



Volume 7
Number 1 *Autonomy, Community, and the
Jewish Self*

March 2012

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Recommended Citation

Maoz, Daniel. "The Chimes of Freedom Clashing." *Journal of Textual Reasoning* 7, no. 1 (2012): 44-56.
<https://scholarworks.wm.edu/jtr/vol7/iss1/3>

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THE CHIMES OF FREEDOM CLASHING

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Human actuality is socially constructed. As such, social reality places limitation and demand on all individuals who engage in it. While many feel that there is or should be escape from such constraint, resistance is truly futile. It is this inevitability that creates a perplexing problem for humans centering on the issue of human freedom. When examined from a sociological or philosophical perspective with the added contextualization of religion, as is done in Hannah Hashkes' paper, "Autonomy, Community, and the Jewish Self," the matter becomes increasingly complex. The need for a nuanced response is equally heightened. From the perspective taken in the study, Hashkes rightly identifies a community's "hold" on its constituent membership, set against individual "faith," as a means to measure personal freedom with a subsequent requirement to distinguish between reasoned individualistic autonomy and community curtailment of the same.

One difficulty that arises from any attempt to situate a matter issuing forth from any social construct located within the framework of Jewish life or religion is the obvious challenge to "capture" the essence of either. In

¹ The title of this essay refers to Bob Dylan's "Ballad in Plain D," *Another Side of Bob Dylan*, Columbia Records, 1964.

this respect, connotation tends to trump denotation—that is, practically speaking, Jewish life and Judaism are better described than defined. While such assessment of human freedom and community, constraint may properly demand distinct delineation; neither Jewish life nor Judaism as a religious phenomenon is monolithic and, therefore, no single expression of either can be used as a prototype for analysis. Within Jewish life, a number of templates militate against homogenous assessment (atheist, humanist, secular); the same consideration can be applied to Judaism (Orthodoxy [of a number of stripes], Conservatism, Reform, Reconstructionist). Complicating the religious aspect, Judaism has a complex transmitted literary corpus that includes oral and written revelation, legal and non-legal “rulings” on revelation, and codes and responsa that capture local and temporal community expressions of the same. The body of literature considered legally non-binding, the aggadot, comprises hundreds of extant texts in scores of collections. Although non-binding, the aggadot provide the mortar to hold the building blocks of legally binding rulings in place. Without the aggadot, halakhot transmit coldly, insensitively, and to a large extent ineffectually to a diverse community of individualistic members. And far too many interpretations derived from the aggadot exist that have, throughout the centuries, traditionally clarified various matters of halakhic matters for us to deny the aggadot their rightful hermeneutic role in Judaism proper, thus playing more than a supporting role to halakhic cast members. And yet too often the aggadot either lose their voice in the midst of halakhic expression or, worse, are expected only to find expression when they offer confirmation, substantiation, or expansion to halakhic rulings. While one might grant the former where aggadic passages are imbedded within a collection largely comprised of legal rulings and traditionally labeled as a halakhic body of writings (Mishnah, Talmud), many more collections of purely aggadic material exist that can be appraised to have their own voice, together with a purpose separate from and at times superseding a mere backing up of the halakhot.

It is for this reason that I have chosen to let the aggadot respond to Hashkes’ paper. My present goal is to let the aggadot have their own

voice, and in so doing to learn what the aggadot think about the question of human freedom set in the context of religious community. Because the stated context of Hashkes' paper, that of religious community, is the ordinary context for all references in the aggadot, I feel no need to recontextualize any references I draw from the aggadic corpus or to reapply their statements to a religious setting. What becomes clear by adopting this methodology is the certainty by which the aggadot address the matter at hand—apart from any subsequent layer of consideration applied thereafter to bring the aggadot in line with the halakhot. It is, in my opinion, a neglected methodology wherein each aggadic expression is expected to have its own voice—a voice with merit of its own—whereby resultant opinions warrant their own valuable effect on Jewish thought and life. While there are many warnings within Jewish religious tradition to the contrary,² the following study will advance the possibility that the aggadot have a valid and relevant perspective to offer to this and other important critical discussions.

I. Collocation of Human Freedom and Social Compliance in Jewish Literature

In juxtaposing community compliance with individual freedom, traditional texts of Judaism, especially the two Talmuds and the Hebrew Bible, appear to substantiate Hashkes' thesis that the concept of individual freedom persists both as an enduring and perplexing idea. In the Babylonian Talmud, for example, a well-known passage in the ethics of the fathers, *Pirkei Avot*, underscores this in quoting Hillel who is said to have commanded his students, "Do not separate yourself from the community; do not believe in yourself until the day you die."³ From this it

² M. Pirkei Avot 3:15: "Rabbi Elazar the Moda'ite said: 'One who profanes sacred things, one who disgraces the major holy days, one who humiliates his neighbor in public, one who invalidates the covenant of our father Abraham, or one who reveals faces of the Torah that are not in accordance with Halakhah – even though he may engage in Torah and even though he performs good deeds – he has no share in the world to come.'"

