

RELIGIOUS PROTEST AND RELIGIOUS LOYALTY¹

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Abstract. In the accepted view, the basic disposition of believers is one of absolute obedience, humility, and lack of critique, doubt, or, indeed, defiance of God. Only through such a disposition do believers convey their absolute faith and establish the appropriate hierarchy between God and humans. This article challenges this view and argues that, in mainstream rabbinic tradition, the believer is not required to renounce his or her moral autonomy and certainly not his or her understanding of God and the world. Indeed, faith rests on such understanding; moreover, human autonomy is the mechanism through which humans convey God's goodness and perfection. Their questions and criticism are part of a persistent effort to close the evident gap between their assumptions about God's goodness and the flawed imperfect reality. The analysis focuses on rabbinic tradition but its implications go beyond it, presenting a model of a life of faith that compels subjects, as believers, to preserve their constitutive foundations as rational autonomous creatures.

I. INTRODUCTION

The accepted view, both within religions and in their scholarly study, is that loyalty to God entails an obligation of absolute obedience. Confronting or criticizing God is forbidden and viewed as a failure to recognize absolute divine authority — anyone questioning divine authority is no longer a believer. This was the view of John Calvin, who wrote: “The Lord, in delivering a perfect rule of righteousness, has reduced it in all parts to his mere will, and in this way has shown that there is nothing more acceptable to him than obedience.”²

Calvin's stance does not reflect mainstream Jewish tradition, which hardly leaves room for demands of complete submission. In Jewish thought, the only representative of this position is Yeshayahu Leibowitz, who assumes that the duty of obedience places believers at the very heart of the confrontation between their own values and beliefs on the one hand, and God's command on the other. According to Leibowitz, this conflict conveys the deepest meaning of religious life that, in his view, is embodied in the *aqedah* — the binding of Isaac: “the highest symbol of the Jewish faith is the stance of Abraham on Mount Moriah, where all human values were annulled and overridden by fear and love of God.”³ The *aqedah* is a paradigm of God testing human loyalty. Abraham is asked to perform a specific act — sacrifice a son — that is opposed to his human and moral conceptions on the prohibition of murder. Obeying or disobeying God's command is the litmus test of the believer's loyalty. Following Abraham, believers must renounce their standing as autonomous subjects endowed with ethical and normative fullness and become receptacles to be filled with God's will and commands.

This view is directly connected to another, touching on the place of morality in Jewish tradition.⁴ If Jewish religion recognizes the autonomy of morality, requiring believers to give up their human values

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2 John Calvin, *Institutes of the Christian Religion*, ed. Henry Beveridge (WM. B. Eerdmans, 1994), 319.

3 Yeshayahu Leibowitz, “Religious Praxis”, in *Judaism, Human Values and the Jewish State*, ed. Eliezer Goldman (Harvard Univ. Press, 1992), 14.

4 This issue is discussed at length in Avi Sagi, *Judaism: Between Religion and Morality* (Hebrew) (Hakibbutz Hameuchad, 1998).

in the name of loyalty to God is unacceptable. Believers must rest their faith on a set of autonomous moral values while restricting, as far as possible, the potential conflict between morality and God's command. By contrast, if Jewish religion assumes the theory known as "divine command morality," stating that God's command is morality's source,⁵ this notion of loyalty becomes plausible. In what follows, we shall examine the scope and meaning of protest within the Jewish tradition, and in so doing, explore the meaning of the duty of religious loyalty, and the type of religiosity derived from it.

II. THE MEANING OF PROTEST

Elie Wiesel mentions the view of loyalty advanced by his teacher, Saul Lieberman, who was the twentieth century's most distinguished talmudic scholar:

What I learned from him [Saul Lieberman] is what, of all my knowledge, I value most. He made me aware that to be a Jew is to place the greatest store in knowledge and loyalty, that it is because he recognizes divine justice that he speaks out against human injustice. That it is because a Jew remains attached to his God that he is permitted to question Him. It is because the prophets loved the people of Israel that they admonished them and reprimanded their kings. Everything depends on where you stand, my master used to say. With God anything can be said. Without God nothing is heard. Without God what is said is not said.⁶

The importance of the Wiesel/Lieberman statements lies in the exact formulation of the relationship between religious loyalty and protesting against God. The protest is neither a stand against God nor a rebellion against his authority but rather the opposite: protest upholds God as a God of justice and thus rejects evil and iniquity. Neither created nor legislated by God, justice is a divine characteristic and thus independent of God, who will abide by it in his actions. Since justice is autonomous, humans can recognize it too, as is evident, above all, in their identification of God as just, which would not be possible if they lacked an independent concept of justice. Furthermore, were humans unable to differentiate between good and evil or between just and unjust, "what means would there be of distinguishing the true God from the false God of Zoroaster?"⁷ Only the ability to recognize justice and to identify God as just enables humans to know that they are indeed worshipping God. Championing justice and protesting evil, then, is standing up for God. Religious protest thus becomes the fundamental gesture of faith.⁸

R. Yehiel Weinberg (as presented by his disciple, R. Abraham Aba Weingort) offers a radical analysis of protest as a moment of choice between continuing to believe, and giving-up faith. In the Babylonian Talmud (henceforth TB), tractate Hagigah 15b, we read that R. Meir had continued to study Torah with his teacher Elisha ben Avuyah, who had repudiated Halakhah and had been stigmatized as *aher* [other]. The Talmud then reports that the prophet Elijah tells Rabbah b. Shila that the Holy One, blessed be He, "utters traditions in the name of all the rabbis but not in the name of R. Meir, because he had learned Torah from *aher*." Trying to explain R. Meir's action, Elijah claims: "R. Meir found a pomegranate, ate the fruit, and threw away the peel." The Talmud later states that God changed his view and did present R. Meir's stance, but R. Weinberg found this explanation problematic:

And our rabbi [R. Weinberg] challenged this. The claim against R. Meir is not that, God forbid, he had learned heresy from *aher* but that he had learned "Torah" from him. Since we are also forbidden to learn

5 For an analysis of this theory, see Avi Sagi and Daniel Statman, *Religion and Morality*, trans. Batya Stein (Rodopi, 1995).

