RABBINIC SELF-CONFIDENCE: BENDING THE WORLD TO THE WORD

Martin S. Cohen

Restoration and Innovation

There is a restorative feel to much of rabbinic literature.[1] The traditional way to understand the famous opening of Pirkei Avot ("Moses received [the] Torah from [God at] Sinai"), for example, is to take it precisely *not* to refer to the written Torah at all, but rather to the Oral Torah.[2] At first blush, that interpretation could almost be waved

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1 Regarding this notion, *cf.* Moshe Halbertal's *People of the Book: Canon, Meaning, and Authority* (Cambridge, MA: Harvard University Press, 1997), pp. 54-72, where the author proposes and compares the "retrieval," "cumulative," and "constitutive" models.

2 Mishnah (henceforth, M.) Avot 1:1. (All translations in this essay are the work of the author.) For one example among many, I offer the simple *ad locum* comment of the Meiri (that is, Rabbi Menachem ben Shlomo Meiri, 1249-1306) as printed in his *Sefer Beit Ha-b'ḥirah al Massekhet Avot,* ed. Samuel Waxman (Jerusalem and New York: Ḥokhmat Yisrael, 5704 [1943/1944]), p. 73: "Moses received the Torah from [God at] Sinai and transmitted it to Joshua—this refers to the Oral Torah…" *Cf.* the comments of Adiel Schremer in his "*Avot* Reconsidered: Rethinking Rabbinic Judaism," *Jewish Quarterly Review* 105:3 (Summer 2015), pp. 287-311, which is essentially an elaborate argument for taking the beginning of Avot precisely as the Meiri suggested, and *cf.* also Martin Jaffe, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE–400 CE* (Oxford: Oxford University Press, 2001), p. 84, where the author writes that the opening of Avot is merely "the best-known example of the claim that all rabbinic teaching stems from a Mosaic source." And now *cf.* also the comments of Gordon Tucker *ad locum* in *Pirkei Avot Lev Shalem*, ed. Martin S. Cohen (New York: Rabbinical Assembly, 2018), pp. 2-4.

away as an effort merely to defend the integrity of the scriptural narrative: Moses is, after all, depicted at the end of Deuteronomy as composing the *written* Torah four decades after the Israelites first camped at the foot of Sinai. Yet the essentially restorative light that this notion casts on the larger rabbinic enterprise has a lot to say about the rabbinic mindset.

Indeed, by suggesting that the work of the rabbis was essentially to recover traditions originally vouchsafed to the greatest of all prophets, to Moses himself, but which had somehow fallen away over the generations and were thus in danger of being lost permanently, the rabbis were saying something profound about the way they understood their own work. When, for example, Rabbi Abbahu of third-century Caesarea taught that the first of all the judges of Israel, Othniel ben Kenaz, was able through the sheer force of his deductive reasoning skills to restore to the Jewish people all three *thousand* of the traditions forgotten by the distraught Israelites in the course of their national *shiv'ah* week of mourning following the death of Moses, he was merely depicting Othniel as a kind of proto-rabbi who managed successfully to accomplish exactly what the rabbis would devote themselves later on to trying to accomplish and in the exact same way.[3]

Even texts that initially appear to be suggesting that the rabbis understood themselves to be evolving new traditions through their studious elaboration of the written text nevertheless point, even if a bit indirectly, to this restorative aspect of the rabbinic enterprise.

Of such texts, that over-cited *aggadah*—and "over-cited" is really saying the very least—that features Moses magically transported into the future but unable even slightly to comprehend the lesson that Rabbi Akiba was teaching to his pupils is merely the best known.[4] But that overused text, so often trotted out proudly in liberal Jewish set-

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[3] The three thousand forgotten *halakhot* are mentioned in a lesson attributeed to the first-generation *amora* Samuel at Babylonian Talmud (henceforth, B.), Temurah 15b. Rabbi Abbahu's lesson about Othniel ben Kenaz is preserved on the following page of the tractate. The Hebrew for "through the sheer force of his deductive reasoning skills" is *mi-tokh pilpulo* (מתוך פלפולו). The term *amora* is used to designate rabbinic scholars who worked in the years following the close of the mishnaic period, c. 220 CE. Othniel ben Kenaz is presented in Scripture at Judges 3:9-11.

