

Center for Biological Futures



Cooking the Books The Golem and the Ethics of Biotechnology

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Cooking the Books: the Golem and the Ethics of Biotechnology¹

James Adam Redfield

Who makes a mouth for man? Who makes man deaf or dumb, seeing or blind? Is it not I, the Lord?
-- Exodus 4:11

This working paper² has three modest aims: (1) To present, in a succinct and accessible but not distorted fashion, ancient religious Jewish sources about a human-like entity called the golem and some of their later interpretations; (2) To distinguish our sources from the popular modern representation of the golem in Ashkenazi Jewish fiction and folktales, which has played a greater role in recent Jewish contributions to bioethics; (3) To suggest why our ancient sources on the golem, if we try to locate them in their own interpretive contexts, have a new relevance to anyone who is curious about the ethical significance of humanity's rapidly increasing ability to intervene in biological creation.

The paper is organized in three parts. The introduction offers a critical synopsis of dominant ways that experts in Jewish bioethics have recently invoked the golem. As will be shown, these experts have a high degree of consensus about the golem's significance, they refer to a narrow range of sources, and they use a similar interpretive procedure to determine the meaning of their sources. These facts are related. They result in an interpretation of the golem that equates one nineteenth-century Eastern European

¹ This essay is dedicated to Meg Stalcup: protector, *collaboratrice extraordinaire*, and friend.

² This text may not be cited without the author's written consent. It is a first step towards its stated aims, alongside some more general reflections, and tries to provoke the reader to think about the thesis and material that it presents, either for the first time or in a new way. It does not purport to be an irreproachable scholarly artifact. Readers are asked to improve or reproach any of its contents: apikoros [at] stanford.edu.

legend with an image spanning millennia, scores of texts, and much of the Western world. Key variables, with divergent implications, have been lost in this equation. Therefore, in the second section, a broader picture of the golem is provided. Beginning with the noun's sole appearance in the Bible (Psalm 139) and looking at a few rabbinic and Jewish mystical writings, we will use the work of scholars and close readings of canonical sources to reveal several neglected ways that Jewish sources have used the golem image in order to reflect upon the ethics of creation. In our conclusion, we will summarize the empirical and methodological consequences of these readings. Rather than pronounce on what the golem tells scientists (not) to do with biology, we will synthesize new ways that this image might help them, or any open-minded reader, to think about this vital issue.

(1) The Golem of Jewish Bioethics

We begin with a summary of the golem's interpretations in Jewish bioethics which expands into a critical diagnosis of Jewish bioethics as a field. We will show that the ethical meaning attributed to the golem by Jewish bioethicists³ is symptomatic of a broader failure to deal with the ways in which one's ideological context affects the claims that one makes. This failure applies both to the bioethicists' readings of their sources and to their own position within the powerful institutions that support them. For the sources, bioethicists fail to distinguish between the golem's meaning in the past and its meaning today and fail to distinguish between diverse versions told by Jewish groups throughout history. For their own part, they reproduce and do not transform the contradictions of their position in the spaces where they work: a "minority" position that is pegged to the

³ For the purposes of this essay, a "Jewish" bioethicist is anyone who makes claims about bioethics based on sources which belong to Jewish culture, rather than a bioethicist who happens to be ethnically Jewish.

identity of one ethnic group, yet called upon to speak to the majority about shared issues. As a result, Jewish bioethicists produce a historically inaccurate and ethically unhelpful picture of how the golem is relevant to society as a whole. In a consistent, demonstrable way, their unexamined ideological context has a clear effect on their interpretations.

In order to see how the golem's bioethical significance is currently understood, let us begin with some recent remarks by noted Jewish bioethicist Paul Wolpe. It is important to note that these apparently off-the-cuff remarks were actually a lecture that Wolpe presented in an authoritative venue, the President's Commission for the Study of Bioethical Issues, under the rubric "The Ethics of Synthetic Biology", in 2010.⁴ Wolpe's remarks were broadcast on CSPAN and, if the chairman's and audience's comments are any indication, met with general approbation. Hence, we are justified in reading his remarks as an example of what currently counts as legitimate thinking about the golem and the more general salience of Jewish ethics for biology. Further, given that Wolpe had time to prepare them ("I spent a few weeks reading the literature", he says), it is fair to call into question his factual errors and distortions, as well as the (we will discover) related issue of his rather odd framing of his contribution to this high-profile forum.

Wolpe presents his views on the golem in his conclusion to an overall discussion of what the world's religions think about synbio. He retells the story of Frankenstein, which he identifies with "secular Christian tradition". Then he contrasts Frankenstein with the golem, which, he tells us, comes from "my own Jewish tradition". Implicitly, then, he is aligning himself with the story of the golem. This alignment becomes explicit as Wolpe makes several contrasts between Frankenstein and the golem. He uses the golem story to say that Judaism (unlike "secular Christianity") looks favorably on synbio.

⁴ Wolpe 2010. Thanks to Gaymon Bennett for this reference.

The golem's creator, whom Wolpe takes to be the 16th-century Rabbi Judah Loew of Prague, is "not condemned for creating the golem...in fact, the Talmud accepts the creation of life and there are many stories of rabbis creating goats and life—goats and human beings and other forms of life. And Loew considered the golem an extension of the natural part of co-creation of God." Wolpe makes three further contrasts between the golem and Frankenstein. First, unlike Frankenstein, the golem is not just a technical creation—it cannot be assembled mechanically by putting pieces together. It requires the rabbi to spiritually emulate God. In fact, Wolpe says, in Judaism, "only the most righteous can create a golem, can manipulate life, and the degree of technological success is correlated with their degree of righteousness". Wolpe says that this emphasis in Judaism on the righteousness of the biological creator echoes the American public's call for synthetic biologists to be ethical people. Second, Wolpe says, the golem, unlike Frankenstein, "is a synbio creation. Rabbi Loew brings it to life by writing three letters of a religious genetic code on its forehead and then he's alive". He makes a direct equation between "genetic code" and the important notion in many Jewish texts that everything is made up of Hebrew letters (more on this below). Third, Wolpe says, the golem, unlike the mad scientist's Frankenstein,⁵ remains under its righteous creator's control. When it seems to be getting out of control, all the Rabbi has to do is remove the first letter of the code from its forehead and it dies.⁶ Wolpe compares this decoding operation to the "idea of a safety valve" for synbio. He commends scientists, like the

⁵ As Roger Brent points out (in conversation), Wolpe's remarks not also conflate multiple versions of the golem, as we will show, but also the "mad scientist" Frankenstein of Mel Brooks' spoof with the not especially mad Dr. Frankenstein of Mary Shelley's novel.

⁶ In the legend, this is because the so-called "genetic code" on the golem's forehead is the word EMET, Truth. When the Rabbi removes the first letter, it becomes MET, Death. See Idel 1990: 64-7 for some medieval origins of this detail.

Rabbi, for “having built it into their products.” In summary, he uses the golem to say that Judaism sanctions synbio and that it shares three ideas with synbio: genetic code, the right of the righteous to create life, and the need for a “safety valve” in their creations.⁷

Let us pause to evaluate two aspects of what Wolpe has said: his evidence and his ethical claims. Both are flawed in a consistent manner which betrays an interpretive strategy on his part. As far as his evidence goes, Wolpe claims to be comparing two religious traditions’ legends about creation and its limits, as a way to compare what these religions think about synbio. However, Frankenstein is based on a 19th-century novel by Mary Shelley. It is not clear what the novel has to do with “secular Christianity”—even if it does, Wolpe does not show this, nor does he say what he means by this oxymoron.⁸ In fact, the subtitle of Frankenstein is “the modern Prometheus”: its author refers to a Greek, pre-Christian myth, one that also exists in Judaism.⁹ Instead of noting this fact, Wolpe reasserts what has already become a truism in the bioethics literature: that the fear of “playing God” is just a modern, secular, or Christian issue.¹⁰ By labeling Frankenstein a “Christian” story, Wolpe implies two things: that the fears of his mainstream “Christian” (or, just to be on the safe side, “secular”) audience are based on their own cultural baggage, not on universal moral values, and that these fears can be assuaged by his own Jewish tradition. Paradoxically, his critique of his secular Christian audience is

⁷ As Roger Brent also points out, the term “safety valve” is misleading, as it implies that the creation can somehow be “turned off” when it reaches a particular level or range. In fact, the technologies that have been proposed act more like a “kill switch”, causing a cell to simply cease after a certain amount of time. More misleading still is that these technologies have been only *proposed*, not enacted, so Wolpe is both wrong to say that they have been “built in” to synbio and to suggest that this idea (which is partly used to appease the fears of the public in the interests of those who are conducting research) is an ethical one.

⁸ Here we depart from Talal Asad’s argument that Christianity and secularism are two sides of the same coin (1993). Naturally this could be said of any such structurally complementary dyad, but this does not entail treating them as the empirically similar target of an ideology critique such as Asad’s.

⁹ Idel 1990: 4-5 & 7 n. 7

¹⁰ E.g. Zoloth 2001: 96. In her critique of Leon Kass’ worry about “playing God”, Zoloth even goes so far as to say, “I have come to think that the worry that ‘we are playing God’ can only be made [*sic*] by people who do not actually believe in God...” (2008). She then gives a definition of ‘God’ based on her Judaism.

reassuring. *Your ethical concerns are relics of your vestigial religion*, he implies. *But there is another way.*

In order to champion this other (“Jewish”) way, Wolpe proceeds to compare two pieces of evidence that are not directly comparable, for two reasons. First, they come from different kinds of sources. We know the story of Frankenstein first as a literary fiction, then as a series of fictional representations (film, cartoon, etc). The golem, on the other hand, has many sources of much more widely varying character. Only a few of these sources are fictional ‘works of art’ in the modern sense, that is, stories whose meaning can arguably be found by reading them as self-contained units.¹¹ In most versions of the golem story, as we will see, it is impossible to understand the meaning just by reading the text-- it is impossible to even *read* the text out of context. As he does not address this issue, Wolpe’s interpretation of the golem’s meaning is de facto suspect.

Second, Dr. Frankenstein is solely a fictional character. If the story is evidence for anyone’s viewpoint, it is not his, it is Mary Shelley’s (and perhaps her audience’s). Rabbi Loew, on the other hand, was a real historical figure who, as scholars have shown, disapproved of Jewish magic and never so much as mentioned the golem.¹² There may indeed be a faint historical relation between the Maharal and the golem, as Davis contends,¹³ but if so, it is a desideratum of folk consciousness in Bohemia at the time, not of the Maharal’s own spiritual legacy. Obviously, then, the story is *not* evidence that Rabbi Loew saw creation of the golem as emulation of God. Wolpe must be referring to

¹¹ In the last generation of literary criticism, the issue of whether or not *any* text can be called a “work” in this sense has been hotly contested. See Jameson on the distinction between modern work and postmodern text (1991: 83, 103-5, 157-8), Foucault on the problem of authorship (1977) and, for our context, Daniel Boyarin’s debates with Alter and Sternberg on the status of Jewish religious “literature” (1990, 1993).

¹² Idel 1990: 251-2, Sadek 1987: 87.

¹³ Davis (2009) effectively argues that later stories about the Maharal and the golem may due to earlier legends about the Maharal, *not* due to the golem’s special meaning at all. Idel (1990: 211) implies that stories about the golem less famous rabbi, the Rabbi of Helm, may have been transferred to the Maharal.

the character of “Rabbi Loew” in Eastern European legends that began to circulate in the 19th century, over two centuries after the Rabbi’s death.¹⁴ But even the author responsible for the most popular of these legends, Yudel Rosenberg, did not have the *chutzpah* to attribute it to the Rabbi himself. Rosenberg claimed to have discovered a manuscript by the late Rabbi’s son-in-law about the Rabbi’s exploits, the only copies of which were stored in a library that had conveniently burnt to the ground (and turns out never to have existed). As if this were not evidence enough, the text’s totally fabricated status is evident from the narrative itself, which is the first to give the golem some personality by bestowing upon him a proper name (“Yosele”, i.e. “Joey Golem”). Joey cheerfully performs a variety of tasks for the Rabbi, from household chores to defending the Jews from persecution by the Christian majority of Prague, until he malfunctions and has to be scrapped-- not without some dangerous consequences.

Again, scholars unanimously view Rosenberg’s attribution of this fiction to Rabbi Loew as fraudulent,¹⁵ which, needless to say, is neither uncommon in esoteric Judaism¹⁶ nor detracts from its considerable entertainment value. But to cite this source as evidence for Jewish ethics is like citing King Arthur as evidence for British governance or Zorro as evidence for American jurisprudence. This is not to suggest that it cannot be done-- legends may shed light on popular fantasies with socially significant motives-- but it cannot be done by simply reproducing these fantasies. Rather than attribute the story of

¹⁴ The most famous version, by Yudel Rosenberg, was written in Hebrew in 1909. Our discussion, however, relies on a Yiddish translation which was later adapted into German by Hayyim Bloch (1920, written 1917). Rosenberg’s version remains popular, as a recent English translation shows (2007). In his preface, this translator emphasizes what a non-traditional and highly literary variation on the golem theme it really is.

¹⁵ Sherwin 2004: 23, Idel 1990: 252 & 257 n. 5

¹⁶ Two of the most influential Jewish mystical texts, the Zohar and the Sefer Yetzirah, contain apocryphal attributions (although the latter’s, to Abraham, is hardly to be believed). See Idel on “the play of arcanization” (2007: 129) which describes the hermeneutic structure of this phenomenon in more general terms (2002: 165-6 and *passim*).

Rabbi Loew's golem to the ethical authority of "Jewish tradition", Wolpe (who introduces himself to the Commission as a "sociologist and social scientist") should have asked why this spurious attribution has been so popular, and why even prominent Orthodox Jewish rabbis want to believe in the legend.¹⁷ He would have seen, as has every scholar who has asked this question,¹⁸ that it stems from the desire among ghettoized Jewish populations for their tradition to serve as a super-weapon against the majority's oppressive power.¹⁹

Here is the heart of Wolpe's unarticulated-- perhaps even unconscious-- approach. His interpretation of the golem image functions, in *his* social context, not unlike the legend of Rabbi Loew's golem functioned for nineteenth-century Jews, in *their* social context. In both cases, the "golem" is an artificial creation, putatively animated by knowledge of traditional texts, which a Jewish authority mobilizes in order to champion his minority with respect to a "secular Christian" majority-- in Wolpe's case, the audience of policymakers and scientists, who appear on CSPAN smiling curiously and perhaps a bit indulgently as he tells the story. It is understandable if Wolpe feels defensive in this atmosphere, but his uses of the golem to combat it are less admirable than the legendary Rabbi Loew's. The Rabbi used it to defend his community from the majority's oppression; Wolpe uses it to sanction the majority's actions. The Rabbi used

¹⁷ Including the late Lubavitcher Rebbe, M.M. Schneerson (Idel 1990: 253-4).

¹⁸ Scholem 1996 [1960], Idel 1990, Sadek 1987: 87

¹⁹ Wolpe's eagerness to take at face value fairytales about the "defensive" weapons of embattled Jewish minorities is not limited to earlier historical moments. In a letter to the editor of his university's newspaper (2008), he criticizes a cartoonist for comparing Israel's wall with the West Bank to the walls that ghettoized Polish Jews during World War II. Wolpe asserts that a wall built to "incarcerate a population" is "utterly incompatible" with a wall built for "defensive" purposes. The Israeli architect Eyal Weizman, among others, has presented a massive amount of evidence (2007) to show that the wall has many functions, not all of them "defensive" in any obvious sense. It is not inappropriate to draw a parallel here between the golem's discursive deployment as a minoritarian "defensive" super-weapon by Wolpe *et al.* and his own political group's views on the Zionist border wall. This is, in fact, a stronger parallel than the cartoonist's.

it to protect a distinctly Jewish value-sphere; Wolpe translates it into “universal”, i.e. dominant terms. In both transformations, the meaningful implications of historical, social, and textual context are sacrificed in favor of transparent, easily translatable statements about what is or is not ethical. By removing context from the story, Wolpe sets up a self-justifying argument. The Rabbi’s right to create life was based on his “righteousness”. Yes, but who put this righteousness in the story? The ghettoized Ashkenazi Jewish audience who identified with it. This is like saying that a scientist who serves on an ethics commission should not have to undergo ethical scrutiny when she conducts research. More broadly, as any student of Jewish religious texts knows, most of our sources, including those on the golem, were preserved due to the efforts of scholars and scribes, whose social position and ideology shaped their meaning.²⁰ This fact is so obvious that any interpretation which fails to at least mention it deserves some critical scrutiny.