6 Elie Wiesel, *All Rivers Run to the Sea: Memoirs* (Alfred A. Knopf, 1995), 380.

7 Gottfried W. Leibniz, *Theodicy*, trans. E. M. Huggard (Open Court, 1985), 95.

8 In this context, note the term coined by N. Verbin — "the knight of protest," who is contrasted with Kierkegaard's knight of faith. See Nehama Verbin, "Three knights of faith on Job's suffering and its defeat," *International Journal of Philosophy and Theology* 78, no. 4–5 (2017). Verbin refers to Kierkegaard's model of the knight of faith as the "knight of loving trust" (385–88), but this interpretation does not appear to fit Kierkegaard's concept, certainly not the one he developed in *Fear and Trembling*. See Avi Sagi, "The Suspension of the Ethical and the Religious Meaning of Ethics in Kierkegaard's Thought," *International Journal for Philosophy of Religion* 32, no. 2 (1992). See also Avi Sagi, *Kierkegaard, Religion and Existence: The Voyage of the Self*, trans. Batya Stein (Rodopi, 2000), 155–62.

Torah from one who changed it and interpreted it, what is the meaning of the answer claiming that he ate the fruit and threw away the peel?⁹

R. Weinberg seeks to answer this question by attempting a new analysis of the moment that led Elisha ben Avuyah to lose his faith, which is reported in the Talmud (TB Kiddushin 39b):

Elisha ben Avuyah saw a father telling his son “Ascend to the loft and bring me young birds,” and he ascended to the loft, dismissed the mother and took the young, and on his return fell and was killed. The reward for fulfilling these two commandments — to respect your father and your mother and to dismiss the nest — is to prolong one’s days. The son fulfilled both these commandments, and “where is this man’s happiness and where is that one’s prolonging of days?” And because of these thoughts, he became *aher*.¹⁰

According to R. Weinberg, the moment of Elisha’s loss of faith captures faith’s deepest foundations. Rather than an atheist who does not believe that God exists, Elisha ben Avuyah loses his God precisely because he had believed.¹¹

Only one for whom faith is alive and fills his heart could be hurt by this sight, because his soul tells him that the Torah is a Torah of life and that the Creator feeds the whole world, from the horned buffalo to the brood of vermin (TB Avodah Zarah 3b), and that “all his ways are justice. A God of faithfulness and without iniquity, just and upright is he” (Deuteronomy 32:4). One for whom faith is as “the chattering of the starling” and does not feel in all his limbs that all is as God says, is not shocked by anything. Even the sight of the wicked swallowing up those more righteous than themselves (according to Habakkuk 1:13) “passes him by” without hurting him, not necessarily because of his great faith and trust but rather because he is not a great believer. “Ate the fruit” — the great faith that led Elisha to be shocked by what he had seen, that is what R. Meir absorbed, but “threw away the peel” — the conclusions drawn by *aher* he threw away. Indeed, it was precisely by looking at the world that he reached a purer and deeper faith.¹²

The believer’s moment of critique may be the moment of loss of faith, the moment when faith could be shattered when confronting a reality that denies it. Nietzsche resolutely stated, “The one who loved and possessed him most has now also lost him most.”¹³ Zarathustra’s interlocutor, who gradually comes to understand his viewpoint, then concludes: “O Zarathustra, you are more pious than you believe, with such disbelief! [...] Is it not your very pioussness that no longer allows you to believe in a god?”¹⁴ Trust in God’s justice and righteousness could bring the believers’ world down on them when they are exposed to evil and iniquity.

According to R. Weinberg, Elisha ben Avuya, like Zarathustra, lost his faith precisely because he had believed. Weinberg seeks to draw a distinction between the correct religious pathos driving Elisha as opposed to his conclusions. The believer’s religious expectation is correct — justice should prevail in the world since God is just, and this pathos conveys the nature of the faith in the God of Israel. In this interpretation, the “fruit” of the parable does not denote the Torah but the believer’s inner stance. Elisha bears within himself “the fruit,” the inner foundation of Jewish faith. Criticism and protest are an authentic expression of religiosity, even if they involve a risk. Grappling with this risk, however, should lead to their channeling into the religious discourse itself rather than to their rejection.

R. Eliezer Berkovits, Weinberg’s disciple, systematically develops the intuitions that appear in Weinberg’s text and turns them into the basis of his religious philosophy.¹⁵ According to Berkovits’ analysis of biblical and rabbinic literature, belief in God is not a claim *that* God exists but a belief *in* God — an attitude of trust and confidence in God. The Bible never raises the question of God’s existence: “The entire story of the Exodus shows that what the children of Israel doubted was whether God was really

9 Yehiel Y. Weinberg, *Li-Frakim [At Times] (Hebrew)* (2003), 1.

10 Weinberg, *Li-Frakim*, 11.

11 For the distinction between atheism and loss of faith, see Avi Sagi, *Prayer After the Death of God: A Phenomenological Study of Hebrew Literature*, trans. Batya Stein (Academic Studies Press, 2016), ch. 2.

12 Weinberg, *Li-Frakim*, 11.

13 Friedrich Nietzsche, *Thus Spoke Zarathustra: A Book for All and None*, ed. Adrian D. Caro and Robert Pippin (Cambridge: Cambridge Univ. Press, 2006), 210.

