LEHRHAUS Over Shabbat

Vayishlah

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Parshat Vayishlach: Rabin, Rachel, Rains and Retzach: How an untranslatable word shaped Judaism and holds hope for the world

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"Retzach!"

One word – shrieked loudly, slowly and repeatedly – is what is forever seared in my memory from the events surrounding the Rabin assassination.

In November 1995, as a fresh-faced seventeen-year old student in a gap-year American program at the Har Etzion Yeshiva, I was present at a gathering of *dati leumi* rabbinic leaders in the synagogue of the local *Yishuv* the week after the event. I had no idea who R. Haim Drukman was at the time: I was an American Orthodox Jew, unfamiliar with the Israeli religious scene, studying at a left-of-center Hesder Yeshiva which stood firmly out of the sway of the politically right-wing erstwhile spiritual leader of the Religious Zionist movement. But the one word that he intoned – and the reaction of the crowd, covering their faces in shame – resonated with something deep in me, and the word reaches to the core of every Jewish soul.

It was obvious to me in that moment – the simplicity of that one word, and the effect that it provoked – that the assassination was not, as had been feared, the ominous portent of violence to come, of the descent of Israeli society into internecine slaughter -- because in point of fact, shedding of innocent blood and the ideals of Rabbinic Judaism are antitheses. In the thirty

years since, through severe political crises that would have felled less resilient polities, this has proven remarkably true. And this holds not merely with regard to coreligionists. Regarding the prosecution of the Gaza war, despite well-funded and impeccably choreographed psychological manipulation, Israelis and most Jews worldwide were sustained by the conviction that the accusations of massacre, of indiscriminate slaughter, of targeting children, were not, could not possibly be true. The canard of genocide has been made to stick only by altering it to cover the elimination of dual-use civilian infrastructure – domicide, urbicide, ecocide, culturecide, scholasticide – everything aside from actual intentional homicide. In historical backgrounds to the conflict provided by the press, in an effort toward even-handedness, the same handful of awful, criminal incidents are trotted out each time – several of which whose facts are mired in controversy, but each of which roiled the country and often world Jewry at the time of commission or revelation and provoked national soul searching. The contrast to the thousands of widely, publicly celebrated atrocities of the opposite side is so plain as to render the comparison immediately absurd. Killing of innocents, in all its ghoulish varieties is something our kids just don't do,[1] and they know it. That is not how we raised them. It is against all that we stand for.

This reflex of ours is so commonplace that we tend to miss that it is utterly exceptional. That visceral revulsion to murder is not necessarily or even ordinarily a feature of Abrahamic religions – this, Jews already knew from their experiences in Medieval Eurasia. Such feeling also cannot be counted upon from the Western humanist tradition, as the execrable European twentieth century made quite clear. The postwar West did perhaps enjoy a brief hiatus in which bloody savagery was deemed repellent by consensus. But the Overton window has again moved, and murder is again very much in play in Generation Z, in which it is not disqualifying to declare certain CEOs, politicians and influencers literally fair game, and legitimacy is extended to various and sundry "resistances" and "by all means necessaries" which kill noncombatants of a certain stripe in furtherance of the utopian cause du jour.

One is tempted to argue that we Jews get it from the unmistakably straightforward, apodictic nature of the sixth commandment: Lo Tirtzach. No explanation necessary: it is to be the bedrock of

[1] The deplorable phenomenon of hilltop youth violence is reprehensible and inexcusable, full stop.
Nonetheless, even this sorely misguided group does not seem to aim for, or to glorify, killing.
In point of fact, the phenomenon represents less than 1% of Israeli society (https://jppi.org.il/en/hilltop-youth-hardal-the-anti-zionist-jews-threatening-israel/) and anecdotally, from one living with three Israeli teenagers with wide social networks in religious-zionist communities, I can attest that it has little ideological purchase among *dati leumi* youth, certainly far less than Western media coverage would lead one to believe. The quantitative and qualitative contrast with Palestinian violence in the same geographic locus is instructive; see now, e.g., https://www.wsj.com/opinion/another-week-in-the-wild-west-bank-a9f47a09 .

human behavior, the first and foundational of the interpersonal commandments on the second of the two tablets. But, as became clear in a recent conference proceeding out of Germany, *"You shall not kill": the prohibition of killing in ancient religions and cultures*, this staccato verse is plagued by a philological problem: the word is untranslatable. German theologian Matthias Köckert lays out the problem at the start of the first essay of the book.

> "Thou shalt not kill" – four words in German, two in Hebrew: lō' tirṣaḥ. It couldn't be shorter, clearer, or more understandable. Charles de Gaulle is said to have once said that this was because the Ten Commandments were drawn up without a commission and without lawyers. This is undoubtedly true for the biblical interpretation of the Ten Commandments; and so everyone seems to know what the prohibition means: murder and manslaughter. But appearances are deceptive. What else hasn't been tried to prohibit with it: war, of course, but also military service and the arms industry, abortion and the death penalty, suicide, but also the slaughter of animals, smoking and alcohol, and all the wonderful things that are bad for one's health. Was that what was meant back then at Sinai?[2]

Some time ago, the columnist Philologos treated the question from a Jewish perspective. Indeed, he notes, medieval Jewish commentators accused Christians of intentionally mistranslating *lo tirtzach* as "thou shalt not kill" rather than "thou shalt not murder" – but he shows that the preference for the latter translation in Jewish sources is not at all clear, and basically concludes, like Köckert, that the definition is a muddle, and thus a matter of personal preference.[3] It is not merely a translation problem; examination of the Biblical usage renders a consistent definition of *retzach* elusive. And thus there is no good *textual* foundation for that feeling in our kishkes; we need to look elsewhere, perhaps at historical experience.

But is this really so?

I submit that the problem with translation stems from a simple philological fact: *retzach* is not a legal category. It is a ritual one – one which stands

[2] Matthias Köckert, "Das Verbot: Du sollst nicht töten" in Dekalog, in Matthias Köckert, et al., *"You shall not kill": the prohibition of killing in ancient religions and cultures* (Vandenhoeck & Ruprecht, 2017), 15-35. Translation mine.

[3] https://forward.com/news/6091/on-language/

at the very bedrock of Biblical theology.

The Pentateuch is set in the Bronze Age, when grammatically-complete writing systems and formal history-keeping emerge as human efforts. It also is when new technology – the alloying of copper with tin or arsenic – allowed for efficient weapons of war. The period "represents the global emergence of a militarized society with a martial culture materialized in a package of new, efficient weapons that remained in use for millennia to come. It is evidenced in the ostentatious display of weapons in burials and hoards, as well as in iconography from rock art to palace frescoes… During the Bronze Age, warfare became embedded in social institutions and in the creation of a Heroic mythology that may have had little to do with day-to-day realities but nonetheless supported an institution of warriors and made risks worthwhile."[4]

War became widespread alongside agriculture: farming is a sedentary mode of life with a high cost of moving, which made worthwhile, on balance, the risks of violent seizure of assets and territory at times of environmental strain, and, reciprocally, violent defense rather than retreat. With the creation of metal tools and weapons, already in the Chalcolithic, it went from widespread to the norm, became prevalent in the Bronze, and approached universality in the Iron Age.[5]

The Bronze Age is when the default state of mankind became Hobbes' "No arts; no letters; no society; and which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short' (Leviathan, i. xiii. 9)" Human capital was the best means to secure sustenance in a hungry world, and murder of a breadwinner or breadmaker was a severe disruption to a family's relative financial status. Social organization provided some safety – and facilitated 'arts and letters' – by deferring murder from individuals and families to larger groups: In lightly governed areas, tribes maintained balance within and without by honor killings and blood feuds; archaic city-states managed the impulse to bloody domination by channeling it to group advantage – enshrining idealized violence and intimidation in political and religious hierarchies, monumental construction and fortification projects, and increasingly organized and technologically advanced adventurist militaries.

The Pentateuch appears to nod to this history. The first farmer is the first murderer (Genesis 4:8).[6]

[4] Christian Horn and Kristian Kristiansen, "Introducing Bronze Age Warfare," *Warfare in Bronze Age Society* (Cambridge University Press, 2018), 1-10.

[5] Gregory K. Dow, Leanna Mitchell, and Clyde G. Reed. "The economics of early warfare over land." *Journal of Development Economics* 127 (2017), 297-305.