[4] B. Menaḥot 29b.

tings to demonstrate the legitimacy of even radical halakhic innovation, actually implies precisely the opposite: by presenting Rabbi Akiba as hard at work in his classroom teasing out "heaps upon heaps of laws" from even the parts of the Torah's letters that are essentially mere scribal flourishes, and then depicting him as able to justify his efforts solely by explaining that these laws were *not* being developed by himself *de novo* at all but had once actually been taught to Moses himself back at Sinai, the text is saying that the rabbis—in this specific case, Rabbi Akiba—were possessed of the almost supernatural ability to reconstruct aspects of the *torah she-be'al peh* (תורה שבעל פה, "oral Torah") of which even Moses himself—a man, after all, and not a machine—eventually lost track. This, then, is merely a restatement of the restorative idea… and suggests that the rabbis believed themselves able to regain lost ground even when unable rationally to explain precisely how they could possibly have known that they were right with any degree of on-the-ground certainty. The restorative enterprise thus rests on the supposition of its own reasonableness, on the theory that debate in the *beit-midrash* can somehow lead to the recovery of long-lost traditions and that such traditions, in the absence of even *un*convincing proof that they ever really existed in the past, are wholly and fully legitimate aspects of Torah learning.

Other texts should be read in that same light. For example, consider the well-known text surrounding the so-called Akhnai (עכנאי) oven, which is also regularly pressed into service—albeit probably slightly less so than the story about Moses and Rabbi Akiva discussed above—to demonstrate the reasonableness of even radical rabbinic innovation.[5] In that story, Rabbi Eliezer demonstrates the correctness of his opinion—the story has to do with some specific way of building an oven so as to make it impervious to *tum'ah* (טומאה)-contamination—by bringing nature itself into the mix to prove the correctness of his personal opinion.[6] And, indeed, nature obliges him nicely: a tree

[5] The story is told at B. Bava Metzia 59a-b; *cf.* B. Berakhot 19a. For an interesting exposition of the story, see Jeffrey Rubenstein, *Rabbinic Stories* (New York and Mahwah, NJ: Paulist Press, 2002), pp. 80-84.

[6] The word *tum'ah* is often misleadingly translated as "impurity" or, even worse, as "uncleanness." Both are slightly correct, but neither captures the range of the Hebrew. In this essay, therefore, I will refer

deracinates itself and flies through the air, a river flows backwards, some schoolhouse walls totter, *etc.*. And then we get to the big finish when a *bat kol* (בת קול), a voice emanating from Heaven itself, declares Rabbi Eliezer right (and not only in this instance, but in all matters of halakhic dispute), to which semi-miraculous occurrence his opponent in this matter, Rabbi Joshua, responds by coolly citing Deuteronomy 30:12, the verse from Scripture that declares that, ever since Sinai, the Torah is no longer to be found in heaven, and then opting instead to follow Exodus 23:2, according to which verse halakhic decisors are commanded to put matters in dispute to a vote and then to follow the opinion of the majority. (The text goes on to gild the lily just slightly by depicting God as thrilled to have been so artfully superseded as the nation's ultimate halakhic authority.) But this story too, so often used to "prove" the legitimacy of halakhic innovation, actually implies precisely the opposite: that, because the Oral Torah vouchsafed in its entirety to Moses at Sinai has been corrupted over the generations and vast portions have been lost, the sole reliable way to recover the law is to believe in the ability of scholars to recover the law through intensive study and then to take it on faith that a simple vote will always decide the matter correctly because the majority, guided by the unseen hand of God's presence in the study-hall, will *always* be right. So even texts regularly adduced to justify innovation are essentially restorative in nature.

