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## **‘The Exile from the Law’ Keeping and Transgressing the Limits in Jewish Law**

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**ABSTRACT:** What is an exilic law? The Talmud was itself located ‘in exile’ without ever being considered ‘exilic’: the self-representation of the Talmud is consistent with the idea that Jewish law might be redacted in diaspora but is still centred on the Temple of Jerusalem. Yet the Zohar offers a unique representation of Jewish law as a central legal product and a metaphysically exiled reality. Hence, Jewish law has not only been born ‘in exile’ but also has an ‘exilic’ nature. An exilic law, then, is a tenebrous ‘path’ that inverts the ‘moral ways’ of Jewish law, as it departs from the ‘exilic centre’ of Babylon and installs a ‘non-exilic centre’ on Mount Moria, where Isaac was almost sacrificed and the Temple of Jerusalem was erected. When Scripture is brought out in an ‘exodus’, it departs from the solid terrain of an ‘exilic law’ and radicalizes the event of Abraham’s being called to sacrifice his own son by producing a notable inversion of the notion of ‘literal sense’. And yet this ‘literal sense’ that has always been there had almost been neglected, just like a ‘purloined letter’ — in every sense of the expression.

**KEYWORDS:** Exile; Jewish diaspora; Galut; Jewish Law; Talmud; Zohar; Exodus; Akedah; Abraham; Halakhah; Aggadah; Deconstruction

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# ‘The Exile from the Law’

## Keeping and Transgressing the Limits in Jewish Law

FEDERICO DAL BO

In the present essay, I will try to answer the question whether an understanding of Jewish Law as exilic, as freed from the Land of Israel, is possible without any — projected or supposedly realizable — return from exile. This endeavour requires a review of many aspects of Jewish tradition — interpretive principles, hermeneutic provisions, messianic expectations — that are usually characteristic of Orthodox Judaism. By ‘Orthodox Judaism’, I mean here not simply the nineteenth-century opposition to secularizing Judaism but also the self-representation of observant Jews since the beginning of Rabbinic Judaism and especially since the dissemination of the Talmud as the most authoritative Jewish handbook of law.

The Talmud is central to Orthodox Judaism. Every elementary handbook of Orthodox Judaism emphasizes the pious commandment — traditionally addressed exclusively to male Jewish individuals — to read, study, and comment on the Talmud.<sup>1</sup> Studying was regarded to

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1 Much depends on this discriminatory assumption. The most congruent response to Orthodox Judaism with respect to Talmudic literature can be found in the ongoing project ‘A Feminist Commentary on the Babylonian Talmud’ (FCBT), established by Tal Ilan (Freie Universität Berlin). I contributed to the project: Federico Dal Bo, *Massekhet Keritot: Text, Translation, and Commentary, A Feminist Commentary on the Babylonian Talmud*, v.7 (Tübingen: Mohr Siebeck, 2013).

be as important as praying and in many respects represented a variance of the Biblical model of priesthood that obviously required the existence of the Temple of Jerusalem. After the destruction of the Second Temple, of course, the priesthood as permanent service in the Temple was terminated and its social importance diminished. It survived transfigured into the pages of the Talmud that typically discuss questions of purity that the Pharisees extended *a fortiori* beyond the perimeter of the Temple to ordinary, everyday life. Albeit in ruins, the Temple did survive as the ideological centre of Rabbinic Judaism together with its rules, norms, and prescriptions.

Yet the historical and textual origins of the Talmud seem to contradict these ideological assumptions but nonetheless allow for an understanding of Jewish Law as an exilic product, as well, freed from the Land of Israel. Indeed, many pages from the Talmud exalt the cultural superiority of Babylon with respect of the Land of Israel up to the point that Talmudic Judaism progressively emerges as a diasporic product. These pages constitute a first effort to understand the Talmud according to its 'eccentric' nature, despite the centripetal force of attraction of the Land of Israel.

#### 1. A THEOLOGICAL PARADOX: THE CENTRALITY OF (AN) EXILIC LAW

At the beginning there is paradox. The paradox of Jewish Law consists in the fact that it was redacted in exile — in Babylon — but it mostly pertains to ritual and legal issues related to the Land of Israel. True, the Pharisees allowed to extend the notion of purity beyond the boundaries of the Temple of Jerusalem since the beginning of the common era. And yet the primitive idea was to extend the rules of purity outside the Temple, but not beyond the perimeter of the city of Jerusalem or, by extension, beyond the Land of Israel. At the time, the Pharisees could hardly assume that the Temple would be destroyed and purity rules would be followed outside the Land of Israel — 'in exile'.

The question was not philological: there was obviously no difficulty in the fact that Babylonian Rabbis could redact Jewish Law 'in exile' and maybe manifest a nostalgia — a desire to return to the Land of Israel. Indeed, whoever opens one of the dense volumes from

the Babylonian Talmud cannot help but be impressed by the number of references to the Land of Israel — its institutions, its society, its customs, and, why not, its political utopia. And yet the question was rather more subtle. The Jewish Law redacted in the Land of Israel — the so-called Talmud of the Land of Israel — was monumental, yet still only a minor product of the rabbis from the first centuries of the common era. The Talmud of the Land of Israel will never enjoy the unparalleled prestige of the Jewish Law redacted in Babylon — the famous Babylonian Talmud — that would be written ‘in exile’, centuries after the destruction of the Temple of Jerusalem, when it had become quite clear that it would never be rebuilt, at least not before messianic times. And yet none of the Jewish sages ever considered the Babylonian Talmud as an ‘exilic code’: the Babylonian Talmud could emerge from the diaspora but was still an illustration of ‘Jewishness’ with respect to the (destroyed) Temple of Jerusalem. The *centre* of Jewish life was marked by a centenarian absence, on the ruins of the Temple. In a stark contrast, Orthodox Judaism has generally cautioned against the assumption that Jewish Law could be outdated, inasmuch as it contained rules pertaining to a destroyed Temple. Therefore, they often suppress — if not explicitly correct — the latent suggestion that Jewish Law could be seen as a product of ‘exile’. On the one hand, the complex, contradictory nature of the pre-Talmudic Jewish law has generally been ‘assimilated’, from a textual point of view, by the redaction of the encyclopedic, emphatic, and hypertrophic Babylonian Talmud. Rabbinic literature that escapes the omnivorous Babylonian Talmud was not simply ‘removed’ from the intellectual history of Judaism. Rather, it is bound to a more subtle destiny — ‘put to the margin’ of Jewish Law and treated only as a repository of legal decisions. As a consequence of this, several pre-Talmudic legal handbooks — the *Sifra*, the *Mekhilta*, the *Sifre*, the *Tosefta*, the *midrashey halakhah* — were harmonized within the Babylonian Talmud, which is to say: reduced to a specific ideological monopoly. The costs for this harmonization were significant: all these texts virtually disappeared as autonomous legal productions together with their respective different ideological and exegetical orientations; everything ‘eccentric’ was tamed to conform to the general frame of the Talmud; centuries of previous exegesis were turned into a repository of legal decisions. On the other hand, the less

articulate Palestinian Talmud was undoubtedly put to the margins, if not removed both from Jewish life in favour of the Babylonian Talmud. This re-arrangement of the pre-Talmudic legal material involved Scripture only indirectly, since Talmudic masters used to quote from the Bible in order to justify their legal decisions, but actually competed against it with the intention to pose itself as the supreme canon for Jewish Law.

I would like to emphasize once more that the Talmud was itself located 'in exile' without ever being considered 'exilic': the self-representation of the Talmud is always consistent with the idea that Jewish Law might be redacted in diaspora but is still centred on the Temple of Jerusalem. Therefore, there is no such *legal concept* as 'exilic code'. A tentative translation of this expression into Hebrew could be: *galut ha-halakhah*. Interestingly enough, this Hebrew expression would also resonate with the modern notion of 'Halakha in Exile', a very rare expression, invented in recent times by the neo-Orthodox Romanian-born Rabbi Eliezer Berkovits with the specific purpose of designating the progressive detachment of Jewish law from the needs and necessities of modern Jewish life as well as the defensive and passive condition from which the law suffers while being confronted with a world dominated by non-Jews:

[F]or the time being, Halakha is in exile in the land of Israel as it was before in the lands of Jewish dispersion. It is still the Halakha of the *Shtetl*, not that of the State. As yet you have not become worthy of *Torat Eretz Yisrael* [Law of the Land of Israel]. The reasons are to be found in what happened to Halakha during its *Galut* [exile].<sup>2</sup>

Therefore what is literally called 'the exile of the law' (*galut ha-halakhah*) would imply an 'exile *from* the law'. Clearly, Berkovits coined the English expression 'Halakha in Exile' in order to awaken the Rabbinic intellectual elite from its self-indulgent torpidity and to expose it to the necessities of modern life and have it be more congruent with it. In other words, Berkovits militates for a 'return' from an intellectual 'exile' with the hope of confirming both the practical and

2 Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakha* (New York: Ktav Publishing House, 1983), p. 91 [translation of Hebrew terms added, as elsewhere, F.D.B.].

intellectual ‘centrality’ of Orthodox Jewish Law — born and redacted in Babylonian exile. The Hebrew expression *galut ha-halakhah* was not intended to resonate with the mythical and mystical notion of *galut ha-dibbur* (the exile of the speech), developed in Zoharic literature, which designates the perdurability of God’s *word* in exile and implies that God is in exile, too, together with Israel. On the contrary, Berkovits intended only to invoke the need for the Babylonian-born Talmud to finally ‘return’ to the Land of Israel, as an act of re-harmonizing Jewish Law with contemporaneity.