One wonders why Wolpe, a respected ethicist who identifies with social science, would present the golem without mentioning the social contexts in which it is significant. As we have said, this may be due *not* to Wolpe’s nefarious intentions but to the awkward position assigned to “religion”, especially minority religions, in the world of bioethics. This position places many constraints on his interpretive strategy. We see this during the panel’s discussion session, when he says why he has interpreted the golem as he has:

You have to *translate parochial religious ideas into universal principles* if you want to be—if you want to be convincing about why you should take actions. But I think underlying the parochial reasons that

²⁰ Indeed, an entire school of source-critical scholarship has focused on the generations of the *stammaim*, the anonymous editors of the Babylonian Talmud who had a decisive influence on this canonical text. Proponents of this view include David Weiss Halivni, Shamma Friedman and Jeffrey Rubenstein (see refs. to Rubenstein 2003 below). In a widely discussed dissertation, Vidas (2009) both develops and revises this thesis by analyzing the literary coherence of the “stammaitic” contribution. Vidas shows (91-134) that, by marking gaps between themselves and the traditions that they inherited, the Bavli’s late-stage redactors not only claimed to inherit tradition but also shaped a distinctive, critical, self-conscious, quasi-authorial voice.

religious traditions think things, are often very deep principles that can be universally expressed. And I think that in our society, that is the greatest contribution of religious traditions because these are well thought-out, centuries old, much debated, much— very nuanced positions. So that’s what I tried to do here, rather than reiterating what I think are *very easily accessible and commonly discussed religious positions* about technological issues. I was trying to get underneath the surface and ask what is the font of concern from which religious objections spring? [emphasis added].

In spite of Wolpe’s admirable aim to delve beneath the surface of religious ethical claims, it should be clear just how problematic this statement is. Although he identifies himself with a religion, Wolpe sees religions as “parochial”. He does not use this term in the specific religious sense (the local area of a parish, as opposed to the catholic, i.e. universal, scope of the church) but in the generic sense-- a truth that applies to everyone, everywhere, at any time, equally. As has many scholars have shown, this very generic search for “universal principles” is highly specific to modern secular ideology²¹ (in which scientists and governmental commissions have gleefully participated). Conversely, many of the religions to which Wolpe refers (Islam, Christianity) have far more specific principles (*shari’a* law, the historical truth of Jesus) which they insist are, nevertheless, universal. Given his skewed picture of how the religious/secular split works, it is unclear how Wolpe expects to translate narrow-minded religious ideas into universal truths. It seems more likely that he is referring to religions in order to reenforce the dominant secular ideology of which he, and his audience, are an influential part. Indeed, this is what occurred in his remarks on the golem. He equated the Hebrew word “Truth” with a “religious genetic code”. He equated the golem’s off-switch with synbio’s “safety valve”. He asserted that the Talmud is “full of stories about rabbis creating...goats and human beings and other forms of life”, whereas the folio of the Talmud where the “golem” appears is a rare and highly ambivalent instance where any such creature is

²¹ Here we follow, provisionally, Asad’s argument that secularism and universality have been mutually re-enforcing at an ideological level (2003).

mentioned.²² Finally, though he claimed to be uninterested in doing so, Wolpe reenforced the idea that Jewish bioethical positions are “very easily accessible” by deriving them from the moral of a modern fairytale. Unsurprisingly, his context-free version of Judaism gives a rubber stamp to synbio. Despite Wolpe’s proposal to take Judaism seriously in its own terms, he and the modern/Christian/secular majority seem to be more comfortable with one another.

Unfortunately, this neat equation between Rosenberg’s legend of the golem and the golem’s ethical significance is not unique to Wolpe; nor are some of its consequences. Dena Davis, for example, drew the parallel between Frankenstein and the golem eleven years before Wolpe, with reference to cloning rather than synbio.²³ Nor is she the sole bioethicist to do so.²⁴ Davis interprets the golem legend as emblematic of Jewish attitudes towards bioethics in general, arguing, like Wolpe, that it shows Judaism’s “optimism” about cloning. To Davis, the ease with which Rabbi Loew destroys the golem when it threatens to get out of control suggests that, in Judaism, “the human (with God as partner) is in control even when the consequences are unforeseen and unintended.”²⁵ Like Wolpe, Davis asserts that, because of Rabbi Loew’s humility and purely defensive intentions, he “comfortably fits [the golem] into the strong moral structure of his daily life”.²⁶ Again, the Rabbi’s optimistic and righteous act of creation,

²² Thanks to Daniel Boyarin for confirming this point (email, June 12, 2011). In fact the word *golem* is never used this way in the Talmud. As Mueller notes (1919: 15), in the Jerusalem Talmud, in the same tractate of the Babylonian Talmud where Rava creates a “man” (*gavra*), there are stories about rabbis who make deer out of zucchini (Sanhedrin chp. 19) and, more relevantly, cause spirits to serve them (Sanhedrin 104a). But, unlike the story in the Babylonian Talmud, these did not become part of the *golem* traditions.

²³ Davis 1999

²⁴ Loike 2004, Sherwin 2004, Bleich 2006: 15-28. As will be reiterated below, these sources pertain to a third approach (normative Jewish ethics using traditional sources) to which Zoloth also mainly belongs. It differs both from Wolpe’s “translational” approach and from our method of socio-historical critique.

²⁵ 1999: 520

²⁶ 1999: 517

in the service of an oppressed minority,²⁷ is unproblematically equated with Judaism's entire "*attitude* toward technology and toward human uses of power".²⁸ Note that by "attitude", Davis is not referring to a clearly delineated set of historical phenomena or sociological facts which involve Jewish people or religious beliefs. On the contrary: she is attributing a unanimous collective viewpoint to her sources. This confusion between a pan-ethnic classification ("Jews") and a religious tradition ("Judaism"), which in fact do not overlap at all cleanly, may explain the rather jarring note that is struck by Davis' remark about "Judaism's extraordinary commitment to medicine".²⁹ When you are searching anything to do with Jewishness for something as vague as an "attitude", the fact that a relatively high proportion of Jews are doctors becomes admissible evidence.³⁰

A few of Wolpe's and Davis' tendencies can also be seen in the work of the (quite legitimately) influential Jewish bioethicist Laurie Zoloth. For example, she refers to the golem as an "all-powerful humanoid creature".³¹ Here, she cites a rabbinic text that we will analyze below in which the golem is unable to speak and its *lack* of power is emphasized. Like Wolpe, Zoloth seems to be retrojecting the 19th-century folk legend of the golem onto a religious source. She then claims that this idea of an all-powerful golem was preserved "in the tradition" (!)³² Like Davis' "attitude", Zoloth's use of the singular noun "tradition" conflates Jews with Judaism, implying a continuity between modern and

²⁷ Davis compares the Jews to another "Abraham": a Hawaiian aboriginal leader who praises cloning as a chance to preserve vanishing aboriginal peoples around the world (1999: 515). As did Wolpe, Davis argues for the preservation of a minority, dominated by a modern majority, which sanctions the majority's actions.

²⁸ 1999: 514, emphasis in original.

²⁹ 1999: 519.

³⁰ We can only guess that this loose association is in the background of Davis' statement, as it is the only explanation according to which it makes any sense at all. Obviously, the Jewish religion, like the vast majority of religions, tends to encourage efforts to preserve, improve, and extend life. There is nothing extraordinary in this. In criticizing this deceptive assumption of "the Jewish attitude", Jacob Neusner's prodigious work is helpful, though its solutions have been challenged by many (e.g. Cohen ed. 2000).

³¹ 2001: 106.

³² Zoloth also repeats that the golem "recurs frequently in *the* tradition" elsewhere (2007: 193).

ancient, popular and esoteric, fictional and religious sources-- a continuity that she herself has imposed. Zoloth's other mentions of the golem³³ pay somewhat closer attention to original sources. Even there, however, she claims, like Wolpe, that the Jewish esoteric magic of letter combinations was, "in a way, the basic science of its time."³⁴ On the basis of this blanket analogy, Zoloth claims that Jewish views on the golem are analogous to Jewish views on biotechnology. She reminds us that "manipulation of the whole by pieces of the whole" is dangerous, insofar as it removes faith and spirit from the process of creation. Still, she says, it is "not absolutely prohibitive; otherwise the persistence of the story would not be evident." Like Wolpe, she uses her Jewish position in the secular majority value-sphere to voice reservations about biotech but, ultimately, she sanctions it.

Like Wolpe's, from an empirical perspective, Zoloth's claims are rather odd, which mutes their ethical force, even if it does not entirely invalidate them. First, in Jewish religious sources, as we will show, her distinction between "the whole" and "pieces of the whole" is far more complicated than she implies. For instance, according to one well-known rabbinic teaching, the entire universe was created with the letter *bet* (the first letter of *b'reshit*, "in the beginning").³⁵ Here, as in many cases, one could just as easily reverse Zoloth's claim and say that the whole *is* its parts, just as the cosmos is mirrored in the microcosm of the divine Name. Perhaps Zoloth is thinking not of esoteric Judaism but of Durkheim's "total social fact":³⁶ a moral conception that may indirectly attest to Durkheim's upbringing in orthodox rabbinic circles³⁷ but has since become a

³³ 2007: 193-4, 2002: 77, 2001: J 21-2, 2008: 20

³⁴ 2007: 194

³⁵ *B'reshit Rabbah* 1:10. Idel remarks that "letters were perceived as sources of energies which can structure directly the inchoate matter, though they do not achieve meaningful form" (1990: 265).

³⁶ Durkheim 1982 [1894]

³⁷ On the religious elements in Durkheim's social thought, see his biographer Lukes, who writes that his early break with his rabbinic ordination (under the influence of Bergson) "...was painful but decisive;

token of modern, explicitly secular ideology.³⁸ Second, and more obviously, the putative “persistence” of the golem story-- which, as we have shown, is partly due to Zoloth’s casual invocation of “the tradition”-- does not in itself attest to this story’s validity. Biblical sources depict people, including patriarchs, doing all sorts of disreputable things (consider ambivalent figures like Jacob and David). Rabbinic sources are even less sanitized: rabbis interrogate their moral order in ways that range from the ridiculous (hiding under their teachers’ beds to listen to them making love with their wives (and to criticize their technique!)),³⁹ etc., to the mundanely grotesque (being corpulent,⁴⁰ humiliating and even killing each other,⁴¹ etc.). Zoloth is well aware of all this, so we can assume that her philological claim is really an expression of her opinion, to which she is entitled but which should not be attributed to her sources without further qualification.

To conclude this critical summary of recent work on the golem in Jewish bioethics, it is time to explain this essay’s title. “Cooking the books” refers to the central notion in Jewish mysticism, golems included, that there is a parallel between the text and the universe, between language and creation, hence, between humans and God. Books, words, and letters are the raw materials of divine creation: woven,⁴² wrapped,⁴³ and kneaded⁴⁴ by human hands into a meaningful order. In this worldview, many magical and mystical acts are, fundamentally, acts of interpretation, of *reading*, whereby

henceforth, he was to regard religious beliefs, not as simply false, but rather as a confused and distorted form of morality, a set of moral beliefs expressed in a theological or mythological rather than in a positive, or scientific, idiom.” (1973: 44). Lukes also shows, however, that Durkheim later came to see things the other way around, treating religion and the social as twinned “nomological” enterprises (1982: 6-7). Certainly this is borne out in our reading of Durkheim’s classic, *Elementary Forms of Religious Life*.

³⁸ Louis Dumont explains how this is so in his discussion of modern “holism” (1986 [1983]: 9).

³⁹ Rav Kahana and Rav in BT Berakhot 62a; discussed in Boyarin 1995: 122-4.

⁴⁰ Rav Pappa; BT Baba Kamma 10b.

⁴¹ Yochanan, Resh Lakish and Rav Kahana in BT Baba Kamma 117a; discussed in Boyarin 2009: 190.

⁴² See Ong on the root of the word “text”, *textere*, to weave (1982: 13), which he connects to oral cultures.

⁴³ See our discussion of the root g.l.m in the Hebrew Bible and classical Arabic below.

⁴⁴ As Idel notes (1990: 34-5) a verbal root associated in the midrashic compilation *Vayyikra Rabbah* with creation of a golem is g.b.l, “to knead” (from dust), which has associations with pottery (1990: 41 n. 29).

previously unnoticed connections between divine and human creation come to light with visceral force. Yet, as modern interpreters, our capacity to enter into this textual universe can be hampered by our own habitual modes of reading. Sometimes, these take the form of unexamined dichotomies: between author and reader; between text and context; between form and meaning. Just as often, our ways of reading these texts are constrained by the target audiences and languages into which we are compelled to translate them, whether academic jargon or presidential commissions on bioethics. Here, the second implication of “cooking the books” arises. The phrase implies a deliberately imprecise account, a faulty transcription of the text, by which its contents are distorted in order for an individual reader to accrue a desired effect. In Jewish bioethics, this desire may be for recognition, money, or authority, and Zoloth has admirably cautioned against the more or less subtle perks associated with these (2001). Exclusively scholarly circles may involve similar desires with different prices to be paid. In either case, when we give a smooth translation into the dominant language of our audience, so much is lost, with negligible gains in mutual comprehension. Injustice is thereby done, not only to Jewish texts and contexts but also to the sciences with which they are inappropriately compared.

Fortunately, the alternative to intellectual ghettoization in Jewish bioethics is not the universalistic formula or the terse normative judgment. Nor is it to represent, under the banner of “ethics”, a dimension of subjective “wisdom” in order to, as Wolpe says, “temper” (or, as commission chair Amy Gutmann adds in her comments to Wolpe, “elevate”) scientific knowledge. Judaism, like biology, *is* knowledge-- knowledge of human history and creativity, knowledge of social facts, knowledge of others and, properly handled, knowledge of ourselves. It is no less amenable to rigorous rational

inquiry than any other form of knowledge and no less useful in reflecting upon ethical problems. But in order to shape a coherent framework in which to locate the specifically ethical aspects of this knowledge, we must shirk the stance that our sources are either too remote to understand or too easily translated to teach us anything. We do so by acknowledging that in our sources, as in Jewish bioethics, the very notion of interpretation is fraught with ethical ambivalence. This is especially clear in images like the golem, which invoke both the power of creation and the peril of putting it into play. For both esoteric Judaism and exoteric Jewish bioethics, then, “cooking the books” is a two-edged sword. A disciplined look at this ambivalence will offer a common ground that we share with our sources. In our desires, limitations, errors, and lessons, as we decipher and transcribe the books of divine creation into human terms, we plant the ethical stakes of reading the golem today.

(2) The ancient sources

We will review several ancient sources for the golem image-- not because ultimate authority resides in the earliest texts but because these texts have been formative of later readings, in the medieval, modern, and post-modern periods.⁴⁵ However, because, reciprocally, medieval religious commentaries and modern scholarship have influenced our impression of the ancient texts and so have, in a sense, become part of them, it will be impossible not to mention these later sources as well. The first step is to disentangle the earlier from the later readings so that, insofar as possible, the ancient sources can be read in their own context, that is to say, the linguistic, social, intertextual,

⁴⁵ In fact-- and this is an important point-- we follow Idel in assuming that their influence on diverse polymorphous traditions of the golem is what justifies their inclusion in our story, rather than their contribution either to an all-embracing “idea of the golem” (as in Scholem’s grand narrative approach) or to a more specifically magical concept of the “golem” (as in Schaefer’s rather nominalist approach, which emphasizes the fact that the term “golem” (1995: 256) does not appear in texts that Idel sees as so central).

and ideological backgrounds that we must have in order to guess at their meaning. The second step is to clarify the interpretive ambivalence that our whole complex of ancient and modern golems raises-- both for us as modern readers, and for the readers that they presuppose. Only via this procedure, for reasons that should become clear as we proceed, can we inductively determine any coherent ethical theme in “the golem” thus defined.

Our first source is the only instance of the noun *golem* in the Hebrew Bible. It occurs in the Psalms (#139). The local context is a song of praise to God which, like many of the Psalms, extols His⁴⁶ omniscience, omnipresence, and omnipotence. “God, you have searched me and you know,” it begins, listing the psalmist’s⁴⁷ various aspects known by God. The general tone is of intimacy and intense desire for further intimacy: from the initial list of what God knows, the psalmist extols God’s all-pervading nature, His formative power, and His power to destroy the wicked (*rasha*). He proclaims his allegiance with God against the wicked, who of course are also His enemies. Just as he began by saying that God had searched him and knew him, he closes by imploring Him to “search me, God, and know my mind”, to see if it holds any “mendacity”, and to lead him on “eternal paths”. All in all, this looks like a fairly formulaic composition, carried on more by skillfully apportioned meter and prosody than by anything else.