14 Nietzsche, *Thus Spoke Zarathustra*, 212.

15 Eliezer Berkovits, *With God in Hell: Judaism in the Ghettos and Death Camps* (Sanhedrin Press, 1979), 118.

concerned about their plight, whether He was indeed leading them.”¹⁶ The focus of faith is the relationship between God and humans and its concern, therefore, is whether humans can trust God. The believer feels that, even though he walks through the darkest valley, he fears no evil for God is with him, and his God will neither betray him nor mislead him.¹⁷ Faith, then, is “reliability, trust, faithfulness.”¹⁸

This view of faith entails obvious implications for the centrality of the critical discourse about God, and Berkovits understands the strong connection between them. Following are two sharp formulations of his view. In one place, he writes: “He who has faith, when he questions, doubts; he who trusts, when he questions, makes demands by virtue of the life of the relationship in which he stands.”¹⁹ Elsewhere, Berkovits presents a religious response that attempts to contend with the terror of the Holocaust:

The “reasoning” with God is a need of faith; it issues from the very heart of faith. [...] Faith, because it is trust in God, demands justice of God. It cannot countenance that God be involved in injustice and cruelty, and yet, for faith God is involved in everything under the sun. What faith is searching for is, if not to understand fully, at least to gain a hint of the nature of God’s involvement. This questioning of God with the very power of faith stands out as a guidepost at the earliest beginnings of the Jewish way in history. Abraham wrestled with God over the fate of Sodom and Gomorrah. [...] The man of faith questions God because of his faith. It is the faith of Abraham in God that cannot tolerate injustice on the part of God. [...] There is no weakening of faith here. On the contrary. It is the very power of the faith that lends force to the accusation. [...] Because of his faith Job cannot accept a defense of God that implies an insult to the dignity of the God in whom he believes.²⁰

Berkovits, as noted, takes as his starting point that faith is literally trust and confidence in God.²¹ This trust is not only the basis of the attitude toward God but shapes the basic disposition toward existence in general. In Felix Weltch’s formulation:

This trust targets everything, the world in its all-encompassing meaning. It is supposed to be the bedrock of my life, my support in any conceivable situation; it must be a response to all perplexities, a resolution of all doubts, an answer to every question.²²

This basic trust, however, is particularly tested when the ideal expectation conflicts with reality. Some people may then lose their trust in God and in the world and develop a pessimistic stance vis-à-vis reality, and many experience at that moment the death of God.²³ Others choose the ideal and prefer metaphysical answers, a problematic stance because it leads its supporters to growing detachment from real existence: they “do not know the depths and the terrors of life, nor the abyss and the despair of human feeling; everything fuses for them into one optimistic mix.”²⁴

A third response negates the religious legitimacy of criticism itself. This attitude is found, as noted, in Leibowitz. For Leibowitz, criticism distorts God’s image and affronts the religious obligation. The theology underlying this critique, argues Leibowitz, views God as a means serving human ends, “a heavenly functionary meant to fix up human affairs, or humankind.”²⁵ Faith is for him the recognition of God’s absolute otherness and of the obligation to obey halakhic commandments. Leibowitz’s believer rejects the direct and intimate connection with God and approaches faith as actually the opposite — a recognition of the unbridgeable gap between believers and a transcendent deity.²⁶

16 Berkovits, *With God in Hell*, 114–15.

17 See also Eliezer Schweid, *To Declare that God is Upright: Theodicy in Jewish Thought* (Hebrew) (Tag, 1994), 7–14.

18 Berkovits, *With God in Hell*, 116.

19 *Ibid.*, 126.

20 Eliezer Berkovits, *Faith after the Holocaust* (Ktav, 1973), 68–69.

21 See also Felix Weltch, *Gnade und Freiheit: Untersuchungen zum Problem des schöpferischen Willens in Religion und Ethic* (Kurt Wolff, 1920), 7–9.

22 Weltch, *Gnade und Freiheit*, 9.

23 For a detailed discussion of this experience, see Sagi, *Prayer After the Death of God*, ch. 2.

24 Weltch, *Gnade und Freiheit*, 34. See also 34–45.

25 Yeshayahu Leibowitz, “An Outline of the Jewish Religion Problem in the State of Israel (Hebrew)”. In *Judaism, the Jewish People, and the State of Israel* (Schocken, 1976), 91.

26 In a stance resembling Leibowitz’s, Levinas holds that criticizing and questioning God is childish and inappropriate: “The adult’s God is revealed precisely through the void of the child’s heaven.” Emmanuel Levinas, *Difficult Freedom: Essays on Judaism*,

How is it possible to negate the intimate relationship between God and believers who address God directly seeking help for themselves and for the world? Expressions of intimacy are ubiquitous in biblical and rabbinic tradition, allowing Levi to argue against God when his request is not answered: “Master of the Universe, you did go up and take your seat on high and you have no mercy upon your children” (TB Ta’anit 25a). The believer knows that God acts justly. If a natural or human creation does not fit the concept of the good, the believer must take a stand against God — in God’s name. That is the nature of religious protest and criticism.

R. Abraham Yitzhak Hacohen Kook offers a systematic formulation of the relationship between religious protest and God’s image, on the one hand, and the real world, on the other. He relates to the following talmudic passage, which describes Hannah confronting God:

Said Hannah before the Holy One, blessed be He: “Master of the universe, of all the hosts and hosts that you have created in your world, is it so hard in your eyes to give me one son?” [...] Hannah said before the Holy One, blessed be He: “Master of the universe, if you will look, it is well, and if you will not look, I will go and shut myself up with someone else in the knowledge of my husband Elkanah and, as I shall have been alone, they will make me drink the water of the suspected wife, and you cannot falsify your law, which says, ‘she shall be cleared and shall conceive seed.’” [...] “Master of the universe, among all the things that you have created in a woman, you have not created one without a purpose, eyes to see [...] breasts to give suck. These breasts that you have placed in my heart, are they not to give suck? Give me a son, so that I may suckle with them.” (TB Berakhot 31b)

This exchange is ostensibly problematic — Hannah protests against God. And R. Eleazar indeed states: “Hannah spoke insolently toward heaven since we read, ‘And Hannah prayed unto [’al] the Lord.’” R. Eleazar’s reading of the text is seemingly based on the biblical replacement of “to” [el] the Lord with “unto” the Lord. Whereas the expression “to the Lord” denotes a turn to God, the expression “unto the Lord” transforms the meaning of the phrase — from a ritual act of addressing God into a judgment of God for the injustice inflicted on her. The talmudic passage then proceeds to enumerate great believers who uttered accusations against heaven, such as Moses and Elijah, suggesting that their confrontation with God is inherent in the religious discourse and in no way improper. Taaaaaaahis critical discourse is not only acceptable to God and permitted to believers but is indeed a worthy model deserving a divine response and, therefore, the Holy One, blessed be He, “gave Elijah right” (Berakhot 31b-32a) and acted similarly toward Moses — “in the end gave Moses right” (32b).