I have insisted on the notion of *galut ha-halakhah* because it stems from a legal context and does not treat exile in metaphysical terms. An interesting, albeit quite unique treatment of both a legal and mystical notion of ‘exile’ can be found in a brief passage from the Zohar that describes the structure of *sefirot* during the divine exile — God in exile together with Israel — and after the messianic advent that will reunite the *sefirot*. The passage that I am going to quote formally belongs to the Zohar but, philologically speaking, to a later stratum of Zoharic literature, which was mainly devoted to the description of the ‘divine palaces’ (*heikhalot*) and produced two quite similar texts: *Heikhalot Bereshit* and *Heikhalot Pequdey*. Both these texts intended to resume some principles from the pre-Talmudic exoteric descriptions of the ‘divine palaces’ and harmonize them with the system of *sefirot*, fully developed from the thirteenth century onwards. The question was quite complex: connecting cosmological representation of the divine (the ‘divine palaces’) with a metaphysical system of emanation (the *sefirot*). Both texts offered a strikingly simple answer: the ‘divine palace’ would consist in lower ‘cosmological’ structures that lay beneath the superior, ‘metaphysical’ structure of the *sefirot*. The believer’s soul could progressively enter each single ‘palace’ and eventually ascend to the superior system of the *sefirot*.<sup>3</sup>

One passage from the second, possibly later text — *Heikhalot Pequdey* — is not content with the mechanical description of ascending from lower to upper structures, that is to say: from the ‘divine palaces’

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3 For a general insight into thirteenth-century Spanish Kabbalah, see: Federico Dal Bo, *Emanation and Philosophy of Language: An Introduction to Joseph ben Abraham Gikatilla* (Los Angeles, CA: Cherub Press, 2019).

to the *sefirot*. At a specific point, the text asks about the localization of Jewish writings within the system of the *sefirot* and ventures into a suggestive and yet problematic description of the future of Jewish Law, after the reunification of the divine:

[H]ere pertains the sublime mystery of the *baraitot* [external sources] that we have mentioned and when a person reaches the tree [of the bottom of the *sefirot*], he kneels. 'Blessed are You, YHWH, who restores the *Shekhinah* [divine presence] to Zion.' Then, the *baraitot* return to Mishnah, and they are blessed as one (we-ha hakha ahadru brayyey le-matnitin we-itbarkkhan ke-chada).<sup>4</sup>

It is necessary to read this short passage with caution. On the one hand, it is unique in Jewish literature; on the other hand, it makes a formidable assumption: each component of Jewish Law is determined metaphysically, and therefore depends on messianic expectations.

When examined in greater detail, the passage abides by the need to justify every aspect of Jewish culture in association with the superior structure of the *sefirot*. Therefore, it is not surprising that the composite nature of Jewish Law — the Mishnah, its Aramaic commentary by early Talmudic scholars, the use of 'external sources', and so on — is projected unto different portions from the system of the *sefirot*. At first, the passage identified Scripture with the superior *sefirah* 'Tiferet'; then, it couples it with the lower *sefirah* 'Shekhinah', which is associated

4 Zohar 2. 261a–b. For the translation, see: *The Zohar*, trans. and commentary by Daniel C. Matt and others, Prizker Edition, vols. 12 (Stanford, CA: Stanford University Press, 2003–2017), XII (2017): *Zoharic Compositions*, trans. by Nathan Wolski and Joel Hecker, pp. 167–68. This composition on the 'divine palaces' runs from Zohar 2. 245a to Zohar 2. 268b, according to traditional pagination. This composition is traditionally inserted into the commentary on Scripture, specifically on the weekly Biblical portion from *Pequdey* (corresponding to Exodus 38. 21–40. 38), and hence called *Heikhalot Pequdey*. The modern editor and translator of the Zohar, Daniel C. Matt, has decided to remove this composition from the main body of the Zohar and to publish it as an independent 'Zoharic composition'. For a discussion of this decision, see Daniel Abrams, 'The Invention of the *Zohar* as a Book', in Abrams, *Kabbalistic Manuscripts and Textual Theory: Methodologies of Textual Scholarship and Editorial Practice in the Study of Jewish Mysticism* (Los Angeles, CA: Cherub Press, 2010), pp. 224–428, especially pp. 264–359. For a detailed treatment of this portion from the Zohar, see Federico Dal Bo, 'La mística de los palacios divinos en siglo XIII. Los *heikhalot bereshit* y *heikhalot pekudei* en el *Zóhar*', in *Kabbala judía y mística Carmelitana. Encuentros en Sefarad*, ed. by Sancho Fermin (Avila: Grupo Editorial Forte & CITeS – Universidad de la Mística, 2020), pp. 169–93.

with the Mishnah. The exegetical justification is quite simple: there is a *first* Law, the Written Law, that is located almost on the apex of the *sefirot*; then, there is a *second* Law, the Oral Law here epitomized in the Mishnah, that is located on the bottom of the *sefirot*. The unoriginal wordplay between ‘second’ (sheniah) and *Mishnah* (literally: ‘repetition’) is instrumental to establish the correlation between them. And yet the crucial point is the identification of the external *sefirot* with two discrete textual and historical realities: the ‘external sources’ (baraitot) and the Amoraim or the early Talmudic teachers. Both these realities appear to be slightly diverted from the central axis running along the central line and connecting, say, the lower with the superior *sefirah* — in fact joining Oral Law with Written Law. Both the ‘external sources’ (baraitot) and the early Talmudic masters dwell on the ‘margins’ of the system of the *sefirot*, and accordingly will be affected by its eventual reunification after the messianic advent. This is clearly stated in this unique sentence that has no parallel in the entire Jewish literature: ‘[T]hen, the *baraitot* return to Mishnah, and they are blessed as one’ (we-ha hakha ahadru brayytesy le-matnitin we-itbarkkhan ke-chada).

This is a unique representation of Jewish Law that emerges both as a central legal product and a metaphysically exiled reality. Jewish Law is understood to be central to both Jewish life and the metaphysical system of the *sefirot*, since Oral Law and Written Law run along the same *central* axis. And yet exile is described as an almost ‘physical’ reaction of the divine against evil, and therefore as a temporary condition that will be emended in messianic times. The consequences of this understanding of Jewish Law are formidable and yet paradoxical. This theological representation suggests that Jewish Law is simultaneously exilic and promises reunification with the Land of Israel. And yet this theological dialectic contrasts with the history of Jewish Law and its structure: ‘external sources’ and early Talmudic scholars — here located on the external margins of the system of the *sefirot* — are not incidental but rather constitutive of Jewish Law. Therefore, this assumption — they will eventually converge into the main body of the *sefirot*, and therefore disappear or be assimilated for a greater good — is problematic and ultimately incompatible with the notion of Jewish Law itself. Indeed, what would Jewish Law be without its ‘external sources’?



A collateral question is whether there is an alternative to the fundamental paradox — whether Jewish Law would be central to Jewish life and yet, at the same time, an 'exilic' product, possibly enriched by a metaphysical undertone. Shall Jewish Law then be accepted in its paradoxical nature at the expense of marginalizing everything that is not, *strictu sensu*, Talmudic — especially Babylonian Talmudic? On the contrary, if there is such an alternative, what are its costs?

The elaboration on a notion of 'exilic' Jewish law is indeed possible. It is possible to assume that Jewish law has not only been born 'in exile' but that it also has an 'exilic' nature. Of course, this would have a severe impact on the traditional assumption that the Talmud has to be the 'central' part of Orthodox Jewish life — in particular as long as the notion of 'exile' remains intrinsically annexed to the political, religious, and theological hope of a return to the 'homeland'. If this 'return' is traditionally described, in Hebrew terms, as a 'conversion' or *teshuvah* — what then would be the ethical impact of an 'exilic notion' of law? Should it perhaps even exclude 'conversion' altogether?

