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The Significance of Tractate b. Megillah for Jewish Thought and Practice

by

Larry Kaplan

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The Significance of Tractate b. Megillah for Jewish Thought and Practice

by
Larry Kaplan

DIGEST

The intention of this paper is to investigate the significance of the literature of the Tradition by studying one of its parts, in this instance, Tractate b. Megillah. It is our belief that Judaism today has reached some kind of cross-road. It was felt that an investigation of the significance of this literature for yesterday, today and a possible tomorrow, might yield some insights as to how our generation might influence the path which will finally bring us to tomorrow.

The first chapter is an investigation of the assumptions which underly the literature of the Tradition. This includes a discussion as to how these assumptions developed. The lay teachers and their successors built a very coherent structure on the basis of their assumptions. These included the identification of the Oral Torah with that of the Written Torah, which gave the former the same degree of authority as the latter. Since these teachers also hold that the Torah, the Teaching which God gave to Moses at Sinai, was given as a guide to show men how they could lead the good and godly life, the two-fold Torah and its amplification became the most significant fact of a Jew's existence. It was through this two-fold Torah or Teaching that men could learn God's will and by so doing learn how to achieve salvation.

The second chapter is a chapter by chapter analysis of Tractate b. Megillah. It exemplifies how the Rabbis developed the assumptions

noted in the first chapter.

The third chapter discusses the significance the literature of Tradition has for Reform Judaism today. It is our conclusion that though it has significance, in comparison with previous generations we can only conclude that that significance is peripheral.

In the fourth chapter we note some conclusions. If Judaism is to survive it must come to grips with today's world of events and ideas. However, if it is to retain legitimately the name Judaism, it must retain vital connections with the Jewish past. We concluded that the literature of the Tradition could be the dictionary of language and symbol through which we could interpret modern concepts, thus stamping them indelibly as Jewish. In this way we make of Judaism a meaningful and vital faith for today and tomorrow, while retaining our roots in the Jewish past.

Table of Contents

Introduction

What is the significance of any book? Its significance flows from the meaning it has for its readers. How much more if that book is one which sets forth the right practices for a particular religion. The question of significance when asked concerning the voluminous library of the Tradition raises a basic question for Jews and Judaism. That question is, what kind of future does Judaism have, if any?

It is indeed ironic that the question of a Jewish future has become most pressing in a time of peace and relative tranquility. But as one looks around and sees the increasing rate of intermarriage, empty synagogues, and the appalling ignorance of the average layman, we have indeed reason for concern. The problem to which this paper addresses itself is, how can the literature of Tradition be significant for Reform Judaism?

The organization of this paper is simple. In order to discuss in any meaningful sense what the significance this tractate has for Jewish thought and practice of today we must delineate what significance it had for the Tradition that caused it to be written. Following this there is an investigation of the Tractate itself. We then proceed to a discussion of what it means for Reform Judaism, and finally we draw some conclusions. We might note that the conclusions contained herein flowed from the investigation relative to the writing

of this paper, rather than the conclusions determining the investigation.

If Reform Judaism is to have any future, it must make its peace with the past. It must realistically view itself and its past so that we can get on with the task of building a future. We believe that Judaism has given much to the world. We further believe that we have still very much to offer. This cannot be done by stressing our group feeling as such.[1] It can be done by realizing that the raison d'etre of Israel's existence is its faith.

What is the significance of Tractate b. Megillah for Jewish thought and practice? It has the same significance as the totality of its related literature. What is the significance of that literature? It has none, in and by itself, except for scholars. Its significance for the faith of Israel, however, is whatever we will give it. We hope that the significance will be worthy of the generations of labor which have gone into its creation.

1. Gerhard Lenski. The Religious Factor. Garden City New York: Doubleday and Co., Inc., 1961.

Chapter One

The Assumptions of Tradition

In this chapter the significance of Tractate b. Megillah will be discussed from the point of view of traditional thought and practice. With the decision that the Book of Esther was written under the inspiration of the Holy Spirit, its status as a Book of the Received Canon was established.[1] Given its place in the Canon, the commandment to celebrate the events contained therein (Esther 9.26-28) became obligatory. This tractate is thus greatly concerned with the liturgical practices and customs connected with the celebration of these events.

Since the discussion of one topic attracts the discussion of similar material,[2] other matters of liturgical concern are also found in this tractate. In addition to this basic concern with the liturgy and customs related to the Fast of Esther and Purim, other matters of a related interest are also discussed. In Chapter Four the sanctity of the synagogue and various ritual objects are treated. Further, there are various asides which are of interest.

Before we can have a meaningful discussion of the significance of this tractate for traditional thought and practice there must be some investigation into the underlying assumptions of Rabbinic literature in general and the particular

place the Talmud has within that literature. Only so can this tractate's significance be seen without distortion.

1.

The Rabbis did not hold that the Torah was simply a group of "laws and commandments imposed by a ruler upon his subjects for purposes of his own, which they in submission to him must obey and carry out, just as they discharge other obligations they owe him."[3] Rather, it was for the Rabbis a Torah "of truth which God in His loving kindness revealed to man to serve him as a guide for life, to lead him in the right path and help him to live a good life, a godlike life, and thus come nearer to God."[4]

The word "Torah" is often translated as Law. This misunderstanding has led many to the premature condemnation of Judaism as a barren legalism.[5] This is true neither for Biblical literature[6] nor for Rabbinic literature.[7] Through an understanding of this word one can gain an understanding of how the Torah was held to be a guide for life in all its manifold realities.

The basic meaning of "Torah" is "Teaching." This is why even though "Torah" in its most limited meaning refers to the Pentateuch, it has been extended through usage to include the totality of the religious tradition.[8] This extension could not have taken place if its meaning had been limited to

that of Law. It is interesting to note that the new authoritative Jewish translation of the Pentateuch translates it in this manner, as in Exodus 18.20, where it renders the phrase: "את החקים ואת התורות" as "The laws and the teachings."[9] In Rabbinic literature there is a similar "juxtaposition in which Torah and Mizwoth, Teaching and Commandments"[10] is found. There is the necessary implication "that the former means something more than merely the Law."[11]

It must be admitted however that this more extended meaning of Torah, i.e., including within its compass the Tradition, did meet with very strenuous opposition from the Sadducees. The latter held to a more literal understanding of Torah. They in fact did not make the identification of Torah with Tradition. Not that they did not accept the Tradition. Rather, they held it to be distinct from and inferior to the Torah.[12] Indeed, one might even infer that for them there was a stress on the legalistic aspects of Torah. Hence they accepted it as containing the main and absolute laws which were always to be observed and never abrogated.[13]

The problem of how to meet the new situations was solved through a simple solution. They held that "the priests were free and empowered to adopt such rules and laws, and institute such practices as were required by new conditions to settle new cases and questions bearing upon the public and private life of the people."[14] The consequences of such a policy in

time would have been the gradual but inevitable tendency for the Torah to become obsolete, even in time, a mere archaic relic, having no relation to the life and thought of a later age.[15] Though the ancient words might still be binding, the occasions on which they could be practiced and observed would become fewer as the ordinances of the priests became more numerous.[16]

That the foregoing would necessarily be the case is made abundantly clear if we note that "Religion more than any other component of human experience, physical and reflective, includes tension as one of its most characteristic elements."[17] This tension flows from the strain between the dynamic flows of life and thought on one hand and religious creed and practice which tend to be basically static on the other. With the passage of time this tension cannot but grow. The faster the flow of life, the greater the tension between these two aspects of human existence.[18] The Ecumenical Council of the Roman Catholic Church provides an instructive example of how an authoritarian church goes about lessening the strain between the current existential world and its dogmas.

