

Session 3 – February 28, 1P (Beth El Library)

Reading and discussion of “As Old as the World”

Handout:

- “As Old as the World”
- Gemara, Sanhedrin 36b-37a

Optional Readings:

- B. Cohen, Jewish and Roman Law

"AS OLD AS THE WORLD?"

- From the Tractate Sanhedrin, pp. 36b-37a ■

Mishna

The Sanhedrin formed a semi-circle so that its members could see each other.

Two clerks of the court stood before the judges, one to the right and one to the left, and they recorded the arguments of those who would acquit and those who would condemn.

Rabbi Judah said: There were three court clerks, one recording the arguments for acquittal, the second the arguments for conviction, and a third both the ones for acquittal and the ones for conviction. Three rows of students of the Law were seated before the judges. Each knew his place; if it became necessary to invest someone, the one appointed was from the first row; in such a case, a student from the second row moved up to the first and a student from the third row to the second. The most competent person in the assembled public was chosen and was placed in the third row. And the last to come did not sit in the place of the first (in the row, who had gone up to the other row) but in the place which was suitable for him.

Gemara

From which text does this come? Rav Aha bar Hanina said: We learn from verse 3, chapter 7 (of the Song of Songs): "Your navel is like a round goblet full of fragrant wine; your belly like a heap of wheat hedged about with roses."

"Your navel": that is the Sanhedrin. Why the navel? For the Sanhedrin is in session at the navel of the universe.

"A goblet" (in Hebrew, *aggan*) because it protects (in Hebrew, *meggin*) the entire universe.

"Round" (in Hebrew, *sahar*, crescent of the moon), for it resembles the crescent of the moon.

"Full of drink" (in the text: not lacking in liquid): for if

This reading was given in the context of the colloquium "Is Judaism Necessary to the World?" held in October 1966. The proceedings were published in *Tentations et actions de la conscience juive: Données et débats* (Paris: P.U.F., 1971). Levinas's commentary appears on pp. 275-291 and the discussion that follows on pp. 305-321.

one of its members has to absent himself, it is ensured that twenty-three remain (in session), corresponding to the small Sanhedrin. Otherwise, he cannot leave.

"Your belly is like a heap of wheat": everyone profits from wheat; everyone finds to his taste the reasons adduced for the verdicts of the Sanhedrin.

"Hedged with roses": even if the separation is only a hedge of roses, they will make no breach in it.

About this, a "Min" said to Rav Kahana: You claim that during her time of impurity a woman forbidden to her husband nevertheless has the right to be alone with him. Do you think there can be fire in flax without its burnings? Rav Kahana answered: The Torah has testified for us through a hedge of roses; for even if the separation is only a hedge of roses, they will make no breach in it.

Resh Lakish said: It can be answered on the basis of the following text (Song of Songs 4:3) "Your brow (rakkathek) is like a pomegranate." Even those established as good-for-nothings among you are full of mitzvot, as a pomegranate is full of seeds.

Rav Zera said: That is to be deduced from the following text: "Ah, the smell of my son's clothes is like the smell of a field watered by the Lord" (Genesis 27:27). One should not read *begadav* (his clothes) but *bogedav* (his rebels.)

About this it is told: some good-for-nothings lived in the neighborhood of Rav Zera. He brought them close to himself so that they could do Teshuvah (the return to the good). This irritated the sages. When Rav Zera died, the good-for-nothings said: Until now, the little-man-with-the-burned-thighs prayed for us. Who is going to pray for us now? They thought about it and did Teshuvah.

"Three rows of students . . ." Abaye said: It follows from this that when one moved, they all moved. And when one said: up until now I was in first place and now I am in last place, he was answered, according to Abaye: Be last among lions and do not be first among foxes.

You have before you the text to be commented on. As in all previous years—and this is not merely a formal excuse—I feel inadequate to the task entrusted to me. The public, responding to these commentaries so favorably as to intimidate me, has in its midst many people who know the Talmud infinitely better than I do. I feel heartened, in any event, by the presence of

my dear friend Dr. Henri Nerson, to whom I am greatly indebted, even for the little that I might say. Because he has studied with an incomparable master, he knows that, in comparison to real science, our approximations can only court the rewards bestowed on good intentions.

I will comment on the text I have chosen from the beginning to the end and not only on the least difficult passages, which can give rise to moments of brilliance. I will try, with my feeble means but with all my might, to look everywhere. The difficulty does not lie in the absence of treasures but in the inadequacy of the tools at my disposal for the dig.

At first reading, the articulations of the passage selected seem rather clear. It does not resemble a document written in code or even a text hiding its implications. It deals with the organization of the supreme court, the Sanhedrin. In what way is it connected to the theme of our colloquium, on the need that the world may have of Judaism? I will try to show this. I need not have given it any thought: a Talmudic text, even when it does not try to prove it, always proves that Judaism and the Jews are necessary to the world.

The Sanhedrin is described to us. I take the Sanhedrin to be what it is claimed to be in the text, leaving out of consideration the historical side completely. It may never have existed as it is described here. The word *sanhedrin* is Greek. The institution may be the product of diverse influences external to Judaism. But the text is to be taken as it is given: it is through it that for at least eighteen centuries, Jewish tradition has thought about the supreme institution of justice.