If these well-worn texts, then, do not really support the claim that the rabbis of classical antiquity were radical innovators, can we find texts that do support the argument that these ancient sages were indeed daringly creative *and* innovative?

An Alternate Approach: The Example of Tum'ah

In this essay, I would like to present some ancient texts that suggest that the rabbis believed themselves to possess the power actually to alter the laws of the physical universe through the sheer intellectual and moral force of their decision-making process and to ask if these,

to *tum'ah* by its Hebrew name. *Cf.* fn. 17 below for a brief discussion of the relationship between ritual and moral impurity.

and many similar passages, could not serve as the complement to those passages that present the rabbis' work as essentially restorative.

Before presenting those passages, I would like to remind my readers that the rabbis of ancient times took the force called *tum'ah* in classical sources to be a physically real substance that exists in the material world and that therefore follows (or even, perhaps, *must* follow) a set of preordained rules akin to the ones that govern the behavior of gases or liquids in the physical world.[7] For example, the "*derekh ha-tum'ah latzeit v'ein darkah l'hikkaneis*" (דרך הטומאה לצאת ואין דרכה להכנס) rule means that *tum'ah* by its nature tends to spread out from narrow spaces into broader or wider ones, but not *vice versa.* This rule appears originally throughout Tractate Ohalot in the Mishnah and its parallel tractate in the Tosefta (called Ahilot) where it is applied variously to sources of *tum'ah* ensconced in sewer pipes, standing cupboards, wall-cupboards, drawers, and beehives; to sources of *tum'ah* held by individuals standing on thresholds; to women in childbirth; and to stacked pots in a kitchen and to large amphoras.[8] By comparison, the "*tum'ah boka'at v'olah boka'at v'yoredet*" (טומאה בוקעת ועולה בוקעת ויורדת) rule suggests a different wrinkle in the physical nature of *tum'ah*: that it has a natural tendency to contaminate things above it and below it always, but only items to its side *under certain specific conditions*. This rule too has its origin in the various tannaitic permutations of Tractate Ohalot and appears over and over in the Mishnah and the Tosefta.[9] There are

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7 See fn. 12 below for further discussion of this characterization.

8 Sewer pipes: M. Ohalot 3:7; standing cupboards: M. Ohalot 4:1 and 3, and Tosefta (henceforth, T.) Ahilot 5:3; wall cupboards: T. Ahilot 7:11; drawers: M. Ohalot 4:2; beehives: M. Ohalot 9:10 and T. Ahilot 10:4 and 5; individuals standing on thresholds: T. Ahilot 5:5; women in childbirth: T. Ahilot 8:6; stacked pots: T. Ahilot 10:2; amphoras: T. Ahilot 10:3. Rambam (that is, Maimonides [1135-1204]) cites the rule at Mishneh Torah (henceforth, MT), Hilkhot Tum'at Meit 18:4, 19:3, and 20:8. The Tosefta is a collection of statements by rabbis of the mishnaic period that were not included in the Mishnah itself.

9 M. Ohalot 6:6; 7:1 and 2; 9:13, 14 and 16; 10:6 and 7; 12:6 and 7; 14:7; and 15:1, 3, and 7; T. Ahilot 5:4; 6:2 and 3; 7:5, 10, and 11; 8:1; 10:5 and 8; 11: 1, 2, 3, 4, 5, and 6; 13: 5 and 6; and 15:1 and 6, and *cf.* Rambam, MT Hilkhot Tum'at Meit 2:5; 7:4,5, and 6; 12:7; 16:5 and 6; 17:4, 6; 18:8; 19:5 and 6; and 25:1. The word "tannaitic" is used to refer to the age of the *tanna·im*, the sages of the mishnaic period.

others too, of course, but these two are good examples of the larger principle in play: neither has any sort of theological substructure supporting it from beneath and neither would be something the rabbis would have had any specific reason to *want* people to believe; both are best taken merely as the *tum'ah* version of Boyle's or Dalton's Laws—statements unrelated to spiritual matters that simply predict how *tum'ah* will behave in some specific situation in the physical world because of its nature.