Rav Kook discerned the positive value assigned to the protest discourse. In his view, these biblical paragons set the model of critical loyalty that religion requires. Explaining the religious foundations of this model with great sensitivity, he contrasts these figures’ passionate craving for perfection with their rational understanding of reality as imperfect:

... they have allowed themselves this holy feeling even though it is not entirely rational, because emphasis on it and on the search for perfection will truly lead us to honor heaven [...] And that is the meaning of “And Hannah prayed unto the Lord,” — her passionate feeling of pouring out her heart in prayer so as to enhance perfection in the world was greater in her than her reason, which remains focused on the apprehension of the Holy One, blessed be He.²⁷

In this analysis, protest and criticism convey the human passion for religious perfection — they are not a stand against God. The religious perfection of humans derives from their perception of God: if God is construed as an arbitrary sovereign, what religious perfection requires from humans is obedience and unquestionable submission. But if religious perfection assumes that divine perfection comes forth in God’s mercy and justice, then God’s manifest perfection becomes the believer’s life task.

ed. Hand Hand (Baltimore, MD: Johns Hopkins Unive. Press, 1990), 143. Levinas approaches criticism and protest against God as clear signs of an atheistic rather than a religious position, which should purportedly override any question or critique. The Torah, as Leibowitz had suggested, replaces God as the only mode of God’s revelation to humanity.

27 Abraham Y. H. Kook, *Ein Ayiah: On the Rabbinic Legends in Ein Yaakov* (The R. Zvi Yehuda Kook Institute, 1995), 139 (9). See also 140 (42), 150 (77).

Evelyn Underhill elaborates on the significance of this assumption: “The character of worship is always decided by the worshipper’s conception of God and his relation to God — whatever its ritual expression may be, it always has a theological basis.”²⁸ Rav Kook’s stance is clear: God is a perfect being in the classic philosophical sense of this perfection — he epitomizes righteousness and justice. Constituting life on righteousness and justice is thus a life task for believers, who take as their working assumption the correlation between their own lives and the divine model.

At this point, however, a gap opens up between knowledge and experience. Believers know that God is normatively and ethically perfect, but this knowledge does not necessarily provide an answer to the experience of evil and injustice in the world. The key question, then, concerns religion’s demand from humans: should they renounce their feelings and their existential experiences in the name of their knowledge or should they grapple, as believers, with a reality that is experienced as contradicting perfection?

Monotheistic religions have presented the former as the mainstream option of religious life: believers know that God is just and righteous and, therefore, even if reality contradicts this assumption, they must endorse a stance of epistemic modesty and say they do not understand God’s ways. The gap between their consciousness and their emotional experiences is mediated by faith, which endorses this tension as its actual manifestation. Herein lies the difference between believers and non-believers: whereas non-believers reject faith due to the contradiction between knowledge and reality, believers view the ability to bear this very contradiction as an expression of their faith.

Rav Kook, however, relies on two complementary arguments — one theological and one religious-existential — to reject this view. From a theological perspective, the perfection of divine righteousness and justice must be evident in reality — otherwise it is meaningless. Believers “yearn for perfection,”²⁹ because they long to see the realization of divine perfection in the world. From a religious-existential perspective, a life of faith is a persistent effort to harmonize rational knowledge with emotional experiences and actual life. Believers are not required to detach themselves from their real existence, their values and feelings. Quite the opposite: faith is anchored in the totality of human existence; it is the stance of a complete being in the world and vis-à-vis God. The contradiction between human experience and the commitment to God’s righteousness, therefore, challenges not only God but also, and mainly, religious life as such.

Thus, protest against God has a dual meaning: it is an acknowledgement of God’s perfection and the desire to see it realized in the world on the one hand and, on the other, an effort to create a perfect life of faith that does not lead humans to a confrontation between their knowledge and their feelings. This view is antithetical to that of Leibowitz, who views normative conflict and inner contradiction as the constitutive foundation of religious life.³⁰ According to Lieberman and to Rav Kook, then, Jewish tradition presents another model of religious life, resting on the knowledge that God is righteous and the world should be constituted on justice and virtue. Loyalty to God, therefore, cannot be conveyed in normative conflicts or in an inner experience of contradiction. The opposite is true: loyalty to God leads to an enduring effort to create a life of normative harmony that assumes the value of human individuals, as embodied in their rational knowledge and their emotional experiences.

Rav Kook portrays the believer’s life in the style of Gotthold Ephraim Lessing as a constant search, and emphasizes the constant movement toward perfection: “The purpose of life is closeness to God, may He be blessed, whose perfection is infinite. The essence of human virtue at all times, then, is to keep drawing nearer to God — an endless endeavor that no one can ever fully attain.”³¹ From this perspective, protest is a central part of the believers’ life and of their yearning for perfection, a therapeutic activity that prevents the shattering of God’s image and the unraveling of religious life.

28 Evelyn Underhill, *Worship* (Harper and Row, 1973), 60.

29 Kook, *Ein Ayiah*, 140 (42).

30 It is also antithetical to Kierkegaard’s view. On Kierkegaard’s view, see Sagi, “The Suspension of the Ethical and the Religious Meaning of Ethics in Kierkegaard’s Thought.” For a detailed comparative analysis of Kierkegaard’s and Leibowitz’s views, see Avi Sagi, *The Jewish-Israeli Voyage: Culture and Identity (Hebrew)* (Shalom Hartman Institute, 2006), 15–28.