Our Mishna, the oldest part of our text—what follows it is more recent and is supposed to provide the commentary on it—teaches us that the Sanhedrin formed a semi-circle "so that its members could see each other." Thus it was shaped like an amphitheatre. The special feature about it was that no one ever saw anybody else's back, only full faces or profiles. Never was the interpersonal relationship suspended in this assembly. People saw each other face-to-face. The "dialogue," as they say today, was thus never interrupted, nor did it get lost in an impersonal dialectic. It was an assembly of faces and not a joint stock company.

It is, however, a semi-, or open, circle. Because the point is precisely that the judges who sit on the court remain open to the outside world when they discuss the cases submitted to their jurisdiction or when they give their verdict. In the open space of the semi-circle, according to the commentators, appeared the litigants and the witnesses. There too stood the clerks of the court. Open circle: the judges who are at the heart of Judaism, who are its "navel" and who are even—as you will soon see—at the navel of the world, are open to the world or live in an open world. It is not yet a closed synagogue. It is open. It is in any case not a synagogue but a court.

Here, then, is a first answer to the questions raised by the theme of our colloquium, a first answer coming from a somewhat unexpected angle: I

still do not know if the world needs the Jew. But the Jew needs the world; that is certain.

Two clerks of the court stood before the judges, one to the right and one to the left, and they recorded the arguments of those who would acquit and those who would condemn.

Another version exists on this point: the court clerks were not two but three, "one recording the arguments for acquittal, the second the arguments for conviction, and a third both the ones for acquittal and the ones for conviction."

In the first version, there are two recordings for every argument. The recording of arguments is thus not a mechanical process. It is not a taping recorder but people who record. The era has something to do with it, no doubt, but the symbol goes beyond this: two people record each argument because two witnesses are needed for a fact to be established. The recording is thus testimony. Every truth must be attested. The truth of a fact refers to the veracity of the people who testify to it. That is why, in the hypothesis of two court clerks, both must note down all the arguments. But in the hypothesis of the second version, in which the court clerks are three, they can become specialized: one records the arguments for, the other the arguments against, but the third records both so that each notation is attested to twice. The type of specialization introduced in the second version respects the principle which consists in likening notation to testimony.

Now for something novel, never seen in a court of law: in front of the judges sit "students of the Law," those who study the Torah but are not yet invested as judges. The court is indeed not a synagogue; it is a little bit of a school. Study of the Law and jurisdiction, theory and practice, rigor and mercy—in Judaism, all the polarizations of the spirit belong to the duality of the house of study and the court.

Some technical information now: There are two kinds of Sanhedrin. The full Sanhedrin, which has supreme jurisdiction, comprises seventy-one judges, but in Jerusalem, where our text places us, there are two other Sanhedrins of twenty-three judges each. Only a court of at least twenty-three members can judge in cases involving the death penalty. An ordinary court of three people is not competent in that situation. What was said earlier of the disposition of the judges in a semi-circle applies to every Sanhedrin. What follows now concerns the Sanhedrin of twenty-three judges. In particular, we are told that in the Sanhedrin of twenty-three people there are more than twenty-three people: three rows of students are seated before the judges.

Three rows of students of the Law were seated before the judges. Each knew his place.

Each knew his place: it is an order excluding contingency. One did not sit just anywhere; the classification was rigorous. There were twenty-three students in each row. Why this number? Three times twenty-three makes sixty-nine. For this is what could happen.

Imagine that the court of twenty-three judges is discussing a case on which the life of a man depends. Twelve vote for the death of the accused, and eleven vote to spare his life. Jewish law does not permit a death sentence on the basis of a majority of only one vote. The judges in a semi-circle are seated on the benches each in his place; the "students of the Law" are seated on the floor before them, each according to his rank. Two among them are asked to come up—the first ones in the first row, to increase the court by two judges. Before the twenty-five judges, the case is argued again. And this time too the majority carries by only one vote: thirteen against twelve. Again, two students are made judges: the first ones in the first row. This can go on until there are seventy-one judges, the number of the great Sanhedrin. Thus, it is necessary to keep a large reserve present at court, allowing it to reach seventy-one members, if need be, the number which cannot be surpassed. What happens if the vote of the seventy-one is split, with the majority again winning by only one vote? The judges will reopen the discussion to try to win the needed vote, for one sentence or the other. If those who are in favor of the supreme sanction are not thirty-seven, the accused is released. Among Jews, one does not condemn to death by a majority of only one vote.

Three rows of students of the Law were seated before the judges. Each knew his place; if it became necessary to invest someone, the one appointed was from the first row; in such a case, a student from the second row moved up to the first, and a student from the third row to the second.

Because the three rows always had to be full, in order to fill the empty places created at the very end of the last row,

The most competent person in the assembled public was chosen. . . . And the last to come did not sit in the place of the first but in the place which was suitable for him.

Everyone thus moved up one notch. The one from the public who acceded to the rank of student took the last place. The hierarchical order remained intact. The text confirms it again: each went to the place which was suitable for him. A rigorous hierarchy in itself, objectively; but it was also respected and known by all, a subjectively recognized hierarchy: "Each knew his place." An absolute order.

I have just finished commenting on the Mishna. What does the Gemara say?

It will introduce new perspectives into the description of the order which governs the Sanhedrin.