³ M. Pirkei Avot 2:5.

would be easy to argue that traditional Judaism as a religious construct demands resolute obedience, staunch conformity, and deep devotion to God. Set against this call to compliance, the following statement is ascribed to Hillel earlier within the same Talmudic tractate: “If I am not for myself, who am I?”⁴ Consideration of one’s own well-being is an equally valid tenet of traditional Judaism.

In the Tanakh, each of its three units enforces devotion to community as well as appeal to individualism in a prescribed path of obedience. The Torah’s mandate to “love the Lord your God with all your heart, and with all your soul, and with all your strength”⁵ is framed grammatically in the second person singular (“you”). This call beckons the individual to exercise free will as a means to obey God. The Nevi’im (Prophets) extend the call of allegiance as well as warn against disobedience in pre-exilic, exilic, and post- exilic periods of biblical history. For example, Jeremiah warns his pre-exilic contemporaries, “If you⁶ say, ‘We will not dwell in this land,’ so that you do not obey the voice of the Lord your God...the sword which you fear will overtake you.”⁷ The Ketuvim (Writings), too, abound with similar examples. Innumerable psalms and proverbs appeal for the individual to “trust in the Lord with all your heart, and do not incline to your own understanding...do not be wise in your own eyes.”⁸ Two paths of interpretation of texts such as these allow a reader liberty to posit biblical support both for individual choosing and for community consent, thus highlighting the tension well noted by Hashkes. Proponents of the latter must wonder how the prophet, as a channel of God, can invite his contemporaries to “come, let us reason together.”⁹ For one reader this injunction may mean “think for yourself,” while for another it can be “by

⁴ M. Pirkei Avot 1:14.

⁵ Deuteronomy 6:4.

⁶ Here the collective plural is applied, implying community conformity.

⁷ Jeremiah 42:13-17.

⁸ Proverbs 3:5-7.

⁹ Isaiah 1:18.

putting your mind to these matters logically and reasonably you will undoubtedly arrive at a point of agreement with God and thereby be ready and willing to submit to God's will and way of thinking and acting." I liken the latter approach to someone who encourages others to think critically so that they will arrive at the same conclusions as all other critical thinkers.

II. Why the Aggadot?

Alternative voices embedded in aggadic and targumic texts within Judaica contain a multiplicity of expressions: those that agree with each other while finding divergent ways to express their concurrence of thought (subsequently identified as "polyvocalic" expression), and those that arrive at different conclusions, whether by taking similar paths or not (hereafter referred to as "polyperspectival" communication). Targumic literature more closely represents a common understanding of biblical texts—a contemporary explanatory paraphrase, in many instances delivered during a synagogue service after the weekly Hebrew Torah reading by a *meturgeman* ("translator") speaking in a more colloquial Aramaic language. Both the aggadot and the targumim reinforce at times and at other times challenge the status quo. Connotative literature, aggadic midrash in particular, addresses the topic of individual freedom uniquely and in a number of different ways.

This secondary corpus of Judaica has a distinct voice of its own that sets itself against Judaism's more familiar voice expressed by the two Talmuds, Bavli and Yerushalmi, as well as by halakhic material that denotatively lays out ground rules for living out the daily "walk." The aggadic material at times imaginatively and creatively offers practical resolution to life's challenges that are sometimes set in motion by the halakhot themselves. At other times, aggadic discussions allow problems to remain unresolved, reflecting the reality of everyday life.

The role of the aggadot has changed considerably from the rabbinic period until today. In antiquity, rabbinic authorities who were masters of

aggadah garnered the deepest respect from their halakhic counterparts.¹⁰ While records indicate that masters of halakhah and masters of both aggadah and halakhah existed as well, aggadic masters provided the imaginative and creative spark that sometimes eluded halakhists when dealing with more obscure matters:

Shimon ben Yehotzadak questioned R. Shmuel bar Nachman. He said to him, "Based on what I heard about you, that you are a master of *aggadah*, how was light created?" The learned (R. Shmuel) replied to him (R. Shimon): "The Holy and Blessed One enveloped Himself completely in it (i.e., light), and the brightness of His adornment illuminated the world from end to end." He (R. Shmuel) spoke to him (R. Shimon) in a whisper.¹¹

Further to this, aggadic and halakhic inspiration and expression were said to derive from a common source that transmitted equal weight of authority.