31 Kook, *Ein Ayiah*, 140 (43).

III. THE CRITICAL DISCOURSE: ABRAHAM IN SODOM AND IN THE AKEDAH

When complainants formulate their arguments properly and their claims are found to be legitimate, God thanks them, as we see in the stories of the biblical heroes: Hannah, Moses, and Elijah. The Talmud even notes that God rejoices in his defeat by humans, and the well-known passage about the oven of Akhnai ends as follows: “R. Nathan met Elijah and asked him: ‘What did the Holy One, blessed be He, do in that hour?’ He answered: ‘He laughed, saying, my sons have defeated me, my sons have defeated me’” (TB Bava Metsiah 59b). The following passage reflects the same spirit:

R. Kahana said in the name of R. Ishmael b. R. Jose: “What is meant by ‘For the leader [*la-menatseah*]: a Psalm of David? Sing praises to him who rejoices when they defeat him [*notshin oto*]. Come and see how the character of the Holy One, blessed be He, is not like that of mortal man. The character of mortal man is such that he is unhappy when defeated, but when the Holy One, blessed be He, is defeated he rejoices, for it is said, “Therefore he said that he would destroy them, had not Moses his chosen stood before him in the breach.” (TB Pesahim 119b)

These two passages are mutually related through their shared emphasis on the central role of the human victory over God and God’s joy in it. God awaits this victory because it reveals a believer who cares both for God and for the perfection of the believer’s life. The paradoxical experience of faith, then, is meant to comprise obedience and submission to God as well as the courage to protest against God, a courage sustained by God’s image as just and righteous.

The first source in biblical literature showing Abraham protesting against God — the exchange between God and Abraham on Sodom — blends expressions of submission with daring protest against God:

Then Abraham approached him and said: “Will you sweep away the righteous with the wicked? What if there are fifty righteous people in the city? Will you really sweep it away and not spare the place for the sake of the fifty righteous people in it? Far be it from you to do such a thing — to kill the righteous with the wicked, treating the righteous and the wicked alike. Far be it from you! Will not the judge of all the earth do right?” The Lord said, “If I find fifty righteous people in the city of Sodom, I will spare the whole place for their sake.” Then Abraham spoke up again: “Now that I have been so bold as to speak to the Lord, though I am nothing but dust and ashes, what if the number of the righteous is five less than fifty? Will you destroy the whole city for lack of five people?” “If I find forty-five there,” he said, “I will not destroy it.” Once again he spoke to him, “What if only forty are found there?” He said, “For the sake of forty, I will not do it.” Then he said, “May the Lord not be angry, but let me speak. What if only thirty can be found there?” He answered, “I will not do it if I find thirty there.” Abraham said, “Now that I have been so bold as to speak to the Lord, what if only twenty can be found there?” He said, “For the sake of twenty, I will not destroy it.” Then he said, “May the Lord not be angry, but let me speak just once more. What if only ten can be found there?” He answered, “For the sake of ten, I will not destroy it.” (Genesis 18:23–32)

This text contains the fundamental construct of religious protest and criticism. Abraham raises two claims against God’s intention to destroy Sodom. The first — “Will you sweep away the righteous with the wicked [...] treating the righteous and the wicked alike” — points to the moral flaw of failing to draw a distinction between them. The second claim is theological: it is unworthy of God to act contrary to his character as the judge of all the earth. These two claims open the conversation and determine the relationship between Abraham and God. God, the judge of all the earth, is judged by Abraham on his fulfillment of the moral criterion and on his compliance with the purported divine characteristics. Abraham does not apologize for his critique of God and the biblical narrator shapes the story so that, due to these claims, God retreats from his original intention.

Only at a more advanced stage of the story does Abraham adopt the proper attitude toward God, presenting himself as dust and ashes. Ostensibly, the prevalent religious perspective would argue that Abraham should have presented himself in these terms at the opening of his attempt to criticize God. That is not the case, however. Only after insistently making further demands does Abraham express this attitude, pointing to the difficulty he faces in this plight. Abraham also fears God’s wrath for the liberties he has taken, but we do not know whether God was indeed angry since the biblical narrator does

not report God's reaction. God is the passive character in this story, consistently yielding to Abraham's demands. The silence of God or of the biblical narrator and God's acquiescence to Abraham's demands show that the narrator finds Abraham's argumentation appropriate. The believer epitomized by Abraham thus combines daring and modesty, critical judgment and a consciousness of surrender, even when his bold critique precedes his awareness of his insignificance.

The integration of these two contrary dispositions in the biblical story is woven into the talmudic discourse about Hannah's protest and critique, and precisely in the words of its key figure — R. Eleazar. R. Eleazar presented Hannah as accusing heaven, but he also viewed in Hannah's disposition the foundation of the suitable human attitude when praying to God. M. Berakhot 5:1 determines: "One should not pray unless in earnestness [lit. with heaviness of head, *gravitas*]." The Talmud interprets this as a demand to stand before God in submission and fear, which Rabbenu Yonah sums up as follows:

With heaviness of head meant not literally but metaphorically, to suggest that, because the head is the main organ, when the head is heavy, all one's limbs submit and surrender. One praying, then, needs to stand in fear and submission so that his prayer may be accepted.³²

The Talmud (TB Berakhot 30a) asks: "What confirms this?" Presenting the question about the suitable disposition in prayer may actually raise the contrary option: "Perhaps it means that worship should be joyful, as it is written, 'worship God in joy.'³³ R. Eleazar answers this question by relating to Hannah's disposition when praying to God for a son: "R. Eleazar said, Scripture says, 'And she was in bitterness of soul.'" The talmudic discussion is not persuaded that R. Eleazar's claim is justified, precisely because Hannah's bitterness is unsuited to the general disposition of prayer: "Perhaps Hannah was different because she was exceptionally bitter at heart."

According to R. Eleazar, Hannah, from whom the Talmud learns many rules about prayer,³⁴ embodies the suitable disposition of submission and fear. And yet, it was R. Eleazar who determined that Hannah had accused heaven. But does an accusation imply a renunciation of the disposition of submission? In TB Berakhot, R. Eleazar affirms critique and protest against God. The critique, however, is legitimate only if accompanied by a disposition of submission and fear. That is the difference between a believer and a non-believer. Believers state their claims against God strongly and courageously but without precluding fear and submission, which come forth in their acknowledgment of God's sovereignty and supremacy — it is this acknowledgment that enables the protest. Believers protest and criticize God in the name of their belief in God. From this perspective, R. Eleazar's stance coalesces with the biblical story on Sodom, even though this story is not mentioned in this talmudic discourse.