It all begins with a question. It is a commonly asked question. In fact, when a *Tannaite*, a master of the Mishna, states a Mishna, the *Amoraim*, the masters of the Gemara, can either accept the teaching because it comes from an indisputable authority [it is, in any case, always disputed but remains indisputable] or they can seek the scriptural source from which the teacher drew his teaching. What is the basis, then, for the structure of the Sanhedrin which was just taught to us?

Here, our friend Rabi—my friend, for he always (legitimately) verifies what I say—here, Rabi will ask himself, once again, whether it is possible to draw from the biblical text what the Rabbis of the Talmud strive to draw from it. And his usual skepticism in this area will apparently have an easy victory today. To the questions "From where do we get this?" "From where do we know it?" "From which verse does this derive?" a strange answer will be given. The foundation for the institution of the Sanhedrin that we have just described and commented on in accordance with the Mishna will be sought in such a way as to attest to a seemingly narrow, dishonest, or bizarre mind. An allusion which would justify the institution will be found in a piece of ancient Hebrew literature by seemingly clinging to the letter of the text. In this particular case, this is especially inopportune. Doesn't the Sanhedrin, as its name indicates, in all likelihood refer to foreign traditions, notably to Greek civilization? What a thorough ignorance of history is attested to when a Hebrew origin is sought for a cultural form borrowed from Greece!

But perhaps we can attribute less naive views to the Talmudists: Whatever the historical causality and the antecedents of ideas and institutions might be—they always conceal their origin—what matters is the discovery of the convergence of the spiritual efforts of mankind or, and this is even more likely but does not contradict the first interpretation, what matters is to know in what *spirit something is borrowed*. Given this, in seeking a foundation for borrowing in the letter of a past which is not its own, the borrower links what he is borrowing to a tradition and formulates, beyond the similarities of structure, the meaning he is giving to what he is borrowing. Whatever the channel of history through which the Sanhedrin was established in Israel, whatever the forms of its historical existence in pre-exilic society, it is interesting to know what meaning Jewish thought and sensibility attributed to it. For it is around this institution that, for twenty centuries, the notion of justice and of truth have been reflected upon and experienced.

But even if one accepts our interpretation of the maneuver which consists in going back to a Hebrew text so as to understand the basis for an institution suspected of Hellenic origin, the nature of the text chosen for this purpose will still astonish us. The Sanhedrin, with its magnificent semi-

circle, making human faces show themselves to each other, with a perfect hierarchy, attesting to an objective and subjective absolute order, will find its basis in an erotic poem, in a verse of the Song of Songs.

Of course, the Song of Songs permits of a mystical interpretation, but for those who are forewarned—or, without prior assumptions, for the mysticism of the Song of Songs is not a mystification—it is an erotic text. The verse to which the Gemara refers can leave no doubt on the subject. As I understand it, this is the essential point of my entire Talmudic reading today. Let us enjoy this paradox! One may grant, in exceptional cases, that an erotic text can deepen to the point of reaching a mystical meaning. We are in the presence of a stranger enterprise: an erotic text founding a court of law and a system of justice.

Rav Aha bar Hanina said: we learn (what was said about the Sanhedrin) from verse 3, chapter 7 [of the Song of Songs]: "Your navel is like a round goblet full of fragrant wine; your belly like a heap of wheat hedged about with roses."

Chapter 7:3 of the Song of Songs would then be proclaiming the Sanhedrin. How? It is certainly not a matter of establishing a direct connection between justice and love. That would be a bit facile and a bit insipid: justice would be founded on love and love on the erotic. I leave this path to others! Should I prematurely reveal my conclusions? But this is what will guide my reading. Perhaps justice is founded on the mastery of passion. The justice through which the world subsists is founded on the most equivocal order, but on the domination exerted at every moment over this order, or this disorder. This order, equivocal *par excellence*, is precisely the order of the erotic, the realm of the sexual. Justice would be possible only if it triumphs over this equivocality, all grace and all charm and always very close to vice. The danger preying upon justice is not the temptation of injustice, flattering the instinct of possession, domination, and aggression. The danger which lurks is vice, which, in our Western world, belongs to the private sphere, which is "no one's business" and does not compromise the generosity and valor of those who struggle "for progress and justice," if we are to trust the opinion of the intellectual elites.

The teaching which the reference to the Song of Songs suggests to me has certainly had illustrious defenders since then. Think of Tolstoy's *Resurrection*, in which it is highly important to know what the judges and the members of the jury have done and thought in the private sphere to be able to decide according to their conscience in court. Like our text, Tolstoy wanted there to be a harmony between the order of love—susceptible to every vice—and the order of absolute spirit. And it is really the order of absolute and universal spirit—but where people show their faces to each other—and the absolute hierarchy within this order that the Sanhedrin represents.

How then can we justify putting the Sanhedrin and the erotic verse from

the Song of Songs side-by-side? How is an erotic verse to take on an austere meaning, even if the austerity "preserves" the danger it is overcoming? Here the special way of the Talmud comes in. We must enter into its game, which is concerned with the spirit beyond the letter, yet it extricates this spirit on the basis of the letter, and is, for this very reason, wonderful.

