

## **Torah From Heaven: Moses and Sinai in Exodus**

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The concept of *torah from heaven* (Heb., *tora min hashamaim*) plays a central role in Jewish theology.<sup>1</sup> Indeed, a dictum of the rabbis suggests that *torah from heaven* is an unavoidable assumption of a well-conceived system of Jewish thought.<sup>2</sup>

But what precisely do we mean in saying that the Jewish *torah* (Hebrew, “teaching”) is from heaven? This expression makes reference to the biblical accounts of Israel receiving God’s teaching at Mt. Sinai, accounts in which God is said to have spoken “from heaven.”<sup>3</sup> And until recently, Jewish commentators were able to agree that the *torah*—the tradition of Jewish law and a theology handed down by subsequent generations to this day—was indeed given its basic form by God’s appearance and speech to Moses and Israel at Sinai as described in the Bible.

In recent years, however, Jewish scholars have proposed a rival theology of *torah from heaven*, one that retains a view of the *torah* (the books of Moses, as well as later tradition) as having been given to Israel by God, while at the same time embracing academic theories in which Moses and Mt. Sinai play no significant role in the emergence of the *torah*, if they existed at all. According to this new view, the *torah* enters the world as a result of a process that is sometimes called an “unfolding revelation”: Hundreds of anonymous scribes assembled the Mosaic teaching over many generations, each contributing something to the process. God is said to have revealed the *torah* to Israel through these many generations of scribes.<sup>4</sup>

The proposal that we adopt a conception of *torah from heaven* without Moses and without Mt. Sinai will have little appeal to traditional Jews who remain largely shielded from academic theories. But in those Orthodox circles in which a university education is held in high regard, there exists a palpable

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<sup>1</sup> Thanks for critical comments from Joshua Amaru, Joshua Berman, James Diamond, Rafi Eis, Yael Hazony, Dru Johnson, Mitchell Rocklin, Gil Student, Alex Sztuden, Joshua Weinstein.

<sup>2</sup> Talmud Sanhedrin 90a, 99a.

<sup>3</sup> God speaks to Israel *min hashamaim* (“from heaven”) at Exodus 20.19; Deuteronomy 4.36. See also Nehemia 9.13, where the expression *mishamaim* is used.

<sup>4</sup> See discussion in Section 15 below.

temptation to accept the authority of academia on this, as on other matters. Indeed, a Jew who is not well versed in theological matters may well find himself thinking: Well, what difference does it make? Presumably, an all-powerful God could have given the *torah* to anyone at any time. And as long as the *torah* is acknowledged to be from God somehow, perhaps we lose little in giving up on Moses and Sinai?

My own view is that one cannot give up on Moses and Sinai without devastating Jewish philosophy and theology. This is not only because of issues of historicity – the assumption that a Jewish view of the world must be anchored in the belief that what is described in the book of Exodus, say, took place in history. The most pressing problem is different: The Bible places Moses and Sinai at the very center of its teaching concerning God’s nature and his relationship with mankind.<sup>5</sup> By suppressing Moses and the events at Sinai, the theory of an “unfolding revelation” overturns the biblical and rabbinic understanding of both God and man, offering in their place a description of reality that I believe no Jew and no intelligent person should be willing to accept.

In this paper, I make an initial argument in support of this view. Because the new theology is principally concerned to show that one can do without Moses and the events at Sinai, much of this paper will be devoted to examining the significance of Moses and Sinai in the Exodus account of the giving of the *torah*. This will involve (i) seeking to establish what are the principal elements of the Exodus account of the giving of the *torah* that require explanation; and (ii) proposing an understanding of what these elements in the Exodus account are meant to contribute to an overall theology of *torah from heaven*. Toward the end of the paper, I will (iii) return to the question of an “unfolding revelation,” considering some of the differences between this view and a theology of *torah from heaven* based upon the Exodus account.

## 1. Some Preliminary Comments

This paper is intended to be preliminary and exploratory. I focus on the narrative in the book of Exodus because it is by far the most detailed account of the giving of the *torah* that we have – and because all later versions are, as far as we know, elaborations upon this text. These considerations make Exodus the place to begin any systematic examination of the principle of *torah from heaven*, although a fully developed Jewish theology will necessarily have to take into consideration the parallel account in Deuteronomy, as well as the later biblical and rabbinic texts

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<sup>5</sup> Strauss’ claim that there is no concept of *nature* in the Bible is, in my view, mistaken, although the biblical understanding of nature is not that of Aristotle. For discussion, see my “The Bible and Leo Strauss,” *Perspectives on Political Science* (Summer 2016), pp. 190-207.

that treat this subject. The fact that I do not investigate all of these sources here is to be regarded as reflecting the preliminary nature of this paper, rather than as making a positive methodological or ideological statement of some kind.

As in my earlier work, I will assume that the biblical text is a form of *instructional narrative*, and that it employs a variety of literary devices (such as type contrasts, recurring language, and metaphor) to broach and discuss positions on philosophical and theological subjects.<sup>6</sup>

For example, the Exodus account of the giving of the *torah* emphasizes that Moses had to climb to the top of Mt. Sinai to receive the *torah*, and that God descended from heaven to the top of this same mountain in order to give Israel the *torah*. Presumably, God could have spoken to Moses anywhere if he had so chosen. Why, then, is the *torah* presented as though Moses must ascend to God to get it, and why should God have to descend so that he could reach it?

Or consider this: We are informed that the tablets of stone on which the Ten Precepts are inscribed were created twice — one set of tablets was produced entirely by God at the top of Mt. Sinai, but these tablets did not survive re-entry into the world below; whereas a second set did survive the giving of the *torah* at Sinai, but these were carved by Moses out of stone from the base of the mountain and carried up to the top for God to inscribe. What are we to understand from the fact that there are two different sets of tablets, and of the dramatic differences between them, both in terms of their provenance and what becomes of them?

These and other aspects of the Scriptural account of the giving of the *torah* raise pressing questions of philosophy and theology. Accepting, as Orthodox Jewish tradition does, that these aspects of the giving of the *torah* refer to actual events does nothing to reduce the pressure of the philosophical and theological questions they introduce. Moses climbing Mt. Sinai to receive the *torah* is no less curious an event for having taken place. The fact that Moses' hands fashioned the second set of tablets himself is no less provocative for having happened. We have to admit that we do not understand the biblical standpoint concerning what it means for the *torah* to be "from heaven" if we do not know what the inclusion of these and other elements in the account of the giving of the *torah* was meant to teach us.

I will seek answers to such questions in the manner that I believe the text itself demands: By clarifying the crucial role played in the narrative by the type contrast between Moses, the elders, and the people; by examining the possible significance of the distinction between the sky (or "heaven") and the various places where we find human beings standing on the mountain (at the foot of the mountain, on the slope of the mountain, and at the summit); and so forth with respect to other central elements in the story. I do not suppose that my

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<sup>6</sup> Yoram Hazony, *The Philosophy of Hebrew Scripture* (Cambridge: Cambridge University Press), pp. 66-100.

interpretations will be correct and complete in every case. Inevitably, some readers will feel that a given element or complex of elements was meant to communicate something other than what I have suggested, and will seek to improve on my proposals. This is all to the good, of course. But the need for analysis of this kind in order to approach the meaning of this sophisticated text will, I hope, be evident.

Finally, a comment on the way in which the word *torah* is used in this paper. Later Jewish tradition typically uses the word *torah* to refer to either (a) the five books of Moses, or (b) the entire Jewish tradition, including the Bible and subsequent rabbinic literature, and so the “giving of the *torah* at Sinai” is often meant to suggest, in accordance with well-known rabbinic views, that the books of Moses in their entirety and the entire later tradition were “given” to Moses at Sinai.<sup>7</sup> Here, I will be examining the Exodus account of Moses and Israel at Sinai, in which the word *torah* itself appears only with reference to the Ten Precepts inscribed on the tablets of stone that God gives Moses on the mountain (24.12).<sup>\*</sup> This does not, however, mean that the Ten Precepts exhaust God’s teaching to Israel at Sinai. Various passages indicate that God taught Moses a great deal more during his first forty days on the mountain than what was written on the tablets (31.18, for example; see also Leviticus 25.1). Similarly, the description of Moses’ second forty days on the mountain provides some of the most important theological material in Scripture (32.31-34.29). These and other passages examined below make it clear that the “giving of the *torah* at Sinai” is an event, or a series of events, much more extensive than God’s speaking the Ten Precepts. On the other hand, it is significant that the books of Moses do not describe God’s teaching in its entirety as having been given at Sinai. Certain laws are described as having been given beforehand (e.g., 12.24), whereas others are described as having been given in the wilderness after the events at Mt. Sinai (e.g., Numbers 36.13). When investigating biblical texts in this paper, I will therefore use the term *torah* to refer to everything that is taught to Moses and Israel at Sinai according to the Exodus account. What we can and cannot know about the content of this teaching will be discussed below.

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<sup>7</sup> This is according to the opinion of R. Akiva. R. Ishmael argues that general principles (*klalot*) were given at Sinai and particular laws (*pratot*) in the desert. Talmud Sota 37b. The view that all future generations of *torah* were also shown to Moses is expressed by R. Hiya ben Aba in the name of R. Yohanan at Megila 19a.

<sup>\*</sup> In this paper, all textual references are to the book of Exodus unless otherwise specified.

## 2. The Giving of the Torah: Summary of the Exodus Account

I will begin with a summary of the story of the giving of the *torah* as it appears in the book of Exodus. For the sake of brevity, my summary will omit important details, but many of these will be addressed in the discussion below.

According to the book of Exodus, Moses was a son of Israelite slaves who grew up in Pharaoh's palace. He flees from Egypt after killing a man who has abused a slave and takes refuge in the wilderness. (chs. 1-2) God appears to him there on "the mountain of God,"<sup>8</sup> where he speaks to him out of a bush that burns but is not consumed, instructing Moses to bring Israel up out of Egypt, (chs. 3-4) which he does amid signs and wonders. (chs. 5-15) In accordance with God's instructions, Moses then brings the people back to the mountain, where God is to appear before them as he appeared before Moses, forging an alliance or covenant (Hebrew, *brit*) with them.

The giving of the *torah* at Sinai forms a distinct story within the larger narrative of the exodus from Egypt. Upon first arriving at Mt. Sinai, God sends Moses to the elders of Israel to determine whether they are willing to enter into a covenant with him. (19.1-9) Having secured their agreement, God then descends upon the mountain, while Moses brings the people out to the foot of the mountain. (19.16-20)<sup>9</sup> God then speaks to the people. (20.1-14)<sup>10</sup> What he speaks are referred to in the Exodus narrative as *aseret hadevarim* – an expression usually translated, misleadingly, as the "Ten Commandments," but which should in fact be rendered the Ten Pronouncements or Precepts. (34.28)<sup>11</sup> The people, however, are too frightened to stand at the foot of the mountain and hear the *devarim* from God's mouth. They back away and demand that Moses speak to them instead of God. So Moses speaks God's words to the people. (20.15-18)<sup>12</sup> The people

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<sup>8</sup> The books of Moses refers to the "mountain of God" (Exodus 3.1, 4.27, 18.5; see also Kings 1.19.8) as the "mountain of the Lord" (Numbers 10.33), Mt. Sinai (Exodus 19.11, 18, 20, 23, 31.18, 34.2, 32; Leviticus 7.38, 25.1, 26.46, 27.34; Numbers 3.1; see also Nehemia 9.13), and Mt. Horev (Exodus 33.6; Deuteronomy 4.10, 15, 5.2, 9.8, 18.16, 28.89; see also Kings 1.19.8; Psalm 106.19). I will use these terms interchangeably.

<sup>9</sup> Deuteronomy 4.10-11. In this paper, I will often note passages from Deuteronomy that are parallel to those I am discussing in Exodus. Unless otherwise specified, these passages are noted for ease of reference, and not to advance any specific argument.

<sup>10</sup> Deuteronomy 5.4, 6-19, 21.

<sup>11</sup> The expression *aseret hadevarim* also appears at Deuteronomy 4.13. The term *devarim* (singular, *davar*) does not refer to commandments. It means "words" or "things," and in this context in Exodus probably means "things that were spoken." The convention of referring to these spoken things as the "Ten Commandments" is entrenched in the English language. Nevertheless, this is troubling since the ten spoken things are only commands or laws in part, and include a number of statements that are significant as theology or philosophy. I will therefore refer to the "ten *devarim*" or Ten Precepts.

<sup>12</sup> Deuteronomy 5.5, 20-25.

announce their agreement to these precepts, and Moses writes them in a book. (24.3-4)<sup>13</sup>

The next day, Moses builds an altar at the foot of the mountain.<sup>14</sup> He sacrifices to God and reads the “book of the covenant” to the people, who again accept the alliance or covenant with God. (24.4-8) Moses’ “book of the covenant” obviously includes the Ten Precepts, and may also include additional material relevant to the covenant with Israel, although the text is ambiguous on this point.<sup>15</sup>

Moses then leads the elders and the priests part of the way up the mountain, where we are told that they “looked upon God” and ate a festive meal. (24.9-11) After a week, Moses climbs from there to the summit of the mountain, where he remains for forty days and forty nights. At the summit, Moses receives two tablets of stone, carved and inscribed by God himself, as well as God’s further teaching so he can impart it to the people. (24.12-18, 31.18)<sup>16</sup>

In Moses’ absence, however, the people have returned to the idolatry they learned in Egypt.<sup>17</sup> They now make a calf of gold and feast and dance before it, declaring “These are your gods, Israel, who brought you up out of the land of Egypt.” When Moses descends from the mountain and sees that they have betrayed the covenant, he is enraged and throws down the tablets, smashing them at the foot of the mountain. Moses summons the Levites, who kill three thousand men and purge the camp of their idolatry. (ch. 32)<sup>18</sup>

There ensues a protracted argument between Moses and God over what should be the fate of Israel now. God wishes to destroy Israel and establish a new nation descended from Moses. Moses refuses to cooperate in this, insisting that God forgive the people so he may make good on his promise to deliver them to their land. (32.7-14)<sup>19</sup> Seeing that Moses will not be moved, God relents. (32.7-14)<sup>20</sup> He instructs Moses, twice, to take Israel up to their land. (32.34, 33.1-3) But

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<sup>13</sup> I am here adopting a chronological reading that places the events of ch. 20 before the events of ch. 24. This is the view of commentators such as Ibn Ezra and Ramban, and strikes me as being the simplest and most straightforward reading, allowing God’s command to “Make for me an altar of earth” (20.21) to refer to the altar that will be used thereafter in the covenant ceremony (24.4). (Compare, however, to the interpretation of Rashi, which sees ch. 24 as preliminary to ch. 20.)

<sup>14</sup> The instructions for the making of the altar are given to Moses at Exodus 20.19-23.

<sup>15</sup> See note 140 below.

<sup>16</sup> The tablets appear in Deuteronomy 4.13, 5.19, 9.9-11. The broader teaching to Moses is described at Deuteronomy 5.28.

<sup>17</sup> The Egyptian ways of the people is still being discussed in Joshua 24.14-15; see also Ezekiel 20.6-9; Exodus Raba 43.7-9.

<sup>18</sup> Deuteronomy 9.12-17.

<sup>19</sup> R. Shmuel ben Nahmani, Berachot 32a. R. Abahu goes so far as to say that Moses grabbed hold of God “like a man who seizes his fellow by the garment” in demanding that he pardon Israel. Berachot 32a. See also Exodus Raba 43.1

<sup>20</sup> Deuteronomy 9.18-19, 25-29; 10.10.

Moses does not accept this either. Understanding that if God does not go with Israel they will still be threatened with destruction, Moses refuses to break camp. He demands to know God's ways. God again relents, agreeing to reveal to Moses his name, (33.12-23)<sup>21</sup> and instructs him to carve a second set of tablets, this time from the foot of the mountain, and to bring them with him to the summit. (34.1-3)<sup>22</sup>

Moses carves the second set of tablets and climbs Mt. Sinai, where he again remains for forty days and nights. (34.4-5) At the summit, God reveals his name to Moses, in so doing displaying the fact that the world is ultimately governed in justice and mercy. (34.6-7) Upon learning this, Moses again demands that God forgive Israel. At this time, God agrees to re-enter the covenant, and inscribes the ten *devarim* upon the second set of tablets. (34.8-28) Moses then returns to the people, his face shining with the light of the knowledge God has imparted to him. (34.29-35)<sup>23</sup>

Two legal passages interrupt the narrative description of the giving of the *torah*, one devoted principally to criminal and civil law (chs. 21-23), and one to instructions for the construction of the tabernacle and the priestly vestments, along with the inauguration rite of the tabernacle (chs. 25-31.17).<sup>24</sup> Afterward, the narrative describes the construction of the tabernacle, and God's presence entering into it as an expression of the restoration of the covenant. (chs. 35-40).

### 3. Moses, the Elders and the People

I have presented a summary of the story of Israel at Mt. Sinai as it appears in the book of Exodus. I want now to go back to the beginning of this story, to the arrival of the Israelites at Sinai, drawing attention to a series of elements that seem to be playing a metaphorical role within the account of the giving of the *torah*.<sup>25</sup> My aim will be to isolate these elements, more or less in the order in

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<sup>21</sup> Moses asks God to reveal to him his name at Exodus 3.13, and receives a certain limited response at 3.14-15. Here, Moses says that God knows him by name (3.12), and then ask to know God's ways (3.13). God agrees that he knows Moses by name (3.17), at which point Moses interjects and asks to see his *kavod* (3.18). God then agrees to proclaim his name before Moses. (3.19).