A notion of 'exilic' Jewish Law requires first of all the mobilization of different textual, hermeneutic, and philosophical strategies that deeply revise the Orthodox notion of a 'law' that is based on the criterion for 'drawing a line' between 'right' and 'wrong'. The metaphor of a 'line' drawn between what is legitimate and what is not is particularly powerful in Jewish Law; it usually involves a number of collateral assumptions: that everyone is able to distinguish between 'right' and 'wrong', that this ability is both ethical and intellectual, that Jewish Law plays an incontrovertible role in establishing the ethical perimeters for every individual, and, finally, that every move 'beyond' this limit shall necessarily be qualified as a 'transgression'. Each of these assumptions is intrinsically associated with the notion of a 'limit': only *within* a specific limit does Jewish life acquire sense and dignity. On the contrary, the 'transgression' of this limit posits itself as a movement that goes 'beyond' a specific ethical and intellectual limit with the clear consequence of being excluded if not banished from the community. The risk of 'transgression', in turn, threatens the institution of the Jewish intellectual elite both from a practical and hermeneutical point of view: namely, by acting out a deliberate 'transgression' of a specific commandment, by inadvertently transgressing a specific commandment,

but also by proposing a radical interpretation of a commandment. Whereas the first two cases can be adjudicated quite easily by repressing the wrongdoers, in the first case, or educating them, in the latter, — the third case is the true danger to the Rabbinic elite: a radical interpretation that not only causes but also justifies ‘transgression’. It is then not surprising if the perimeter of a correct interpretation has usually been guarded when not fenced twice: on a semantic and on an ethical level.

## 2. THE SEMANTIC BOUNDARY OF ‘LITERAL SENSE’ IN RABBINIC LITERATURE

The first way for imposing a limit to any radical — erratic, if not errant — interpretation of the law undoubtedly is the notion of ‘literal sense’. In Jewish hermeneutics, the ‘literal sense’ is commonly designated with the Hebrew term *peshat* (simple, plain), exactly because it represents the most ‘simple unity’ of meaning.<sup>5</sup> Different from other hermeneutical practices privileging metaphorical, allegorical, and mystical interpretations over the merely ‘literal sense’, the Rabbinic notion of *peshat* usually represents the fundamental boundaries of the epistemological universe of meaning. As far as hermeneutics can involve the examination of the same Biblical verse in additional perspectives — as anticipated: metaphorical (*derash*), mythical (*remez*), and mystical (*sod*) —, the notion of ‘literal sense’ is the inalienable, basic minimal unit of meaning. Jewish commentators usually refrain from quantifying this minimal dimension of meaning and disagree on a clear denomination of it but are adamant in assuming that at least *each word* of Scripture — regardless of its morphological, grammatical, or syntactic function — has a perpetual ‘literal sense’ based on the theological premise that the Holy Writ *must* be fully significant in its every minimal detail.<sup>6</sup> What is this ‘literal sense’ exactly?

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5 The evolution in Rabbinic literature of the notions of ‘simple meaning’ (*peshat*) and ‘exegetical meaning’ (*derash*) is reconstructed in David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (Oxford: Oxford University Press, 1991).

6 The abstract noun for ‘exegesis according to the literal sense’ is generally the Hebrew term *pashtut* or, more rarely, *pashtanut*. Both these terms denote the ‘plain meaning’ in terms of ‘simplicity’ in either literal or derogative sense. Upon closer linguistic

The term *peshat* itself exhibits a complex semantics, usually connoting at least three partially overlapping meanings: first, 'literal sense' as opposed to any metaphorical or symbolic reading; second, a 'straightforward sense' as suggested by reasonable, contextual exegesis, and therefore resonating with a 'philological sense'; third, the 'correct sense' of a verse as opposed to any metaphorical understanding that diverts from the 'straightforward sense'. Regardless of these specific differences, it should suffice to point out that the fundamental role of *peshat* corresponds to the intrinsic quality of a Biblical expression from which to derive any supplementary legal knowledge. This general understanding of *peshat* is clearly maintained by a Rabbinic dictum, reported in Hebrew in the Babylonian Talmud and disseminated in almost all later Talmudic commentary, with a descriptive and functional purpose: '[A] [Biblical] verse does not escape from its plain [meaning]' (ein miqra yotze mi-yedey pshuto).<sup>7</sup>

And yet, this apparently self-evident meaning of the term *peshat* is complicated further by some Medieval Bible commentators, especially by Rabbi Samuel ben Meir, the Rashbam, who was also the grandson of the famous French-Jewish interpreter Rabbi Shlomo Itzhaqi, better known as Rashi. In his seminal commentary on the book of Genesis, Rashbam makes a notable observation about the nature of the *peshat*:

[O]ur Rabbi Shlomoh, my mother's father, the illuminator of the eyes of the exile [me'ir 'eyney golah], who wrote commentaries on the Law, the Prophets, and the Writing, paid attention to expound the plain meaning of the Bible [le-farsh peshuto shel Miqra], and I, Shmuel, son of Rabbi Meir Rashi's son-in-law, have argued with him, and he admitted to me that if he had the opportunity, he would have to do additional commentaries, since plain meanings [ha-peshutot] are established as new meanings [ha-metchadeshim] each day.<sup>8</sup>

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examination, *pashtut* is the abstract noun derived from the Hebrew adjective *pashtut* (simple), while *pashtanut* is an abstract noun derived from the Hebrew noun *pashtan* (literal exegete). In this sense, *pashtanut* is probably a more correct, albeit more rare expression. For a recent definition of *peshat* specifically with respect to Jewish Law, see Mordechai Z. Cohen, 'A Talmudist's Halakhic Hermeneutics: A New Understanding of Maimonides' Principle of *Peshat* Primacy', *Jewish Studies: An Internet Journal*, 10 (2012), pp. 257–359 <<https://jewish-faculty.biu.ac.il/files/jewish-faculty/shared/JSIJ4/cohen.pdf>> [accessed 10 April 2022].

7 Babylonian Talmud, Tractate Shabbat, fol. 63a (my translation, F.D.B.).

8 Rabbi Shlomo ben Meir (Rashbam), commentary on Genesis 37. 21 (my translation, F.D.B.). The rabbis employ the intensive-reflective form of the Hebrew verb *chadash*

Notably, the Rashbam suggests that the *peshat* evolves in time without losing its fundamental ‘originary’ connotations, so to say. The assumption that ‘plain meanings’ (*ha-peshutot*) are constantly ‘innovated’ (*ha-metchadeshim*) is not self-evident. It rather reflects a complex dialectics between time and meaning, since time passes ‘every day’ and allows for ‘establishing new meanings’ that, on the other hand, are still believed to belong to the same ‘plain’ one from which they have originated. This dynamic does not really suggest that there is a sort of ‘Hegelian’ progression of meaning in time but rather that *peshat* does not denote a static, monadic unit of sense but is rather immersed in time itself. The implicit presupposition is that Jewish tradition allows for each ‘newly established’ meaning to dwell within the perimeter from which a Biblical never escapes, as eloquently maintained in the Talmud.

Accordingly, the perimeter of Jewish hermeneutics is solidly posited: whatever interpretation one can make of a Biblical verse, its plain meaning shall never be neglected — exactly because it is the most simple component of meaning. This does not imply that literal meaning is not yet meaning and requires, say, a more spiritual attitude to substantiate it but rather that literal meaning is a kind of semantic substance that cannot ever be deserted even by the most daring interpreter. The Hebrew phraseology is devoid of any moral or linguistic obligation; the negative form (‘does not escape’) rather describes a matter of fact, as if the Rabbinic dictum were merely stating a truism: a Biblical verse never loses its plain meaning, regardless of what kind of hermeneutical process it undergoes. The occasion for introducing this hermeneutical principle is also of great interest. The starting point is the Biblical prescription not to carry anything outside the home on Shabbat (Exodus 16. 29; Numbers 15. 32–36) as well as the prescription to be found in the Mishnah — the earlier Hebrew law book the Talmud comments on — that explicitly prohibits anyone exiting their house on Shabbat ‘with a sword, bow, shield, lance, or spear.’<sup>9</sup> The Talmud here objects as follows: everyone

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as a technical expression ‘to be established as a new interpretation.’ Cf. Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli, and the Yerushalmi, and the Midrashic Literature*, 2 vols. (London: Luazac, 1903), 1, p. 427.