"Your navel is like a round goblet," says the text. It would be obvious that the navel refers to the Sanhedrin, for the Sanhedrin is in session at the navel of the universe. This is a way of indicating the centrality of the absolute justice that the Sanhedrin, by definition, metes out, the justice of the Torah. It is a way of indicating the ontological nature of these acts of justice. By speaking of justice in erotic terms, the eroticism of the terms has been overcome, all the while preserving in the meaning of the terms a fundamental link to the realm that has been overcome.

For a very long time, I have mused about this text. When one is not a specialist in the Talmud, one can have musings where others have ideas. I said to myself: How beautiful is this image of the navel of the universe! The creature has been cut off from its source of nourishment but the place where justice is pronounced is in the trace of creation; the coming about of justice recalls this heavenly food. I was pleased with this musing. I sometimes still ask myself whether it was only a musing. A friend brought me back to ordinary reality and to generally held notions. He reminded me that the image of the navel of the world is Greek and that, in Aeschylus' *The Eumenides*, Delphi is called the navel of the world.

That made me reread *The Eumenides*. I was very moved by it, even saddened: in this work which one reads in one's youth, a witness to a world that did not know the Scriptures, I found a greatness which proved to me that everything must have been thought from time immemorial. After reading *The Eumenides* one can legitimately ask oneself if there is anything else left to read. A struggle opposes Zeus' justice to the justice of the Eumenides, the justice with forgiveness to the justice of unrelenting vengeance. Zeus is already the "god of the suppliants and the persecuted," and his eyes see all! Without a doubt, I am getting closer to the question we are debating.

Is Judaism necessary to the world? Isn't Aeschylus enough? All the essential problems are broached there. The Eumenides are not expelled; vengeance-justice is not simply dismissed once and for all. The Eumenides express themselves in wonderful tones when they get indignant about those young gods, generous and "open," forgetful of strict justice, who already resemble all those jovial fellows of our day who have nothing but charity and prescription on their lips—love, indulgence, forgiveness. In her great wisdom, Athena keeps the Eumenides and finds a function for them in her city. Only the vote of men determines whether it will be the ancient gods or the new gods, but the result is established through each voice having equal weight. No one can simply reject once and for all the goddesses of vengeance, and only men—mortal and potential victims of evil—are qualified

to express their views here. And Delphi is called the navel of the world, for it is there that pure and just gods dwell, who know how to interpret the will of Zeus, of a god who, in this tragedy, is an extremely decent god.

Our Jewish contribution to the world is therefore in this world as old as the world itself. "As old as the world," the title I gave this little commentary is thus an exclamation, a cry of despondency. There would be nothing new in our wisdom! The text of *The Eumenides* is at least five centuries older than the Mishna with which my text opens. *The Eumenides* is none the less three centuries later than the prophets of the Bible. And that was my first consolation.

But aside from the question of priority, an essential question remains. Is there nothing besides the lofty lesson of Hellenistic humanism in what is called—improperly perhaps—the message of monotheism? The Sanhedrin believes itself to be at the navel of the world, but every nation believes it is at the center of the world! The very idea of nation arises each time that a human group thinks it dwells at the navel of the world. It is precisely because of this that it wants sovereignty and claims every responsibility. Where, then, is the difference between Delphi and Jerusalem? Let us be on our guard against facile and rhetorical antitheses: we are justice, they are charity; we love God, they love the world. From authentic spiritualities, no spiritual adventure is withheld. And Hellenism is probably a somewhat authentic spirituality. It is in the nuances of the formulations, in the inflections of the speaking voice, as strange as this may appear, that the abysses which separate the two messages open. I did not come here, after all, to interpret Aeschylus. But, in returning to our text, and in examining it a bit more carefully—and with a bit less mistrust—we may perhaps have occasion to discover in the Sanhedrin an aspect slightly different from the one which emerges when one reflects upon the other navels of the world.

What does the text say?

"Your navel," that is the Sanhedrin. Then, "a goblet." The Hebrew word used for goblet by the Song of Songs is *aggan*. The Talmudist will read into [*va solliciter*] this word. He will read *meggim* in *aggan*. *Meggim* means "protects." This therefore confirms that the navel indicates the Sanhedrin. Is it not true that the Sanhedrin protects the entire universe? A questionable etymology, perhaps, but a certainty as to the gist of the matter, the universal meaning of the court: it protects the universe. The universe subsists only because of the justice made in the Sanhedrin. The role of Judaism, of which the Sanhedrin is the center, is a universal role, a deaconry in the service of the totality of being.

A "round goblet." The Hebrew word *sahar* means "crescent of the moon." The Sanhedrin resembles the crescent of the moon, an allusion, if you wish, to the semi-circular shape of the court. It is thus through the word "round" that the arrangement of the seats of the members of the Sanhedrin finds confirmation. That is what had to be demonstrated.

The rest of the verse follows: "full of drink." The Hebrew text states: *al yehassar hamezeg*, "not lacking in liquid." This is another allusion to the Sanhedrin, for the Talmud says: "If one of the members has to absent himself, it is ensured that twenty-three remain (in session), corresponding to the small Sanhedrin. Otherwise he cannot leave." The drink that fills the round goblet expresses the inner regulation of the Assembly. This is what it prescribes in the great Sanhedrin of seventy-one members: It must be ensured that twenty-three are always present. Thus the members can absent themselves in order to attend to their private business, but "drink must never be lacking"; no one can dispose of his person until public service is guaranteed. This is the regulation of civil servants. The obligations to the service of all do not result from individual obligations and rights but are prior to them. We have here healthy principles, to be sure, that civil servants can sometimes forget. But the precociousness of this teaching aside, it does not seem to be exclusive to Israel.