There is, however, a bit more to it than that. As Robert Alter observes in the notes to his recent translation, this is a “remarkably introspective” psalm⁴⁸ which exposes an ethical drama. The crux of its dramatic effect is an interplay between opposite categories with opposed moral values: inside and outside, near and far, high and low,

⁴⁶ Masculine terms are used in keeping with the original text, not as a symptom of misogyny.

⁴⁷ This is one of many psalms traditionally attributed to King David; it is possible to guess that its original audience would have heard it as dramatizing an exemplary or privileged relation between Man and God.

⁴⁸ 2007: 479 n. 1

pure and wicked, divine infinity and human finitude.⁴⁹ At the center of this tension, the human subject of the poem, the psalmist, strives for an ever-greater closeness to God, while recognizing the barriers to this intimacy that are posed by his own humanity. Each of the categories that the subject inhabits simultaneously implies its opposite, wherein God resides-- the poem develops through moments when transgression, even transcendence, of this opposition present themselves, only to be retracted again. This tug of supernal inertia upon an irreducibly temporal subject serves to heighten our identification with the psalmist, while also representing his struggle as exemplary for our own moral concern.

The drama develops in several phases, which move from a stock affirmation of God's exteriority and superiority to a more deeply interiorized relationship. At first the psalmist asserts that God knows everything about him: "You know my sitting and my rising; what I know,⁵⁰ you discern from afar" (v. 2)... "Such wondrous knowledge is beyond me, surpassing, I cannot attain to it" (v. 6). Second, the psalmist asks rhetorical questions: what *would* happen if he *were* to try to escape from God? "If I ascend to heaven, you are there; if I go down into Sheol,⁵¹ you are here too" (v. 8)... "If I say, 'Surely darkness will cover⁵² me [...] even darkness is not dark for you, light is light as day" (v. 11-12). Even the most extreme remoteness from God (the underworld, darkness) is transformed into a vehicle for His presence. God reverses the oppositions between morally valued categories, without blurring or neutralizing them. In this mediation, He

⁴⁹ In his seminal work (1985), Meier Sternberg has shown how this ideologically mediated dialectic ("...the perspectival gulf between God and man...", 92) revolves at the core of biblical poetics more generally.

⁵⁰ Reading [d.'y] for [r.'y] following BHS' amendment based on Syriac and Septuagint mss (Ps 139 n. 2a)

⁵¹ An underworld more similar to Greek "Hades" (drab, gray) than to modern Protestant "hell" (hot, nasty).

⁵² The Masoretic text nonsensically reads "will bruise me"; we follow Symmachus here (see BHS n. 11b).

uses the very categorical “spaces” which seemed to separate Him from the subject to bring them closer together.

At this moment of total intimacy, even the *physical* separation between God and the psalmist is overcome. The psalmist reminds us that he cannot flee from God because he *is* God, in the sense that God’s creative act forever forms and marks him as a subject.

For it was you who got⁵³ my kidneys,⁵⁴
 you wove me in my mother’s womb.
 I praise you, for I am wondrously made;⁵⁵
 your work is surpassing, my soul⁵⁶ knows it well.
 (v. 13-14)

At this point, where creation has brought together divine formation with human form (“your work” with “my soul”) the golem emerges for the first time. We are told that God not only accomplishes his work with the greatest skill, He is also involved at every stage of the process. In fact, while giving due credit to the mother who carried him, the psalmist includes God in the earliest stages of his genesis.

My bone was not hidden from you
 When I was made in secret
 You wrought me in the bottom of the earth.
 Your eyes saw my *golem*,
 and in your book they were all written:
 the days they were to be formed,
 to the very last one of them.⁵⁷ (v. 15-16)

In a moment, we will get to the difficult issue of what *golem* means here. But even before we do so, we can see, from the immediate context of these lines and from the

⁵³ In the sense of “begat”, i.e. originated (the root q.n.h can also mean to buy, to acquire, to take).

⁵⁴ The King James Bible has “reins”, a Middle English term which survives in French as the word for actual kidneys today. The kidneys are associated in other Psalms (e.g. 7:10, 26: 2) and in Job (16: 13, 19: 27) with fragility. This strengthens Alter’s association (2007: 479 n. 1) between Ps. 139 and Job and, at a more general level, has parallels in Greek culture between digestive organs and affects, especially anger (*cholos* - not *thumos*, which is associated with breath-- see J.M. Redfield 1994: 15 & 173-4 respectively; cf. idem 1985 for an overview of associations between affects and embodiment in classical Greek sources).

⁵⁵ Alter reads “made” as “set apart”: the subject’s individuality, he says, is what is called “wondrous” (481).

⁵⁶ *Nafshi*, my “self” or “being”. The *nefesh* is a psycho-physical unity, like Aristotle’s “soul” (*De Anima*).

⁵⁷ This line is grammatically muddled; the JPS Tanakh translation is given (1985: 1274), though Schaefer prefers to put it in the *past* tense, “when as yet there was none of them” (1995: 251). In either tense, the line emphasizes God’s over the entire scope of the psalmist’s life, from *golem* to end.

poem's broader context, three elements that may be relevant. First, the idea of *secrecy*. The psalmist has already failed to find a place in the depths where he could flee from God (the underworld). God's omnipresence, from highest to lowest, is assured. Here, we see that he and God are not only co-present, they are co-present in an exclusive, secret way. God's creative potency extends to every aspect of the subject's being; it is personal and protective, screened from prying eyes (even, perhaps, from the mother who carries the child). Second is the obvious force of formative power and creativity. God forms the subject in the depths of the earth and his mother's womb, in both cases using verbs which connote "weaving" or otherwise elaborating a material. This reference to the "earth" reminds us of Adam's creation (Adam's traditional etymology is from *adamah*, earth⁵⁸), while "my bone" recalls Eve's creation from Adam's rib.⁵⁹ Indeed, Adam himself uses the term in the Bible's first poem ("bone of my bone, flesh of my flesh"), as association that would not have escaped later authors. We also see the term "formed" (y.tz.r), the term with which God created Adam and other Biblical figures (as opposed to b.r.', with which he created the universe). These links will be key for later interpreters of the golem. The third idea connected to the golem here is *total knowledge*. God is not involved solely in the earliest stages of the psalmist's "bone" and "golem"; he also records, in his "book", the days that creation will occur and will end. The idea that divine creation finds its definitive record in a "book", which contains His potency and its human consequences, will also be an important part of the golem image in later iterations.

⁵⁸ As Scholem notes (1996: 160), the accuracy of this etymology has been challenged in recent years, which does not of course undermine the traditional association between Adam and earth/dust (which he surveys).

⁵⁹ In the Hebrew Bible, the word for "bone", *etsem*, often connotes personal "substance", though in Psalm 139, the vocalization suggests it to be an unusual form which (in its four other instances) may have more to do with strength or "might" (as suggested by the lexicographers of the entry in BDB, 782).

So far, we have avoided the most important and problematic term in our investigation. What, in its Biblical context, does “golem” actually mean? Unfortunately, the evidence for this issue is very thin, so any translation needs to be taken with the proverbial grain of salt. In fact (as we will soon see), many current English translations reflect later interpretations of this term in rabbinic and Jewish mystical literature-- not only a legitimate but, often, a necessary procedure in the absence of other sources, but one that makes plain just how ambivalent and creative the “golem” has always been. That said, let us review the scant evidence from the Bible itself. While the word in this form “my golem”, *golmi*, is a *hapax legomenon* (“said once”), the root (g.l.m.) is a *tris legomenon* (“said thrice”), appearing two other times in the entire Bible, both times in books that, like Psalms, are relatively late. In 2 Kings 2:8, Elijah takes his cloak and does something with it designated by the root g.l.m. prior to splitting the waters so that he and Elisha can cross. (A Moses trope; the Bible does not view ‘originality’ in the same way that contemporary literary critics might). The usual translation of this action (*vayyiglom*), is “wrap” or “roll”.⁶⁰ This tallies with the other Biblical passage where the root appears. In Ezekiel 27:24, the term *glomim* is often glossed as “wrappings” or “embroidery”; from the context, it does seem to refer to some sort of textiles or other plastic merchandise. Another argument for these meanings is from Classical Arabic, which has a better-attested verb with the same root.⁶¹ Yet it may be more helpful to look at the *associations* shared between the Psalms passage and the 2 Kings passage, rather than the meaning of the term *golem* itself. In both cases, g.l.m. has something to do with a magical act, performed by God or his prophet. In the 2 Kings passage, Elijah’s parting of the waters

⁶⁰ Schaefer (1995: 250) says that this sense of the verb is “well attested”, which seems a bit overstated, given that it only has two instances.

⁶¹ Many thanks to Richard Benton for applying his skills in Arabic to this philological contribution.

immediately precedes an appearance of the celestial chariot, one of the central figures of early Jewish mysticism. Both the ideas of esoteric, privileged knowledge, and of creative power with respect to natural materials, seem to be in play here, however loosely.

That said, it is important to note that in the Syriac version of the Psalms passage, “my golem” (*golmi*) is rendered by the Syriac equivalent of a defective spelling of Hebrew *gmulai* (“my reward”).⁶² Thus, the line reads, “Your eyes saw my reward/ and in your book they were all written...” This Syriac translation suggests, not that the Syriac scribes accidentally transposed the consonants,⁶³ but rather that they had a different, no-longer-extant manuscript, in which the “golem” does not appear. Indeed, “reward”, linked as it is with the idea of God’s moral account being inscribed in a book and the salvific tie between Him and the psalmist, fits our immediate context just as well as, if not better than, anything to do with “wrapping” or “forming”.⁶⁴ Hence, we must also consider the possibility that, in the Bible, the “golem” never existed and is, rather, an artifact of later rabbinic and mystical interpretations.

So much for the Biblical golem. To summarize, we have shown that its earliest contexts carry certain associations (*secrecy*, divine *creativity* and its privileged link to the individual, the *earth* as a formative power, books as *total knowledge*) but the term itself remains unclear. Rather than a detraction from the Biblical term’s meaning, however, this very unclarity is perhaps its most important legacy. In the most avowedly literal modern translations, “golem” is rendered as “unformed substance” (JPS) or “unformed

⁶² In his 1905 text of Psalms, the great biblicist Gunkel followed this reading, as Mueller notes (1919: 13).

⁶³ Further thanks to Richard Benton for correcting this initial (probably false) inference and for his remarks on the Syriac evidence, which otherwise would not have made it into this analysis.

⁶⁴ Schaefer completely disagrees, saying that this gives the term “a pietistic meaning which is certainly not the subject of this passage” (1995: 250). This is true if we follow him in referring v. 16 to the *past* (“when as yet there was none of them”) rather than as a prospective phrase (“to the very last one of them”). Clearly our rendering makes it easier for the psalmist to expect God to “reward” or “recompense” him in the future.

shape” (Alter). Luther, in his translation of the Psalms that proved influential for his life’s work,⁶⁵ went even further in this direction. He glossed “golem” as a nascent state of the poem’s subject himself, “Your eyes saw *me, being yet unprepared*” (“*mich, da ich noch unbereitet war*”). Other Christian translations have “being yet imperfect” or “embryo”; the latter is a disputed, but in any case an antecedent, Jewish reading.⁶⁶

As we proceed in our investigation of the earliest sources for the golem image, then, we should keep in mind that the Biblical term sets in motion a subject who is in formation, who is at the threshold between physical-- and, by extension, moral-- states of being. The delicacy of this stage is matched by the ambivalence with which later interpreters handle the term. On the one hand, with such a liminal image, the interpreter has a unique opportunity to “cook the books”, to complete the recipe for human being that God has laid out. In so doing, he or she can achieve an unparalleled degree of intimacy with God-- the very desire that this psalm so fervently expresses. On the other hand, the lack of clear instructions for how to read God’s text, despite its stated totalizing and perfect character, make any interpretation a dangerous proposition. Like any accountant, the interpreter must be on guard for the temptation to “cook the books” in his or her own interest. Hence certain checks, periodic accountings, and “safety nets” or “kill switches” may be needed. Lending a more specific moral valence to the act of creation, as mediated by practices of interpretation and re-contextualization, is the ethical challenge posed by the Biblical golem-- a challenge taken up by later rabbis and mystics.

⁶⁵ Erikson 1962: 201ff. Idel argues that the connotation of “amorphous” is mainly medieval (1990: 301-2).

⁶⁶ Hence it is odd to find “embryo” listed in the BDB as a *Biblical* sense of the term, which rather over-interprets our Psalm. Idel supports “late-stage embryo” as one possible meaning on the basis of medieval interpreters (1990: 36), whereas Scholem denied any such connotation (1996: 161).

An oblique response to a closely related problem can be detected in several early sources of rabbinic reflection which contain several variations on a theme: the formation of Adam by God.⁶⁷ Some of these texts⁶⁸ describe the stages of Adam's formation in terms of "hours" of the day, expanding, in a typically midrashic manner, the elliptical statements of the biblical text into a play-by-play. Some of these texts give a distinct place to the "golem" phase within the sequence of hours. Like the psalmist's "golem"-- which, whatever it means exactly, has something to do with a nascent, intimate, and secret moment or phase of anthropic creation-- these rabbinic sources suggest that Adam's golem is more than raw material, yet less than fully human; more than empty, yet less than fulfilled. Idel highlights two, *Leviticus Rabbah* and *Midrash Avkir*, in which the "golem" is specifically designated as the phase between when God forms Adam's body and when God literally inspires his soul. In fact, *Midrash Avkir* even gives God's reason for requiring a hiatus between these two phases which is highly suggestive in terms of the ethical relation between God and man, both empowering and problematic, that the Biblical golem has already suggested to us.

[God] made [root: 's.h] him as a golem. And when He was about to cast a soul into him, He said, 'If I set him down now, it will be said that he was my companion in the work of Creation, so I will leave him a Golem until I have created everything else.' When he had created everything...he cast the soul into him and set him down. (Idel trans. 1990: 35)

Idel makes the historical suggestion that, in this cluster of texts, the idea of the golem as a distinct stage between embodiment and ensoulment may be the earliest (1990: 35). This claim is re-enforced by the fact that the description of the "golem" phase dovetails with Psalm 139 inasmuch as, in both passages, two verbal roots (*r.q.m*, a fairly unusual root for "to form" and 's.h, "to make") are used. Even in another text, *Pirquei de-*

⁶⁷ In this paragraph, we simply repeat Idel's interpretation of these sources (1990: 34-8), re-contextualizing it slightly in terms of our reading of Psalm 139 above and the Sanhedrin passage to be discussed below.

⁶⁸ e.g. *Avot de Rabbi Natan* chp. 1 recension A

rabbi Eliezer, where the word *golem* does not appear, there is a final phase of Adam's creation referred to as "perfection" or "fulfillment" (root *t.q.n*), which implies that the previous stages lacked something (presumably a soul). Hence even sources in this cluster with a slightly different version of Adam's creation confirm Idel's philological intuition.

Applying this intuition to the ethical problem that we defined above-- the ambivalent relation between God and Man that creation/interpretation sets in motion-- we might say that this cluster of early rabbinic texts is trying to preserve a difference between God and man even as it asserts their unity. The *golem* in particular, after all, is a device that God uses in order not to share authorship of the universe with man. Similarly, the *golem* is a *created* being but emphatically not a *creator*; Adam has a full human form but not yet a soul. Between embodiment and ensoulment, he lacks the inspiration that is the mark of the divine. In the following passage, we will see that rabbinic sources specifically define this inspiration in terms of speech.

An early rabbinic variation on the *golem* theme and, as Idel says,⁶⁹ one of the most influential, appears in the Babylonian Talmud (tractate Sanhedrin, folio 65b).⁷⁰ The Talmudic passage surfaces in the course of a very interesting but historically obscure discussion about various sorts of prohibited magic. At the point where we join this discussion, the Talmud is responding to a passage in Deuteronomy (18: 9-14) which warns the Israelites against their neighbors' magical practices.