The biblical exchange between God and Abraham on Sodom is extensively discussed in rabbinic literature. It highlights both Abraham's critique and God's approval of it. The introduction to this exchange, which is surprising and includes aspects seemingly unrelated, is worth noting: "The Lord said, 'Shall I hide from Abraham what I am about to do?'" (Genesis 18:17). This is a verse that invites Abraham's involvement. And:

... Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I have chosen him, that he may command his children and his household after him to keep the way of the Lord by doing righteousness and justice, so that the Lord may bring to Abraham what he has promised him (Genesis 18:18–19).

Is the biblical text hinting that Abraham is someone worth consulting before performing such an act, precisely because he keeps the way of the Lord by doing righteousness and justice? Does God seek Abraham's view in order to prevent a possible mistake? This bold approach is indeed suggested in the Midrash:

("And the Lord said: If I find in Sodom"). R. Judah b. R. Simon, in the name of R. Joshua b. Levi, said: "For it is for God to have said: I have forgiven" (Job 34:31) [...] "And if I have done wrong, you teach me" (Job 34:32). "If I have done iniquity" (ibid.) to the earlier generations "I will do it no more" (ibid.) to the later

32 Rabbenu Yona on R. Yitzhak Alfasi (Rif), TB Berakhot 21a.

33 R. Hanoch Zundel's commentary on *Ein Yaakov, Anaf Yosef*, Berakhot 30a, s. v. *mana hani milei*.

34 See the comment of R. Shmuel Eidels (Maharsha), Berakhot 30a, s. v. *Hannah shani de-havat merira*.

generations, “To him will I keep silence” (Job 41:4), to you will I keep silence and to the branches that proceed from you — to Abraham, who said, “Far be it from you ...”; to Moses, who said, “O Lord, why does your wrath burn hot against your people” (Exodus 32:11); to Joshua, who said “O Lord God, why have you brought this people ...” (Joshua 7:7); and to David, who said: “Why, O Lord, do you stand far away”... (Psalms 10:1).³⁵

This bold midrash opens with verses from Job, now ascribed to Abraham: God asks Abraham to consider whether the divine act is worthy and entails no mistake or injustice. Although it does not delve into the opening statement in the exchange between God and Abraham in the Bible, it does echo it: God turns to Abraham because he knows that Abraham keeps the way of the Lord. Abraham and God thus become partners in a framework of righteousness and justice that is binding on both and Abraham can, therefore, criticize God. This exchange of roles rests on verse 18, which relates to Abraham’s children: Abraham and his children are the ones who will keep God’s ways precisely as Abraham himself is doing in Sodom. Their keeping of God’s ways attests that they are Abraham’s children but is also the foundation for their relationship with God. God loves Abraham because he can rely on him and on his children’s relationship with him — they will not recoil from criticizing him should he depart from his own ways. Abraham can thus become God’s teacher: “And if I have done wrong, you teach me.” This critique is significant not only to God but also to the believer: the believer acts as God’s critic and prevents God’s departure from his own ways, as we indeed read in a bold midrash: “Said R. Reuben, ‘Were this matter not written, it would be, as it were, impossible to say it: ‘For by fire the Lord be judged’ (Isaiah 66:16) — not ‘the Lord judges’ is written here, but ‘is judged.’”³⁶ Although this midrash does not refer to God’s exchange with Abraham, their dialogue is a plausible basis for it.

The human-divine discourse is thus framed in terms of a reversed hierarchy, conveying a partnership of colleagues. At least implicitly, the literature analyzing the dialogue between Abraham and God on Sodom assumes that engaging in a critical discourse is pointless without a readiness to change: people who enter a dialogue place their assumptions and their conceptions at risk. This is particularly prominent in an argument-based discourse, as is the one on Sodom — God turns to Abraham to support the case of punishing its people because of their evil ways and thereby invites the open critical response. Already in the Bible, then, God’s stance is not absolute and is open to discussion. The various midrashim strengthen the theoretical assumptions about the nature of an argumentative discourse and blur the hierarchy since, in such a discourse, both sides put their positions at risk.

These assumptions about critical argumentative discourses appear in a midrash where Abraham turns to God as a kind of educator speaking with a student about worthy and unworthy deeds:

“Will you, indeed, sweep away the righteous with the wicked?” What is implied by this verse? That he spoke harshly to God and said: “Anger consumes a human being, but is it possible that you are so angry that you would sweep away the righteous with the wicked? Would you judge the innocent as you judge the wicked? Would you destroy the innocent and the evil together? ‘Far be it from you to do such a thing.’” Since the Hebrew word *hallilah* (“far be it from you”) contains the letters of the word *hallalah* (“profaned”), as in the verse “A woman that is a harlot, or profaned” (Leviticus 21:7), this verse implies that he was suggesting, “Would it not be a profanation of your name if you were to act in this manner? Did you do that with the generation of the flood, or the generation of the separation? Surely, that is not your way.” The verse does not say “to do this thing” but rather “to do such a thing” — neither this thing nor anything like it. Will not the judge of all the earth do right?³⁷

Abraham demands that God abide by the divine standards, particularly after the events of the flood and the tower of Babel. The comparison between the Sodom and the flood stories appealed to the authors of the Midrash since, at the end of the flood story, God promises the event will not recur (Genesis 9:15). The memory of the divine commitment, which is only intimated in *Midrash Tanhuma*, is the focus of an accusation against God in other midrashim:

35 *Midrash Genesis Rabba*, ed. J. Theodor and H. Albeck, *Vayera*, 49 (Hebrew) (Wahrmann Books, 1965).

36 *Midrash Rabba*, *Song of Songs* 2:4.

37 *Midrash Tanhuma-Yelammedenu*, ed. Samuel Berman, *Vayera* 8, 128 (Ktav, 1996) (with modifications).