Let us go back to the text. Always with the concern to prove that the Sanhedrin is the fulfilment of a biblical verse, the end of it is commented on: "Your belly is like a heap of wheat":

Everyone profits from wheat, everyone finds to his taste the reasons adduced for the verdicts of the Sanhedrin.

One can certainly legitimately doubt—according to Western principles of exegesis—that the analogy between the body of the beloved and the Sanhedrin is perfect or convincing. That is not the issue. How characteristic of the Jewish spirit—even the popular one—is this comparison of the logical reasons for a conclusion to the taste of a hearty meal! When you find a new reading of the text for one of those habitues of the old books—and the life of a Talmudist is nothing but the permanent renewal of the letter through the intelligence—he will tell you that it tastes good. Reason eats ideas. The rational premises motivating a verdict are good wheat. The intellect is a life.

The last phrase of the verse remains: "hedged with roses." What could be more poetic than this "hedged with roses"? The Talmudic text interprets in prose:

Even if the separation is only a hedge of roses, they will make no breach in it.

This does not make it any clearer. What are the commentators saying? They are saying the following: these members of the Sanhedrin who hold the fate of the universe in their hands, what do they do with their own transgressions, their own vices? Are they not exposed to all temptations, just like the men they are called upon to judge? No. To be a judge in Israel, one must be an exceptional man: even if only a hedge of roses separates judges from sin, they will make no breach in it. They master their instincts

completely. That the man judging over men has to be better than men is a requirement for which no half-measure can be substituted—even if the requirement is utopian: perhaps a civilization which does not delight in temptations, which does not like the temptation of temptation, sometimes succeeds in conquering temptation itself. We will come back soon to the strategy accounting for this victory. In any case, one must take it or leave it: the Sanhedrin, navel of the universe, is possible only with such a human breed. Otherwise, justice is a mockery.

A hedge of roses is a very thin enclosure. To separate the judges from vice, one need not build a stone wall, it is sufficient to plant a hedge of roses. The enclosure of roses is tempting in itself: the hand spontaneously goes toward the flower. In what separates us from evil resides an equivocal seduction. This enclosure is less than an absence of enclosure. When there is nothing between you and evil, it is possible not to bridge the distance, but when there are roses—all the literature of evil, the flowers of evil—how is one to resist it? But that is how the members of the Sanhedrin are separated from evil. Must I insist on it? This last trait explains the entire meaning of the text I have commented on until now. There is no justice if the judges do not have virtue in the flatly moral sense of the term. There cannot be a separation between the private life and the public life of the judge. It is in the most intimate area of his private life, in the secret garden—or hell—of his soul that his universal life either blossoms or fades. Soul and mind do not constitute two separate realms.

At this point—and one expected it—an objection is raised:

About this, a "Min" said to Rav Kahana . . .

and you will certainly admire this Min, who was probably already a Parisian and whose objection has some punch and whose formulations are already well-coined.

You claim that during her time of impurity

(Excuse me for the preciseness but the Talmud says all things with purity.)

a woman forbidden to her husband nevertheless has the right to be alone with him. Do you think there can be fire in flax without its burning?

Let me explain this objection. The Book of Leviticus at a certain point enumerates the kin with whom sexual relations are forbidden, as they are considered incestuous. According to rabbinic law, it is even forbidden for men and women to be alone with the people who are prohibited to them—even if their motives are altogether honorable. But the woman forbidden to her husband during her times of impurity can continue to live alone with him. She is not made to move out. Thus the Min's objection.

Who is this Min? I said, because of the roguishness of his expression, that he was Parisian. The term—it is technical—designates the Sadducee, that is, the Israelite who keeps only to the letter of the texts and refuses rabbinic exegesis. One understands the sting of his objection, directed against the rabbinic reading of Leviticus. But the name Min can indicate, in a general way, anyone who, while accepting the Bible, refuses rabbinic exegesis, aside from the Sadducean refusal: the Christian refusal, shaking off the yoke of the Law and the quibbling of the Pharisees. Wouldn't our Min represent the Christian position? He would have said to Rav Kahana: "Strange people! The woman forbidden by the Law to her husband you allow to remain alone with him. You have not properly weighed the ardors of concupiscence. In the matter of sinning, there exists only the alternative between the monk's asceticism of complete isolation and a life in which everything is allowed."

What does Rav Kahana answer?

The Torah has testified for us through a hedge of roses; for even if the separation is only a hedge of roses, they will make no breach in it.

The text testifies for us. It is your own text—you Sadducees or you Christians—which evokes the hedge of roses. A hedge, which is the thinnest of thin obstacles, which, as I said earlier, in *separating* you from sin, invites you to cross through it: the Torah has identified for us a relation with evil symbolized by a hedge of roses. Or, if you wish a less theological language, Judaism conceives the humanity of man as capable of a culture which preserves him from evil by separating him from it by a simple barrier of roses.

