

The Ladder Without Limits

By Howard Zilber

He went to sleep thinking it was an ordinary night in an ordinary place. Then the dream came: a ladder, a staircase –who can be sure in a dream- extending to the sky, and upon it angels rising and descending, and before the night was over Jacob heard the God of his ancestors making glorious promises about his descendants, that someday they would be as numerous as the stars. Then Jacob awoke and said: God is in this place and I did not know it.

Later in the tradition there is another story about discovering the holy where it had gone unrecognized. In the Talmud, Menachot 29b, we are told that when Moses ascended on high he observed God tying crowns to the letters of the Torah. Moses asks God why. He is told that in days to come there will be a great rabbi, Akiba, who will deduce much law and meaning from those crowns. Moses asks to see this Akiba, and God grants his wish.

Moses sits down in the eighth row of the Sage's study hall and hears him explain many subtleties of Torah. But the lecture is completely beyond him; Moses doesn't understand a thing. He feels weak and disheartened. Then one of Akiba's students asks of a particular point how Akiba knows it to be so. The Sage replies it is a law transmitted to Moses on Sinai. Moses feels relieved. He realizes that God, the holy, the tradition is in this place, but he had not known it.

But how could the tradition have changed so much between Moses and Akiba that it was unrecognizable to Moses? And how is it possible that despite that vast change there was sufficient continuity that Akiba is able to believe that the point he was making originated at Sinai?

I am going to suggest that there are mechanisms built into the system that allow it to change, and that since those mechanisms are intrinsic to the system, since they are taught in Torah, the result is an evolving but continuous tradition. I am not certain how many such mechanisms exist, but I would like to discuss three of them.

One: There is an independent ethics.

There is a discussion in philosophy that goes back to Plato's dialogue Euthyphro. Socrates asks Euthyphro, do the gods love the pious because it is pious, or is it pious because the gods love it? Put in more modern, idiomatic, and monotheistic terms, does God value something because it is good, or is it good only because God wills it? If the latter view is correct God rules by fiat: whatever God wants, desires, commands is good merely because God says so. There is no independent ethical

standard. But that is not the Torah view. When God created the world, God *saw* that it was good. God discovers the goodness of the world, it is not good simply because God made it.

But there is stronger evidence that in Torah there is an independent ethics, a standpoint from which even God can be criticized. In his attempt to save whatever good people lived in Sodom and Gomorrah, Abraham asks God, will the ruler of the world rule unjustly? Abraham obviously believes that God can be held to an independent ethical standard.

Centuries later, after the incident of the Golden Calf, God is so incensed with Israelites that God wants to destroy them. Moses reminds God that a promise was made to Abraham, and Isaac, and Jacob that someday their offspring will be as numerous as the stars. If the people are destroyed that promise will have been broken. Even if God wants to destroy the people, it is not the right thing to do. No, there is an independent ethic, and by that ethic: a promise is a promise.

Two: There is valid secular criticism.

The tradition does not just respond to moral criticism, it also adjusts in terms of valid secular criticism, and this process is demonstrated in Torah. In the parashah named for him Yitro visits his son-in-law Moses and observes him at work as he clarifies legal matters and adjudicates cases. There are many cases, and the work goes on for hours.

What he sees disturbs Yitro. He says to Moses:

“The thing you do is not right; you will surely wear yourself out...for the task is too heavy for you, you cannot do it alone. Now listen to me. I will give you counsel, and God be with you! ...You shall seek out from among all the people capable men who fear God, trustworthy men who spurn ill-gotten gain. Set these up as chiefs of thousands, hundreds, fifties, and tens, and let them judge the people at all times.”

Moses heeds his father-in-law and sets up the suggested multileveled judicial system. This is remarkable for many reasons, not the least of which is that Yitro was not an Israelite. But what I want to concentrate on is the justification Yitro offers for his advice. He does not say that God came to him in a dream or a vision. He does not say he heard the divine voice guiding him. No. Yitro has carefully observed and drawn a reasonable conclusion. His critique is empirical and secular; if you keep working this hard you will wear yourself out. Moses changes his manner of judging because it is the reasonable thing to do.

There was no institutional science at that time, but had there been Yitro could well have made his point in scientific terms, drawing on the studies that indicate that judgment deteriorates when tired. In the literature this is called decision fatigue.