<sup>22</sup> Deuteronomy 10.1-2.

<sup>23</sup> Deuteronomy 10.3-5, 10-11.

<sup>24</sup> These legal texts apparently represent the instruction Moses receives from God on the mountain. However, determining precisely how they relate to the narrative is difficult and subject to different reasonable interpretations.

<sup>25</sup> By *metaphor* I mean any term that is borrowed from its usual semantic field and applied to another. For example, reference to the people seeing God's hand upon Egypt in Exodus 14.31, the use of the term "hand" here is metaphorical because it is not used in its usual way. However, I do not accept the familiar Aristotelian assumption that a metaphoric statement is false. The fact that

which they appear in the narrative, and to understand what they are intended to contribute to the construction of the Exodus conception of *torah from heaven*.

As discussed above, the first step in the giving of the *torah* is God's approach to the elders of Israel, which results in their agreement to enter into the covenant. This is the first of a number of instances in which the narrative distinguishes the Israelites and their experience at Sinai into three different categories or groups: The elders; the people; and Moses himself. In other words, while all of Israel are depicted as having received God's teaching at Mt. Sinai, this teaching is not received by all of Israel at the same time or in the same way. Let us consider what we know about what each of these three categories or groups within Israel and what they learn of God's nature and will at Sinai:

**(i) The people.** As has been said, Moses brings the people to the foot of the mountain, (19.17) but when they realize what awaits them there, they back away out of fear. (20.15, 18) Standing at a distance, they can see only the dark clouds "where God was." (20.18) Later, however, we are told that the people do see something of God, who appears to them "like a devouring fire on top of the mountain in the eyes of Israel." (24.17)<sup>26</sup> God attempts to speak to the people as they stand at the foot of the mountain, speaking the ten *devarim* to them (20.1-14). But it is not obvious that the people understand anything spoken by God in his own voice. Rather, God speaks, and the people physically retreat, crying out to Moses: "You speak with us, and we will give heed, but let not God speak with us, lest we die." (20.16). It appears that the people actually understand little or nothing from God's speech. What they know of its content is apparently only what Moses speaks to them.<sup>27</sup>

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the statement is metaphorical does not mean that God does not have a hand. Rather, it means that instead of being like a human hand in all ways, God's hand is like a human hand only in some ways. Some readers may prefer to substitute *analogy* for a description of his relation.

<sup>26</sup> In the account in Deuteronomy, Moses emphasizes that "The Lord spoke to you out of the fire. You heard a voice speaking, but you saw no image in addition to the voice." Deuteronomy 4.12. See also Deuteronomy 4.15, 33, 36; 5.19; 9.10. In addition, Moses refers to God's speech as "a voice out of the darkness" (Deuteronomy 5.20), and the elders refer to it as "a voice out of the fire" (Deut. 5.21, 23). The elders fear that "we will be devoured by this great fire if we continue to hear the voice of the Lord." (Deuteronomy 5.22)

<sup>27</sup> When Moses teaches the people the words of the Ten Precepts, they respond "All the things that the Lord has said we will do" (24.3); and then later "All that the Lord has said we will do and heed." (24.7) The fact that they do not respond to God's own speech in this way when they hear it (20.15-16) strongly suggests that they are too frightened to understand anything, and therefore too frightened to know the content of God's commands. This absence of any clear indication that the people in fact hear and understand God's speech is the source of the view brought in the name of R. Yohanan, according to which "when Israel heard the word 'I' at Sinai, their souls left them." Song of Songs Raba 5.16.3. The word "I" is the first word of the first precept: "I am the Lord," so that already at the first word they were overwhelmed and unable to listen. This is also the view of Maimonides, *Guide* 2.33, which based especially on the verses "I

**(ii) The Elders.**<sup>28</sup> Although the people are told only to come to the foot of the mountain, the elders and priests of Israel are told to “come up to the Lord and bow down from afar,” and they are in fact able to go part way up the mountain. (24.1-2)<sup>29</sup> There, it is said that they “saw the God of Israel, and under his feet a kind of paved work of sapphire, like the very heaven for clearness.” (24.10) Thus the priests and the elders can see God’s legs and his footstool. But as for the content of God’s speech, the elders hear and understand no more than the people do.

**(iii) Moses.** The elders see God “from afar,” but Moses is able to “draw near” to God. (20.18, 24.2)<sup>30</sup> Unlike the people and the elders, he speaks to God “as a man speaks to his neighbor.” (33.11)<sup>31</sup> He is also able to enter “into the cloud and climb up the mountain.” Moses is there for forty days and nights, during which he is taught the law and receives the first set of tablets. (24.18) After the sin of the

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stood between the Lord and you at that time to tell you the word of the Lord, for you were afraid because of the fire and did not go up to the mountain,” (Deuteronomy 5.5); and “You heard a sound of words” (Deuteronomy 4.12), suggesting that the people heard the sound of words but did not their meaning. Maimonides also points to the verse “that the people may hear when I speak with you, and believe you forever” (Exodus 19.9). I would add that Moses is supposed to tell the people on God’s behalf that “You have seen that I talked to you from heaven.” (20.19) That is, they “saw” or experienced the fact that God spoke, but there is no indication that they understood his words. Compare Shabbat 88b; Exodus Raba 29.4; Numbers Raba 19.33. A familiar alternative view suggests that the first two commandments, concerning God’s presence and the prohibition on other gods, could be understood by the people. Makot 24a; Nahmanides on Exodus 20.7. According to this view, they would be guilty of violating commands that they had they had understood from God himself in making the gold calf. But it seems to me that the fact that they did not understand God’s speech to them is precisely the point of the story: The difference between God’s speech and the human speech of Moses lies in its ability to reshape the thoughts of the listener so that a genuine alteration takes place in the understanding. Had the people listened and understood God’s words, this understanding would have reshaped their minds so that they would not have sinned. They did indeed listen to Moses, but his words did not have the power to reshape their understanding.

<sup>28</sup> The expression used to describe the group of the elders and priests together is *atzilei bnei israel* (24.11) – usually translated as “nobles,” although perhaps “notables” is closer in meaning.

<sup>29</sup> We are not told that Aharon, Nadav and Avihu have been appointed as priests until a few pages later, at Exodus 28.1. But we know that the priesthood is already functioning in the preparations before God speaks the Ten Precepts (19.22, 24), and it seems likely that here, too, Aaron and his sons are intended. In any case, it seems clear that Aaron and his sons are permitted to proceed up the mountain either as the priesthood or as others among the Israelite leadership who are shortly to become the priesthood. For simplicity, I refer to them simply as the priests.

<sup>30</sup> Compare to Moses “drawing near” the camp of the Israelites and learning of the gold calf (32.19). Moses was thus able to see God clearly, as opposed others who saw him dimly. See Yevamot 49b.

<sup>31</sup> See also 19.19; Numbers 12.7-8; Deuteronomy 34:10. But compare Genesis 32.31, which again suggests a certain parallel between Jacob’s struggles with God and those of Moses.

gold calf, Moses goes back up the mountain for another period of forty days and nights (34.28), during which he receives the second set of tablets. At this time, Moses not only speaks with God, but also sees God pass before him and hears as God “proclaimed the name of the Lord,” or his essential nature, while Moses stands in a cleft in the rock at the top of the mountain. (33.20-23, 34.5-7)

This three-part distinction appears repeatedly in the account of the giving of the *torah*, establishing a type contrast among these three different groups.<sup>32</sup> This type contrast apparently corresponds to three different levels or degrees of knowledge that are attained by the Israelites, each of which is represented by a different location on Mt. Sinai: Moses, who reaches the summit of the mountain, is able to gain a magnificent, although still only partial, view of God’s nature and God’s commands.<sup>33</sup> The people, who were supposed to be at the foot of the mountain but retreat farther away toward the camp, know little or nothing of God’s commands unless Moses explains them to them. And the elders, who do attain some genuine knowledge of God themselves, occupy an intermediate position on the slope of the mountain. There, they have their own view of God’s form, which is to say of God’s nature, and this view is independent of Moses. Although the elders’ view of God’s form is exceedingly limited – all they can see clearly is God’s feet and his footstool – what they know of God is still much more than what the people can see.<sup>34</sup> Regarding the law, however, they are still much like the people, needing Moses to teach them. When Moses goes up to learn the law, he pointedly tells the elders that they will all have to wait for him there. (24.14) Only Joshua, who will be Moses’ successor, is depicted as being able to go some of the distance with Moses as he climbs further up the mountain. (24.13)<sup>35</sup>

#### 4. The Mountain and the Sky

Why is there a mountain in the story of God giving the *torah* to Israel? I have suggested that in the Exodus account of the giving of the *torah*, one’s place on the

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<sup>32</sup> The distinction between the message to the Israelites and that to the elders appears already in Moses’ first meeting with God on the mountain. God instructs Moses concerning how he will speak to the Israelites in Egypt (3.14-15) and also, separately, to the elders (3.16-18). Thanks to Jim Diamond for this observation. On type contrasts in biblical narrative, see Yoram Hazony, *The Philosophy of Hebrew Scripture*, pp. 68-74.

<sup>33</sup> Seforno comments on 33.19-20 that in the proclamation of God’s name, Moses attains a glimpse of his essence. Note, similarly, the dictum of Rav and Shmuel according to which Moses was able to attain forty-nine of the fifty gates of understanding that had been allotted to the world. Rosh Hashana 21b; Nedarim 38a.

<sup>34</sup> As emphasized in Nachmanides’ comment on 24.10.

<sup>35</sup> For the rabbinic assessment of Moses as opposed to Joshua, see Bava Batra 75a. See also Joshua’s role in the tent of meeting at 33.11.

slope of the mountain represents what one knows of God. In other words, the mountain does not appear in Scripture merely as a physical and historical location. It is also a metaphor – a metaphor for the attainment of knowledge of God’s nature and his will. One who stands at the foot of the mountain has minimal knowledge. He cannot see far, and what he does see is restricted to what takes place around him. But as one climbs, one’s point of vantage improves. Standing near the summit, one sees as much of God as any human being can, and attains a perspective on the world that is as close to God’s as a human being can attain – the highest knowledge available to human beings.<sup>36</sup>

But notice that the summit of Mt. Sinai does not represent any kind of complete or perfect knowledge. Above the summit of the mountain is the sky.<sup>37</sup> God has to “come down” in order to appear upon the summit of the mountain. (19.11, 18, 20)<sup>38</sup> God himself says that he has spoken to Israel “from the sky.” (20.19)<sup>39</sup> This presence of the sky, unreachable above the mountain, suggests that there is some higher degree of knowledge that human beings may desire, but which is beyond what human beings, who remain bound to the earth, can attain. Compare Moses’ mountain, which he scales repeatedly to gain knowledge of God’s nature and his will, to Jacob’s dream of a ladder that can be climbed all the way to heaven. Jacob’s dream reflects a far greater ambition.<sup>40</sup> But the fact is that Jacob never climbs the ladder. And when Jacob asks God to reveal his name to him – the very same thing that Moses asks of God at Mt. Sinai – he is rebuffed with “Why is it that you ask my name?” and shown nothing more.<sup>41</sup> The ascent to the sky thus remains forever a dream, whereas Moses’ ascent to the summit of

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<sup>36</sup> Notice that the entire exodus from Egypt is described as a process by which Israel will come to “know that I am the Lord, your God” (6.7). This is in fact the knowledge that Israel is offered in the Ten Precepts. Thanks to Dru Johnson for this observation.

<sup>37</sup> The Hebrew word *shamaim* is usually translated as “heaven,” but it is also the normal Hebrew-language word for the sky.

<sup>38</sup> According to Jewish tradition, God bends the dome of the sky itself to bring it down to the mountain. See Psalms 18.10, 144.5; Mechilta, Bahodesh 4.

<sup>39</sup> See also Deuteronomy 4.36; Nehemia 9.13.

<sup>40</sup> Jacob dreams of a ladder permitting ascent to heaven as he is fleeing the land of his fathers at Genesis 28.12. Maimonides *Guide* 1.15 suggests that God himself stands at the top of Jacob’s ladder based on his reading of *nitzav alav* in Genesis 28.13. For Maimonides, every prophet ascends and descends the ladder – ascending to God and descending to return God’s word. This view is very similar to the one I have proposed here, and indeed the resemblance between Jacob’s ladder and the mountain of God that Moses and the elders ascend is striking. However, the ladder permits angels to reach all the way into the sky, whereas the mountain does not. Maimonides’ view, which suggests that the human intellect can follow the angels all the way to heaven thus appears to be mistaken according to the Exodus account of this matter.

<sup>41</sup> Jacob’s attempt to gain knowledge of God without scaling the ladder takes place many years later, upon his return to the land. See Genesis 32.29. Moses asks God his name outright at Exodus 3.13, and receives a somewhat better answer than Jacob did; but the greatest name that God reveals to Moses is not presented until 34.6-7. See my discussion in *The Philosophy of Hebrew Scripture*, pp. 242-248.

the mountain, which takes him part of the way to the sky, is something that a human being can actually achieve.

Let us attend carefully to this point. Human beings cannot ascend to the sky. They can ascend, at most, to the summit of the mountain. We see that human beings can attain knowledge as a consequence of intensive effort – an effort that is represented by the climb up the slope of Mt. Sinai. And this striving is evidently a requirement for knowledge of God’s nature and God’s will. But the partial success that is available to human beings who approach the summit of the mountain is still only possible if God descends from heaven to meet them half way. Without God’s response to this human striving, the effort will in any case fail.<sup>42</sup> This means that if knowledge of God’s nature and teaching are to be imparted to man, God must descend from the sky in order to give the *torah* to man.

It is also relevant to compare the mountain of God as it is described in Exodus to Plato’s allegory of the cave. There, too, the pursuit of knowledge begins at the bottom of a steep slope that one must climb in order to attain understanding at the top. That the attainment of knowledge is described in both instances as a slope is not coincidental. In terms of its phenomenology, we experience the effort involved in moving from experience to general knowledge as resembling a difficult climb uphill. Moreover, the ascent in Plato’s allegory ends under an open sky, just as the Exodus account of attaining knowledge does.

But Plato’s account differs from that of Moses in a number of ways. First, in Plato’s allegory, ultimate knowledge is represented not by the sky, but by the sun. The sun burns too brightly for our eyes to be able to fix on it and see it clearly, so that, as in Exodus, a completed or perfected knowledge is not attainable by human beings. However, the sky in the Mosaic account is something quite different from Plato’s sun. In particular, the sky is not a discrete object whose extent and shape can be taken in by the human eye as we can take in the extent and shape of the sun. It is rather an unending expanse, which cannot be encompassed by means of human sight, and which we know only by seeing a small part of it at a time. Another way of saying this is that Plato’s sun represents an idea or a form, which is something that can be encompassed by the human mind: Even if it can never be understood with perfect clarity, it is nonetheless something whose extent and shape can be known. But the sky in the Mosaic teaching is not an idea or a form. As one’s eye cannot take in the expanse of the sky, one cannot encompass God with one’s mind. Only a small part of him can ever be before our minds, and no more than this.<sup>43</sup>

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<sup>42</sup> It may be that any action of God in the world involves his descent, as, for example, in Exodus 3.8.

<sup>43</sup> Despite Plato’s comparison of the form of the good with the sun, it is worth noting that he still, is still describes it as “not being, but beyond being, surpassing it in seniority and power” (509b).

Second, there is a difference between the two accounts in the way in which they treat man's effort at attaining the highest knowledge. In Plato's allegory, the emphasis is overwhelmingly on human striving for knowledge. Whether we succeed in gaining sight of the sun, and in adjusting our eyes to seeing by means of the light of the sun, is something that depends upon our own abilities, skill and endurance. Whereas for Moses, while it is evident that one cannot attain the summit of the mountain without initiative, abilities, skill and endurance, what is or is not revealed is ultimately not in our control. Our achievement depends on whether or not God chooses to descend to the top of the mountain. On the Mosaic view, human endeavor is a necessary condition for God's revelation, but by no means sufficient for it.<sup>44</sup>

Finally, Plato's account is explicitly and emphatically dualistic. Human beings live out their lives in the cave, but they have the ability to free themselves and escape into the outside world, into a world flooded with sunlight, which represents the realm of ideas or forms, the realm of "true being." Exodus suggests no such dualism. Moses climbs the mountain in order to reach God, but the mountain is still in and of this world. Moses cannot use it to free himself from this world and reach the sky. Nor does God's descent upon the mountain offer Moses the sunlight and clarity of vision that Plato promises. On the contrary, God's approach is accompanied by cloud and smoke, so that the things Moses sees due to God's descent remain obscure. Thus while Plato believes men will experience an intense desire to remain in the world of true being, Exodus suggests nothing of the sort. Moses' ascent to the summit of Sinai does not offer him an escape to any other world, nor does he want any such a thing. He wishes to descend again to this life, to bring the knowledge he has gained back into this world, which is for him the realm of true being.<sup>45</sup>

## 5. The Devouring Fire

Moses brings the people to the foot of Mt. Sinai. But what they see there frightens them greatly and they withdraw from the mountain rather than stand where Moses has told them to stand. What they see is that "Smoke rose from every part

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This confusing phrase does suggest that the good is perhaps more diffuse than the metaphor of the sun might suggest. Thanks to Josh Weinstein for pointing this out.