But what is new in the lines I am commenting on now, in relation to what preceded them, is considerable. What was said before of the judge is now said of the entire Jewish people. Rav Kahana is no longer speaking of the court. He is speaking of the Jewish people: the excellence demanded earlier of the members of the Sanhedrin is extended to the Jewish people in its entirety. Mr. Arnold Mandel was saying this morning: There is no notion of the masses in the idea the Jewish people has of itself. All belong—or must belong—to the elite. Our Talmudic passage agrees with Mr. Mandel. But Judaism does not affirm any national or racial pride by this: it teaches what, in its opinion, is possible for man. And, it is through this teaching, perhaps, that the world needs Judaism. That, after all, is more interesting than the monotheistic theology that the world has, in many respects, assimilated! We will see that our text goes yet further. There is still half a page to comment on. Matters will deepen.

But before proceeding let us emphasize one more important thing: morality begins in us and not in institutions which are not always able to protect it. It demands that human honor know how to exist without a flag.

The Jew is perhaps the one who—because of the inhuman history he has undergone—understands the suprahuman demand of morality, the necessity of finding within oneself the source of one's moral certainties. He knows that only a hedge of roses separates him from his own fall. He always suspects thorns beneath those roses: One had to find within oneself the certainty that this barrier was a real obstacle.

This, then, manifestly, is what Rav Kahana's answer means: "This hedge of roses testifies for us." In the Jew, a new man is heralded. He brings to the Min's so-called realism, so-called lucidity, something that the Min does not understand. Nothing utopian, please believe me. In the Jewish communities of the villages Hitler exterminated in eastern Europe, some men and women were so radically separated from evil that a hedge of roses was enough to guarantee their purity or, if you prefer, could do nothing against it.

Does the text contain a hint of an apology? Why not? I wonder whether there has ever been a discourse in the world that was not apologetic, whether the *logos* in itself is not apology, whether our first awareness of our existence is an awareness of rights, whether it is not from the beginning an awareness of responsibilities, whether, rather than comfortably entering into the world as if into our home, without excusing ourselves, we are not, from the beginning, accused. I think it is a little like that that one tries to be Jewish, that it is like that that one merits being called a human being.

Our text conveys yet another important idea: what matters for the human being is to realize, not to invent, the ideal. Take the text of *The Eumenides*. If I have read it wrongly, let the humanists in this room correct me. It is about saving man from despair. It is less concerned about improving him. In our text, the main point is to realize a human being that a simple hedge of roses protects against temptation. Let us note, in coming back to the idea of the hedge of roses, the meaning conferred on it by the commentator Maharsha,¹ to whom I have already referred. The enclosure is in itself seduction. Hence one can understand its way of protecting as the following: everything in the world that is charming, tempting, seductive, invites us to be vigilant. Let us be twice as careful. No indulgence. Be prepared. Rigorism.

This morning it was deplored that we have lost contact with the natural world. But the entire Jewish tradition has wanted to put a time for reflection between natural spontaneity and nature. Ah, that Jewish intellectualism! The fence of roses is the trifling partition of ritual—which stops us.

The text can be read in yet another way. Many readings are possible as long as they are not in poor taste. What stops us is not at all the unbearable yoke of the Law, which frightened St. Paul, but a hedge of roses. The obligation to follow the commandments—the *mitzvot*—is not a curse for us. It brings us the first scents of paradise. I would like to allude again to André Spire² and his poem about the Jew who is bored in "the places of pleasure." The yoke of the Law is merely an enclosure of roses. Spire found this simply

through the testimony of his conscience, without the texts. But where does this conscience come from? As a result of texts formulated and realized for generations, such a conscience arises and, for a while, endures beyond its origins. But this brings me to the following paragraph:

Resh Lakish said [Rav Kahana had answered the question of the Min earlier. Resh Lakish has another answer.] It can be answered on the basis of the following text: . . .

And once again it is a reference to the Song of Songs (4:3), and once again it is a verse from an erotic poem:

"Your brow [*rakkathek*] is like a pomegranate.

I cannot evaluate the poetic worth of this metaphor. But here is its exegetical worth, thanks to a word play on *rakkathek* (your brow) and *rekanin* (good-for-nothings).

Even those established as good-for-nothings among you are full of *mitzvot* (of fulfilled commandments) as a pomegranate is full of seeds.

Resh Lakish gives you an answer to the question which arose in your minds as you listened to the praise of those men who are protected from temptation by a hedge of roses. How do such men become reality? By means of *mitzvot*. The originality of Judaism consists in confining itself to the manner of being, of which Léon Askenazi will speak much better than I: in the least practical endeavor, a pause between us and nature through the fulfillment of a *mitzvah*, a commandment. The total interiorization of the Law is nothing but its abolition.

Resh Lakish's expression has no other meaning. Unless one wants to believe in some racial excellence or other of Judaism or in a merit granted by pure grace, one must say with Resh Lakish and with the Jewish tradition: for there to be justice, there must be judges resisting temptation. There must be a community which carries out the *mitzvot* right here and now. The delayed effect of *mitzvot* carried out in the past cannot last forever.