9 Mishnah, Tractate Shabbat 6. 4 (my translation, F.D.B.).

is allowed to bring, carry, or wear anything that does not qualify as a 'tool' but rather qualifies as an 'ornament', since it is a common part of his/ her outfit. Therefore, the Talmud asks whether these very objects — sword, bow, shield, lance, or spear — shall be considered either 'supplementary' (and thus prohibited) or 'ornamental' (and thus admitted). The discussion is held in Aramaic and goes as follow:

Abaye said to Rav Dimi and others say Rav Awia [said to him] and others say Rav Joseph [said] to Rav Dimi and others say [Rav Dimi said] to Rav Awia and others say Abaye [said to] Rav Joseph: what is Rabbi Eliezer's reason [ta'am] for saying that [sword, bow, shield, lance, or spear] are ornaments for him? Since it is written: 'gird thy sword upon thy thigh, O mighty one, thy glory and thy majesty' [Ps 45:4]. Rav Kahana said to Mar bar Rav Huna: is [this] written in the words of Scripture? He said to him: a [Biblical] verse does not escape from its plain [meaning] [pshuto]. Rav Kahana said to him: by the time I was eighteen years old I had studied [hawah gimarna] the whole Shas [= the Talmud] yet I did not know that a [Biblical] verse [outside the Pentateuch] does not leave its plain [meaning] until today. What does he inform us? That a man should study [de-ligmar] and subsequently understand [li-sbor] [by his own reason].<sup>10</sup>

This Talmudic passage shows the complex dialectics between literal and non-literal sense as well as the tension between knowledge acquired in the traditional study of the Talmud and knowledge acquired through the use of reason. Both these epistemological and intellectual boundaries intersect and overlap implicitly, since they prescribe a quite rigorous discipline of mind. The passage states that it is possible to interpret not only the Pentateuch but also Scripture in general beyond its 'plain meaning' (peshat) only under several conditions: preserving the fundamental sense of a Biblical verse and appreciating the traditional study that precedes — both in time and acumen — someone's individual abilities. A solid economics of knowledge is then established in this way: Scripture is the focal point of knowledge and its 'plain meaning' is its unalienable fundamental meaning that one should study first in the traditional way — in a Rabbinic seminar together with one's own

10 Babylonian Talmud, Tractate Shabbat, fol. 63a (my translation, F.D.B.).

fellows — and only later understand on one's own, on the basis of one's intellect and competence.<sup>11</sup>

### 3. THE ETHICAL BOUNDARY OF 'LITERAL SENSE' IN RABBINIC LITERATURE AND ITS EXCEPTIONS

The second way of imposing a limit to any radical interpretation of the law is more complex and depends on the former one. It presupposes that there is an inalienable 'sense' in a Biblical verse and therefore assumes, by implication, that there is a 'plain' — or strict — sense for any Biblical commandment. Accordingly, a commandment does not need to be exhaustive, especially on account of a broader sense for 'justice'. In other terms, the observation of a commandment might also require a specific 'sense for justice': a sort of peculiar 'touch.' This supplementary sense undoubtedly is 'mercy' that the Rabbis here introduced with a double purpose: extending the observation of the law 'beyond' its strict, literal sense and yet preserving this 'exceptional' interpretation of the law from becoming heretical. Besides, there would be a subtle connection between 'exodus' and 'exceptionality'.<sup>12</sup> The name for this legal institution in the Jewish hermeneutics is called, in Hebrew, *lifnim mi-shurat ha-din*: literally, 'within the line of the law' — which might correspond to the idiomatic expression 'beyond the letter of the law'.

This principle recurs in some passages from the Babylonian Talmud and is generally specified with the help of some examples. It usually admits someone's liability of observing a commandment 'beyond' the strict expectations prescribed by the letter of the law — without compromising its 'literal sense' and, on the contrary, producing a supplementary positive effect in the individual who is addressed by the law itself.

For instance, a Talmudic passage treats the case of a poor woman who asked a rabbi to negotiate for her a coin that eventually turned out to be fake:

11 See my article: Federico Dal Bo, "A Sage Understands of His Knowledge" (mHag 2:1): Degrees and Hierarchy of Knowledge in Abraham Abulafia', *Mediaevalia. Textos e estudos*, 36 (2017), pp. 61–73 <<http://dx.doi.org/10.21747/21836884/med36a3>>.

12 It might not be surprising that Hebrew phraseology betrays a specific lexical familiarity between 'exiting (in exile)' and 'escaping (the ordinary)'. Indeed, the Hebrew idiom for 'being an exception' literally says: 'leaving the general condition' (*la-tze't min ha-klal*).

Along came [a woman] who showed a *dinar* to Rabbi Hiyya and [he] said to her that it was excellent. Then she came back and said to him: I have shown it [to others] and they said to me it was evil and no one would take it from me. [Rav Hiyya] said to Rav: alas, exchange [it with a good one] and write down in my register as a bad one.<sup>13</sup>

When later asked about the reason why he exchanged a false coin with a genuine one, Rav Hiyya admits that it was for the sake of the woman whom he himself had mistakenly assured that her coin was not fake. According to the Talmudic law of transactions, Rav Hiyya would not have been prescribed to do anything specific when the woman came back complaining that she was falsely informed about her coin, and yet, he had been persuaded by a deeper sense for humanity and justice to assume responsibility for his previous misjudgment. Therefore, he means to help the — quite likely poor — woman, providing her a genuine coin in exchange.

How shall this act of generosity be evaluated according to a formal, juridical point of view? Does it belong to or rather escape the strict commandment of the law? Is it consistent with or eccentric to the Biblical prescriptions?

At first, one should note how difficult it is to render the Hebrew expression *lifnim mi-shurat ha-din* either literally as 'within the line of the law' or idiomatically as 'beyond the letter of the law'. Yet this difficulty hardly is of a merely linguistic nature — it rather involves implicit theological expectations. On the one hand, the exact use of the preposition *li-fnim* (within) in order to designate someone's liability of acting in an exceptional way clearly prescribes, in a Jewish perspective, the exact legal perimeter that circumscribes any moral initiative by a single individual. In other terms, there might be no call for exceptionality: the legal boundary of a commandment can be 'passed by' but not really 'transgressed', as long as there is a specific and actual benefit for a third party. This would hardly be qualified as leniency with respect to specific legal boundaries — rather as practical sense

13 Babylonian Talmud, Tractate Baba Qamma, fol. 99b (my translation, F.D.B.). On this passage and similar sources, see also: Federico Dal Bo, 'Economic Speculation and the Sacred', 'Market Prices', 'Market Intervention and the Common Good', and 'Market Intervention and the Common Good', in *Judaism and the Economy: A Sourcebook*, ed. by Michael Satlow (Abingdon: Routledge, 2018), pp. 46–47, 48, 53–54, 69–70.

with respect to a plastic treatment of a stiff regulation of life. On the other hand, the idiomatic rendering of the sentence as ‘beyond the letter of the law’ exactly mobilizes a number of presuppositions that are alien to Jewish theological assumptions and especially implies an inner conflict between what ‘the letter’ requires to be done and what ‘the spirit’ suggests ought to be done.

The economy of this dilemma has usually been represented in the stereotypical opposition between a ‘legalistic’ attitude that would be intrinsically ‘greedy’ and a ‘moral’ generosity of the ‘spirit’ at least potentially antinomic.<sup>14</sup> With respect to this, it is obvious that Rav Hiyya has not transgressed against any law while exchanging a fake coin with a genuine one. He has rather ‘supplemented’ the Talmudic law of negotiation by introducing some additional variables, such as: sympathy, good heart, generosity — or, shortly, ‘morality’. And yet this act of generosity has a particular placement ‘within’ the Talmudic system of negotiation: it is not required by the strict law and yet it is still coherent, congruent with the legal case at stake — the wrong evaluation of a coin. Rav Hiyya has then taken responsibility for his mistake and committed an act of generosity ‘within’ the system of negotiation — he exchanged the fake coin with a genuine one — without contesting it. In other terms, the principle *lifnim mi-shurat hadin* encourages moral acts that might be ‘extraordinary’ with respect to a stringent interpretation of the law but that shall take place ‘within’ a very specific perimeter: normativity.

#### 4. TRANSGRESSING BOUNDARIES

Orthodox Judaism has then posited semantic and moral boundaries to the interpreter’s freedom with a specific aim: circumscribing the per-

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14 The opposition between a ‘spiritual’ and ‘carnal’ sense of Scripture is traditionally established by the literature on Augustine but dates back to a specific reception of the Pauline polemics with respect to Jewish Law. Only recently has modern scholarship offered a more complex insight into Paul’s attitude. See the classic works: E. P. Sanders, *Paul and Palestinian Judaism* (Philadelphia, PA: Fortress, 1977) and Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994). Cf. also Federico Dal Bo, ‘Paul’s Definition of “Circumcision of the Heart”: A Transcultural Reading of Romans 2:28–29’, in *Torah: Functions, Meanings, and Diverse Manifestations in Early Judaism and Christianity*, ed. by William M. Schniedewind, Jason M. Zurawski, and Gabriele Boccaccini (Atlanta, GA: SBL, 2021), pp. 397–410.



imeter of interpretation and placing Scripture — and, by implication, the Talmud — necessarily at its centre. Both the inalienable nature of the 'literal sense' (peshat) and the moral reasons for interpreting 'beyond the letter of the law' (lifnim mi-shurat ha-din) establish a limit that none shall be allowed to transgress against — or only at the cost of becoming a heretic.

