earlier, original model – possibly not even from Israelite society. Baruch Levine notes significant similarities between the Leviticus and Deuteronomy passages and the Code of Hammurabi. Levine states, "At the conclusion of the laws, Hammurabi adjures his successor on the throne to uphold his laws, honor his name, etc. He poses the same, binary alternatives as we find in the Pentateuch epilogues..."[46] Here, we see similar structural motifs between the Torah texts and the significantly older, 18th Century Code of Hammurabi.

Levine points out additional similarities of content between the Torah text and other ANE documents, this time, regarding the idea of baking bread.[47] Leviticus 26:26 states, "Ten women will bake our bread in a single oven; they will dispense our bread by weight." Deuteronomy 28:17 reads, "Cursed be our basket and your store."[48] And a 9th Century Aramaic and Akkadian document from Tell-Fekherye reads, "May one hundred women bake bread in an oven , but let them not fill it."

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46 Levine, Baruch. "The Epilogue to the Holiness Code." *Judaic Perspectives*...22. The words of the Hammurabi Code read:
"If that man has not heeded my words, which I have inscribed on my monument...may the great God Anum...deprive that man...of royal splendor, break his scepter, curse his destiny..."

47 ibid. 23.

48 Levine notes on p.23, "...kneading troughs of the blessed contain much dough!."

Along with many other prominent biblical scholars, Moshe Weinfeld points out the similarities of both the Leviticus and Deuteronomy passages to the vassal treaties of King Essarhaddon of Assyria.[49] Structurally, the vassal treaties are arranged in the same way as are the covenant texts in the *Bechukotai and Ki Tavo* portions, setting up a covenantal relationship between the king, i.e. God, and the vassal, i.e. Israel. In these treaties, the terms of the covenant are listed, including both the benefits of being a part of it, and the punishments for breaking the deal. Beyond overall structural similarities, Weinfeld notes textual detail similarities between Leviticus 26:19b, Deuteronomy 28:23 and the Essarhaddon treaties. Leviticus reads: "...I will make your skies like iron, and your earth like copper." And Deuteronomy states: "And the skies above your head shall be copper, and the earth that is under you shall be iron." In isolation, we might deduce that these two verses were influenced by one another. When we look at a specific verse from an Essarhaddon[50] vassal treaty, line 530, a new possibility arises. The verse reads: "Just as rain does not fall from a copper sky, so may there come neither rain nor dew upon your fields and meadows, but let it rain burning coals in your land instead of dew."[51] We see the same language and themes in this passage as evidenced in the two biblical verses. In addition to this significant shared motif, Weinfeld notes the similarity between Leviticus 26:29, Deuteronomy 28:53a, and lines 570-572 of Essarhaddon's vassal treaty. The Leviticus verse states: "And you shall eat the flesh of your sons and

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49 Weinfeld, Moshe. "*Vayikra*" *Olam haTanach.* 199.

50 Essarhaddon ruled Assyria late 5th Century B.C.

51 *ANET.* 539.
"ועשו את ארצכם כברזל כשמי נחושת אשר לא ימטידו מטר כך לא ירד טל ומטר על שדותיכם וגניכם..."

the flesh of your daughters."[52] The Deuteronomy verse states: "And you shall eat your own issue, the flesh of your sons and daughters, which the Lord your God has given you...."[53] Lastly, the Essarhaddon lines state: "The mother closes her womb to prevent the birth of her daughter, the flesh of her offspring you will eat out of your hunger..."[54] All indicate, at the very least, the distinct, thematic parallel of a curse to eat one's children. We see then, that both in overall and specific concern, there are significant similarities exist between the Torah texts and these extra-biblical, earlier legal documents.

Regardless of what conclusion we draw from these texts juxtaposed to one another, the result proves problematic. From the traditionalist perspective, Torah is literally the word of God, and as such, it is perfect and wholly true. In this light, the traditionalist can overlook the textual similarities between the Leviticus and Deuteronomy texts, because both represent the divine word. In addition, the traditionalist can refute the argument that the biblical texts were modeled after an earlier or contemporary extra-biblical text because, according to the Torah, God would have given the words of the Torah to Moses hundreds of years earlier than the time the other texts were written. Their explanation would be that these extra-biblical sources must have superimposed the pre-established biblical themes onto their own treaties and documents.

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52 "ואכלתם בשר בניכם ובשר בנותיכם תאכלו."

53 "אכלת פרי-בטנך בשר בניך ובנתיך אשר נתן-לך..."

54 Weinfeld, Moshe. *Olam haTanach Vayikra.* 199.
ANETt. 540.
"האם תנעל דלתה בפני בתה בשר בנים תאכלו ברעבונכם במצוקה יאכל איש בשר רעהו..."

For the traditionalist, the difficulty is not the question of the authenticity of the texts. For the traditionalist, the problem lies in the broader implications of the text for 21st century sensibility. How is one to accept God as a loving, forgiving, merciful God given the extreme punishments listed in these two passages? Certainly with *Bechukotai*, one can say that God still forgives given the concluding verses of the passage. But with *Ki Tavo*, we hear no such "out clause." How can people come to accept God if they know outright that God is willing not only to reject them if they do not follow his rules, but moreover, utterly wipe them out?

Those who accept the more modern critical, or even post-critical view will find their struggles grounded in the opposite area of the traditionalist. If one does not accept the divine authorship of Torah, then one is not left with a negative association with God. One can accept the human authorship of Torah, accept its later authorship date, and respect it for its literary composition. When the subject of faith comes up, however, how is one to impute any greater sacred value to the Torah if, on the one hand, it was not written, or at least inspired by God, and on the other, not even unique to the Jewish people?

In 1981, the Union of American Hebrew Congregations published the first edition of Rabbi W. Gunther Plaut's commentary on the Pentateuch: *The Torah: A Modern Commentary*. This commentary has become such a staple in Reform Jewish Temples and organizations that it is regularly referred to as "Plaut's Torah." *Parshat haShavua* discussion groups center on the commentaries in Plaut's book, and Bar/Bat Mitzvah students use it, usually, as their only source of extra-textual commentary.

Plaut, scholar and exegete, has extensive knowledge not only of the Torah itself, but of rabbinic, medieval, and modern scholarship on the text as well. He strove to compile a comprehensive commentary, retaining the theological integrity of the text at the same time. Plaut's writing reflects his affiliation with the Reform movement. Not bound by Mosaic authorship or a belief in ultimate truth divinely imbedded in the text, Plaut included and intermixed extra-biblical commentary not only from traditional commentators like Rashi and Ibn Ezra, but of Torah's contemporary Near Eastern texts and modern critical scholars as well. Despite his inclusion of information that would serve to discredit the Torah's infallibility, Plaut designed his book so that the most anti-traditional discussions would/could occur either before or after each section of text, distinct from the placement of the Hebrew text and its Jewish Publication Society English translation. Plaut addressed his reasons for the separation of the critical from the traditional by stating, "...an antiquarian assessment will always be of historical interest and is reflected in this commentary, but to us the Bible is primarily the living textbook of the Jew..."[55] By placing the two separately, Plaut stresses that the critical comments serve as a means of negating the value of the Torah. Essentially, he is presenting two divergent

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55 Plaut, Gunther. *The Torah: A Modern Commentary.* xxiv. Note: all source citations for the chapter, unless otherwise noted, refer to this book.

opinions here, and perhaps in truth, simply not trying to offend overly the sensibilities of the traditional reader.

Plaut is aware of the potential consequences of including critical scholarship with the Torah text. In his introduction, he states that tradition understands the Torah, as a whole, as the word of God and not man; thus, every word possesses meaning, and nothing is extraneous. From the traditional perspective, if science contradicts something the Torah states, "...then either our present-day science will prove to be in error or we do not understand the Bible properly."[56] Plaut notes that when we view the Torah critically, thereby negating the divine authorship necessary for the traditional view to stand, two key questions arise. First, what then does God have to do with the Torah? And second, how is the Torah different from any other humanly-written book?

Plaut addresses his first question by redefining "the role of God." Although never stating it outright, Plaut suggests that God is an entity who exists in the way in which people experience or express God. He writes, "While God is not the author of the Torah in the fundamentalist sense, the Torah is a book about humanity's understanding of and experience with God."[57] It is the expression of God by humans that makes God real. Using the variant views of the divine described in the Torah as support, Plaut views the lack of divine authorship as a positive consequence permitting freedom of theology. He concludes that the Torah represents a collection of views, codified into one literary corpus, representing an entire people through a specific period of time. He states,

> We believe it is possible to say: The Torah is ancient Israel's distinctive record of its search for God. It attempts to record the

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56 p. xvii.

57 ibid.

> meeting of the human and the Divine, the great moments of encounter. Therefore, the text is often touched by the ineffable presence. The Torah tradition testifies to a people of extraordinary spiritual sensitivity. God is not the author of the text, the people are; but God's voice may be heard through theirs if we listen with open minds.[58]

The answer to the question, according to Plaut, is that God exists, but humans are the only ones who can express the existence. In his attempts to provide both a traditionally reverent and critical solution, it appears he is trying to have it both ways.

On the second question of what differentiates the Torah from other books, Plaut asserts that the profundity of the text as an expression of the fundamentals of human existence serves to set it apart. He comments that the Torah serves as,

> ...the keystone of Jewish life, the starting point of Christendom, and the background of Islam...Western people especially are what they are in part because of this book - because of what the Torah actually said or meant to say and because of what it was believed to have said and to have meant.[59]

Plaut legitimates both the text depicted by its authors and commentary/interpretation that followed the text, labelling both as real expressions of meaning from real time. He bases his entire commentary on this understanding, stating, "This commentary proceeds from the assumption that in addition to the original meaning and the interpretations offered over the centuries, the Torah has relevance for our time."[60]

Plaut includes a secondary introduction by Bernard J. Bamberger (1909-1979), the editor of the Leviticus section of the commentary. In his introduction, Bamberger explains that the Torah depicts Judaism's understanding of its character and destiny.

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58 p. xix.

59 ibid.

"For this reason," he states, "it is indispensable for our own self-understanding. This would be true even if the whole Pentateuchal narrative was legendary."[61] Plaut goes so far as to say that, as readers, the Torah has the ability to "speak" to us, raising issues but often not presenting answers. He adds, "We must not come to the text with preconceptions but should try to let it speak to us in its own way. Only then will the door be open to meaningful reading."[62] All of these are special considerations that, according to Plaut, differentiate the Torah from all other books, therefore making it holy.

If the Torah was not written by God but still functions as a necessary part of Jewish life, how then does Plaut suggest we read the Torah? Plaut asserts that the Torah was never intended for a literal reading. He reminds his readers that even the early *hachamim* did not take the text literally.

> They realized that the Bible - in addition to everything else it was to them- abounded in subtle metaphors and allusions, that it used word plays and other literary devices, that it sometimes spoke satirically, and that its poetry could not be subjected to a simple approach.[63]

The early rabbis and scholars understood that it was acceptable to diverge from the Torah's literal meaning, given the predominance of varied literary motifs so prevalent throughout, including but not limited to myth, narrative, history, and folktale. Plaut interjects that while only certain parts of Torah can be considered factually true, all aspects, factual or fictional, should be understood as significant and relevant. He

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60 ibid.

61 p. xxxv.

62 p. xx.

63 ibid.

explains, "The origins of the Torah are one thing, its life through the centuries another, and its ability to speak to us today yet a third."[64]

Plaut arranges his commentary around these three levels, and all inclusions reflect the ideas that the author selects as important or relevant. His "textual" notes, appearing directly below the Hebrew and English texts, offer the *Peshat*, "plain meaning," without an additional interpretation. His commentary section, appearing in introduction form before each unit of text, contains interpretative essays that, "attempt to explain the intent of the Torah, how Jewish tradition saw these meanings, and how relevant they are today."[65] Plaut places any extra-biblical literature with additional or conflicting meaning in the section called "Gleanings," appearing at the end of each textual unit. This section, both by its placement and the editorial remarks contained within it, appears intentionally de-emphasized, potentially because it includes extra-biblical ANE texts which might negate the uniqueness of the Torah text to the Jewish people. On the subject, Bamberger wrote,

> Comparison reveals similarities between writings and other ANE sources, but it also reveals striking dissimilarities... in religious and ethical principles, the parallels are few...the ethical teaching and social legislation of the Torah are unequaled in nobility and sensitivity by anything produced in Egypt or Babylonia.[66]

Oftentimes, each level of presentation presents what appears to be a conflicting response to one of the other levels of textual understanding. Certainly a traditional commentator

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64 p. xxi.

65 p. xxvi.

66 p. xxxvi.

will have an explanation for a certain statement of Torah that might diverge from the modern reasoning for said verse. Plaut addresses this apparent discrepancy:

> If this seems unlikely to a modern reader who is used to a systematic and logical exposition of a subject, it must be remembered that the Torah is not a treatise, essay, or exposition, but poetry, prose, epic, and historic memory created in a prescientific age fundamentally different from ours.[67]

The intention of Plaut's commentary is to provide its readers with as comprehensive a commentary as possible, walking the fine line between presenting available interpretation and scholarship on the Torah text and maintaining the value of the Torah text, itself as unique and holy.

On *Bechukotai*

The commentary offers a well-rounded presentation of the relevant *Bechukotai* verses, Leviticus 26:14-46.[68] The commentary takes the position that the book of Leviticus was redacted from the time of the divided kingdom through the Babylonian exile, approximately 950-450 BC. Bamberger's commentary on the verses begins with a cross-reference to Deuteronomy 27 and 28, *Ki Tavo*, informing the reader that additional responses can be found in those chapters. He goes on to highlight three main points. He explains the idea of reproof and its function in the Torah. Bamberger qualifies the verses that will follow, stating they represent a basic legal formula, typical of the ANE. He cites the Code of Hammurabi, the Sumerian Code of Lipit-Ishtar, and various vassal treaties,

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67 p. xxvi.