When you come to the land that I your God am giving you, you shall not learn to act according to the abominations of the *goyim* there. There shall not be found among you one who gives over his son or daughter to the fire; a diviner of divinations; a soothsayer; a snake-charmer; a sorcerer; nor a charmer of charms, an inquiring necromancer, a wizard, or a seeker after the dead. (v. 9-11)

⁶⁹ In fact Idel says that this is *the* most influential passage about creating artificial humans (1990: 27).

⁷⁰ Here, we should be clear, the Biblical term *golem* does not appear. The link between the two sources in an overall image/theme/idea of the *golem* is a product of later interpretations.

Naturally, the rabbinic interlocutors of the Talmud condemn the practices of these non-Israelite wizards, soothsayers, etc. It is also clear from the Talmudic discussion, however, that the rabbis are not sure who these disreputable magicians were, what they did, or how their scriptural condemnation should be understood. One of their discussion's ostensible aims is to clarify these points. As they do so, however, if we read between the lines, we may be able to discern a more revealing theme-- a reflection on the rabbis' *own* magical practices and their moral implications.

The Talmud asks about the biblical source-text:

“An inquiring necromancer”-- is he the same as “and a seeker after the dead” ? “One who seeks after the dead”⁷¹ [is] just as in the *baraita*,⁷² “and one who seeks after the dead”⁷³. This is one who starves himself and goes and lies in a cemetery so that an impure spirit may come to rest on him.

When Rebbe Akiba reached this reading [*miqra* = verse⁷⁴], he wept: “Since [for] one who starves himself so that an impure spirit may come to rest upon him, an impure spirit *does* rest upon him, [for] one who starves himself so that a *pure* spirit may rest upon him, how much the more so [should he succeed]!⁷⁵ But what shall I do? For our sins have caused us [to fail], as it is stated, ‘For your sins have separated between you and your God’⁷⁶”

Here, Akiba seems to be contrasting non-rabbinic black magic with the rabbis' virtuous magic. Black magic is performed in order to communicate with unclean spirits,

⁷¹ Here, the phrase is in Aramaic, that is, in the voice of the Talmud's redactors.

⁷² A *baraita* is a tradition that is contemporaneous with the traditions included in the first canonical text of rabbinic law, the Mishnah (c. 200 C.E.), yet which was not included in the Mishnah. A *baraita* is often cited in the Talmud as support for interpretations of the Mishnah or other sources (in this case, the Bible).

⁷³ Here, the phrase is in Hebrew, and is identical to the Biblical text's. The Talmud is thereby postulating, of course, that its *baraita* and the Biblical source-text use exactly identical versions of the same term, although in this case we have no earlier source for this *baraita*, so we cannot confirm or deny its postulate.

⁷⁴ See Boyarin 1992: 10-18 on the many senses of this term.

⁷⁵ Akiba's claim (“Since...how much the more so!”) is a fairly simple application of an *a fortiori* rhetorical principle known in the Talmud as *kal vachomer* (“light and heavy”, that is, proceeding from a weaker to a stronger argument, or vice versa). As Handelmann notes (see her discussion of the principle, 1982: 52-7), what distinguishes *kal vachomer* from Aristotelian syllogistic logic is the former's *hypothetical* quality, which allows rabbinic texts to assert “a relation of likeness which depends on an *if*, not an *is*” (56). Here, for instances, Akiba argues “If...then...” yet does *not* conclude by asserting the consequent (which he has hypothetically proven *a fortiori*). Rather, he stakes his claim precisely on the fact that it is *not* the case.

⁷⁶ Akiba (who, remember, is already being quoted *by* a *baraita* cited *by* the Talmud) is quoting Isaiah 59:2. This sense of “cause” (as in “cause to fail” with respect to divine favor) is widely attested (see Sokoloff's entry, p. 302). It could also be translated as “to bring upon oneself”.

whereas rabbinic magic is performed in order to commune with God.⁷⁷ Hence, though the practices themselves (in this case, fasting) are the same, they are valued differently according to the intentions behind them. There are ample depictions of rabbinic characters (including Akiba) undergoing ascetic practices, including fasting, to attain a pure state.⁷⁸ This asceticism is linked to membership in the rabbinic elite.⁷⁹ However, it seems here that fasting is a necessary but not sufficient condition for communion with God. “Our sins” (*onotenu*), whether prior or subsequent to the ascetic gesture, have “driven away” God’s presence from the rabbis. One of the most distressing implications of Akiba’s comment (aside from the persistence of the rabbis’ sins) is that the black magic works for its purposes, whereas the rabbinic magic does not.

Yet Rava responds to Akiba’s pessimism regarding the impossibility of rabbinic purity, and hence rabbinic magic, by reading the same Biblical verse differently.

⁷⁷ Specifically, the depiction of God’s spirit “coming to rest” on humans has a precedent in other Talmudic passages (e.g. bShab 67a) where it is explicitly identified with God’s feminine essence, the *shekhina*, an important concept in Jewish mysticism. As Swartz notes (1996: 159), our passage from the Talmud dovetails with others where fasting is used for “mantic purposes”-- both prohibited and permitted magic-- while in other passages (see *ibid*: 167-8), it has a more directly spiritual aim, purifying the individual so that he can be “nourished” by the *shekhina*. (Many thanks to Michael Satlow for this reference and for his generous response to my questions about this passage-- email, 6/21/11). Nor is legitimate magic anomalous in the rabbinic corpus, even for more mundane ends (see Neusner 1987). Zoloth’s “reasonable magic” (2002), i.e. magic circumscribed by dispositional norms and procedural limits, is a useful category for some rabbinic magic while some, as in our passage, seems no more “reasonable” than that of its Others.

⁷⁸ Satlow 2003 n. 86 cites a strong parallel (the midrashic text *Lamentations Rabbah* 1:31). On the general issue see Lowy 1958. However, he (33) interprets our passage to mean not only that, here, fasting fails to have magical power, but even that the rabbis did not attempt it in the first place! He is trying to differentiate “orthodox” tannaitic sages like Akiba from rather vague “sects” who engaged in mantic fasting. This is entirely unconvincing-- Swartz’s suggestion (see previous note) that rabbis did attempt it is more likely.

⁷⁹ In his seminal article on ancient Jewish asceticism (1986), Steven Fraade describes the tension between the Pharisees’ use of ascetic practices to establish their status as an elite and *separate* social group and the rabbis’ attempts to inherit the elite cachet of this asceticism while also gaining authority over the entire community of Israel (269-288). As our analysis of the Talmudic passage unfolds, we will argue that this tension is operative in it, especially in the polysemy of the term *khabayya*, which means sorcerer and also has very “pharisaical” connotations. Another rabbinic argument which could be read as a manifestation of this tension appears in *Avot d’Rabbi Nathan* version A Chp. 1 (= b. Yoma 4a), where Moses is said to have fasted on Sinai in order to purge his bowels of excrement before receiving God’s Word. Here, Akiba and R. Mattia b. Heresh take the minority view against this idea, suggesting that Moses was *not* in a state of physical purity (cf. J.A. Redfield 2010: 9-16 for this minority view and its anthropological implications).

Rava said: “If the righteous wanted, they [would] create a world, as it is stated, *But your sins have separated between etc.*”

Rava suggests that if sins are all that prevent rabbinic magic from working, then the *truly* righteous can not only perform magic but even create a world/universe. Unlike Akiba, then, he holds out for the real existence of these “righteous” (*tzaddikim*). The Talmudic redactors⁸⁰ even seem to count Rava among them in the story that follows:

Rava⁸¹ created a man. He sent him to [stand] before R. Zeira. R. Zeira was speaking to him-- but he was not answering him. [Finally] R. Zeira said to him: ‘You are from the *khavarayya*! Return to your dust.’⁸²

In this story, suddenly, Rava’s creation disproves his own claim. He has created a man-- which, in his own logic, is supposed to be proof of his righteousness and purity-- yet the artificial man cannot speak, and so R. Zeira destroys him.⁸³ What does this mean?

The term *khavarayya* has been left untranslated because it is crucial to interpreting this passage. The usual translation is “sorcerers” or “magicians” and there is a solid foundation in other Talmudic sources for interpreting it that way.⁸⁴ Even more importantly, the term means a (non-Israelite) “charmer who charms” in the very passage of Deuteronomy that the Talmud has just cited above-- albeit in a verse that it has elided.

If “sorcerer”/“charmer” is the sole meaning, the passage looks simple and coherent: Rava

⁸⁰ This is not a record of a conversation between Akiba and Rava, who are from different generations, but of the redactors’ views. Neusner has taken the hard-line position that this is true for the whole Talmud, to wit, that even if the attributions are plausibly historical, they can *only* be attributed to the redactors. This position is disputed by most of the contributors to Cohen’s methodologically instructive volume (2000).

⁸¹ Neusner reads “Rabbah” (not “Rava”), a different figure altogether. Idel and Scholem both read “Rava”.

⁸² This story is followed by the statement, clearly associated by the rare theme of rabbis creating artificial life, that R. Chanina and R. Oshaya created a “one-third [sized]” calf on the Sabbath and ate it, using the ancient Jewish magical text *Sefer Yetzirah* (see n. 86 below-- Rashi, by also attributing Rava’s creation of the *gavra* to *Sefer Yetzirah*, seems to be trying to legitimize and connect what look like otherwise unrelated acts of creation). Schaefer’s statement (1995: 253) that this one-third-sized calf, like the *gavra*, is incomplete, and hence attests to the defects of its rabbinic creators, is directly contradicted by Rashi’s commentary (which Schaefer ignores), viz. that such a small calf is just the right size for two people to eat.

⁸³ Traditionally, his “return to your dust” has been interpreted as an act of destruction. However, many interpreters, as Scholem (1996: 195) and Idel (1990: 218-9) both note, have emphasized that this is *not* to be understood as “killing”. In any case, it is clearly a symptom that Rava’s creation is inadequate; contrary to Neusner’s unfounded assertion that “If Rabbah [*sic*] could create a man, then he was sinless, a master of great learning and merits” (1987: 220). The very point of the muteness of the *gavra* is that he is *not* a real or complete man, and thus neither is Rava.

⁸⁴ Sokoloff 429.

used magic to create a man but R. Zeira condemned this creation, just as the foregoing discussion had condemned black magic (without disputing its efficacy!) The point is to criticize magic, regardless of who does it.

However, this reading has two problems. First of all, Rava is not a “sorcerer” but a highly respected rabbi! Second, R. Zeira only dismisses the man and criticizes his creator as a member of the *kh Brayya* when he discovers that the man cannot speak. To many traditional commentators, including Rashi, this implies that, if the man *could* speak, it would be proof of Rava’s righteousness.⁸⁵ Further (as is rarely noted), R. Zeira has the power to destroy the man, so perhaps he has some magical powers as well. But if so, R. Zeira’s magic is superior to Rava’s, for he, unlike Rava, is not “from the *kh Brayya*”. Taking these observations together, if we foreground R. Zeira’s role in this scene, as opposed to Rava’s, it looks more like a polemic against the *kh Brayya* in particular than against magic in general. This polemical quality is underscored by the fact that in the passage, the verb for “reply” and “return” is the same. Thus, R. Zeira’s final comment to the man could be read as “reply to your dust” (if you will not reply to me-- that is, go away and talk to your source, the *kh Brayya*, who are no more than dust).

If we read it as such a polemic, Scholem’s and Idel’s sense of *kh Brayya* not as “sorcerers” but as “pietists” (the Aramaic form of the Hebrew word *khaver*) is remarkably suggestive.⁸⁶ In rabbinic sources, the *khaver* (the “friend” or “fellow” of

⁸⁵ In fact, Rashi attempts to give further foundation to Rava by suggesting that he used the ancient magical manual *Sefer Yetzirah* for his creation. After much deliberation, this important text in traditions about the golem has been omitted from our discussion. The reader is referred to Idel (1990: 9-27), Scholem (1974: 21-30), Wasserstrom (1993 & 2002), Wolfson (1997: 463-6), Mopsik’s beautiful French translation (2004) and Gruenwald’s critical edition (1971).

⁸⁶ We will try to develop Idel’s reading (1990: 27-31) as it is not only informed by his philological mastery but also reveals the *ambivalence* of the golem image within normative Jewish ethics. Idel seems to draw heavily on R. Gershom Leiner’s interpretation (as presented in Idel 1990: 224-6). On *havrayya*, Idel agrees with Scholem (1996: 166), who glossed it as “members of the Talmudic academy” (*haverim*).

rabbinic study communities) is usually depicted as perfectly observant of all legal and ethical norms.⁸⁷ He is an ideal candidate for what Rava means by the “righteous”; if Rava is indeed a *khaver*, there is no reason to expect that his creation would be less than perfect. However, if Idel’s reading is correct, R. Zeira’s destruction of the man is a criticism of the very same pietistic group. How might we make sense of this contradiction? What light might it shed on the ethics of the golem in this rabbinic source?

We could take the “easy” way out and label this an internal debate between historical, yet unspecifiable, rabbinic groups. As Idel notes (1990: 28), in the Palestinian Talmud, R. Zeira is mentioned in connection with the *khabravya*, “junior scholars of the Talmudic academy in Tiberias”. If so, perhaps R. Zeira is simply criticizing his junior colleagues. In this reading, Rava’s “golem” is like an unsuccessful thesis, shot down by a senior scholar during the defense or in a journal review, due to academic politics.

However, it is much more interesting to consider the broader implications of the Talmud’s interplay between “sorcerer” and “fellow” in this context. If we decide not to choose between these meanings but rather to assume that their ambiguity is doing something for the redactors, then what is it doing? First, it continues the text’s overall polemic, not against magic *per se*, but against magic that tries to endow the creator or his creation with magical *speech*.⁸⁸ The necromancers who sleep in the cemetery (we have already been told) communicate with impure spirits, but this is taboo. Rava tries to do so with a pure spirit but he fails, just as Akiba lamented. As Idel suggests (1990: 31), “even

⁸⁷ As Boyarin notes (2004: 42-3), following Shaye Cohen, the rabbis rejected the term “Pharisees”, designating them quite literally as “separatists” and lumping them in with the “sectarians” (*minim*). This does not, however, contravene Fraade’s assertion that “*perushim* and *perishut* remained rabbinic ideals. However, now they were no longer the ideals of a separatist group within Israel but of a separatist Israel” (1986: 272). As Boyarin himself argues, separating themselves *from* the “separatists” (whom they had, to some extent, invented) was a founding gesture of tannaitic ecclesiology (43, 65-6).

⁸⁸ Following Idel (1990: 29).

the pietists were not able to create a speaking creature”, which is a “test-case for someone’s righteousness”. This interpretation makes sense in light of the Biblical proof-text connecting the passages: *Your sins have separated between you and your God*. Despite his assertion, Rava is not so free of “iniquities” that he can endow a creature with the faculty of speech, linked as it is to divine revelation and creative potency. This interpretation also makes sense historically, as a way of distinguishing Jewish practices from other ancient sources that Idel discusses, like speaking statues in Egyptian magic, which were inscribed with the word “answerer” and may have served as vehicles for intercourse with the gods.⁸⁹ Second, we could develop Idel’s interpretation by suggesting that *especially* the pietists were not able to create a speaking man: either because their overly scrupulous piety was itself frowned upon (unlikely but not impossible)⁹⁰ or because, while their “reasonable magic” was not in itself transgressive, it would have become so if they had tried to usurp divine potency, figured as speech.

Extending this line of thought, let us venture some commonplaces and speculations about a more general set of cultural relationships that may bear on the golem’s ethical significance. First, it is obvious that, in Judaism as a whole, speech, the word, the letter and the book, in short, the *logos*, is *the* privileged link between humans and God. The establishment of normative Judaism, under the aegis of the rabbinic academies of late antiquity and especially the early medieval period, both rests upon and re-enforces this principle. It is what allows rabbinic practices of interpretation to be viewed not as deviations from divine power but as fulfillments of it. Even apparently hubristic rabbinic claims, such as the claim that the oral Torah was given to Moses at

⁸⁹ 1990: 3.

⁹⁰ Ambivalence about piety (see n. 80 and n. 87 above) may reflect both a historical shift between Israelite religious groups (from the Pharisees to the tannaitic rabbis) and a cultural tension within the latter group.