[6] See on this, e.g., Rogier Van den Brink, Daniel W. Bromley, and Jean-Paul Chavas. "The economics of Cain and Abel: Agro-pastoral property rights in the Sahel." *The Journal of Development Studies* 31:3 (1995), 373-399.

Later, Cain builds the first city, the next milestone in human sedentism (4:17), and his descendant six generations on is the first metalsmith(4:22), of the generation which so pained God that it needed to be swept away by the deluge. The fully-formed archaic city-state comes under parodic treatment in the Tower of Babel narrative (11:1-9).

Humankind in that time was receptive to natural wonder, and captured the poetry of natural phenomena – the alternating anger and gentle benevolence of thunderstorms and autumn rains; the majestic vastness, tranquility, regular tides, but occasional tempests and tsunamis of the sea; the warm embrace but seasonal scorching from the sun – in the vicissitudes of the psychologies of anthropomorphic gods. Their multifarious, lively personalities were illuminated in rich epic literature; those of Hesiod and Homer (who composed their works later, but preserved Bronze age cultural memory) were lovingly transmitted as masterpieces of the Western tradition, while Near Eastern ones survived in clay tablets, awaiting the archaeologist's shovel. Humans achieved a sense of agency over their lives and livelihoods by creating divine images, idols, known as *tzalmu* in Akkadian, to extend the abstract force into a physical entity that could manifest its reign over territory, the city-state. When designed according to very specific parameters and having undergone stringent procedures, Near Eastern cults assumed that a god's divine presence actually inhabited the representation. (To the sterile, scientific modern mind, these indeed sound quite foreign -- but those among us who treasure an heirloom or collectible can grasp the psychic resonance of a material object as manifestation of an "absent presence".) In Mesopotamian religions, even many idols at once could be deemed terrestrial divine extensions, as Benjamin Sommer notes in his modern classic *The Bodies of God and the World of Ancient Israel*.[7]

One enters a relationship with a deity by beginning a cycle of gift exchange,[8] with a sacrifice, an offering of something precious – in ascending order, mineral, vegetable and animal. What animates the animal, its life-force, blood, has a visceral, often physiologic, effect on those who see it. The art was also a science: sacrifice too is subject to rigorous rules in a "grammatically" structured system.[9] Here humans could achieve a sense of agency within the system.

In the bigger picture, the religions of the ancient world paralleled the state of humankind. The deities were arranged in a familial structure beset by familiar human foibles: jealousy, deceit, and rage. Murder – usually fratricide – was endemic to the cosmogonies of, and gave explanatory force to seasonal cycles in, cultures from Mycenaean Greece to Hittite Anatolia, and from Egypt to

[7] Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel*, (Cambridge University Press, 2009), 12-37.

[8] Moshe Halbertal, *On Sacrifice* (Princeton University Press, 2012), 7-62.

[9] Naphtali S. Meshel, *The 'Grammar' of Sacrifice: A Generativist Study of the Israelite Sacrificial System in the Priestly Writings with A 'Grammar' of Σ* (OUP Oxford, 2014).

Mesopotamia. And like humans of the Bronze Age, and every subsequent age, they were forever at war with one another over territory. In the Canaanite tradition – the Baal Cycle unearthed in Ugarit, northern Syria – Baal, the god of fertility, of life-giving rain (and thus the favorite in the poorly irrigated Levant) first defeats his brother Yammu, god of the sea, but is himself swallowed up by another brother, Mot, god of death and the underworld. The gods above, like the forces of nature below, are embroiled in cycles of violence, and so, ineluctably, are the mortals in the middle, the civilizations under the rule of one or the other and its terrestrial icon. (Unlike mortals, the gods are resurrected to fight again each year.)

Most religious systems of the Near East, Ancient West and South Asia were conceived less as "religions" than as settled science: a lyrical theory of harmonistic workings of reality that spoke deeply to embodied lived experience, and which dominated human imagination over thousands of years.

Ancient Israelites cognized the world much as did everyone else, and the insistence of worship of only one God, the supernal El, known to the Canaanite city states as the supreme, creator deity is not unique to Abraham's descendants. Monolatrists or henotheists like Akhenaten in Egypt and Muwatalli II of the Hittites also demanded singular devotion to one god who reigned supreme above all other natural forces. What distinguished the God of Israel was something else: the peculiar doctrine that the aniconic God who was to be the sole address of worship had himself fashioned idols of himself: precisely – and exclusively – every human being. Professor Mayer Gruber put it most starkly:

> What is stated in the creation narrative in Gen. 1:1–2:4a and, again, in the flood narrative is that the original "Adam"—both male and female—was the substitute for the sacred statue that represents a myriad of other gods in the various religions of the ancient Near East and else- where. The message is that each and every human being, by virtue of being a person, is a sacred object, an entity any deliberate physical or psychological damage to whom represents sacrilege. Gen. 9:5–6 forbids human beings to shed each other's blood because humans have been created *be-tzelem elohim*, i.e., as substitutes for a statue of God placed in a temple. In other words, each and every human being is, according to Gen. 1–9, the most sacred ritual object in the religion of Israel. It follows that injury to a person is an offense far more serious than the desecration of a Torah scroll or a temple. The Torah scroll contains the written names

> of God, while the Temple is God's palace. Human beings, on the other hand, are veritable physical representations of God Himself/Herself. They are, in fact, God's physical representatives on earth.[10]

In a recent monograph, "In God's Image,"[11] Tomer Persico explores how this doctrine underwrote fundamental elements of Western Civilization including selfhood, freedom, conscience, equality, and meaning (and more controversially, perhaps even atheism). But there is something even more basic, perhaps too basic to mention, which he omits – but in times like these, it needs to be said. Under this remarkable upending of ancient religious assumptions, to kill a human being is the same as the worst form of blasphemy, iconoclasm: it is vitiating the sacralized, deified icon of the deity. It denudes two portions of the earth from the stewardship of its divine icon – the land allotted to the victim, and that allotted to the murderer, who forfeits the life-force of his own *tzelem elohim*. Leviticus 24:15-17 makes the equation of murder and blasphemy explicit. Only God is permitted to decommission his idol.

Much of the rest of the Pentateuch is devoted to how these Divine images – human beings -- ideally function as effective terrestrial extensions of the deity that inheres within them. Initially, they were installed in a sacred garden, as befits a proper idol, but when left to their own devices, an act of rebellion made life in God's direct presence unworkable.

Instead, they are instructed in regulations that flesh out *imitatio dei*, and declare their absolute fealty in mind, soul and entire being to their single deity in the Shema (Deut. 6:4-9), which is paired with ve-Hayah im Shamo'a (Deut. 11:13-21), the complementary passage that emphasizes the conjunction of man and earth, and the lifegiving rain that permits it -- on the basis of the former commitment, to global, comprehensive God-consciousness.

Spatially, they array in their thousands in the manner of a Ramesside military encampment[12] – the effectors of a divinized king – but instead centered around an interface. The sacred house is in fact an anthropomorphic representation complementary to the anthropic ones, one that will absorb their failures: the "face of God"

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[10] Mayer I. Gruber, "God, Image of." *Encyclopaedia of Judaism* 2 (2006), 870-874.

[11] Tomer Persico, *In God's Image: How Western Civilization Was Shaped by a Revolutionary Idea* (NYU Press, 2025).

[12] Michael H. Homan, "The Divine Warrior in His Tent: A Military Model for Yahweh's Tabernacle," BR 16:6 (2000) 22-33; see discussion in Joshua Berman, *Inconsistency in the Torah: ancient literary convention and the limits of source criticism* (Oxford University Press, 2017) ,35-39 . See also Berman's piece for Mosaic "Was There an Exodus?" which pictorially illustrates the similarities between depictions of an Egyptian royal war camp and the setup of the mishkan complex.

(Exodus 23:17, 34:23, 34:24, Deuteronomy 16:16, 31:11, et al.) – the face-like array of instruments in the sanctum directed toward the 'senses', the eye by the candelabrum, the nose by the incense altar, the mouth by the showbread table [13] and the Divine "ear" and mind by the ark-cover and tablets of the law, respectively. The *penei YHWH*, Divine face is a lovingly reflecting interposing layer[14] that keeps the Divine icons and the Divine aligned by bearing the burdens of sins and severe forms of impurity on God's people's behalf. God takes responsibility, as it were, for their trespasses, albeit temporarily, so Divine and icon remain in sync. When the burden reaches critical levels and the land is dry and near inhabitable after the rainless Levantine summer, once a year, the temple is cleansed: impurities are removed with *hatat*-blood (which Milgrom calls "ritual detergent", an idea developed extensively in the contemporaneous religion of the Hittites), and severe sins with a scapegoat, a procedure also familiar from the northwest Semitic and Hittite regions. And then the rain falls. Thus are the sanctuary, the people, and the land renewed.