68 Bernard J. Bamberger edited the entire Leviticus section of the Commentary. Therefore, although W. Gunther Plaut served as the overall editor of the entire book as

specifically those of Assyrian ruler Essarhaddon, as all containing the legal formula depicted in *Bechukotai* and *Ki Tavo*. He comments that sections such as these, whether describing a relationship between worshippers and their God or vassal kings and their rulers, always contain either an explanation of how the laws should be promulgated or the terms of the treaty, a section of blessing for obedience, and a section of curses for disobedience. The only differences lie in the order the three parts appear. For the codes of laws, the explanation for the promulgation of the laws appears first, the blessings second, and the curses, far outnumbering the blessings, third. For the vassal treaties, the benefits are listed first, the terms of the treaty second, and the punishments for violation third.[69] Bamberger explains that in the case of the Deuteronomy verses, the parallels between the ANE texts and *Ki Tavo* are notably significant. In fact, he states, "In view of the agreements both in the order of the curses and the language which they are expressed, it seems certain that the author of Deuteronomy 28 borrowed from these [ANE] documents."[70] Although the Leviticus verses contain similar language as that used in the ANE documents, he is not willing to make the same statement for *Bechukotai*. He concludes, "...here, the material is worked up in a much more rhetorical fashion - and it ends with a glimmering of hope."[71] It is interesting to note that Bamberger is willing to make explicit critical conclusions on the Deuteronomy verses while writing on Leviticus, comments that could raise significant questions and implications for the text, yet on the

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well as the other four Pentateuchal books, any Leviticus commentary and presentation should be attributed to Bamberger.

69 p. xxiii.

70 p. 953.

71 p. 954.

Leviticus verses relevant specifically to the commentary, Bamberger dedicates only a third of the remarks as he does to *Ki Tavo*, not exploring an potential implications of similarities. He basically negates any possibility of Leviticus borrowing from the ANE texts. Despite Bamberger's explanation that the Leviticus verses offer reflections of "...the actual conditions of the exilic period, yet voices the assurance that God will not abandon his people forever...," he still concludes by citing the tradition that "...the curses...are traditionally read without interruption. This arrangement serves a double purpose: the disturbing passage could be completed as quickly as possible and only one reluctant worshipper had to be persuaded to say the benedictions."[72]

On the issue of retribution and the difficulties that arise from it, Bamberger takes the problematic nature of the text that he hinted on in the previous section to a deeper level. He states,

> The modern reader will likewise be stirred by the gloomy eloquence of our chapter; but his reaction will probably be quite different from that of his forebearers. Almost automatically, he will question the basic assumption of the chapter- that virtue and piety are requited with material benefits and wickedness with material punishment.[73]

Here, Bamberger explains that the idea of earthly reward and punishment serves as a key theme in the Bible, yet it cannot be rationally defended by our modern sensibilities. He contextualizes the concept, comparing and contrasting Babylonian thought to that of ancient Israel, noting that both depict direct relationships where obedience equals reward and disobedience equals punishment. However, the Babylonian equations entailed the obedience of the king to the gods yielding reward for all people, whereas disobedience of

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72 ibid.

the king to the gods yielded punishment for all people. The ancient Israel notion proved more democratic according to Bamberger's analysis. If the people were loyal to God, they would prosper. If not, they would fall.[74] The idea of collective responsibility made some sense for the monotheists as it helped to explain why tragedies occurred in the Jewish world, however it still proved, and continues to prove, essentially unfair. Bamberger notes the difficulties that arise in such theories when considering the issue of fate from the individual's perspective rather than from that of the collective whole. Bamberger does not resolve this issue for our modern sensibilities except to suggest that it functioned well for the time in which it was written.

Bamberger concludes his commentary exploring *Bechukotai*'s promise of hope at its end. Perhaps this third section serves as Bamberger's explanation for the problems raised in his second section on retribution. He notes that at the end of the chapter, the text assures that the sinful Israel will begin the process of *teshuva* (repentance), and then God will remember the covenant He made with the forefathers. Bamberger notes the similarity with the later Talmudic concept of זכות אבות, saying, "Abraham, Isaac, and Jacob lived up to their side of the covenant with God; and so He is bound to keep His promise, eventhough the descendants of the patriarchs are not worthy."[75] Although this does not directly address or enlighten us on how the idea of retribution is to be considered in modern day, it does create a loophole that limits the power of the curses to a finite period.

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73 ibid.

74 ibid. Note: Joshua 7 states that even the disobedience of one person could cause the fall of the entire community.

75 p. 956.

In terms of the textual notes, Bamberger offers many extended clarifications of terms and phrases, numerous cross-references to traditional commentators, and even a few extra-biblical ANE references. Bamberger's first entry groups the curses into one unit from vs.14-45. Without any explanation, he cites Ibn Ezra's explanation that the intention of the curse section was to instill fear, not to be read literally.[76] After this grouping, Bamberger spends the majority of his time clarifying the meanings of the curses themselves. He cross-references the words שחפת and קדחת in Lev. 26:16 with Deut. 28:22 noting that most translate them as fever and consumption. On the escalation clause first seen in Lev. 28:18 - "sevenfold for your sins" - Bamberger notes that it occurs three other times in the chapter as well, interpreting it idiomatically to mean "many times over." He notes the hapax legomenon - קרי - found only in this Leviticus chapter, yet accepts the definition of JPS as "hostile." On verse 26 and the curse regarding baking bread, Bamberger labels the topic as a "common idiom," indicated by Isaiah 3:1 and additional explanations by *Sifra*. In his notes on verse 34, Bamberger emphasizes the importance of the sabbatical year thematically, introducing "...the notion that the desolation of the land is to make up for sabbath years neglected in the past."[77] He observes that this idea is not present in Deuteronomy 28 or anywhere else in the Bible for that matter.

Out of all the notes, Bamberger allocates the most space to the contents of verse 30. He notes the word במתיכם, "your cult places," is parallel to "idolatrous shrines in the country," offering additional reference to earlier commentary on chapter 17. He takes

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76 See note "14-45" on p. 958. Ibn Ezra is quoted, "...the curses are stated in more detail to awe and frighten the hearers."

issue with חמניכם, incense stands, explaining how the word came about, and how its original association with the sun from חמה proved false. In addition, he explains why the JPS translation "heap our carcasses upon our lifeless fetishes" is not literal.

In terms of extra-biblical ANE references, Bamberger offers two in his analysis. On verse 19, regarding the curse ונתתי את-שמיכם כברזל ואת ארצכם כנחשה, "I will make your skies like iron and your earth like copper", Bamberger, at first, labels this metaphor/hyperbole, suggesting a drought-like atmosphere. Then, without any form of contextualization or introduction, Bamberger states, "One of the curses in the treaties of Essarhaddon reads: 'May all the gods...turn your soil into iron so that no one may cut a furrow in it. Just as rain does not fall from a copper sky, so may there come neither rain nor dew upon your field.'"[78] Concluding with a parenthetic reference to his introductory commentary and cross-reference to the corresponding verses in Deuteronomy, no additional information is offered on the ANE parallels and what they could mean or imply. Perhaps Bamberger avoids explanation as a means of avoiding the sensitive issues on the topic. What the readers discover is that if we want further information on Essarhaddon, we have to follow the cross references to Deuteronomy and then follow the references there to "Gleanings." Once there, we would get a line by line comparison, but still no explanation. For vs. 29, the curse to eat the flesh of the children, Bamberger denies any real historical validity, stating, "Doubtless cannibalism has occurred in times of famine; but this seems to have become a literary cliche."[79] He makes quick reference, here without noting the line, to Essarhaddon's vassal treaties and cross-references three

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77 p. 960.

78 p. 958.

additional *TaNaKh* sources as well.

Although Bamberger labeled vs. 14-45 as the curse section, he diverges from this grouping toward the end. For discussion of the remaining verses in the group after vs. 39, the focus no longer falls on curse, but rather, on hope and *teshuva*. He suggests that vs. 39, by its mentioning of survivors, offers the "first source of hope." Vs. 42, with God's remembrance of the covenant, offers the "second source of hope," and vs. 43, with the healing in the sabbatical year, offers the third. Finally, by vs. 45, Bamberger summarizes that "the covenant with the ancients" refers to the Sinaitic covenant, not yet described in detail in Leviticus.

Although according to Bamberger, the curse section goes through vs. 45, there is still the last verse, vs 46, which needs clarification. Here, he suggests two functions for the verse: "The concluding reference provides a connection with the beginning of chapter 25. Or perhaps we should render 'at Mount Sinai' and consider the verse a conclusion of the entire book of Leviticus...."[80]

"Gleanings" is brief, with seven remarks in total to cover the entire 32 verses in the section. The comments are limited additionally by the fact that they all are taken from the 3rd Century Midrashic work, *Sifra*. We see here, then, that the comments are more interpretative suggestions on how to understand the curses themselves, all in line with the suggestions of Bamberger in his previous notes.

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79 p. 959.

On *Ki Tavo*

Plaut begins his introduction to the *Ki Tavo* section by noting the disproportionate number of curses in the chapter in comparison to the blessing previous to it. As Bamberger did in his notes on *Bechukotai*, Plaut notes Ibn Ezra's explanation for the phenomenon. Plaut goes even further to differentiate between the highly detailed nature of the curses and their intended meaning. He states,

> What sets chapter 28 aside are its detail and the expanse of its imaginative projection; whatever blessing or curse would be real to the biblical age here finds its place. The Torah promises and it threatens, and here as elsewhere, it is unabashedly realistic: it assumes that, while pure love of God and His commandments is the highest rung, such height of total devotion for its own sake can be scaled only by the fewest; the majority will need earthly rewards and punishments held up before their eyes.[81]

It seems that Plaut understands the curses as functioning originally to keep order and maintain loyalty to God. He even notes Maimonides' explanation of the curses' function as the only way to get the message of covenant across to a people raised in an idolatrous environment. Unlike Bamberger who appeared to contextualize the curses as metaphor, Plaut seems less willing to do so here.

The majority of Plaut's brief introduction explores the available scholarship on the chapter. Plaut offers different scholarly suggestions on how the curses should be organized. One theory suggests three different categories of curses, attributing a strong organizational pattern within the text. The other theory involves a more redacted text, originally containing only a "core" of curses focussed on issues of agriculture, later

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80 p. 961.

81 p. 1520.

expanded upon with each proceeding level of redaction.[82] In addition to organization, Plaut discusses the section's possible roots in ANE documents, stating, "...the whole chapter bears a striking resemblance to the vassal treaties of the Assyrian King Essarhaddon. The Assyrian and Hebrew texts are broadly contemporary, and there is general scholarly agreement that the former influenced the latter."[83] Plaut does not go into great detail in his introduction, yet generally credits most, if not all, of this curse section to ANE sources. By doing so, he further isolates the subject into history, not mentioning its implication at all thus far. It seems strange, then, that Plaut concludes his introduction stating, "The catalogue of chapter 28 therefore must be seen as part of the Torah's ever-present view of Israel as a covenanted community."[84]

Plaut's critical approach becomes even more prevalent in his notes on the chapter itself. Although he offers clarification of terms and phrases, and cross-references both intra and extra-biblical alike, his commentary is less interpretative than that of Bamberger's *Bechukotai* analysis. Plaut does not reference any aggadic material. Rather, for clarification of the Hebrew, he looks to other *TaNaKh* references, and if none are found, the term is left "uncertain" in definition.[85] For the curses in vs. 22, Plaut offers one textual emendation suggesting חרב, sword, as it now appears was originally חורב, "drought," as in Judges 6:37. In that same verse, he also clarifies the physical ailment translated as "Egyptian inflammation" and notes that עפלים, hemorrhoids, was read

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82 Von Rad's theory details this more specifically.

83 p. 1521.

84 p. 1521.

publicly as טהורים, given the base nature of the original word.[86] Where he disagrees with the JPS translation, he notes it, as in the case of ובתמהון לבב, which JPS translates as "dismay" but Plaut prefers "confusion," proving more in line with the sequence of curses in the verse: "...the third of the afflictions of the mind: one cannot think, see straight or understand."[87] Plaut points out idiomatic phrases not to be taken literally in vs. 33, 35, and 46, as they all contain references to exaggerated states of punishment and exile if read literally. All in all, in Plaut's analysis of the semantics of the chapter, he offers extensive insight, yet not once does he offer direct cross-reference to the verse parallels from the relevant *Bechukotai* portion.

Plaut makes significant critical notes, both from a literary and historical approach. On the literary side, Plaut notes the potential evidence in the text for an original body of curses, and then later, additional curse-catalogues.[88] From a historico-critical perspective, Plaut offers material to date the text to its time of authorship. He notes the significance of vs. 36 as indicating the fact that, "After the defeat of the Northern Kingdom in 721 BCE, and the ensuing exile, everyone knew the terror of this threat [of exile]."[89] In his notes on vs. 49-50, he notes: "This catalogue has the earmarks of exilic experience, especially the vivid description of the conqueror in verse 50."[90] The notes on

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85 See note on p.1523 - "Consumption" as compared to note on p. 958 vs.16 "Consumption and Fever."

86 p.1524.

87 ibid. See also his notes on vs. 30, 32, and 59.

88 See notes on vs. 45, 49-50, and 58.

89 p. 1525.

90 p. 1526.

"afterbirth" in verse 57 comment: "This occurred during the siege of Samaria in the ninth century BCE (II Kings 6:28)."[91] All these remarks date the material not to the Exodus from Egypt as the text would have us believe, but rather, to the later date of at least the ninth century BCE.

On the more "troubling" parts of the chapter, Plaut devotes little explanation in his notes. Regarding the curse in vs. 53 on the eating of the flesh of children, Plaut remarks, "That this actually happened is attested by Lamentations 2:20 and 4:10."[92] In addition, he quotes a parallel from an Assyrian inscription. In it, a spokesman from Uruk states, "We consumed the flesh of our sons and daughters." He suggests a look at additional commentary on the parallel Lev. 26:29, yet offers no explanation at this point on the significance on the parallel.

Plaut adds a unique section in the commentary on this textual unit, following his notes but preceding "Gleanings" titled: "Comparisons and Uses." Given the fact that his note section clearly lacks any reference to the relevant parallels of Deut 28:16-69 and Lev. 26:14-46, he addresses the fact here, by offering a somewhat detailed comparison of the two units. Although he acknowledges the similarities, Plaut believes that the differences still prove great. "The treatment in Leviticus bears a general resemblance to Deut. 28, and in some instances both have similar formulations. Nonetheless, the differences in style and wording are greater than the affinities."[93] Plaut suggests that the

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91 p. 1527.

92 p. 1526.

93 p. 1529.

different catalogues evolved out of different traditions "detailing the consequence of God's covenant with His people."