Sinai along with the written Torah or that the Torah is “not in heaven” (but in the *yeshiva!*) are undergirded by the belief that scripture requires oral interpretation in order to shape the lives of communities and individuals.⁹¹ Along with this commonplace goes the elite status of the interpreters, who possess privileged knowledge of authoritative texts and transmit it to succeeding generations. Sociologically, we would therefore assume that this conspiracy between divine text and elite interpretation creates a circular, self-justifying intellectual paradigm, of which Wolpe’s unreflective equation between “the rabbi” (Rabbi Loew) and “the righteous” is just one example. Given these commonplaces, the most interesting questions to ask of the rabbinic orthodox paradigm are, “Why is it not just reactionary and exclusivist but, in fact, extraordinarily innovative and dynamic?” “What were the countervailing pressures, historical or otherwise, which allowed it to overcome its structural inertia and to generate fresh, self-critical insights?”

One answer is also a sociological commonplace: the infusion of fresh blood helps to prevent ossification. Much like the elite academic institutions of modern France, membership in the rabbinic academies is represented as fairly meritocratic, and there are numerous stories of men from unlearned families becoming major figures, sometimes later in life.⁹² Having met certain basic criteria (e.g. Jewish ethnicity and male gender), and demonstrated skill at the dominant group’s arcane language, along with a knack for memorization, anyone could, in principle, become a “rabbi”. Once he was admitted into this system, however, competition is portrayed as very harsh. Only the most skilled

⁹¹ Of course, this is to suggest neither that there is no documented resistance to this idea within ethnically Jewish communities, nor that rabbinic Judaism is synonymous with religious Judaism. The Sadducees, the Karaites, the early Christians, the modern Reform movement, and many other Jewish groups who are now legible only between the lines of rabbinic sources (the “ignoramuses”, the “sectarians”, the “Epicureans”) continue to challenge the status of “interpretation”, let alone the political issue of interpretive authority.

⁹² Rebbe Akiba being the most impressive case. As Daniel Boyarin points out, however, (seminar, 9/28/11) rabbinic institutions may have remained “meritocratic” but the definition of “merit” shifted considerably.

voices have their rulings preserved for the next generation, while the still-more-influential textual redactors, at some remove from their colleagues' agonistic barbs, canonize under cover of anonymity.⁹³ Hence, both at the sociological level and at the level of the text (insofar as these can be analytically separated), distinction is doled out by forces that tend to supersede the contingent interests of whatever generation happens to be in power.

Another answer is that, as in any paradigm worthy of the name, the procedural limitations on intellectual inquiry-- the enforceable norms of discourse and shared standards of evidence which circumscribe the rabbinic *épisteme*-- make possible a well-oriented mode of innovation.⁹⁴ The goal is neither to simply reproduce inherited traditions nor to be purely original but rather to absorb, synthesize, distill, and percolate. As we will soon see in our discussion of the "golem" in the *Avot*, the rabbinic elite ethos is partly defined by rigorous standards of argumentation and verification. These prescriptions for good inquiry are, at one and the same time, proscriptions of bad people. It is not just careless to falsify sources, make spurious attributions, or neglect relevant precedents-- it is immoral. Hence, within the tight boundaries of the rabbinic project, social mechanisms have long been in place that help dissent, error, inadequacy and paradox to become both intellectually and ethically productive.

The rub, however, is that no actual rabbi can attain what is both his culture's carrot and its stick: total knowledge. No amount of memorization or debate will allow him to fully internalize the Torah and the Mishnah. No amount of reading will satisfy the

⁹³ See n. 21 above.

⁹⁴ "Progress" would be going too far, as its modern scientific sense implies a forward-moving linear teleology, whereas in rabbinic Judaism, the relevant temporal axis is often between the past and the present (see Goldin 1965, where he argues against the so-called "progressive character of Judaism" (271)).

Author in whose book, as our psalm says, “all things are written”. A driving force of the rabbinic orthodox project-- and, perhaps, of any “orthodoxy” worthy of the name-- is its continually receding horizon, the ever-higher standard of knowledge and virtue to which it holds the subject. Hence, although the factors that we have just mentioned may shed some light on this tradition’s capacity for innovation, an arguably more basic theological issue is at stake here which anchors these sociological continuities from one generation to the next. Again, this theological issue is two-sided. On the one hand, rabbinic authority is earned and preserved by feats of interpretive prowess. On the other hand, no interpretation is adequate to the divine text. God’s book is inseparable from the human readers who supplement and apply it. Yet if interpretation were to overwhelm the text’s mysterious, “omnisignificant”⁹⁵ power, the entire cultural order would crumble. Even as his textual fetish brings the rabbi closer to God, an equally strong force must drive them apart, or the generative binary between them will collapse.⁹⁶

It would be easy to say that this separation between God and humans is taken for granted in rabbinic culture, and therefore that it does not need to be actively maintained. It would be even easier to attribute any explicit gestures towards it in the literature to false or naive humility on the part of rabbis who do not take it seriously as a problem.⁹⁷ Rather than foster the virtue of “humility” among rabbinic subjects, however, this tension between creativity and subordination may have a more complex ethical function. If so, perhaps we can interpret the image of the golem, not simply as a reflection *of* this

⁹⁵ Kugel 1981: 103.

⁹⁶ Rane Willerslev’s 2010 conference paper, “the enigma of distance in sacrifice”, makes a similar point with regard to the sacrificial rituals of the Siberian Chuckchi. Thanks to Rane for sending the full text in personal correspondence. An abstract and audio file of his presentation are cited in the bibliography.

⁹⁷ Rather than do so, Schofer’s recent work (e.g. his discussion of different rabbinic valuations of “fear” and “love”, 2005: 157-60) acutely draws out this dynamic in the sources. As a way to encapsulate it, Schofer maps his idea of “subordination” onto a taxonomy of specific shared virtues and moral norms. It may also be useful, however, to treat it in terms of less coherent and more distributed cultural tendencies.

theological principle, but as an active attempt to maintain it, at the very point when it seems weakest. From this perspective, the ethical issue posed by the golem is getting *close enough* to a simulacrum of divine power that the line between creativity and interpretation, Author and reader, seems to blur. The golem, a human subject still in formation, is especially vulnerable to a human act of “cooking the books”, an interpretation that tries a bit too hard to emulate divine creation, even as it humbly claims to be completing it. He is a biological creature with a human form, made from the same materials as the first human. This should be enough to make us nervous. Fortunately, he cannot speak. This reassures us. However, the Talmudic passage leaves open a few loopholes which keep the distance between divine and human power an open question. Is the golem imperfect because humans cannot, by definition, create other humans?⁹⁸ Because he, unlike the Sabbath calf, is not for a proper ritual purpose?⁹⁹ Because of his creator’s all-too-human “sins”? Because his creator, like the other *khaverim*, was *too* scrupulous in his pious quest for “purity”? Or because the golem simply hasn’t met the right maker? In all of these unresolved questions, we see that the golem image is a vehicle for rabbinic sources to reflect upon their own limits. Even as they interrogate the possibility of a mode of reading which overcomes the gap between interpretation and creation, they strive to hold the ideal of total knowledge in abeyance, so as not to undermine the very theological polarity which makes their social world work.

With these very loose speculations on cultural structure in mind, let us begin another close reading of an ancient source on the golem, where we will clarify them. This time we turn to an influential text of rabbinic ethical literature which is commonly

⁹⁸ Note that *no* commentator suggests this to be a *de facto* assumption of the text.

⁹⁹ As Idel shows in his review of *halakhot* on the *golem* (1990: 215-227), it was a real issue whether or not the golem could be counted for a minyan, i.e. whether or not to accord it ritual status & ontological validity.

included as a “minor tractate” of the Babylonian Talmud. The *Pirke Avot* or “Chapters of the Fathers” (commonly mistranslated the “Ethics of the Fathers”; as Schofer notes, there is no indigenous rabbinic term for “ethics”¹⁰⁰) is primarily a compilation of wise aphorisms, presented as a minimal list, with little extraneous commentary or narration. Traditionally, the text is used for ethical instruction and reflection and is read in a fixed part of the year (between Passover and Shavuot). Thanks to its explicitly practical utility and history, although this text might at first glance look like just a stripped-down version of certain moral principles or ethical scenarios which also appear in the Talmud, it is also possible to read the *Avot* as a more directly anthropological text, that is, a text which takes for granted the primacy of human relations in the rabbinic world and *then* tries to orient them to theological imperatives, rather than the reverse.

This anthropological nature of the *Avot* is implied by the Lubavitcher Rebbe, Menachem Mendel Schneerson, when he introduces the text to his adherents. Schneerson begins by remarking that “every Jew, from the smallest of the small who has just begun the prayer service to the greatest of the great, who stands higher in knowledge of the Talmud [...] studies *Pirkei Avot* in this time of year”.¹⁰¹ This democratic and anthropological bent of the *Avot* is, he says, underscored by the tradition of prefacing each chapter of the *Avot* by reciting the passage from the Mishnah, “**All** Israel has a portion in the world to come...” In his homily on this mishnah, Schneerson repeatedly emphasizes the word *all* [*kol*]. He suggests that *all Israel* is brought within the scope of ethical teaching in the *Avot* (rather than, he contrastively implies, solely the “greatest of

¹⁰⁰ 2005: viii. As Max Kadushin argued, although rabbinic terms like *derekh eretz* do indeed allow a substantive delineation of rabbinic “ethics”, such terms are inextricably bound up with the “organic complex” of rabbinic thought as a whole and thus do *not* allow us to “build up [rabbinic] ethical systems in formulated, philosophical fashion” (1938: 241).

¹⁰¹ Schneerson 1987: 343.

the great”).¹⁰² A core message of the *Avot*, in Schneerson’s view, is that *all Israel has a portion*: not only in the allotment of divine favor but also in the life of Torah that rabbinic sources so clearly render-- an ethical life, understood not only through the theological categories of *mitzvah* and *torah* but also through the practical categories of *mussar* (discipline) and *middot* (virtue).¹⁰³ Hence, although rabbinic circles produced an authoritative mode of theological interpretation and a fairly closed elite, in practice, they also used texts like the *Avot* to extend this circle to encompass not only the daily behavior of all Jews but also their subjective experience of themselves and others.

The golem of the *Avot*, as compared to the *gavra/golem* of the Talmud, illustrates the concrete difference that this difference between theology and anthropology can make. The *Avot* defines the *golem*, or “clod”, in opposition to the *hakham*, or “wise man”, as follows:

Seven qualities characterize the clod [*golem*] and seven the wise man: the wise man does not speak before him that is greater than he in wisdom or in age; he does not break into his fellow’s speech; he is not in a rush to reply; he asks what is relevant and replies to the point; he speaks of first things first and last things last; of what he has not heard he says: ‘I have not heard’, and is not ashamed [to admit it]; and he acknowledges what is true. And correspondingly, the opposites apply to the clod [*golem*].¹⁰⁴

Whereas the Talmud’s golem was created by an unknown magical art-- which, as we have shown, may still point back to power-relations in a rabbinic *milieu*-- the golem of the *Avot* is a frank expression of rabbinic normative judgments. Hence the text’s central distinction, between the unwise *golem* and the wise man (*hakham*), offers further

¹⁰² Schneerson does *not* emphasize the full scope of what follows this passage and is notably amplified in the Talmud’s commentary (Sanhedrin 90a), to wit, that all the Others of rabbinic culture (“epicureans”, sectarians, ignoramuses, etc.; see n. 91 above) do *not* have a portion in the world to come and will meet with unpleasant fates. As Wolfson has recently shown (2009: 259-60; cf. Wolfson 2005 for a broader view of this fundamental problem in Jewish mysticism), Schneerson’s homilies paradoxically enact a transgression of even such basic polarities as Jew/non-Jew, while remaining irreducibly ethnocentric.

¹⁰³ Schneerson 1987: 343.

¹⁰⁴ Having consulted the original text of the *Avot*, we refer to Goldin’s translation of this passage, partly out of laziness, and partly because it is good, but mainly because it is the specific version of the Mishnah cited in the next text that we will discuss, *Avot d-Rabbi Natan*, and we do not want to risk confusion by going into any variant readings.

evidence for a rabbinic anthropology, in two ways. First, it is presented as a universal distinction between human kinds, both of which actually exist and are mutually opposed. These kinds are not, however, inalterably fixed by a supernal calculus; they emerge as a function of practical relations of rabbis to each other and to themselves. Specifically, the passage is a gesture by this rabbinic text to categorize and characterize human beings, not in terms of what God says they are, but in terms of how *they* orient to God's word. At first this seems to leave plenty of room for actual humans to maneuver between the categories: for the *golem* to become a *hakham* or even vice versa. However, the binary is not equally weighted. The wise man's privileged orientation to God's word is not due solely to his good intentions or behavior but, rather, to his solid position in the institutionalized structure of rabbinic ethical norms. The text's second anthropological gesture, then, is to specify what it means to occupy this position. *There are indeed two human kinds*, it suggests, *but only one way to be fully human: ours*. Such claims are, of course, a common symptom of ideology in the non-pejorative sense, from the Soviet view that "all animals are equal but some are more equal than others" (Orwell) to Lévi-Strauss' repeated reminders that one of the most important universals to be gleaned from wide-ranging comparison of human groups is that we always tend to see ourselves as the only "real" humans.¹⁰⁵ In other words, like many cultural artifacts, the rabbinic *Avot* produces a difference between human kinds (*golem/hakham*) in order to assert a unified and constrained rubric for evaluating them. It imagines an entire universe, yet it does so primarily in order to enrich and valorize its own locality.

¹⁰⁵ As Lévi-Strauss was continuing to point out at the age of a hundred, just before his death (2007: 6), the founding moment of "anthropology" in the more limited sense of an academic discipline imposed precisely this sort of ethnocentric universalism on its object, "humanity"-- even as anthropologists were later to discover that the very same attitude was often shared by the peoples they studied.

In this particular passage, the *Avot* does so by highlighting a *logos*-centric ideology that links the Word of God, the words of rabbis, and the words of disciples in an integrated hierarchy, extending in both vertical (theological) and horizontal (anthropological) dimensions.¹⁰⁶ The golem-- a rabbinic disciple or non-initiate whose words do not fit into the hierarchy-- is evoked, but then excluded, in order to emphasize this hierarchy's validity. The golem does not know how to follow the proper citational practices or other intellectual norms of the rabbinic paradigm. The wise man does. The golem does not manifest the virtue of "humility" (see above), thoughtfulness, or due deference to superiors. The wise man does. He is integrated into rabbinic institutions, whereas, in the *Avot*, *golem* is best translated as "clod", recalling both the Psalmic notion of a formless mass and the notion of Adam's "formation" from dust.¹⁰⁷ The wise man, in contrast, has allowed himself to be fully formed by rabbinic norms.

The point of this argument that the golem of the *Avot* is more "anthropological" than the Bible's or the Talmud's is that it brings to the fore, in the cultural context of rabbinic institutions, elements of the underlying tension between interpretation and creation that were latent but less clear in our prior, more explicitly theological, golems. In order to become a wise man, this golem must undergo a spiritual transformation, which, in his culture, takes place in terms of language. We have no indication that he is *biologically* deficient or that he cannot physically speak. Rather, like R. Zeira's golem, it seems he does not know what to say or, just as importantly, how to listen. As Idel contends (above), this image of the golem transfers the Psalm's sense of a physical

¹⁰⁶ For more on the implications of this schema, which he calls "locative religiosity", see Schofer 2005: 40.

¹⁰⁷ Recall that Gesenius treated the *golem* as a "*res convoluta*"; in modern German, this term "clod" survives as the epithet *Klump* (Brecht, as cited in Benjamin 1966: 112). Mueller (1919: 13) prefers *Tor*, or "simpleton", which does not at all capture the sense of *golem* as what we will call a "disordered plenitude".

embryo (“you wove me in my mother’s womb”) to a spiritually unformed novice, a “clod” who has human form but (like Adam in his early stages of formation) has not yet been inspired by divinity to become a “living soul”. “The simpleton, as the embryo *qua* Golem, is a living entity which needs the final quality that will transform him into a fullfledged human being, viz., wisdom; corporeally, he is already a structured human creature” (Idel 1990: 35). He must be endowed with the authority and virtue that only rabbinic ethical formation can offer by achieving a rabbinic orientation to the Word.

And how is this transformation supposed to be accomplished in practice? Clearly, to become a fully formed subject, the golem must pass through the creative matrix of rabbinic culture: reading, dialogue, memorization, and its other hermeneutic apparatuses. Like “humility” above, “wisdom” is a theological virtue, grounded in a certain relation to God, but its formative potential can only be realized by these human practices. Even as the text presents these practices, however, it implies that they are distinct and derived from their divine source. Just as rabbinic interpretation is not purely creative but, rather, gives form to God’s Word by amplifying and re-contextualizing it, so too does the rabbinic ethical subject embody wisdom, as mediated by rabbinic norms, yet without attaining it, in Hillel’s famous dictum, “for himself alone”.