The Elaboration of the Law

The rabbis presumed that *tum'ah* laws too were forgotten over the centuries; indeed, the rabbinic effort to restore them was therefore not substantively different than their work in other halakhic contexts. But there are also instances in which the rabbis appear to have felt that their own halakhic discourse was permeated with enough natural intensity for them to be in a position not merely to restore forgotten laws, but actually to make the physical universe obey their decisions and respond accordingly.

The rabbis taught in certain specific contexts, for example, that *tum'ah* responds to human will in a way that moderns will find, at least, surprising. The Scriptural *ki yuttan* (כי יתן) rule (Leviticus 11:38), for example, according to which food-stuffs must be wet down before they can be contaminated with *tum'ah*, was found by the rabbis to be applicable solely when the wetting-down process was undertaken with the willing assent of the (foodstuff's) owners.[10] But to those who

[10] The Scriptural basis for the rule is at Leviticus 11:38, where the words *v'khi yuttan* (וכי יתן, "and should there be put") are applied to the situation of a dead *sheretz* (שרץ, one of the specific kinds of crawling creatures listed at Leviticus 11:29-30 that are, when dead, sources of *tum'ah*) that falls on some grain: if the grain had priorly been wet down, it becomes susceptible to *tum'ah* contamination. The Mishnah, however, at M. Makhshirin 1:1, adds the crucial detail—perhaps rooted in the fact that *yuttan* is a passive verb rather than an active one—that the law is only operative if the foodstuff was wet down intentionally. Scripture mentions specifically water in this context, but the Mishnah (at M. Makhshirin 6:4) expands the list of fluids to include dew, wine, oil, blood, milk, and bees' honey as well as water, and *cf.*

cannot imagine how a wet tomato even *could* respond to *tum'ah* differently depending on whether it became wet intentionally or inadvertently, there is at least a kind of a way out because, taking the Torah law as revelation, we can at least try to argue that we truly *are* expected to believe that vegetables have the ability to respond to unspoken intentions and unarticulated desires… and that their ability to do that is simply another way in which the universe is governed by invisible forces and vectors that the Creator imposed on creation. The rabbis are thus casting themselves here as revealers of secrets, not as alterers of nature.[11] Accordingly, even these "intentionality" cases do not provide compelling examples of truly innovative rabbinic legislation.

But passages also exist, as will be reviewed in a moment, in which the rabbis go on record as enacting rules *de novo* (called in most passages a *g'zeirah* [גזירה], literally "a decree")—and such passages resist the kind of cogent if fanciful explanation that works for the imposition of the human will factor on the *ki yuttan* rule.

One might propose to reject even these examples I am about to present by supposing that the rabbis, by enacting such *g'zeirot* (גזירות—the plural of *g'zeirah*), meant that the objects of their edicts were to be treated only *as though* they had been contaminated with *tum'ah* but not that they *actually* had been so contaminated. That approach prompts any number of unsettling questions, however. Why would anyone bother undergoing a ritual of purification if the *tum'ah* to be eradicated through the procedure in question didn't really exist? And wouldn't it be forbidden, say, to participate in the ritual involving the ashes of the red heifer if the impurity being so eradicated wasn't real? The whole argument that things and people deemed impure by rabbinic edict were not *really* impure would make the whole concept into a bit of a joke and certainly not something anyone would

Rambam's MT Hilkhot Tum'at Okhalin 1:1-2. The *khi* in *v'khi* (וכי) and the word *ki* (כי) are the same word, merely pronounced differently because of an added-on prefix.