Plaut divides "Gleanings" into two sections. The first references Aggadic sources and later commentaries, intended to enhance the meaning of the verses themselves. On our verses, he offers four comments in all. He includes a comment by Samson Raphael Hirsch on vs. 20, remarking that the threat of being "utterly wiped out" proves conditional, not assured. "The curses take effect only if all of Israel, as a while nation, defects from the covenant. This is a degree of deterioration which has never taken place."[94] Two additional comments from Chasidic sources on vs. 47 and 53 are included. On vs. 52, they suggest the curse should apply "...to parents who are forced to eat their children's food and are cursed because of their dependence on them." Plaut notes Josephus' description of the fall of the Second Temple, and by its inclusion, seems to be suggesting a parallel to the curses in the *Ki Tavo* and *Bechukotai* chapters. He also mentions a Talmudic interpretation of vs. 67. Interestingly enough, all the remarks he includes appear to either historically confine the curses so that they cannot be applied today, or soften the meaning of them so the blow is not so harsh.

Plaut concludes "Gleanings" with a section entitled "Deuteronomy and Essarhaddon." Here, Plaut sets up a chart with each section of *Ki Tavo* containing parallels in the Essarhaddon treaty on one side and the Essarhaddon parallel on the other. The chart reveals that Deut. 28: 26,27, 28-29, 30, 32, and 33 all possess significant parallels both semantically and thematically in the Assyrian document. Although the reader immediately notices the incredible similarities between the two, Plaut offers no

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94 p. 1531.

discussion or explanation on the significant or implication of this parallel, perhaps because he felt it would be too detailed in focus for his largely synagogue audience.

Looking back on the presentation of the *Bechukotai* and *Ki Tavo* verses, a few conclusions can be drawn. Bamberger and Plaut both agree that the two textual units prove more different than similar. Bamberger, the scholar who seems to see the most in common with the two portions, notes when parallels occur between the two. Plaut only does so once, and even then, the notation of the parallel occurs as a parenthetical remark. Plaut appears to see more worth in the parallels between *Ki Tavo* and the Assyrian sources, going so far as to include an entire chart of verse similarities in his commentary. Bamberger, although referencing some similarities in his critical notes, does so obscurely and without much detail. Neither commentator takes it upon himself to explain the significance or such a parallel or the consequences that logically might follow. Perhaps they feel these implications were covered in the general introduction to the Commentary and therefore require no further discussion.

To be sure, the editors are keenly aware of the troubling nature of the chapters. This is evident in the ways they often attempt to "explain away" the individual curses or even the curses as a whole. Bamberger and Plaut both note the custom to call up a volunteer for the public reading of the chapters to read the curses all at once, fast, and in a soft whisper. "This practice reflects the old fear that if one spoke too loudly of possible adversity, it might, in mysterious fashion, be invited to happen."[95] And Plaut remarks further that, as a result of the troubling nature of the verses, "In Reform services, the

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95 p. 1529.

chapter is rarely, if ever, read in its entirety."[96] All seem to indicate that based on the already troubling nature of the units, much or all of it is discounted for modern-day liberal Jews. Bamberger sums up the issue nicely. "If [the Torah] sometimes expresses moral judgements we have discarded as unsatisfactory, it also challenges us with ideals we are far from having attained."[97] Rather than focusing on the parts we do not agree with or find distasteful, it is better for us to focus on the more positive, agreeable parts that we can include in our lives.

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96 ibid.

97 p. xxxvi.

Originally published in five volumes in 1936, then as one volume in 1937, the second edition of the one volume "Pentateuch & Haftorahs: Hebrew Text, English Translation, & Commentary" was published by Soncino Press in 1960. The book includes the Masoretic Hebrew text and the American Jewish Version English translation. Dr. Joseph Herman Hertz (1872-1946), the Late Chief Rabbi of the United Hebrew Congregations of the British Commonwealth in 1913, served as the editor of the entire compilation - commonly referred to as "The Hertz Chumash." Along with the Torah and Haftorah text and translations, the book includes chapter introductions at the beginning of each parasha, notes on specific verses presented below the Hebrew text and English translation, and commentaries following the conclusion of each book, intended for reading and comprehension by the everyday reader. On this, Hertz wrote in his preface to the first edition, "May it result in the placing of a Chumesh in every English-speaking Jewish home."[98] The cover reads, "The notes are brief and free from technicalities. They aim at the elucidation of the Text and the exposition of the spiritual and ethical teachings of the Torah."[99] We see from this the perspective from which the commentary and notes were written. Hertz, himself an Orthodox Rabbi[100], understood the Torah as the divine word given from God to Moses at Sinai; it was and is, therefore, infallible. His notes reflect this perspective. Hertz does not, however, ignore sources outside the *TaNaKh* itself. He researched both Jewish and non-Jewish commentaries while compiling

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98 Hertz, Dr. J.H. (ed). *The Soncino Press Pentateuch & Haftorahs: Hebrew Text, English Translation & Commentary.* vii. Note: All source citations for the chapter, unless otherwise noted, refer to this book.

99 Inside jacket of book.

100 Note: Hertz was ordained by Jewish Theological Seminary before it was reorganized in 1901.

the book. He does remark, however, that: "My conviction that the criticism of the Pentateuch associated with the name of Wellhausen is a perversion of history and a desecration of religion, in unshaken; likewise, my refusal to eliminate the Divine either from history or from human life..."[101] Hertz's strong aversion to any thought associated with critical biblical scholarship is evidenced by this brief, introductory remark. When dealing with our "problematic" texts from *Bechukotai* and *Ki Tavo*, Hertz seems to identify with their troubling nature, but understands it as a reality sinners bring upon themselves, not as evidence of a text that expresses something metaphorical, exaggerated, or even untrue. The consequences of the text, for Hertz, require further understanding of the divine perspective, not at all questioning of God's involvement in the Torah.

On *Bechukotai*

In his introductory notes to the relevant verses of *Bechukotai*, Hertz discusses the general theme of the unit, contrasting it with the nature of its language and the "manner in which it is presented."[102] Noting the strong parallel between Leviticus 16:14-45 and Deuteronomy 28:16-69, Hertz offers the additional title of תוכחה, "Admonition" for both textual units, beyond their larger group titles of *Ki Tavo* and *Bechukotai.* He remarks that the general theme of the chapter reflects "....the belief that right is rewarded and wrong is punished is part of an ethical faith, a belief vindicated and confirmed by the experience of humanity....But...there has always been discontent in the manner in which it is presented in this chapter."[103] Why is the intensely graphic description necessary?

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101 p.vii.

102 p. 542

Hertz offers two responses. The first serves to isolate the text to the point of history in which it was written. He states, "...it is a language which the people to whom it was originally addressed could clearly understand."[104] His second response seems to answer those who might not be satisfied by his first. Here, attesting to the truth of the curses, he states, "The promises and, alas, also the warnings in this chapter have abundantly been borne out by Jewish history."[105] At no point does Hertz visualize the consequences of the curses as causing a questioning of God or de-sanctification of the Torah as a whole.

Hertz's textual notes on *Bechukotai* entail word/phrase clarification, structural organization, cross-referencing (mostly to Torah and *Neviim*), and limited commentary. He divides his textual notes into two main sections with subsequent subsections in each. His first division - "The Wages of Disobedience" - carries the reader from vs. 16 to vs. 39. Hertz believes that in spelling out the consequences for disobedience to God, the Torah lays out five levels of punishment in increasing severity. The first level - "Sickness and Defeat" - involves vs. 16-18. In the first curse, Hertz, like Bamberger, translates שחפת and קדחת as "consumption" and "fever", noting בהלה - "terror" as the broad category into which the proceeding physical ailments fall.[106] He notes both places in Lev. 26:16 possessing *Ki Tavo* parallels: "terror" in Deut. 28:22 and "sow your seed in vain" in Deut. 28: 30. On verse 18, he notes the idiomatic nature of "seven times" as "a round number, meaning 'very much more.'"[107]

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103 ibid.

104 ibid.

105 ibid.

106 p. 543.

The second level - "Famine and Wild Beasts" - covers vs. 19-22. On vs. 19, Hertz ties God's curse of changing the heaven into iron to the preceding words, "I will break the pride of your power." He states, "A cloudless heaven in the rain season and an unproductive soil would quickly humble the pride of the people, and make them realize their helplessness."[108] He offers no cross-reference here to the equivalent Deuteronomy verse, and offers no ANE reference as well - because such references were not available until 1958, decades after the commentary was written. By his explanation, Hertz understands the curses as constructive learning tools, designed not for futile, eternal abuse of the Jewish people, but rather, as a means of teaching Israel to understand on a personal level what their sins are, ultimately making the repentance more meaningful. Hertz points out the Hebrew קרי literally means "willfully doing the opposite of what God wishes" and "accident." He cites S.R. Hirsch in his clarification of the people doing the opposite of God's commandments, denying all order, and acting "as if accident rules the moral and spiritual universe."[109]

The third of the five escalating levels of punishment - "The Horrors of Siege" - covers vs. 23-26. Similar to vs. 19, Hertz suggests here that תוסרו לי, "corrected unto me", supports the intended purpose of God's punishments. "The purpose of God's chastisements is the moral discipline of His people."[110] On vs. 26, the curse on baking bread, Hertz remarks it is an idiom meaning "the cutting off of the food supply," with

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107 p. 544.

108 ibid.

109 ibid.

110 ibid.

each subsequent detail implying how widespread and devastating the curse will be.

The fourth and fifth levels of curse - "National Destruction and Exile" - are presented together, covering the largest number of verses, vs. 27-39. To Hertz, these sections represent "the climax of horror." Hertz translates חמניכם as "your sun-pillars" or "images of the sun-gods", based on a derivation from חמה, sun.[111] Hertz notes the historical reference in II Kings 23:14,20 of the curse to "cast our carcasses upon your idols," leading the reader to understand his literal understanding of the curse. We must note that Hertz does not offer any commentary on vs. 29 - the curse to eat the children. Hertz does note the importance of the second part of the curse in vs. 33 - "I will draw the sword after you" - stating, "Israel's dispersion is not a curse in itself: it is a means of fulfilling God's purpose of spreading His word among the nations. The tragedy lies in being scattered because of the sword."[112] Here, as above, the reader can see Hertz's strong attempt to find purpose and function in every part of the section. Rather than view the verse as especially harsh, instead Hertz understands it as possessing a very specific function and purpose. On vs. 34, Hertz translates תרצה...את-שבתתיה as "satisfy its sabbaths" rather than the suggested "be paid her sabbaths", designating a time when the Israelites could make up for the time they were not observing the Sabbatical years previously. Thus, the exile serves the specific function of allowing the land to heal itself, again stressing the non-permanent status of the curses, specifically the Israelite's status of

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111 p. 545. See notes from Plaut chapter where Bamberger notes this common misinterpretation, and instead, translates חמנים as "incense stands."

112 ibid. It is interesting to note the similarities between Hertz' viewpoint and that of classic Reform ideology. Mordecai Kaplan, the founder of Reconstructionism, and most Reform leaders have considered the diaspora more of a blessing than a curse. The value

exile. On "עונם ואת-עון אבותם" in vs. 39, Hertz notes that the curses not only result from the disloyalty of the present generation, but are also a result of the disloyalty of the past generations. These remarks conclude Hertz's first large division of the curse section.

The second, and final division of the curse section - "Repentance Shall Bring Restoration" - offers the only optimism in the entire unit. According to Hertz, vs. 40-45 detail the fact that the curses were not given without reason - that their purpose was to cause the sinful people to realize their sin and repent. Specifically outlined in his commentary to vs. 40, Hertz states, "God desireth not the death of the sinner; and, therefore, every threat of punishment for disobedience is followed by a promise of mercy, if there is repentance and amendment. Divine discipline is for moral ends; and in truth the Exile proved purifying furnace unto Israel."[113] Hertz offers an interesting explanation for the somewhat confusing phrase in vs. 41: "אף-אני אלך עמם" - "I also will walk contrary to them...." He suggests a better translation would be "I also walk," meaning that the sinful Israelites will understand that, "...the calamities which had overtaken them were God's method of humbling their arrogance."[114] Hertz points out the reverse order of the patriarch list in vs. 42, stating, "God is stirred to mercy by recalling the noble ancestors of Israel and the Covenant He entered into with each. In retrospect, the last comes first to mind."[115] Here, again, Hertz understands the text to be a direct, infallible expression of God to His people. In his comment on vs. 44, Hertz sums

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has been included in Reform Jewish practice as well, specifically regarding the lack of observance, if not desire to completely abolish, Tisha b'Av.

113 p. 546.

114 ibid.

115 ibid.

up not only the point of the entire section, but by doing so, offers his understanding of the overall relationship between God and the Israelites. He quotes Henry George:

> God's anger may be severe, but it is not everlasting. He will grant his people every opportunity to renew the ancient Covenant. Israel - 'a people who have been overthrown, crushed, scattered; who have been ground, as it were, to very dust, and flung to the four winds of heaven; yet who, through thrones have fallen, and empires have perished, and creeds have changed, and living tongues have become dead, still exist with a vitality seemingly unimpaired.'[116]

Not included in any text unit is vs. 46. Hertz understands this verse as functioning in two ways. He states, "This verse is the subscription not only to chaps. xvii - xxvi, but to the whole of Leviticus, the following chapter being an appendix to the book."[117] He does not remark on the significance of the Sinai reference, and here, he does not cross-reference the similar phrase in Deut. 28:69, perhaps as a means of avoiding the potentially "dangerous" implications to his belief of the Torah as a divine document.[118]

In his concluding commentary on Leviticus, Hertz focuses his writing on discrediting critical scholarship on the book. Within this discussion, Hertz explores the critical view on the תוכחה in Lev. 26: that the curses there are proof of the composition of the chapter at the time of the Babylonian Exile because they were experienced historically then. Hertz rebuts: "Those who do not eliminate the Divine from history or from human life regard the *Tohecha* as belonging to that unique mass of Bible predictions that have been fulfilled to the letter, and that are wholly inexplicable except

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116 p. 547.

117 ibid.

118 see note 25.

on the Providential view of human history."[119] Hertz adds to his support of the Mosaic origin of the text in a truly unique manner. Citing Hoffman, he points out the similarities in the תוכחה with the Code of Hammurabi in the way in which blessings are listed for loyalty and curses for disobedience. Hertz points out that this parallel evidences the Medieval concept that: "Scripture chooses those forms of literary expression that would be most effective with the hearers to whom they are addressed."[120] In his third and final proof for the authenticity of the textual unit, and moreover of the entire text as a whole, Hertz states that the Ten Commandments were given at Mt. Sinai and the other laws in the wilderness and in Moab. Hertz remarks,

> How came they to be attributed to lands *outside* the Holy Land, territories that had no sacred associations for the men of Ezra's age, or for that matter even for the heroes of the Patriarchal age? Surely such a strange, 'inconvenient,' unnatural tradition is not likely to have been *invented*, but is based on fact. And if so, the events associated with that tradition could only have taken place in Mosaic times.[121]

Not only does Hertz personally reject the critical view, but moreover, he finds it either so inconceivable or potentially threatening to tradition that he goes out of his way to offer extensive, often too extensive, refutation.[122]

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119 p. 555.