We witness the development of this anthropology in this passage’s style, i.e. in the meaningful relation between its form and its content. As Schofer notes (2005: 44), lists like this one comprise a third of the *Avot de-Rabbi Natan* (the next text that we will read). Lists occupy a sizable proportion of *Avot* as well. Beneath their deceptively simple form, in this list as in others, is an anthropology which links divine formation, the formless human, and the rabbinic culture of interpretation which gives form to both.

First, note that this list purports to be “seven things that characterize the golem and the wise man” or, literally, “seven words¹⁰⁸ on the golem and seven on the wise man”.¹⁰⁹ However, all of the statements are about the wise man. “The wise man...” (attributes one through seven are listed). Only in the last line are we told “and the reverse of these for the *golem*”. The rhetorical technique here is clearly to present a virtuous exemplar and to help the audience to envision his behavior. Then, in a deft “reversing” motion (in Hebrew it is just one word), we see someone who does *not* embody these qualities. Second, then, we can say that this list’s style represents a strictly negative rabbinic ethic, both for the *golem* and for the wise man. The *golem* is not the wise man. Rather than possess bad qualities, he does not possess good qualities. He is, like the Psalmist, “yet unformed”, bereft of the discipline and virtue (*mussar* and *middot*) that will shape him in the image of the wise man. The wise man, too, is the embodiment of a negative ethic. He does not speak out of turn; he does not interrupt, hasten, or claim to have heard scriptural interpretations that he has not. He exercises self-restraint, in keeping with the discursive norms of rabbinic culture. Indeed, his sole positive ethical contributions are to respond to arguments in their proper order and to “acknowledge the truth”. In both cases, his wisdom consists in recognizing that the words of other rabbis and of God (as interpreted by rabbis) belong to a higher and intrinsically legitimate order. As an individual agent, his sole task is to find the proper moment (the *kairos*¹¹⁰) when he can interface with this order, thereby contributing to its integral harmony.

¹⁰⁸ The Hebrew root d.v.r. covers “word”, “thing”, “event” and “action” (as Ong valorizes: 2002: 32, 73).

¹⁰⁹ *Avot* 5:7

¹¹⁰ This term, not out of place here despite its Greek heritage, refers, in Foucault’s reading, to the philosopher’s ethical act of timely truth-speaking which rectifies a critical situation (2008: 201, 206-7, 209). In this definition, Foucault is focusing on Plato and pseudo-Plato, especially the *Alcibaides* and the *Laws*. For a much broader semantic overview of *kairos*, see Trédé 1992. In a short but ambitious recent

In line with this negative ethic, this list helps us to picture the formation of a golem not so much as the acquisition of particular virtues or capacities but more as the unlearning of certain innate tendencies. All of these tendencies-- interrupting, speaking out of turn, pretending to possess authority-- point to an ego-centric disposition. As he cedes his individuality to the rabbinic *logos*, the golem will learn to occupy his proper position in the session or “sitting” (*yeshiva*) of rabbinic instruction.¹¹¹ He will begin, as Schofer evocatively says, “sitting in the right place”.¹¹² Gradually, he will acquire a recognition of “the truth”, as embodied by senior colleagues and his own incisive repetitions or additions, both modes of truth-speaking which are framed in the shadow of divine Truth.¹¹³ By placing this Truth at the end of the list, the passage almost implies that the ultimate outcome of this ethical formation will emerge spontaneously, provided that the proper conditions have been maintained. Insofar as a golem has creative agency, then, it is a passive agency. His job is to allow himself to be formed by his cultural role.

Thus we see in the golem of the *Avot*, as in R. Zeira’s censure of the pietists’ golem, that “humility” is a paramount rabbinic virtue with ambivalent implications. It seems that acquiring wisdom is a strictly negative process. The further the subject gets from his innate or habitual tendencies, the closer he gets to the ideal image of a wise man. Humbling his original self is a crucial prerequisite to forming his new one. Even the wise

work, the philosopher Giacomo Marramao applies this idea in order to critique certain phenomenological notions of time and to reflect on the temporalities of history (2007; cf. Baird’s review essay, 2011).

¹¹¹ As Goodblatt contends (1975), this format of a “sitting” with charismatic individual teachers was characteristic of early rabbinic instruction, in contrast to durable scholastic institutions with corporate identities. The latter, he argues, counter to the then-dominant view, did not exist in the Amoraic period.

¹¹² 2005: 41. Bourdieu’s ideas of *hexis* and *habitus* may be useful here (as sketched in J.A. Redfield 2010).

¹¹³ Novick (2009) argues that there was a historical shift within rabbinic culture whereby the validity of received traditions was subordinated to a new idea of truth. As in our discussion of “humility”, however, it remains unclear how this notion of truth should be read in relation to the corresponding ascendancy of rabbinic institutions, viz. whether it was an attempt to broaden rabbinic authority or to keep it in line with the fundamental ideals to which it was subordinate (i.e. divine Truth as, in an important if unstable sense, noumenous, omnipotent, and omnisignificant). More research seems to be needed in this direction.

man whom he will become is, himself, characterized by humility with respect to God's Word. However, there are also positive cultural processes which define and enforce this character-formation. In practice, the most important of these are rabbinic, *not* divine, words-- normative ways of making claims, listening, reading, asking questions, etc. In the *Avot*, these words seem to represent, or even to usurp, the work of divine formation which completes the *golem* and endows him with a "living soul" (*nefesh khayah*). Yet of course the rabbinic text does not foreground its own role in this transformation. So again, as in the Talmud, the virtue of "humility" raises the issue of whether rabbinic virtues are simply recalling or reasserting a hierarchy between rabbinic and divine creativity/formation, or if they are producing and maintaining this hierarchy in order to privilege a culture whose mediating interpretations were gaining growing authority over individuals.

An expansion of this anthropological text on the *golem* and the wise man, which develops precisely this ambivalence, can be seen in *Avot de-Rabbi Nathan*, a text that is closely linked to *Pirkei Avot*.¹¹⁴ In chapter 37, all of the wise man's seven rabbinic virtues, i.e. the limits on his truth-speaking, are expanded through imaginative readings of scripture. Here as in so many texts, we witness the reflexivity of rabbinic interpretation as it calls into question the priority of the divine Word over its own. We will focus on two of the wise man's virtues: (1) not speaking above his station and (2) not interrupting.

(1) "He does not speak before him who is greater than he in wisdom or in age."

In its commentary on this virtue, *Avot de-Rabbi Nathan* adduces a passage from Exodus

¹¹⁴ Contra Strack (1974: 73), who repeats the popular view that *Rabbi Nathan* "may be best described as a Tosephta to the tractate *Avot*", Schofer notes that the base text of *Rabbi Nathan* is "arguably earlier" and that they share a common reservoir of materials (2005: 28). Saldarini (1975: 13) and Finkelstein (1950: ix) concur, both positing an early version of *Rabbi Nathan* prior to the codification of the Mishnah (c. 200 CE).

(4: 28-30) wherein Moses tells Aaron of divinely revealed words and signs, which Aaron reveals to the Israelites. The text commends Moses for his deference to seniority. “Who was really qualified to speak, Moses or Aaron?” it asks, rhetorically, and answers itself:

Surely Moses! for Moses heard [the words] from the mouth of the Almighty, while Aaron heard them from the mouth of Moses. But thus thought Moses: ‘Shall I then speak while my older brother is standing by?’ He therefore said to Aaron: ‘Speak thou’. That is why it is said, *And Aaron spoke all the words that the Lord had spoken unto Moses* (Ex. 4:30). (Goldin trans. 1955: 155).

Clearly, ‘Moses’ stands for the *golem*, the junior rabbinic student, while ‘Aaron’ stands for the *hakham*, the sage senior scholar. Because he allows Aaron to speak in his place, Moses qualifies himself as a *hakham*. In its own cultural terms, then, this reading of the Exodus passage is quite sensible. Senior scholars should be granted the prerogative of giving voice to the divine word. Aaron was directly repeating what he had heard from Moses, whereas rabbinic scholars are repeating oral traditions several centuries removed from the Bible. Regardless, in both cases, human words are framed as a mere *repetition* of the divine Word, rather than as a creative interpretation. This (rather forced) alignment between the Biblical text and rabbinic orality ensures that the human word is subordinated to the divine Word, thereby circumventing any lack of humility on the part of the rabbis. (Between the lines, in more historical terms, we could also read this passage as a rabbinic claim to be the legitimate heirs to the institution of the Israelite priesthood.) So, on the surface at least, the text does not call into question the status of rabbinic interpretation with respect to God. On the contrary: it backgrounds rabbinic interpretive creativity in order to make a point about the value of the authority hierarchy.

However, in its original Biblical context, this is a highly creative reading by the rabbis-- even an audacious one. After all, earlier in this story from Exodus, we were *already given* quite a different reason for Aaron to have spoken in place of his brother:

But Moses said to the Lord, “Please, O Lord, I have never been a man of words, either in times past or now that You have spoken to Your servant; I am slow of speech and slow of tongue. And the Lord said to him, ‘Who gives man speech? Who makes him dumb or deaf, seeing or blind? Is it not I, the Lord? Now go, and I will be with you as you speak and will instruct you what to say.’ But he said, ‘Please, O Lord, make someone else your agent.’ The Lord became angry with Moses, and He said, ‘There is your brother Aaron the Levite. He, I know, speaks readily. Even now he is setting out to meet you, and he will be happy to see you. You shall speak to him and put the words in his mouth-- I will be with you and with him as you speak, and tell both of you what to do-- and he shall speak for you to the people. Thus he shall serve as your spokesman, with you playing the role of God to him. (Ex. 4: 10-16, JPS translation)

According to the original text, it was God, not Moses, who appointed Aaron to speak in his place. It even seems that Aaron was appointed as God’s way of chastising Moses for lacking faith that God would endow him with speech at the appropriate time. Whereas the rabbinic text inserts, like a theatrical aside, the moment that Moses freely chose to have his brother speak in his place (“Speak thou” etc.), in the Bible, this looks like a failure of leadership on Moses’ part. God, irked by his shyness, reconciles matters by reasserting Moses’ prophetic authority, saying literally: “And you will be God to him”.

The obvious way to reconcile the Biblical and rabbinic passages is to suggest that Moses is being deferential rather than tongue-tied, crafty rather than shy. The rabbinic text ‘fills in’ Moses’ motivation, which, in Exodus, is indeed murky. He planned from the outset for Aaron to speak in his place and feigned reticence in order to let God think that he had come up with the idea on his own. This reading is very attractive, especially as it does not force us to assume that the rabbis are simply ignoring the Biblical context, and it tallies with other moments when Moses pulls similar stunts. But the fact that Moses has to manipulate God in order to pay due deference to his senior colleague raises a further problem-- precisely the problem that we have been developing throughout this paper. How does an ethical virtue (“humility”), whose significance looks so transparent, actually affect the text’s message when it is invoked in a culture with a profound

ambivalence about the relation between creation and interpretation, divine Word and human words? In moments when the stakes are, precisely, transmission and application of the Word in human life, how do rabbinic texts use the language of ethical virtues to define and to problematize the rabbis' own role in this process? What do the resolutions of these critical moments seem to entail for individuals and communities?

Here, as in the case of the Talmudic *gavra/golem*, we witness a subtle reversal of the rabbinic text's surface meaning when we consider it in these terms. Whereas R. Zeira, when he destroyed the speechless golem, seemed to be criticizing *any* human attempt to endow a creature with speech and thereby usurp divine creativity, on closer inspection, we saw that this humility was a problematizing gesture on the text's part. R. Zeira was not criticizing the general "iniquity" of hubris as opposed to the general virtue of humility-- he was criticizing a specific group, the *khabayya*, for their arrogance. Further (whether we see them as "academic colleagues", "pietists", or "disciples"), the *khabayya* are clearly representatives of rabbinic culture. Hence, R. Zeira's criticism is not simply a stock repetition of the rabbinic norm of humility but rather an attempt to stabilize the boundary between rabbinic and divine authority at its weakest link-- speech, the *logos*, which, due to the bi-directional nature of the oral Torah, both connects and distinguishes between the rabbis and God, with all the attendant potencies and perils.

Quite similarly, in the passage that we have just analyzed about Moses and Aaron, what looks like simple praise of Moses' humility is also a subtle reflection on the practical priority of rabbinic over divine authority. This is true in two senses. First and most obviously, in order for the rabbinic Moses to be valid, that is, humble with respect to his older brother, we have to read the Biblical Moses as insincere. Moses' choice to let

Aaron speak contravenes what God clearly wanted him to do. Second, the fact that God not only allows Aaron to speak, but is even spoon-fed this idea by Moses himself, implies that the rabbinic seniority system has trumped the norm of directly revealed divine speech. After all, in light of the rabbinic text, God's original question and our epigraph ("Who gives man speech...is it not I, the Lord?") no longer has any self-evident answer. The rabbinic response seems to be, "Um, yes, but..." God gives speech to Moses, who, like a humble rabbi, passes it off to Aaron. Aaron repeats it for all Israel (the Jewish populace). Everyone gets the message in the appropriate manner-- not directly from God. Yet perhaps the most brilliant thing about this fragment of *Rabbi Natan* is that it has selected a Biblical passage in which the rabbis' mediating role, though clearly opposed to God's initial intent in the Exodus story, retroactively appears to be sanctioned by the story itself. After all, it is God who emphasizes that Aaron is a legitimate spokesman for Moses, just as Moses is a legitimate spokesman for God. God even emphasizes that he will "put words in the mouths" of Moses and Aaron. Yet of course God never says that the words spoken are anything but his Word. This allows the rabbinic source to preserve a generative cultural distinction between the human mediators and the divine message, even as it argues for the privileged status of its own media outlet and the divinely sanctioned merit of its internal hierarchy. In this light, rather than idolatrous, God's remarkable instruction to Moses ("You will be his God") is, in fact, a deft integration of rabbinic interpretation with the divine Word.

This overall schema is expanded in the commentary that *Rabbi Natan* offers on the second virtue of the wise man as opposed to the golem: "He does not interrupt his fellow's speech". Again, the text stages a theatrical aside, starring Moses and Aaron. In

this case, Aaron is shown exercising restraint and not interrupting Moses-- even though Moses is subjecting him to public and misguided criticism. As in the previous expansion of the *Avot* text by its interpellation of a Biblical proof-text, this passage involves two readings. It begins with a simple gloss on the Biblical source, wherein the appropriate rabbinic norm is confirmed. Then we have an anecdote (or several) wherein the text stages a dialogue between the Biblical characters (Moses & Aaron, Abraham & God).

In the gloss, the text recalls a passage in Leviticus where Moses criticizes Aaron for, he wrongly assumes, improperly observing the laws of sacrifice. The details are not very relevant. What is important is *how* the parties to the dispute conduct themselves.

[Aaron] kept quiet until Moses finished what he wanted to say, and Aaron did not say to him, 'Cut thy words short'. Only afterward did he say to Moses... (Goldin trans. 1955: 155).

Although he is senior to Moses (and hence, following the previously cited passage of *Rabbi Natan*, he has every right to dismiss Moses' little diatribe as impertinent), Aaron is not over-hasty to defend himself but waits until Moses has finished his argument. Thus, as in the previous passage, where he was figured as a senior *hakham* to Moses' junior *hakham*, here, Aaron behaves like a good *khaver*, the Hebrew form of Aramaic *khabrayya* (colleagues, sorcerers, pietists, disciples). As Idel noted above, one *designatum* of *khaver* is a rabbi who meticulously follows the rules of Jewish law. In Moses' criticism, what is precisely at issue is whether or not Aaron has followed these rules. The Biblical text itself confirms that Aaron is a *khaver* in this first, rabbinic sense. It further confirms that Aaron is a *khaver* in a second rabbinic sense: a good colleague. His collegiality is shown by his patience and reluctance to shame Moses by correcting him in public.¹¹⁵ In fact, the rabbinic text sketches another aside between the brothers, in

¹¹⁵ As Rubenstein shows, in the Babylonian *yeshiva*, shame was an important practice (2003: 67-80). Here, however, the norms of rabbinic collegiality seem to preclude it. That said, there is no clear indication that

which Aaron draws Moses “out of the midst of the congregation” and lectures Moses on the legal justifications for his action. Again, is it a coincidence that here Moses and Aaron look, not like a good prophet and a good priest, but like two good rabbis?