When God returns to His cleansed abode, the people once again arrange their tents around the Divine interface in Jerusalem, on the Sukkot holiday. The prophets envision that in end times, gentiles will recognize their divine iconic nature, too, and orient toward the Divine house in Jerusalem on this particular holiday (Zechariah 14:16). If, that is, they want rain (14:17).

But there is one burden that "is too great to bear" (Genesis 4:13): the sin of Cain. In her survey of the literature of the Ancient Near East, Pamela Barmash [15] found no equivalent to the cosmic injury attributed to the spilling of innocent blood in Ancient Israel. The spilling of *dam naki* —"clean blood" – is ironically cast as the most dire terrestrial pollutant, one which eternally interposes between the land and the possibility of its use. It cannot be cleansed with sacrificial blood, nor with money (Numbers 35:31), but only with the blood of the murderer (35:36), who, metaphysically speaking, "has no blood" (35:27). Also, a presumed attempted murderer has already devitalized his Divine image and "has no bloods" (Exodus 22:1). [Under certain circumstances, a rapist shares this status as well (Deuteronomy 22:26), and certain sexual crimes also pollute the land (Leviticus 18:28).]

(What of other Biblically legitimated killing, as Köckert and Philologos wonder? Capital punishment and wars of conquest are framed by many sources as performed by extensions of the sanctuary (Deuteronomy 1:17 and 20:4, respectively) – by God or His "reciprocal Divine

[13] See, e.g., Itiel Gold, "Teruma: Face to Face," archived at https://etzion.org.il/en/tanakh/torah/sefer-shemot/parashat-teruma/teruma-face-face and accessed June 29, 2025.

[14] Jacob Milgrom, *The Anchor Bible, Leviticus 1-16* (Doubleday, 1991), 254-255.

[15] Later revised and published as *Homicide in the Biblical World* (Cambridge University Press, 2005).

image" – not by people.[16] The high court, called *ha-elohim* (21:6), is chambered in the Hall of Hewn Stone within the Temple precincts, and the armies of God are led by a priest (Deuteronomy 20:2) in garb typically reserved for the sanctuary (bYoma 73a), with the accompaniment of trumpets, sanctuary instruments (Numbers 10:9) and, at an earlier point, of course, the Ark of the Covenant itself. In the absence of a sanctuary, executions and wars of the Lord[17] are entirely defunct.)

Unpunished murders render tracts of land unfit for human habitation, tainted by the innocent blood that was absorbed (Genesis 4:11-12), and for the Hebrew Bible, when a society has become overwhelmingly mired in unredressed murder, the only remedy is for the land to start fresh: civilizational collapse, exile, or natural disaster.

The idiosyncratic ancient Israelite equation of human with *tzelem* has implications which carry forward in the text, in later tradition and in millennia of historical experience. The spilling of innocent blood is the lone proscription that is repeated in each of the five books of the Pentateuch. In the ten Sinaitic *devarim* – pronouncements, not "commandments" – regarded, at least by late antiquity, as the outline of, or summary for, the entire Divine program[18] -- *lo tirtzach* is the first among the five apodictic pronouncements, the interpersonal ones which are taken to be self-evident. And it precisely parallels the first pronouncement, the disclosure of YHWH as God of Israel, when the two tablets are set side by side.[19] The Septuagint shuffles the order of the pronouncements so as to grant *lo tirtzach* the coveted seventh place, as in months and days, the telos, of ultimate importance. The effect is that the interdict against murder overshadows all other commandments, even the charge to adhere to monotheism (made explicit in jPeah 1:1).

The doctrine remained intact for many Jews even after Hellenistic philosophy overtook the Mediterranean basin. Philo Judaeus writes,

> The term murder or manslaughter (androphonia) is used to signify the

[16] For the former, and its historic implications, see Haim Shapira, ""For the Judgment is God's": Human Judgment and Divine Justice in The Hebrew Bible and in Jewish Tradition," *Journal of Law and Religion* 27:2 (2012), 273-328; for the latter, see Patrick D. Miller, *The Divine warrior in Early Israel* (*Harvard Semitic Monographs*, 1975), esp. 132.

[17] Maimonides, introduction to *minyan ha-mitzvot*. Defensive wars, if permitted by later halakhic authorities, appear to be prosecuted not as extensions of the sanctuary but are simply the killing of attempted murderers – who 'have no blood' – if on a larger scale.

[18] First mentioned by R. Nahshon Gaon, then fleshed out by R. Sa'adia in his Azharot composition *anokhi esh okhlah*. See Yaakov Lev, "In the matter of the 613 commandments hinted at in the ten commandments" (Heb.), *Kovetz Beit Aharon ve-Yisrael* 14:2 (1999), 119-126.

[19] Yoel Bin-Nun and Shaul Baruchi, *Mikraot – Yitro: Multidisciplinary Torah Commentary* (Heb.) (Yediot Sefarim, 2017), 202-217.

> act of one who has killed a human being but in real truth that act is a sacrilege (hierosylia), and the worst of sacrileges; seeing that of all the treasures which the universe has in its store there is none more sacred and godlike than man, the glorious cast of a glorious image, shaped according to the pattern of the archetypal form of the Word. (Philo, Spec. Laws 3.83; trans. Colson, Loeb Classical Library)

Yair Lorberbaum has shown that in Tannaitic times that ensued, even as the surging, heaving polytheistic universe of the Biblical milieu was replaced with antiseptic Ptolemaic astronomy and metaphysical naturalism, the late antique Rabbis somehow preserved the incipient, anthropomorphic, Near Eastern understanding of *tzelem Elohim*. In the realm of law, this led them, among other things, to exegesis that sharply curbed and nearly eliminated the death penalty, already defunct, *from the books* altogether, and to place particular religious weight upon procreation.[20]

The unusual theology of the Hebrew Bible is an ill fit for systems of devotional practice and criminal law, and splicing seams are evident. For one thing, the apex of religious piety in the ancient Near East, as in the far East and West, was human sacrifice,[21] the offering of the most precious gift of all to the deity – and in particular, one's own child. The doctrine of *tzelem elohim* forecloses this possibility, on a technicality: killing the human victim is an unforgivable act of blasphemy. The Biblical texts dealing with instances of human sacrifice are unexpectedly complex,[22] and seem to reflect the tension between the laudability of the ultimate expression of piety – in Abraham's willingness to sacrifice his son in Genesis 22, or even Mesha of Moab's completion of the same in I Kings 3:27, which apparently succeeds in propitiating Chemosh – against the impracticability of the same – which, when completed in Israel, as with Jephtah's daughter or Saul's descendants, is a tragedy and act of blasphemy.

In criminal law, the seams are perhaps most obvious. The word *ratzach*, which signifies the act which pollutes the land – the spilling of innocent blood – translates poorly into legal categories, creating that perennial "lively issue" regarding its translation, as noted by Philologos. The word itself has no known cognates in other semitic languages, and the etymology is uncertain. A

[20] Yair Lorberbaum, *In God's Image* (Cambridge University Press, 2015).

[21] Stephen Lumsden and David Usieto Cabrera. "Human sacrifice in ancient Near Eastern societies." In Matthew J. Walsh et al., eds., *Human Sacrifice and Value* (Routledge, 2023), 135-169.

[22] Johannes Schnocks, "When God Commands Killing: Reflections on Execution and Human Sacrifice in the Old Testament," in Matthias Köckert, et al., *"You shall not kill": the prohibition of killing in ancient religions and cultures* (Vandenhoeck & Ruprecht, 2017), 100-124.

medieval midrash Aggadah (Buber, Shemot 20) supposes that it is a metathesis of the word *rahatz*, wash – "reverse it [to be] like 'you shall not rinse,' and like 'the voice of your brother's blood cry out to me from the earth' (Genesis 4:10), and it is written, 'in blood you shall not rinse,' like: 'his feet he shall rinse in the blood of the wicked' (Psalms 58:11). This might seem far-fetched, but the Pentateuch itself seems to invoke the metathesis in its treatment of the broken-necked heifer (21:6). This would be consistent with the status of 'clean blood' in the ritual realm: paradoxically, the most precious, pious blood 'detergent,' but at the same time the most profound polluter of the land, which must not ever be washed in it.