The connection between trespassing a boundary and becoming heretical is not incidental. There is indeed a famous passage that describes Elisha ben Abbuya — an ambiguous early figure of a Jewish heretic — who transgresses both the perimeter of the Shabbat and, by implication, any other moral boundary:

Our Rabbis taught a deed about Acher [= Elisha ben Abbuya] who was riding on a horse on Shabbat. Rabbi Meir was walking behind him to learn Scripture from his mouth. [Acher] said to him: Meir, turn to your back, since I have already measured by the hooves of my horse that thus far extends the Sabbath domain. [Rabbi Meir] said to him: So you too, return yourself. [Acher] said to him: And haven't I already told you that I've already heard from beyond the veil [of heaven]: 'Return [shuvu], you rebellious children' [Jeremia 3. 22] — except Acher?<sup>15</sup>

A superficial reading of this passage would probably emphasize the wicked nature of Elisha ben Abbuya who is transgressing the boundaries of the Shabbat and refuses any conversion. Yet a closer reading of the text should appreciate how topography and morality are carefully conflated. At first, one should note how Elisha was doubly transgressing the Shabbat: both by riding a horse, which is obviously subject to the prescription of Sabbatical rest (Deuteronomy 5. 14), and by riding it beyond the Talmudically established perimeter of two thousand cubits (equalling 830 meters) past the city limits.<sup>16</sup> This double transgression is then supplemented by Elisha's impossibility of 'returning' — both physically and morally — to his own place. In other terms,

15 Babylonian Talmud, Tractate Chagigah, fol. 15a (my translation, F.D.B.). For a more detailed reading of this passage, see Federico Dal Bo, "My Mother Tongue Is a Foreign Language". On Edmond Jabès's Writing in Exile, in *Untying the Mother Tongue: On Language, Affect, and the Unconscious*, ed. by Antonio Castore and Federico Dal Bo (Berlin: ICI Berlin Press, forthcoming).

16 Talmud of the Land of Israel, Tractate Shabbat, 1. 1, fol. 2c (my translation, F.D.B.).

Elisha's transgression is virtually destined to turn into an everlasting 'trespassing' — a sort of erratic movement beyond any physical, ritual, and moral boundary. The Talmud reacted to Elisha's rejection of the Rabbinic boundaries to life and ethics in quite an eloquent way: his name was erased from the records of the Rabbinic annuals and stigmatically replaced with the sobriquet *acher*, 'the other one' — making it obvious that there is no alternative 'outside' the perimeter of Jewish Law that wouldn't entail the loss of one's identity and becoming someone else entirely. There is almost no need to emphasize the intrinsic violence of this *damnatio memoriae*, although the exclusion of Elisha ben Abbuya from the legitimate Rabbinic establishment has never implied the removal of some of his teachings — as if someone's rulings on the law could acquire an independent existence.<sup>17</sup> The Talmud somehow acknowledges that teaching and personality are not necessarily connected or, at least, that they can be disconnected when it is necessary.

##### 5. DECONSTRUCTING BOUNDARIES: FROM 'LITERAL SENSE' AND BEYOND

This precaution towards teaching and personality also reverberates in two modern texts: *Uprightness of the Heart*, printed in 1737 in Amsterdam by the Italian Kabbalist Rafael Immanuel Chay ben Abraham Ricchi and *The Guide for the Perplexed of the Time* — written by the Jewish-Galician philosopher Nachman Krochmal (1785-1840) and published posthumously by Leopold Zunz only in 1851. Both these texts reflect, in different ways, a concern to preserve the perimeter of 'literal sense', and yet also the awareness that this might result in a limitation of hermeneutic abilities.

In his work *Uprightness of the Heart*, Ricchi offers a Kabbalistic interpretation of Biblical and Talmudic passages. At a certain point, he elaborates on the subdivision of Jewish hermeneutics and suggests

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17 On Elisha ben Abbuya and some specific gender issues: Federico Dal Bo, 'Legal and Transgressive Sex, Heresy, and Hermeneutics in the Talmud: The Cases of Bruriah, Rabbi Meir, Elisha ben Abuyah and the Prostitute', in *Jewish Law and Academic Discipline. Contributions from Europe*, ed. by Elisha Anselovits and George R. Wilkes, Jewish Law Association Studies, 26 (Liverpool: Deborah Charles, 2016), pp. 128–51.

that Oral Law could by principle entertain a different relationship with the 'literal sense' of Scripture:

Oral Law was not was not suitable to writing because it simply directs the [Biblical] verse out of its [literal] meaning [motziah et ha-miqra mi-yedey peshuto] and while directing it out of the [literal] meaning, it is possible to interpret via allusion [derekh remez] various mutually conflicting interpretations that are not in the [literal] meaning, since a [Biblical] verse hasn't but one single literal meaning [she-ein le-miqra ela peshat echad] and if there is also another interpretation this is similar to the former one and so all of them need to be built on the same fundament [yesod] of the literal meaning of the [Biblical] passage.<sup>18</sup>

These hermeneutical precautions also resonate in the later *Guide for the Perplexed of the Time* that Krochmal wrote moving from similar premises but emphasizing the need to contain free hermeneutics even more strictly.

Krochmal's *Guide of the Perplexed of the Time* was clearly inspired in form and content by Maimonides's almost homonymous medieval Judeo-Arabic tractate *Guide for the Perplexed*, written with a clear purpose: promoting the true understanding of the real spirit of Jewish Law. Not all that differently from his prestigious predecessor, Krochmal intends to justify the centrality of Jewish Law in the multi-millenary life of Israel and, especially, to describe Israel's supernal gift as its ability to seek God in the most proper way. This actually involves a correct appreciation of the limitations that are imposed on the interpretation of Jewish Law. Not surprisingly, Krochmal refers to the Rabbinic notion of 'literal sense' in a quite traditional way but he also indulges in some additional remarks — that might also have a different impact on Jewish hermeneutics. The passage is complex but worth mentioning in full:

[A] great general [rule] was laid down for all of our predecessors, may all their memories be for a blessing: 'a [Biblical] verse

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18 Rafael Immanuel Chay ben Abraham Ricchi, *Yoshev Levav* (Amsterdam 1742), p. 29a (Beit 2, Cheder 2, Chapter 1, §9) (my translation, F.D.B.). The Hebrew term *remez* (clue, gesture, hint, intimation) usually designates an allegorical or symbolical interpretation.

does not depart [iotze] from its plain meaning<sup>19</sup> and ‘you interpret an interpretation’,<sup>20</sup> that is to say: the Sages can make the [Biblical] verse escape [le-hotzi’a et ha-miqra] to some specific end and desired benefit so it will be alluded [romez] or guided [more] to either on [the basis of] a law that has either been received, studied, fixed, and determined in the Oral Law, or on [the basis] of some ethical [principle], knowledge, and conception of a virtue [...] Despite this possibility, there is no one who can make it escape absolutely from its literal sense, that is to say: to make it escape from its first and natural understanding [muvan ha-rishon we-ha-tiv‘i] of the words and utterances, from the ways how it is used in an expression [be-lashon], or from its connection with what is before or after it, or from what it is told about it or the close meaning from the Holy Writings.<sup>21</sup>

On the one hand, Krochmal attributes to the Rabbinic elite the ability to interpret Scripture in order to derive from it a series of legal, ritual, and moral commandments. On the other hand, Krochmal encapsulates the Rabbis’ ability of interpreting Scripture within traditionally convenient boundaries — namely within the perimeter of the ‘literal sense’. The economy of his argumentation seems at first very traditional. Krochmal appears to refer to the conventional appreciation both of the Rabbinic elite and the limitations it imposed. As far as the Rabbis are entitled to interpret Scripture and to derive — potentially new — senses from it, they are nevertheless bound to the imperative of respecting the semantic integrity of the text. The ‘literal sense’ is indeed the inviolable perimeter of meaning and it necessarily prescribes an intrinsic limitation to Rabbinic interpretation.

Yet the reasons for such a limitation are not made explicit. Krochmal is quite laconic: ‘there is no one who can ...’ (ein mi she-yekhol). Therefore it is difficult to understand whether someone’s inability to transgress this limitation — this ‘boundary’ — should be considered moral, linguistic, or ontological. If there is neither a linguistically nor an ontologically established necessity for preserving these boundaries,

19 Babylonian Talmud, Tractate Shabbat, fol. 63a (my translation, F.D.B.).

20 This is another Rabbinic principle disseminated in Jewish literature.

21 Nachman Krochmal, *More Nevuchim ha-Zeman*, ed. by Leopold Zunz (Lviv: Joseph Schneider, 1851), p. 206 (Chapter 14: ‘Ha-Aggadah’) <<https://books.google.de/books?id=GtUFcSlkpKUC&pg>> [accessed 9 April 2022] (my translation, F.D.B.).

then this inability can only be moral. As a result, the respect of these boundaries is somehow fragile, arbitrary, and fundamentally depends on some specific circumstances — if it's not intrinsically 'plastic' and 'malleable'. The claim that the 'literal sense' would be an inalienable limitation to interpretation is apparently put into danger by Krochmal himself — who plays with the Rabbis' ancient phraseology and offers me the occasion to move away from the traditional notion of 'interpretation' towards a radical one.