III. Aggadic Consideration of Human Freedom

In first demonstrating the integral and authoritative voice of aggadic texts, rabbinic tradition could include aggadic perspective apart from halakhic correlation. This was accomplished by any means of apt metaphors. In one instance, for example, they played with the terminology of Scripture: it appears either to be mistranslated or to contain a secondary or hidden layer of communication. Drawing from the notion that the aggadot bear weight comparable to that of Scripture, Mishnah, and Talmud, they elicit a metaphor of "faces":

"The Lord spoke with you face (*panim*) to face (*panim*)" (Deut. 5:4). The first *panim*, being a plural, implies at least two faces, and the second *panim* implies at least two more faces. Thus a total of four faces, referring

¹⁰ Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia, PA: University of Pennsylvania Press, 2004), 4. However, see also Eugene B. Borowitz, *The Talmud's Theological Language-Game: A Philosophical Discourse Analysis* (Albany: SUNY Press, 2006) 10-13.

¹¹ M. Tehillim 104:4.

respectively to *Miqra* (Scripture), Mishnah, Talmud, and Aggadot: a rapt face for Scripture, an impartial face for Mishnah, a friendly face for Talmud, and a joyous face for Aggadot. The Holy and Blessed One said to them, "Even though you see all of these different countenances, I am the Lord your God."¹²

Not only is divine correspondence delivered through an aggadic literary medium considered valid, it is, relative to the other three "faces" in question, the joyous and therefore welcome and welcoming expression of the Holy and Blessed One.

Based on an understanding that the aggadot are divinely delivered messages, their voice is set free to establish moral and ethical boundaries that, while non-legally binding, represent the heart of Jewish religious tradition (the heart of the divine).

The essential nature of the aggadot cannot be more reinforced than by comparing it to a life-essential element such as water. In making this analogy the rabbis were able to show human need for the aggadot. In their day, one would readily associate water with that which sustains daily life; today we can add our scientific knowledge of its necessity to retain a proper balance within one's individual body chemistry.

As indispensable as food and water for human existence, the Talmud and aggadot were equally essential for spiritual life. Commenting on a passage from the prophet Isaiah,¹³ the Talmud includes affirmation of the high value of aggadic material with a statement of its own self-worth: "'All the food supply'—these are the masters of Talmud, 'and all the water supply'—these are the masters of *aggadah*, who draw the human heart with *aggadah* as water."¹⁴ The tension between human freedom and community obligation finds subtle, albeit preliminary, expression in the words of a fourth generation amora, Rabbi Meir, who comments on the bookends of our human condition: birth and death. A person enters this world filled with individualistic aspiration, independent will, and the

¹² Pesikta de-Rav Kahana 12:25.

¹³ Isaiah 3:1.

¹⁴ B. Haggigah 14a.

strength to cut a unique path in life. At life's end, however, comes the realization that nothing substantial or lasting was gained:

"It has been taught in the name of Rabbi Meir: When a person comes into the world the hands are clenched as if to say, 'All the entire world is mine. Now I shall acquire it.' And when a person goes out of the world the hands are wide open as if to say, 'I have acquired nothing from this world.'"¹⁵

This lesson addresses a level of futility associated with the notion of human freedom. Since none escape death,¹⁶ by extension, those who pursue a path of human freedom have a similarly discouraging end awaiting them. It still lacks direct application to the second element of our consideration. For this we turn to other aggadic teachings.

Free as the human will may appear, Judaism as a religious system encourages application of control from a person's childhood, thus forcing its boundaries on unwitting and unconscious subjects. Considering an agricultural setting with figures that would be familiar to the listener, one effective means of community control is set in motion: "If you do not teach the ox to plow in his youth, it will be difficult to teach him when he is grown."¹⁷ Suppression of individualism at an early age increases the likelihood that the person will adjust to community norms thereafter. Yet, while of a surety the Holy and Blessed One sees and knows all, Jewish tradition insists on the contrasting, obviously paradoxical notion that it provides an environment that ensures the exercise of human freedom: "Everything is foreseen and everything is laid bare. Yet everything is in accordance with the human will."¹⁸ As perhaps a concession more than an

¹⁵ Kohelet Rabbah 7:4.