<sup>44</sup> See Maimonides, *Guide* 2.32-48; *Mishneh Torah*, Hilchot Yesodei Hatora 7-10. Compare Talmud Shabbat 92a, Nedarim 38a; Abravanel on *Guide* 2.32; Lechem Mishneh on Hilchot Yesodei Hatora 7.1; Yoram Hazony, "Three Replies: On Revelation, Natural Law and Jewish Autonomy in Theology," *Journal of Analytic Theology* 3 (2015), pp. 178-184.

<sup>45</sup> Thus R. Jose argues that neither Moses nor Elijah go up to heaven, and that heaven never touches the summit of Mt. Sinai. Sukot 5a. Thank you to Josh Amaru for his contributions to this section.

of Mt. Sinai, for the Lord had come down upon it in fire [*ba'esh*], and the smoke of it rose like the smoke of a furnace, and the entire mountain quaked greatly." (19.18) God descending upon the mountain is to the people like the arrival of a great fire, which they experience as lightning and thunder (19.16) and flaming torches (20.15).<sup>46</sup> Later, God's presence at the top of Mt. Sinai is said to appear as a "devouring fire on the top of the mountain in eyes of Israel." (24.17)<sup>47</sup>

This experience of God as a devouring fire is not restricted to the people. Moses, too, gets to see this side of God, as when God tells him that "I will be angered by them and I will consume them" because the people have made themselves a statue of gold and declared it to be their god. (32.10)<sup>48</sup> But God has not always appeared to Moses in this way. Moses' most characteristic vision of God is nearly the opposite of this: When he first climbs the mountain of God to examine the burning bush, Moses sees that "the bush burned with fire, but the bush was not consumed [*einenu ukal*]." (3.2) The Hebrew term that I have here translated "consumed," *ukal*, is the same word that appears in the expression *esh ochelet*, usually translated "devouring fire"; as well as in God's declaration that his anger will "consume" the people because of their sin of making the calf of gold (*va'achalem*).

This image of God as a devouring fire is, in other words, an elaboration of the type contrast we have already seen opposing the people to Moses: Whereas the people see God as a consuming fire, Moses is able to see God as a fire that does not consume.<sup>49</sup> This contrast sets out one of the principal theological questions explored in the Exodus account of the giving of the *torah*, and indeed, throughout the story of Moses' leadership of Israel in the desert and beyond. It is thus significant that when the elders and priests advance part way up the mountain, we are told that they "saw the God of Israel" and that "He laid not his hand upon the noteworthy men of Israel, but they looked upon God and ate and drank." (24.10-11) Despite their approach, the elders see that God does not consume them ("He laid not his hand upon [them]"). For the moment, at least, the elders' understanding of God has moved closer to that of Moses.<sup>50</sup>

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<sup>46</sup> Deuteronomy 4.11: "And the mountain was ablaze with fire to the very sky." See also Deuteronomy 5.20; 9.15.

<sup>47</sup> The danger that the people will die from exposure to God appears at Exodus 19.21-22, 24, and then again at 20.16. Similarly, at Deuteronomy 5.5, Moses tells the people that "you were afraid because of the fire and would not go up the mountain." And at 5.22, the people are afraid that "this great fire will consume us if we continue to listen to the voice of the Lord."

<sup>48</sup> Moses himself refers to God as "consuming" his enemies at Exodus 15.7; and as a "consuming fire" (*esh ochela*) at Deuteronomy 4.24. Similarly, the fire from God can "consume" offerings on the altar, but it also "consumes" two of Aaron's sons at Leviticus 9.24, 10.1-2.

<sup>49</sup> Similarly, see Leviticus 9.15-16.

<sup>50</sup> Here, it is the metaphor of God's hand that is used to refer to God destroying human beings who come near him, rather than the metaphor of God as a flame. The doubling and tripling of metaphors in order to describe one and the same thing appears constantly in biblical writing.

What is this all about? Why does Israel see God as a flame – at times a devouring flame, at times a flame that does not devour?

Part of this is easy to understand. In the Bible, as in much other literature, fire is recognized as being a two-sided thing: On the one hand, it is the source of light and heat, and so gives us life. On the other, one cannot draw too close to fire without being burned and destroyed. And what is true of fire is also said to be true of God, which is why he is compared to a fire: He is the source of things and so gives us life, but one cannot draw too close without being destroyed. Moreover, we have reason to think that what God's fire destroys is, in the first place, human beings who are contaminated with evil and sin. We see this in God's insistence that he cannot go in the midst of Israel after the sin of the gold calf without "consuming" them. This suggests that coming closer to God's fire involves exposing oneself to judgment. The premise here is that one may survive, for a time, while remaining evil and corrupt if one remains at a distance from God. But approaching God and bringing God into one's midst brings the force of God's flames bear. On this reading, the righteous will be able to approach God and bear his fire without being consumed. But since no man is entirely free from evildoing and sin, and even the most righteous, if he comes too close, will perish.<sup>51</sup>

This is a familiar way of thinking about the metaphor of God's fire and the danger it poses to human beings. But this approach, even if correct, only affords us a partial view of this subject. This is because I have not yet attempted to answer the obvious, crucial question that any investigation of God's fire in the Bible must address, which is this:

God's fire, understood as a destroying fire, is an aspect of God that is parallel to his anger, his judgment of evildoing and sin. But what of the other side of the metaphor of the fire: The flame as the source of light and warmth, giving life? How can the same fire of God that destroys the wicked – and even destroys the righteous if they come too close – also to be seen as the source of life?

This question is especially pressing in light of Moses' vision, with which the theology of the Exodus narrative begins, of a bush that "burned with fire, but was not consumed." The bush is obviously a lowly thing, a frail thing whose survival is in any case fleeting and always in doubt. It is, in other words, much like a man, and much like the people of Israel. Yet despite this frailty, Moses imagines that man can nonetheless withstand God's fire, containing it within him – and yet not be consumed by it. His vision proposes that what looks like a destroying fire need not be, and that it can be brought into our breasts, into our homes, into our camp. It is a vision of what man could be, of what Israel could

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<sup>51</sup> Exodus 3.5, 33.20.

be, if God lived among us. It is this vision that Moses refers to as a “great sight” (3.3), and it is this vision that draws him into his alliance with the God of Israel.<sup>52</sup>

Moses’ vision depends on our understanding the destructive aspect of God’s fire as secondary. The primary aspect of God’s fire would seem to be its ability to set this frail bit of scrub on fire in a positive sense, so that it comes alive with warmth and light. What is this warmth and light that Moses seeks to bring into Israel?

I propose that we try to answer this question in keeping with our earlier recognition that the metaphor of the ascent up Mt. Sinai is an ascent toward knowledge – and more precisely, toward knowledge of God’s nature and his will.<sup>53</sup> In this story, fire descends upon the mountain from the sky even as man ascends the mountain, moving upward in the direction of the fire. This framing raises the possibility that in the story of Israel at Mt. Sinai, the fire that descends from the sky and strikes the earth is itself a representation of the knowledge that man seeks. Moses brings the people to the mountain precisely so that they may approach God’s fire, bearing its presence and permitting it into their own breasts and lives.

This reading is especially difficult for us because the biblical scheme in which knowledge is regarded as a fire striking the mountain is so very different from that of later Western tradition, in which knowledge is usually compared to a serene light. Plato, for example, describes the attainment of knowledge as the eye of the soul gazing quietly at something fixed, eternal and immutable, something bathed in a peaceful, gentle light. In the Exodus account, on the other hand, there is nothing being bathed in a peaceful, gentle light – and there is no one gazing quietly at it either! Rather, the fire that descends from the sky strikes the earth with great violence, causing the mountain to quake and smolder, devouring and destroying in the sight of the people and frightening them into a retreat from the mountain. This metaphor of knowledge as fire suggests a view of knowledge not only as a thing of violence and power, but also as a moving thing, a thing with a direction, and therefore normativity. When we draw near a raging fire, we feel it bearing down upon us as we approach: We the pressure of its heat increasing upon our skin, and together with it the light in our eyes, the roar in our ears, the smell burning in our nostrils.<sup>54</sup> Seeing knowledge as a fire,

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<sup>52</sup> After God tells Moses that he will consume Israel, Moses tells him that if he will not forgive them their sin, he will withdraw from his alliance with God. (32.32)

<sup>53</sup> While knowledge of God’s nature involves pursuing something elusive, a form that is shrouded in cloud and so never properly seen, knowledge of God’s will is something different. God’s will is most frequently described as a command or law. This is to say that it is intrinsically normative in character – a force that bears down upon things and shapes them. The metaphor of the fire is well-suited to reflect this normativity.

<sup>54</sup> Compare Ezekiel: “And I placed you, you were on the the mountain of God’s holiness, you walked amid stones on fire [*avnei esh*].” Ezekiel 28.14.

we become aware of the ways in which it bears down upon us, threatening to uproot the things we think and placing painful pressure on our minds, remaking us into something other than what we were. Jeremiah puts this well, saying: “Are not my words like fire, says the Lord, like a hammer that shatters rock?”<sup>55</sup> The prophet understands fire as a metaphor for knowledge, just as he understands the blow of the hammer is a metaphor for knowledge. Both of these metaphors are fitting for a way of thinking of knowledge as something that urges us, even violently, in a certain direction.

When God first speaks to Moses upon the mountain, he speaks to Moses from within fire, as he will when Israel come to the mountain.<sup>56</sup> But is it really the case that God wants Moses to bring the people back to the mountain so they can attain knowledge? What he tells Moses seems to reflect another intention: He wants Moses to bring the people “to serve God upon this mountain.” (3.12) In antiquity, readers would have assumed that by “service” what is meant is rituals designed to entertain the god or feed it. However, we know from what happens when Moses brings the people to the foot of Mt. Sinai that a radical revision in what is meant by “service to God” is being proposed in this text. True, Israel does indeed offer sacrifices to God at the foot of the mountain in the ceremony concluding the covenant.<sup>57</sup> Nevertheless, had they been willing to stand at the foot of the mountain, the core of their “service to God” would have been something else entirely: They would have “served God” by standing before God’s fire and hearing his speech, allowing knowledge of God’s ten *devarim* to be impressed directly upon on their minds, without these teachings needing to be relayed to them by any teacher, prophet or political figure.

I do not believe it is possible to understand what is being described in the Exodus account of Israel at Sinai without recognizing that to “serve God” is here being equated with a willingness to expose oneself to knowledge – and in fact, to knowledge that the people have reason to fear. Consider the moment when the people are exposed to knowledge of God’s will – when he begins to speak the ten *devarim* – and they turn to flee. Moses, seeing that their fear is driving them away from God, attempts to reassure them:

And Moses said to the people: “Fear not, for it is in order to try you that God has come, and that the fear of him be before you so that you not sin.” (20.17)

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<sup>55</sup> Jeremiah 23.29. A related metaphor is that of the roaring lion in Amos: “The lion has roared, who will not fear? The Lord has spoken, who will not prophesy?” Amos 3.8.

<sup>56</sup> Upon Moses first visit to the mountain of God, we are told that “God called out to him from the midst of the bush” (3.4) – that is, from the midst of the flame: “And the messenger of the Lord appeared to him in a flame of fire, from the midst of the bush.” (3.2) Moses experiences this fire as such a pressure bearing upon him and he turns away from God because he is unable to look (3.6)

<sup>57</sup> Indeed, it is specifically bulls that they sacrifice at 24.5, the inverse of their later worship of a gold bull.

The wording here is striking. Moses tells the people that they should “fear not” because God has brought them to the mountain that they may learn “the fear of him”!<sup>58</sup> Does this make sense? Indeed, it does. When Moses says that the purpose of their coming to Sinai is so that the people should learn “fear of God,” he is using this concept in the way that it is frequently usually used throughout Scripture: It refers to the aversion of an individual or community to overstepping certain boundaries because of the sense that if they do, harm will befall them.<sup>59</sup> Moses is suggesting that in exposing themselves to direct knowledge of God’s nature and his will, they will gain just this aversion. They will have sufficient understanding to be afraid of doing evil because they will be aware, for example, that terrible harm does indeed befall the wicked “to the third and fourth generation” (as the ten *devarim* indicate, 20.5).<sup>60</sup> This is no abstract principle that is being taught. From the perspective of a people still immersed in the corruption of Egyptian ways of thinking and acting, this can only be perceived as a threat aimed directly at them.<sup>61</sup> To the extent that these people understand what is being said, they can see that they stand to be destroyed. When one looks at God from this perspective, one does indeed see him as a devouring fire, and one is afraid.<sup>62</sup>

Moses understands that gaining an understanding of the Ten Precepts is for the people an ordeal, a trial by fire, as it were. But he also understands that God’s purpose in putting Israel through this ordeal is not simply to torment them with an understanding of their own impending doom. For if the people can stand before God’s fire – that is, if they can face a direct understanding of the most basic precepts of God’s teaching – this understanding will in fact save their lives.<sup>63</sup> Moses’ vision is of a people that will accept this teaching into their minds, a teaching that will set them ablaze with its warmth and light like a bush that is

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<sup>58</sup> Compare Deuteronomy 4.10, where God tells Moses to “Gather the people to me and I will speak my words to them, so that they may learn to fear me always.”

<sup>59</sup> This “fear of God” may perhaps be less than genuine understanding. Sometimes it is just a feeling, but it may provoke one to examine things and to understand. This is the source of the biblical refrain that “The fear of God is the beginning of knowledge.” (Proverbs 1.7; see also 2.5, 9.10, 15.33; Psalms 111.10)

<sup>60</sup> In fact, the rabbis suggested that punishment for the gold calf continues to be visited upon us to this day. R. Isaac, Sanhedrin 102a; R. Asi, Exodus Raba 43.2.

<sup>61</sup> See note **17**.

<sup>62</sup> According to R. Eleazar of Modi’im, when God pronounced the commandments, the sound was heard throughout the earth, and all the kings in their palaces trembled. Zevahim 116a.

<sup>63</sup> The Exodus account refers to honoring one’s father and mother as performed “that your days may be prolonged on the Lord your God gives you.” (20.12) However, Exodus 12.5-6 lays out punishment and mercy with respect to those who hate or love God more generally, so it is clear that one’s life is at stake in all of the ten *devarim* and, indeed, in the entire Mosaic law. This is explicit in Deuteronomy 30.19, as in many other places in the books of Moses. See also the opinions of R. Hananel ben Papa and Raba, Shabbat 88b; and of R. Abbahu, Shabbat 89b.

aflame but is not consumed. The knowledge that is God's fire will preserve and protect Israel, giving them, not destruction, but life.

But the people fail the trial. They do not want to be exposed to the knowledge of God, which they experience only as the pain of uprooting their old ways and, in a sense, their old selves. They do not want to stand in the fire, and so they understand nothing, internalize nothing. Refusing to hear it, they send Moses into the fire to hear what God has to say. And as Moses he climbs the mountain, the people slide back into corruption.

## 6. The Elders' Covenant and the Ten Commandments

God speaks the ten *devarim* with the intention of impressing them upon the minds of all Israel, so that they may understand the rudiments of God's nature and his will.<sup>64</sup> But these Ten Precepts, which are designed to be understood by the entire people, are by no means the entire content of the alliance or covenant between God and Israel. Even before the people approach Mt. Sinai, we are told of an exchange between Moses and the elders of Israel in which they agree in principle to enter into a covenant with God without any of its legal provisions having been specified. This exchange is recorded as follows:

And they camped in the wilderness and Israel camped there facing the mountain. And Moses went up to God, and the Lord called to him out of the mountain, saying, Thus will you say to the house of Jacob, and tell the sons of Israel: You have seen what I did to Egypt, and how I bore you on eagle's wings and brought you to myself. And now, if you will heed my voice and keep my covenant, you will be precious to me from among all the peoples, for all the earth is mine. And you will be for me a kingdom of priests and a holy nation. These are the things you should say to Israel. And Moses came and called the elders of the people, and placed before them all these things as the Lord had commanded him. And all the people answered together and said: "We will do all that the Lord has spoken." And Moses reported the words of the people to the Lord. (19.2-8)

In this passage, we learn of an agreement concluded between God and the elders of Israel prior to the teaching of the Ten Precepts.<sup>65</sup> It is, in a sense, a preliminary

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<sup>64</sup> The Ten Precepts are not only "commandments." They explicitly describe God's nature, setting out that he is a "jealous God, visiting the iniquity of the fathers on the children," and so forth, in Exodus 20.5-6. I will return to this subject in Section 7 below.

<sup>65</sup> Many commentators have pointed to the fact that God does not mention the elders explicitly, apparently leaving it to Moses to decide to take the preliminary covenant to the elders instead of the people as whole. I suspect that what is happening here is different. The elders can certainly at time be referred to as the "sons of Israel" or "all Israel," in keeping with a pattern in the Bible of permitting "the people" to refer to the representatives of the people. This is explicit, for example, in passages such as Joshua 24.1-2 and Samuel 1.8.4-22, where the elders are described as

version of the covenant with Israel, laying out the principle that as God has brought Israel out of Egypt, Israel will now enter into an alliance with him and obey his law.<sup>66</sup> But this preliminary covenant ratified by the elders also includes a crucial element that does not appear in the version of the covenant that God speaks to the people when they approach the foot of the mountain: The covenant with the elders is couched in terms of Israel's relationship with the other nations. As Moses explains this to the elders, God's eye is not only on Israel, but on all the peoples of the earth ("for all the earth is mine"). And it is because of this that he seeks to establish Israel as a "kingdom of priests and a holy nation" – meaning that Israel is to have a distinctive and separate existence apart from the other peoples, and that they will take upon themselves the priest's role of instructing them concerning God's teachings.<sup>67</sup> It is in this context that we first hear of Israel's being "precious to me from among all the peoples."

