

בָּהַר־בְּחֻקְתִּי תְּשִׁפְׁפָא

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Why Do Jews Still Adhere to the Torah's Covenant?

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Why do we, as Jews, have fealty to the Torah? Why do many of us feel bound by the Torah's laws?

The Torah is such a fundamental part of us as a people that it's easy to forget how implausible it may seem that any document written 2,500 years ago would be relevant to modern life. Core assumptions since then have been overturned—about gender, power, nature, and society (to say the least!). Why would we think the Torah has anything to say to us? Why do we feel the draw of God's covenant as instantiated in this outmoded text?

Indeed, the Torah itself constantly reminds us that it was not intended for us Diasporic Jews. Again and again, the language of the Torah ties itself to settlement in the Land of Israel. To give two examples from this week's Torah portion: "if you observe My laws . . . you shall rest on the land in security" (Lev. 25:18); "I am God your Lord who brought you out of Egypt to give to you the land of Canaan in order to be your Lord" (Lev. 25:38). Is the Torah even relevant beyond the specific borders of the Land of Israel?

The Mishnah (Kiddushin 1:7) takes a strong stand on the issue, by distinguishing between "mitzvot dependent on the Land" (e.g. *Shemittah*, the once-in-seven-years agricultural rest; certain priestly gifts) and "mitzvot not dependent on the Land (e.g. Shabbat, tefillin).

The Talmud (BT Kiddushin 37a–b) tries to find some Scriptural criteria that puts any particular mitzvah into one category or the other, and in so doing undermines the very distinction it is trying to demonstrate. For example, the Talmud uses Deuteronomy 12:1 as the basis for the

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Mishnah's division: "These are the laws and rules that you must carefully observe in the land (*eretz*) that God, the Lord of your fathers, is giving you to possess, as long as you live on earth (*adamah*)."¹ In the end, the Midrash there concludes that "as long as you live on earth" means that many mitzvot apply in all lands, not just the Land of Israel. But by bringing this verse, the Talmud reinforces the potential alienation: after all, the Hebrew terms *eretz* and *adamah* are often synonymous and so it's all too easy to read the passage as saying that the laws must be observed "in the land . . . as long as you live on the land"—clearly implying the necessity of being in the Land of Israel.

In other words, the reader realizes, through the Talmud's counterproofs, that so much of the core of Judaism is made, in the Torah, dependent on the Land of Israel! As later Judaism's most famous heretic, Baruch Spinoza, concluded when he tried to read the Torah anew with as few prior dogmatic assumptions as possible, "the Law revealed by God to Moses was simply the laws of the Hebrew state alone, and was therefore binding on none but the Hebrews, and not even on them except while their state still stood" (*Theologico-Political Treatise*, Preface).

Another example of the implausibility of the Torah: God's promise to Abraham that his descendants would be "like the stars of heaven" (Gen. 22:17). It is true that there are roughly 14 million Jews in the world, which sounds like a lot when you think about Abraham and his family. But compared to the 7 billion people in the world, it is extremely hard to square God's promise for keeping the covenant with the demographic reality. Our Temples were destroyed, our people scattered and murdered throughout time—we are hardly "a great nation, mighty and numerous" (Deut. 26:5).

Which just brings us back to the original question: *Why do we still look to words that may have no relevance to us for meaning? Why do we still cling to God's covenant despite all the evidence that suggests it is null and void?*

One answer might be that we are simply stubborn. To act as if the covenant still remains true, that the laws are still incumbent on us even beyond the borders of ancient Israel, that the Torah simply has anything to say to us at all—these are extraordinary acts of

stubbornness and even hubris, defying all reason and evidence. Simply put, it is pretending that the world has never changed. This stubbornness I find strangely comforting. As Jews, we are anchored to the past like few others, and in some ways this has allowed the Torah to be ever-relevant for us.

Perhaps another way to think about it is through the nature of a covenant as a relationship between two parties, us and God. In this way, our turning to the Torah is a way of never giving up on this relationship. Even when God's promises seem strained, even when God's law seems not to speak to us, we are unwilling to give up on our divine partner. It's a relationship that we know in our hearts, despite Scriptural prooftexts to the contrary, transcends borders in time and space and keeps us strong through the worst hardships.

Or perhaps our stubbornness reveals a deeper truth, that in some fundamental way, the world *has* never changed. The experience of being human and the exploration of answers to those questions that humans ask are still the same. Our lives have the same ingredients—relationships, births and deaths. Despite the drastic differences between the world of the Torah and ours, they are so overwhelmed by the continuities that the ancient wisdom naturally speaks to us.

I prefer to live in the absurdity. I know full well that my biblical ancestors would find my form of Judaism incomprehensible, that I cling to texts that speak directly to them and not me. For me, this is our triumph as a people, to continually reclaim our tradition and our covenant and to demand that it applies to us now, that it speaks to us directly, that it encircles and enriches our lives, that it contains the very word of God. This is not a conviction based on rationality; it is rather a "leap of faith." It is a reflection of our stubborn disposition—and yet it is at the core of everything that is beautiful and powerful in our tradition.

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