But 'spilling innocent blood' defies categories that focus upon the act rather than the effect – i.e., legal categories of murder or manslaughter. Köckert pointed out that the Bible applies *ratzach* not merely to the accidental killer but later, to Ahab's failure to intervene in Naboth's execution, and even to the killing of people by animals, so *mens rea*, intentionality, cannot be intrinsic to the definition. At the same time, the translation of *ratzach* as "kill" is not quite right, either. The word is never applied to God, nor to killings of animals, or killings in war, or to legal executions – with the exception of the allowance of an avenging relative to 'murder the murderer' when there are witnesses (Numbers 35:30) – a sharp limitation on the tribal blood feud system – since the convicted murderer "has no blood."

As the *tzalmu* of YHWH, the life of a human being is not monetizable, and recompense for *retzach* is not a transactional affair. Thus, the introduction of a theological category into the legal system has odd sequela. For one thing, unlike in other ancient near east legal systems, [23] compensation for murder is disallowed; punishment is not subject to stratification by social standing; no vicarious liability to capital punishment, as in the Hammurabi code. Animals that kill human beings are executed in a legal proceeding. A corpse that is found murdered – in the absence of any ability to identify a murderer -- requires not compensation, as in Hittite law, but a ritual procedure, the broken-necked heifer, to sequester 'clean blood' that was spilled, to limit the pollution of *retzach* to one tract of land that would never be worked, and must remain off-limits. And an accidental murderer cannot be executed – after all, his blood too is 'clean' – but his inadvertent act of blasphemy also pollutes the land, so he must segregate himself, as did Cain, in cities, zones disconnected from the land, from agriculture and animal husbandry. Specifically, these 'cities of refuge' are Levitical cities[24] – themselves removed from a portion of the land by forefather Jacob (Genesis 49:7), following Levi's morally ambiguous killing of noncombatants in hostage-holding Shechem (which itself becomes a city of refuge) –

[23] Moshe Greenberg, "Some Postulates of Biblical Criminal Law," in Menahem Haran, ed., *Yehezkel Kaufman Jubilee Volume* (Jerusalem: Magnes Press, 1960), 5–28.

[24] While six cities were specifically designated, all Levitical cities qualify, albeit without certain allowances, in the understanding of Maimonides, *hilkhot rotzeah ve-shemirat ha-nefesh* 8:10.

and set apart by one thousand cubits of common land, rendering them ritually extraterritorial. They are subsumed under the Levitical tribe and are released only with the spillage of the 'blood of the blood-spiller' – symbolically, the death of the High Priest, the chief of the tribe and representative of Levi (and of the kohanim broadly, those who spill cleansing and devotional blood in the Temple).

The lighter, harder weaponry that emerged in the Iron Age saw the rise of great empires, and the logical end of Bronze Age warfare, where one people after another forcibly subjugated increasingly large swaths of territories and peoples to their whims, at awful cost to innocent human lives. Empires – Akkadian, Neo-Assyrian, Neo-Babylonian, and Persian – come under withering criticism from the beginning of the Bible to its end.[25] The culture of violence and delight in killing comes to an apogee with that most legendary of empires, that which brought the Iron Age to a close. Rome had a love affair with blood of innocents – with institutions such as *decimatio;* the public execution of prisoners of war; massacres of women and children in conquered cities; the spectacular massacre of criminals as entertainment; and a steady diet of games in which prisoners fought each other to the death, or losers were condemned to slaughter by the audience, or killed by beasts in amphitheaters before cheering crowds. Johannes Hahn concludes a survey:

> Considering the frequency and popularity of *ludi* and *munera* (gladiator fights) in the festival calendar of the city of Rome, and no less so in the cities of Italy and the urban centers of the Mediterranean, to which gladiatorial combat spread with breathtaking success during the imperial period, the fascination of imperial society with extreme physical violence, exquisite cruelty, and public, even mass, killing becomes an undeniable historical fact... The joy of killing—it was the ultimate proof of the superiority of Roman civilization... All of these people died—day after day—in elaborate stagings before the eyes of tens of thousands of spectators who indiscriminately sought out this killing and dying for the sake of entertainment, as a spectacle, to delight in the sight. For those spectators—and not only those: indeed, for the overwhelming majority of the inhabitants of the

[25] See Yoel Bin Nun, "Kerisat ha-Imperi'a," 929 Project, archived at https://www.929.org.il/author/23/post/327 and accessed on November 2, 2023; *Pirkei ha-Avot* (Tevunot, 2003), 54-71; and *Prophets Against Empires* (Hebrew) (Yeshivat Har Etzion Press, 2022).

> Roman Empire—a commandment "Thou shalt not kill!" would have met with ardent rejection and, at the same time, complete incomprehension.[26]

For Pharisaic Judaism, from the earliest years of Roman occupation down to later Rabbis, gladiatorial games, and the arena generally, were anathema. [27] The peculiar doctrine of *tzelem Elohim* provided a fully developed intellectual counterbalance to the bloodsoaked juggernaut, and probably fueled the mysterious group known as God-fearers, gentiles interested in Jewish doctrine who declined the stringent program of Judaism but engaged with it ritually to an extent, such as by attending synagogue. In this climate, positions were hardened. Where centuries earlier the Hellenistic Septuagint translated *lo tirtzach* οὐ φονεύσεις, thou shalt not murder, the Aramaic targum in Roman times has לא תקטול נפש, roughly "thou shalt not cut off a soul."

But not for all Judaisms. Sommer[28] explains that Hellenization brought with it a different set of theological assumptions. In the Archaic and Classical periods, Greek divine statues were regarded not as embodiments of divinity but merely touched by them; Greeks did not recognize the possibility that a deity could manifest in more than one object at once; and Gods had a discrete body and self. The more Hellenized Sadducees were far more liberal with the application of capital punishment, and Josephus – no Pharisee – admires the severity of Mosaic law under their interpretation.[29] The attenuated version of *tzelem Elohim* under Greek assumptions was also an insufficient bulwark against internecine killing, and the Talmud laments the excesses of the Zealots and Sicarii, whose burdens of mortal sin doomed Jerusalem and the Temple itself in the Great Revolt. But all could agree, and Rome was well aware, that the ultimate blasphemy of the God of the Jews was to use the Temple spoil to build the apotheosis of murder, the greatest of all arenas, the Colosseum – the Temple's utter antithesis.

For the early Jesus movement, man was indeed made as a real divine idol, but under Hellenic assumptions, there could only be one – and they found it in Jesus of Nazareth, who for them was the one true imago dei. Other humans – fallen because of original sin – were no longer icons, but

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[26] Translated from Johannes Hahn, *Die Lust am Töten Öffentliche Straf- und Hinrichtungsrituale und der Tod als Spektakel im kaiserzeitlichen Rom*, in in Matthias Köckert, et al., *"You shall not kill": the prohibition of killing in ancient religions and cultures* (Vandenhoeck & Ruprecht, 2017), 173-223, p. 197-199.

[27] See sources cited in Stewart Rubin, "Jewish Opposition to the Ancient Gladiatorial Games," Hakirah 26 (2019), 287-300.

[28] Bodies of God, 30-36.