Thus the preliminary covenant with the elders commits Israel, not to any particular laws, but rather to an overall posture and mission with respect to the other nations. This is a characteristic of the covenant that is familiar from Abraham's calling ("In you will all the families of the earth be blessed") Moses' later instructions to Israel in Deuteronomy as well ("It is your wisdom and your

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gathering, and are thereafter referred to as "the people," by which is meant the representatives of the people. In the case before us, when God sends Moses to speak to the "sons of Israel," he evidently understands from this that God is again sending him to speak with the elders as the people's representatives – just as he did at the burning bush, telling Moses to go talk to the "sons of Israel" (3.14-15), when in fact he was referring to the elders as the representatives of the people. (3.16, 18) Moses is turning to the elders because this is the way in which he has been accustomed to communicating God's words to the people until now.

In the same way, commentators suggest that this preliminary agreement is concluded not with the elders but with the entire people, so that "the people" referred to in 19.8 are in fact the entire people of Israel assembled out of doors to hear Moses' words as they will in fact be when God speaks the Ten Precepts before them. On this reading, Moses turns to the elders in order to honor them, but they otherwise were not meant to play any significant role. It seems impossible to me that this is what is suggested by this text. The elders play a quite significant role in the narrative time and again, including repeatedly in the story of Israel at Sinai, and it is difficult to think of an occasion on which the elders are assembled without their having any significant role to play in events. Indeed, it seems unlikely that at this decisive moment, when the covenant is being broached for the first time, the elders are mentioned only in passing and without any consequence. Moreover, verses 19.7 and 19.8 are clearly constructed as a pair: In 19.7 Moses informs the elders of God's proposal and in 19.8 they agree to it. Since there is no indication between verses 19.7 and 19.8 that the entire people have been assembled, the most plausible reading is that they have not been, and that both verses refer to the council of the elders discussing with Moses the proposal that he has brought from God.

<sup>66</sup> The Hebrew *brit*, usually translated as "covenant," means an alliance.

<sup>67</sup> See Isaiah's gloss at 61.6, which has the nations calling Israel priests ("As for you, you will be called 'priests of the Lord,' and 'servants of God' will be said of you"), as well as Seforno's comment to this effect. On the priests as teachers, see Leviticus 10.11; Deuteronomy 33.10; Malachi 2.7; Nehemia 8.7-8; Chronicles 2.17.8-9, 2.30.22, 2.35.3.

understanding in the eyes of the nations”), but it is telling that it is absent from the presentation of the Ten Precepts to the people upon their approach to the foot of the mountain.<sup>68</sup> There is, in other words, a clear difference in perspective between God’s teaching as the priests and elders are able to understand it, and what the people as a whole can be expected to internalize.

Let us try to understand the difference between these two perspectives. The individual who stands at the foot of the mountain is able to grasp Ten Precepts pertaining to the life of the individual person, his family and his relations with his immediate neighbors. These things are also largely negative in character: He will have no other gods, no figures of God, no vain use of God’s name, no labor on the sabbath, no murder, adultery, theft, perjury, or preoccupation with what his neighbor possesses. The positive vision that appears in the Ten Precepts is, on the other hand, quite limited and, again, focused exclusively on the life of the individual and his immediate family: He will be grateful to God for having brought him out of Egypt and created all that is in the earth; will understand that God rewards and punishes; will work for six days each week and make the seventh day holy; and will honor his father and his mother. Nothing is said here other than that the individual should free himself from the most elementary evil-doing, recognize the simplest things about God’s rule in the world, and engage in the most rudimentary aspects of basic holiness by means of personal sabbath observance and reverence for parents in the home.

The elders, on the other hand, are able to rise above the level of the individual in the context of his family and neighbors. They are able to consider Israel as a nation, and to see their nation in the context of all the nations. From this higher point of vantage, they are able to envision Israel as a nation separated from the other nations in holiness, and serving the role of a priesthood providing instruction to the nations of the earth.

It is not surprising that the priests and elders, the leadership of Israel, should have a better view of the life of the nation than the individual men and women of Israel. It is the role of the leadership, after all, to attend to condition of the nation as a whole. But the priority that the Exodus account gives to the elders’ preliminary covenant requires explanation. For the agreement with the elders is not only temporally prior to the covenant with the people. It is presented as a prerequisite for the establishment of the covenant with the people, suggesting that without their ratification of the preliminary covenant, Moses would not have attempted to bring the people to the foot of Mt. Sinai. In other words, it is because the elders accept the idea that Israel will adopt the posture and mission of a “kingdom of priests and a holy nation,” that all of the individual members of this entire people are able to approach the foot of Mt. Sinai as a body.

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<sup>68</sup> Genesis 12.3, 18.19, 26.4, 28.14; Deuteronomy 4.6.

Does the Exodus narrative envision some kind of a general requirement that an individual must have the agreement of the leaders of his or her nation before approaching the foot of the mountain of God? This seems extremely unlikely. We know that Moses approaches Mt. Sinai as a private person to see the great sight of the bush that is not consumed. Elijah, too, climbs the mount as an individual.<sup>69</sup> Moreover, if the “fear of God” invoked so many times in Scripture is recognized as the lowest level of knowledge of God, the equivalent of having arrived at the base of the mountain and having understood the rudiments of God’s speech, then we can point to many more examples of individuals approaching the mountain. For example, the story of the Moses’ birth tells us that the midwives Shifra and Pua would not murder the Israelite children at Pharaoh’s command because they “feared God.” (1.17) Similarly, Nehemiah describes how the previous governors of Judah had taxed and impoverished the people, but did not do so himself “for fear of our God.”<sup>70</sup> In these and other cases, “fear of God” is apparently something that can be attained by individuals without the assistance of the political leadership of their nation, and, indeed, in spite of it.<sup>71</sup>

At the same time, the biblical narratives are also much concerned with question of whether entire cities or peoples can be raised up to the level of fearing God as a collective. In this regard, it is noteworthy that Abraham feels that the “fear of God is not in this place” when living in Gerar among the Philistines, or in Pharaoh’s court in Egypt. In the same way, Amalek as a people is said not to fear God.<sup>72</sup> As these examples suggest, the prophets write in anticipation of the possibility that entire nations may be brought to fear God, although example of this actually happening are rare in the Bible.<sup>73</sup>

In general, we see no evidence that the *torah* requires the decision of a nation’s leaders for an individual to be able to approach an elementary fear of God and a consequent knowledge of rudimentary precepts of his will. But the giving of the *torah* at Sinai is a different enterprise. Its aim is not the understanding of this or that individual, but to bring an entire people to a place of understanding that, in the normal course of things, is possible only for certain

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<sup>69</sup> Kings 1.19.8-15.

<sup>70</sup> Nehemia 5.15, and also 5.9.

<sup>71</sup> Other examples in which it is individuals who are said to “fear God” without reference to a broader political context include Genesis 42.18; Exodus 18.21; Leviticus 25.17, 43; Psalms 36.1, 115.11, 135.20; Proverbs 3.7, 8.13, 16.6, 24.21; Jonah 1.9, 16.

<sup>72</sup> “And Abraham said: ‘Because I thought, Surely the fear of God is not in this place, and they will kill me so they can have my wife.’” Genesis 20.11. Since Abraham fears the same fate in Egypt, we can conclude that there, too, he felt there was not fear of God. See Genesis 12.12. For Amalek see Deuteronomy 25.18.

<sup>73</sup> The Assyrians in Jonah 3.5 may be an exception, although the expression here is not “fear of God” but rather that they “believed in God” – meaning that they believed that he would destroy them.

private persons. Can such a thing be achieved? According to the Exodus account of the giving of the *torah*, it is conceivable because Moses and the elders have already committed to the enterprise of becoming a kingdom of priests and a holy nation: Once the leadership of the nation is committed, we can imagine them leading the people as a whole to a place that is commonly accessible only to scattered individuals. But as we have seen, this attempt fails because the people refuse the understanding that is offered to them at the foot of Mt. Sinai. Instead of attaining a personal understanding of God's will, they counter that they will do as Moses tells them, thereby putting Moses, in a sense, in place of God.<sup>74</sup>

## 7. God's Face, Back and Feet

We have seen that Exodus reserves a special place for the elders of Israel in its account of the giving of the *torah*. While God pronounces only the rudiments of piety, justice, and holiness in speaking to the people, he imparts to the elders a great vision of establishing Israel as a priesthood to the nations. But this is only the beginning of the elders' unique experience of the giving of the *torah*. On the day after the people refuse to stand at the foot of the mountain and hear the ten *devarim* from God, Moses reads to them from the "book of the covenant" and they agree to the *brit* or alliance with God. Apparently having been impressed and strengthened by these events, the elders now have the fortitude to follow Moses part way up Mt. Sinai.<sup>75</sup>

What do the elders see from their point of vantage part way up the mountain? Here is what we are told:

And they saw the God of Israel, and under his feet was like a paved work of sapphire, and like the very sky for purity. He laid not his hand upon the noteworthy men of Israel, but they looked upon God and ate and drank. (24.10-11)

In this passage, the elders are twice said to have "looked upon God," from which it is evident that they can discern God from where they stand part way up the mountain. More specifically, the elders climb high enough to be able to see God's feet or his legs. (The Hebrew *regel* does not distinguish between feet and legs as

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<sup>74</sup> Although Israel was not willing to accept God's direct teaching at Sinai, the teaching by way of Moses and his successors still aims at this same end—a nation that "fears the Lord." See Deuteronomy 6.24, 10.12, Joshua, 24.14, 24; Samuel 1.12.14; Psalms 34.9.

<sup>75</sup> When the people were too frightened to hear God's voice, the elders were nowhere in evidence. Evidently, they were as frightened as the rest of the people, and joined in the insistence that Moses speak for God, as is said explicitly in Deuteronomy 5.19-23. Notice that Exodus 3.16-18 suggests that God believed the elders would play a role in liberating Israel from Egypt. But as far as we know, they did not play this role, apparently out of fear.

English does.) Compare this with the later description of what Moses can see of God from the summit of the mountain, which is as follows:

And [God] said, "You will not be able to see my face, for no man can see me and live." And the Lord said, "Here, there is a place by me, and you will stand upon the rock. And it will be, when my glory passes by, I will put you in the cleft of the rock, and I will cover you with my hand until I have passed. And I will remove my hand and you will see my back, but my face will not be seen." (33.20-23)

From the summit of the mountain, Moses is in a position to see much more of God than the elders. But as no man can see God's face and live, God obscures his face as he approaches, and permits Moses only to see his back after he has passed.

These passages draw a distinction between the way in which God appears to Moses and the elders on the mountain, and the way in which he appears to the people. Whereas the people see God only as a devouring fire, Moses and the elders see God as having a form resembling that of a man.<sup>76</sup> But as opposed to Moses, who can see God's body but not his face, the elders can see neither God's body nor his face. All that is visible from their point of vantage is God's feet or legs upon the dome of the sky.

What is the difference between seeing God's face, his back and his legs? The face holds the key to understanding a human being. It offers an unmediated view of another's emotions. And because the emotions indicate what one intends to do – whether one is about to lash out in anger, for example, or to take pity and forgive, and so forth for other emotions. For this reason, the close advisers of a human king are described as those who "see his face,"<sup>77</sup> reflecting the fact that they alone have an unmediated view of what is going through his mind and what his intentions may be. In the same way, to see God's face would be to be able to gain an indication of his intentions, and no man can know what God intends in advance of events. Still, although Moses cannot see God's face as he approaches, he can see God's back once he has passed, thereby knowing where God has been and what he has done. In other words, Moses is able to discern God's actions in the record of past events.<sup>78</sup>

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<sup>76</sup> Nahmanides emphasizes the distinction between the people's view of the devouring fire and the vision of the elders in his comment on 24.10.

<sup>77</sup> See Esther 1.14. Compare Ezra 7.14.

<sup>78</sup> Apparently, both those events that the prophet has himself experienced, and also in those recorded events of the past in which another reader might not have been able to recognize God. Moses' location at the summit of the mountain is thus related to his being able to recognize God's coming and his going. Lower down on the mountain, it is only God's presence in general but not his movements that are visible.

What about seeing God's feet? Great kings in ancient sources are repeatedly depicted as stepping or walking on their defeated enemies.<sup>79</sup> In Hebrew Scripture, the metaphor of God's footstep upon the earth is similarly used time and again to refer to the destruction of evildoers and the attainment of victory for the righteous.<sup>80</sup> In this sense, God's feet remind us of his capacity to destroy, just as the devouring flame reminds us of this same thing. But a devouring flame is indiscriminate in the destruction it wreaks, whereas the trampling of a man's feet is directed and controlled, even if only roughly so. What the elders see that the people below cannot is thus the existence of a certain direction and control in history, which brings destruction upon evildoers and victory to the righteous.<sup>81</sup> The fact that they are able to eat and drink and celebrate the covenant suggests that, despite the fearsome character of God's presence, they are not afraid. They are unafraid because the vision of God's judgment upon the earth fills them with confidence.

In considering the difference between the vision of the elders and that of Moses, we must also consider the closely related question of how God's name as it is revealed to Moses at the summit of the mountain differs from what the elders know of God's name. We are told that after Moses asks God to show him

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<sup>79</sup> For example, a Phoenician inscription at Karatepe has the royal servant Azatiwada boasting: "In places where there were evil men ... I, Azatiwada, placed them under my feet." Franz Rosenthal, "Azatiwada of Adana," in *Ancient Near Eastern Texts*, James Pritchard, ed. (Princeton: Princeton University Press, 1969, 3rd edition), p. 654. Similarly, a victory hymn of the Egyptian god Amon-Ra from the reign of Thutmose III declares that "I have felled the enemies beneath thy sandals." James Breasted, ed., *Ancient Records of Egypt* (London: Histories and Mysteries of Man Ltd, 1988), vol. 2, p. 263. These and other similar citations are collected by Richard D. Patterson at [https://bible.org/seriespage/2-earth-my-footstool-god-s-feet-and-our-walk#P134\\_43935](https://bible.org/seriespage/2-earth-my-footstool-god-s-feet-and-our-walk#P134_43935)

<sup>80</sup> Samuel 2.22.10; Isaiah 41.2-3; Micha 1.3; Nahum 1.3; Habakuk 3.5; Psalms 18.10, 74.3; Lamentations 3.34. Psalms similarly suggests that God will make Israel's enemies "a stool for your feet." Psalms 110.1. Compare God's failure to judge where his footstep does not reach the earth in Job 22.14. The metaphor of the God's footfall does not suggest the much finer control and even artistry that characterize the metaphor of God's hands, with which he has built the heavens and the earth, and also wields his sword.

<sup>81</sup> Note that there is no mention here of God being seated on a throne, as we find in other well-known texts of the prophets of Israel such as Kings 1.22.19; Isaiah 6.1; Ezekiel 1.25-26, 10.1. The Hebrew *sapir* (usually transliterated as "sapphire") from the description of the elders' vision appears again in Ezekiel's rendering of God's throne. (See also the reference to the color of the throne in R. Meir, Sotah 17a.) This word apparently refers to the gemstone lapis lazuli, from which we get the English word *azure*, and not to what are today called sapphires. The throne is where the king sits in judgment, and many commentators have assumed that what is visible to the elders is God's feet as he sits upon his throne. See, for example, commentaries of Ibn Ezra and Nahmanides. But since the text in Exodus makes no mention of the throne or of God being seated, it is more straightforward to assume that the elders, like Moses, see God standing and walking upon the earth.

his ways, God passes by Moses at the top of the mountain, God “proclaimed the name of the Lord.” (34.5)<sup>82</sup> The name that God proclaims before Moses is this:

The Lord, the Lord, a God merciful and gracious, longsuffering, and abundant in giving and truth, storing up the results of righteousness to thousands of generations, bearing iniquity and transgression and sin; but who will certainly not pardon the guilty, visiting the iniquity of the fathers on the children, and on the children’s children, to the third and fourth generation.<sup>83</sup>

This name is similar to God’s self-description in Ten Precepts, which is accessible to those who stand at the bottom of the mountain, and which Moses teaches to both the people and the elders. Here is what Moses teaches them about God’s nature:

I, the Lord your God, am a jealous God, visiting the iniquity of the fathers on the children to the third and fourth generation of those that hate me; and doing kindness to thousands of generations of those who love me and keep my commandments. (20.5-6)<sup>84</sup>

These two names are close enough in meaning so that there can be no doubt that they refer to the same God. But the differences are nonetheless striking. In speaking to Moses at the summit, God omits the word “jealous” from the pronouncement of his name entirely (although he does use this word again later<sup>85</sup>). Instead, God adds that he is merciful, gracious, and longsuffering, that he bears iniquity, and that he is a reliable God (*raḥ emet*, “abundant in truth,” refers to the fact that God can be greatly relied upon).<sup>86</sup> These are crucial

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<sup>82</sup> Moses asks God to show him “your ways” (33.13); and then, after God agrees (33.17), Moses asks him to show him “your glory” (33.18). God’s ways are evidently what Moses sees when God proclaims his name before him. (34.5-7) But God’s glory, in this context, appears to be identical with God’s face, which no man can see and live. Thus God responds to Moses’ second request “I will make all my goodness pass before you, and I will proclaim the name of the Lord before you.... But you cannot see my face, for no man can see me and live.”(33.19-20) Moses is thus presented with God’s name, which he had asked to know earlier at the burning bush (3.13). This view follows Nahmanides on 3.13, 33.18.