120 ibid.

121 p. 555.

122 We should note Hertz's selective approach. If the realia supports the text, Hertz uses the material extensively. If it does not support the text, Hertz simply does not include it.

On *Ki Tavo*

Hertz refers to the extensive תוכחה in *Ki Tavo* (Deuteronomy 28:15-69) as "The Warnings", as compared to the less detailed תוכחה in *Bechukotai* he refers to as "Admonition." Without stating it explicitly, Hertz addresses the absence of hope in the *Ki Tavo* curse catalogues, pointing out that, "The curses are national and not individual. They are all of them conditional, declaring what God would bring on Israel if the event of its complete apostasy. Israel's survival of the Divine Judgement is due to the fact that Israel always possessed a 'righteous remnant.'"[123] Thus, the fact that the nation historically survived and continues to survive proves both the inherent optimism in the chapter and the overall purpose of the curses themselves as well. By his presentation here, it seems Hertz believes the *Ki Tavo* curses hold a different purpose than that of their *Bechukotai* counterparts. Here, the focus is not to stress the function of the curses as a learning device, but rather, as signs to show the true depravity of Israel at a more critical point in their wanderings.

Hertz approaches his notes on the relevant *Ki Tavo* verses by grouping them into categories of curses/warnings with similar characteristics, clarifying words/phrases and offering interpretations along the way. Distinctly absent here are the notations of verse parallels in *Bechukotai*. Not noting anything on the introduction to the curse section in vs. 15, he groups vs. 16-19 together, pointing out their common expression of the failure of Israel "in every department of national life." Hertz sees this poetic unit as a direct parallel to its corresponding blessing unit in vs. 1-6. By noting each level of Israel's failures, the verses outline the broad categories for the curses that will follow as well.

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123 p. 867

Hertz groups the first curses in vs. 20-26 as "Disastrous years, fevers, droughts, and ruinous defeat in battle."[124] In this section, as in the other groupings as well, he notes that when the text refers to a specific type of curse, often, that curse could mean any one of that type in a broader category. In vs. 21, for example, "pestilence" refers to "Any dangerous epidemic." This is contrasted by the the opposite in vs. 22 when Hertz points out that שחפת, "consumption" refers to a specific Mediterranean illness; קדחת, "fever" is really malaria; דלקת, "inflammation" means Typhoid fever; and חרחר, "fiery heat" refers to erysipelas.[125] We should also note that in the parallel Leviticus 26:16-18, Hertz does not note the specifications on the broad terms. So too in vs. 24, Hertz translates the *Ki Tavo* words differently than he did in the *Bechukotai* verses. Here, he suggests: "The Lord will make the rain of they land powder and dust; from heaven shall it come down upon thee, until it be destroyed."[126] Hertz believes the "powder and dust" to be, "An allusion to the sirocco, with its fogs of sand and dust."[127] Here, Hertz sees this curse as a reference to a very specific hot, desert wind, supporting his belief that the section referred specifically to the Israelite's reality of desert wandering. We see in both examples from Deuteronomy vs. 22 and 24 that Hertz sees the curses here functioning differently than they did in Leviticus.

Hertz groups vs. 27-37 as the second category of curses: "Incurable diseases, mental blindness, a prey to cruel invaders, and ignominious exile."[128] Citing the Talmud,

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124 ibid.

125 ibid.

126 ibid.

127 ibid.

Hertz clarifies the meaning of "grope as the blind grope in darkness" in vs. 29 to mean the extreme level of blindness/helplessness the Israelites would experience both literally and figuratively. He states, "Thus, the apparently superfluous phrase *in darkness* was to emphasize the greatness of the calamity that would befall Israel. Even at noonday they were to grope as the blind do in blindness, without a ray of light to exhibit their distress to the compassion of men."[129] He notes historical accuracy in vs. 32 with its mention of the children being given to another people, citing the "several large deportations of Israelites to distant lands beyond the Euphrates."[130] Here, again, we see Hertz using his notes to support his dating of the texts to the setting where the text would have us believe it was written - the time of Moses. In other words, the ancient prophecy came true.

The third group, vs. 38-44, is catalogued as, "Impoverished Israel reduced to dependence on the resident foreigner."[131] On vs. 41, Hertz notes both the implication of the curse in the past and the implications for such a curse on the future as well. Hertz notes the mention of the children being given away in other *TaNaKh* sources, specifically Mal. 3:24, and states that, "Byalik calls attention to a similar estrangement of the children from their Faith and People in the present age, and considers it the supreme tragedy of the Spiritual Golus of the emancipation era."[132] It is interesting that Hertz makes the jump

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128 p. 868.

129 ibid. See also notes on vs. 30 and 31 for more on helplessness.

130 ibid.

131 ibid.

132 p. 869

from the historical placement of the curse isolated in Torah-only to the inclusion of a modern/present day application of said-curse.

Hertz groups the fourth section from vs. 45-58, calling it: "The reason for these terrible calamities."[133] Hertz believes vs. 46 explains the entire purpose of the text. He summarizes, "The calamities shall testify to the truth of the Divine interposition in history. As soon as they were prepared to acknowledge that what they suffered was not unmerited, there was still soundness in them and they would receive mercy at the hands of God."[134] Hertz's interpretation appears notably slanted and not necessarily in harmony with what the explicit message/ *Peshat* of the text is saying, for both vs. 45 discusses that the curses happened because of Israel's neglect, and vs. 47 again stresses the same concept. He appears to be trying to put a positive slant on something that does not necessarily contain anything positive within it. Hertz believes if anything, it can be seen as a warning, but not a promise of hope. Hertz implicitly acknowledges this point, noting that on the latter half of vs. 46, should the reader want to see where the hope for restoration comes from, they need to turn to Deut 30:1-3.

Hertz calls the fifth group, vs. 49-55, "Measure for measure. Invasion by a far-off nation. The horrors of siege."[135] Regarding the prophetic notice in v. 49 of a faraway nation taking over, Hertz specifies the nation as Assyria and Babylonia, apropos to his dating of the text to the time of the Exodus from Egypt, with Assyria and Babylonia yet to invade. On the curse of v. 53 to "eat the fruit of thine own body," Hertz understands

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133 ibid.

134 ibid.

135 p. 870.

the statement as expressing the extremes to which the Israelites' hunger would reach, citing II Kings 6:25-29 as well. No mention is made of the graphic nature of the vs. 53-57. On vs. 54, Hertz understands the tender man becoming evil as a reference to that man withholding his food from his family if they were to become hungry. Overall, Hertz fails to treat these verses, apparently in keeping with his traditional agenda.

The remainder of the verses[136] in the unit are not arranged in a group by Hertz. He explains the confusing meaning of vs. 63: "And it shall come to pass, that as the Lord rejoiced over you to do you good, and to multiply you; so the Lord will rejoice over you to cause you to perish, and to destroy you; and ye shall be plucked from off the land whither thou goest in to possess it."[137] He compares God and Israel to a father and son, commenting, "When a son walks in the right way, it is the father's joy to help him...Should however the son fall into evil ways, then it is equally the father's 'joy' to find some means - even painful ones- to bring him back to the right path."[138] By his commentary on the verse, Hertz recontextualizes it positively. Hertz understands "failing of eyes" in v. 65 not as actual blindness, but rather idiomatically. He remarks, "Usually taken to mean the gradual extinction of all hope; or, they refuse their office, because they see only horror."[139] Similarly, Hertz sees v. 67 not referring to a specific moment in the morning, but rather as an expression of time passing. He states, "Even as

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136 The "Concluding Warning" involves vs. 56-58. Hertz discusses the nature of the juxtaposition of נכבד, "glorious" and נורא, "awesome" commenting that both words help to define the nature of God in the chapter, if not the whole book.

137 p. 871.

138 ibid.

139 p. 872.

he that suffers acute pain yearns for the hours to pass. This verse graphically depicts the agonized uncertainty, protected by day and by night."[140]

Hertz dedicates significant notes to vs. 68, focusing mainly on historical references. On "bring thee back into Egypt," he notes that, "At the destruction of Jerusalem by the Romans, both Titus and Hadrian consigned multitudes of Jews into slavery; and Egypt received a large proportion of those slaves."[141] Regarding "in ships", Hertz notes that the Romans traveled in fleets of ships they used to transport prisoners. On "sell yourselves," Hertz cites Rashi's remarks: "ye will in vain seek and yearn to be bought as man-servants and maid-servants."[142] Finally, on "no man shall buy you," Hertz refers to Jospehus on Jerusalem's destruction, noting the fact that no one would buy the Israelite slaves due to the fact that "the market was so glutted."[143] Again, his reference here fits his agenda of placing the passage in the correct period of time. By stating that the curse was fulfilled, albeit later in history, he justifies the truth of the curse itself, deeming it prophecy, and therefore accurate.

Finally, on verse 69, Hertz notes it functions as a superscription. He states that the phrase "these are the words of the covenant" refers to the entire chapter, and that the reference to Horeb cross-references us to that in Lev. 26. It seems strange that this last verse would be his only cross-reference to *Bechukotai* in the chapter.

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140 ibid.

141 ibid.

142 ibid.

143 ibid.

In his conclusion notes on Deuteronomy, Hertz offers a refutation similar to that contained in his concluding notes on Leviticus. He extensively addresses the issue of the authenticity of Mosaic authorship, (specifically here of Deuteronomy), in the context of countering critical-biblical scholarship as a whole. Referring to the Jewish people as "the author of the idea of history,"[144] Hertz notes the episode from II Kings 22:10-13 where the High Priest Hilkiah finds "the book of law" in the ruins of the Temple and presents it to King Josiah in 621 BCE. Hertz sees this episode as proof of the authenticity of Deuteronomy as an ancient, Mosaic document, as he cites the words of German Biblical scholar Antone Jirku (1885-1972), "'...there is no longer an justification for seeing any mystery or mystification in the incident of the finding for the Book of the Law by Hilkiah, the High Priest.'"[145] Hertz himself concludes, "Nothing could be simpler than the above explanation of the finding of the scroll of Deuteronomy during the repair of the Temple."[146]

He offers much "proof" for "the book of the Law" mentioned in II Kings as Deuteronomy. Hertz notes the ANE tradition of storing books "in the Temples at their erection, and [the books] were often found when the buildings were repaired."[147] Noting the existence of the practice at the time of Solomon, he dates the scroll to at least that date. Hertz points out that Hilkiah's reference to the book as "the book of the

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144 p. 935.

145 p. 937.

146 p. 938.

147 p. 937.

law...would not have been understood - if it were not known that such a book had been in existence before. It is clear that the finding of the book was regarded as the discovery of an old lost Scripture, a book of the Law of Moses."[148] The king's rending of his clothes after hearing the text read also lends support to this theory. He notes that the words ביד משה included in the parallel account in II Chronicles 34:14 possibly recognize the book as an autographed copy by the hand of Moses himself.[149]

Hertz chastises modern critics who refute of the Mosaic authenticity of "the book of the Law" as Deuteronomy. He first attempts to tear down the case of critical scholarship. Hertz charges that no general agreement exists within modern critical scholarship on a date or author for the book, thus their refutations cannot hold against the broadly-accepted traditional understanding. Hertz clearly is offended on a moral level by academic critical scholarship on the subject, as he states at one point, "Even less convincing, but far more shocking to the moral sense, is the attempt to find the forger among the prophets."[150] After this, Hertz offers his own "proof" for his case. He sees no reason for the late date akin to critical scholarship given the stark lack of parallels between the reality of life at the time of Josiah versus the reality of life described in Deuteronomy itself.

> ...Israel is treated in its unbroken unity as a nation: one Israel is spoken of. There is not the lightest hint of the great secession of the Ten Tribes, which had rent Israel in twain. Furthermore, in Deuteronomy, the hope and the promise is that Israel is to be 'high above all nations'; and the Law actually contemplates foreign wars. This is quite understandable of the Mosaic generation...In

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148 p. 938.

149 p. 937.

150 p. 939.

> the days of Josiah, however, it was a question whether Judah could even maintain its own existence.[151]

On the specific Mosaic authorship of Deuteronomy, Hertz states explicitly his belief in this concept, using 20th Century discoveries of ancient Semitic codes as support. Based on Hittite laws originating from the same time as the life of Moses, along with similarities between Deuteronomy and the Code of Hammurabi and Assyrian codes, Hertz wonders: "What reason...is there to assume that these laws of Deuteronomy are later than the Mosaic period?...Moses must have been a genius of the first-order, a supreme Lawgiver who shaped an inchoate human mass into a great spiritual nation."[152] We must note that Hertz's entire argument is pinned heavily on the fact that he sees the *TaNaKh* as a legitimate enough source that he requires no extra-biblical sources to support his assertions. In the case of Mosaic authorship, Hertz uses the extra-biblical references to support the existence of similar literature at the time Moses would have lived or earlier, but cannot offer anything outside of *TaNaKh* itself to tie Moses to the text's authorship. His defense is that it is too obvious not to believe the Torah account, something that would likely not hold in an academic setting, but because of Hertz's traditional synagogue readership, his case holds.

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151 p. 939.

152 p. 941.

Hertz's Torah commentary served as the standard, if unofficial, Chumash for most Conservative congregations in the 20th century. In 2001, the Rabbinical Assembly and the United Synagogue of Conservative Judaism published a new commentary for the 21st century: *Etz Hayim*. Specifically designated a "Conservative" commentary, this "tapestry of kaleidoscopic power"[153] was woven by a complex editorial board which produced a text functioning on multiple levels. The Hebrew is that of the Biblia Hebraica Stuttgartensia (based on the Leningrad Manuscript) with the JPS 1999 English translation. David L. Lieber served as the Senior Editor of the compilation, Chaim Potok - the Editor of the "*Peshat* Commentary[154]," Harold Kushner - the Editor of the "*D'rash* Commentary," Jules Harlow - the Literary Editor, Elliot Dorff and Susan Grossman - the co-Editors of "Halakhah l'Ma-aseh," and Michael Fishbane - the Author of the "Haftarah Commentary." For the purpose of this thesis, we will only examine the *Peshat* and *D'rash* commentary sections, as they are the only two commentaries included in our relevant *Bechukotai* and *Ki Tavo* portions.