¹⁶ Three names do appear in the *aggadot* in reference to those who cheated death. See Bereshit Rabbah 24:21: "'And all the years of Adam-those which he lived-were 930 years.' Three people cheated the Angel of Death out of gaining power over their souls, and they were Adam the protoplast, Jacob our ancestor, and Moses our teacher."

¹⁷ Midrash Mishlei 22.

¹⁸ Avot de Rabbi Natan 1:39. Rewards for the proper exercise of human freedom, the Mishnah continues, are determined in direct relationship to deeds of obedience that are carried out voluntarily: "Everything is foreseen, yet freedom of choice is given; the world is

explanation, the rabbis drew on the human body as analogous to this tension:

Levi said, ‘Six organs serve humans—three are under their control and three are not under their control. The ones under their control are the mouth, the hands, and the feet; the ones not under their control are the eyes, the ears, and the nose. And when the holy and blessed One wishes it, even the ones under their control are no longer under their control.’¹⁹

This text may unwittingly address the paradox, however, as we can see the mind of the rabbis in action relating to a context (the human body) wherein voluntary and involuntary functions coexist naturally. The mouth, the hands, and the feet are not hindered from acting freely, while concurrently the eyes, the ears, and the nose must receive that over which they have little to no control. This metaphor may provide a *crux interpretum* for our discussion. Certainly, it offers an insight into the minds of those who framed a Jewish tradition that consciously abides the paradox of human freedom and community compliance.

Further to rabbinic treatment of free will in the aggadot, it appears that the sages saw little good arising from humans who respond to life believing they are captain of their own ship:

Rabbi Yitzhak bar Tavlai asked, “What is the significance of cedar wood and hyssop for the leper?” They replied to him, “You were proud like the cedar and the Holy and Blessed One humbled you like this hyssop that is crushed by everyone.”²⁰

The rabbis contrasted human arrogance with humility, those whose will is their own with those who take upon themselves the yoke of God’s will and way.

Returning to Hashkes’ tension, the aggadot appear to presume a kind of futility with respect to human freedom. But the futility may be less related to the paradox of freedom set within a limiting framework, namely

judged with goodness, yet all is in accordance with the amount of deeds.” (M. Pirkei Avot 3:19).

¹⁹ Tanhuma, Vayyikra 10. See also Bereshit Rabbah 67:3.

²⁰ Midrash HaGadol, Metzora 14.

religious community, than as it relates to the nature of community and the manner in which the community limits are understood and carried out. Again, for clarification of this point we turn to another aggadic text:

A heron used to sing in the house of his master. While he sat and dined, the heron would sing. Presently the master brought a young hawk into the house. When the heron saw it, he fled under the bed, hid himself, and would no longer open his mouth. The master came in to dine and asked a member of his household, "Why doesn't the heron sing?" He was told, "Because you brought a young hawk in on him, he has ceased to sing out of fear. Remove the young hawk, and the heron will sing again."²¹

When fear or any other game-changing element enters into the equation, whether it be fear generated by imposed limitation or by any other means, the freedom that was experienced to that point ceases to express itself, whether by negative choice or by positive incapacity. However, at the point when that which elicits fear is removed, the preceding free expression returns—or at least the situation that allows for and safely houses free expression returns. It can, in the textual illustration provided, be equally argued that the freedom of the hawk entered into a collision course with the freedom of the heron. Where two freedoms cannot co-exist, a different kind of dynamic with its own set of questions arises.

At the same time, freedom may escape the full impact of imposed or circumstantial containment, leaving it—momentarily, at least—in a free state. Of course, in each hypothetical situation where we place human freedom, we are begging an important question that remains outstanding and will be addressed hereafter. But, in returning to the conjecture that places human freedom in a kind of safety zone, we hear the voice of the aggadah once again:

²¹ Aggadat Bereshit 58. Imposed fear is a type of oppression. Oppression, I believe, may be the only true antonym to the concept of human freedom in that human freedom can only exist in the absence of oppression. To this point, the *aggadot* speak: "Surely oppression turns a wise man into a fool. ... R. Yehoshua ben Levi said: 'I learned eighty *halakhot* from Yehudah ben Pedayah concerning a grave which had been ploughed over, but through being occupied with the needs of the community I forgot them all.'" (Kohelet Rabbah 8:7)

A bird hunter caught a bird and was about to catch a second when that bird perched itself on a king's statue. At this, the hunter stood still, perplexed, and said to himself: If I throw stones at her, I will forfeit my life, and if I try poking at her with my stick, I am afraid I might strike the king's image. I don't know what to say to you, [birdie], except that you fled to a perfect place and made good your escape.²²