11 For a detailed study of the whole conception of will and intentionality in Jewish law, see Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah's Philosophy of Intention* (Atlanta, GA: Scholars Press, 1986).

take too seriously.[12] To me, at least, it feels far more likely that the sages of classical times were so convinced of the legitimacy of their work that they imagined a level of physical responsivity to their conceptualizations naturally to inhere in the physical universe.[13]

Altered Realities

There is, for example, a remarkable passage that appears twice in the Talmud in which we hear Rabbi Naḥman bar Yitzḥak explaining that the specific reason the Sages taught that all Gentile males over the age of nine are *zavim* (זבים, that is to say, people suffering from the venereal disease known in Scripture as *zivah*, זיבה) was not because they were ill in any sense at all, but merely to discourage their randy Jewish counterparts from having the version of sexual intercourse Scripture delicately references as *mishkav zakhor* (משכב זכור, literally "male intercourse") with them.[14] Did the edict, whenever it was first promulgated, truly have the desired effect on adolescents, both gay ones and their heterosexual friends eager enough to explore their burgeoning sexuality to adopt an "any port in a storm" approach to sexu-

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12 In this regard, *cf.* the comments of Vered Noam on pp. 72-73 of her essay "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives," published in the *Journal of Ancient Judaism* 1 (2010), pp. 65-103, and *cf.* too the comments of Yair Furstenberg on pp. 66-76 of his essay, "Controlling Impurity: The Natures of Impurity in Second Temple Debates," published in *Diné Israel* 30 (2015), pp. 163-196.

13 To see this issue discussed in its larger context, see Jeffrey Rubenstein's essay, "Nominalism and Realism Again," published in *Diné Israel* 30 (2015), pp. 79-120, where the author reviews the scholarly effort to fit the ongoing debate about the nature of the rabbinic legal enterprise into the larger philosophical debate between realism and nominalism. *Cf.* Richard Claman, "Mishnah as Model for a New Overlapping Consensus," *Conservative Judaism* 63:2 (Winter 2012), p. 61.

14 B. Shabbat 17b and Avodah Zarah 36b, *cf.* Rashi's comment *ad locum* in Tractate Shabbat, s.v. *she-m'tammei b'zivah*¸ that we are specifically *not* thinking here of young non-Jewish men who actually *are* suffering from *zivah*. Rabbi Naḥman (d. 356 C.E.) served in his day as *rosh yeshivah* at Pumpeditha and was as such one of the leading rabbinic figures of his day.

al liaisons in a world in which girls and women were expected to remain chaste until marriage? That is an excellent question![15] But far more interesting—at least for the purposes of this essay—is the question of whether the rabbis truly believed Gentile eleven-year-old boys to be *tum'ah*-contaminated and thus fully able to extend that contamination to people who come into contact with them.

The disease called *zivah* was understood to wreak havoc with the effort to maintain a state of ongoing ritual purity because, unlike men who have seminal emissions during sexual activity and women who experience menstrual bleeding during their monthly periods, individuals suffering from *zivah* have an ongoing flow of these fluids—semen or seminal fluid in men and uterine blood in women—unrelated to sexual activity or monthly cycles. The *halakhah*, however, does not apply the law in precisely the same way to Jews as to Gentiles, as Rambam[16] explains clearly in the second chapter of his endlessly fascinating section of the Mishneh Torah called Hilkhot M'tam'ei Moshav U-mishkav:

> According to the law of the Torah, Gentiles lack the capacity to *tum'ah*-contaminate [even if they actually do suffer from the disease called] *zivah*… as it is written [in the Torah], "Speak to the Israelites and say to them, [this shall be the law regarding] any man who suffers from *zivah*" (Leviticus 15:2), which [clearly] implies that it is solely Israelites [*i.e.*, Jews] who can contaminate others if they should become *zavim* [זבים, *i.e.*, those who suffer from *zivah*], but not Gentiles. The sages, however, decreed that all Gentiles, males and females, convey *tum'ah* in every respect like *zavim,* the sole proviso being that the males in question be older than nine years and one day of age and the females older than three years and one day. On younger children, however, the sages did not decree [that

[15] In this regard, see Daniel Boyarin's *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley: University of California Press, 1997), where the author argues that the sharp distinction moderns see between homosexual and heterosexual orientation was unknown in ancient rabbinic culture.