<sup>83</sup> Exodus 34.5-7. Parts of this formulation, including the extension of reward and punishment over multiple generations, appear in the Ten Precepts. See Exodus 20.5-6, as well as Exodus 34.7, Numbers 14.18, Deuteronomy 5.9-10. See similar views at Isaiah 14.21; Jeremiah 32.18; Hoshea 4.6; Psalms 99.8, 109.14. A famous dissent from this view of God’s nature is Ezekiel 18.1-24.

<sup>84</sup> Note also the assertion that God will not forgive iniquity in 20.7.

<sup>85</sup> This omission does not signal that God is not jealous. God again describes himself as “jealous” at the summit of the mountain at Exodus 34.14 (and Moses repeats it at Deuteronomy 4.24). But the omission of this word from God’s proclamation of his name is obviously significant. God’s jealousy is less pronounced as one approaches an understanding of God’s essence.

<sup>86</sup> God’s merciful nature can be inferred from the fact that the repeated rounds of human sin and corruption do not lead to mankind’s destruction but rather to God’s accommodation. However, this is the first place in Scripture in which God’s mercy is described explicitly. Compare Rashi on

differences, suggesting that as one increases in knowledge of God, the frightening aspect of his nature diminishes, and one grows in one's ability to recognize his kindness.<sup>87</sup> This means, too, that much of what the Exodus account and later tradition teach concerning God would not have been visible to the people at the base of the mountain even if they had directly grasped the content of the Ten Precepts. There are things concerning God's nature that are actually visible only to those few who are capable of ascending the mountain. These things are, for this reason, only accepted by the people on the basis of faith in the Mosaic teaching.

## 8. The Gold Calf, Feasting and Drinking

The account of the giving of the *torah* in Exodus tells a story of two very different festive meals. When the elders ascend the slope of the mountain after they have heard the words of the covenant from Moses and sacrificed to God, (24.4-8) we are told that they "gazed upon God and ate and drank." (24.11) On the other hand, when Moses goes up the mountain to receive the stone tablets from God, they fashion a gold calf and offer sacrifices to it, at which point "the people sat down to eat, and drank and arose to wild play [*letzahek*]." (32.6) Yet another reference to eating and drinking appears with respect to Moses, who ascends to the summit of the mountain, and "was there with the Lord forty days and forty nights. He ate no bread and drank no water." (34.28)<sup>88</sup> As has been said, the story of the giving of the *torah* distinguishes the people, the elders and Moses into three categories or types of individuals. The recurring use of the expression "eating and drinking" signals that this phrase is deployed to assist in drawing the distinction among the three categories; and to help us understand what in fact distinguishes each type from the others with respect to the knowledge of God that is gained as one moves up the mountain.<sup>89</sup>

Let's examine how this works. The first category or type is the people, whom we find eating and drinking and celebrating at the feet of the gold calf that they have made. What is this about? The calf, of course, is just the kind of idolatrous image that is proscribed in God's speech to the people at the foot of the mountain only a few weeks earlier, which includes the prohibitions: "You

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Genesis 1.1, third comment. On the meaning of *emet* in the Bible, see Yoram Hazony, *The Philosophy of Hebrew Scripture*, pp. 193-218.

<sup>87</sup> For example, the rabbis point out the attribute of being "longsuffering" even toward the wicked is what saves Israel after the sin of the gold calf. Sanhedrin 111a-b.

<sup>88</sup> Deuteronomy 9.9, 18.

<sup>89</sup> On the use of repeating phrases to establish a technical language for handling ideas in the Bible, see Yoram Hazony, *The Philosophy of Hebrew Scripture*, pp. 74-79; Aaron Koller, *Esther in Ancient Jewish Thought* (Cambridge: Cambridge, 2014), p. 74.

will have no other gods besides me. You will not make yourself a statue or any image.” (20.3-4)<sup>90</sup> Had the people in fact been willing to hear God’s voice at the foot of the mountain, they would have understood these things and would have known that fashioning a statue and declaring it a god are a horror. But the people refused to stand at the foot of the mountain, and so they have heard only Moses’ voice speaking in opposition to the creation of gods and idols.<sup>91</sup> And at this point, Moses too has disappeared, leaving the people thinking that he has died or abandoned them. (32.1) It is to fill this vacuum that the people call upon Aaron to “Rise up and make us a god that will go before us.” (32.1) And then, once he has made it, they make the shocking declaration that “This are your god, Israel, who brought you up out of the land of Egypt.” (32.4)<sup>92</sup>

What is the place of this story of the gold calf within the larger argument concerning the types of knowledge of God available to the people? The making and celebrating of the gold calf is presented here as characteristic of the orientation of those who have refused to stand at the foot of the mountain. Having refused God’s instruction out of fear, they turn their backs on the mountain and pretend they already have all the knowledge they need. We know of these feelings of self-sufficiency from the following fact: Moses has left instructions that if the people have any questions, they should bring them to Aaron and Hur (24.14), who accompanied the elders part way up the mountain. But when the people turn to Aaron, they come to him not seeking guidance, but giving orders – asserting that what is needed is to “make us a god that will go before us.” (32.1)<sup>93</sup> They give him their gold earrings so that the idol can be

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<sup>90</sup> R. Shmuel, Exodus Raba 44.9. The declaration of the calf as a god is all the more shocking given that Moses had commanded the slaughter of bulls in sacrifice to God as part of the ceremony sealing the covenant. (24.5) This means that they must already associate Moses with the slaughter of the bull, which they have now decided to call god.

<sup>91</sup> That is to say, they heard a human voice, which lacked the power to impress knowledge directly on their minds.

<sup>92</sup> The Hebrew word “gods” (*elohim*) can in some contexts mean “judges” or “leaders,” and commentators have correctly recognized that the expression “your gods who brought you out of the land of Egypt” in 32.4 uses the same language that appears in 32.1 to refer to Moses as “the man who brought us up out of the land of Egypt.” The parallel language makes it clear that in the people’s minds, the calf is a substitute for Moses. But it is a mistake to see this as somehow mitigating the idolatry involved in the making of the calf, since it continues Israel’s insistence that Moses be in place of God in teaching them the *torah*. They repeatedly wish to be led by someone or something other than God. Thus in the Ten Precepts, the word *elohim* is used to prohibit establishing gods other than “the Lord, your God,” precisely that which is taking place here. (20.2-3)

<sup>93</sup> The contempt of the people and the weakness of their elders is captured in the rabbinic tradition that Aaron capitulates only after Hur rebukes the people for their ingratitude to God, and is slain by them for this. Exodus Raba 41.7, 42.1. The murder of men is associated with the kissing calves by the prophet Hoshea 13.2; Sanhedrin 63b.

made.<sup>94</sup> And once they have constructed this new god to go before them, they are able to eat and drink and then rise to their “wild play,” the word *letzahek* referring to a giddy loss of control.<sup>95</sup>

What is the purpose of emphasizing the eating and drinking and wild play? Eating and drinking are necessary for life, health and flourishing, and at the same time they are a source of pleasure. “Wild play,” on the other hand, is something no one needs. People engage in giddy, uncontrolled behavior not because of its uses in health and flourishing, but only for the pleasure of it. And we also know that giddy loss of control tends to end badly. We therefore find that the people dancing before the calf have the following relationship with the knowledge that is available on the mountain: Before their gold calf, the people have turned away from the mountain and have forgotten it entirely. What engages them is only pleasure – both the world of necessary and useful pleasures (represented by eating and drinking); and the world of superfluous and dangerous pleasures (wild play).<sup>96</sup> The calf, as the god that “goes before them,” is both the pretext and the justification for their recklessness. The entire scene stands as a metaphor for a life in which one lives without concern for wisdom, pursuing whatever gives pleasure under the aegis of a god that appreciates such pleasure. Of course, a god that appreciates the indiscriminate pursuit of pleasure is not any kind of real god. It is a god of one’s own creation.

Compare this scene, now, with that in which the elders and priests stand part way up the mountain. We are told that they “gazed upon God and ate and drank.” So those on the slope of the mountain also eat and drink. They, too, engage in those things that are necessary for life, health and flourishing, and which also give pleasure. But as they partake in these pleasures, they have their eyes firmly fixed upon the vision of God’s tread upon the earth. Seeing that there is justice in the world, they have no interest in the wild play and lack of control that we will see among the people below. Moreover, the elders are said first to behold God and contemplate his rule of the world, and only after this to eat and drink; whereas the people begin with eating and drinking, and then move onward to further corruption. The implication is that having knowledge, their appetites, otherwise fraught with danger, are ordered and rendered harmless.<sup>97</sup>

The third type is that of Moses, who has reached the summit of the mountain where he is exposed to God’s teaching for protracted periods while he

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<sup>94</sup> See the parallel passage in Judges 8.24-25.

<sup>95</sup> This usage is parallel to Genesis 26.8, where Isaac is sporting with his wife; and 39.14, where Potifar’s wife uses the same word to accuse Joseph of aggressive sexual behavior towards her. See also Genesis Raba 53.11; Exodus Raba 42.1.

<sup>96</sup> On useful and useless pleasures, compare Plato, *Republic* 558d-559d.

<sup>97</sup> Thanks to Joshua Weinstein for his assistance on this point.

“ate no bread and drank no water.”<sup>98</sup> Here we are taught that the depth of Moses’ understanding is enabled by, and enables, a retreat from food and drink – that is, from even those pleasures that are necessary for life, health and flourishing.<sup>99</sup> When the summit of the mountain is considered in this light, we see that the Exodus narrative proposes an inverse relation between the pursuit of pleasure and the ability to gain knowledge of God. A preoccupation with pleasure leads to a reckless disregard for reality and the construction and celebration of false gods; whereas a moderate engagement with useful pleasures is commensurate with a view of God’s presence in the world; and an extensive knowledge of God is gained through the overcoming even the interest in useful pleasure.

This inverse relation between knowledge and pleasure reminds us of the writings of Plato, or of Hindu religion, in which the body is regarded as an obstacle to knowledge.<sup>100</sup> But despite the evident similarities, there is also an important difference. In such systems, the soul is distinguished from the body, and knowledge is said to enter the soul fully only when it has detached itself from the body entirely. When God teaches Moses at the summit of the mountain in Exodus, on the other hand, we find nothing of this kind. There is no hint that Moses’ mind or soul is detached from his body. Indeed, the very fact that Moses is said not to eat and drink distinguishes the Exodus account from Plato’s ascent from the cave, in which it is obvious that the detached soul has no bodily needs because it has escaped the cave (that is, the world of bodily things) in which it was trapped and left it behind entirely.<sup>101</sup> Indeed, the closest parallel in Scripture is Elijah’s ascent upon the mountain of God, in which we are told explicitly that he did not eat or drink for forty days “on the strength of” his last meal – reducing his concern for his bodily needs to the barest minimum, yet without detaching

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<sup>98</sup> Moses’ not eating and drinking does not seem to be not mentioned with regard to the first tablets. Compare Moses fasting at Exodus 34.28 to 24.18, where no fast is mentioned. However, Deuteronomy 9.9, 9.18 suggest that Moses fasted both times he was on the mountain.

<sup>99</sup> Notice that demands related to the pleasure of food and drink appear as a principal source of bitterness between the people and Moses, as in Numbers 11.1-10. At Numbers 11.20, it is said regarding these demands for the pleasures of eating that “you have rejected the Lord, who is among you.”

<sup>100</sup> Abravanel, too, argues in this vein that Moses was freed from all needs and urges of the body, not only upon climbing Sinai, but before then. Thus his soul, unencumbered by his body, was able to communicate with God in complete clarity. Commentary on Exodus 19.1-3.

<sup>101</sup> Similarly, Moses climbs the mountain the second time carrying massive tablets of stone. (34.4) This, too, is an image that, even if taken strictly at the level of metaphor, is unthinkable in Plato’s allegory, in which the soul leave everything that is of this earth entirely behind. Finally, and perhaps most tellingly, it is at the top of the mountain that God tells Moses that he will die if he sees God’s face, (33.20) clearly emphasizing that the power of Moses’ vision remains bound to his living embodied self.

himself entirely from his body or from this world.<sup>102</sup> This is the most plausible reading of the Exodus account as well: Moses is and remains a creature of this earth, and the summit of Mt. Sinai is and remains a place upon this earth.

## 9. Tablets of Stone, Inscribed by God

After a week of waiting on the slope with the elders, God calls Moses up to the summit of Mt. Sinai, telling him: “Come up to me to the mountain, and I will give you the tablets of stone and the teaching [*torah*] and the commandment that I have written that you may teach them.” (24.12)<sup>103</sup> The tablets that God gives Moses at the summit “were the work of God, and the writing was the writing of God,” (32.16) and when Moses first descends from the mountain, he is carrying these tablets “written by the finger of God.” (31.18)<sup>104</sup> But when he approaches the Israelite camp, embroiled in its idolatry, he is angered and “threw the tablets from his hands and broke them at the foot of the mountain.” (32.19)<sup>105</sup> After God has agreed not to destroy Israel for their sin, he tells Moses to carve a second set of tablets at the foot of the mountain and carry them up the mountain with him (34.4).<sup>106</sup> Once these new tablets, formed by human hands, have been brought to the top of the mountain, God again inscribes “the words of the covenant, the Ten Precepts” on the tablets. (34.28)<sup>107</sup>

The contrast between the tablets fashioned by God at the top of the mountain and those fashioned by man at the bottom of the mountain is one of the central figures requiring explanation in the Exodus account of the giving of the *torah*. We understand that an important theological distinction is being

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<sup>102</sup> “And the angel of the Lord came again a second time and touched him, and said: ‘Arise and eat, because the journey is too great for you.’ And he rose, and ate and drank, and went onward on the strength of that meal for forty days and forty nights, to Horev, the mountain of God.” Kings 1.19.7-8. Again, the view of R. Jose, who argues that neither Moses nor Elijah go up to heaven, is relevant. Sukot 5a.

<sup>103</sup> Compare Deuteronomy 5.22, 6.1.

<sup>104</sup> Deuteronomy 9.10.

<sup>105</sup> Deuteronomy 9.17.

<sup>106</sup> Deuteronomy 10.3.

<sup>107</sup> Exodus 34.1; Deuteronomy 10.2, 4, and also 4.13. The Exodus account is unclear about whether God himself inscribed the second set of tablets. Although God tells Moses to carve the tablets “and I will write upon these tablets the words that were on the first tablets that you broke,” (34.1) the most direct meaning of 34.27-28 is that Moses inscribed the words at God’s instruction. This can be read as though God changed his mind about inscribing the second tablets himself. Alternatively, it may be one of many places in Hebrew Scripture in which God’s actions are by way of human actions. As far as the substance of the matter, I do not see a great difference between an account in which God instructs Moses as to what should be written on the tablets, and one in which God writes the words on the second set of tablets himself, as is unequivocally the case in Deuteronomy.

drawn not only because of the reappearance of the contrast between the summit of the mountain and the foot of the mountain, repeated now with reference to the tablets. There is also the matter of the breaking of the tablets as they enter the world, itself as freighted a description as any we find in Scripture. Why does Moses break the tablets inscribed by God? What are we being taught here? Moses is obviously outraged by Israel's betrayal of the God that took them out of Egypt, which is also a betrayal of him. But it is hardly plausible that he destroys the tablets created by God himself – the first item that has been described as having been created by God since the founding of the world in Genesis – because he is so angry that he cannot control himself. The destruction of the tablets inscribed by God upon their entry into the world of men is likewise a matter that cries out for a fuller explanation.

Any discussion of God's inscription of the stone tablets at Sinai should begin with the fact that they are a composite entity: We are told time and again that they consist of (i) God's *devarim* inscribed or written on (ii) the stone of the mountain. The act of God inscribing the tablets is thus reminiscent of God's first act of the creation, the creation of the world, in which a wind from God blows upon the chaotic waters, shaping them into heaven and earth. Like God's breath upon the waters in Genesis, God's inscription upon the stone carved from the mountain is a shaping and a revision of things.

What, precisely, is being shaped and revised at Sinai? It is surely relevant that the metaphor of inscription or writing upon a tablet appears repeatedly in the Bible to refer to teachings or behaviors that have been fixed in the human mind. Jeremiah, for example, says that the sin of Judah is "engraved upon the tablet of their minds [*luah libam*]." <sup>108</sup> And Proverbs, in a parallel passage speaking of teachings and commandments, calls upon its readers to "write them on the tablet of your mind [*luah libecha*]." <sup>109</sup> In these texts, the same word *luah* ("tablet"), which is used to describe the stone tablets inscribed by God at Sinai, is invoked metaphorically to speak of the human mind as a tablet upon which teachings and commandments can be impressed. Other passages use a nearly identical metaphor, speaking God writing his teachings on the mind as though it is a scroll or a book. <sup>110</sup> When God's teaching is "inscribed" or "written" upon human minds, this means that mankind's understanding is reshaped or reformed, and as a consequence, our behavior is reformed.

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<sup>108</sup> Jeremiah 17.1.