The key thing is that Moses had a practice; one that was key to his mission, one that he perhaps thought was divinely inspired. Yet when a gentile points out, on rational grounds, a serious flaw in that practice, Moses heeds the advice and alters his practice. Judaism changes as the result of rational secular critique, but there is continuity because impetus for doing so is taught in Torah.

Three: We respond to valid grievances brought forth by injured parties.

Responding to valid grievances is not completely distinct from responding to ethical or rational criticism, but I think it is sufficiently important to be analyzed as a separate category; that people come forward and plead they are not being treated fairly under existing practices. Probably the best example of this is the story of Zelophehad's daughters found in the twenty-seventh chapter of the Book of Numbers.

The text assumes that under the laws of inheritance then in force, sons but not daughters, inherit. The five daughters Zelophehad believe this is wrong and tell Moses:

“Let not our father's name be lost to his clan just because he had no son! Give us a holding among our father's kinsmen!”

They were concerned that their father's name not be lost. They thought it was unfair that their father's name be lost, just because he had daughters rather than sons. And perhaps they thought the property laws were unfair for deeper, more personal reasons.

Let us not forget that these women were operating in a patriarchal system. To assert that they were being treated unfairly as women might not have resonated with their male audience. So like lawyers pleading a case they offer what will be most convincing. I believe it is reasonable to think that Zelophehad's daughters came forward because the laws of inheritance were unfair to women.

“Moses brought their case before the Lord. And the Lord said to Moses,

The plea of Zelophehad's daughters is just: you should give them a hereditary holding among their father's kinsmen; transfer their father's share to them.

Further, speak to the Israelite people as follows: If a man dies without leaving a son, you shall transfer his property to his daughter.”

God makes no reference to preserving Zelophehad's name. God merely asserts the daughter's case is just and that they should inherit.

And since that time, sometimes inspired by Zelophehad's daughters, others have come forward. Women came forward saying they wanted to chant Torah, saying they had been unfairly excluded from doing so. In more recent years gays came forward saying they have been unfairly excluded from marriage.

We can imagine how shocked the Sages of the Talmud would be if they found themselves in certain contemporary synagogues and heard women chanting Torah. We can imagine how even more shocked they would be if they found themselves in certain contemporary synagogues and observed two women or two men under the chuppah making their marital vows.

But if they witnessed the debates that led to these practices, women quoting scripture saying that they too were made in God's image, gays quoting scripture, reminding us that it is not good for a person to be alone, perhaps, some of the Sages would recognize a continuation of the tradition. Moses was able to make such a leap... at least in the story.

Tying it together

This wonderful story about Moses, what is its theme, for whom is it intended? Its theme, as I've been saying is that the tradition evolves but there is still continuity. There is continuity because the Torah itself provides the mechanisms that allow for it to evolve. This phenomenon is hardly surprising, or unique to the Jewish tradition.

We can imagine Newton puzzled as he listens to a lecture on relativity. He would most certainly be puzzled if he heard a lecture on quantum mechanics. But if he listened long and attentively, he might begin to perceive the connections to his work, and the entirety of physics. There is the same reliance on mathematics and observation. This is still physics.

There are enterprises that evolve over time but retain their identity. Physics is one. Judaism is another. In physics the continuity is the ongoing attempt to understand the physical world through the techniques of observation and theory. In Judaism it is the attempt to understand what God has communicated to us about how to live, through Torah.

That is the theme of the story, but for whom is it intended? It cannot be for Moses. Moses is already dead when this story about him is told. Perhaps the Sages told the story for themselves, perhaps they had some intuition that the tradition would continue to evolve over time and at some point it would be hard for them to recognize it.

But, of course, once a story is written down it is there for all who come to read it. We do not stand at the end of a tradition but somewhere in the middle. We learn all we can from those who came before. We make adjustments based on reason, and ethics and fairness. But the tradition does not end with us.

Should we be granted a vision of some future Jewish debate, perhaps at that glorious time we truly are as numerous as the stars, it might well seem incomprehensible to us. We will feel weak. We will feel disheartened. But then something will be said that will be familiar, a quote from Heschel or Solovetichik, Rambam or Akiba, Rachel or Sarah that will make it clear this is still the Jewish tradition, still the way of Torah. And when we have that shock of recognition, we will be able to say, like Jacob: God is in this place and we did not know it.