The "*Peshat* Commentary" of *Etz Hayim* is based on the JPS Torah Commentary by Nahum M. Sarna, Baruch A. Levine, Jacob Milgrom, and Jeffrey H. Tigay published from 1989-1996. As such, *Etz Hayim* contains numerous references to history, archeology, anthropology, and sociology, not to mention other ANE references, all the while, maintaining its status as "reverential." According to *Etz Hayim*'s introduction,

> The scholars who created that five-volume commentary brought to their task not only a dedication to the sophisticated discipline of modern scholarship and a keen awareness of its demands of objectivity, but a profound love of the text and its sanctity as well.

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153 Schorsh, Ismar. Foreword to *Etz Hayim*. New York: The Rabbinical Assembly. 2001. p. xvi. Note: All source citations for the chapter, unless otherwise noted, refer to this book.

154 Note: In the *Bechukotai* and *Ki Tavo* sections covering the *Peshat* Commentary, I will refer to Levine *apud* Potok and Tigay *apud* Potok.

> Truth and reverence suffuse their words. In editing the *Peshat*, Chaim Potok, the original literary editor of the five volumes, brought unity to the series. The erudite scholarly arguments were reduced to basic conclusions; the different styles of writing were given a coherent single voice.[155]

Despite this editing, the *Peshat* commentary presented in each chapter appears as an abbreviated, non-specific paraphrasing of the original JPS series.

Because the *Peshat* Commentary is concerned with being academically respectable, Lieber explicitly states that *Etz Hayim* is not an apologetic. "It does not attempt to justify all of the statements in the Torah or demonstrate that they conform to our view of scientific truth."[156] Here, we are given a perfect summary not only of the viewpoint of the "*Peshat* Commentary," but rather, that of the entire compilation. Lieber understands the *Peshat* as the plain-sense meaning of the text. He comments,

> We try to understand the Torah as it was once understood by Israelites - before the rabbis of the Talmud began to use the text for the fashioning of the great civilization known as Rabbinic Judaism. We use the tools of modern-day *Peshat* to recover ancient Scripture. Were Rashi and Ibn Ezra...alive today. they would likely be using the same tools...its [*Peshat*'s] goal is to see the text in a time and a place and to have it speak to us.[157]

Lieber understands that the *Peshat* meaning is limited in its ramifications for us in the modern age because it was written not for us, but rather, for an audience thousands of years ago. Despite this, he still believes we can come to understand what the message was. The challenge of creating the book according to Lieber, was to find "...the finest scholars of our generation to unpack its meaning."[158] Because the commentary views the

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155 p. xix.

156 ibid.

157 ibid.

158 ibid.

Peshat as the plain-sense meaning isolated to a specific time and place in history, it notes that on the subject of "morally-challenging" sections: "Such passages are viewed as a reflection of the age in which they were composed, in need of being reinterpreted by later generations in light of the principles of equity, justice and compassion that are central in the Torah." [159] This statement proves notably similar to the goals of Reform Judaism, and the reader must wonder how the Conservative movement differentiates itself on this issue. Nevertheless, from the statement, we come to understand how the entire text is handled. Although *Peshat* is the plain-sense meaning isolated in time, the values and "spirit" of the Torah appear to possess a more "eternal" status in meaning, governing interpretation throughout time. Thus, although a certain narrative or instruction could be re-interpreted, the overarching values could not.

A unique feature of *Etz Hayim* is its "*D'rash* Commentary." Although other commentaries have sometimes included *D'rash* interpretations either within their *Peshat* commentary or at the end of each parasha, *Etz Hayim* is the first synagogue Bible and commentary to separate *Peshat* from *D'rash*, making separate, significant sections for the two, both appearing in verse by verse form below the Hebrew text. Lieber defines *D'rash*:

> *D'rash* (or midrash) is a traditional nonliteral way of reading sacred texts...it refers to a process of close reading of the text to find insights that go beyond the plain meaning of the words...*D'rash* is at its most subtle and insightful when it elucidates elements in the text that the casual reader might overlook.[160]

The *D'rash* commentary contains references to Talmud, Midrash, medieval commentaries, and 19th and 20th century insights.[161] Lieber notes the approach taken

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159 ibid.

160 ibid.

when confronting "problematic" sections of Torah. He states: "There are passages that challenge our moral conscience, a conscience informed by Torah values...The *D'rash* commentary has approached the text with reverence, asking not 'Do we approve of this passage?' but 'Because this was sacred to our ancestors, what can it teach us?'"[162]

That question, perhaps, best sums up the entire approach of *Etz Hayim*. It is a comprehensive commentary, providing insights spanning the range of available scholarship and theology. The book does not appear to have the agenda of disproving either the traditional or critical approach. To be sure, there is not one mention of the concept of Torah m'Sinai or Mosaic authorship except when expressing the viewpoint of the Rabbinic period in justifying Oral Torah.[163] As such, there is no mention if the words of Torah are binding upon us or not. On some verses, *Etz Hayim* includes its "*Halakhah l'Ma'Aseh*" that offers the Conservative movement's suggested *Halachic* practice based on the Torah verses; however, again, these are considered only suggestions. According to Lieber, "the *Halakhah l'Ma'Aseh* section is not a code of Jewish law. Rather, it describes Jewish practice and demonstrates the role of Jewish practice in our quest for God."[164] If *Etz Hayim* has any agenda, it is that of presenting a fluid, multi-opinionated commentary able to provide its readers a foundation of Torah from which they can draw meaning and interpretation relevant to them in their modern day. On this subject, Lieber states, "The Torah is the foundational sacred text of Judaism; the study of its words and their meaning is at the core of Jewish religious experience."[165] We must note here that

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161 p. xx.

162 ibid.

163 p. xvii.

164 p. xx. Note: This is not the standard use of *Halakhah l'Ma'Aseh* which in any other context would be considered completely binding.

165 ibid.

the core is not "the words and their meaning" but rather "the study of the words and their meanings." Thus, *Etz Hayim* leaves room for interpretation and differing opinion. "None...can exhaust the Torah's riches; there is always room for more plumbing of its depths. Moreover, as the Sages observed, "*dor dor v'doroshav*" (BT Sanh. 38b), 'each generation needs to bring forth its own interpreters,' and ours is no exception."[166]

On *Bechukotai*

Etz Hayim includes our verses (Lev. 26:14-46) in its section: "Epilogue to the Holiness Code," yet labels the specific curse section (vs. 14-45) "The Execration."[167] In its brief, three-sentence introduction to the section, *Etz Hayim* stresses what it sees as the main themes of the unit: free will and reward and punishment, remarking that "Obedience to God's will brings great reward; disobedience brings dire punishment. The choice is left to the people Israel and its leaders."[168] The "*Peshat* Commentary" introduction is a bit more detailed, addressing the practical implications of the troublesome text in a limited way. Noting the curse section's traditional title "*Tokhehah*" and observing the notably small number of blessings compared to the large number of curses, the JPS commentary explains, "The curses are spelled out at length in the hope that they will put fear into the hearts of those who cannot be persuaded to do what is right by any other means."[169] After establishing the explanation for the large quantity of curses, Levine *apud* Potok qualifies the previous statement, noting the synagogue tradition of reading the curses in a quiet voice, "...perhaps because its vision of disaster is so frightening - or

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166 ibid.

167 pp. 747-752.

168 p. 747.

169 ibid.

perhaps in keeping with Leviticus's commitment to the reality of words; to say something aloud is halfway to making it happen."[170]

The "*D'rash* Commentary" introduction to the curse section proves equally brief. In it, Kushner focuses on *Sifra*'s insights into the unit. Playing off of the repeated phrase "sevenfold for your sins" (vs. 18, 21, 23, 28), "...the *Sifra* sees the process of falling away from God's ordained path occurring in seven steps, hinted at by proof texts in the Torah's warnings."[171] It is interesting that the potentially problematic nature of the texts is not mentioned/explored in this section and rather in the "*Peshat* Commentary."

The "*Peshat* Commentary" on the curse section of *Bechukotai* focuses solely on rephrasing or clarifying the meaning of the individual verses in the unit. There are no extra-biblical cross-references, and, for that matter, there are no extra-Leviticus cross-references either. Here, we see the strong, editorial hand of Chaim Potok, who apparently chose to omit not some, but all of the critical scholarship and ANE cross-references originally included in the five-volume JPS Commentary. If indeed one purpose of *Etz Hayim* is to present a synagogue Bible offering the straight *Peshat*, then *Etz Hayim* is not in keeping with its placing Torah in its time and place. The commentary of *Etz Hayim* contains scattered Hebrew word clarifications and a few idiomatic notations, yet the majority of the commentary consists of expansions or paraphrases of the verses themselves, presumably to help the reader understand the meaning of the curses in somewhat modern terms.

As mentioned above, the "*Peshat* Commentary" presents few Hebrew word and Idiom clarifications, however those that are presented are often followed by additional verse paraphrasing and/or interpretation akin to the rest of the verse commentary. On vs. 16, the commentary points out that מכלת עינים translated by JPS to

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170 ibid.

read "which cause the eyes to pine" is not a literal translation. Rather, literally the phrase reads "exhaust the eyes," presumably "so that they eyes can no longer see. They will have been worn out by anxiety and despair."[172] On vs. 36, the commentators clarify the function of נדף in relation to leaf, noting its literal meaning of " a leaf blown" versus the JPS idiomatic translation "a driven leaf," remarking, "The slightest sound will alarm the people, so great is their fear."[173] On vs. 41, the JPS translation of לבבם הערל as "their obdurate heart" literally should be translated "their uncircumcised heart," more readily referencing the Israelite breach of God's covenant.[174] And on vs. 45, ראשנים should be more accurately translated "the former ones" to refer to "the Israelites who left Egypt."[175] The text notes the proverbial nature of the phrase introduced in vs. 18 "sevenfold," and well as emphatic nature of the phrase והשמתי אני in vs. 32 and the phrase יען וביען in vs. 43.[176] No justification or signification is mentioned for these last two clarifications.

The remainder of the "*Peshat* Commentary" concentrates on paraphrasing verses or interpreting them, usually understanding the verses literally, not metaphorically. In contrast to the Hebrew word clarifications where the conclusions were based on the Hebrew roots, the reader of these sections is left in the dark in regard to how the conclusions are drawn. On vs. 15, the commentary stresses free will, a key theme of the unit, stating, "It is the people Israel who create the unfavorable situation, not God...."[177]

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171 p. 749.

172 ibid.

173 p. 751.

174 p. 752.

175 ibid.

176 pp. 749-752.

On vs. 16, the text notes the tragic quality of "your enemies shall eat it" stating, "It is tragic for a people to see its harvests ravaged by conquering hordes."[178] The text understands the "proud glory" referred to in vs. 19 as the land that will be destroyed; the cause of the remorse of Israel's enemies in vs. 32 as the Israelite's offenses against God; Israel's consumption by its enemies in vs. 38 as a sign of their extinction; "heartsick" of vs. 39 as remorseful; and the "pleasing odors" of vs. 31 as the sacrificial offerings.[179] Finally, the commentary points out the uniqueness of God's words "I will remember the land" in vs. 42, noting that despite the common theme of the land in the Bible, God does not remember the land in any other place. No implication, however, is drawn from this.

What is perhaps more interesting in the unit is that which the commentators chose to exclude. Although they do explain "I will make your skies like iron" in vs. 32 to mean "The rains will cease and the artesian springs of the earth will become dry,"[180] the commentators do not note the literary parallels in other ANE literature. Left completely unmentioned is the bread baking theme of vs. 26, not to mention the more horrific imagery of the eating of the children's flesh in vs. 29. This appears rather "Hertz-esque" although the omission would not likely be for the same reason. It seems there are limits to *Etz Hayim*'s intro statement that "it will not omit or ignore problematic parts of Torah, but rather explore them."[181]

The *D'rash* Commentary offers four comments on the entire curse section, three of which deal with some aspect of the emotional condition of the Israelites. In the first comment, Kushner notes the word קרי in vs. 21, using it to characterize the overall

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177 p. 749.

178 ibid.

179 pp. 749-750.

180 p. 750.

attitude of the "hostile" Israelites towards God throughout the entire unit. He explores several interpretations of this unique word, all of which detail the fact that the Israelites will suffer God's curses not by breaking God's laws alone, but doing so with an emotional mindset of "a spirit that drains them of religious value."[182] Kushner's second remark on a psychological quality of the Israelites involves the phrase "faintness in their hearts" in vs. 36. He understands this phrase as added emphasis on the Israelite's confidence which has reached its nadir, remarking, "...they will not care enough about their people's fate even to put up a fight on its behalf."[183] Kushner's last psychology-based remark refers to the requirements for God's forgiveness in vs. 40. He states that the Israelites must possess a willingness to return to God before God will take them back. In Kushner's words, "Although God proclaims the divine readiness to accept penitents and meet them more than halfway, the first turning must come from the errant people. God does not impose repentance on an unwilling people."[184]

Kushner's only *D'rash* comment without a psychological explanation centers on the theme of the land in vs. 32-33. He points out Rashi's understanding of the curses as a promise that the land would remain barren for all of its dwellers after the Israelites had been exiled until the day that the Israelites would return again. He also notes the different, positive connotations of the so-called curses here, citing both medieval and 19th century commentators who believed:

> '...even God's curses contain within them the possibility of being turned into a blessing'...When enemies attacked and destroyed one Jewish community, others would still flourish. Some...saw the Diaspora as part of God's plan to have the people Israel bring its

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181 p.xix.

182 p. 750.

183 p. 751.

184 p. 752.

message to all humanity by being scattered to so many different countries.[185]

On *Ki Tavo*

Etz Hayim includes our relevant Deuteronomy verses (28:15-69) in the section "The Consequences of Obedience and Disobedience," and understands the blessings and curses in the broader unit to serve, as the unit title suggests, as consequences of "Israel's obeying or disobeying the terms of the covenant that Moses reviewed in chapters 5-26."[186] The introduction makes broad reference to the presence of "promises and threats" in other ANE literature. In addition, the text notes that if the readers reference the note on 27:11-13 in the preceding unit, they will see an additional notation setting up a parallel between the *Ki Tavo* section and ANE texts (although nothing specific) as well as with *Ki Tavo* and *Bechukotai*.[187] The more specific introduction to the curse verses also makes reference to Leviticus 26, there noting only the presence of both promises and threats, the latter outnumbering the former in both.[188] The introduction concludes by pointing out, "Blessing and curse do not refer to promises and threats but to the benign and the destructive forces that blessings and curses call for...the blessings and the curses are treated as impersonal forces under God's absolute control."[189]

Unlike the commentary on the curses in *Bechukotai*, JPS divides *Ki Tavo*'s curses into three groups, although it offers no explanation or reason for the groupings. Consistent with the *Bechukotai* verses is the style of commentary, focusing somewhat on

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185 p. 751.