[29] Steve Mason, "Josephus' Pharisees: Sketches by a Close Observer." *Jews and Christians in the Roman World* (Brill, 2023), 311-343.

could regain such status by "union" with him, and all shared in this potential. For the early Church fathers, this meant being perfect, never sinning, so neither the discipline of Mosaic Law nor a Temple/interface was needed. With regard to the sixth commandment, Irenaeus, Tertullian, and Origen all preached exceeding Mosaic obligations and not killing at all, even in self-defense; participation in war, suicide and abortion would be prohibited under all circumstances, and Christians would embrace martyrdom as an ideal, even a default. As a counterculture to Rome, the Jesus movement went well beyond Judaism, and was a logical address for the God-fearers. The unworkability of absolute pacifism might have snuffed out the nascent movement in its infancy if not for the Constantinian revolution, which fused the early Church with its very opposite. Byzantine Rome eliminated bloodsport, but upheld violence and killing as necessary to cement and further the rule of the Church; Christian thinkers remained divided regarding the appropriateness of its exercise.[30]

This push and pull of imperial Roman violence and Christian pacifism informed the development of the world religion over two millennia. It found expression in medieval protective charters issued by bishops to Jews, at once animated by Christian doctrine, but at the same time aimed to protect Jews from bloodthirsty mobs seeking to murder Jews in service of the same, which transpired with appalling regularity. The perceived disconnect between the ideal and the real of the stringent Christian reading of *lo tirtzach* as "thou shalt not kill" led one Jewish scholar[31] to ruefully interpret the aggadic passage that has the decapitated head of Esau (for the Rabbis, the Rome-Christendom chimera) buried with the righteous in the Cave of the Patriarchs as historical commentary: the lofty, holy ideals in the Christian theological mind don't quite seem to, perhaps could actually never, translate into the actions of the limbs.

After three centuries on Roman Christendom's bloody frontier, the world had completed a further transformation: the god of the philosophers had completely pushed back Greco-Roman paganism, and the notion of a Divine icon of the Form of the Good, or the Unmoved Mover, lost any possibility of meaning beyond allegory. A prophetic claimant emerged, scandalized by the *mushrikun* – the remnants of adherents to the old polytheistic order, but also (at least some of) those who made an idol of a man or men, associating anything, or anyone, with the utterly transcendent god. Muhammad's new, superseding scripture had its own restatements of some of the decalogue. Its version of 'thou shalt not murder' prohibited killing 'a human, that God has forbidden to kill' – or, 'a human that God has forbidden to kill' (i.e., a Muslim) -- except by way of justice and law' (Q

[30] Anders-Christian Jacobsen, "The Prohibition of Killing in the Ethics of the Church Fathers," in Matthias Köckert, et al., *"You shall not kill": the prohibition of killing in ancient religions and cultures* (Vandenhoeck & Ruprecht, 2017), 257-269.

[31] The Gaon of Vilna, cited by his student Hayyim of Volozhin in his commentary to tractate Avot Ru'ah Hayyim, introduction "kol yisra'el yesh lahem".

6:151);[32] how the phrase is parsed is, of course, of critical moment, and medieval tafsīrs differ on just this point. But the emphasis, which in Judaism and Christianity was on commandment 6, was now firmly on commandment 1. Imago dei, absent from the Quran, does show up in a ḥadīth, but those Islamic thinkers who chose to engage the concept came exclusively with the tools available at the close of late antiquity: of philosophy and mysticism.[33]

The contrast between Muhammad's creed and Rabbinic Jewish tradition is seen clearly in a hadith:

> Abdullah b. 'Umar reported that a Jew and a Jewess were brought to Allah's Messenger who had committed adultery. Allah's Messenger came to the Jews and said: What do you find in Torah for one who commits adultery? They said: We darken their faces and make them ride on the donkey with their faces turned to the opposite direction (and their backs touching each other), and then they are taken round (the city). He said: Bring Torah if you are truthful. They brought it and recited it until when they came to the verse pertaining to stoning, the person who was reading placed his hand on the verse pertaining to stoning, and read (only that which was) between his hands and what was subsequent to that. Abdullah b. Salim who was at that time with the Messenger of Allah said: Command him (the reciter) to lift his hand. He lifted it and there was, underneath that, the verse pertaining to stoning. Allah's Messenger pronounced judgment about both of them and they were stoned. Abdullah b. 'Umar said: I was one of those who stoned them, and I saw him (the Jew) protecting her (the Jewess) with his body. (Sahih Muslim 1699a, Book 29, Hadith 40)

Judaism – whose conservative strains resisted and declined empire -- reluctantly retreated into powerlessness and exile. In prayer, Jews maintained that the days of polities built on murder were inherently numbered, even if, as Jonah complained (4:2), God is too slow to anger and full of mercy to keep those numbers low. But all Romes, Caliphates, Reichs and Respubliks,

[32] Sebastian Günther, "O people of the scripture! come to a word common to you and us (Q. 3: 64): The ten commandments and the Qur'an," *Journal of Qur'anic Studies* 9:1 (2007), 28-58.

[33] Saeideh Sayari, Mohd Zufri bin Mamat, and Maisarah Bint Hasbullah. "Imago Dei: Ibn 'Arabī's Perspective in Light of Judeo-Christian Tradition." *Al-qantara: Revista de estudios árabes* 41:1 (2020), 255-290.

would, sooner or later, pass from the land.

> And then righteous will see and rejoice, and the upright will exult, and the pious revel in joy, and injustice will have nothing more to say, and all wickedness will fade away like smoke, as You sweep the rule of *zadon* (willful evil; literally 'intentionality', particularly associated with *rotze'ah be-mezid,* murder) from the earth. (High holidays *Aidah*)

Jews preserved or created in Rabbinic texts fully functioning national institutions – as an alternative, rather than complement, to dominant Rome – governed by its opposite, the centrality of innocent human life: a government-in-exile of sorts. In this, the Rabbis went far beyond other societies of their Second Sophistic period. Ishay Rosen-Zvi writes, "The Rabbis… *could not see themselves as integral parts of a Roman whole because they offered a complete alternative to the Empire* [italics his]; a system, indeed a universe, of their own making."[34]

Halakhah, formalized in late antiquity, preserved the 'messy,' embodied idea of *tzelem Elohim*. Medieval Jewish philosophers sought to cognize imago dei in light of Aristotelian (Maimonides) or Platonic (Kabbalah) ideas, but they had humanistic maxims such as Hillel's epitome of the entire tradition as "That which is hateful to you, do not do to your fellow; that is the entire Torah" (bShabbat 31a) to contend with, to which the most abstract theologies needed to be reconciled. Meanwhile, the ancient core was best preserved in prayer, law and even folk custom; a minhag of the high middle ages has Jews go out to view their tzelem, in the form of the integrity of their shadow, on the last night of the Sukkot holiday, of which imago dei is the centerpiece. Most of all, Jews maintained with *tzelem elohim* the deep care for one another that rendered them what British Chief Rabbi Mirvis recently described as (among) "the smallest nation[s] on earth but… the largest family," the feeling that drove a nation of seven million to dance in the streets upon the release of twenty of other people's kids whom they never met, and another similar number to rejoice around the world. In Jewish philosophy, thinkers such as Emmanuel Levinas were still able, in the twentieth century, to essentially intuit the ancient understanding of *tzelem elohim* from the traditional sources of Judaism without any Assyriology.

And thus was the theological stage set for the barbaric Islamic fundamentalist terrorism of October 7th; the Israeli response – prosecuting urban warfare with unprecedented care for

[34] Ishay Rosen-Zvi, "Rabbis and Romanization: A Review Essay." in *Jewish Cultural Encounters in the Ancient Mediterranean and Near Eastern World*, ed. Mladen Popovic, Myles Schoonover, and Marijn Vandenberghe (Leiden: Brill, 2017), 218-245.

civilian life[35] and pursuing every last hostage with the emotional engagement of an entire nation; the confused and confusing response of the post-Christian and even Christian West, from encouraging evangelicals to censorious [36], pacifist[37] pontiffs and everything in between; and the remarkable denouement, which saw an entire nation elated, with dancing in the streets, over the end of war and the return of the hostages, and just maybe, a future where commonality can be found among the great religions, beginning with those strands in other faiths that cherish the idea of imago dei in its Biblical sense, the red line against bloodshed which is the only stable guarantor of human flourishing and civilizational permanence, that peculiar idea which the Jewish people has lovingly tended for millennia.

Sukkot, as it turns out, may mark the beginning of the rainy season, but it is not necessarily the actual end of the previous year's harvest. In his new book on Jewish custom,[38] Zvi Ron reprises his 2015 academic article arguing that the tenth of Marheshvan is the actual final day of the harvest season (under the sectarian Jewish pentacontad calendar), and this is the reason that the book of Jubilees – and the Rabbinic Midrash Tadshe, in its wake – assign the *yahrzeit* of the matriarch Rachel to its morrow.

(Interestingly, the Babylonian practice of reading a yearly cycle of Torah portions often has Vayishlach – recording the death of Rachel -- right around the end of that season in Babylonia, the day upon which the prayer for rain is begun in the Golah, December 4.)