This transformation of the Biblical source into an example of how not to be a golem-- that is, how to be an ethical subject who fully submits to the rabbinic *ethos*-- yet again evinces a striking reversal. Whereas, in the Bible, God is the standard of behavior, in the rabbinic text, God ratifies and provides a coherent framework for rabbinic standards of behavior. Following Aaron’s legal lecture, the rabbinic text reads, “And Moses agreed with him, as it is said, *And when Moses heard that, it was well-pleasing in his sight* (Lev. 10:20).” Then it adds, almost as an afterthought, “and in the sight of the Almighty too” (!) God is pleased that the rabbinic dispute has been properly resolved, in a manner consistent both with His laws and with rabbinic ethical norms. Yet it is clearly the anthropological/horizontal order of rabbinic norms which took practical precedence in bringing the conflict to a resolution, by setting the terms on which it should be conducted.

This reversal is even more evident in another rabbinic elaboration of the same principle (“he does not interrupt his fellow’s words”), when Abraham begs God to spare the city of Sodom. Here, God fills the Aaron slot, where Abraham stands in for Moses, the slightly less wise interlocutor. Abraham bargains with God to save Sodom, while God waits patiently for him to finish, knowing that he will not succeed. “Yet the Holy One, blessed be He, waited for him to finish,” the text reminds us, even noting that God was courteous enough to bid Abraham farewell. Although of course God is upheld as a

for the rabbis, had Moses been correct, he would have been wrong to shame Aaron in voicing his criticism. We may speculate that there is a correlation between the degree of stabilization of corporate authority-- the rabbinic institution’s sense that its collective arguments are binding-- and the legitimization of shaming as a discursive practice. By analogy, tough cross-examination is valid for the sake of the judicial process, not as a referendum on the moral status of the mere witness herself (though, for the witness, it may feel that way!)

moral exemplar, it is of *rabbinic* social norms. God is good in this case, not *a priori*, but because He acts like a good rabbi. Of course, reciprocally, the passage suggests that rabbinic norms are, in a sense, derived from God's character, and hence they are further legitimated as a mode of *imitatio dei*. Yet the textual form in which they are presented grants priority to the rabbinic norms as articulated prior to, and independent of, God's behavior. God literally follows the presentation of the figure of the rabbinic "wise man" in the text, just as He follows the wise man in His actions.¹¹⁶ Again, we see that "humility" is an ambivalent virtue which both portrays the subordinate posture of rabbis *vis a vis* God and suggests the practical priority of authority in the rabbis' own culture. As if to drive the point home, this chapter of *Rabbi Natan*, having unpacked all the cardinal virtues of a wise man, concludes as follows: "So too the Holy One, blessed be He, acknowledged what is true, as it is said, *And the Lord spoke unto Moses, saying: the daughters of Zelophehad speak right* (Num. 27:6)" (Goldin trans. 1955: 157). Even God is not above the Truth-- a Truth which, in the wake of rabbinic interpretation, may have more to do with proper speech and argumentation than with divine fiat.

As a final anthropological interpretation of the golem, which further expands our most recent discussion and further broadens the golem's ethical significance beyond its modern legendary variants, let us glance at an influential commentary on the very same passage of *Avot* by the medieval Jewish philosopher Maimonides (1135-1204). As in the rabbinic sources, the most apparent feature of Maimonides' reading is that he assimilates

¹¹⁶ In Rashi's commentary on the same Biblical exchange between Abraham and God, we see a similar role-reversal. As Rashi notes, Abraham shames God, twice saying, "Far be it from you" (*khalilah l'cha, khalilah lach*) to destroy Sodom, because, Rashi explains, "it profanes you" (*kholin hu lach*). Rashi is playing on the root "profane" (*kh.l.l.*), which he hears in Abraham's etymologically distinct utterance. Does not this "profanation" of God (with respect to human norms!) further attest to the ascendant authority of rabbinic mediation that we have described above?

the “wise man” to his own project, subsuming this figure within his systematic and rationalistic ideals (the mammoth outlines of which cannot, of course, be retraced here). For example, in his description of the wise man (as opposed to the golem), Maimonides splits the wise man’s seven virtues (*ma’alot*) or major principles (*ikarim g’dolim*) into sub-categories: moral virtues (*middot*; see our reading of Schneerson above) and intellectual virtues (*shachliyyot*). He then deploys these sub-categories to, on the one hand, counterpose the wise man to the figure of the “sophist” and, on the other, suggest that the wise man thinks like an Aristotelian (for instance, he does not mix up formal causes with efficient causes, or physics with mathematics).¹¹⁷ In this drive for lucidity, the wise man borrows from rabbinic discursive norms (answering truth-claims in the proper order, citing correctly, etc.) Yet for Maimonides, the fact that he does so implies not that he is a good rabbi but that he is a good rationalist! Hence one could say of Maimonides’ *Avot* what Dolgopolski has recently said of Maimonides’ Talmud, viz. that it aims to “rewrite the Talmud through the lens of philosophy”.¹¹⁸ While affirming rabbinic norms for good speech and good thinking, Rambam transposes them to his own system and counterposes them to the traditional Other of philosophy: rhetoric.¹¹⁹ The most evident consequence is to re-imagine the world as populated by clean, well-lighted categories and truth-procedures. Subjects are ethically valued insofar as they re-enforce or embody this clarity. Both the intellectual and the moral virtues are means to this end.

But what about the golem, the figure who somehow falls short of these virtues? When we consider the role that Maimonides lends to this less-than-ideal ethical figure, it

¹¹⁷ 187-9 (Hebrew).

¹¹⁸ 2010a: 275.

¹¹⁹ Dolgopolski (2010b) treats the Talmud/rhetoric/philosophy relationship at length, through a reading of R. Itzhak Canpanton, casting new light on the enthymatic structure of Canpantonian “speculation” (*iyyun*).

becomes clear that he is engaged in something more subtle than a wholesale importation of traditional Jewish ethical types into his own system. In fact, Maimonides is more interested in the particularities of the golem than is the rabbinic *Avot*, and he accords a greater range to its meaning. Whereas the *Avot* uses the golem to argue for a bipolar and strictly *negative* ethic (the golem is the “reverse” of the wise man, everything he is not) Maimonides has a five-tiered ethical typology, in ascending order:¹²⁰

1. The *bur* (literally “pit”-- cognate with English “boor”) = “empty”, “uncultivated”
2. The *am ha’aretz* (“countryman”-- in pejorative sense of Gm. *Landsmann*¹²¹) = “bumpkin”, “ignoramus”
3. The *golem* = “unfulfilled”
4. The *hakham* = “wise”
5. The *chasid* = “pious”

Whereas, in the cultural matrix of traditional rabbinic learning, the golem was at the bottom of the heap,¹²² here, *golem* is a liminal category, between the morally superior and the morally inferior. Indeed, far from a simple didactic opposition between wisdom and folly, we are dealing with a broader spectrum of “fullness” or “fulfillment”-- the verbal root for this concept, sh.l.m. (as in *shalom*) being one of the most salient in this passage. Hence, to understand how Maimonides treats the *golem* image, and to discern in greater depth how he transforms the rabbinic *golem* of the *Avot* and *Avot de-Rabbi Natan* into an vehicle for his own thought, we must see how it is located in this overall schema.

First, the *bur* is purely devoid of both intellectual and moral virtues, both wisdom and discipline. Hence he is, Maimonides says, like an “uncultivated field”, as can be analogically clarified by reference to the agricultural order of the Mishnah (*Zeraim*). The human *bur* is “likened to a field that has not been seeded by anything, no way, no how--

¹²⁰ 187-8 (Hebrew); the editors have provided further helpful notes on these terms.

¹²¹ As Agamben notes (2005: 46), this term is alluded to by Kafka’s “man from the country”, in his famous parable *Before the Law*. Cf. Bruce 2007: 101-2 for biographical background of Kafka’s use of the term.

¹²² In a broader view of the rabbinic corpus, this is not the case-- harsher things are said about the *am ha’aretz*, the *minim* and the *apikorsin*, e.g. that they have no portion in the world to come (Sanhedrin 90a.)

and this is what is termed a ‘*bur*’ [field] ¹²³’. Hence, the lowest rung of this moral ladder is the least defined and most empty of all moral content.

The next-highest, the *am ha’aretz* or “ignoramus”, has moral virtues but not intellectual virtues; that is, as Maimonides says, “he has *derekh erez* but he does not have Torah”. *Derekh erez* is an important category of rabbinic ethical literature (several verses of the *Avot* and two eponymous texts are dedicated to it).¹²⁴ Here, this polysemous term means something like “proper comportment”.¹²⁵ So the *am ha’aretz*, unlike the totally vacant *bur*, seems to know how to behave, yet he is unstudied and uncultured. *Prima facie*, this is a bit odd. Is Maimonides implying that one can know how to be a good person without knowledge of the Torah? And, more disturbingly, that this is an advance over being simply a boorish *tabula rasa*? Beyond the obvious theological issue, this raises a textual problem: it seems to directly contradict the aphorism, earlier in the *Avot* (3:21), that without *derekh erez* there is no Torah and vice versa-- a verse on which Maimonides remains conspicuously silent. But before we label it a secularizing move on Maimonides’ part, we should consider the original polemical meaning of the term *am ha’aretz* in rabbinic sources, where it serves in large part, as Daniel Boyarin says, “the formation of rabbinic identity over-against Others who are Jews, the so-called ignorant, the Am Ha-aretz” (1998: 74). In many sources (e.g. Sanhedrin 90a), the much-reviled *am ha’aretz* does not seem to be much worse than a non-rabbinic Jew, an Israelite who for whatever reason has not taken it upon himself to follow the unfolding *halakhah*. Hence it is the rabbis, not the *amei ha’aretz*, who end up looking hysterical when they insist that if

¹²³ 187 (Hebrew). Rambam is referring to *Peah*, the division of *Zeraim*, where such a deliberately fallow field is mentioned (2:2). Clearly, in the original Mishnaic context, the term has no evident ethical sense.

¹²⁴ *Derekh erez Zuta & Rabbah*; cf. Schofer 2003: 204-5 and references, as well as Schofer 2010: 57-63.

¹²⁵ It can also refer to earning a living, sexual intercourse, everyday worldly action, and common sense. See Kadushin 1938: 117-30 and Safrai 1991.

you give your sacrifice to an *am ha'aretz* priest he will perform it improperly and die. Yet to the contrary, in Maimonides' view,¹²⁶ these “ignoramus” are quite useful: they provide manual labor and companionship for the rabbinic elite, which would otherwise be isolated. Hence, rather than an anti-Torah gesture, Maimonides' valuation of the *am ha'aretz* here seems like an anti-rabbinic gesture, or at least like an attempt to modify this elite's claims to exclusive authority. Here, for Maimonides, the central point of the *am ha'aretz* is thus that, in his additive typology of moral virtues or series of ethical figurations, he makes space for a non-rabbinic way of being-- inferior in some respects, yet not as clearly lacking in humanity as the rabbinic sources would have had us believe. For this figure of the “ignoramus” is not so much contradicted as it is developed when we proceed to the golem, a human who embodies both intellectual and moral virtues-- both *derekh eretz* and Torah-- yet who remains somehow deficient. As this deficiency is not due to lack of the *am ha'aretz*'s ignorance, let alone to the *bur*'s total vapidness, the questions to ask as we encounter Maimonides' revision of the golem are: What is the ideal which develops this series such that each figure follows from the next, if, as we have seen, it is neither secularism, nor rabbinism, nor dry “philosophical” rationalism? What is the *telos* of this moral typology, in which the golem serves as pivot and fulcrum?

“Golem”-- this is a man for whom there are [indeed] intellectual virtues and moral virtues, [yet] these are not fulfilled and do not follow in the proper order. Rather, there is a motley mixup [*'rbuv'ya*] and hubbub [*bilbul*] and flummoxing [*hitarev*]¹²⁷; a deficiency. And this is why he is called “golem”: in order to liken him¹²⁸ to a utensil that is made by a craftsman which has a completed form but is deficient in fulfillment

¹²⁶ See Davis 2009: 157 n. 66

¹²⁷ *Hithpael* form of *'r.v.*, “to mix, confuse”. According to Jastrow (1110) this form, though grammatical, does not appear in pre-medieval Jewish religious literature. As the other verbal forms *are* attested, one wonders why Maimonides selected this one. Perhaps he wanted to emphasize the reflexive sense of what it is to be a golem (“to mix oneself up”) which could indeed be loosely associated with the *hithpael* form.

¹²⁸ Here Maimonides uses a visual mode of comparison (a common word meaning “image, likeness”). The editors (187) gloss it using a linguistic mode of comparison (*nimshal*, “to compare parabolically”), but in fact, the visual seems to be more salient here, given the reference to “molten utensils” (*kelim*) that follows.

and perfection [*tikkun*]. Like the slaughtering-knife and the execution-sword¹²⁹ when the smith makes their “golems” [*golmam*, emphasis in original] and gives them their forms [but] before he polishes them and sharpens them and smoothes them and he engraves on them what he usually engraves and he completes their perfections. What they are called before this [stage] is “golems of molten metal utensils”, as was made clear in *Utensils* [12: 6].¹³⁰ And this is a Hebrew word, “Your eyes saw my *golem*” [Ps. 139, *supra*], that is to say, my clay [*khomer*], before the giving of human form to it. And just as this has not reached the form in its fulfillment, they called him “golem”, to liken him to a clay which is found ready to receive another form and be brought to greater fulfillment.

At first, it is clear neither why Maimonides is using these terms to describe the golem, nor how this figure fits into his typology. We can show, however, how the form and content of this passage re-enforce each other and exemplify the underlying moral norm and ethical function that this short text performs within his project. First and foremost, Maimonides’ golem, to a greater extent than any we have examined thus far, enacts a synthetic integration of many different-- not evidently compatible-- iterations of the golem in Jewish tradition. The psalmic golem, with the (historically debatable) meaning of “unformed substance”, is invoked. So is the *golem* of Genesis, i.e. Adam, who was formed from “clay” (Maimonides uses the Biblical word here).¹³¹ Hence the Talmudic destruction of the golem (“Return to your dust”) is also invoked, albeit elliptically (Maimonides’ golem is in a process of formation, not destruction). Next, the (para-Aristotelian?) notion floated in several *midrashim*¹³² that a *golem* represents an intermediate stage between body and ensoulment, and thus lacks “perfection” (*tikkun*) in order to become fully human, is also referenced. Further, two Mishnaic passages (not

¹²⁹ True, one could simply translate these utensils as “knife” and “sword”, as David (1968: 103) has done. But it must be salient that both terms appear almost solely in the contexts of their specific, sacred, rather gruesome uses-- especially given that Maimonides had other perfectly good words for the same things available to him. Perhaps the simplest explanation is that he chose words with dramatic flair for the sake of illustration-- after all, this entire sentence is hardly essential to his otherwise sober exposition.

¹³⁰ This refers of course to the Mishnaic division *Kellim*, more usually rendered as “vessels”, “implements”, “artifacts” or even simply “objects”. For the sake of continuity, “utensils” is used here. Just as in Maimonides’ reference in the same passage to the Mishnaic corpus *Zeraim*, the specific meaning of the word *Kellim* is invoked at the same time as the corpus as a whole is referenced. This metonymic move further supports our proposal (see below) that Maimonides’ interpretation here is “synthetic” in nature.

¹³¹ Davis renders this as the generic/philosophical “substance”; a legitimate interpretation, in the light of Idel’s claim that what Maimonides means is Aristotelian *hyle* (1990: 301), but not a faithful translation.