That the mere fact of race is not a guarantee against evil, the Talmud saw and said better than anyone and with nearly unbearable force: the Jew without *mitzvot* is a threat to the world. In the tractate *Betsa*, p. 25b, we are without the Torah was given to the toughest people there is and that, if it had not been given to it—or if the Jewish people were to lose it—no people on earth could resist it. An antisemitic outlook in the Talmud, that has some spice to it! The Jew as invader, against defenseless peoples. The only obstacle to this ascent without defeat: the Torah. This text is, no doubt, admirably lucid as to the inescapable ambiguity of the human condition in general and may echo a passage in Cicero (*Tusculanes* IV:37) in which Soc-

rates, whose face seemed to Zopyrus to testify to every vice, admitted—despite the astonishment of all—having come into the world with every vice reflected in his face but having freed himself from them through reason. But it is also a text without illusions as to the quality of Jewish chromosomes. "The Jew among men like a dog among beasts," not like a lion! "Like a rooster among winged creatures," not like an eagle! If one compares him to trees, he is like the tree which knows how to cling to the rocks! What vitality! What proliferation! That is why the Torah was given to him. A Torah of fire, the only one capable of tiring this encroaching vitality. And when the Talmudic passage I am interpreting today has the nerve to affirm that "the worst good-for-nothings among them are nevertheless as full of mitzvot as the pomegranate is full of seeds," that is because the power of these mitzvot is presupposed—their power to penetrate the soul. Also presupposed is the history that has made Israel submit to them, and, above all, the force of will which at Mount Sinai could decide for the *mitzvot*—which are stronger than all the forces of evil and vulgarity that Jews and the rest of mankind undoubtedly have in common as long as one keeps to the "purely natural" plane. The Talmud, after all, does not think that the Jews are more dog or rooster than others, even if it is spontaneously led, like Socrates, to judge its own nature severely (the Jew is less self-assured than one imagines). The privilege of Israel resides not in its race but in the *mitzvot* which educate it. The effect of the *mitzvot* lasts beyond their practice, that is true. But, as I have already said, not indefinitely.

What Judaism brings to the world, therefore, is not the easy generosity of the heart, or new and immense metaphysical visions, but a mode of existence guided by the practice of the *mitzvot*. That, at any rate, is the answer of Resh Lakish.

But there is a third answer to the question asked by the Min, which—as you can see—three sages of the Talmud answer in different time periods. Each one seeks a text attesting to the excellence of Israel which would explain its ability to resist temptations.

Rav Zera said: That is to be deduced from the following text:

And here we have the first Rabbi who abandons the Song of Songs in order to bring us back to the famous text of Genesis in which Jacob, wearing his brother's clothes, comes to seize through ruse the blessing destined for Esau. The blind Isaac smells the smell of his son Esau's clothes, which Jacob is wearing, and exclaims:

"Ah, the smell of my son's clothes is like the smell of a field watered by the Lord." (Genesis 27:27).

And the commentators add: It is not the smell of Esau's clothes which

brought the scent of Paradise but Jacob's coming into the room. As for the clothes, all one needs to do is read the word *bogedav*, "his clothes," as *bogedav*, "his rebels." Jacob bore within himself all those who, in future generations, would rebel against the Law—but this was nonetheless incense to Isaac's nostrils. It seems we are going back to the idea of a little while ago: The least worthy among the Israelites are full of merit, as the pomegranate is replete with seeds.

I think, however, that the theme of the disguised is crucial here, and that Rav Zera's answer opens up a new perspective on the excellence of Israel for us, on the human excellence able to preserve from sin, from vice, from temptation. Doesn't Jacob, in putting on the violent Esau's clothes, take on his brother's responsibilities? How to preserve oneself from evil? By each taking upon himself the responsibility of the others. Men are not only and in their ultimate essence "for self" but "for others," and this "for others" must be probed deeply. I will say a couple of words about that for the several philosophers present in this room, that is, for everyone. Nothing is more foreign to me than the other; nothing is more intimate to me than myself. Israel would teach that the greatest intimacy of me to myself consists in being at every moment responsible for the others, the hostage of others. *I can be responsible for that which I did not do and take upon myself a distress which is not mine.*

The Talmudist says it through word play: his clothes, *bogedav*, his rebels, *bogedav*. Isaac had a premonition of all the rebels that would come out of Jacob. But Jacob already bore the weight of all that rebellion. The scent of Paradise is Jacob bearing the weight of all that he will not do and that others will do. For the human world to be possible—justice, the Sanhedrin—at each moment there must be someone who can be responsible for the others. Responsible! The famous finite liberty of the philosophers is responsibility for that which I have not done. Condition of the creature. Responsibility that Job, searching in his own impeccable past, could not find. "Where were you when I created the World?" the Holy One asks him. You are a self, certainly. Beginning, freedom, certainly. But even if you are free, you are not the absolute beginning. You come after many things and many people. You are not just free; you are also bound to others beyond your freedom. You are responsible for all. Your liberty is also fraternity.

Responsibility for the sins you did not commit, responsibility for the others. The story about Rav Zera that our text will now dwell on—and which looks like an edifying tale but is wonderful in our context—confirms the reading we have just given of Rav Zera's answer:

About this, it is told: some good-for-nothings lived in the neighborhood of Rav Zera.

They were his neighbors.

He brought them close to himself so that they could do *Teshuvah*. This irritated the sages.