Given this strain between life and thought, and religious creed and practice, what other solution was there than that asserted by the Sadducees. It is in this context that the predecessors of the Pharisaic party arose. They contended that Deuteronomy 17.8-13 on which the priests based their claim did not bestow upon them any authority or right to

institute laws or introduce customs, independent of the Torah, not even for temporary use. It gave them the right to interpret the Torah and decide questions according to it but no more than this. In fact, the חכמי ישראל contended that this was expressly forbidden in Deuteronomy 13.1.[19]

These challengers of the priestly authority went even further. They contended the right to interpret the Torah given in Deuteronomy 17.8-13 was not given as a class privilege or family distinction. Rather, this authority was only given them conditionally. As long as they were teachers of Torah, they had authority to interpret the Torah. The lay teachers of Torah lay claim to equal authority with the priests to the extent that they too were its teachers. They concluded this argument with the contention that when the priests qua priests were no longer teachers of Torah, then they, the lay teachers, not only had the right and authority to interpret the Torah, they had the right and authority to tell the priests what that interpretation was.[20]

Having concluded from Deuteronomy 13.1 that there could be no additions to the Torah, the lay teachers held that it alone was sufficient to regulate the life of the people in every respect. The position of these lay teachers was "The Torah of the Lord is perfect" (Psalm 19.8). It represented divine authority and contained the highest wisdom and loftiest truths. Further, as a divine and perfect Torah, it should

not be understood in its simple sense and in its literal meaning only, like any other man-developed teaching. Its words have deeper meanings, and if properly interpreted, can furnish decisions for all possible cases and give answers to all possible questions.[21]

The logic of these contentions necessitated other conclusions. By declaring the Torah the absolute and self-sufficient that neither needs nor suffers any other authority, the lay teachers invalidated the priestly claim to any right or authority to enact laws independent of or additional to those found in the Torah. But having denied such authority to priests of their own day, they had consistently to go one step further and deny the same also to priests and leaders of former generations. There was no criterion by which they could distinguish between priests and priests.[22]

Having denied the priests and teachers both of the contemporary and former generations any authority but that of interpreting the Torah and deciding questions according to it, it follows that they could not exercise any more authority than the Torah itself granted. Then by what authority were all the extra-Torah teachings, laws and customs enacted that had obviously been observed and obeyed by the people? To say that they were merely customs observed by the people, or temporary laws enacted by the priests on their own authority, would mean to admit that the life of the people in the past

had not been controlled and regulated exclusively by the Torah. This was an admission the lay teachers could not give without refuting their claim that the Torah alone had always been the source of all teachings and regulations of the people. Besides, the teachings and laws were traditions too highly respected by them and the people to be declared as having been enacted without any real authority.[23]

Since it was the tendency of these lay teachers to save the character of these teachings and laws, they could only conclude these were not independent notions enacted by former priests and teachers on their own authority, for they had none. Rather, they were but merely interpretations and applications of the Torah, as understood by them, and given in the name of the Torah itself. Consequently, and this is of the utmost importance, these traditional notions were made as binding as the Written Torah itself, since they were actually part of that Torah, indicated in it, or implied in its fuller meaning, as the priests and teachers of former generations properly understood it.[24]

The effect of this process was the identification of the Oral Torah with the Written Torah. Having identified the one with the other, it followed that the former also had the same authority as the latter. Torah was thus redefined so as not to conflict with Deuteronomy 13.1. Through this redefinition those traditional teachings, customs and laws which had no

basis in the Written Torah of Moses were held to have been given by him orally. They were so transmitted through the generations. It is to this two-fold Torah that the prohibition in Deuteronomy 13.1 refers when it forbids addition to or subtraction from that which was enjoined upon the people.[25]

Given these principles that prohibition was never violated for all the teachings, customs and laws, held and practiced by the Jewish people were given by Moses either expressly stated or indicated in, or derived from the words of the Written Torah, or handed down by oral tradition. Nothing included in this two-fold Torah originated after Moses, for no additions or subtractions were permitted. Neither the former priests and leaders, nor the prophets, attempted to thus emend the Torah of Moses.[26]

In order to be consistent those which apparently were of later origin or even of recent date were also included within the authorship of the Oral Torah. Accordingly, when confronted with teachings, laws and practices, known to have been given in the name of or decreed by this or that teacher or prophet at such and such a time, the Pharisaic teacher would declare that such were really taught or authored by Moses, but had been forgotten and only afterwards recalled and reintroduced by that teacher or prophet, to whom they were then erroneously ascribed.[27]

Through this identification of Tradition with the Written Torah, the former was invested with the binding character and greater authority of the latter. It must be recognized that this extension in meaning of the Torah of Moses did not portend the end of innovation. With all their acknowledgement of the sole and absolute authority of this more comprehensive Torah, the lay teachers and their successors the Pharisees and the Rabbis, did not become slaves of the Torah, but rather they became the masters of it.

Of what were the Rabbis and their predecessors masters? The Torah which God had given to Moses had been given to man as a guide for life, to lead him along that path which would help him to live the good life, thus bringing him closer to God. The Torah was not given for the benefit of God, rather it was given for the benefit of man. This conception of the Torah as a reliable guide for life had consequences.[28] The demand that the entire life of the people be controlled by the Torah, necessarily brought about the effect that the Torah became in turn controlled by life and its conditions.[29]

The Rabbis saw no contradiction between their acceptance of the sole and absolute authority of the Torah and their conception of it as a reliable guide for life. They resolved this apparent contradiction by holding that the teachings and commandments of the Torah had to be interpreted. They declared that the Torah was unlike any other teaching and did not "speak

in human language" implying that it could be interpreted to mean and contain contemporary teachings and commandments appropriate for each generation.[30] They even held that the methods of interpretation by which they accomplished these ends were of Sinaitic origin.[31] The Rabbis who were the masters of interpretation thus became the masters of the Torah.

The basic notions of Rabbinic literature which have been discussed above including: the identification of Tradition with Torah leading to the conception of Written Torah and the Oral Torah as being equally authoritative and binding; the doctrine that the Torah, in this larger sense was a reliable guide for life; and finally, the principle that through interpretation of the Torah by the recognized teachers of each respective generation, the right path to the good life which brings man closer to God is made manifest to the generations, are all necessary for the understanding of Tractate b. Megillah.

2.

Having discussed the assumptions underlying Rabbinic literature we now turn to a discussion of how the Torah is made manifest to the generations. It is made manifest to them through the two facets into which Rabbinic literature is divided, the Haggadah and the Halakah. We turn first to a discussion of the Haggadah.

This facet of Rabbinic literature represents the interpretation of Scripture in general, and the Pentateuch in particular, for purposes other than the regulation of conduct.[32] The subject-matter of the Haggadah covers a broad range of material. Included in this is what would be classified by others as doctrinal theology, philosophy, ethics, psychology and metaphysics.[33] The problem with such terms as these is that they are Greek in origin and represent creations of their genius. In a very real sense these terms are too ponderous. They suggest a clarity of division in thought such as might be formulated in propositions to be soberly argued in the schools. They do not indicate the atmosphere or medium of freedom and unconstraint with which this type of material was approached by the Rabbis. The themes and images which they used were intended to guide and influence the listener through the use of story or myth.[34]

Through the medium of this type of thought speculation which would have been frowned upon or even forbidden were given breathing space and opportunity for expression. It was a subtle device for it succeeded in capturing the freedom of thought and substance of thinking without being restricted to any forms. It has been suggested that the Haggadah is the repository of a Jewish theology and of a Jewish philosophy of history.[35]

Haggadah, despite its freedom and openness was restricted to accredited teachers of Torah. The opinions advanced, however, were not subject to limitation by consensus as was the Halakah.[36] In this lies its openness and freedom. Using this material a case has been made out for the position that some of the Rabbis held to a notion of a limited God.[37] Given the generally held notion that all the Rabbis held the view of an unlimited God,[38] this conception is quite revolutionary.[39] All other considerations aside we can see no necessary reason to exclude such a notion from possible inclusion in the Haggadah. In fact, the experience of Palestinian Jewry in the early centuries of the common era prior to the Moslem conquest might have led them to such conclusions. Since the great collections of the Haggadah are Palestinian in origin the case for such notions might be stronger than one might on the face believe possible.

Despite the heterogeneity of view as suggested by the above, we have never found any evidence which might lead us to think that the Rabbis felt this absence of a systematic theology as any great lack. We would think that any question suggesting this as a lack might be answered by the Rabbis that the Torah itself was all the treatise they needed, and there was no necessity for any other. What the Torah, in its larger sense of course, had to say about God was sufficient for the Rabbis regardless of how they understood it. There

were and are few explicit statements throughout Jewish literature to which a Jew is required to give the assent of belief.