186 p. 1148.

187 p. 1146.

188 p. 1151.

189 p. 1148.

Hebrew word or idiomatic clarification and paraphrased interpretation of the verses themselves. Likewise, there are no *Bechukotai*-parallel cross-references. The commentary of *Ki Tavo* does include a few vague ANE references, although no specific extra-biblical texts are discussed.

The *Peshat* Commentary includes vs. 15-44 in its first group of curses; again, because the groupings are not explained, the reader remains unclear on the reason for dividing the groups this way.[190] Much of the commentary on the first group centers around translation issues. First on vs. 20, JPS points out that מארה, which is translated as "calamity," literally means "curse" and helps to mark the shift in the text by presenting the opposite of "blessing" in 28:8. In addition, JPS understands the word to refer to specifically agriculture-based curses.[191] Also tied to the agricultural theme is the JPS translation of מגערת as "frustration" rather than the literal "obstruction, encumbrance" referring to the proceeding curses of drought and crop failure.[192] Although the afflictions in vs. 22 are translated as consumption, fever, inflammation, scorching heat, drought, blight, and mildew, the commentary prefers to leave them less specific, remarking, "The exact nature of the seven afflictions listed in this verse is uncertain. The terms refer to symptoms that could stem from various causes."[193] Finally, JPS notes the literal translation of "our eyes shall run out [of tears] over them" in addition to the suggested translation of "your eyes shall strain for them" for ועיניך ראות in vs. 32.[194]

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190 Note: If the reader were to read the JPS commentary to Deuteronomy, he would see the reasons for the group divisions, something that remains unclear to the *Etz Hayim* reader to Potok's editing.

191 p. 1151.

192 ibid.

193 ibid.

194 p. 1153.

The second group entails a smaller group: vs. 45-57. The commentary notes the idiomatic nature of "iron yoke" in vs. 48 as referring to the ANE notion of the authoritative rule of gods or kings. Distinguishing between the common understanding of the phrase and that in the text, the commentary notes, "Here, however, the context is punitive. Because yokes were normally made of wood, an iron yoke implies an exceptional burden or unbreakable servitude."[195] The commentary differentiates between the JPS translation of עז פנים in vs. 50 as "ruthless" and the literal meaning "harsh of face," commenting that the description "Alludes to the enemy's shameless brutality in treating the old and the young."[196] In addition, although it offers no reason for the differentiation, the commentary notes the literal meaning of הצר לך as "press you" rather than the more colloquial JPS suggestions of "shut you up."[197]

The final group of curses spans vs. 58-68. The first comment on Hebrew refers to גדולת in vs. 59. Although literally translated to mean "great," JPS suggests "strange,"[198] presumably, although not stated, so as to avoid a potentially positive connotation in the curse. The commentary repeats this pattern with דאבון נפש in vs. 65, noting the literal definition "a parched throat" as "a symptom of grief or depression" to JPS' "despondent spirit."[199]

Given the strong similarity between the verses in *Bechukotai* and *Ki Tavo*, we may ask why the commentary approaches *Ki Tavo* so differently? As noted above, JPS remarks that the seven curses including שחפת and קדחת, although translated, possibly

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195 p. 1154.

196 p. 1155.

197 ibid.

198 p. 1156.

199 p. 1157.

refer to conditions with which we are unfamiliar. *Etz Hayim* makes no such remark on the equivalent Leviticus 26:16. Whereas JPS remarks that Lev. 26:21 refers to artesian springs drying up, on the equivalent Deut. 28:23, the commentary understands the verse to refer less to the absence of water than the presence of harsh, windy conditions. "In the absence of rain, the land will be exposed to duststorms and sandstorms stirred up from the waterless soil."[200] The commentary treats the concluding verses of each section differently as well. Whereas the *Bechukotai* commentary on vs. 46 simply states that the verse refers to the covenant given to Moses at Mt. Sinai, the commentary on Deut. 28:69 proves complex and somewhat apologetic. Although never noting any problem with the virtually identical *Bechukotai* section, the *Ki Tavo* commentary relates: "Deuteronomy these laws given in Moab as implicitly part of the Horeb [Sinai] covenant, because they are the direct continuation of God's words at Horeb, and the people had pledged there to observe them. This means that the covenants of Horeb and of Moab are virtually identical."[201] Additionally, the *Ki Tavo* "*Peshat* Commentary" offers ANE references unmentioned in *Bechukotai*. As mentioned previously, the commentary notes the use of "iron yoke" in vs. 48 as a common ANE idiom.[202] JPS notes the presence of the theme of blindness in vs. 28 as an idiom for fear present in many ANE texts.[203] Lastly, the commentary more directly points out the common conclusion of many ANE documents present in vs. 61: "plagues that are not mentioned" - noting that "the document stands for more than it contains."[204]

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200 p. 1151.

201 p. 1157.

202 p. 1154.

203 p. 1152.

204 p. 1156.

The most distinct difference involves the most disturbing concept contained in both *Bechukotai* and *Ki Tavo* - the cannibalism curse. While the commentary on *Bechukotai* makes no remark on the subject matter, that of *Ki Tavo* offers extensive explanation of the difficult concept. The first remark appears indirectly in vs. 51, noting the omission in that verse of "the issue of your womb" due to the following: "In the grisly climax of the invasion, that blessing will be consumed by Israel itself (v. 53)."[205] More direct explanation on the theme occurs in vs. 53, where the commentary appears to take the curse literally, stating, "Besieged and starving, the people will lose every vestige of compassion, and they will resort to cannibalism. (Under such circumstances, cannibalism has taken place throughout history; ancient cases are reported from Samaria, Jerusalem, and elsewhere in the Near East.)"[206] In addition, the commentary goes on to paraphrase vs. 56-57, summarizing that out of pure selfishness, women will horde and "devour their newborn along with the afterbirth to avoid sharing them with their husbands and older children."[207] Despite the relatively extensive commentary, there is no value-judgement placed on the content of the text in the *Peshat* section. This is an interesting distinction given the fact that, on ישגלנה in vs. 30, the commentary notes the crude nature of the term, explaining, "Because that verb שגל was considered too vulgar for public reading in the synagogue, another verb is read in its place, literally meaning 'will lie with her.'"[208]

Whereas the *Peshat* Commentary for our relevant *Ki Tavo* verses is extensive, the *D'rash* Commentary for the same verses is notably brief, totaling four comments in all.

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205 p. 1155

206 ibid.

207 ibid.

Three of the four attempt to relate the concepts of the curses to the modern reader. On the simile "as a blind man gropes in the dark" in vs. 29, Kushner cites BT Megilla 24b, understanding the phrase to emphasize incredible loneliness.[209] On "you would not serve...in joy" in vs. 47, Kushner employs the interpretation of Rabbi Hayyim of Volozhin. He states, "Ingratitude keeps us from true devotion to God. The image here is not of refusing to worship, but or worshipping grudgingly."[210] On "because of what your heart shall dread" in vs. 67, Kushner apparently offers his own *D'rash*: "Bad as the reality will be, you will fear that the future will be worse. Fear of misfortune is often worse than the actual misfortune, as our imaginations conjure up all sorts of dreadful experiences we may feel we deserve."[211] Each of these remarks appears to be an attempt to bring a modern-day psycho-social dimension to the text otherwise not included in the *Peshat* Commentary.

The only portion of Kushner's commentary differing in style from those above involves that surrounding the curse of eating the flesh of the children beginning in vs. 53. This comment serves as the only value-judgement, albeit apparently not his own, in the combined commentary of both *Bechukotai* and *Ki Tavo*. By citing a nameless commentator, Kushner acknowledges the highly problematic nature and terrifying imagery of the concept of the curse. He states, "One commentator, unable to bear the horrifying literal meaning, takes this to mean: 'In old age, you will have to depend on our children to feed and sustain you.'"[212] The reader is left unsure, however, if Kushner is

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208 p. 1152 Note: this explanation of the difference between the K'ri and Ketiv is not noted in any of the other commentaries examined in this thesis.

209 p. 1152.

210 p. 1154.

211 p. 1157.

212 p. 1155.

suggesting that the reader take this phrase in this notably non-literal, rationalized way, especially when compared to the notably literal commentary in the *Peshat* exegesis.

In 2001, Harper Collins released Dr. Richard Friedman's *Commentary on the Torah.* Although not a rabbi, Friedman is a scholar whose expertise is evidenced throughout the numerous books he has authored, including *The Hidden Face of God, The Hidden Book in the Bible,* and the widely-acclaimed *Who Wrote the Bible?. Commentary on the Torah* is not a synagogue Bible by design, but rather, a Bible and commentary intended to evoke study and discussion in both lay and scholarly communities. Despite this, Friedman's commentary is comparable to other liberal synagogue Bibles in its balance of reverence and scholarly material, differentiating itself only by the fact that Friedman's commentary is completely his own work whereas the other commentaries examined in this thesis are collections of commentary by numerous scholars. In addition, Friedman offers his own translation of the traditional Hebrew text, whereas the other commentaries employ a version of the JPS translation. Friedman felt the need to translate the Torah himself because the other available translations did not fulfill Friedman's understanding of the function of a translation. Accordingly, he states, "The purpose of a commentary's translation, rather, is the same as the purpose of the commentary itself: to make clear what the Torah says - and what it means - so one can learn from it for one's life today."[213] The commentary "includes the original Hebrew text, a new translation, and an authoritative, accessibly written interpretation and analysis of each passage that remains focused on the *meaning of Torah as a whole,* showing its separate books are united into one cohesive, all-encompassing sacred literary masterpiece."[214] This summation of the comprehensive work serves to highlight the perspective from which it was written. As Friedman did not write his commentary in association with any specific denomination of Judaism, he is not limited by any

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213 Friedman, Richard Elliott. *Commentary on the Torah.* San Francisco: HarperSanFransisco, 2001. front cover.
Note: all source citations for this chapter, unless otherwise noted, refer to this book.

movement-based agendas or politics. If Friedman is bound to anything, it is his academic background combined with his own Jewish reverence. In fact, he states of himself: "I stand between two poles of other kinds of commentary: midrash and critical scholarship."[215] In his introduction to his commentary, he states,

> There have been few [commentaries] that follow the tradition of being a single scholar's commentary on the Torah as a whole. Some take the form of introductory footnotes on a translation. I mean to do the opposite: precisely to show how united and connected the whole Torah is, and to try, like the commentators who are our starting point, to relate it to life.[216]

As such, in *Commentary on the Torah*, Friedman does not focus on the details in order to deconstruct the text, but rather, in order to add to "the meaning of Torah as a whole." In his efforts to fulfill his goal, Friedman studied with both Orthodox and Reform Torah-study groups, in the hopes of creating a commentary that would "...help others to understand the meaning of the text that we have called the Torah for two and a half thousand years. Like Rashi, I am trying to do what is known as *peshat* - pursuing the straightforward meaning of the text."[217] And the success of his efforts is evident, given the critical acclaim the commentary has received since its release. Perhaps Baruch Halpern's remarks prove most exemplary of its wide acceptance: "As exceptional for the 2000's as Rashi was for the 1000's, this is the definitive Jewish commentary on the Five Books of Moses."[218]

Friedman structures his work in the form of a traditional commentary with modern interpretative content. He states, "My commentary is meant to do that: to be in

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214 p. xii.

215 p. x.

216 ibid.

217 p. xi.

218 initial review pages before pagination begins

the tradition of the classical commentaries but to use this new learning."[219] He offers brief one to two page introductions to each of the five books at the beginning of each of them. Within each biblical book, the Hebrew text appears on the top right side of the page, with Friedman's English translation on the left, and his relevant commentary appearing below on the bottom half of the page. Although the commentary is extensive, it should be noted that Friedman appears to feel no pressure to make a note on every verse, or even every literary unit. In this respect, his commentary is the briefest of the four commentaries examined in this thesis. The content of Friedman's comments initially proves similar to the other commentaries in the thesis, providing "the usual textual, literary, historical, and linguistic matters that biblical scholars pursue, including meanings of terms and differences in the surviving versions of the text."[220] The commentary differs when Friedman reveals his intent. He states,

> But in making comments in these areas, I shall try to show why they matter. They are not arcane points, of interest only to scholars. They make a difference in what the Torah says and what it means. In any case, the matters I raise are not just about the text's literary and historical qualities but also about its moral messages. [221]

The stated aim of the commentary is to offer points either unstated or expressed differently in other available commentaries so that both new answers and new questions are revealed.[222] Despite the aim of Friedman to depict a Torah that speaks to us today, there is no attempt to either justify or negate points in the text that prove morally troubling to the modern reader. Rather, Friedman simply acknowledges when the text becomes problematic, sometimes placing it in a specific historical context and other times

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219 p. ix.

220 p. xi.

221 ibid.

labeling the specific verses as troubling or difficult, however no additional apologetic follows.

On *Bechukotai*

On the thirty-two relevant verses in *Bechukotai*, Friedman remarks on only eight of them, stressing the critical and/or midrashic interpretation of the verses in each. Three of Friedman's comments offer brief explanations of specific worship institutions described in the text. He clarifies that in Lev. 26:30, במתיכם - "your high places" refers to "large stone platforms where sacrifices were performed and חמניכם - "your incense altars" describes "stands...on which incense was burned," and that both, in fact, have been excavated in Israel.[223] On "high places," Friedman points out that they go against the laws of worship centralization laid out earlier in Leviticus, however, he does not state the reason for the abolition of "incense stands." In addition, on vs. 31, Friedman specifies that ריח ניחחכם - "your pleasant smell" is the combination of the smell of both the incense and sacrifices, yet the curse is not in the smell but rather that "God will refuse to smell it."[224] Each of these remarks proves more critical than midrashic, however none of the remarks contain explanations of how these verses relate to us in life today.

The remaining four comments are more lengthy, content-rich, and midrashic than the previous three. Friedman elaborates on vs. 33, noting that "Among the worst curses was the curse of exile...This possibility was a reality in the ancient Near East, where exile was a horrifying fate."[225] He notes that the Israelites experienced exile first-hand later in the *TaNaKh*, citing their exile by the Assyrians and the Babylonians. What is unique here

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222 ibid.