The aforementioned ancient Hebrew dictum: 'a [Biblical] verse does not escape from its plain [meaning]' is founded on the idiomatic use of the verb *yatza* — which basically means 'to exit' and that also has a number of extremely important semantic variations: 'to leave', 'to depart', and 'to make an exodus'. This semantic difference is particularly evident while contrasting the basic verbal form with the causative verbal form: namely, *la-tz'et* (to exit) with *le-hotzi'a* (to make exit). Yet the principle that a Biblical verse cannot 'escape' its 'literal sense' assumes then a different connotation, when the verb 'to exit' (*la-tze't*) is hermeneutically changed into a causative form (*le-hotzi'a*) with multiple meanings: 'to make exit', specifically in Krochmal's sense as 'to make a [Biblical] verse escape' (*le-hotzi'a*) — and especially as 'to make an exodus' (*le-hotzi'a*). This apparently innocuous Hebrew verb 'to exit' would then have a tremendous theological-political potential — especially when it is interpreted in the Biblical perspective of the Exodus. In light of the 'plasticity' of the Hebrew language, one could extract the verb 'to escape' from the original Hebrew dictum, submit it to a morphological manipulation, and re-install it into the core of the Talmudic hermeneutical principle — with this final result: 'the Sages have the capacity to make a [Biblical] verse effect an exodus' (*she-yesh iekholut be-yad ha-chachamim le-hotzi'a et ha-miqra*). When carefully examined, Krochmal's words — *le-hotzi'a et ha-miqra* — evidently are a careful rephrasing of the original Talmudic dictum: 'a [Biblical] verse does not escape from its plain [meaning]'.<sup>22</sup> Yet the familiarity between the basic and the causative form of the verb as well as the familiarity between 'causing something to exit' and 'making it effect an exodus' — expressed with the same verbal causative form *le-hotzi'a*

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22 Babylonian Talmud, Tractate Shabbat, fol. 63a (my translation. F.D.B.).

— might suggest a different reading of Krochmal's principle. It is clear, on the surface, that Krochmal intends to say that the Rabbis possess the ability to 'extract' a specific meaning from the Biblical verse, which in turn has to be subject to the hermeneutical principle that interpreting a text cannot infringe on the 'literal sense' of the verse. Besides, this 'impossibility', as already remarked, is not an 'inability' but rather a sort of moral imperative. 'No one may ...' should then be understood more correctly as 'no one shall ...' Krochmal's principle to 'direct a [Biblical] verse' (*le-hotizi'a et ha-miqra*) without 'escaping from the literal sense' (*yotze mi-peshuto*) would ultimately have to be rephrased more deeply as the moral command not to 'provoke an exodus' from the 'literal sense': 'no one may *make a [Biblical] verse effect an exodus* from its plain meaning ...' (*ein mi she-iekhol le-hotzi'au le-gamre mi-peshuto*). Therefore, both the Talmudic dictum about the 'literal sense' and Krochmal's strictly associated moral imperative would then sound more sinister — as a desperate precaution against a primordial, atavistic Jewish fear: claiming a divine prerogative.

This divine prerogative would be, in the present case, God's ability to 'make Israel effect an exodus' from the Land of Egypt — from slavery, idolatry, and spiritual lowness. Accordingly, it would be disrespectful if the Talmudic interpreters claimed for themselves the ability to impose 'an exodus' on Scripture. This precaution against the Rabbis' ability 'to provoke an exodus' would yet be ambivalent. On the one hand, it would surely be consistent with Krochmal's pious inclination not to make a claim about something that is inherently divine. The ability of inducing Scripture 'to effect an exodus' could practically be fulfilled by the Rabbis who, in turn, should consequently be subjected to a punishment — just like David had been punished for taking a census, which was a divine prerogative (1 Chronicles 21). On the other hand, Krochmal's precautions would reveal the double nature of Rabbinic hermeneutics, hidden in the double meaning of the Hebrew verb *le-hotzi'a*: either 'to make a [Biblical] verse escape' or 'to make a [Biblical] verse effect an exodus'.

One could object that the production of several semantic variants from the same verbal root would be the linguistic effect deriving from the morphology of the Semitic verb — fundamentally based on the permutation of a common, usually triliteral verbal root with a com-

plex system of prefixes and suffixes. Consequently, one could then undermine the 'family likeness' between the acts of 'exiting', 'leaving', 'departing', and 'effecting an exodus' — by assuming that this is only a linguistic effect deriving from the manipulation of the same Hebrew root. As far as this remark is linguistically correct or rather exactly *because* this remark is linguistically correct, it does not rule out the theological-political implications of Krochmal's words and especially his claims that the Rabbinic elite is entitled to interpret Scripture but constrained by the 'literal sense'. Whoever objects to this manipulation of the Talmudic principle would undoubtedly be right from a linguistic point of view but would fail from a hermeneutical point of view — they would fail to appreciate the intimately metaphysical nature of Jewish hermeneutics and, by implication, the conflation of moral, linguistic, and theological facts. This typically Jewish manipulation of the text would have a clear impact on the hermeneutical principle that the 'literal sense' is unalienable or 'natural', as Krochmal maintained. Accordingly, a Biblical verse cannot 'escape' its plain, literal meaning, because this would be just like delivering the text to an infinite errancy: the verse would not just 'exit' the realm of its semantic possibilities but also be cast away outside its own 'literal meaning', as if it was forced to leave its semantic territory for a foreign country, like an 'exodus'.

Yet this manipulation of the Rabbinic dictum would differ in principle from any morphological permutation of a common verbal root. Rabbinic hermeneutics differs from modern linguistics especially because it does not simply 'describe' a linguistic phenomenon but projects it unto a 'theological-political' background. Strictly speaking, linguistics may accept the notion that language as a human product may be arbitrary — in the Saussurean sense of the 'arbitrariness of the sign' — but Rabbinic hermeneutics cannot accept that. Hebrew is the matrix of Scripture, and therefore any linguistic phenomenon always points to a deeper meaning. And yet, when correctly employed, the conjugation of the Hebrew verb 'to exit' into its variants — 'escaping', 'leaving', 'departing', 'effecting an exodus', and so on — would help unmask the theological-political tensions underlying and supporting the Orthodox Jewish assumption that Scripture ought to be 'the centre' of Jewish life. The perimeter established by the notion of 'literal sense' would hardly be a mere semantic-linguistic event

— it would rather supplement and support the ‘moral persuasion’ that specific commandments shall not merely be interpreted strictly according to the law (*mi-shurat ha-din*) and yet, at the same time, that they will not be ‘excessive’ or transgress the perimeter of the legal system (*lifnim mi-shurat ha-din*). Both morals and hermeneutics would appear to oppose any ‘drift’ — whether exilic, erratic, or errant movement that would eventually divert from the orientation of traditional Orthodox life and eventually from the ‘axis’ of a correct, well-tempered, and straight-forward line. I use the metaphor of ‘drift’ with the clear purpose to emphasize the phonocentric economy of this presupposition: the ‘drift’ (*kulindeitai*) is a Platonic metaphor used to describe, in negative terms, the destiny of a written text that ‘rolls away’ from the proper meaning, since nobody can vouch for it.<sup>23</sup> The Rabbis would fear neither someone’s excessive teachings nor someone’s excessive personality. On the one hand, any radical, untempered, or excessive interpretation of the law could conversely be neutralized, tempered, and harmonized by the congregation of interpreters of the law. On the other hand, any radical, rebel, and heretical personality could conversely be educated, reprimanded, or even banished from the congregation of interpreters of the law. Again, teaching and personality could equally be tempered, controlled, and harmonized. The idiomatic expression ‘to bring someone back to his senses’ would exactly describe this hermeneutical and pedagogical mission: bringing them back to the correct appreciation of the authentic ‘taste’ (*ta’am*) or ‘reason’ of the commandments.