God for the Torah and the Rabbis was assumed. That the Torah did indeed say many things about Him is not questioned. One need only glance at its pages. For the Rabbis, God was both transcendent and immanent[40] and they did not see this as a contradiction. Both were necessary to their thought; the former for their intellect, the latter for their inner experience of immediate communion with him.[41] Among the most fundamental attributes of God as found in Rabbinic tradition is that of His justice and love. According to the Rabbis it was just these attributes of love and justice that were the source of the Halakah. The rabbis did not write treatises of theology, philosophy or ethics, until long after the period with which we are directly concerned. Even then, when they were written, it was in the attempt to justify that which went on before and which was still going on, i.e., the task of interpreting the Torah. Practically the whole of Rabbinic literature in Talmudic times was one enormous answer to the question; How shall God be truly served in this present world? The world being what it is, and man being what he is, and God being what He is.[42]

The Halakah was the defined will of God, intended as a means of training those who lived under it in the right path by which He could be served, and through which men could approach Him.[43] The Halakah thus answered the question: What was the

divine will in this or that other specific case? What did God command man to do in such and such circumstances? Since the Torah was revealed by God to man, and since it contained the positive and negative commandments, either as literally enunciated in the Written Torah, or as developed in the Oral Torah, or as derived by the Rabbis and teachers of the generations then a believing Jew could not but practice them for by doing so he was fulfilling the word of God.[44]

What was the goal of the Halakah? We agree with the suggestion that "the legal enactments and ritual laws of the Torah were merely a means to an end, which is moral perfection."[45] This is not to say there were no abuses. The Rabbis themselves were very aware of the dangers of formalism and hypocrisy.[46] We contend that if one did look at the experience of Jewish communities the world over, since the development of the Halakah in general, one would find communities whose standards of ethics and morals compare favorably and better with comparable communities of their generations. Indeed it is suggested that the goal to which the development of the Halakah was directed was the concretization of the ideals of the Prophets.[47]

3.

Within Rabbinic literature of the tannaitic period we find the halakic aspect of the Tradition given in the two

distinct forms of Midrash and Mishnah. The former represents the interpretation and exposition of the Written Torah. Especially, it teaches the Halakah together with its scriptural proof, that is, in connection with the passage from the Pentateuch, on which it is based or from which it is derived, thus forming a halakic commentary to the Pentateuch.[48]

The other strand of tannaitic literature, the Mishnah, represents the Halakah as an independent work, giving its dicta as such, without any scriptural proof, and teaching them independently of and not connected with the words of the Written Torah.[49] This is not to say that the two forms are mutually exclusive. Examples of the former are on occasion found among the latter although not extensively.[50] A discussion of the evolution of the Midrash and the Mishnah is not necessary for the purpose of this paper. There are, however, certain points which should be made.

In the light of the above discussion of the notions underlying Rabbinic literature, the Midrash is easily explicable. Lauterbach holds that the Midrash was the older and original form, that it was used in the earliest times, in the very beginnings of the Halakah. The dicta of the Halakah had their source in the Midrash Torah, i.e., an inquiry into the full meaning of the Written Torah from which alone the earliest Halakah derived its authority.[51]

This writer agrees with Lauterbach's conclusions regarding the development of these two forms as found in his essay, "Midrash and Mishnah."[52] Given the Torah as the Rabbis understood it, through the use of varying methods of interpretation,[53] they were able to develop out of the Written Torah support for their generations teachings and enactments.[54] The Mishnah, however, is a different matter. In the main, aside from various exceptions which do not change the essential character of the Mishnah form itself, it represents the Oral Torah in its purest form,[55] i.e., of an authoritative tradition not dependent on the Written Torah.

With the identification of Torah with Tradition, i.e., the notion of the Oral Torah as being equally binding and authoritative as the Written Torah, came the possibility of the development of the Oral Torah itself, apart and distinct from the Written Torah. This possibility was realized with the application to the Mishnah of the rules of hermeneutics used for interpreting the Written Torah in the years following the close of the tannaitic period. At that time, the Mishnah was the chief text of the Academies of Palestine and Babylonia.

The fruits of their labor, the Palestinian or Jerusalem Talmud and the Babylonian Talmud, were the means by which those generations of teachers made known the path to the good life and to God for their own times. Their labors were but

an extension of the labors of previous generations of teachers. They held in general to the same presuppositions discussed in the first section of this chapter. Given these notions their efforts in studying the Oral Torah were accounted as if they were studying the Written Torah. For some it was even held that it was accounted for even more.[56]

The assumption of the Rabbis and their predecessors was that the whole Torah, as it existed in the mind of God, was imparted to Moses, not explicitly but implicitly, and that the whole process of interpretation consisted in rendering explicit what up until then had been implicit, drawing forth some meaning or lesson unknown until then, but which had been in the Torah all the time. Thus the divine revelation could never be exhausted, and every fresh interpretation, though apparently new in appearance was in reality old -- a thought in the divine mind only now being apprehended by the human mind. This is the thought underlying the teaching of Rabbi Joshua ben Levi who said, "Whatever an acute disciple shall hereafter teach in the presence of his Rabbi has already been said to Moses at Sinai."[57] This writer agrees with Herford's comment that this dictum of Rabbi Joshua ben Levi, "Which on the face of it appears to be and is sometimes hastily taken to be a mere absurdity of exaggeration, sums up in a sentence the Pharisaic theory of the definition and transmission of Halachah."[58]

The views represented in this chapter are meant to describe, hopefully with sympathy, the views of Traditional Judaism regarding the Rabbinic literature which in this paper is represented by Tractate b. Megillah. The Written and the Oral Torahs together make up the Torah, the Teaching of God. To obey His will they judged to be the soul's purest happiness. He was assumed. Therefore, it follows that His word was to be obeyed. It was through this view of Judaism,

> "That the religious life of the Jewish people was saved; and it was saved by the exaltation of the Torah from being a closed revelation to an open one, from a dead letter made alive again, from a text long ago set and hardened, whose meaning could never change and which could say nothing new, to a text whose meaning was plastic because freshly interpreted in the light of the growing moral discernment of religious teachers, age after age."[58]

Footnotes, Chapter One

1. The Babylonian Talmud, "Tractate Megillah." Wilno Poland: Rozenkranz and Szryftzecer, 1928, p. 7a.

2. George Foote Moore. Judaism. (3 Vols.) Cambridge Mass.: Harvard University Press, 1927, Vol. I, p. 99.

3. Jacob Z. Lauterbach. "The Pharisees and their Teachings," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 118.

4. Ibid.

5. Max Kadushin. "Aspects of the Rabbinic Concept of Israel, A Study in the Mekilta" (Hebrew Union College Annual, XIX). Cincinnati, 1945-46, pp. 116-117.

6. S. Travis Herford. The Pharisees. Boston: Beacon Press, 1962, pp. 54-55.

7. "Aspects of the Rabbinic Concept of Israel," pp. 117-118.

8. The Pharisees, p. 66.

9. The Torah, The Five Books of Moses, Philadelphia: The Jewish Publication Society of America, 1962, p. 131.

10. "Aspects of the Rabbinic Concept of Israel, A Study in the Mekilta," p. 117.

11. Ibid.

12. Jacob Z. Lauterbach. "The Sadducees and Pharisees," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, pp. 24-27.

13. "The Sadducees and Pharisees," p. 33.

14. Ibid.

15. "The Sadducees and Pharisees," pp. 38-39.

16. The Pharisees, p. 62.

17. Alexander Guttmann. "Foundations of Rabbinic Judaism" (Hebrew Union College Annual XXIII). Cincinnati: 1950-51, Part 1, p. 453.

18. Ibid.

19. "The Sadducees and Pharisees," p. 40.

20. Ibid.

21. "The Sadducees and Pharisees," p. 41.

22. "The Sadducees and Pharisees," p. 42.

23. "The Sadducees and Pharisees," pp. 42-43.

24. "The Sadducees and Pharisees," p. 43.

25. "The Sadducees and Pharisees," pp. 43-44.

26. "The Sadducees and Pharisees," p. 44.

27. "The Sadducees and Pharisees," p. 45.

28. "The Pharisees and their Teachings," p. 118.

29. "The Sadducees and Pharisees," p. 47.

30. Ibid.

31. David Daube. "Rabbinic Methods of Interpretation and Hellenistic Rhetoric" (Hebrew Union College Annual XXII). Cincinnati, 1949, p. 239.

32. The Pharisees, pp. 78-79.

33. The Pharisees, p. 79.

34. Henry Slonimsky. "The Philosophy Implicit in the Midrash" (Hebrew Union College Annual XXVII). Cincinnati, 1956, p. 236.

35. "The Philosophy Implicit in the Midrash," pp. 236-237.