[16] See fn. 8.

> they should impart] *tum'ah* because the whole point of their decree was to discourage Jewish boys from having intercourse with their Gentile counterparts and the law does not consider the kind of intercourse in which children younger than these age limits might engage to be legally consequential.[17]

It certainly sounds as though Rambam means to teach that engaging in *mishkav zakhor* with a Gentile over the age of nine renders the Israelite partner to the deed contaminated with *tum'ah* in exactly the same way he would be so contaminated if he had chosen instead to have sex with an actual *zav* (זב, *i.e.*, the masculine singular of *zavim*) from among his own people, and not that we are obliged merely to consider such a person as though he had been contaminated.

Other examples sharpen the point. There is a passage in the talmudic tractate Bava Metzia, for further example, in which it is noted that the individual hired to guard the red heifer until it can be slaughtered and its remains immolated is susceptible to *tum'ah*-contamination if he comes in physical contact with the animal—even though there is no hint of this in Scripture: Numbers 19 references as *tum'ah*-contaminated the individuals who slaughter the heifer, collect its blood, incinerate its carcass, and gather up its incinerated remains, but specifically *not* the individual whose job it is merely to guard the animal until the formal ritual of immolation is undertaken.[18] Why then did the rabbis decree that the guard's clothing is contaminated with *tum'ah* if he comes into contact with the beast while guarding it? The Gemara explains that easily: the edict was promulgated to discourage the guard from touching the beast at all, lest he inadvertently induce some blemish in it and thus render it unacceptable for use in the red heifer ritual. By decreeing that touching the beast will contaminate the guard's clothing with *tum'ah,* they obviously hoped to discourage such risky touching. But that only really makes sense if the rabbis issuing the edict believed that they themselves were not merely empowered legally to decree that the clothing be treated *as though* it were con-

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17 MT Hilkhot M'tam'ei Moshav U-mishkav 2:10.

18 B. Bava Metzia 93a. The biblical passage is Numbers 19:1-10. The heifer must be wholly unblemished, hence the obvious need to guard it from harm.

taminated with *tum'ah,* but that they actually were able to will such contamination into existence, thus *actually* inconveniencing the guard who will have to undergo a purification ritual if he transgresses. It's hard to imagine how this would work if the guard didn't *actually* believe that contact with the animal could *actually* render his garment impure. Here too, then, I think the only logical explanation is that the rabbis believed themselves *really* able to alter the physical nature of the universe through the promulgation of a *g'zeirah*. Otherwise, how could the clothing *really* be contaminated?[19]

Other examples seem to stress the same general idea. In one of the most interesting passages of his Hilkhot Avot Ha-tum'ot, Rambam explains why it is necessary ritually to wash one's hands under certain specific circumstances:

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[19] The alternate explanation, that the rabbis were only pretending to have the power to make something susceptible to *tum'ah* so as to make the guard more likely to take care in his work, seems at best unlikely. And, at any rate, it feels impossible to imagine in the other cases adduced that the rabbis were merely claiming to have an ability that even they did not *really* believe themselves to possess. The rabbis were indeed capable of talking about so-called "moral" impurity, *i.e.*, the kind that inheres in the kind of immoral acts that have dire consequences for the people or the world that was described in fascinating detail by Jonathan Klawans in his *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000). Klawans' book devotes a full chapter to the way the rabbis of the mishnaic period understood the consequences of *this* kind of impurity to unfold, but the other kind of impurity—the one labelled throughout Scripture and rabbinic literature as *tum'ah*—is so fully divorced from moral considerations that contamination is not considered, at least under normal circumstances, to be at all sinful. Indeed, it is considered meritorious, even virtuous, under many different circumstances to self-contaminate with *tum'ah* (as, for example, by assisting in burying the dead or by giving birth to a child) but the clear implication in the distinction is that moral impurity is a philosophical, value-based construct, whereas "regular" *tum'ah*-contamination is physically real and, although regrettable in the sense that it requires looking after, is specifically *not* suggestive of sinfulness at all; it is merely the metaphysical version of coming home dirty after a long day of hard work: something to deal with, but not particularly to regret.