223 p. 412.

224 ibid.

225 p. 412.

is that, at no point, does Friedman bring up actual historical, extra-biblical information on the exiles, rather he makes the point within the context of *TaNaKh*. By doing this, Friedman does not have to ask the question of whether or not the events actually happened, and thus avoids the entire issue of the Torah and its infallibility.

Friedman addresses another phrase in vs. 33 in a more interpretative way. From YHWH's threat that He will "unsheathe" his sword, Friedman notes this image is reminiscent of the threat the Egyptians made to the Israelites in Ex. 15:9. He then specifies, "That is, God, who is Israel's protector, threatens a curse in which God would become like Israel's enemies. It is one's worst nightmare: that one's loving, protecting parents become a horrible threat."[226] Here, we see Friedman's explicit attempt to take a concept from the verse and relate it to the modern person's experience.

Friedman also relates vs. 40 and the concept of one generation suffering for the sins of the past generations to modern life. He explains the relevance of the concept within the Torah and the overall exilic experience as the Bible's way of explaining why bad things happen. After establishing this point, however, Friedman makes the transition from his remarks from Torah explication to modern-day application. He states, "...and we learn from the Torah, no less than from Freud, that humans must look back not only at the good that their parents and grandparents did, but also at their errors and faults. It is an essential part of understanding how we came to be what we are."[227]

Friedman offers extensive commentary on the cannibalism curse in vs. 29. It is interesting that only in the remarks on this verse does Friedman note *Bechukotai*'s parallel curse section in *Ki Tavo*, as well as "exact parallels [to both] in legal contracts of the ancient Near East."[228] Of all of his commentary, this is the only place where he cites

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226 ibid.

227 p. 413.

an extra-biblical ANE source. He explains that in all of the cases where curses are present, they function in a specific way to outline the consequences of upholding or abandoning the covenant made between the Israelites and God. Here, Friedman mentions the fact that the broad concept of consequences for obedience and disobedience is very much related to reality today. He states, "A people who loses sight of its commitments and values will suffer. (It should not be hard to think of contemporary parallels.)" [229] He does not, however, attempt to relate the specific cannibalism curse to modern day experience. He uses the words "frightful," "distressing," and "horrifying" to describe the curse, noting that it "comes true centuries later...in the Bible (2 Kings 6:24-30)."[230] However, he explains that when the curse comes true in *Nevi'im*, it is no longer a curse but rather an expression of the "terrible" state of the Israelites at the time. Without explaining how then the curse functions in the text initially, Friedman appears to fall into the pattern of other commentators who choose to avoid the subject rather than offer an explanation which could imply God is evil or vindictive. Friedman skips over the explanation of the curse, going directly to address the implication of God being evil. Friedman states,

> This explanation is still distressing, but it does not so easily picture the deity as malicious, as people have sometimes taken these curses to mean. The God of the Hebrew Bible is not the "Old Testament God of Wrath," but rather a deity who is torn between mercy and justice, between affection for humankind and regret over the continuous conflict with them. The curses are a sad outcome of a certain kind of human behavior.[231]

We must note the high level of ambiguity in Friedman's statement. It appears as if he is willing to take his readers only half-way to the truth behind God and Israel's relationship

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228 p. 411.

229 ibid.

230 ibid.

at the time of the *Bechukotai* passage. Rather than "state it like it was" in no uncertain terms, however, Friedman chooses to couch his explanation in modern-day psycho-social terms and valuations.

The comment most focussed on modern-day application of a verse involves the phrase "These are the laws and the judgements and the instructions" in vs. 46. Here, rather than attempt to reconcile the view of this last verse of the unit with modern values, Friedman differentiates between the two, stating that in order to understand the concept of "ritual" expressed in the verse, the readers should not attempt to relate it to their lives, but rather, try to understand the unique perspective from which Leviticus was written. He states,

> The present age plainly appears to value the ethical more than the ritual in religion. Some even feel the need to justify ritual by attempting to connect each ritual act to some ethical value...This is misleading. Certainly ritual acts can have consequences in the ethical realm, but that is not their reason for being. If we are to understand Leviticus, we must have an appreciation of what ritual meant in its society intrinsically...The ritual and the ethical are two components of religion - and of Leviticus - that do not justify each other, but rather unite and produce mutual support.[232]

Here again, Friedman avoids the controversial issue of *halachah* to modern day Jews by including "laws, judgements, and instructions" in the category of ritual. By choosing the word "ritual" rather than "*halachah*," Friedman completely changes the tone of the phrase from one that could potentially isolate the liberal Jew from the traditional Jew to one of more inclusive, universal applicability. The majority of Jews, regardless of denominational affiliation, experience some form of Jewish ritual in their lifetime, and the majority of the entire population, Jewish or not, understands the world through some form of ethical grounding.

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231 ibid.

232 p. 414.

In his presentation of Lev. 26:15-46, Friedman presents observations that help to clarify the meaning of the text both in terms of what the text intended and in terms of the text's relationship to realities of modern day. Friedman displays his reverence for the text in both his critical and midrashic comments. He presents historical and more critical information in order to clarify a word or a concept, never to discredit the text or to even hint at such an idea. The unspoken notion behind each remark is that, in Friedman's mind, the Torah is a compilation of sources authored by many, however the Torah is sacred because of the cohesive whole it presents. As such, Friedman strives to create a commentary where each comment supports this notion.

On *Ki Tavo*

Friedman's remarks on *Ki Tavo* are brief, as with his comments on *Bechukotai*. Here, of the fifty-four relevant verses, he offers commentary on only ten of them. In addition, his commentary falls into the same categories of critical and/or midrash as was the case in the parallel *Bechukotai* verses. Some of the *Ki Tavo* commentary differs in that Friedman notes certain verses to draw out main themes of the Torah, specifically themes present in this Deuteronomy unit that hark back to themes from Genesis or Exodus. Perhaps Friedman includes these types of remarks in the last book, rather than in the middle, in order to make the point that the themes in the end do not stray far from the concepts in the beginning.

The technical comments make up almost one half of the verses covered in Friedman's commentary on Deut. 28:15-69. As do most commentaries, Friedman notes the difference between the *k're* and the *ketiv* in vs. 30; he points out that although the written text reads ישגלנה meaning "ravish her," when read aloud, the "milder term"

ישכבנה meaning "lie with her" is used.[233] Friedman makes an additional remark on vs. 30, this time focusing on the term "תחללנו" - "desanctify." He states that if the readers cross-reference his comment on Deut. 20:6, they will see that, "This [term] may relate to a law such as that in Lev. 19:23-25, whereby a newly planted tree goes through period during which its fruit may not be eaten, followed by a period of being holy, and then a third period in which its period of sanctification ends and one may eat it." [234]

The only duplicate verses from *Bechukotai* and *Ki Tavo* upon which Friedman comments are those regarding the cannibalism curse. Occurring here in vs. 53, Friedman offers only one sentence, noting the fact that the curse comes true during the Aramean siege of Samaria as cited in 2 Kings 6:25-29. The reader should note he does not cross reference the extensive commentary on the parallel curse in *Bechukotai* where the highly troubling nature of the curse was discussed. In the *Ki Tavo* verses, the only sense the reader has of Friedman's acknowledgement that the curse indeed proves problematic comes from the beginning of his sentence: "The horrid curse..."[235] One must wonder why the comments between the two parallel sections differ, and especially wh he does not mention its parallel ANE sources.

Friedman's most critical remark involves a detail that none of the other commentaries in the thesis mentioned. Surrounding באניות translated "in boats" in vs. 68, the commentary points out that reference has never truly been understood. Friedman offers a few explanations. "It may be an *alef ayin* scribal error for *'nywt* (afflictions) or a plural of *aniyyah* (mounring; Isa 29:2; Lam 2:5), although these forms of the words are unattested in the *Tanak*; or it may refer to an historical event that is no longer known."[236]

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233 p. 650.

234 ibid.

235 p. 652.

Friedman isolates two main themes in the *Ki Tavo* section that help to create the vision of a unified Torah. The first ties the text back to Genesis. In vs. 32, the expression "no God at your hand" is a reference back to the words of Laban to show Jacob that he has power (Gen. 31:29). According to Friedman, "Thus there are reminiscences of the first book of the Torah that are reversed here in the curse list in the last book of the Torah - which doubles the force of these horrible threats."[237] Additionally, he points out that the phrase in vs. 65 "a resting place for your foot" is an expression used in the early part of Genesis with Noah. Referring to the dove that "did not find a resting place for its foot," Friedman states, "The helplessness of the dove, with no place on earth to go, now turns out to have been a metaphoric image of the condition of the people of Israel if they do not keep their covenant."[238] Here, Friedman's comment serves as an example of the multi-faceted nature of Torah that Friedman discussed in the commentary's overall introduction - that a concept at one point might appear literal, yet can later evolve into metaphor, and then later into something entirely different.[239]

Many of Friedman's comments point out the unit's thematic hark back to the plagues on Egypt. Explicit reference to this is made in Deut. 28:27. In one of his less critical remarks, Friedman notes the fact that *Ki Tavo*'s use of the curse of "the boils of Egypt" proves horrific. He explains, "The thought that God would impose on Israel the very plagues that were used on Egypt to make YHWH known and set Israel free is terrifying."[240] Here, although he does not directly rephrase the experience to something

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236 p. 654.

237 p. 650.

238 p. 653.

239 p. xi.

240 ibid.

we could relate to today, Friedman expresses the impact of the use of the plagues as the curses on the Israelites in a clear and poignant way.

On the phrase in verse 29 "feeling around at noon the way the blind would feel around in the dark," he notes the verse's reference back to the plagues on Egypt, given the fact that the darkness is described in Exodus 10:22 as אפלה as well. Additionally, the word ימש (which is directly related to ממשש) appears in the previous Exodus verse referencing the darkness plague. Further proof of the fact that Deut. 28:29 is an intended reference back to the plagues exists in the fact that the word אפלה is only used twice in the Torah: Ex. 10:22 and Deut. 28:29.[241]

Friedman understands vs. 68 not only to be the completion of thematic reference "back to Egypt," but moreover, as one of the curses that actually comes true.[242] First, Friedman addresses the escalation of curse intensity, where the curse list initially begins with certain curses that pale in the sight of this final curse - "the worst threat specifically for Israel": the exile back to Egypt. Friedman then notes that according to 2 Kings 25:26 and Jeremiah 43:5-7, a large mass of the people were, in fact, exiled back to Egypt - a fact usually overlooked by commentaries more focussed on the smaller population exiled to Babylon. Friedman offers a message that the reader of this text, regardless of date in history, "must be sensitive to what it means to Moses to pronounce this curse: the heartbreak of what it would mean for his people to be back in Egypt, even worse off before, the failure, the humiliation."[243] This is a new type of comment for Friedman who now offers not only an in-depth character analysis, but moreover, because he does not specify whether or not these events actually happened, the reader can entertain the option

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241 ibid.

242 according to the *TaNaKh*

243 pp. 653-654.

that Friedman treats Moses as if he, in fact, existed since, in the mind of the *TaNaKh*, he did. Friedman further legitimates this notion with his final remark on the verse, stating,

> ...we should appreciate the significance of the fact that it was the small portion of the community who were taken to Babylon who produced the kernel who returned to Israel a generation later and rebuilt the Temple, Jerusalem, and the country - a second life for Israel in its land that lasted six hundred years.[244]

The way Friedman weaves history with literature blurs the line between what was real and what was not.

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244 p. 654.

In his introductory work *The Pentateuch*, 20th century biblical scholar Joseph Blenkinsopp states, "One of the characteristics of a canonical text, by whatever play of circumstances it attained that status, is its capacity to generate commentary. ..a canonical text is also by definition a text to which one must always return in the unavoidable, ongoing dialectic between tradition and situation."[245] The *TaNaKh* meets this definition, generating significant commentary exemplifying the dialogue "between tradition and situation" from antiquity through to today. Just as its commentaries vary on a large scale from age to age, so too do they vary on a small scale from author to author. In fact, in the present day, although each of the commentaries examined in this thesis was written in the same time period[246], each possesses style and content reflecting the very individualized agendas of either the movement with which the commentary is affiliated or that of the editor/author himself. By examining the commentary on the "troubling" curse sections of *Bechukotai* and *Ki Tavo*, the agendas and consequences therein become all the more apparent.

Plaut's *The Torah: A Modern Commentary* serves as an appropriate model of the struggle within Reform Judaism to provide a rational, scientific perspective while maintaining a certain level of reverence for the tradition, or at least for the faith.[247] In his introduction, the commentator refers to the Bible as a "living" document, expressing the "fundamentals for human existence in the past and in the present." He remarks that even if the entire Torah proves mythical, it still remains, "indispensable for our own self-

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245 Blenkinsopp, Joseph. *The Pentateuch.* 242.

246 Although Hertz' commentary was published approximately 50 years earlier than Plaut, *Etz Hayim*, and Friedman, it is still considered a contemporary of the others as it was and continues to be one of the standard commentaries used both in the synagogues and in the homes of modern-day Jews.

247 The UAHC commentary was completed in the late 1970's and published in 1982.

understanding...[it] speaks to us in its own way."[248] Additionally, he states, "Torah is...created in a prescientific age fundamentally different from ours."[249] Stating explicitly that the commentary's readers need not take the Torah literally, one would assume Plaut's previous statement on the "mythical" nature of the Torah proves less hypothetical than factual. As such, it would seem that Plaut would not struggle with issues surrounding the infallibility of the Torah or the effect that such conclusions might have on the more traditional readers.

This assumption, however, does not hold true given the content and layout of Plaut's commentary on the relevant Leviticus and Deuteronomy verses examined in the thesis. By presenting critical commentary separate from the more traditional commentary, Plaut avoids introducing information that discredits the traditional understanding of *Torah m'Sinai* side by side with his more traditional remarks. Specifically, parallels between *Bechukotai, Ki Tavo,* and ANE literary parallels appear before the verse by verse commentary begins or in a separate section following "Gleanings" placed pages after the commentary on the verses has concluded. In addition, within the lists of the cross-references, rarely is any explanation or contextualization provided to help the reader understand the potential implications/consequences of said parallels.