They undoubtedly felt that the dignity of the Torah forbade such associations, as they risked compromising the dignity of the Torah in the public eye. Or perhaps they thought that Rav Zera's enterprise was hopeless. But Rav Zera continued to associate with these good-for-nothings. He undoubtedly felt responsible for these people, must have considered it his duty to act upon the indeclinable and separate liberties of others. And, undoubtedly, an indeclinable liberty yields, in mysterious ways, to an indeclinable liberty, which wants absolutely and unto death to substitute itself for the other—for his sin and his distress:

When Rav Zera died, the good-for-nothings said: Until now, the little-man-with-the-burned-thighs prayed for us. Who is going to pray for us now? They thought about it and did *Teshuvah*.

It must indeed be explained why Rav Zera was a little-man-with-burned-thighs. This digression will not take us away from the theme preoccupying us. The Talmud (*Baba Metsia*, p. 85a) tells us that Rav Zera, who had been educated in the Babylonian Talmudic academies, was struck when he came to the Holy Land by the very different style of study which prevailed there. The Babylonians were used to discussion; they attacked, asked questions, and put their masters and their interlocutors on the spot. In the Holy Land, the word of the master, like the university lecture, flowed of itself. All the students did was take notes. Rav Zera had needed to fast one hundred days to obtain the grace of forgetting the Babylonian method and to get used to the method of the Holy Land.

Was he right? It is unlikely, although Rav Zera bothered no one by this desire to conform and although he sinned against the mind and not against souls. There had been another fast: Rav Eliezer, head of the community, who was responsible for all the questions relating to communal life, was on the verge of death, and Rav Zera knew that this administrative life would fall upon him in case Rav Eliezer died. He thus fasted another hundred days so that Rav Eliezer would not die and so that administrative charges would not interfere with his own, Rav Zera's, studies. I think that such intellectual selfishness, such a refusal of the philosopher to take upon himself the obligation to be king, merits as much of a sanction in the Talmudic city as it does in the Platonic city, even if it were to draw Rav Eliezer from the jaws of death. But the sanction, perhaps extending to the first two fasts as well, was inflicted upon him after the third fast. For there had been a third fast of one hundred days—this time for a chimerical project that would never have occurred to the Eumenides.

Rav Zera wished that the fire of hell no longer have a hold on him.

Already very close to success, he would sit by a burning stove without being affected by the flames. Except on the day the sages of the Talmud, his colleagues, looked at him. The moment their gazes were directed at him, the fire regained its power over Rav Zera and burned his thighs. I think that, when the eyes of our colleagues are upon us, the fire of hell always regains its rights over us. I think also that the sages of the Talmud opposed practices which encroached upon the rights of hell: for whatever the rights of charity may be, a place had to be foreseen and kept warm for all eternity for Hitler and his followers. Without a hell for evil, nothing in the world would make sense any longer. I think, above all, that personal perfection and personal salvation are, despite their nobility, still selfishness, and that the purity of man which the hedge of roses protects is not an end in itself. But Rav Zera, in the text commented on here, tries to save others from hell—and by a means other than fasting—other men who are probably not followers of Hitler. They can find the way back if someone takes their distress and their fault upon himself. In the world, we are not free in the presence of others and simply their witnesses. We are their hostages. A notion through which, beyond freedom, the self is defined. Rav Zera is responsible for all those who are not Hitler. That may be something that we would not find in Aeschylus.

The man who is hostage to all others is needed by men, for without him morality would have no place to start. The little bit of generosity that occurs in the world requires no less. The Jewish tradition has taught this. Its exposure to persecution is perhaps only a fulfilment of this teaching—a mysterious fulfilment, for it happens unbeknownst to those who fulfil it.

By way of conclusion, there remains only the end of our text. The condition which guarantees the meaning of everything that has just been said is the existence of order and the subjective certainty of this existence.

"Three rows of students . . .": Abaye said: It follows from this that when one moved, they all moved.

All. We understood it from the start. When someone from the row of students goes up to take his place among the judges, the first place in the row is now empty and everyone moves up one place. Number one in the second row will thus become the last one in the first row. So, what's the big deal? He was first in his village. Now he is last in Rome. The Latins do not hesitate: It is better to be first in one's village. And we understand them very well: What does one look for in our world if not the recognition of our peers, who in their turn are also seeking ours? Each affirms himself in relation to the others. A contingent distribution! A classification in which no one has a real place. In the Sanhedrin the order is not relative. The one who is last in the first row is reminded that it is better to be last in a procession

of lions than at the head of a pack of foxes. Men find their place in the world in relation to the absolute place, in relation to the *Makom*.

NOTES

1. Maharsha-Samuel Eliezer Edels (1551-1631): eastern European rabbi and Talmudic commentator. Since 1680, his "notes" to the Talmud (Hiddushin) have been included in most editions of the Talmud as Hiddushe Maharsha. (Trans.)
2. André Spire (1868-1966): French poet and Zionist leader, best remembered as the leader of the Jewish revival movement in twentieth-century French literature and as a literary theorist and innovator. The line Levinas quotes may come from Spire's poem "L'Ancienne Loi" (The ancient law), in which the following verse occurs: "Tu auras beau faire, dit-elle, jamais tu n'aimeras vraiment leurs théâtres, leurs musées, leurs palais, leur amusettes." [You can try all you want, she said, but never will you really like their theatres, their museums, their palaces, their entertainments.] *Poèmes juifs* (Paris: Albin Michel, 1959), p. 29. (Trans.)