IV. Limited Human Freedom

Some sociologists have employed the concept of "limited good" to describe society.²³ While the terminology intends to focus on aspects of society that are good, it equally recognizes that such a notion, while abundantly and irrefutably demonstrable under certain conditions, is an artificial abstraction that—for the sake of analysis—represents a limited, albeit contextually valid, state of affairs. Such "a cognitive orientation provides the members of the society it characterizes with basic premises and sets of assumptions normally neither recognized nor questioned which structure and guide behavior in much the same way grammatical rules unrecognized by most people structure and guide their linguistic forms."²⁴ Some scholars of religion have applied this analytical construct to their own areas of research with varying degrees of success and critical acceptance.²⁵ For example, unqualified pronouncements made in former times and places as definitive or explanatory of intellectual notions may no longer obtain in subsequent places or times. Thus the concept of "limited good" may extend to a notion of "limited absolute," wherein absolutes in one period of history and geographical or social context may be for those involved a true absolute, but for people in subsequent times

²² Shemot Rabbah 27:6.

²³ For a discussion of the sociological category of "limited good," see George M. Foster, "Peasant Society and the Image of Limited Good," *American Anthropologist* 67 (1965): 293-315.

²⁴ *Ibid.*, 293. I am indebted to David Bossman for pointing out this sociological category, this citation, and scholars' adaptation of Foster's theory to religious text in his presentation at a session I chaired on *Jewish Midrash and Early Christian Literature* at the 14th World Congress for Jewish Studies, 2005: "Paul's *Halachot* on Male Sexuality in a Limited Good Society."

²⁵ Jerome Neyrey and Richard L. Rohrbaugh, "'He Must Increase, I Must Decrease' (John 3:30): A Cultural and Social Interpretation," *Catholic Biblical Quarterly* (2002): 464-483.

and situations, whatever was considered absolute may no longer be perceived to be or even manifest itself to be true.

In our case, by extension, the aggadot seem to suggest that it may be possible to consider a notion of limited freedom wherein a person truly experiences—emotionally, psychologically, spiritually, or physically (or any combination of or even all of the above)—freedom as they and/or others understand freedom. Yet this “freedom” may be set in a socially limited context.

Such perception and derivation of “reality” may require a complex reception and understanding of the notion of human freedom. Contrarily, it may only demand a simplicity that analysis may easily overlook. Again, the aggadot may help us get past or at least live with this paradox:

Why was Yaakov worthy of a life without suffering and without an evil inclination, what God will give to the righteous in the world to come? Because he habitually sat in the synagogue from his youth until his old age and was versed in the Miqra and in the Mishnah, in the *halakhot* and in the *aggadot*, as it is written (Gen 25:27), “Yaakov was a simple man, dwelling in tents.”²⁶

How is the concept of human freedom able to co-exist with this manner of reasoning? Contemporary literature has popularized the wrestling with this very tension. For example, Whyte’s concept of “groupthink” advanced in 1952 was applied by Janis²⁷ to social psychology studies at Yale in the early 1970s and popularized by Bradbury in his novel *Fahrenheit 451*. In the novel, it was incumbent on each individual to arrive independently at thinking about important aspects of life in a way similar to that of others in society. Janis argued that groupthink—a vehicle for societal homogenization that promised cohesion and mutual benefit through unanimity and consensus—achieved false consensus, non-critical reception of ideas, faulty decisions, and minimized conflict.

²⁶ Eliyahu Rabbah 5.

²⁷ Irving L. Janis, *Victims of Groupthink* (New York: Houghton Mifflin, 1982). *Groupthink: Psychological Studies of Policy Decisions and Fiascoes* (New York: Houghton Mifflin).

V. Aggadic Resolution

It has been said that the aggadot, by nature, are free of obligation;²⁸ this makes them a more likely literary candidate for textual engagement than the halakhot when considering freedom of human thought and action. Their tendency to open up discussions rather than close them, to provide a variety of vantage points capturing the heart and mind of current disputes and disagreements,²⁹ invites discussion of such matters and encourages both polyvocality and polyperspectivity.

In the end, I am left with an inescapable question: when limitation is imposed on human freedom, does human freedom retain or lose its essential nature, i.e., that of being free? I find myself, paradoxically, satisfied to a limit, further begging the question: am I, then, in any real sense of the term, “satisfied,” or might satisfaction, too, lose its qualifying identity when limits are imposed upon it?

²⁸ Hyman Elias Goldin, *The Book of Legends: Tales from the Talmud and Midrash* (New York: Hebrew Publishing Company, 1929), iii-v.

²⁹ David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, MA: Harvard University Press, 1986) 139.