¹³² See p. 24-5 above

counting *Avot*) are explicitly cited-- in fact, both of the titles of whole sections of the Mishnah are here connected to the meaning of the golem, as if this minor figure had suddenly acquired a metonymic importance for the core text of rabbinic oral Torah. Further, regarding the *Avot* itself, of course the reference to intellectual virtues recalls the rabbinic insistence on study in order to transform a golem into a wise man. It is also possible that an esoteric text (*Sefer Yetzirah*) is alluded to in Maimonides' repeated mentions of "engraving", which, in *Sefer Yetzirah*, is a magical action performed with letters in order to create, among other things, an artificial being.¹³³ (The term *tikkun*, which describes the proper or "perfected" order of magical elements (letters), is also used in *Sefer Yetzirah*.) Last but not least, as Idel notes,¹³⁴ *golem* serves Maimonides as a surrogate Jewish category for Aristotle's philosophical term for formless matter: *hyle*.¹³⁵

Despite the diversity of these many antecedents, the second remarkable feature of Maimonides' golem is that, as he synthesizes these different strands of the Jewish textual tradition, he gives this figure an ethical salience which, itself, praises this very synthesis. His golem is not well-ordered, not complete, not perfect, and not fulfilled with respect to authoritative Jewish and philosophical sources-- yet it provides an occasion for Maimonides to be all of these things. Hence, the golem *qua* ethical figure is doubled by the "golem" *qua* term: both index a disordered plenitude, crying out for order and integration, which only a masterful systematizer like Maimonides can provide. Indeed, in its very unruliness, the golem both transgresses and transcends the virtuous ideal that Maimonides had assigned to the wise man. To be sure, the wise man follows the forms

¹³³ See Kaplan's discussion of this term (*chakak*) in *Sefer Yetzirah* (1997: 13-14).

¹³⁴ 1990: 301

¹³⁵ The same Rabbi Loew who is associated in the popular imagination, and by Wolpe, with the golem, *did* use the word "golem" in *this* sense in his *derekh khayyim*; see Sadek's analysis, 1987: 87-9, where he states (unconvincingly) that this may be the historical reason for the association between R. Loew and the golem.

of rational discourse; yet the golem embodies the fragmentary contents of its truth, culled from the underbelly of tradition, striving for supersession and fulfillment in a whole that tradition too will provide. The wise man is a good Aristotelian; the golem is a real Jew.

(3) Conclusions

Typically, academic and scientific readers today expect a conclusion to restate what has already been said and to underscore its importance. In this model, an implicit contract between author and reader states that the author will try to make her text easily digestible for the reader, who, in turn, will swallow her claims whole and be able to regurgitate them, even if they ultimately prove to be unpalatable. The conclusion is also the place to settle any other accounts with the reader-- to follow up on promises made earlier in the text, for example. In this brief conclusion, this norm will be adhered to, but only up to a point. Readers are asked to attend both to our point of divergence from this usual recipe and to our substantive/methodological assertions. To make our story short, we have pursued three general truth-claims about the golem in Jewish religious tradition.

(1) The term *golem*, and what Jewish religious sources think of the golem, are unclear. Here we have followed Idel in according to the golem a polychromatic and multivalent sense, rather than Scholem, who spoke in brilliant but reductive terms of “*the idea of the golem*”.¹³⁶ However, we could (very) tentatively depart from both titanic scholars by trying to accord a more concrete positive significance to this *lack* of clarity about the golem. We could for instance contend that, rather than a transparent symbol of human creation and its pitfalls (in the Faustian sense) this cipher, “golem”, has been and remains a privileged way for Jewish ethics to pose the logically and ontologically prior

¹³⁶ This is just one example of a basic tension that characterizes Idel’s ongoing struggle with Scholem. See Wolfson 1992 and 2007: 144-9 for lucid synopses of this struggle and Idel 1988: 11-12, 22-24, 32-34 for statements that suggest the breadth and force of his own position.

problem of what it means for a human to be incomplete, ill-formed, improperly arranged, imperfect, immature, ignorant, unprepared, uninitiated, unfulfilled; in the words of the Hebrew grammarian Gesenius, *res convoluta...materia rudis et informis, nondum elaborata*.¹³⁷ The ethical significance of the *golem*, in this sense, is about the tricky process of finalizing the form of an unfinished self, about the relation between creator, creation, and God that it entails, and about the collective practices of interpretation by which this relation is mediated (see (2) below).

The contrast between this *golem* and the modern popular legend of the Maharal of Prague's "Joey Golem" could hardly be more clear. Joey Golem lacks some features-- especially speech and common sense-- but this lack is no more of an ethical problem than a broken microwave is. He is like a robot; his defects are embedded in his programming, perhaps by design in order to distinguish him from humans, who *do* have ethical problems.¹³⁸ Yet even if we consider the tale's human protagonist (the Maharal himself), the author Rosenberg, like Wolpe himself, takes it for granted that the Maharal is solely righteous. Hence, the "ethics" of this modern *golem* is predicated on an unquestioned assumption that both creation and creator are *already* complete. No ethical problem here. Further, the Maharal's *golem* was *already* designed for a purpose that the audience found perfectly laudable-- to protect the Jews from persecution. There is not even an ethical issue at stake in this creation's intended use. At worst, then, this is no "ethics" at all but a self-justifying loop which leaves the *golem*'s ambivalent, liminal status untouched. Even at best, it reduces ethics to a technical problem of management ("How do we control a

¹³⁷ In Mueller 1919: 13.

¹³⁸ To pose this very contrast is precisely the ethical significance given to the *golem* by cybernetics pioneer Norbert Wiener, who wrote, in *God and Golem, Inc.*, "the future offers very little hope for those who hope that our new mechanical slaves will offer us a world in which we may rest from thinking" (1964: 69).

powerful but potentially volatile creation?") In either case, it is far from Wolpe's stated ethical project-- to pose the universal human problem of what it is to be good and to act well, with reference to a specific religious tradition.

(2) Nor, as we have argued, is this the only project that belongs under the banner of "Jewish ethics". Rather, our second truth-claim is that "universality" and "generality" are distinct, often opposed, projects. Universality is, nominally speaking, impossible, due to the historically and culturally variable sense of what counts as a relevant "universe". Further, even if we accept the terms of a particular universe as given-- which scholars, unlike clergy, should do provisionally if at all-- we can only maintain its universality by grounding it an ultimate value-sphere that is impenetrable by empirical truth. A claim to *generality*, on the other hand, renders ethical values in Jewish religious sources open to scholarly inquiry, debate, and verification (which are, themselves, ethical values). Scholarly procedure may be, as in this essay, to identify an ethical problem that is posed by a *datum* of Jewish sources, to show how it varies across texts and contexts, to generalize about the reason for these differences, and to draw conclusions about the salience of our generalization today (see (3) below). Or we may select another procedure. Regardless, our generalization is not a universal principle that is neither refutable nor demonstrable; nor does it reduce ethics to a morass of mere facts. Rather, it is our choice to impose our own order upon a meaningful disorder that we did not choose. When we make this choice, we simultaneously re-order the tradition and subordinate ourselves to it. By thus struggling with a tradition's only partly tractable contents, we can give ourselves new form.

In the case at hand, how has this struggle culminated? As we have shown, the ancient sources do not presuppose what the golem is or can do; they focus more on what it is not and cannot do (at least not yet). Given that the golem is in formation, yet somehow lacking, the ethical problem is, *What would it mean for it to be more perfect or more fulfilled?* Naturally, this problem also reflects upon the golem's human creator, particularly insofar as it relates this creator to his own Creator. However, neither golem nor human creator is created *ex nihilo*. The relation between human, golem and God is mediated by a collective context of interpretive practices. This context constrains human creativity according to a particular ideology, yet it also makes creation possible by giving it a method and a goal, instructing it how to reconcile its defects and achieve fulfillment. This context is more or less specifiable depending on the text but in no case is it totally opaque. Our general assertion is that this context's ideological horizon¹³⁹-- the tacit yet necessary assumptions that the text demands of us in order to interpret its contents, especially the text's assumptions about the nature and proper use of language-- is the main factor which states how this formless form, the golem, should be completed, and which thereby determines its ethical meaning.

In all of the texts that we have surveyed, this claim has been borne out. Each text implies that, on the one hand, the problem is the golem's formlessness, and that, on the other, it should be formed in a way which is consonant with the proper power of words and/or texts. Recall that the "golem" of Psalms is seen by God, in secret, but the psalmist does not tell us what it is. Perhaps, given the numerous difficulties surrounding the term itself, he no longer knows. In any case, his golem is a nascent phase of his becoming. Yet he mentions it not in order to say that he is still incomplete or unknown but, on the

¹³⁹ We refer to the Husserlian sense of the term "horizon" (see Redfield 2011: 7-9, 15-16 and references).

contrary, to assert God's power as the ultimate *homo faber* and *homo sapiens*. Even if we do not learn what "golem" means, we learn something more important: that God does. Similarly, in medieval sources, Adam is a "golem" at an inferior stage of his creation (whether the embryo or the stage between embodiment and ensoulment). Yet, rather than lament this liminal state, medieval Jewish mystics intervene in it and open up the possibility of *imitatio dei* (emulation of God) through their own linguistic mediation. In the Talmud, conversely, the golem's creator is blocked from emulation of God, so the golem is a mute organism, easily decomposed to the "dust" from whence he, like Adam, came. Yet the fact that his creator could not give him speech does not solely indicate human fallibility in contrast to God; nor is it solely a theological gesture of humility. It may also reflect the opposite-- both tensions between rabbinic sub-groups (the *khabayya* vs. whomever R. Zeira represents) and a concern to preserve the binary between God and the rabbis as the rabbis' interpretive authority was on the rise. Hence the Talmud's golem is both an Other of the rabbis' discourse and a buffer between the rabbis and God. Its lack of speech is a symptom of the rabbis' use of language both to assert their authority (as interpreters of the divine word) and to limit it. Elaborating upon this complex schema, in the rabbinic ethical literature, we see that the golem is a novice student, still waiting to be formed by rabbinic institutions and their discursive norms. Yet rather than form him in the image of the divine text that they will empower him to interpret, this golem provides an opportunity for the rabbis to be even more openly creative. They make God into a rabbi, who, like a good golem, listens before speaking and admits to the truth. Even if it is His own truth, God must be mediated by the norms of *rabbinic* discourse in His experience of it. Finally, in Maimonides, the golem is all

these things and, by association with the Mishnah, more-- molten metal, fallow field, country bumpkin-- even, surging forth from this chaotic surplus of ethical potential, a wise man. Yet no single sense of the term determines Maimonides' interpretation. Rather, it is the very cacophonous plentitude of his "golem" which testifies to his true aim: to systematize the sources of traditional Judaism in the unvarnished mirror of rationalistic philosophy. His reading of the golem is metonymic of this larger project-- in giving order and form to the golem, he re-enforces his norm of order and form itself.

Thus we see that the ethics of the golem is indissociable from the ethical question proper; to phrase it in the first person, *How should I live?* or, in the third person, *What role does the individual subject play within his/her collective context?* Nor, it shows, is ethics a one-way street. In posing the problem of the golem, the texts reflect upon their own contexts and ideological horizons-- upon the constraints which give them meaning.

(3) Finally, let us come full circle to this essay's critical framing *vis à vis* contemporary Jewish bioethics and our promise to deliver the golem's timely relevance to the reader. Here is our point of divergence from the script. *What does this all have to do with biotech?* the reader may be asking. *Why am I reading about ancient texts when I just want to know what Judaism says about cloning and recombinant DNA?* The easy answer to these questions is that several authors, most admirably Byron Sherwin, have already drawn on the golem in order to answer these questions from the standpoint of normative Jewish ethics.¹⁴⁰ The more difficult but more true answer is that, if the reader is still asking these questions, s/he should read our essay again. The shift in focus that it proposes is not solely from the modern to the ancient sources but also, and more

¹⁴⁰ In addition to Sherwin 2004 (cited above), see Sherwin 1982: 51-5 for his general view on the Maharal's relation to Jewish mysticism. For a philosophical history of the golem in relation to Faust, see Neher 1987.

importantly, from normative ethical statements to a careful analysis of texts in their socio-ideological context, which does not, however, relinquish a claim to ethical significance.

This shift has supported three conclusions regarding the golem's salience to Jewish bioethics today. First, as was stated at the beginning, "the" tradition of Judaism does not speak with one voice, nor is it a value-free decision when some positions are included and others excluded. This is obvious; less obvious are the procedures by which those decisions are made. They affect not only to the texts that are cited or neglected but also, more importantly, how those texts are read-- whether they are mined for their didactic morals or, as in our approach, probed for cultural tensions around their margins. Modern Orthodox authors such as Sherwin and Zoloth are to be commended for performing exclusions and readings consistent with their position, but it is symptomatic of the institutionalized strictures surrounding their work that they or others who actively identify with the normative tradition are consistently nominated as better representatives of Jewish bioethics than, say, a Christian Hebraist, an ethnically Jewish atheist, or an anti-Zionist Orthodox Jewish cultural critic, all experts on the same sources. The golem thus exemplifies a more general point about Jewish bioethics: if more voices were included, then different (or fewer) lines could be drawn between the ancient sources and modern Judaism, opening a new view of "the" Jewish perspective on bioethical issues.

Second, more importantly, "relevance" itself is profoundly relative. Today we take it for granted that "biotechnology" refers to genes, clones, and stem cells. In most of Western history, however, "biology" has not occupied such a distinct position in the

overall scheme of knowledge and being.¹⁴¹ True, there have long been attempts to qualify the special nature of life-- Aristotelean entelechy, for instance¹⁴²-- but at least in Judaism's classical literature, "life" is inseparable from other *logoi*, especially theology and anthropology. Hence it is anachronistic to try to make the golem relevant to "biology". Similarly, the question of the golem and "bio-technology" is a red herring, as it isolates "biological" creation from the creative interpretations, the theological premises, and the ideological horizons which, for the authors of these texts, were principal preconditions for their meaning. Therefore, if there is a "bio-technology" on which Judaism does shed light, it is perhaps the most potent technology in world history: the text, with its various functions (biological, spiritual, etc). When we look at it this way, maybe we should consider the relevance of "biology" to the golem rather than vice versa.

Lastly, as we have seen, ethical virtues in Jewish sources are more ambivalent than they appear at first reading. Virtues and vices that are clearly defined as such (the main *modus operandi* of normative bioethics) are sometimes less persuasive or pervasive than the process by which they unfold in a given text. The ethics *of* the text is more potent than the "ethics" *in* the text. For example, in Maimonides' reading of the golem, he uses this traditional ethical figure of disorder in order to give new order to a vital, organic tradition. His picture of the golem subtly re-enforces the will to systematicity that is the hallmark of his thought. If we were not attending to this relation between form and content, we might simply say, "Maimonides says the golem is X". *How* he says it, however, betrays a deeper aim. This doubling of the golem's explicit ethical significance

¹⁴¹ Cf. Foucault 1966: 275-292 for a pathbreaking view of how modern "biological" knowledge developed.

¹⁴² *De Anima* Book II.

with its implicit discursive or rhetorical function is, arguably, its most continuous feature in all of the texts that we have surveyed, from the Bible onwards.

Applying this last insight to our own essay, it would seem that our basic points, denuded of their critical and interpretive contexts, are boring, cliché, and obvious. It is boring to argue that authors, including contemporary Jewish bioethicists, are mainly determined by their ideological horizons, both as a constraint upon what they can say and as an enabler of its meaning. It is cliché to suggest that rhetoric matters, not only as a way of conveying meaning but also as a way of creating it. And it is obvious that texts, words, and interpretations are the primary technology of many classical Jewish sources, therefore that comparisons to modern technology should take this difference into account.

Yet somehow, in the landscape of Jewish bioethics today, where Jewish voices are recruited into many important projects of science, government, and technology, these correctives may be helpful, if only as a check on too-smooth translations between contexts and the asymmetrical relations of power/knowledge that they may elide. Furthermore, this argument will hopefully be provocative rather than merely critical. After all, contemporary ideological contexts like the Presidential Commission on Bioethics are more easily investigated than ancient ones, and their bearing on textual interpretations is rather less mysterious. So if there are flaws in these contexts-- as evidenced by the relatively constrained scope of what can be said in them-- then surely every participant would like to diagnose and remedy these flaws. In the case of religious ethicists, rather than accept the identification that is assigned to them and predicate their ethical claims on its basis, perhaps they should re-situate themselves contextually, along with their sources, and see what happens. When they do, they may contribute (as this

essay proposes) not to a “Jewish bioethics” in which the essential definitions of both terms are already taken for granted, but to an “ethics in context” (an as-yet-nonexistent field), in which the language game is to determine, in one’s own context, what the ethical stakes are and conversely, given certain ethical problems, how the context affects them. This contribution even stands to resurrect the ethical problem of the golem that we have described-- the problem of how to inhabit a shared form of life. In short, there is no reason that we necessarily have to chose between the knotty alternatives of Psalm 139: *golmi* (“my unformed substance”) versus *gmulai* (“my reward”). As golems in both senses, we can form ourselves by interpreting the past, only to find that in so doing, we have re-imagined a shared future.

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