R. Azariah began in R. Aha's name thus: "You love righteousness and hate wickedness" (Psalms 45:8). R. Azariah, in R. Aha's name, related this verse to our father Abraham. When our father Abraham asked for mercy for the people of Sodom, what is written there? "Far be it from you to do such a thing" (Genesis 18:25). R. Aha said: "You have sworn not to bring a flood upon the world. Would you ignore your oath? You do not bring a flood of water but you bring a flood of fire? Then you have not kept your oath." Said R. Levi: "Will not the judge of all the earth do right?" If you wish the world to last, there cannot be absolute justice, and if it is absolute justice you wish, the world cannot last [...] Said the Holy One, blessed be He, to Abraham, "You have loved righteousness, and hated wickedness. Therefore God, your God, has anointed you with the oil of gladness beyond your companions" [Psalms 45:8]. From Noah until you were ten generations, and out of all of them I spoke only with you, hence, "Now the Lord said to Abraham" [Genesis 12:1].³⁸

These midrashim close gaps in the biblical story, providing insights into the intimate relationship between humans and God, in whose context God affirms and rejoices in human criticism. According to the Midrash, this criticism reflects Abraham's love of justice, which is the very reason for God's special relationship with him.

The critique of God and of Abraham at the *akedah* is another instance of this paradigm. Ostensibly, the *akedah* is the complete antithesis of a critical stance and reflects the obligation of absolute loyalty to God, even if it violates basic moral values and norms that, as noted, are also incumbent on God. However, in Pirke de Rabbi Eliezer, we have the following:

The ministering angels screamed and cried, as we read, "The mighty ones shall cry outside" [Isaiah 33:7], and said to God, "Master of the Universe, you who are called merciful and compassionate, show compassion for Isaac, a man and the son of a man, who is bound before you like a beast, "You preserve man and beast," as we read, "Your righteousness is like the great mountains, your judgments like the great deep; O Lord you preserve man and beast" [Psalms 36:7].³⁹

This late midrash is a midrash of protest; it argues against God in the name of the divine qualities of mercy and lovingkindness, echoing a tradition found in the ancient M. Ta'anit 2:4 describing the ritual of public fasting. One of the prayers in this mishnah ends: "May he who answered Abraham on Mount Moriah answer you, and listen to your cry on this day. Blessed are Thou God, redeemer of Israel." The Mishnah does not tell us what the content of Abraham's prayer was; from the context and location of this prayer among many others asking for liberation and redemption, we can safely conclude that Abraham prayed that he would not be asked to bind his son, and God answered his prayer. Even if Abraham did obey God's original command, he asked for it to be cancelled since the *akedah* is not a worthy act.

A critique of the *akedah* resonates in other sources too:

R. Avin began: "For the word of the king is supreme, and who may say to him, 'What are you doing?'" (Ecclesiastes 8:4). Said R. Avin, "This may be compared to a teacher who instructed his disciple not to lend money on interest, yet himself lent on interest. Said his disciple to him: 'Master, you told me not to lend money on interest yet you yourself lend on interest!' He replied: 'I told you not to lend on interest to a fellow Jew but you may lend on interest to others, for it is written, 'You may charge a foreigner interest, but you may not charge, etc.' (Deuteronomy 23:21)." Similarly, Israel said to the Holy One, blessed be He: "Master of the Universe! You wrote in your Torah, 'You shall not take vengeance or bear a grudge' (Leviticus 19:18), yet do so yourself, 'The Lord is avenging and wrathful; the Lord takes vengeance on his adversaries and keeps wrath for his enemies' (Nahum 1:2)." Said God to them: "I wrote in my Torah, 'You shall not take vengeance, nor bear any grudge' against Israel, but in respect of the nations — 'Avenge the people of Israel ...' (Numbers 31:2)." Similarly, it is written, "You shall not put the Lord your God to the test" (Deuteronomy 6:16), yet "God tested Abraham" [Genesis 22:1].⁴⁰

The assumption implicit in the critique latent in this passage is that the command of the *akedah* breaches God's commitment to the people of Israel — if God and humans belong to the same normative community, any divine deviation from the norms of the Torah requires justification. The command of the *akedah*, then, rather than an obvious paradigm of religiosity, is precisely the kind of normative deviation that God must explain.

38 *Genesis Rabba, Lekh Lekha*, 39.

39 *Pirke de-Rabbi Eliezer*, ch. 30.

40 *Midrash Rabba, Genesis, Vayera*, 45.

Whereas Leibowitz viewed Abraham as a “knight of faith,” some sages had reservations about this approach and set Job as an alternative:

Said R. Johanan. “Greater praise is accorded to Job than to Abraham, for of Abraham it is written, ‘because now I know that you fear God’ [Genesis 22:12] whereas of Job it is written, ‘That man was blameless and upright, fearing God and avoiding evil’ [Job 1:1] (TB Bava Batra 15b).

R. Johanan sees Job as a greater man than Abraham because worshipping God does not detach him from his totality as a moral man, unlike Abraham who, at least in the *akedah*, is revealed as someone who only fears God. A similar critical view is found in a later source:

Rava noted, “Whoever has these three qualities is for sure from Abraham’s seed — compassionate, shy, and caring. If you wish, say caring, as we read, ‘You will give faithfulness to Jacob and benevolence to Abraham’ [Micha 7:20]; shy too, as Rava commented, ‘I know you are a beautiful woman’ [Genesis 12:11] and not until then [had he said so]. But compassionate? Abraham had no compassion for his son...⁴¹

The accusing statement presents Abraham as a father who had shown no kindheartedness to his son and can thus hardly be viewed as a paragon of compassion. The question remains unanswered.