36. The Pharisees, pp. 80-81.

37. "The Philosophy Implicit in the Midrash."

38. The Pharisees, p. 154.

39. A. Marmorstein. "The Unity of God in Rabbinic Literature" (Hebrew Union College Annual I). Cincinnati, 1924, pp. 467-499.

40. The Pharisees, p. 152.

41. Ibid.

42. The Pharisees, p. 113.

43. The Pharisees, p. 147.

44. The Pharisees, pp. 74-75.

45. Jacob Z. Lauterbach. "The Ethics of the Halakah," Rabbinic Essays. Cincinnati, Hebrew Union College Press, 1951, pp. 270.

46. The Pharisees, pp. 116-118.

47. "The Ethics of the Halakah," p. 267.

48. Jacob Z. Lauterbach. "The Midrash and the Mishnah," Rabbinic Essays. Cincinnati, Hebrew Union College Press, 1951, p. 163.

49. "The Midrash and the Mishnah," pp. 163-164.

50. Ibid.

51. "The Midrash and the Mishnah," p. 164.

52. "The Midrash and the Mishnah," pp. 162-256.

53. "Foundations of Rabbinic Judaism."

54. "The Sadducees and Pharisees," pp. 47-48.

55. "The Midrash and the Mishnah," pp. 210-212.

56. Z. H. Chajes. The Student's Guide Through the Talmud. London: East and West Library, 1952, p. 4.

57. The Pharisees, p. 85.

58. The Pharisees, pp. 85-86.

59. The Pharisees, p. 66.

Chapter Two

The Tractate of Tradition

We now turn to the text of Tractate b. Megillah itself. In the light of our prior discussion we shall attempt an investigation into the way in which the Rabbis explicated the terse language of the Tanna'im. Since the size of this paper precludes an exhaustive study we will discuss the text ad seriatim indicating those elements which we feel are relative to the above.

chapter one

The first subject dealt with in this chapter is the days on which the Scroll of Esther is to be read. "The Megillah is read on the eleventh, twelfth, thirteenth, fourteenth and fifteenth of Adar, never earlier and never later" (b. Megillah 1.1). This obviously differs from the biblical text which reads, "to enjoin them that they should keep the fourteenth day of the month of Adar, and the fifteenth day of the same, yearly" (Esther 9.21). This discrepancy is noted in the gemara to this mishnah, the larger part of which is given over to a justification for and an explanation of these dates. The text first notes that these dates were laid down by the Men of the Great Assembly (b. Megillah 2a) who either were the authors of or under whose direction the Scroll of Esther was written (b. Megillah 7a). This is justified by a somewhat circular argument. The text introduces the axiom that "One Beth Din

cannot annul the ordinances of another unless it is superior to it in number and in wisdom" (b. Megillah 7a). The conclusion follows immediately, "Obviously, therefore, all these days must have been laid down by the Men of the Great Assembly." (b. Megillah 7a).

The significance of this discussion is many-sided. First, there is the obvious difference between the talmudic regulations and the biblical one. Secondly, the reason given is the convenience of those involved in its observation. The concern of the Rabbis in making the Tradition a vital part of the lives of their people cannot but be obvious.

Other items of note are discussed in this gemara. There is an interesting discussion on the precedence given the Temple service, the study of Torah, the reading of the Scroll and the burying of the מת מצוה. This last refers to the burial of the neglected dead, that is, an unclaimed corpse.[1] This discussion is of some importance in that we might determine from it the precedence given the various acts listed above, which is to say, those acts which were most valued by the Rabbis. Between the ritual acts, that is, the first three listed above, the reading of the Megillah has precedence. The argument given for the precedence of the reading of the Megillah over the Temple service leads to the discussion of the question, "Is the Temple service more important than the study of Torah?" (b. Megillah 3a). In this discussion the study of

Torah is given precedence (b. Megillah 3a-3b). The question of the precedence of the reading of the Megillah over the study of Torah as such is not asked. That which is called study of Torah is broken down into various aspects so that the reading of the Scroll is given precedence over one of these aspects, that is the actual study of an individual apart from all other considerations.

The תלמוד תורה however is given precedence over all the ritual acts (b. Megillah 3b). This fact is of no mean importance given the notion that the Halakah is a barren legalism. Indeed it would seem to us that the precedence given the תלמוד תורה lends support to Lauterbach's statement that "the legal enactments and ritual laws of the Torah were merely a means to an end, which is moral perfection."[2] This is borne out by the statement which closes this discussion, "The תלמוד תורה takes precedence since a Master has said: Great is the obligation to pay due respect to human beings, since it overrides a negative precept of the Torah" (b. Megillah 3b).

The chief concerns halakically of b. Megillah 1.2 are the further explication of the activities permissable on Purim and on the alternate days on which the Megillah can be read, and the rule laid down that the ritual acts listed in the mishnah are to be postponed, the date is not to be advanced (b. Megillah 5a). This relates to the problem, that since these acts may not be performed on Sabbath, shall they be de-

layed or advanced in time? The balance of this passage is given over to geography and homiletics.

A problem of grave liturgical importance is dealt with in b. Megillah 1.3, due to the fact that when a year is intercalated, the extra month is inserted prior to Nisan. During the period of the Tanna'im prior to the total reliance for regulation of the calendar according to the Metonic cycle, there was a real problem as to when the schedule of additional scriptural readings for the Sabbaths prior to Pesah were to be read. Were they to be read in Adar I or Adar II or both? The decision of the gemara seems to have changed the intent of the mishnah. It in effect makes Adar II the Adar of the liturgy as is the practice today (b. Megillah 6b-7a).

In the course of the discussion the relative sanctity of the Ecclesiastes, the Song of Songs, and the Book of Esther is discussed during which the statement that the latter was written under the inspiration of the Holy Spirit (b. Megillah 7a) is made and accepted. This discussion is only of historical and homiletical value given the very existence of this tractate.

In the fourth passage of this chapter the mishnah reads, "there is no difference between festivals and Sabbath, save only in the matter of preparing food" (b. Megillah 7b). Though at first glance this would seem a minor matter, we must recall

that regarding the performance of the Mitzvoth there is no such thing as a minor matter.[3] Thus it becomes a very pressing matter to ask what is the meaning of this mishnah?

What implications could this mishnah have? We must recall that Scripture restricts activities permissable on Sabbath severely, albeit these proscriptions are alleviated through the efforts of the Rabbis as found scattered throughout the b. Talmud but especially in the Tractate b. Shabbat. The question than as to what is or is not permissable is of great importance.

The text of the mishnah permits differences, the assumption is that it is in the direction of leniency regarding food between Sabbath and Yom Tov. What differences could there be? A great deal of work goes into the preparation of food. Aside from the actual cooking, there were (and in some areas still are) such necessary activities as gathering fuel for the fire, making the fire, boiling water, preparing the food for cooking which might include cutting, pealing, chopping, etc.; plus whatever other activities which might be related, including even purchasing necessities for the meal which implies the handling of money. It can readily be seen that the problem is far from simple. The text assumes that the leniency relates to the actual preparation of food. Hence many of the categories mentioned can be ignored. However, there are many types of activities which are still involved. Which of these are permissable?

Two views are presented, that of Rabbi Judah who permits the preliminaries for preparing food and that of the anonymous Tanna of the mishnah, who does not permit them. Both teachers base themselves on the same verse which reads, "On the first day you shall hold a sacred convocation, and on the seventh day a sacred convocation; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you" (Exodus 12.16). Rabbi Judah stresses the final words of the verse, "for you." According to the gemara this means, "for all your requirements." The argument of the anonymous teacher however understands Scripture to mean that the preparations are permissable but not their perliminaries stressing the phrase, "only what every person is to eat that alone may be prepared." Further, this teacher holds that "to you" means "to Israelites" not to non-Israelites or animals.

Since there is a contradiction here between the teachings of two teachers, the Tradition which has tended to follow the path of harmonization or reconciliation holds both phrases are important. The anonymous teacher's understanding of "for you" is tacitly discarded. The "for you" of Rabbi Judah is understood to mean those preliminaries which cannot be attended to on the day before the festival while the phrase "that alone" applies to preliminaries which can be attended to on the day before the festival. In this way some of the strigency of the anonymous teacher's ruling is alleviated. At

the same time the teaching of Rabbi Judah is not totally rejected.