Yet Krochmal’s words appear to unsettle the harmony of this legal system — especially because they acknowledge that the hermeneutical principle ‘not to direct Scripture’ beyond its ‘literal sense’ actually is ambiguous and designates both a simply exegetical and a theological-political assumption. When interpreted in simple, if not ‘exoteric’ terms, the principle to ‘make a [Biblical] verse exit’ — and yet still fall within the perimeter of the ‘literal sense’ — would provide only

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23 The *locus classicus* obviously is Plato’s *Phaedrus*, trans. by Alexander Nehamas and Paul Woodruff, in Plato, *Complete Works*, ed. by John M. Cooper and D. S. Hutchinson (Indianapolis, IN: Hackett, 1997), pp. 506–56 (p. 552) (275e). On this, see the famous analysis in Jacques Derrida, ‘Plato’s Pharmacy’, in Derrida, *Dissemination*, trans. by Barbara Johnson (London: Athlone Press, 1981), pp. 67–186 (p. 144).



a semantic and exegetical precaution: as mentioned above, the 'literal sense' is the most simple unit of meaning that has to be preserved in order to provide a coherent legal or narrative interpretation of the text. Yet when interpreted in view of its theological-political potentialities, the principle 'not to make a [Biblical] verse exit' from its 'literal sense' would rather sound like a moral imperative not to claim divine prerogatives — even if one is able and eligible to do so. There would then be two different levels of meanings in Krochmal's principle — just like Maimonides's *Guide of the Perplexed* can be read either in an exoteric or esoteric way.

Yet a question arises: how would Scripture be provoked to an exodus? What then is the relationship between Scripture and spatiality?

#### 6. JUDAISM: A JURIDICAL 'WAY OF LIFE' AND ITS THEOLOGICAL-POLITICAL IMPLICATIONS

There is an intimate relationship between law and spatiality in Judaism. Besides, the ordinary notion of 'law' is not juridical, in the first place, rather spatial: the 'Jewish law' is called *halakhah* — which is obviously connected to the Hebrew verb *la-lekhet*, 'to go'. The use of this etymology in Rabbinic commentaries is so common that one could surely conclude that the act of keeping the Jewish commandment would not be a spiritual or metaphysical attachment to God in the first place — rather a 'way of life', in its most proper sense: a set of ethnically specific customs by which to live. Therefore, the very essence of 'being' Jewish (Yiddishkeit) would fundamentally consist in adhering to a Jewish life and accepting the divine law in the first place — but only secondarily would it consist in adopting a set of given specific juridical rules, called after several legal names: 'commandments' (*mitzwot*), 'laws' (*choqim*), and 'statutes' (*mispatim*).

One of the most famous examples for this overlapping of spatiality and spiritualit is the Rabbinic commentary on a laconic verse from the short Book of Ruth that describes two daughters-in-law, Ruth and Orpa, going back to the land of Yehudah together with Noemi, after the death of their husbands. The Bible simply states: 'and they went (*watalachnah*) on the way to return (*la-shuv*) to the land of Moria' (Ruth 1. 7).

The Rabbis transformed these few words in the narrative epitome to the act of conversion through an adherence to Jewish Law. The occasion was provided by the abundance of spatial expressions: ‘going’, ‘on the way’, and ‘to go back’. According to the hermeneutic principle that no word is superfluous in Scripture, the Rabbis interpreted this redundant phraseology as an allegorical hint suggesting a deeper transformation: not simply the spatial movement from the land of Moab to the land of Yehuda — rather the spiritual commitment of accepting to leave the incestuous land of idolatry (Moab) for the land of God (Yehuda). This act of ‘returning’ to Israel could easily be interpreted by the Rabbis as an act of ‘conversion’ (teshuvah) — as clearly designated by the infinitive form *la-shuv*: ‘to return’. It was especially the etymological familiarity between the act of ‘going’ with the notion of ‘Jewish law’ that enabled the Rabbis to elaborate on this stringent Biblical verse and to assume that the ‘spatial movement’ back to Israel was profoundly analogous with a ‘conversion’ — as if spatiality were the ‘letter’ for a ‘spiritual’ transformation. Accordingly, a pre-Talmudic narrative commentary on the Bible — the famous *Midrash Rabbah* — elaborates as follows:

‘[A]nd they went on the way to return to the land of Judah’ [Ruth 1. 7]: Rav Yehudah said [in the name of] Rabbi Yohanan: they transgressed the letter of the law [shurat ha-din] and went to the Festival. Another interpretation [...] ‘and they went’ [wa-talachnah] [...] they were busy with the laws of proselytes [ba-halakhot gerim].<sup>24</sup>

This Rabbinic commentary notably indulges the connection between law and spatiality both in a negative and a positive way. In the — specified and possibly idiosyncratic — opinion of Rabbi Yehudah, the feminine verb *wa-talachnah* (and they went) would designate a ‘transgression’ of the ‘strict letter of the law’ (mi-shurat ha-din), as if the women’s act of ‘moving’ here consisted in an act of ‘trespassing’ the ‘line’ between licit and illicit behavior. According to another anonymous — unspecific and therefore probably mostly accepted — opinion, the verse would on the contrary designate a positive spiritual development: the almost mimetic phonetic similarity between the feminine

24 *Midrash Rabbah*, *Ruth Rabbah* 2. 12 on Ruth 1. 7 (my translation, F.D.B.).

verb *wa-talachnah* (and they went) and the feminine noun *halakhah* (Jewish law) would then be taken very seriously as a clear sign for conflating spatiality and spirituality — with a clear consequence: in the moment in which these two women actually accepted to 'enter' the Land of God, they entered the 'perimeter' of the law by adopting its correspondent 'way of life'.

Yet this exegesis was hardly a simple opportunity for showing an aptitude for interpreting Scripture. The careful mobilization both of spatiality and spirituality was aiming at a much more dramatic opportunity: justifying the imperfect lineage of the future king David in front of 'the letter of the law'. There were indeed two conflicting matters of fact: on the one hand, the absolute prohibition for Israel to associate itself sexually or maritally with the house of Moab (Deuteronomy 23. 3–6); on the other hand, the genealogy of David clearly stemmed from Ruth — his great-grandmother (Ruth 4. 17). There was then a precise theological-political necessity behind the effort of conflating spatiality and spirituality: showing that the juridically otherwise imperfect lineage from Ruth to David had already been amended by an act of conversion — coinciding with the ingression 'within' the perimeter of Jewish Law, when 'they went on the way to return to the land of Yehudah' (Ruth 1. 7). The Rabbis' insistence on overlapping spatiality and spirituality then obeys the theological-political purpose of fixing a specific geographical and theological point that would exert a centripetal force of attraction: the Land of Israel — as source for law, morality, and institutions.

The notion of 'exodus' obviously involves an 'exit', especially because it implies that the present — geographic, moral, ritual, or metaphysical — condition is not the apt, proper one. In this sense, 'exiting' involves a search for its own 'properness' that tellingly lies 'beyond' the actual perimeter of reality. The central event in the Hebrew Bible indeed is the 'exodus' from the Land of Egypt exactly because this exit from a foreign land, where the Jews had suffered slavery for four-hundred years, would emblematically designate a fundamental transformation into their geographical, moral, ritual, and metaphysical coordinates. Leaving Egypt consisted, at once, in 'ascending' to the Land of Israel, adopting its 'customs', keeping its 'rituals', and eventually being metaphysically united with its God. Therefore, the 'exit from

Egypt' (*yetzi'at Mitzraiyyim*) is celebrated in the Hebrew Bible as the most important event that precedes the donation of Scripture and the edification of the State of Israel.

Interestingly enough, the overlap of spatiality and spirituality is exemplified by a formidable Greek word: 'exodus'. This term only reproduces both phonetically and morphologically the Greek concept of *exodos* that generically designates a 'departure' from a place but mostly represents the epitome for every departure: the exit from the Land of Egypt. And yet the Greek term *exodos* seems to multiply the number of associations that superimpose spatiality and spirituality — both due to its components and due to its use. On the one hand, as it is obvious, the Greek term *exodos* translates the Hebrew notion of *yetzi'at Mitzraiyyim* and makes it the obvious centre of the narration in the homonymous Greek Biblical book; the Book of Exodus indeed designates much more emphatically God's redeeming action into the world than the slightly opaque Hebrew title: *Shemot* (Names) — from the first word of the text. On the other hand, the Greek term *exodos* amplifies the theological-political potentialities that are inherent to the Hebrew notion of *yetzi'at Mitzraiyyim* especially due to its formidable morphology: *exodos* does not simply designate a 'departure' from a location but also the 'way-out' from it — by necessarily suggesting that any 'departure' (*exodos*) is a movement taken in a 'way' (*hodos*) that takes 'out from' (*ex-*) another place. In other terms, the word *exodos* seems to offer almost paradigmatically what the Rabbis had analytically found in the short verse from the Book of Ruth: 'and they went on the way to return ...' (Ruth 1. 7). In this respect, the Greek term *exodos* would designate both the act of 'exiting' and the 'means' for exiting: a 'departure' through a 'way', a 'path' (*hodos*) that is both *ex-hodos* (way-out) and *meth-hodos* (way-through).