> King Solomon and his *beit din* (בית דין, "court") issued an edict (*gaz'ru* [גזרו], *i.e.*, promulgated a *g'zeirah*) to the effect that, because people all have "busy" hands, all human hands are secondary sources of *tum'ah* even when an individual has no specific reason to think that his hands have come into contact with any primary source of impurity.[20] This decree only affected hands that somehow came into contact with sacrificial meat, but later on the sages extended it to include the possibility of contaminating *t'rumah* as well, which is why it is necessary ritually to wash one's hands before touching *t'rumah*….[21]

And to that Rabbi Abraham ben David of Posquières (called the Ravad, 1125-1198), adds the following follow-up: "And still later the Sages required ritual washing before [ingesting] profane foodstuffs as well."[22]

That is a very interesting comment, and for several different reasons. There is no Torah-based notion that hands are to be deemed pure or impure in any way different from the individual to whom they are attached. But three successive waves of rabbinic elaboration introduced an entirely new set of ideas. First came the notion that hands are to be considered in their own category, thus distinct from the rest of any person's body, and are—even absent any reason to suspect contamination—to be treated as *sh'niyyot l'tum'ah* (שניות לטומאה), that is, as secondary sources of *tum'ah* capable of contaminating sacrificial meat. Then, later on, that edict of contaminative potential was expanded to include *t'rumah*, the grain given a priest that must be consumed in a state of ritual purity. And then, as Ravad explains, a third expan-

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20 Secondary sources of *tum'ah* have the ability solely to contaminate sacrificial meat and *t'rumah*, the grain tax paid out by farmers to the priests of ancient times. For the mishnaic source regarding hands having the ability to contaminate *t'rumah*, see M. Zavim 5:12. The notion of ever-"busy" hands implies that no one can possibly keep track of every single thing one's hands come into contact with in the course of a day.

21 MT Hilkhot Sh'ar Avot Tum'ot 8:8, based on B. Shabbat 14b.

22 In his comment *ad locum* in the MT.

sion was set in place, widening the scope of the original edict to include "regular" foodstuffs as well, called in the literature *ḥullin* (חולין).

There is no real way to understand any of this other than to assume that the rabbis, starting with Rabbi King Solomon, understood themselves able to be enacting an edict that would alter the physical universe, in this case by decreeing that hands be, not considered *as though* they were impure, but actual sources of *tum'ah*.[23] To this day, in fact, it is considered correct not only to wash one's hands through the ritual called *n'tilat yadayim* (נטילת ידים)—the ritual washing of the hands from a vessel—before eating bread, but actually to recite a blessing that implies that the deed has real meaning… which it only has if hands are, indeed, secondary sources of actual *tum'ah*.[24]

These are just a few examples of the rabbis' sense of their own ability to alter reality through the force of their halakhic reasoning. There are many others too![25]

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[23] King Solomon was not really a rabbi, but he was imagined by the rabbis as if he *were* one, somewhat in the same way they imagined (e.g., at B. Yoma 22b or Sanhedrin 107b) King David living in the world alongside a Sanhedrin of sages.

[24] How the enlargement of the edict to all *ḥullin* ended up, as it is in our day, restricted to bread alone is a good question too. *Cf.* Maimonides' introduction to Tractate Yadayim in his Commentary to the Mishnah, where he seems to understand *ḥullin* in this context as referencing bread specifically.