The balance of this chapter is given over to a series of passages all of which treat of ritual matters and have the same form as b. Megillah 1.4, "There is no difference between ... except ..." (b. Megillah 7b). Another passage of interest, b. Megillah 1.5 is of some interest in that it touches upon the substitution in effect of flogging for that of כרת. The latter punishment, according to the Talmud, was meted out directly by God. Though the Rabbis do not say so, at least here, one might be able to deduce from this text that the culprit would receive at least the human punishment. The rabbis could not but have noticed that כרת was not always applied even in cases of flagrant disregard of the Torah.

The passages, b. Megillah 1.6 through 1.9, and 1.11 through 1.13, represent brief discussions of ritual matters. The last of that series, b. Megillah 1.13 is unique in that it contains the only instance in the b. Talmud where an haggadic exposition is given for an entire book of the Bible. The passage we did not include, b. Megillah 1.10 is somewhat different. Though it too is concerned with ritual matters, there is a digression where differences between the Septuagint and the received Hebrew text are explained. This is of interest in that it shows that the Rabbis knew Greek and that this matter was of sufficient concern for them to offer an explana-

tion thereof.

chapter two

This chapter is basically concerned with matters of liturgical interest. The first passage discusses in detail the question of what is a proper reading of the Scroll of Esther. Since it obviously does not have the same degree of sanctity which the Scroll of the Torah itself has, it would be a question of some import to determine what are the requirements in this case. The discussion extends almost immediately to a discussion of major elements of the major sections of the daily liturgy. Some of the proprieties regarding the Hallel, the Shema' and the 'Amidah are discussed. Regarding the latter an obvious attempt is made to give it greater authority by ascribing its formulation to a time prior to its final form. The construction it finally received, at least at that time, was ascribed to a Tanna, Simeon the Pakulite, who was a contemporary of Rabban Gamliel in Javneh.(b. Megillah 17b). The discussion of this point concludes, "they forgot them and he came and reformulated them."

The balance of this passage returns to a discussion of the proprieties relative to the performance of the commandment, "that these days should be remembered and kept throughout every generation" (Esther 9.28). Apart from minor digressions, the intent of this and many of its sister passages is obvious. In

this and similar texts the concern is to answer specifically what is the right action in this case. Since no real distinction is made between ritual and moral commandments, there obviously can be no real distinction in the attempt to explicate them.

The second and third passages (b. Megillah 19a-b and 19b-20a) of this chapter continue the discussion of the proprieties relative to the fulfillment of the commandment regarding the "remembering" of the events written in the Megillah. The fourth and fifth passages (b. Megillah 20a-b and 20b-21a), however, cover material of a larger liturgical concern. These fourth and fifth passages represent an interesting feature about some aspects of the Oral Torah. Their gemara follow the principles of the Midrash Torah, i.e., they find support for these practices and regulations as found in the mishnah in Scripture, i.e., in the Written Torah. In the explication of the final phrase of the fourth mishnah, "if any of these things is done after dawn has appeared, it counts as done," the rule is derived from a pentateuchal verse, "God called the light day, and the darkness He called night" (Genesis 1.5a). Raba's contention is that when God called the light day He was also including that which gradually becomes light.

The problem which arises next is does the same reasoning hold for night, i.e., is the period which is gradually becoming dark included with night as such. Rav Zera says no. The pentateuchal verse is then explicated by two verses from

the Hagiographha, where in the first verse quoted an activity is maintained "from the rising of the morning star,"[5] i.e., from the time when it is gradually becoming light; "until the coming forth of the stars."[6] This is the time of activity. The "b" part of the next verse (Nehemiah 4.16) reads, "that in the night they (the stars) may be a guard to us." The final phrase is understood to mean "but the day is for work."

Since all the "work" in this mishnah is to be performed during the day, it was necessary to make clear what was meant by "day." This was done as noted above through an interpretation based on verses from the Written Torah. The fourth mishnah was written in a negative form, "The megillah should not be read, neither should circumcision be performed, nor ... nor ... should not ...?" The fifth mishnah of the chapter is stated positively, "The whole of the day is a proper time for the reading of the Megillah and for ... and for ..." etc. A general principle is stated at the end of this mishnah, "any commandment that is to be performed by day can be performed during the whole of the day."

It is of course obvious that this principle is vague without the prior discussion of what is day. The mishnah ends with the phrase, a corollary of the preceding, "A commandment which is to be performed by night may be performed during the whole of the night." This latter is emended by the Rabbis to mean until midnight. The gemara assumes that night in the

verses quoted to substantiate the argument means until midnight. This assumption is not directly explicable from the verses themselves and there must be discussions elsewhere which limit night in this sense to midnight. There is, in fact, a discussion in b. Berakoth 2 that bears on this point. There, too, the Sages held that the whole night meant until midnight in order to keep men from transgression.

chapter three

This chapter too is of liturgical interest but of a particular sort. It is concerned not as much with the Scroll of Esther as it is with the Scroll of the Torah and the worship service in general. The first passage (b. Megillah 21a-23b), in the main, is given over to a discussion of the proprieties of the public reading of the Torah scroll in great detail. The second passage (b. Megillah 23b) is of some importance in that it limits to public worship various important elements of the liturgy. The requirement of a quorum of ten for public worship reflects the concern the Rabbis had for the proper honoring of God's name. This point is made explicitly clear in the explication regarding grace after meals where the text reads, "We do not invite participation in the saying of the grace after meals which includes the mention of God's name with less than ten proper adults present, etc., since it is required to say, 'Let us bless our God' (our emphasis). It is not seemly to do this with less than ten" (b. Megillah 23b).

The passages 3.3 through 3.6 continue this discussion of liturgical proprieties (b. Megillah 23b-24b). It must be borne in mind that these details while not of a vital concern for this paper were of a vital concern for the Rabbis. They did not distinguish between major and minor precepts.[8] Their concern was to lead men to God through their doings, in religious as well as in secular matters.[9]

This latter point is made clear in the seventh and eighth passages of this chapter. Both these passages indicate the awareness of the Rabbis to the power of language. In the seventh passage (b. Megillah 24b-25a) they show their awareness of the fact that one's beliefs must ultimately have effect on one's speech habits and usages. There is, one might say, ontological significance for one's theological presuppositions. This is to say, the language one uses to address one's God or to speak of Him will reflect the conception of God held by the speaker. We would suggest this is an extremely important principle which Reform Judaism has ignored in the composition of its prayerbooks. This insight of the Rabbis led them to their concern with the specific linguistic usages of the worship service.

The final passage of this chapter reflects a different aspect of this same concern. Here the discussion deals not with the theological but one might say the amenities, that is, that which is seemly to speak of in public. A number of incidents

in the Pentateuch and Prophets speak of things which are not discussed publicly in conversation. Hence, since it was a concern of the Rabbis in everything to set an example for the people at all times, there was a tendency to read certain texts without translating, or to use euphemisms. Many scholars hold that the Scribes did this with the text of the Bible itself. In all their decisions the Rabbis constantly directed their concern towards making His will manifest. To do so they used every opportunity afforded them.

chapter four

We would suggest that this last chapter contains, in the main, two subjects. The first is a discussion of holiness; the second, a discussion of questions relating to the special prophetic readings added during festivals, the period just prior to Pesaḥ and other special prophetic readings added throughout the liturgical year. The fifth passage (b. Megillah 29a-30b) discusses the second and third instances while the sixth passage (b. Megillah 30b-32a) discusses all three cases as well as some rulings concerning the pentateuchal readings on Mondays and Thursdays as well as on Sabbaths.

We have discussed the concluding passages of this fourth and last chapter of our tractate first so that we might give some attention to the opening sections. It would seem to us that these first four passages are of no little significance.

It has and does seem to us that the theology of Rabbinic thought is implicit rather than explicit. A statement such as the Nicene Creed of Christianity is, we would hold, foreign to Rabbinic thought, Maimonides Thirteen Principles notwithstanding.

We would agree with Kadushin[10] who uses the discussion found in the first four passages of the fourth chapter, as being implicitly a discussion of the gradations of "holiness." There is no treatise on this subject. There is no systematic explication as one might find in a Christian or a philosophical work. Rather, flowing from the instances cited in the text one must inductively distill how the Rabbis conceived "holiness."