<sup>109</sup> Proverbs 7.3. This passage uses *torati* (my teaching) and *mitzvotai* (my commandments) to refer to what is impressed on the tablet of the mind, thus making direct reference to "the teaching and the commandment" that God says he has written on the tablets of stone in Exodus 24.12. See also Proverbs 3.3.

<sup>110</sup> See Jeremiah 31.32; Psalms 40.8-9. Compare as well to the binding of God's word on the arm near the heart in Deuteronomy 6.8, 11.18.

These passages invite the suggestion that the inscription of the stone tablets at Sinai likewise refers to the human minds that are to be reshaped and reformed through the inscription of the God's precepts upon them. If this is right, the stone of the mountain can be seen as representing the minds of the people that are to be reshaped and reformed, as in Ezekiel's chilling metaphor of Israel's "mind of stone [*lev ha'even*]." <sup>111</sup> Thus the tablets of stone, carved and inscribed by the finger of God, would then be a representation of the people of Israel with God's precepts inscribed upon their minds.

Let us now where God's inscription of the stone tablets takes place. God twice inscribes his teaching on the stone of the mountain, both times at the summit (32.16, 34.28), rather than at the base of the mountain or, as some might have expected, in heaven above:

With respect to the base of the mountain, we have seen that God's intention was to impress the Ten Precepts upon the minds of the entire people of Israel there, but this effort ends in failure. The suggestion seems to be that the people, who have been led there by Moses and have not exerted themselves to climb the slope, remain closed to God's word. The inscription of God's word upon the stone – that is, the actual reshaping and reformation of the mind – cannot take place among a people who remain as they were. It will happen only if one is willing to engage in the toil of climbing the slope oneself.

No less important is the fact that the inscription of the words on the stone takes place on the mountain and not in the heaven. Recall, for example, Plato's account of the winged human soul that ascends to heaven, "delighted at last to be seeing what is real and watching what is true." In Plato's version, his worldly body and the earth itself are left behind so that he may be able to participate in the immutable and perfect things – the *ideal* things – that are to be found in heaven. <sup>112</sup>

In the Exodus account, on the other hand, Moses does not reach heaven. On the contrary, God descends from heaven and rests upon the mountain, and the teaching itself takes the form of tablets of stone, carved from the stone of this earthly mountain. This is not the description of an ideal law that exists in heaven,

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<sup>111</sup> Ezekiel 11.19, 36.26. See also Zecharia 7.12, Ezekial 3.9. This metaphor echoes passages in which Moses strives with the stone in the wilderness to get it to give water, the stone apparently being a metaphor for recalcitrant Israel. See Exodus 17.6; Numbers 20.11. Other texts that refer to these events include Deuteronomy 8.15; Isaiah 43.19, 48.21; Psalms 78.15-16, 20, 105.41, 114.8. The metaphor of hardness of heart is used in parallel with the related metaphor of being "stiff-necked," like an ox or an ass that refuses to accept its yoke. This parallel is explicit in Chronicles 2.36.13.

<sup>112</sup> Plato, *Phaedrus* 246-247. Plato emphasizes that "only a philosopher's mind grows wings.... [H]e is the only one who is perfect as perfect can be. He stands outside of human concerns and draws close to the divine." 249c-d.

an ideal law designed to govern some kind of ideal being.<sup>113</sup> The fact that God is said to descend from heaven and that he fashions tablets from the stone of the mountain means precisely that the *torah* given at Sinai is not such an ideal. Instead, the *torah* as we have it is the product of two factors: The stone, representing the reality of earthly human beings in all their depravity and folly; and the force of God's will, the "finger of God" that carves it from the mountain and inscribes it to give it a new form. The *torah* is not only a divine instrument whose purpose is to reshape the world, although it is certainly this. It is also something that comes into being in this world, reflecting the needs of the world as it is.

This is a point that bears emphasizing. We tend to think of the *torah* as being "from God," and so it is. But the *torah* is at the same time "for man." The shaping of the law in accordance with man's nature is evident in every verse of the *torah*. Why should human beings be commanded to refrain from adultery or theft? This law is given only because men's inclination is constantly to take the wives of others and the property of others, and because of the intensity of the suffering and bloodshed that follows when this inclination is acted upon. No society of ideal creatures – the angels as they appear in the Midrash, for example – would have any need of such laws.<sup>114</sup> They have no need of wives or property, do not suffer from having their wives or property violated, and do not engage in bloodshed in retaliation for such violations. And the same is true of giving honor to one's father and mother, which human beings constantly incline against doing; of having other gods besides God; and all the other precepts of the law.

What the *torah* offers, then, is an image of the human form, revised and uplifted. If man will follow the teachings of the *torah*, he will be revised and uplifted. But he will not thereby become an ideal being. He will remain man. And since it is concerning men that the *torah* speaks, we must recognize that the

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<sup>113</sup> That the *torah* is "not in heaven" and that no one has to climb to heaven to get it is an explicit teaching of the books of Moses. See Deuteronomy 30.12; Talmud Bava Metzia 59b. But there is an alternative view already in the Bible that does suggest that Moses actually ascended to heaven to bring the *torah* or the tablets down. See Psalms 68.19; and Deuteronomy Raba 3.11, among many other midrashim.

<sup>114</sup> This view is forcefully presented by R. Joshua ben Levi, Shabbat 88b-89a. The angels are said to have no bodily needs or desires at Hagiga 16a; Genesis Raba 48.11. This view disputes that of other rabbis who saw the *torah* as an eternal and ideal form, parallel in principle to the eternal forms in Plato's philosophy. This view of the *torah* as ideal finds expression, for example, in *agadot* that see the *torah* as having preceded the world. See, among others, the opinion of Resh Lakish according to which the *torah* preceded the creation of the world by two thousand years. Leviticus Raba 19.1.

law is concerned with things that are always – even when the people are willing and able to heed God’s teaching – far from ideality or perfection.<sup>115</sup>

## 10. The Broken Tablets and the Second Tablets

Upon bringing the tablets down from the mountain, Moses meets Joshua, who has remained upon the slope. Joshua says he can hear the people on the earth below them at war – suggesting to Moses that he has brought the law down just in time. Perhaps he can save the earth from its violence. But Moses responds that it is not the sound of war they hear, but the sound of celebration. (32.17-18)<sup>116</sup> Israel is celebrating its own evil, including even the priests and the elders, who have lost their way as well. The earth below, we are to understand, revels in its evildoing. Moses has brought down the *torah*, but there is no one to receive it. Having seen this, Moses smashes the tablets on the earth. God’s teaching shatters against the reality of man’s disinterest.

In fact, we have seen this shattering of tablets before. It is a re-enactment of the refusal of Israel to stand at the foot of Mt. Sinai to hear God’s word. But after seeing Moses’ breaking of the tablets, we understand this refusal a little better. The story of the people’s setting up a gold calf that they can “go after” affords us a clear view of man’s nature, as it is understood in the narrative. If not prevented by a leader such as Moses, who can bring God’s will before them, the people will always fill the normative void with a false god – one that will endorse their pleasures, both good and evil. And they will celebrate this god, and its endorsement of their pleasures. In the people’s eyes, the devouring fire that is the true God can only disturb them in their merrymaking, bringing them out of the world in which they are immured and happy, and into a realm of fear.

By reading the *torah* to them (24.7), Moses permits the people an encounter with God’s teaching that will not disturb and frighten them to such a degree – for the simple reason that this encounter is without genuine understanding, without inscription upon the stone of their minds. The resulting covenant is not one that is entered into by a nation whose minds have been engraved with God’s teaching. It is rather the covenant of a nation that has promised to obey without understanding – as suggested by the famous rabbinic reading of the people’s declaration of *na’aseh venishma*, as indicating a willingness

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<sup>115</sup> In Psalms we are told that “The Lord’s teaching is without failing [*torat hashem temima*], reviving the spirit.” (Psalms 19.8) This means that the *torah* can be relied upon to give life to human beings. Perhaps one may wish to say, along with some translations of the Psalms, that this makes the *torah* “perfect” in offering assistance to human beings (although my own view is that translating *tamim* as “perfect” only makes Scripture more difficult to understand). But the man who lives by its teaching is not, as a consequence, an ideal man or a perfect man.

<sup>116</sup> Notice the reference to dancing before the idol at 32.19, and to wild play at 32.6.

to give precedence to obedience over understanding.<sup>117</sup> Much has been said in favor of this promise of obedience without understanding. But in the Exodus account of the giving of the *torah*, the promise of obedience without understanding proves to be one that the people are not capable of fulfilling.<sup>118</sup>

Even as the story of the giving of the *torah* strikes this exceedingly pessimistic note, it offers a ray of hope. If God's will is not going to enter the world through his direct inscription of his teaching on the stone of the people's understanding, it can enter in a different way. The story of the second set of tablets speaks to us of this alternative: Moses will carve the stone himself, and he will carry it up the mountain himself, so that God may inscribe it there. One rarely stops to consider what punishing labor God has assigned to Moses – as a result of Moses' insistence that God not destroy Israel for their corruption. In effect, God here tells Moses: *I have tried to bring my teaching to them, and they have rejected it. I have sought to destroy them and make you a great nation, but you have rejected this path as well. Now if you want Israel to live, it will fall on you to give them their form as a people and to carry them up the mountain to me.*

On this view, it is the leadership and instruction of human beings that must now bear the responsibility for bringing the stone that is the people to the point in which it is capable of understanding God's word. And this is in fact what happens. It will be forty years before the people of Israel, who Moses and Joshua have carried and borne, is ready to enter the land that was promised to their fathers.

We can conclude from this as follows. The human mind is by its nature hard and unyielding like the stone that holds the world firm. The *torah* may be inscribed on the stone of the human mind in one of two ways. God can form a people and impart to them his teaching at his initiative. But if this people are not prepared to accept God's teaching, then God's precepts will shatter upon entry into the world. Crumbling against the stone of the mountain, these precepts will appear in our world as nothing better than illegible fragments.<sup>119</sup> Alternatively, the *torah* can appear in the world through the excruciating human effort of

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<sup>117</sup> R. Eleazar said: "When the Israelites gave precedence to 'we will do' [*na'aseh*] over 'we will understand,' [*nishma*] a heavenly voice went forth and exclaimed to them, 'Who revealed to my children this secret, which is employed by the ministering angels...?'" Similarly, R. Simla suggests: "When the Israelites gave precedence to 'we will do' over 'we will understand,' six hundred thousand ministering angels came and set two crowns upon each man of Israel, one as a reward for 'we will do,' and the other as a reward for 'we will understand.'" Both opinions appear in Shabbat 88a. A less freighted translation would be "We will do and heed," with both terms referring to obedience to God's commands.

<sup>118</sup> R. Meir suggests that even as Israel stood near the mountain swearing to obey, they were already yearning for idolatry. Exodus Raba 42.8.

<sup>119</sup> Talmud Bava Batra 14b suggests that Israel kept these fragments of the broken tablets together with the unbroken second ones.

forming a people and bringing them up the mountain so that their minds may be inscribed by God in this way.

What is most encouraging in the story of the second set of tablets is perhaps this: We are told that God inscribes the same words on the second set of tablets that he had inscribed on the first. (34.1) The knowledge that mankind are able to attain through their strenuous effort is identical to the words that God had wished to speak. If this is so, then there is hope for man's efforts to attain knowledge.<sup>120</sup>

## 11. Israel's Teacher and Israel's King

The story of Israel at Mt. Sinai is a story of God's disappointment in man. As such, it is part of a pattern of disappointments that begins with Adam's refusal of God's command in Eden, and continues with mankind's violence and corruption in the time of Noah and other similar turns in the History of Israel from Genesis to Kings.

In particular, we should notice the parallelism between Israel's refusal to have God as their teacher in the account of the giving of the *torah* in Exodus, and Israel's refusal to have God as their king in the book of Samuel. In the books of Judges and Samuel, we are presented with the dream of a people living in freedom without the centralized coercive authority of a king. But human nature is such that anarchy cannot be made to work. Israel slides into subjugation to foreigners, civil war, and corruption. In the end, the elders of the people demand that Israel be brought under the rule of king like all other nations:

And the elders of Israel gathered and came to Samuel in Rama. And they said to him, "You have grown old and your sons have not followed in your ways. Now establish for us a king to judge us like all the nations [*kechol hagoyim*]." <sup>121</sup>

The move of the elders to reconstitute Israel as a kingdom "like all the nations" serves as a counterpoint to the agreement that the earlier generation of elders had made with God at Sinai. In the time of Moses, the elders had sufficient breadth of vision to be able to imagine a world in which Israel was distinguished "from among all the peoples [*mikol ha'amim*]," serving as "a kingdom of priests and a holy nation [*goy kadosh*]." (19.5-6) Whereas in the time of Samuel they have

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<sup>120</sup> Thank you to Yael Hazony for this insight.

<sup>121</sup> Samuel 1.8.4-5, and also 19-20. The reference here to Samuel's sons not following his ways alludes to their accepting bribes. See Samuel 1.8.2. The story of Samuel's sons is paralleled by the subversion of the priesthood a generation before by the sons of the high priest Eli, as described at Samuel 1.2.12-26.

been worn out with failure and despair, and want nothing anymore but to have their safety as nation “like all the nations.”<sup>122</sup> [*kechol hagoyim*]

God accepts the defeat of having Israel establish itself under a human king.<sup>123</sup> It is not impossible for Israel to be ruled justly under a human king, but given the oppression and folly that attend human kingship, it is a bitter compromise. In the same way, at Mt. Sinai, God accepts the defeat of having Israel insist on hearing the teaching from Moses rather than from his own mouth. The language in the book of Samuel is designed to refer back to the Deuteronomy account of Israel at Sinai,<sup>124</sup> but the account in Exodus is clear enough, if less explicit:

And all the people saw the thunder and the flames, and the sound of a ram’s horn, and the mountain smoking. And when the people saw it, they trembled, and stood far away. And they said to Moses: “You speak with us, and we will hear. But let God not speak with us, lest we die.” And Moses said to the people: “Fear not, for it is in order to try you that God has come, and that the fear of him be before you so that you not sin.” But the people stood afar off, and Moses drew near unto the thick darkness where God was. And the Lord said to Moses: “Thus will you say to the children of Israel: You yourselves have seen that I have spoken with you from heaven. You will not make with me gods of silver and gods of gold.” (20.13-18)

In this passage, which follows immediately upon the report of God’s speaking the Ten Precepts, we are told precisely and in detail what it is that the people experience as God is speaking: They see, thunder, flame, the blast of the *shofar*, and smoke rising.<sup>125</sup> What we are not told is that they are able to make out any words or a teaching from God amid the fear. Instead, we are told that they back away and tell Moses that he should teach them, “But let God not speak with us.” And so it is: Moses approaches and hears from God what the people must learn.<sup>126</sup> From now on, God will not speak with the people and it is a human

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<sup>122</sup> Thanks to James Diamond for this insight.

<sup>123</sup> Samuel 1.8.7.

<sup>124</sup> The text in Samuel reads: “Heed the people [*shema bekol ha’am*] in all that they say to you [*lechol asher yomru eleicha*].” The parallel passage in the Deuteronomy account of Israel at Sinai says: “I have heard the words this people [*shamati et kol divrei ha’am*] has said to you [*eleicha*], and they are well spoken in all they have said [*kol asher dibru*]. Would that they had such a mind in them as would fear me and keep all of my commandments, so that it would be well with them and their children forever. Go tell them: Get yourselves back to your tents. Now you stand here with me and I will tell you all of the command and all the laws and the judgments that you will teach them.” Deuteronomy 5.24-27. Notice that in the Deuteronomy account, it is the elders who come forward with the proposal that Moses teach the people in place of God, just as the elders propose a human king in place of God in Samuel. See Deuteronomy 5.19-23

<sup>125</sup> This is much like what they experience immediately before God speaks. See 19.16-19.

<sup>126</sup> Notice that the first things God tells Moses he will have to teach the people is that they have seen that God has spoken from heaven and that they may not make images of God. The fact that

teacher who will relate to them his *torah*. The people will not have their minds directly shaped by God's flame, but only by human words – words whose effect on the mind is weak and limited, easily disregarded and easily forgotten.

## 12. God Knows Moses By Name

The centrality of Moses to the Exodus account of the giving of the *torah* is indisputable. As we have seen, (i) Moses brings word of the covenant to the elders, and brings word of the elders' acceptance of the covenant in principle to God; (ii) he speaks the words of the covenant to the people after they refuse to hear them from God, and then concludes the covenant with them; (iii) he persuades God not to destroy the people after the sin of the gold calf; and (iv) he himself carves the tablets from the stone of the mountain, carries them up Mt. Sinai to be inscribed by God, and brings them down to the people so that the tablets of the *torah* may endure among them.

In each instance, the decisive role of Moses is emphasized so that we should not miss the point: Without Moses, the people would have retreated from the mountain having understood little or nothing of the Ten Precepts, and God would have consumed them in anger in the desert. Without Moses, in other words, Israel would not have received the *torah* at Sinai.<sup>127</sup>

This is the unmistakable conclusion that arises from the Exodus account of the giving of the *torah*. But it is hard to square with later theological constructs, which sometimes seek, at all cost, to emphasize God's omnipotence. We would like to say that if God is all-powerful, and he truly wished to give Israel the *torah*, then he would have given the *torah* to Israel no matter what they themselves thought about it.<sup>128</sup> But this is not the view presented in the books of Moses. In

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God instructs Moses to repeat the first two commandments to them strongly supports the view that the people did not understand even these precepts.