Within the verse by verse commentary itself, both Bamberger and Plaut avoid in depth discussion, if any discussion at all, on the morally problematic verses – specifically the cannibalism curse. Even in Plaut's notably historical-critical presentation of *Ki Tavo,* there is only one comment on the curse; it states that acts of cannibalism actually occurred in history. On the one hand, Plaut understands the verse literally; on the other hand, Plaut's remark offers no way for the Torah text to "speak" to the sensibilities of the

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248 Plaut, W. Gunther. *The Torah: A Modern Commentary.* xx.

249 ibid. xvii.

modern reader. Moreover, his comment contradicts his *Ki Tavo* introductory statement that "The catalogue must be seen as a part of the Torah's ever-present view of Israel as a covenental community."[250] It seems that in both style and content, Plaut's commentary struggles, and ultimately fails in its attempt to create a comprehensive commentary balancing the presentation of modern scholarship and maintaining the holiness of the Torah text itself. In the process of attempting to create a balance between the two, Plaut's remarks either prioritize tradition over modern rationality or appear so vague that they do little to make any point whatsoever. The ambiguity sets the tone of the entire commentary. Rather than accomplishing either of the two, Plaut spends most of his time either avoiding or "explaining-away " controversial issues.

If it is fair to say that Plaut's commentary reflects liberal Judaism, it is equally fair to suggest that Hertz' commentary offers a picture of traditional Judaism.[251] In addition, Hertz' commentary reflects his strong agenda to discredit critical biblical scholarship, specifically that of Wellhausen. To Hertz, everything in the Torah is the divine word. He fully supports the concept of *Torah m'Sinai*, never wavering on this point. Despite his clear cut understanding of Torah in a broad sense, his commentary on the relevant verses from *Bechukotai* and *Ki Tavo* reveals ambiguity.

Hertz understands the curses as the real consequences that sinners brought upon themselves, from the time of Egyptian exile through to today. Hertz explicitly notes the troubling nature of the curses, yet, nevertheless, sees the curses as literal and true. He uses the parallels between *Bechukotai* and *Ki Tavo* to support the eternality of the verses, "borne out by Jewish history."[252]

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250 ibid. 1521.

251 Note that Hertz' commentary appeared in the mid 20th century, and thus is limited in certain respects.

252 Hertz, Dr. Joseph Herman. *Pentatuech & Haftorahs*. 542.

Hertz sees a purpose and function to both the curses in *Bechukotai* and the curses in *Ki Tavo*, although each section's function and purpose is unique. Whereas *Bechukotai*'s curses function as a preventative learning tool, presumably both for the Israelites of old and Jews still today, the curses of *Ki Tavo* function more as a picture of history, describing the true state of the Israelites in their wanderings from Egypt. Despite this differentiation, Hertz uses his remarks in both sections in overall support of his discrediting of critical scholarship and proof of the Mosaic authorship of the Torah.

Interestingly enough, although Hertz never mentions any specific Torah or ANE parallels in his verse by verse commentary, he does use them in his conclusions to each section. His use of these texts at this place is strategic. Unlike the critical use of the texts to refute the infallibility of Torah, Hertz uses them to prove his point that the Torah dates back to the time of the Exodus, a time contemporary to the time of the ANE documents he mentions. Hertz' assumption is that the Torah reflects the reality of that specific time, and in no way could it have borrowed later from the earlier ANE material.

By emphasizing the eternal truth and relevance of the Torah text, the reader naturally assumes the statement holds true for each and every verse. In fact, Hertz treats the majority of the relevant verses in such a way. However, when it comes to the verses that prove highly problematic to our moral sensibilities, Hertz seemingly avoids the issues. On the most poignant subject of the cannibalism curse, Hertz does not make one textual comment. Rather, he focuses on the other issues brought up in the same verses in which the cannibalism references occur. Thus, bound by his traditional view, Hertz does not treat the controversial concepts at all. As such, he does not have to address the questions and/or consequences that arise out of the troubling issues. However, by not treating them when he gives so much attention to most other verses, the void becomes notable, causing the reader to wonder if a curse such as the cannibalism curse is an exception to Hertz' rule asserting the truth and eternality of the curses.

Hertz' commentary served as the Conservative movement's unofficial commentary for most of the 20th Century, but actually reflected a more traditional, Orthodox viewpoint. *Etz Hayim*, the new Conservative Torah commentary, better reflects the realities of Conservative Judaism today. The compilation of commentary proves extensive, covering a number of different areas. Lieber does not struggle with issues of disproving critical or traditional biblical study or of issues of whether or not the Torah is binding upon us. Rather, the only stated agenda is to present the Torah in such a way that it has meaning for our lives today. However, another stated agenda appears later in *Etz Hayim*'s introduction, stating that the goal is to present a commentary non-apologetic in nature, attempting to understand the Torah as it was once understood. This two-fold objective appears quite paradoxical, serving as a source of significant ambiguity throughout the relevant *Bechukotai* and *Ki Tavo* verses.

The *Peshat* commentary ultimately comes across as a highly edited and simplified version of what was once the *JPS Torah Commentary*. Chaim Potok, as editor, basically took the first and last sentences from each section in JPS, cutting out any of the detailed, and oftentimes more critical, material that fell in the middle. For example, whereas the JPS commentary offers extensive cross references both inter and extra-textually on *Bechukotai* and *Ki Tavo*, the *Etz Hayim* commentary offers no such cross-references. It appears that *Etz Hayim* struggles with the definition of *peshat* itself, sometimes understanding it to be the text's meaning isolated to a specific point in time, and at other points, seeing the *peshat* as the eternal spirit of the Torah.

In his introduction, Lieber explains that although "the tricky issues were written for the age in which they were composed," they are by no means limited to that age, but rather, are in need of reinterpretation keeping the modern values of "equity, justice, and compassion" in mind.[253] As it happens, when the more graphic verses which larger

253 Lieber, David L. *Etz Hayim*. xix.

theological consequences come up, *Etz Hayim*, like the other commentaries, does not say a word. Despite its explicit introductory statement that it will not ignore or omit any section of the Torah, *Etz Hayim* is silent on many issues and how they can be "reinterpreted" with modern-day values in mind. Specific to this, the commentary makes no remark at all on the cannibalism curse in *Bechukotai*, yet on the same curse in *Ki Tavo*, *Etz Hayim* offers extensive commentary, focussed solely on the literal truth to the curse. It offers no modern interpretation, however, but rather seems to suggest that it stay isolated to history.

The *D'rash* commentary proves similar to the *Peshat* commentary in not upholding initial goals in practical application of verse by verse remarks. In the introduction, Harold Kushner promises to explore the question of what the "challenging" issues in the text teach the modern Jew. In his actual analysis, however, he makes only one comment on the *Ki Tavo* cannibalism curse, offering only the ambiguous words of another source on the issue of grappling with the subject today. It appears that in order to maintain its so-called "unbiased" perspective, *Etz Hayim* either limits its remarks on, or avoids entirely, issues that could potentially lead the reader to face questions about the Torah's fallibility or even the nature of God.

Friedman's *Commentary on the Torah* does not represent the agenda of any Jewish movement. Like *Etz Hayim*, Friedman expresses no clear focus on either the critical or the traditional. He claims not to concentrate on issues of history or anything that could limit the Torah and its meaning to a certain period in time. Rather the purpose of Friedman's commentary is to present a well-informed, scholarly, and reverent book from which readers can derive meaning for their lives today. Friedman strives to create a commentary that does not negate or justify morally troubling points – that is free of apologetic. The commentator understands the Torah as a "sacred, literary masterpiece,"

every detail of which serves not for the purpose of critical deconstruction, but rather for constructing a picture of the cohesive, timeless Torah.

His actual verse by verse commentary is brief on both relevant sections of the text. In his critical comments, Friedman addresses the Torah only in terms of the *TaNaKh*; in this way he supports his notion of the Torah's eternality, not having to address the issue of whether the events being described actually happened or not. His midrashic comments focus more on applying the notions of the text to life today. Here, Friedman avoids any mention of applicable *halakhah*, thus he does not become pinned down to any denominational affiliation.

Given the fact that Friedman offers fewer than twenty comments for eighty-six verses of Torah, his coverage of the challenging notions depicted therein proves equally limited. In fact, the only extensive commentary he offers on any problematic issue surrounds the cannibalism curse in *Bechukotai*. This proves the only place where Friedman mentions an ANE source, not to mention the direct parallel in *Ki Tavo*. Friedman is very willing here to insinuate that the most horrific curse is different from all the others in that this one appears to have been borrowed. In addition, he goes on to suggest that these events actually happened in II Kings, the only point he reiterates in his remarks on the cannibalism curse in *Ki Tavo*. Although his remarks are true, they nevertheless go against all of his initial claims that his commentary is not an apologetic, does not contextualize Torah events because they are eternal, and does not attempt to justify or deny issues that might not apply to modern values. It appears as if Friedman is willing to take his notion of the "timeless" ability of Torah to provide meaning today only so far.

Certainly, all four commentaries prove notably different on numerous levels. Each commentary differs significantly in the number of verses it covers, the depth at which it comments on them, and the length to which it will go to support its overall agenda. Plaut

presents the most critical presentation of the four, offering extensive word for word parallels between Torah and ANE verses, displaying them side by side. Hertz offers the strongest polemic against the critical school, going to any length to support his own cause, seemingly overlooking or even ignoring obvious questions that shed doubt on his points. Lieber's *Etz Hayim* appears to be the most comprehensive commentary, touching upon issues of basic scholarship and theological issues as well. And Friedman, in taking all steps possible to prove he does not have an agenda, ends up with the commentary with the least substantial content and/or analysis.

Despite their differences, however, all four commentaries are bound together by two significant commonalities. First, all of them understand the Torah as a whole to have meaning and value to life today. The common personification of the Torah as an entity with life that can "speak" to us appears in each of the commentaries' introductions. One commentator might disagree with another on the exact way that the Torah can communicate with us, but all of them send the message that the entire Torah has meaning and value for modern day Jews.

The second and more significant commonality between all four commentaries is in counter-distinction to the first. Whereas all four works are explicitly willing to claim the eternal truth of Torah for all time, none of the four is willing to apply this statement to the morally challenging material described in the curse catalogues of *Bechukotai* and *Ki Tavo*. Interestingly enough, each text makes some initial point about how value could be found even within the most troubling texts, either by means of reinterpretation or creation of metaphor, etc. In addition, the exegesis on the verses contains value-judgement language, including descriptions of certain curses as "horrific" or "terrible," presenting the reader with the specific verses to be considered the most "challenging" to modern values and morality. Not one source, however, follows through in its initial goal of providing commentary on application of the concepts in the most disturbing verses to life

today. Regardless of denominational affiliation or the lack therein, no one is willing to simply state what the truly "horrific" material says in the context of the time of its authorship (whether 1200 BC or 683 BC) and that either way it reflects an ancient view no longer applicable to life today. Although some commentators adopt the technique of historically contextualizing certain troubling events so they cannot be related to modern life, most choose to completely ignore the troubling issues, offering no explanations for their omissions as well. In the few times when a comment is made to attempt to bring a troubling curse into the modern age, it is done so in such ambiguous, couched terms that usually the explanation does not make sense. Despite their attempts to be sensitive to the moral norms of modern life, not one is willing to say that we should strive to be less barbaric than we used to be. Ironically, in all of their attempts to create meaningful commentaries, when the notions become difficult, the commentators contradict themselves so much that it appears that they do not take their own goals seriously.

But the fact of the matter is that each commentator takes his work very seriously. Years of research went into each of the commentaries examined in the thesis. There must be a valid reason why none of the four, given their very different opinions, would choose to simply exclude the challenging material from that which they applied to modernity. Perhaps they do not state this because they are unwilling to assert their own authority by literally editing-out parts of the Torah. The implications of such a move would be enormous, essentially sending the message that any individual has the power to be selective in what he takes from the Torah. We must, however, note the fact that all but Orthodox Jews adopted this notion long ago. So there must be another reason behind it for all four to avoid the issue.

Perhaps it proves more of a "marketing" issue. Given the position of each commentary as either a synagogue or religious-study Bible, the majority of the readers of such books might not be ready to have the notion of, at least, a divinely-inspired text

removed from their spiritual understanding of the Torah. To do so would offend the sensibilities of many readers, regardless of rational capabilities, who were seeking an informed yet "reverent" commentary to the Torah. To remove "reverence" from the commentary essentially changes the category of the book, ultimately removing "synagogue" from "Bible." The result, in the case of the commentaries examined here would be four over-simplified academic works without any edge over the other books already available in that category.

It seems that there is an underlying assumption about the readers of religious Torah commentaries. Given the fact that the readers are looking to learn about the Torah from a religious perspective (whether it be Reform, Conservative, Orthodox, or even non-affiliated), the commentators assume that their readers will not be able to handle certain issues and their implications if depicted in a solely rational way. It seems all four commentaries, although they never state it and in fact often deny it, understand that some material, when truly contradictory to a 20th/21st Century norm, is better off blurred, left alone, or even ignored so as to avoid raising too many troubling questions. We should note that for the Orthodox Jew where the issue of the Torah's infallibility is absolutely critical, such handling of the troubling Torah text makes more sense. There, the consequences of the questions that might arise could literally destroy an observant Jew's entire world-view. This does not hold, however, for any of the other categories, given the fact that they do not take issue with the infallibility of Torah; none wholly supports the notion of *Torah m'Sinai*. In these cases, it appears as if the commentators underestimate the ability of liberal Jews to handle the consequences of the movement to which they belong. Logic would dictate that a Jew whose everyday life did not depend on Mosaic authorship of Torah not only could handle such consequences, but might even prefer them.

Given the choice, the modern Jew would, likely, rather hear that some parts of Torah are antiquated and therefore non-applicable to modern-life than to have to try to create some means of making sense out of material that, by its nature, makes no sense to us today. Reverence, after all, does not have to mean absolute adherence to tradition. Certainly the goal of including both tradition and situation in a synagogue Bible commentary is appropriate. It should be understood, however, that at some points the balance will weigh more heavily on one side, and at other points, it will weigh more heavily on others. The scale does not have to maintain a perfect balance on every point. To do so would be impossible given the power of tradition and situation as separate entities. Nevertheless, we cannot assume that the status will change any time soon. Norman Gottwald, renowned 20th Century Bible scholar, understands theology as an extension of the synagogue. As such, he states, and perhaps best concludes, that Jewish communities are "called upon to grapple with the conflictual social origins and content of their own Bible and to ponder deeply what all this means for their placement amid contemporary social conflict and for their social mission within an arena of conflict that cannot be escaped."[254]

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254 Gottwald, Norman K. *The Hebrew Bible*. 609.

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