Holiness for the Rabbis was a mystical quality which attached to certain objects. "The experience of holiness is a mystical experience."[11] But there is a difference here which we hold significant. It is usually held that a mystic experience constitutes an ineffable, that is, an entirely separate, completely self-supported kind of human experience having no relation whatever to normal experience.[12] Kadushin holds that as far as rabbinic experience is concerned this is not true. He contends that "Kelushah has connotations which project it into the sphere of the normal and the practical. It connotes the idea of imitating God in being merciful and gracious; it demands the withdrawal from what is impure and defiling -- from idolatry, adultery, and the shedding of blood."[13]

The halakoth discussed in these opening passages reflect a reverence for holiness. They enable this feeling of reverence to be expressed in actions, and as a consequence the feeling is externalized and cultivated.[14] He contends, and we agree, that the real import of these gradations in holiness is the implication of a guiding principle of action, namely, "That one must act in such a fashion that a higher degree of holiness is achieved if possible and not a lower. The manner in which this principle is applied varies greatly with the circumstances, but in all the circumstances the context is that of reverence."[15] Thus in the discussion of what holy object might be sold for the purchase of what other, the money received must go toward the buying of an object of a higher grade of holiness. Even the casual act of placing one book on top of another as discussed in the first passage is made into a reverential act. In accordance with this principle a Scroll of the Torah may be placed on another of the same. It may be placed on a single Book of the Pentateuch or on Books of the Prophets or the Hagiographa -- but not the reverse (b. Megillah 27a). It is through the concretizations of these concepts that the Jew was educated in holiness.

We suggest that this discussion bears out Lauterbach's thesis that the goal of the Halakah was to create a practical discipline whereby to train men in the observance of the great ethical ideals of Judaism.[16] Indeed this is the import we would attach to the tractate herein discussed. As Kadushin

has written:

> "Halakah directs the individual to the commonplace recurrent situations and actions and renders it possible for him to fill them with significance. Again, Halakah enables the individual to experience in recurrent ritual acts the mystical consciousness of holiness, and at the same time it makes him clearly apprehend the objective nature of the things that contribute to that experience. Finally, Halakah cultivates reverence for the holiness of certain days, without engendering the notion that these objects and days have mystical efficacy."[7]

Footnotes, Chapter Two

1. George Foote Moore. Judaism. (3 Vols.) Cambridge Mass.: Harvard University Press, 1927, Volume 1, p. 71.

2. Jacob Z. Lauterbach. "The Ethics of the Halakah," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 270.

3. The Mishnah. "Seder Nezikin, Tractate Aboth." Warsaw, 1862, Aboth 2.1.

4. The Babylonian Talmud, pp. 20a-21a; and The Talmud, pp. 121-127.

5. Nehemiah 4.15

6. Ibid.

7. The Babylonian Talmud, "Tractate Berakoth." New York: S. Goldman-Otzar Hasefarim, Inc., 1959, Berakoth 9a-9b.

8. The Mishnah, Aboth 2.1.

9. "The Ethics of the Halakah," pp. 263-264.

10. Max Kadushin. The Rabbinic Mind. New York: The Jewish Theological Seminary of America, 1952, pp. 167-181.

11. The Rabbinic Mind, p. 176.

12. Ibid.

13. Ibid.

14. The Rabbinic Mind, p. 180.

15. Ibid.

16. "The Ethics of the Halakah," p. 259.

17. The Rabbinic Mind, p. 183.

Chapter Three

Tractate b. Megillah for Today

As we have already noted, the Tractate b. Megillah represents in miniature the Torah, the Teaching of Tradition. In this chapter we shall try to indicate how that teaching is viewed today from the position of Reform Judaism.

1.

Reform Judaism does not give the Torah, the Teaching of Tradition, the same position it has in, to coin a phrase, the Rabbinic Synthesis, what Kadushin calls "the organism of Rabbinic value-concepts."[1] It holds that while the Teaching, as contained in its literature, is recognized as the source of Reform Judaism,[2] the details contained therein are no longer binding as such.[3]

This departure from the view of Tradition was a significant step, the ultimate consequences of which are still unknown. The roots of this departure lies in the acceptance by Reform of the fruits of Biblical criticism and of science.[4] Since the Rabbinic Synthesis had as its basic assumption the belief that the Teaching was given by God to Moses at Sinai, in a very literal sense, and since God was the Creator of the world, it was assumed He had the power to compel the obedience of His Teaching; it follows from this

that man had the choice to obey or disobey Him and receive either the benefits or reap the consequences depending on one's choice. This was held to be necessarily so. However, given these new ideas the whole fabric of the Rabbinic Synthesis is torn apart.

With the calling into question of the basic assumptions underlying the Rabbinic Synthesis, the whole structure of Rabbinic thought is called into question. The Halakah in particular is attacked. The third plank of the "Pittsburgh Platform," the set of principles set forth at the Pittsburgh Conference of Reform Rabbis held in 1885, treats the Written Torah in the following statement:

> "We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only the moral laws and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization."[5]

They did not even mention the Oral Torah.

For some, even this was too much. In 1876, Felix Adler, who had been rabbi of New York's Temple Emanu-El, formed the New York Society for Ethical Culture which concerned itself chiefly with the practice of ethics and social morality to the exclusion of ceremonials and theological belief.[6] It was both in answer to groups such as this[7] and those of a more traditional position[8] that the "Pittsburgh Platform" was written. Indeed, it was partly in answer to the challenge

presented by groups such as Adler's that the first principle of that "Platform" was written. It states in part:

> "We hold that Judaism presents the highest conception of the God-idea as taught in our Holy Scriptures and developed and spiritualized by the Jewish teachers in accordance with the moral and philosophical progress of their respective ages. We maintain that Judaism preserved and defended amid continual struggles and trials and under enforced isolation this God-idea as the central religious truth for the human race."

Some fifty-two years later in response to the many changes which had occurred in American Jewish life, a need was felt for a restatement of the basic principles of Reform Judaism.[10] At the meeting of the Central Conference of American Rabbis held in Columbus, Ohio, in 1937, they adopted a set of principles which is still the official position of the Reform rabbinate. Regarding the Torah they wrote in part:

> "God reveals Himself not only in the majesty, beauty and orderliness of nature, but also in the vision and moral striving of the human spirit. Revelation is a continual process, confined to no one group and to no one age. Yet the people of Israel, through its prophets and sages, achieved unique insight in the realm of religious truth. The Torah, both written and oral, enshrines Israel's ever-growing consciousness of God and of the moral law. It preserves the historical precedents, sanctions and norms of Jewish life, and seeks to mould it in the patterns of goodness and holiness. Being products of historical process, certain of its laws have lost their binding force with the passage of the conditions that called them forth. But as a depository of permanent spiritual ideals, the Torah remains the

> dynamic source of the life of Israel. Each age has the obligation to adapt the teachings of the Torah to its basic needs in consonance with the genius of Judaism."[11]

As soon as the Rabbinic Synthesis becomes the product of "historical processes"[12] then its status as the Teaching of God as understood by the Rabbis is negated. The Tractate b. Megillah, with all its associated literature, becomes just that -- literature -- source literature, great literature, but still literature.

2.

The fruits of the historical experience of the Jewish people is a vast literature. In the "Pittsburgh" and "Columbus Platforms" the significance of this "literature" is spelled out. But just as there were many changes in American, and indeed world Jewry, in the fifty-odd years between the "Platforms," so has there been momentous ones since the writing of the latter statement. Worlds have been destroyed and new ones born since this latter time and we who live in these times must confront the "literature" of our past in the light of these changed conditions.

The basic problem of this third chapter is essentially different than that of the first. In the first chapter what was written could be stated with some degree of certainty; yes, and even footnoted. In this chapter, however, we will

strike out into areas which have nowhere near the same degree of clarity. We shall attempt to discuss the significance of Tractate b. Megillah and its related writings for the present.

In terms of the day to day living of the ordinary Jew, the Rabbinic literature, and Biblical literature even less, has little if any significance. At crucial times in his life John Q. Jew will inquire as to the right way to act in some situation. Especially during those critical points in life such as birth, maturation (Bar Mitzvah and/or Confirmation), marriage, parenthood, and death, there is an attempt to determine the "right way" to act.

If one were to contrast the life of the Jew prior to 1800 and for most Jews even as late as 1900, with that of the Jew today, one might have trouble finding points of contact. The Yiddish novel, The Brothers Ashkenazi,[13] illustrates this point in a most vivid fashion. For the life of the Jew of yesterday was affected from morning until night of every day of his life by the Tradition. What for them was essential is for most of us tangential at best.