The Rabin assassination also coincides with the Motza'ei Shabbat immediately following the eleventh of Marheshvan, the day on which the Yahrzeit of Rachel was commemorated that year, and there has appeared a corpus of literature about how the proximity has transformed the observance of the latter.[39] But it seems to me that there is a deeper affinity between the two events. Before the rains can fall, after all sins have been expunged, there is one retzach which remains unredressed – one which never can be.

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[35] https://www.newsweek.com/israel-has-created-new-standard-urban-warfare-why-will-no-one-admit-it-opinion-1883286

[36] Magdalena Dziaczkowska, "Impact of October 7 Attack and 2024 War in Gaza on Catholic–Jewish Relations," *Religions* 15:10 (2024), 1180.

[37] Adam Cebula, "Catholic Ethics of War: On the Plausibility of Christian Pacifism," *Studies in Christian ethics* 37:3 (2024), 507-526.

[38] Zvi Ron, *Jewish Customs: Exploring Common and Uncommon Minhagim* (Maggid, 2024), 113-122.

[39] See, e.g., David Rotman, "All Her Sons: Politics and Gender in the Jewish Cult at Rachel's Tomb of the Last Three Decades," *Political Theology* (2024), 1-20.

Conventional wisdom (and the first Rashi on *Humash*) holds that the book of Genesis is -- unlike the rest of Bible – entirely a book of narrative, not *nomos*. But as it turns out, in most of the episodes of the book there is more than meets the eye. Shira Weiss shows that situations in Genesis in particular often present moral quandaries, some of which remain unresolved, and some of which are fodder for judgment immediately in the text, later in the book, later in the Pentateuch, or in Rabbinic or even medieval Jewish literature. There is also thoroughgoing dialogue with Ancient Near Eastern law, which the forefathers dutifully followed – e.g., Sarah banishing her maidservant and stepson as a means to designate sonship for inheritance purposes, or Jacob adhering to seven-year shepherding contracts, extending his absence from his parental homestead -- but which often runs afoul of conventional morality or Mosaic law, from which our conventional morality usually has developed.

Nestled between two such ambiguous situations – the rescue of Dinah/vendetta murder of the people of Shechem for the violation of a female of the tribe, condemned by Jacob later (Genesis 49:6), and the assertion of inheritance as paterfamilias by Reuben by taking his father's concubine[40] – legal in the Ancient Near East, but forbidden in Leviticus, and condemned by Jacob, for which he sanctions Reuben with loss of primogeniture (Genesis 49:3), an act which *itself* is explicitly proscribed in Deuteronomy (21:16) – is the tragic episode of the birth of Benjamin. On the road to Bethlehem, Rachel goes into labor, apparently a breech presentation – "When her labor was at its hardest, the midwife said to her, "Have no fear, for it is another boy for you." (Genesis 35:17) Rachel dies in labor, and in her last breath names her son *Ben Oni*, "son of my sorrow."

The midwife's behavior was entirely consistent with Middle Assyrian Law, which (MAL A 53) assigns primacy to a male fetus, and the death penalty to a woman who aborts a male heir; the male is more economically valuable, and his life takes precedence. But Jewish law in this instance is unequivocal:

> When a woman is in difficult labor, one may cut up the fetus in her stomach and take it out limb by limb, for her life takes precedence over its life. (Oholot 7:6)

The Talmud (Sanhedrin 72a) explains that in the situation described by the Mishnah (in which the head of the baby has not emerged), the fetus is considered a *rodef*, an attempted murderer, who 'has no blood' (Exodus 22:1). The midwife, or Rachel herself, who directed her, made the wrong choice. The baby whose mother dies in childbirth is perhaps the most accidental of accidental murderers; but ritually speaking, innocent blood, nonetheless, has been shed. So Jacob sets up a

[40] See treatment in Helen R. Jacobus, "Slave wives and transgressive unions in biblical and ancient Near East law," in Athalya Brenner and Archie Chi Chung Lee, eds., *Leviticus and Numbers* (Augsburg Fortress, 2013), 55-75.

monument on Rachel's tomb, setting it apart from human use. But since that space is in the land of Judah, there exists a tract of earth denuded, set off from habitation, in Benjamin's territory.

In the balance of the Bible, the space cries out to be filled, and Benjamin and his tribe, or their most prominent family, more than once finds his land and life in jeopardy. He is threatened with execution (Genesis 44:9), then slavery (44:17), and is saved from the (as-yet) anonymous Egyptian high official by Judah, who points out that he is all that remains to his father, *and of his mother*, who love him. His tribe is nearly wiped out in the Concubine at Gibeah incident, after which the victors cry bitterly over the impending loss of a tribe of Israel (Judges 21:2-3) – Israel can never be complete without its twelfth tribe. Later, the royal house of Saul faces near-total annihilation (2 Samuel 21) and Mordechai the Benjamite raises with cousin Esther the specter of annihilation of their family (Esther 4:14).

As Judah first points out, 'filling' that space with the blood of the killer is the *last* thing Rachel would want. Much of her effort in the Bible is devoted toward childbearing. And exile is not any recompense, either; the prophet has her position on this on record: "Thus said God: A cry is heard in Ramah— Wailing, bitter weeping— Rachel weeping for her children. She refuses to be comforted for her children, who are gone." (Jeremiah 31:15)

Midrash Tannaim (Deuteronomy 33:12) records: "…the Temple was built in the portion of Benjamin… "We heard it was in Ephrath" (Psalms 132:6)… R. Simeon says, in the portion of the son of she who died in Ephrath. And who died in Ephrath? Rachel…." The space that cannot be filled is as much a result of Benjamin's unwitting bloodshed as it is of Rachel's loving self-sacrifice. And so that space off-limits to human habitation becomes the sanctum sanctorum, the holy of holies, the memory of that originary act of violence which constituted the twelve tribes of Israel, which cannot be remedied, forever at the beating heart, on the memory of the society arrayed around it.

And perhaps this is the way forward. The last thing Yitzhak Rabin – a key builder of the State who was keen to finish his career with ensuring its peaceful endurance – the very last thing he would have wanted was for it to descend into the darkness of seeking "the blood of those who spilled it." The great civilizations of the world, and the lesser ones in Israel's own neighborhood, perhaps can never make recompense for their original, originary sins, whether Al-Sharaa's stint with ISIS, or Turkey's Armenian genocide, or Palestinian militants' infatuation with violence. But if they can make sacred space for it, at the heart of their national memories, it could become the catalyst for transformation, rebirth and renewal. And then the rains can fall.

A Window into the Kabbalistic Soul: "Heilek Elo'ah Mi-ma'al" From Job to Tanya

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Introduction

Perhaps the most famous of the many great Hasidic works is *Sefer Ha-Tanya*, known colloquially as "*Tanya*." Written in 1796 by the founder of Habad Hasidism, R. Shneur Zalman of Liadi (the "Alter Rebbe," 1745-1812), it represents the foundation of Habad philosophy and is a central text of Hasidic thought. Of the many sayings and propositions laid out in *Tanya*, perhaps the most well-known, is:

> The second soul of a Jew is truly a part of God above [*Heilek Elo'ah Mi-ma'al*], as it is written, "He breathed into his nostrils a soul of life," and "You have breathed it [the soul] into me." And it is written in the Zohar, "He who blows, blows from within him," that is to say, from his inwardness and his innermost, for it is something of his internal and innermost vitality that man emits through exhaling with force (*Tanya*, Part 1, Ch. 2, trans. Kehot Publication Society).

The basis of this passage, which ostensibly states that Jews have a second, Godly, soul, is a tenet of classical Hasidism.[1] What is unique about this particular passage is its phrase "*Heilek Elo'ah Mi-ma'al mamash*," which may be translated loosely as "[it] is truly (or literally) a portion of God above." Here, the expression "a portion of God" is apparently used to mean a portion of the Godhead, a literal piece of God Himself, or, at least, its extension.

However, the source of the phrase couldn't be more distant from that meaning. The phrase is taken from a verse towards the end of the Book of Job, wherein Job declares his integrity before God thusly, bitterly expressing the difference between what he believes he is owed and the reality that is before him:

> I made a covenant with mine eyes;
> How then should I look upon a maid? For what would be the portion of God from above [*Heilek Elo'ah Mi-ma'al*], And the heritage of the Almighty from on high? … Let me be weighed in a just balance,
> That God may know mine integrity (Job 31:1-2, 6, trans. JPS Bible, 1917).