It is within this very complex context that it is necessary to ask, then, what it is 'to effect an exodus' — and specifically 'to make a [Biblical] verse effect an exodus' from its 'literal sense': only in this way can Krochmal's opportunely modified principle say something decisive and important on the notion of 'errancy'.

7. ABRAHAM'S DOUBLE CALLING  
AND ABRAHAM'S DOUBLE 'EXODUS'

The dynamics of 'exodus' — happily summarized in the almost homonymous Greek term *exodos* that represents the morphological and semantical model for this concept in any modern language — appears to be at work as long as the action of 'leaving' (la-tze't) is inherently projected to a final destination. This obviously is at first a formal — neither temporal nor spatial — presupposition. The event of 'exodus' is taking place as soon as God — the main actor in history — decides to 'extract' human beings from their ordinary environment and to address them to a specific goal or task. The latter, in turn, can be left vague, slightly unexpressed or undetermined. So is, for instance, the first promise that God makes to Moses, announcing the Jews' imminent redemption from slavery, their being led out of the Land of Egypt and 'to the land that [He] swore with uplifted hand to give to Abraham, to Isaac, and to Jacob' (Exodus 6. 8). The *exit* from the Land of Egypt indeed is the main event in the history of the people of Israel. More specifically, it posits itself as the ultimate *exception* in the face of the *ordinary* existence of slavery: an *event* of salvation within an *existence* crystallized in a tragedy that had been going on for four hundred years. The calling is indeed the truest exception — whereas the final destination paradoxically is less important, as if it were a sort of empirical detail, and additional information with respect to the metaphysical event that is taking place and is eventually providing a supernal salvation. It is for these reasons that the ultimate goal — reaching the Land of Israel — is mentioned only by way of a circumlocution, just exactly as a circumlocution mentions to Abraham the ultimate goal of his 'exit' from the Land of Ur towards an almost undistinguishable 'land that I will tell you about' (Genesis 12. 1).

Both these two kinds of 'exit' have the same goal: reaching an indefinite land that will eventually coincide with Israel. Yet Abraham's calling is more peculiar: Abraham is called out from the most paradigmatic land of the Middle East, Babylon, the land of idolatry, of dispersion of languages, and the land from which the most authoritative text in Rabbinic Judaism — the Babylonian Talmud — will issue and represent the 'exilic centre' of the future Jewish life. There

is obviously no historical or historiographical connection between Abraham's initial residence and the instalment of the most important Rabbinic seminaries, several centuries later, in the land of Babylon. Yet this connection is surely theological or, better put, can more easily be sustained by claiming that both Oral and Written Scripture are not really subject to the category of time: '[T]here is no before or after in Scripture' (ein muqdam u-me'uchar ba-Torah).<sup>25</sup>

This principle — originated in the early Hebrew commentary on the Book of Exodus and then disseminated throughout the entire Rabbinic literature — raises the notion of 'exception' to a metaphysical level: when theologically relevant, a Scriptural congruence shall not be easily, profanely, or secularly be overlooked as if it were a simple 'coincidence', but rather as Scriptural evidence for a specific 'metaphysical causality'. If Abraham was called out from Babylon, then Babylon should somehow resonate with the deepest reason for his calling. And yet this similarity might be extended further and connected to a supplementary similarity — between Abraham being called out from the Land of Ur (Genesis 12. 1) and his being called to sacrifice his son Isaac (Genesis 22. 2):

Go from your country, your people and your father's household to the land that I will show you (Genesis 12. 1)

And He said, Take please your son, your only son, whom you dearly love, Isaac, and go into the land of Moriah; and offer him there for a burnt offering upon one of the mountains which I will tell you of (Genesis 22. 2)

The linguistic similarity between the first and the second call — such as the use of the same exhortation to leave and to address to an undetermined land — seems then to provide a reason for assessing a continuity between Abraham's exit from Babylon and his willingness to sacrifice his son. This continuity is both geographical and theological: on the one hand, Abraham will eventually be moving even further away from Babylon, towards Mount Moria; on the other hand, he will eventually be obeying God again, with no practical detail about what is going

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25 Sifrey Ba-Midbar 64. 1 (my translation, F.D.B.). Cf. also Talmud of the Land of Israel, Tractate Sheqalim, 6. 1, fol. 49d.

to happen. One might then conclude that if Abraham was eventually asked to sacrifice his son Isaac on Mount Moria far away from Babylon, then Babylon must somehow reveal the deepest reason for this atrocious command.

According to the principle that everything in Scripture is simultaneous and immanent at the same textual level, Abraham is apparently called out to abide by two different 'exodus': a geographical one from the land of Babylon and a theological one from the law. Just as Abraham was ordered to leave Babylon — which will be the future 'exilic' land of Jewish Law and the Babylonian Talmud —, so is he ordered to bring forth his 'exodus' up to the extreme consequence: sacrificing his son. Besides, the 'metaphysical necessity' shall not be mistaken for the obvious assumption that sacrificing one's own son is a serious transgression of Scripture but rather needs to be understood in Kabbalistic terms — as a transgressive act that is meant to bring balance to the system of *sefirot*. In a famous passage from the Zohar, the binding of Isaac is theocentrically interpreted as a divine self-testing by which God will teach Himself about the necessity of freedom and constraint, mercy and judgement, opting for a 'golden middle way':

However, the blessed Holy One always deals strictly with the religious in all that they do, because He knows they will not stray right or left. So He tests them, not for His own sake, since He knows their impulse and the strength of their faith, but rather for their sake, to elevate them. As He did with Abraham.<sup>26</sup>

With respect to this, it is then finally apparent what an exodus from the law is: a tenebrous 'path' that inverts the 'moral ways' of the *halakhah* because it departs from the 'exilic centre' of Babylon in order to install a sort of 'non-exilic centre' that Rabbinic tradition identified exactly with Mount Moria — the elevation on which the Temple of Jerusalem would eventually be erected. Abraham's movement out from the Land of Ur is then allegorically an 'exit' from a future land of exile, Babylon, that will eventually be the cradle for the most formidable Jewish law book of all times — the Babylonian Talmud — the prestige of which

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26 Zohar 1. 140a. For the translation, see: *The Zohar*, II, p. 276.

would almost surpass the unparalleled one of Scripture.<sup>27</sup> It is indeed this product of ‘exile’ that fundamentally opposes Abraham’s ‘literal’ obedience to God’s unsound order to sacrifice his own son. It is indeed this singularly decentralized centre for Jewish Law that will ultimately oppose the order to sacrifice someone’s son for the sake of the national glory of Israel and propose, on the contrary, its sublimation in rites and customs. When interpreted in this sense, Abraham’s ‘exodus’ out from the Land of Ur is then a simultaneously geographical and ethical ‘exit’ that appears to substantiate the actual risk that is inherently connected to the Rabbis’ ability ‘to make Scripture effect an exodus’, as claimed by Krochmal. When Scripture is brought out in an ‘exodus’, its movement would then depart from the solid terrain of an ‘exilic law’ — just like the Talmud is — and radicalize the event of Abraham’s being called to sacrifice his own son by producing a notable inversion of the notion of ‘literal sense’. In Rabbinic terms ‘literal sense’ means the ‘plain sense’ of a commandment according to its most basic moral components: as a result, there cannot ‘literally’ be any command to sacrifice one’s son, since this is clearly forbidden in many places by the ‘letter’ of Scripture (Leviticus 20. 2–5): therefore, the absurd seeming order ‘to offer him there for a burnt offering’ (Genesis 22. 2) *must* necessarily mean something different like — by some small grammatical manipulations — ‘to bring him up there’ in order to sacrifice the proper animal: ‘a ram caught by its horns’ (Genesis 22. 13) that has always been there.

And yet this ‘literal sense’ that has always been there had almost been neglected, just like a ‘purloined letter’ — in every sense of the expression. Only those who have been brought outside the safe perimeter of the ‘literal sense’ and delivered to an ‘exodus’ out from Babylon — out from the ‘exilic law’ — would be able to react, to argue, and to comment on an impossible order: to sacrifice one’s own son, despite all literal opposition to such an order in Scripture.

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27 On the notion of literary perfection and the rivalry between Scripture and the Talmud — or, more correctly, the Mishnah — see Federico Dal Bo, *Deconstructing the Talmud: The Absolute Book* (Abingdon: Routledge, 2019), pp. 130–32.



Federico Dal Bo, “The Exile from the Law’: Keeping and Transgressing the Limits in Jewish Law’, in *Errans: Going Astray, Being Adrift, Coming to Nothing*, ed. by Christoph F. E. Holzhey and Arnd Wedemeyer, *Cultural Inquiry*, 24 (Berlin: ICI Berlin Press, 2022), pp. 201–31 <[https://doi.org/10.37050/ci-24\\_9](https://doi.org/10.37050/ci-24_9)>

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