The above is the fact of Jewish life today. Now, what do we do with it? Do we feel this is a good thing, something to be valued? Several things must be made clear. The Haggadah which was the vehicle for philosophic speculation[14] does not hold that place any longer. This writer would suggest that

beginning with the period in which the Karaite schism occurred, a need was felt to answer the detractors of Rabbinic Judaism in a more systematic fashion. Though Haggadic works did not cease to be written, the chief method of presenting Judaism especially to the general world was through the philosophic treatise.[15] From the eighth century, C.E., until today, various attempts have been made to state the theological position of Judaism. Saadia's 'Emunoth veDe'oth; Maimonides', Guide to the Perplexed; Albo's, 'Ikkarim; Kohler's, Jewish Theology; as well as the authors noted in Guttmann's, History of Modern Jewish Philosophy, all are attempts to perform the heroic task of either stating the philosophical position of Rabbinic Judaism in terms contemporary to the respective writings or restating Judaism in the light of this or that notion, also contemporary.

The place of the Haggadah has thus been usurped by the theological treatise. The Haggadah has become in the main, source material for investigations into Rabbinic theology[16] or grist for sermonic mills. The Halakah, however, is another matter. The luxuriant growth of the Halakah has been one of, if not the most signal product of, Rabbinic genius. Its value as the concretization of prophetic values[17] cannot be put aside lightly. But with the disintegration of the Rabbinic Synthesis and the concomitant development of Reform, the Halakah was all but swept away.[18]

It is in the context of the above that the question of the significance of the Halakah and the literature which contains it becomes of crucial importance to the present, and even more, to the future. This question has been answered in the past by what seems to us to be a redefinition of the term. In order to explicate this it is necessary to restate the Rabbinic conception of the Halakah. For the Rabbis, the Halakah was that set of rules, regulations, and proscriptions which if performed, and especially so if done with right intention would bring a man to imitate God in all his doings, [19] "To make man know the Lord and walk in His ways." [20]

The Halakah thus holds a specific place in the Rabbinic Synthesis. For the Rabbis, Judaism was not simply a system of beliefs, even with religious ceremonies and rites. [21] For them Judaism was even more:

> "... A religion of right conduct and good deeds based upon the belief in the One true God, who is righteous and good, and who wants man to imitate Him by being righteous and doing good." [22]

The Halakah spelled out in terms of man's ordinary activities what "right conduct" and "good deeds" meant. This is the Halakah as the Rabbis understood it.

Though it might be granted that Cohon [23] and Lauterbach [24] are right when they contend that the Halakah has changed and developed, the process by which this was done was a very specific one. Further, control of that process

was limited to specifically authorized personnel.[25] Reform Jews, separately and in conference, have in fact set aside the whole process through which the Halakah of Tradition was, and is, developed. We would hold then that any claim that "we are merely doing the same thing which our ancient teachers did"[26] is specious. By redefining the process of Halakic development, i.e., seeing it in terms of historical processes,[27] these authors have subsumed the Halakah of Tradition into their more comprehensive conception. This redefinition of process is, we hold, as legitimate as the redefinition of Torah developed by lay teachers of ancient days.

The significance of Tractate b. Megillah and its related literature for the above is that of evidence for the historical process.[28] Cohon writes that it is, "imperative for the leaders of Reform to guide themselves consciously by the goal of retaining our historical continuity."[29] He further states that they should refuse, "to permit the chain of Jewish tradition to be broken through either neglect or irresponsible iconoclasm."[30] How is this to be done? It can be done by fostering and developing all that is alive in Judaism and possessed of value and to remove only that which is dead and which is an impediment to progress.[31] Reform for Cohon also has the further aim of preserving the "pure character" of Judaism by guarding against "'strange fires,' which spurious liberalism would offer upon its altar, by

introducing ideas and observances derived from alien sources which are subversive of its essential nature."[32]

Implicit in Cohon's notion is the belief that the Tradition can act as a kind of referent against which innovations can be judged as to their authenticity and congruency with Judaism. It is in such a light that the literature of the Tradition including the tractate with which we are directly concerned finds its significance.

In general the Tradition as recorded in its literature seems to have found its significance somewhere between Cohon's conception and the position of radicals such as the Society of Friends of Reform (1843) for whom the Tradition had no significance. As time goes on there seems to be a tendency to refer to the literature of Tradition for possible answers to particular questions. For the most part, these questions relate to the life cycle and to holiday observance; the emphasis tend to be on the former rather than the latter.

In concluding this chapter, we find that we must admit that aside from scholarship, the significance of Tractate b. Megillah, and its related works for contemporary Jewish thought and practice, is relatively small in comparison to the significance it had for our fathers. For them it had significance in every aspect of their lives. They confronted it and dealt with it, twenty-four hours of every day, of every

year, of their lives even when they rejected it. For us, and by this we mean the average American Jew, the Tradition and its literature has only peripheral importance. We do not look for it as a guide except in extra-ordinary situations. With time even that importance has tended to decrease. These are the facts even for many of those Jews who call themselves Orthodox. This writer holds that since Reform Judaism in this country reflects in a very real way the attitudes of the American Jew, that which was said about American Jews holds true for American Reform Judaism.

Chapter Three, Footnotes

1. Max Kadushin. The Rabbinic Mind. New York: The Jewish Theological Seminary of America, 1952, p. 14.

2. Sylvan D. Schwartzman. Reform Judaism in the Making. New York: Union of American Hebrew Congregations, 1955, p. 136.

3. Reform Judaism in the Making, pp. 111-124.

4. Reform Judaism in the Making, p. 116.

5. Reform Judaism in the Making, p. 117.

6. Reform Judaism in the Making, p. 115.

7. Reform Judaism in the Making, p. 115.

8. Reform Judaism in the Making, p. 117.

9. Reform Judaism in the Making, p. 114.

10. Reform Judaism in the Making, pp. 125-133.

11. Reform Judaism in the Making, pp. 137-138.

12. Reform Judaism in the Making, p. 138.

13. I. J. Singer. The Brothers Ashkenazi. Cleveland and New York: The World Publishing Co., 1963.

14. Henry Slonimsky. "The Philosophy Implicit in the Midrash" (Hebrew Union College Annual XXVII). Cincinnati, 1956, pp. 236-237.

15. Isaac Husik. A History of Mediaeval Jewish Philosophy. New York and Philadelphia: Meridian Books, Inc., and The Jewish Publication Society of America, 1958.

16. "The Philosophy Implicit in the Midrash."

17. Jacob Z. Lauterbach. "The Ethics of the Halakah," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 259.

18. Samuel S. Cohon. "Authority in Judaism" (Hebrew Union College Annual XI). Cincinnati, 1936, pp. 632-637.

19. "The Ethics of the Halakah," p. 263.

20. Ibid.

21. Ibid.

22. Ibid.

23. "Authority in Judaism," pp. 619-620.

24. "The Ethics of the Halakah," pp. 295-296.

25. "Authority in Judaism," pp. 630-631.

26. "The Ethics of the Halakah," p. 295.

27. "Authority in Judaism," pp. 635-636.

28. "The Ethics of the Halakah," pp. 295-296; and "Authority in Judaism," p. 643.

29. "Authority in Judaism," p. 645.

30. Ibid.

31. Ibid.

32. Ibid.

Chapter Four

Conclusions

We have discussed the significance Tractate b. Megillah has for the Tradition and for Reform Judaism as it exists today. This writer has in the course of writing this paper been led to some conclusions regarding the significance of b. Megillah for Reform Judaism, and indeed some thoughts regarding Reform Judaism itself. In order to discuss the former we must first discuss the latter.

1.

This writer would suggest that Cohon[1] and Lauterbach[2] are wrong in drawing an analogy between the acts of the founders of Reform Judaism and those of the Rabbis. This analogy led them to wrong conclusions. We would hold that the analogy is more properly drawn between the founders of Reform Judaism and the תנאי[3] the lay teachers who founded Rabbinic Judaism. Just as Rabbinic Judaism grew out of its matrix religion, Scriptural Judaism, so is Reform Judaism growing out of its matrix religion, Rabbinic Judaism. The attempt to conceive of Reform as only differing in minor matters while remaining at one with the Tradition[4] is comparable to the view held by the founders of the Tradition. They too claimed that they were not deviating from the ways of the past. Indeed, they claimed they were the rightful heirs to that past and not

their opponents, the more traditional party which came to be called Sadducaic.[5] One might even draw an analogy between the identification of the Oral Torah with the Written Torah that these lay teachers accomplished,[6] and the subsuming of the traditional processes of Halakic development into the notion of the "historical processes of change"[7] by latter-day leadership.