<sup>127</sup> Thus R. Eleazar emphasizes that the outcome of the encounter between Israel and God at Sinai depended on Moses. Berachot 32a. Similarly, the rabbis had Moses saying to Noah: "You saved yourself, but were not strong enough to deliver your generation. But I saved both myself and my generation." Deuteronomy Raba 11.3. And R. Abin says in the name of R. Levi ben Perata: "In the days of Moses, we had one who could make sweet for us our bitterness.... But in the days of Daniel we had no one to sweeten our bitterness." Exodus Raba 43.3.

<sup>128</sup> The view that God was all-powerful and his control complete at Sinai is proposed by R. Abdimi b. Hama b. Hasa, who suggests that all Israel would have been killed by God at Sinai had they rejected the *torah*, so that the outcome was foregone in accordance with God's will. Shabbat 88a. The Talmud, however, also presents the opposite view in the name of the rabbis: God creates what is good and necessary for the world (such as the sun and the stars) and evils such as idolatry arise from these good and necessary things (people worship the sun and the stars). But God will not destroy the world on account of the evils that arise from the good he has created. Avoda Zara 54b. In the same way, God willed for the *torah* to be accepted at Sinai, and yet the people chose to worship a calf.

Exodus, we see that God's will is not enough to forge a covenant or alliance between him and the people of Israel. This covenant or alliance is the result of God's will *and* of Moses' active intervention. It is this intervention by Moses that translates God's will into something that the people will accept, moves the people to a place where they can accept and understand God's will, and persuades God to restrain his rage and lower his standards sufficiently for such a compromise to go forward into the world. The people, as it seems, cannot enter into a covenant with God without the exceptional individual who can serve to bridge the chasm that normally exists between heaven and earth.

But does it have to be an individual who bridges this chasm between heaven and earth? Couldn't the seventy elders have stood in Moses' place at the foot of the mountain, attending to God's word and teaching it to the people? Couldn't the priests have climbed to the summit of Mt. Sinai and brought down the tablets of the *torah*? On first approaching this subject, our inclination is to say that the story of the giving of the *torah* at Sinai would hardly have been any different if, instead of the mediation of Moses, it had been the elders and priests who had taken on the job. After all, why should it matter whether the prophetic role is played by one man or by one hundred?

Nevertheless, there is a powerful tradition in the Scriptures of Israel according to which the prophet is an exceptional individual, and not a collective body. For example, at the summit of the mountain, God agrees to reveal his ways to Moses "for you have found favor in my sight, and I have known you by name" (33.17)<sup>129</sup> – the fact that God knows Moses "by name" again emphasizing that Moses' unique, individual nature is indeed of importance in obtaining God's teaching. Isaiah, too, says that "the Lord has called me from the womb, from my mother's belly he mentioned my name."<sup>130</sup> And God tells Jeremiah that "Before I formed you in the belly, I knew you."<sup>131</sup> In these and similar cases, God's attention is drawn to a certain, unique human being – a human being who will know God and act on his behalf in exceptional ways, so that God must take notice of him and "knows his name."

This view of God as recognizing rare individuals by name relies on the metaphor of God as resembling a human king, who thinks of most of his subjects as a single undifferentiated body ("the people") or else as large-scale groups and factions contending with one another. Only the rare individual stands out as having a genuine significance in the governance of the land, so that the king would have to take an interest in what he says and does, which is to say that the king knows him "by name." Similarly, those that God "knows by name" are rare individuals who are capable of being of especial significance to God.

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<sup>129</sup> See also 33.12.

<sup>130</sup> Isaiah 49.1. See also 43.1; 45.3-5.

<sup>131</sup> Jeremiah 1.5.

Compare such an individual, known to God by name, to the collective leadership of Israel, the seventy elders or the priests. The narrative presents these elders as possessing real virtues, including a worldly common sense, and even, briefly, an ability to engage in prophecy. But their positive abilities come to the fore in response to Moses' leadership – receiving a portion of Moses' spirit<sup>132</sup> – never independently of him. In the same way, the narrative presents the Levites as springing to do battle with the idolatry of the gold calf when Moses calls "Whoever is for the Lord, to me!" (32.26) But it is painfully evident that they are unable to rise to the occasion before Moses arrives on the scene and calls upon them. There is no doubt that Moses was sorely grateful for the assistance of Israel's collective leadership on these occasions and at other times when they support him. But they are consistently depicted as being unable to make a constructive move except in following Moses, a fact that explains why God does not know them "by name," and why they cannot approach God as Moses or Isaiah do.

The inability of Israel's collective leadership to approach God as the great leaders of Israel do reflects a broader pattern in the Bible, in which we find a pervasive suspicion of human collectives when these claim to speak on God's behalf. I have in mind the 450 prophets who stand against Elijah, or the 400 prophets who contend with Michayehu. These conclaves or conferences of prophets claim to speak for God, but the man who truly speaks for God turns out to be one and alone.<sup>133</sup> True prophecy, it seems, is consistently the province of a single individual whom God "knows by name," and not of a collective.<sup>134</sup>

But why this bias toward the individual prophet? Why this low opinion of the wisdom of crowds? We find some insight into what stands behind this matter in the following passage in Jeremiah, who himself had to stand alone against crowds of prophets speaking against him:

Are not my words like fire, says the Lord, like a hammer that shatters rock?  
Therefore I am against the prophets, says the Lord, who steal my words each from the other. I am against the prophets, says the Lord, who use their tongues to say:  
"He says."<sup>135</sup>

Jeremiah here distinguishes between God's word as it affects the individual prophet, and the teachings of the many false prophets whose voices are heard in the streets of Jerusalem. Of particular interest is Jeremiah's accusation that the

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<sup>132</sup> Numbers 11.17, 25.

<sup>133</sup> Kings 1.18.22, 1.22.6. See also the law of Moses prohibiting one from following the many to do evil at Exodus 23.2.

<sup>134</sup> There are cases in which popular sentiment is clearly preferred by the biblical narrator to the views of the king. See, for example, Samuel 1.14.45.

<sup>135</sup> Jeremiah 23.29-31.

false prophets “steal my words each from the other.” Why, after all, should Jeremiah object to the prophets repeating the words of others? What difference does it make if the words being repeated are true? The answer is in the next verse: Repeating the words of others means that these prophets only “use their tongues” to repeat what has been said in God’s name. There is a difference between merely saying something and understanding what one is saying. The prophets of Jerusalem do not understand the actual meaning of the words that they are speaking because they have never had the experience of God’s speech itself. Anyone who has had an actual experience of God’s word knows that God’s speech is “like fire, like a hammer that shatters rock.” The false understanding is shattered and true understanding is set ablaze in the mind of the individual. Nothing of this kind happens when one hears words and simply repeats them. The words themselves may be true, but their meaning is dead to the prophet who repeats them. In the literal sense, he has no idea what he is talking about. This is just as the people who heard Moses teach the words of the covenant were able to repeat the words, but did not have the understanding of them burned into their minds – because they were afraid to expose themselves to the fire, to the hammer that shatters rock, lest they be consumed by it.

From this we learn the following. Repeating the words of others is easy. Just as children repeat what adults say without understanding, most human beings constantly repeat things they have heard from others, without attempting to reconstruct the experience and insight that would give genuine meaning to these words. And since it is easy to repeat without understanding, fads and fashions of the mind spread with astonishing speed. This is no less true among leading men, prophets and political figures, who are commonly found to be “using their tongues,” repeating the same words as everyone else around them, and yet without having labored to determine whether what is being said is true. This phenomenon is so common that one can rely upon it: Where hundreds of experts are found repeating the same thought, nearly all of them will be found to have “stolen their words from others,” accepting what is said because it is said frequently and by highly regarded persons.<sup>136</sup>

Thus the significance of the individual prophet in Israel, of the individual whom God “knows by name.” In the Bible, the figures of Moses and Elijah,

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<sup>136</sup> This having been said, the Bible does recognize that one can learn the art of prophecy. We know, for example, that Joshua learns from Moses, as Elisha learns from Elijah, and so forth. In later generations, it is the tradition of *torah* learning that does this work, pointing the way across the wilderness, to the mountain, and up the slope. But true instruction, which does not aim at the mere repetition of the words of the teacher, can do no more than to point the student in the right direction. The attainment of an actual understanding of God, as opposed to merely “stealing the words of others” about God, is something that cannot be gained in conversation, but can only be encouraged by conversation. The actual breakthrough to understanding is always that of the individual alone.

Isaiah and Jeremiah, represent the individual who knows God because he has climbed the mountain himself. Because he has faced the devouring fire himself, and not because of he has heard tell of the experience from someone else. We do not know why such individuals are able to resist the tide of repeated words that circulate among men without much attention being given to whether they are true. We do know that Hebrew Scripture is unequivocal in its rejection of the idea that a crowd of men – even just and decent men such as the elders and the priests – can climb to the higher reaches of the mountain and face God’s fire as a collective. These men can be loyal to a *torah* that is brought to them by a prophet such as Moses or Joshua. But in the absence of a Moses or a Joshua, even the elders and the priests will bow before the pressure to fashion false gods, and will stand by in ignominious silence as the people announce that these false gods have brought them out of Egypt.

### 13. The Light From Moses’ Face

When Moses descends from the mountain with the second set of tablets in his hands, we are told that a light shined from his face. I have always found this to be one of the most disconcerting passages in the books of Moses. But this is all the more reason to try and understand why it was included in the account of the giving of the *torah*. Here is the text in full:

And [Moses] wrote on the tablets the words of the covenant, the ten things that had been spoken. And it came to pass, when Moses came down from Mt. Sinai, with the two tablets of testimony in Moses’ hand as he came down the mountain, Moses did not know that the skin of his face shone as he spoke with him. And Aaron and all Israel saw Moses, and that the skin of his face shone, and they feared to approach him. And Moses called to them, and Aaron and all the heads of the congregation came back to him, and Moses spoke to them. And afterwards all of Israel came close to him, and he commanded them concerning all that God had spoken with him on Mt. Sinai. (34.28-32)

In this passage, we not only told that Moses’ face shines when he returns from the mountain, but also, crucially, that the people and the elders are terrified of him. In fact, it seems that they actually backed away from Moses out of fear, because we are told that after he called to them, the elders, at least, gathered their courage and “came back to him.” As for the people, they only agree to draw close to Moses again once they see that the elders have been able to speak to him without harm.

Of course, this encounter between the people and Moses at the foot of the mountain only repeats what took place earlier when God tried to speak to the people at the foot of the mountain. In that earlier encounter, the people were too afraid of God to be willing to learn the *torah* directly and sent Moses on into the

fire to learn from God instead of them. But now that Moses has returned with God's teaching in him, the people are terrified of Moses—just as earlier they were terrified of God!<sup>137</sup> The *torah*, we understand, cannot be brought into the world without inspiring fear. It is apparently only because Moses' radiance is less than that of God's devouring fire that the elders, and then later the people, are willing to learn from Moses the *torah* they were not willing to learn from God.<sup>138</sup>

The story of the light that shined from Moses' face obviously has a metaphorical role to play in the larger account of the giving of the *torah*, in which God's devouring fire is contrasted with the fire that Moses saw when he first stood at Sinai, when "the bush burned with fire, but the bush was not consumed." (3.2-3) Now, with Moses' descent from the mountain, the vision of the bush that burned but was not consumed is fulfilled in two ways: First, in that God's fire now burns within Moses, and yet he is not consumed.<sup>139</sup> Second, in that Israel, who have Moses among them to teach them, now have God's fire burning within them as well, and they too are not consumed.

#### 14. Moses and the Oral Teaching

Today it is common to think of the *torah* as a book or a scroll, or as the narrative and law that are told by way of the words written in a book or scroll. But according to the book of Exodus, what is given at Sinai is different from these things. The *torah* that Israel receives at Sinai does include a written text that Moses transcribes while he is still at the foot of the mountain—the "book of the covenant" (*sefer habrit*) containing "all the words of the Lord" (*kol divrei hashem*), which Moses reads to the people as part of the covenant ceremony even before he and the elders go up on the mountain. (24.4, 7) This document may well have been a written version of the Ten Precepts, or it may have contained additional material.<sup>140</sup> But regardless of how one understands the content of this "book of

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<sup>137</sup> Deuteronomy Raba 11.4.

<sup>138</sup> The further report that Moses covered his own face in speaking to the people (34.33) reminds us of God obscuring his own face in proclaiming his name to Moses. (33.20-22)

<sup>139</sup> The rabbis compared Moses to a lamp that is alight, which then lights the fire that burns in all subsequent prophets without itself being diminished. See Tanhuma, Behalotecha 28; Sifre Numbers 93. Thence his appellation of "the man of God," which appears in Deuteronomy 33.1; Joshua 14.6; Psalms 90.1; Chronicles 1.23.14.

<sup>140</sup> The term "book of the covenant" is misleading as a translation for *sefer habrit*, because it gives the impression of a long written work. A *sefer* can also be a short written text, and this must be the case here since Moses is said to have written the "book of the covenant" in one night. Minimally, the book of the covenant must include the Ten Precepts. But the view that it is a much longer document can be defended on textual grounds. Thus Ibn Ezra and Nahmanides propose that it includes all of the laws of Exodus 20.19-23.33. See Nahmanides comment 24.1. Seforno

the covenant," it is clearly not by itself the entirety of the teaching or *torah* given to Moses and Israel at Sinai. This book does not, for instance, contain the teachings concerning God's nature that are gained by Moses and the priests and elders upon the mountain (24.9-11, 34.6-7). Nor does it contain the things that God commanded Moses during his first period of forty days upon the mountain. (31.18) Similarly, regarding Moses' second forty days on the mountain, we are told that he descends from the mountain with the tablets with a light radiating from him, and "all of Israel came close to him, and he commanded them concerning all that God had spoken with him on Mt. Sinai." (34.32)<sup>141</sup>

From this it is evident that God's *torah* or teaching at Sinai includes not only the Ten Precepts or the text written by Moses prior to ascending the mountain (if different from the Ten Precepts), but also additional teachings concerning both God's nature and his will. In other words, in addition to these brief written texts, the *torah* consists of the unwritten things that are now known to Moses after his experiences upon the mountain, amounting to a fearsome light radiating from within him.<sup>142</sup> These unwritten things are, in other words, what the Talmud calls *torah sheba'al peh* – the teaching that is in speech.<sup>143</sup> Later, Moses will write some of these things down. This is evident from the text of the book of Exodus, in which detailed expositions of laws and of instructions for the construction of the tabernacle, all spoken by God to Moses, appear interwoven with the Exodus narrative (21.1-23.19, 25.1-31.17). According to Jewish tradition, Moses continued to write down things spoken by God throughout his life, leaving the five books of Moses, or nearly the entire five books, completed by the time of his death.<sup>144</sup> But at the moment of Moses' descent from Mt. Sinai, all of the *torah* other than the Ten Precepts and the "book of the covenant" is still unwritten, still an "oral teaching."

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offers a more moderate reading, including in the book of covenant only God's brief speech following the Ten Precepts in Exodus 20.19-23. See Seforno on 24.3. This does not, however, explain the apparent interruption of chs. 21-23, in which an extensive set of laws and a vision of entering the land are taught to Moses by God. In my opinion these chapters describe a part of the teaching that God speaks to Moses when he ascends the mountain for the first time at 24.18.

<sup>141</sup> Other Mosaic texts also make reference to teachings given to Moses at Sinai. Thus Leviticus 26.46 says that: "These are the laws and the judgments and the teachings that the Lord gave, between himself and Israel, at Mt. Sinai at the hand of Moses." See also Leviticus 7.37-38, 27.34. Additional laws are explicitly said to have been given to Moses later, as at Numbers 36.13; Deuteronomy 29.1.

<sup>142</sup> R. Abahu proposes that Moses could not have learned all of God's laws on Sinai: "Could Moses have learned the whole *torah*? Of the *torah* it is said, 'Its measure is greater than the earth and broader than the sea.' [Job 11.9] So could Moses have learned it all in forty days? No. God only taught Moses the principles of it." Exodus Raba 41.6. See also the similar opinion of R. Ishmael at Sotah 37b.

<sup>143</sup> Shabbat 31a.

<sup>144</sup> According to R. Yehuda, Bava Batra 15a, certain verses may have been written after Moses' death.

It is common to think of the oral *torah* as a post-biblical, rabbinic concern. But here we see plainly that the Exodus account of the giving of the *torah* presents the light of God's teaching as radiating from Moses himself, and not, say, from the tablets bearing the Ten Precepts. The people gather around Moses to hear God's teaching, rather than sitting down to read the tablets, or to again read the book of the covenant. Thus from the very outset, it is Moses' understanding of God's teaching that is seen as the essential link between heaven and earth—a link of which the written *torah* is an incomplete expression.<sup>145</sup>

### 15. Why Not an “Unfolding Revelation”?

I have identified what I take to be the principal elements of the giving of the *torah* at Sinai requiring theological or philosophical clarification, and have proposed an understanding of what these elements contribute to the conception of *torah from heaven* presented in the Exodus account of Moses and Israel at Sinai. This is not yet a complete Jewish theology of *torah from heaven*, but it does offer the broad brush-strokes of such a theology — as well as an opportunity to compare this theology to other ways of looking at the world. In particular, it permits us to briefly compare the traditional conception of *torah from heaven* to the proposal that the *torah* was given by God over the course of many generations in what has been called a process of “unfolding revelation.”