In its original context then, the phrase does not mean "portion of God," but "portion *from* God."

[1] In *Tanya*, as in most Kabbalistic systems of thought, there is a "base" soul that is common to all living creatures which comprises instincts, desires, and basic intelligence. (*Tanya*, Part I, Ch. 1). We will deal with the elements of the soul in Kabbalistic thought later in this article.

According to the normative interpretation, supplied by Rashi (1040-1105), this phrase is a reference to the reward that Job feels he deserves for his good behavior, which he has not yet received (he has instead been severely punished).[2]

The question, of course, is how R. Shneur Zalman got from point A to point B. Why would he take a portion of a verse that had a clear interpretation and hijack it for this other purpose? This, on top of the fact that the purpose for which he applied the phrase is a theologically radical statement: the idea that there is within every Jew a literal "portion of God" is difficult to accept, because it implies either that God can be divided into many small parts (an idea which had long since been viewed as heretical),[3] or else that there are many smaller divinities that emanate from God,[4] which would, of course, violate the principle of monotheism upon which Judaism rests.[5] Thus, the difficulties with this line in *Tanya* are twofold: One, the phraseology, which appears to be a radical reinterpretation of a line from Scripture; two, the content, which appears to be theologically compromising no matter how it is interpreted.

Of course, though *Tanya*'s is the most systematic use of *Heilek Elo'ah Mi-ma'al* in such a context, it is hardly the only one. Consider the following passage from the thirteenth century book of ethics, *Sefer Ha-Yashar*:

> Scripture says (Gen. 2:7), "Then the Lord God formed man of the dust of the earth." Now here it speaks of the creation of the body out of the dust, but it does not speak of the creation of the soul of this created being. But it does say (ibid.) "And He breathed into his nostrils the breath of life." And we can understand from these words, "and He breathed," that He took it from His own self and did not create it, but that He caused a portion of his glory to emanate and gave it to man, just as He caused an emanation to come from the spirit which was upon Moses, our teacher, peace unto him, and gave it to the seventy elders… (*Sefer Ha-Yashar*, 5, trans. Seymour J. Cohen, 1973).

For the author of *Sefer Ha-Yashar*, the soul is indeed a portion of the Godhead, which God takes

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[2] Rashi to Job 31:2, s.v. "she-gemalani kakh."

[3] See Rambam (1138-1204), *Mishneh Torah*, Laws of the Foundations of the Torah 1:7; *Sefer Ha-Mitzvot*, Positive Commandment 2.

[4] From the text itself, the latter possibility seems more likely, given R. Shneur Zalman's frequent use of the metaphor of a son springing out of his father's brain to explain this concept in the continuation of the passage.

[5] There is another passage at the end of *Tanya* where R. Shneur Zalman presents an alternate view of the soul which may avoid some of the problems we raise here. Though potentially very interesting, it is beyond the scope of this essay. See *Tanya, Iggeret Ha-Teshuvah* 5.

from His Self and implants into humanity. He identifies this portion with what is typically known as *ru'ah ha-kodesh*, which means 'Holy Spirit' or - to avoid confusion with the Third Person of the Christian Trinity - 'Divine inspiration.' In addition, in a compilation of teachings supposedly from the legendary Ba'al Shem Tov (c. 1700-1760), the

phrase "*Heilek Elo'ah Mi-ma'al*" is used to refer to the soul in a statement that greatly resembles our line from *Tanya*.[6] Armed with this, one might be tempted to suggest that, though on logical grounds the question is sound, R. Shneur Zalman was well within his rights to accept this minority position, and should not be blamed for the difficulties found therewithin. A simple appeal to authority may satisfy some, but it does little to resolve the questions we have raised, especially given their severity. At most, it manages to deflect the question onto these earlier authorities, but it does not satisfy them. Even so, given *Tanya*'s more expansive and systematic use of the term, the questions are still best levied against his expression of this idea. Also, though this approach addresses - to some degree or another - the second question we put forth - the radical nature of the statement - it fails to contend with the misappropriation of the phrase from its source. Thus we find this apologetic response, too, to be insufficient.

Traditionally, two non-answers are offered in an attempt to avoid contending with the issues we have raised. The first is to assume that R. Shneur Zalman was being non-literal, using figurative language so as to express a point that he was passionate about. In this bout of passion, not every word makes theological sense, but, on the whole, the idea might be preserved. After all, the Talmud itself says that "the Sages spoke using exaggerated language" (*Tamid* 29a). Exaggeration is not unexpected coming from a decent pedagogue; not every lesson can be taught through literal statements.

Of course, the difficulty of this rebuttal is the word R. Shneur Zalman inserted into the verse's original phrase: "*mamash*" ("literally" or "truly"). It would be most unusual to insert the word "literally" into a context in which you intend to be something other than literal. Authorial intent is often hard to gauge, but one is tempted to follow diction over theological consistency, especially in so late a work.

The second suggestion is offered by those who wish to avoid confronting the issue but approach it from the other direction. Instead of having faith in R. Shneur Zalman's source, be it *Sefer Ha-Yashar* or something else, or else being willing to wave away the details by assuming that *Tanya* was written with purposeful imprecision, this group simply accepts the premise and logical extension of the questions we raised and soundly concludes that this passage from *Tanya* is, in fact, heretical. For example, after a very brief treatment of

[6] *Ba'al Shem Tov*, Gen. 88. See also *Kli Yakar* to Gen. 1:31, 2:7, 9:20; Exod. 20:12, 13.

Tanya's claim that "the second soul of a Jew is truly a part of God above," R. Moshe Ben-Chaim concludes:

> We define this quote from Tanya as absolute heresy. This is a most grave sin, as all of our Torah performances are useless if we have any incorrect notion about G-d. This quote denies the words of the prophet, and completely corrupts the words of Job, 31:1,2.[7]

Though initially tempting, especially in the radically dogmatic culture of today, this view, too, seems to fail to properly grapple with the issue at hand, simply accepting the quote at face value and dismissing it as heresy. We must, then, part ways with all of the simple and unsatisfying answers in an attempt to properly understand this passage from *Tanya*.

Treatment of the Verse

The most obvious place to start our journey to understanding R. Shneur Zalman's expansion of the phrase from Job is to see how others before him had interpreted the verse itself. However, as we will demonstrate, such writings are few and far between.

Only one reference to this verse can be found in the Talmud, or indeed, any other Hazalic source. This singular instance is in one of the minor tractates of the Talmud, *Kallah Rabati*, which was written some six hundred years after the publication of the Babylonian Talmud:

> 'Rejoice in your portion' That is [in your] wife; for Scripture declares (Job 31:2) "For what would be the portion of God from above" and it further states (Prob. 19:14) "House and riches are the inheritance of fathers; but a prudent wife is from the Lord" (*Kallah Rabati* 5).

According to *Kallah Rabati*, the "portion" described in the phrase "portion from God above" is one's wife. This is also the interpretation of R. Moses Alshekh (1508-1593), one of the great Kabbalsitic thinkers of the sixteenth century.[8] They derive this position from the parallelistic deployment of the word "maid" at the end of verse 1 and the word "portion" at the beginning of verse 2, asserting that they must refer to the same thing. Hence, a woman, or more precisely, one's wife, is the "portion from God above" found in verse 2.

As we saw above, Rashi translates the phrase "portion from God above" as the reward Job expected for his general good behavior that he had not (yet) received. Indeed, this is the most

[7] Moshe Ben-Chaim, *Tanya and Heresy*. (n.d.).

[8] Alshekh, *Helkat Mehokeik* to Job 31:2.

strongly represented position on the matter of the phrase's translation.[9] For our purposes, however, both of these interpretations lead to dead ends; neither one brings us any closer to the usage of the phrase in the *Tanya*.