In asserting that the founders of Reform Judaism are comparable to the founders of Rabbinic Judaism, we mean to suggest that the process of the former's development has only begun. We would further suggest that this development has not progressed sufficiently to delineate its final form. Notwithstanding the indeterminate nature of the future of Reform Judaism there are some things which we believe can be said about it.

It is interesting to note that there have always been diverse strands to Judaism throughout its history. This is especially so in those crucial periods of change when various paths to the future were open. Some strands have led to dead ends such as the Samaritans, the Sadducees, the Karaites and other sectarians. Why did they become dead ends? We suspect it is because they did not give viable answers to the questions confronting their generations. History has its own logic. The sectarians mentioned above somehow did not fulfill the demands put on them by the histories of their time.

Our paradigm case is the persistence of Rabbinic Judaism. The disappearance of the Sadducees for all intents and purposes after the destruction of the Temple is sufficient evidence for their inability to adjust to the new reality. Pharisaism, as early Rabbinic Judaism is called, even at the time of the Temple, had ceased to be dependent on it. They included it in their system but it was not necessary for them.[8] The Zealots killed themselves off in their furious attacks against Roman power. We suggest that it was the Rabbinic emphasis of Judaism as a religion as against the emphasis on peoplehood which led to its persistence.

The Karaite schism represents a different problem. We suggest that sectarian influences continued throughout the period between the destruction of the Temple in 70 C.E. and the appearance of Anan ben David in the eighth century. The flowering of Karaism in Babylonia and its subsequent spread is associated in our opinion with the decline of the Babylonian community. Though Karaism did indeed give Rabbinism a great many problems for a number of centuries, it ultimately could not and did not stand up to the tests of time. The reason they failed is essentially the same reason that Hasidism failed. Both represent revolts against negative aspects of Rabbinic Judaism. The former revolted against the tyranny of the Rabbis and the control they maintained through their domination of the community structure, albeit

with the cooperation of the Exilarch. This became especially exascerbated when the Gaonate and the Exilarchate struggled for control of the dwindling power of the Babylonian community. The latter was a revolt of the masses of village Jewry in Galicia and the Ukraine against the unconcern of the Rabbis for their needs.

Both revolts failed because Rabbinic Judaism was able to take cognizance of the problems and adapt thereto. Since both groups stayed within the fold of Judaism, i.e., not attempting to go outside of Jewry for adherents, they were ultimately doomed to wither once the basic impetus for their revolts had lost their power. Reform Judaism, too, represents a revolt against Rabbinic Judaism. However, there is an essential difference between this latter-day revolt and the ones mentioned briefly above. This follows from the fact that the Sadducees, Karaites, and Hasidim shared many basic assumptions with Rabbinic Judaism. They all accepted the fact of the Revelation at Sinai. The former two, however, disagreed with Rabbinic Judaism over the value of the Oral Torah, which the latter held to be of equal authority with the Written Torah. The Hasidim have much more in common with their opponents. Their differences follow from the adoption by the Hasidim of certain Kabbalistic dogmas and the position of the "Rebbe" vis-a-vis his followers. Reform Judaism, unlike previous Jewish sectarians, shares few if any basic

assumptions with Orthodox Judaism, i.e., the Judaism of the Mithnagdim; these latter being Rabbinic Judaism's most lineal descendant in our time.

For the sake of clarity it should be understood that the writer holds that the right to the word Judaism is no longer held by any of the competing sects which call themselves Jewish. Orthodoxy, we would hold, does not have any more right to its use than Reform. Just as in the period prior to the destruction of the Temple there was some doubt as to which sect would dominate, so today we are uncertain as to the future of Judaism. We do not know which sect will in fact inherit the use of its name.

It is to this future that we will now direct ourselves. This writer contends that the future will be given to that group which can combine the assumptions of Reform Judaism with the practices and symbols of Orthodoxy. The underlying assumptions of Orthodox Judaism as presented in Chapter One above have been discredited.[9] The evidence for them was not disproved, they simply are no longer believed.[10] Since there is no way to prove conclusively the superiority of one kind of evidence over another advanced for a particular notion of religion, no notion of religion can be disproven.[11] It is for these reasons that there are today various notions of Judaism contending for the allegiance of Jews. We suggest that some synthesis consisting of assumptions underlying Reform Judaism

and the practices of and symbols of Tradition would be the most likely successor to the name Judaism.

To state that a conjoining of Reform's assumptions with the practices and symbols of Tradition will secure the future is not to advocate the persistence of all the latter. Only that which is meaningful in terms of the former would be able to survive. We suggest that there are three basic assumptions underlying Reform: first, there is the notion of religion as man's response to his limitations and to his death; second, there is no certain revelation and hence no certain authority in religious matters;[12] and third, since there is no certain authority, individuals are free to develop their own conception of God, man and the world.[13]

The above is the theological frame within which Reform Judaism operates. The language we use in filling out this frame is that of the Jewish past. This is not to say we should exclude new ideas. On the contrary, we should welcome new ideas. We should, however, recognize that we have no claim to the name Judaism unless we use its vocabulary.[14] The Rabbinic literature, indeed the entire literature of Jewish experience, our Torah if you will, becomes our dictionary. With this as a dictionary of Jewish religious idion, we translate into Jewish terms any new ideas we might introduce. It is through this religious semantic that we can make Judaism meaningful in terms of our contemporary existence

while retaining our roots in the Jewish past.

This is according to language an exalted status. We do so exalt language for we hold that it is language and the ability to communicate between person and person, and generation and generation, that makes man, man. We further hold that the structure of a language and its vocabulary are factors in the cultural process as well as being a product of that process.[15] We suggest that this process of influence and being influenced holds true in the area of religion as well. We suggest that the language of a religion influences the notions of that religion while yet being a product of it. This writer suspects that the different philosophical and religious positions of Buber, Sartre, and Tillich follows from their commitment to the religious vocabularies respectively of Judaism, non-Christian scientific humanism, and Christianity.

If we were to implement the semantic suggested above we could develop a new Halakah which could implement it. Like the Halakah of old it would grow out of usage. But this would be informed usage not the uninformed ignorance we have today. Why do we need a Halakah? It is a simple and practical reason. "The modern Halakah, just as the ancient Halakah, aims to accomplish the same end, to preserve Israel as the priest-teacher of the nations ..., that in order to carry out our mission it is absolutely necessary that we

preserve our Jewish religious individuality."[16]

What is the significance of Tractate b. Megillah and the literature of which it is a part? Its significance is not that of a history book in which one reads of a dead past. Rather its significance is that of a reference book ready-to-hand. It is the dictionary to which we can refer for past and current usage. It is a living connection with our past which enables us to live modern lives while retaining roots in our past.

Footnotes, Conclusion

1. Samuel S. Cohon. "Authority in Judaism" (Hebrew Union College Annual XV). Cincinnati, 1936, pp. 633-697.

2. Jacob Z. Lauterbach. "The Ethics of the Halakah," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 295.

3. Jacob Z. Lauterbach. "The Sadducees and Pharisees," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 37.

4. "The Ethics of the Halakah," p. 295.

5. Ibid.

6. "The Sadducees and Pharisees," pp. 43-45.

7. "The Ethics of the Halakah," pp. 295-296.

8. Jacob Z. Lauterbach. "The Pharisees and their Teachings," Rabbinic Essays. Cincinnati: Hebrew Union College Press, 1951, p. 97.

9. Central Conference of American Rabbis Journal, January, 1965, p. 28.

10. Ibid.

11. Central Conference of American Rabbis Journal, January, 1965, p. 26.

12. Alvin J. Reines. "Reform Judaism," Meet the American Jew, compiled and ed. by Belden Menkus. Nashville: Broadman Press, 1963, pp. 32-35.

13. "Reform Judaism," pp. 35-36.

14. Time Magazine, Volume 85, No. 5, issue of January 29, 1965, pp. 90-92.

15. Edward Sapir. Culture, Language and Personality. Berkeley and Los Angeles: University of California Press, 1957, p. 7.

16. "The Ethics of the Halakah," p. 296.

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