[25] This approach can be compared to the one set forward by Vered Noam in her essay, "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives," mentioned above in fn. 12, in which she argues that the rabbis took two basically incompatible approaches to *tum'ah*, sometimes considering it to be physically real and thus to obey certain specific rules that govern its behavior in the physical world, but sometimes *also* considering it wholly unsubstantial and unreal. Noam argues her point cogently, but her conclusion founders on the fact that things cannot be real and unreal at the same time, and to argue that the rabbis simply ignored that fact in their analysis of the world seems to me far-fetched. Far more likely is that they simply believed both that *tum'ah* has among its characteristics a sensitivity to human will that inheres in its very nature *and* that the sages had the ability to alter the reality of the physical world through their self-arrogated right to enact edicts in its regard. And *cf.* also Yair Furstenberg's critique of Noam's

Arrogance and Self-Confidence

It would be easy just to wave away the rabbis' self-confidence as so much clerical arrogance, but I think that would be missing the point almost entirely. The rabbis understood creation to be the work of a Creator, the same Creator whose Torah serves Israel as the foundation upon which its faith and its worship life rest and whose ongoing governance of the world they found self-evident. That being the case, it doesn't seem like such a stretch to imagine them feeling that their elaboration of the *halakhah* (הלכה) brought them closer not only to the Creator, but also to creation itself… and that the latter would naturally respond to the unchallengeable will of the Former as revealed not solely at Sinai, but also in the *beit midrash* (בית מדרש).[26] What had been forgotten was recalled through study, introspection, and principled exegesis. But new paths were forged as well, each for its own reason deemed necessary as new days dawned and brought along their own set of halakhic exigencies and social realities.

The notion that creation can serve as the path that the created can follow to the Creator is a commonplace of spiritual ecology in our day. But is it really taking that thought so much farther to imagine that creation can be altered in cosmic response to the spiritual, intellectual and halakhic growth of the created? Taken in that light, the notion of the world as the road the faithful follow to God makes it almost reasonable to imagine the process being transformational for all involved: (i) for the pious individual spending a lifetime on the road to Jerusalem; (ii) for the world, which *is* the path along which such individuals travel as they make their way forward along the spiritual trajectories of their finite lives toward the spiritual perfection for which all yearn and some possibly even attain; and (iii) for the Creator as well, Who is transformed by the religious efforts of the created and to Whom creation itself is a mere servant endowed by its very nature with the ability to serve both the Creator and the created as they seek

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theory in his essay, "Controlling Impurity: The Natures of Im-purity in Second Temple Debates," also mentioned above in fn. 12, pp. 177-180.

26 The Hebrew word *halakhah* is widely used in English-speaking circles to denote Jewish law in general. A *beit midrash* is a school or an adult study hall.

to know each other ever more intimately through the study of Torah and the elaboration of even the least studied of the commandments.

I began this essay by referencing some of the ancient texts that depict the rabbis' conception of their work as essentially restorative. I then went on to attempt to demonstrate that the rabbis also believed themselves capable of altering the physical universe through the sheer intellectual and spiritual force of their work. I hope readers found both assertions cogent, but now I would like to suggest that the restorative aspect of the rabbinic enterprise need not be taken as oppositional to the rabbis' belief in their ability to alter the givens the physical universe. Indeed, one could just as reasonably describe these two aspects of the rabbis' work as each other's complement, the latter merely being to space what the rabbis' restorative work was to time. After all, the sages of classical antiquity cannot *really* have imagined that, merely by discussing a matter deeply and intently in the *beit midrash*, they became somehow able magically to "know" something Moses once knew…and to know it absolutely and certainly. Viewed more rationally, what they were doing was willing the past—Moses' past—to conform *ex post facto* to the present—to their own present in the study hall. And if that is a reasonable way to interpret their work, then why not see that willingness to believe in their own ability to alter the past as the counterpart of their apparent willingness to imagine themselves capable too of altering the present? Our tradition takes a dim view of arrogance and a positive view of self-confidence born of faith in God and the security such faith naturally engenders. But where the precise boundary between the two is… that, of course, is another question entirely.

Martin S. Cohen is the rabbi of the Shelter Rock Jewish Center in Roslyn, New York, and served as the senior editor of Pirkei Avot Lev Shalem*, the third volume in the* Lev Shalem *series being published by the Rabbinical Assembly. His translation and commentary on the Torah and the five Megillot will appear beginning in 2020.*