However, one prominent biblical commentator, Ramban (1194-1270), puts forth the following - radical - interpretation:

> And what is the portion from God above: I would say in my heart, 'what that I should gaze at a maid and sin? For what is the "portion from God above?" [That] to add calamity onto injustice [by doing] a strange and foreign thing (i.e. sin) does not even enter the mind; therefore, I will refrain from sin because of my fear of Him; thus I have spoken.'[10]

This comment from Ramban appears to assert that this "*Heilek Elo'ah Mi-ma'al*" is not "a portion **from** God above" (as Rashi writes) nor is it "a portion **of** God above" (the version found in *Tanya*), but something in between. The most precise translation, for Ramban, might be "a portion **in** God above." Said otherwise, it is the relationship or covenant that one shares with God that causes one to avoid sin. Because Job is righteous, his "*Heilek Elo'ah Mi-ma'al*" prevents him from sinning by gazing at the maid.[11] His claim against God is that since he minded this *Heilek Elo'ah* and refused to sin, he doesn't deserve the ill treatment that he is currently receiving.

Though Ramban doesn't quite bridge the gap between the verse and the passage in the *Tanya* entirely, he does provide the first few planks. Instead of understanding the phrase *"Heilek Elo'ah Mi-ma'al"* as a reward or woman, Ramban believes it to be something internal to the person. An inherent moral code or relationship with God that provides one with moral direction, or something along those lines. This is a far cry from the secondary soul referenced in *Tanya*, but it brings us much closer than did Rashi or Alshekh.

The "Soul" in Kabbalistic[12] Thought

Armed with an understanding of "*Heilek Elo'ah Mi-ma'al*" that is amiable towards mystical interpretation, we have another major hurdle to clear before we can conclude that the interpretation of "*Heilek Elo'ah Mi-ma'al*"

[9] See also, e.g., Malbim (1809-1879) to Job 31:2; R. David Altschuler (1687-1769), *Metzudat David*, ad loc, s.v. "u-mah heilek."

[10] Ramban to Job 31:2, s.v. "u-mah heilek Elo'ah mi-ma'al."

[11] See also R. Hayyim ibn Attar (c. 1696-1743), *Ohr Ha-hayyim* to Exod. 32:4.

[12] Kabbalah, or Jewish mysticism, is a holistic theory about the interactions between the physical world and the emanations of God (called *sefirot*), proposed with some variation by some of the greatest scholars in Jewish history, from R. Simeon b. Joḥai (1st Century CE) to Ramban to Arizal.

provided by R. Shneur Zalman is rooted in the verse itself, as understood by Ramban. We must first ascertain whether R. Shneur Zalman's concept of a soul, what he believes "*Heilek Elo'ah Mi-ma'al*" refers to, is compatible with the moral-code definition of Ramban. In order to do so, we must take a step back and attempt to define the term "soul" according to Kabbalistic teaching.

The idea of a soul in Jewish literature is ancient. Though noticeably missing from the biblical corpus, references to the soul date back at least as far as the Sages of the Talmud (c. 200-600 CE), if not to the Sages of the Mishnah (c. 100 BCE-200 CE).[13] However, the Kabbalists' tradition about the nature of the soul differs somewhat from the traditional non-Kabbalistic version. So, whereas the Midrash speaks about a unified soul for which the five words for soul in rabbinic and biblical literature [*nefesh* (lit. "lifesblood"), *ru'ah* ("spirit"), *neshamah* ("lifesbreath"), *yehidah* ("singularity"), and *hayyah* ("liveliness")] are merely synonyms,[14] Kabbalah proposes a five-tiered system wherein souls may be organized and deconstructed. Since many versions of this system are found, we will content ourselves with the normative Lurianic tradition, which derives from the writings of the *Zohar* and the innovative mystical system of R. Isaac Luria ("Arizal," c. 1534-1572).

In the *Zohar*, the first three layers of the soul are described thusly:

> Now the soul is a compound of three grades, and hence it has three names, to wit, *nefesh* (vital principle), *ru'ah* (spirit), and *neshamah* (soul proper). *Nefesh* is the lowest of the three, *ru'ah* is a grade higher, whilst *neshamah* is the highest of all and dominates the others (*Zohar* Vol. I, 205b-206a, trans. adapted from Sincino Press, London, 1933).

For the *Zohar*, these three terms represent the basic structure of the soul. This would later be termed "*nefesh ha-behemit*," the animalistic soul.[15] One of R. Luria's great pupils, R. Hayyim Vital (1543-1620), expounds on this hierarchy. He writes that a person is born with a *nefesh*, as this is the life-force. Upon beginning to mature (defined in the Jewish tradition as twelve years of age for females and thirteen for males), one gains *ru'ah*, and at age twenty (which is, according to Jewish tradition, the end of the maturation period), the *neshamah*.[16] The *hayyah* is often set aside in Kabbalistic sources, viewed as an aura of sorts rather than an actual portion of the soul. Lastly, the *yehidah*, which is viewed as the highest

[13] See, e.g., *Pirkei de-R. Eli'ezer* 34:12; *Shabbat* 152b; *Sanhedrin* 91b.

[14] See Gen. Rabbah 14:9.

[15] See, e.g., *Tanya*, Part 1, Ch. 9

[16] See, e.g., the first passages of R. Vital's *Sha'ar Ha-Gilgulim*; *Eitz Hayyim, Derush Igulim Ve-Yosher* 3. See also *Zohar* Vol. 3, 29b.

level of the soul, is also seen as somewhat distant from the soul's internal structure, but as the point of connection between humanity and God.[17]

Thus, in Kabbalah, souls are structural, complex, and somewhat dynamic things, unbound, as it were, by the rigidity of Aristotelian philosophy. "Soul" is a word that means many things to the Kabbalist - life-force, proclivities, spiritual radiance, and more.

Resolution

This all leads to the conclusion that R. Shneur Zalman's statement, "The second soul of a Jew is truly a part of God above," is hardly as radical as we may have assumed. Perhaps all he meant by it was that the secondary *radiance* of a Jew is godly. Indeed, he had just finished speaking about the emanations from whence the souls of Jews and Gentiles come.[18] The first soul of the Jew, he writes, is the one that gives life to the body. "From it stem all the evil characteristics deriving from the four evil elements which are contained in it."[19] By contrast, the second soul of the Jew "is truly a part of God above." In other words, to contrast with the first soul, which contains great impurity, R. Shneur Zalman attributes the second soul to the ultimate Purity, namely God Himself. If this is so, then it is not the case that he is asserting that a small bit of the Godhead resides inside each Jew, but that in every Jew is a spark of divinity (with a small 'd'); a *yetzer tov* ("will of good") to match the *yetzer ha-ra* ("will of bad").

Indeed, if this is the case, then R. Shneur Zalman is drawing on a long tradition of comparing elements of the soul with God without fully attributing Divinity. To take an early and explicit example of this, the Midrash writes:

> The soul is like its Creator: Just as God sees but is not seen, so too the soul sees but is not seen; just as God does not sleep, so too the soul does not sleep; just as God bears His world, so the soul bears the whole body. All souls are His, as it says (Ezek. 18:4), "Behold, all souls are mine."[20]

A similar idea can be found in the writings of Ramban, who believes the human to be a composite of the physical world they inhabit and the spiritual world of the Divine to which they can aspire.[21]

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[17] See, e.g., *Sulam to Zohar*, Intro. 237:8.

[18] *Tanya*, Part 1, Ch. 1.

[19] Ad cit.

[20] *Pirkei de-R. Eli'ezer* 34:12.

[21] Ramban to Gen. 1:26, s.v. "va-yomer Elokim na'aseh adam."

Finally, this interpretation of R. Shneur Zalman's idea brings us back to Ramban's treatment of "*Heilek Elo'ah Mi-ma'al.*" As we said before, Ramban understands that phrase, in its original context, to refer to an internalized moral code, implanted within mankind by God. In a sense, this seems almost identical to the notion of the second soul presented by R. Shneur Zalman, albeit

formulated rather differently: both, in the end, really mean to refer to the influence of the Divine upon man. Much as C.S. Lewis writes that one ought not serve God out of a desire to reach Heaven, "because a first faint gleam of Heaven is already inside" them,[22] R. Shneur Zalman asserts that the desired result (a perfect servant of God) can already be perceived in the imperfect vessel.[23] Thus, it is both the case that R. Shneur Zalman's interpretation of the verse is rational and precedented; and that the philosophical idea presented therewithin, though coated in the mystery of mysticism, is one that had echoed in the corpus of the Jewish tradition already for centuries.

[22] C.S. Lewis, *Mere Christianity* (Geoffrey Bles, 1952), 148.

[23] For is a Jew anything more than a vessel for the service of God and the "improvement of the world under the Kingship of God" (*Aleinu* prayer)?