As is well known, recent academic Bible scholarship has generally rejected the traditional understanding of the origins of the *torah*. Even a moderate Orthodox view, which suggests that only small sections of the written *torah* (i.e., the five books of Moses) were put in writing at Mt. Sinai, and regards the written *torah* as having been set down by Moses over the decades before his death, generally finds no place in academic discussion of the Bible.<sup>146</sup> Instead, the written *torah* is said to have been produced by hundreds of scribes whose names are now unknown to us, and whose work was completed only over the course of many generations. This approach has been embraced by a number of influential Jewish Bible scholars as well, and some of these scholars have begun to develop an alternative theology that they believe can underpin Jewish observance in an age in which the composition of the books of Moses by a large number of anonymous scribes is supposed to be an unavoidable conclusion for educated

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<sup>145</sup> This means that all of the *torah* is born as oral law. Even the “book of the covenant” is written as an expression of things that God said earlier at the foot of Mt. Sinai. All of the *torah* was born as God's speech impressed upon the mind of Moses, a human being who has taken in a view of God's will and expressed this view in the “written teaching.”

<sup>146</sup> “Written *torah*” is another way of referring to the five books of Moses, or “Pentateuch.” The opinion that the *torah* was given to Moses in parts or stages appears in Gittin 60a; Exodus Raba 41.6.

individuals. According to this approach, the books of Moses were the result of an “unfolding revelation” that took place by means of an ongoing editorial process involving countless revisions over the course of centuries.<sup>147</sup>

The question of whether the books of Moses, or the History of Israel from Genesis to Kings, or, indeed, any coherent literary or philosophical work, could have been constructed through such a process is one that has been discussed many times before, and I will not enter into it here.<sup>148</sup> But the readiness of certain Jewish academics to embrace a theology of unfolding revelation — one in which neither Moses nor Sinai are needed for God to give Israel its *torah* — moves us onto new terrain. This is not merely a skeptical standpoint that questions whether, as a matter of historical fact, God’s teaching as we have it was given shape by the experiences of Moses and Israel at Sinai as traditionally supposed. Instead, it seeks to overthrow Jewish theology entirely by introducing into Judaism a variation of the Christian concept of a progressive revelation, according to which God’s revelation to man unfolds over many centuries, and it is the later revelation that offers the most complete view. The advantage of such a progressive theology, for those Christians who embrace it, is clear. It permits the teachings associated with Jesus of Nazareth to be presented as the final or completed view of God’s word. Given such a view, there is not necessarily any great harm done if it turns out that Jewish prophets and scholars who came before did not have a very good grasp of God’s word to mankind — because the later revelation recorded in the New Testament came into the world to resolve precisely this problem.<sup>149</sup>

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<sup>147</sup> Perhaps the most developed version of this theory to date is Benjamin Sommer, *Revelation and Authority: Sinai in Jewish Scripture and Tradition* (New Haven: Yale University Press, 2016). Most such efforts are indebted to the theology of Tamar Ross, *Expanding the Palace of Torah* (Waltham: Brandeis University Press, 2004), which argues that the process “God’s the revelation [is] communicated in a gradual manner,” continuing to unfold in history until finally it reaches its “ideal meaning.” (pp. 201, 210). Ross writes with an evident concern for the integrity of Orthodox Jewish belief, and is careful not to challenge the centrality of Moses and Sinai directly. But she also emphasizes that the unfolding revelation she advocates “allows for the liberty of conceiving of the *torah* of Moses in terms of a revelation that occurred over a period of time, via a process that is totally consonant with the findings of biblical criticism.... At the same time, we can still accept that process as God-given.” (p. 223). Ross is right on this point: The theology she proposes is indeed “totally consonant” with the theories of Sommer and others who suggest that God revealed the *torah* to Israel without having need of Moses or Sinai.

<sup>148</sup> My own view is that the proposal that the *torah* is the product of innumerable hands and many generations is wildly implausible. No coherent book can be written in this way, and there is no reason to think that any book, whether produced by Israel or any other nation, ever was written in this way. The best recent discussion of this subject is David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), pp. 3-149. See also Yoram Hazony, *The Philosophy of Hebrew Scripture*, pp. 36-38.

<sup>149</sup> It is, in other words, the precise opposite of the rabbinic concept of *yeridat hadorot* (“decline of the generations”), which recognizes that the passage of the generations actually weakens our

The Jewish academics' version of progressive revelation follows the Christian version in asking us to imagine a long line of scribes and scholars, each of whom is given some small part of God's revelation over many centuries, until eventually the completed teaching is revealed.<sup>150</sup> This conception of God's giving of the *torah* relieves us of having to imagine that the earliest Israelite prophets or scholars knew much about God's teaching (as we now understand it). And it shifts the capacity for theological insight and understanding to those who came many centuries after these earliest prophets and scholars, including our own generation, which may be privy to the "true intent" of God's teaching that was hidden from our ancestors.<sup>151</sup>

It is important to notice that the difference between the proposal of a progressive revelation and more traditional Jewish theology is not due to the absence of a historic or developmental consciousness with respect to the *torah*. On the contrary, the development of the *torah* over time is emphasized in the books of Moses repeatedly: They inform us that the Mosaic covenant follows upon an earlier and less developed covenant of Abraham; which is, in turn, said to follow a rather different covenant of Noah. Similarly, the books of Moses provide explicit examples of the development of the Mosaic law in response to circumstances and human initiative.<sup>152</sup> No, an historic or developmental consciousness is not a modern invention. It is an explicit part of the biblical teaching.

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grasp on the original teachings of the prophets. See R. Zera in the name of Raba bar Zimuna, Shabbat 112b.

<sup>150</sup> Sommer, for example envisions texts that were constantly being tampered with, remaining "somewhat malleable in the hands of the scribes or disciples who wrote each new copy of those records. As a result, prophets, scribes, and priests in the biblical period functioned as both channels and authors." Sommer, *Revelation and Authority*, p. 177.

<sup>151</sup> Ross speaks of "a series of revelations in the form of inspired interpretations throughout the ages. The ideal meaning of the Sinaitic revelation is eked out only with these accumulated interpretations.... All of this together forms one integral unity that represents the true intent of the *torah*." Tamar Ross, *Expanding the Palace of Torah*, pp. 201. In arguing for this view, Ross points out that the assertion that rabbinic commentary is a form of ongoing revelation is already present in certain medieval rabbinic sources, as well as in the writings of R. Avraham Yitzhak Kook and some other recent Orthodox writers. This conflation of rabbinic interpretation with revelation has difficulties of its own, but I will not try to evaluate them here. Suffice it to say that none of these views, as far as I know, take a position that is reconcilable with the denial of the significance of Moses and Sinai, as is the case with the views under discussion here.

<sup>152</sup> For example, the daughters of Tzlofhad petition Moses for a change in the law of inheritance to make it more just. (Numbers 27:1-11; Joshua 17:3-4) Similarly, Aaron shapes the laws of the ritual sacrifice by arguing that God would not have wanted him to feast while in mourning for his sons. (Leviticus 10:16-20) We see the men who are unable to participate in the Passover commemoration due to having buried the dead object to this outcome and gain a second Passover. (Numbers 9:1-13) We see Pinhas kill Zichri on the spot rather than go to a trial, because conditions of national emergency require it. (Numbers 25:1-16). Human legislation approved post facto by God is also discussed by R. Joshua ben Levi, Makot 23b; R. Shmuel in Megila 7a.

Rather, the central difference between a theology of “unfolding revelation” and a more traditional Jewish view is in the significance that it place on Moses receiving God’s teaching upon Mt. Sinai. As we have seen, Sinai is not only a physical place in the desert. It is also a metaphor establishing the possibility that human beings can gain reliable knowledge of God’s nature and his will. In the biblical theology constructed around this metaphor of “the mountain of God,” ultimate knowledge is represented by heaven or what is visible from heaven, and an individual wishing to approach such knowledge must climb the slope, seeing ever-greater distances as he ascends. In this, the Exodus account distinguishes the abilities and achievements of Moses, Joshua, the priests and elders, and the people, thus imparting a hierarchical structure to the knowledge of God’s teaching as it appears in Israel. This is a remarkable and delicate structure, in which very few individuals – and Moses in particular – are recognized as having attained a point of vantage far superior to others. And yet at the same time, no one, not even Moses, is depicted as having attained a total or final insight, since no one can reach the sky itself and understand God’s own view of the world.

Anyone familiar with the traditional Jewish methods of seeking God’s teaching should be able immediately to recognize this structure and its importance. On the one hand, the overwhelming advantage that Moses has over all others in having attained the summit of the mountain establishes that there exists a point of vantage from which God’s teaching is most visible. All subsequent efforts, both in the Bible and in later rabbinic commentary, recognize the existence of this unique Mosaic point of vantage, and seek, each in its own way, to reconstruct it. The result is a multiplicity of different views contending among themselves to reconstruct, extend and elaborate this best point of vantage for different times and places, although none of can ever recapture it entirely.<sup>153</sup> If I may be permitted a metaphor of my own, it is as if the various opinions are attained by approaching Mt. Sinai from different directions, and by ascending the same mountain using different paths that lead up the slope. The fact that all agree that they are seeking the same original point of vantage is sufficient to assure that the multiplicity of perspectives, while disagreeing on important matters, remain anchored in something outside of themselves, a standard against which each new attempt to ascend the slope of the mountain can be judged. It is this presumption of a best point of vantage that is the anchor holding the entire edifice of *torah* development and commentary in place.

On the other hand, the insistence that Moses did not ascend to heaven, that he did not attain a completed view, holds open the possibility that God may

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<sup>153</sup> The different treatment of subjects such as polygamy or slavery, or the specific punishments to be meted out for various crimes, in the writings of later commentators, are good examples of the way in which this Mosaic point of vantage is treated as stable and consistent, but also changeable to an extent as it is brought to bear upon changed circumstances.

be pleased with initiatives from others whose perspective is not that of Moses — the examples in the written *torah* being elaborations of God’s law that are initiated by Aaron, by Tzelofhad’s daughters, and by others.<sup>154</sup> These initiatives do not deny the existence of a best point of vantage that has been attained by Moses. But they make it clear that a community seeking God’s will cannot treat Moses’ point of vantage as complete and final in all respects.

Every plausible account of Israelite prophecy must accept this picture or something similar to it. Yet the new theology of “unfolding revelation” asserts that God’s true revelation remains hidden in the future, which is another way of saying that Moses did not attain the summit of Mt. Sinai. This is not only a point about the historicity of the Exodus account, but a crucial theological one. For according to this view, God’s true teaching to man, the best point of vantage represented by the summit of the mountain, was not known to human beings in antiquity. Indeed, the whole force of the theology of “unfolding revelation” is its rejection of the supposition that in the early stages of Israel’s history, there were certain towering human figures — the prophets — who actually had a commanding grasp of God’s teaching for all generations. The theory of an “unfolding revelation” flattens out this biblical theology, replacing the handful of exceptional men and woman with a host of others, each making some non-zero contribution to the “process of revelation,” without insisting that any of them attained a unique, commanding grasp of God’s word to Israel and mankind. What is proposed is, in other words, the democratization of revelation, a view according to which every scribe was a prophet, every rabbi or scholar was a prophet.<sup>155</sup>

But this proposed democratization of prophecy does not succeed in giving prophecy to the many at the expense of the few. What it achieves is rather the opposite: The elimination of prophecy — by which I mean *human* understanding of God’s true teaching — from the world.

To see why, consider, for a moment, the anonymous individual scribe who appears in the theories of the source critics. Let us call him Shimon. And let

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<sup>154</sup> See note [152](#).

<sup>155</sup> This insistence that there is no privileged perspective within Jewish tradition — i.e., that there is no prophet — is at the heart of Sommer’s opposition to treating the “redactor” of the books of Moses as having any special standing (whether this redactor was Moses himself or any later prophet). As Sommer writes: “I cannot see why, from a Jewish point of view, the redactor of the Pentateuch should have a more important voice than the P authors or the D authors who came before him, or the various commentators on the Pentateuch who came after.” *Revelation and Authority*, p. 230. Sommer is frank in describing the democratization that he believes results from such a view: “This view removes the distinction between the Pentateuch and the rest of Jewish literature. The Pentateuch, like Midrash Sifre and Rashi’s commentary, like Rosenzweig’s essays and a worshipper’s questions made during a synagogue’s *torah* discussion, is one of many human interpretations.... There is no distinction between the Bible and the rest of Jewish literature.” *Revelation and Authority*, p. 146.

us suppose that this Shimon decides, as is his wont, to add some minute bit of narrative to another slightly larger text that he has inherited, purposely undermining the intention of the text he was entrusted with copying.<sup>156</sup> Now Shimon is, according to the new theology, an agent of prophecy. He is bringing God's unfolding revelation into being. Yet we also know that Shimon has no idea what the text he is working on will ultimately mean. After all, whatever he writes will to be altered or subverted by future scribes, just as he has himself altered and subverted the meaning of the text as he received it. Nevertheless, according to a theology of an "unfolding revelation," it matters not at all that Shimon is ignorant of God's true teaching as he works, editing these texts. And this his ideas concerning God's teaching may even be foolish or perverse. Divine providence is such that God's "true intent" will emerge in the end, once the process of revelation has worked itself out over many generations – and this despite Shimon's meddlesome adaptations of the texts he his copying.

In dispensing with the idea that there were prophets in Israel who were able to attain a commanding view of God's *torah*, advocates of an unfolding revelation thus create a model in which actual human beings are nearly inconsequential to the entire process. The fact is that throughout all the long generations in which the *torah* was being composed by the line of anonymous scribes, God's teaching was never in the mind of any human being. The only mind in which something resembling the final teaching can be said to have existed is the mind of God himself. And indeed, on this view, the *torah* would never have come into the world had it not been for the fact that God was able to manipulate these countless human beings, causing them to create the *torah* that it was his intention ultimately to give to Israel. This is a view that emphasizes the overwhelming power and foresight of God – at the expense of his human servants who have neither much power nor much insight.

Compare this to the view presented in the Exodus account of the giving of the *torah*. As we have seen, the Exodus account presents a picture in which God's ability to give the *torah* to mankind is in fact quite constrained. It is constrained by human nature, which resists God's giving of the *torah* at Sinai, just as it resists God's numerous other attempts to instruct mankind and to persuade them to

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<sup>156</sup> Sommer is claims that the present text of the books of Moses is in "disarray," a "cacaphony," and a "jumbled set of memories," but he claims by partitioning the biblical narrative into conflicting sources, he is able to achieve "clarity" within each source. *Revelation and Authority*, pp. 73-74. However, this claim is undermined by Sommer's further assertion that he sees in each source multiple authors contradicting themselves, with each scribe willing to subvert the meaning of his predecessors. For example, Sommer is convinced that Deuteronomy 5 contradicts the Exodus account of Israel at Sinai by asserting explicitly and plainly that the people did hear the Ten Precepts directly from God. But Sommer then goes on to assert that this supposedly unequivocal "D" view is itself contradicted by Deuteronomy 5.5, which makes it seem as though Moses, and not God, may have spoken the Ten Precepts to the people. As Sommer has it: "Verse 5 (other than the word 'saying') is a later addition to the text." (p. 69).

live in accordance with his higher purpose. Far from being the creation of an all-powerful God who can manipulate mankind at will, the *torah* is depicted as resulting from the descent of God to earth, which is to say, from a compromise or accommodation with human nature and with the nature of the world.

Moreover, the Exodus account depicts the *torah* as having been given at all only due to the abilities of a single human individual, Moses, who is able to attain the summit of the mountain and gain a commanding view of what God is actually trying to say to man. It is precisely because he has such a view that Moses is able to construct the written *torah* and initiate the prophetic tradition of Israel. This means that instead of entering the world through the misconceived efforts of men who understand little or nothing of God's intentions, the *torah* is seen as entering the world through the actual understanding of human beings—individuals whose minds attain a reliable view of God's nature and will, and for this reason alone can play a decisive role in bringing God's teachings to others. Indeed, it is precisely because Scripture teaches that individuals can ascend at least part way up the slope of the mountain and return with a genuine understanding of God's nature and his will that later generations believe they have reason to strive to gain knowledge of God.

The difference between these two views of the giving of the *torah* can thus, it seems, be boiled down to one essential point: The Exodus account of the giving of the *torah* emphasizes the importance of Moses' initiative and understanding, without which God would never have given the *torah* to Israel, and his word would never have entered the world. By contrast, unfolding revelation downgrades the human contribution to the establishment of God's *torah* in the world, considering the generations of scribes who were involved as little more than unthinking instruments in God's hands, understanding little or nothing about how or why God's word is coming into world through their actions.

The traditional Jewish belief in *torah from heaven* is thus something more than an assertion of historical accuracy on behalf of the biblical text. It is, to be sure, a belief in God's concern for the world and his desire to communicate his teachings to mankind. But it is also, not less importantly, a belief in the capacity of individual human beings to lift themselves above the false gods, above the appetites, power-plays and delusions that otherwise rule the human world, and to reach a place where one can hear the voice of the true God. On this view, Sinai exists "beyond the wilderness," and it is there for man to scale it. The belief in Moses at Sinai is the belief that one man, at least, did reach the summit—and that others followed, reaching different heights—thus permitting him, in his own mind, to attain a commanding view of God's nature and will. It is this commanding view, this understanding in his own consciousness of God's true teaching, which then qualifies him to descend to the foot of the mountain and to take up the role of a teacher of Israel and mankind.