A strong critique of human sacrifice appears already in Jeremiah: “And have built the high places of Baal to burn their sons with fire for burnt offerings to Baal, which I did not command or decree, nor did it come into my mind” (Jeremiah 19:5). Jeremiah repeatedly voices this critique, even in the same style,⁴² and it is certainly relevant to the *akedah* too: God rejects this act. The prophet’s view contradicts the one presented in the *akedah* narrative, but the rabbis were already confronting an hermeneutical dilemma: they could not accept an interpretation stating that Jeremiah contradicts a Scriptural text, but could not ignore him either. They therefore proposed a radical reading: Jeremiah does not negate the command of the God of Scripture, but Abraham misunderstood God:

R. Jose says: My son Eliezer offers these interpretations: “Which I commanded not” — in the Torah — “nor spoke it” — in the Ten Commandments — “neither came it into My mind” (Jeremiah 19:5) — that a man should actually offer up his son upon the altar.⁴³

Another Midrash completes what Abraham had not understood in God’s words: “When I told you, ‘Take now your son,’ I did not tell you, ‘Slaughter him’ but ‘take him up.’ You have taken him up, now take him down. On that it was said (Jeremiah 19), ‘nor did it come into my mind,’ that is Isaac.”⁴⁴

These and other examples suggest that the relationship between Abraham’s behavior in the Sodom and the *akedah* episodes is more complex than is usually assumed. The emphasis on criticism in the Sodom story does not necessarily recede in the *akedah*.

Our discussion of protest opened with an analysis of Rav Kook’s position. Rav Kook, as noted, assumed that protest and criticism have religious value. The purpose of the *akedah* is to deliver humanity from a misperception of religious life as requiring the sacrifice of human values. The role of the *akedah*, therefore, is therapeutic: it is meant to deliver believers from the temptation of self-sacrifice. Religious feeling need not be embodied “in the despicable garments of idolatries. The opposite is true: it is embodied in morality per se.”⁴⁵ In his view, the verse “Do not lay your hand on the boy or do anything to him” (Genesis 22:12) points to the correspondence between the father’s feelings for his son and the divine command:

And do not think there is some antithesis here [...] between your pure fatherly love for your beloved son and God’s noble love [...] because a father’s love and compassion [...] are a sacred fire, which goes directly from pure divine love and compassion for all his actions.⁴⁶

41 *Kallah Rabbati*, ch. 9.

42 See Jeremiah 7, 31, 32, 35.

43 *Sifre: A Tannaitic Commentary on the Book of Deuteronomy*, trans. Reuven Hammer, *Vayera* 8, 128 (Yale Univ. Press, 1986), *Piska* 148, 187.

44 *Midrash Rabba*, *Genesis* 56:8.

45 Abraham Y. H. Kook, *Iggerot ha-Reayah*, Vol. 2. (Hebrew) (Mosad Harav Kook, 1962–1965), 43.

46 Abraham Y. H. Kook, *Olat ha-Reayah*, Vol. 1. (Hebrew) (Mosad Harav Kook, 1963), 92–93.

This interpretation of the *akedah* is coherent with Rav Kook's general outlook on the nature of religious life and its correlation with moral approaches:

It is forbidden for the fear of heaven to repress natural human morality, because then it is no longer a pure fear of heaven [...]. And yet, when fear of heaven is described as a characteristic that, if absent, life becomes better and enables useful action for the individual and the collective, and, if present, this active influence diminishes, such fear of heaven is indefensible.⁴⁷

The appropriate fear of heaven is marked by an acknowledgment of natural righteousness. Righteousness is not a subjective feature and, like many Jewish thinkers, Rav Kook assumed that moral righteousness is objectively valid and compels humans as well as God.⁴⁸ The end of the *akedah* story, therefore, is its core meaning: Abraham must undergo the therapeutic process that will deliver him from forbidden religious passions that, essentially, imply that righteousness is not acknowledged as autonomous. The Abraham speaking in Sodom, then, is not the Abraham of the beginning of the *akedah* story but rather of its ending. This Abraham has learned that God's sovereignty is not arbitrary and does not demand from humans absolute enslavement and the dismissal of subjectivity. Indeed, the foundation of religiosity is the recognition of a subject who has the knowledge and the consciousness enabling him or her to choose and also decide to submit to God.

Rav Kook's interpretation of the *akedah* and its theoretical foundations are evident in the wording of prayers. Prayer is not a philosophical enterprise but the voice of the Jewish collective, conveying its values and deep yearnings. In this context, note the mentions of the *akedah*. In a section of the Rosh Hashanah prayer apparently formulated in the third century, we read:

And let the image of that binding, when our father Abraham bound Isaac his son upon the altar, be present before You; when he suppressed his compassion, to do Your will wholeheartedly. So, too, let Your compassion wrest Your anger from us, and in Your great goodness may Your anger be turned away from Your people, Your city, Your land and Your inheritance.⁴⁹

We also read in the morning daily prayer:

Master of the Universe, just as Abraham our father suppressed his compassion to do Your will wholeheartedly, so may Your compassion suppress Your anger from us and may Your compassion prevail over Your other attributes. Deal with us, Lord our God, with the attributes of loving-kindness and compassion.⁵⁰

Although these prayers do not convey an open protest, they do express a courageous human standing vis-à-vis God. In these prayers, the *akedah* is not a paradigm of religious life but a one-time event, rare and challenging, which ultimately imposes a demand on God: — “may Your compassion prevail over Your other attributes.”

Moreover, we learn from these sources that it was not the Abraham of the *akedah* who set up a model of religious life but the Abraham confronting God in Sodom.

The responsibility of humans for their religious disposition found wondrous expression in the following Midrash:

“The Lord said to Moses, “Cut for yourself two tablets of stone” (34:1). Thus it is written, “And that he would tell you the secrets of wisdom” (Job 11:6). You find that, when God said to Moses, “And the Lord said to Moses, ‘Go down, for your people, whom you brought up out of the land of Egypt, have corrupted themselves” (Exodus 32:7), Moses still grasped the tables in his hand, refusing to believe that Israel had sinned, and saying, “unless I see it I cannot believe it,” as it says, “And as soon as he came near the camp” [Exodus 32:19] — he did not break them before he had seen with his own eyes. May those who give evidence on what they do not see be afflicted! Is it possible that Moses did not believe the Holy One, blessed be He, who told him, “Your people have corrupted themselves”? Rather, Moses meant to teach Israel a

47 Abraham Y. H. Kook, *Orot ha-Kodosh*, vol. 3. (Hebrew) (Mosad Harav Kook, 1964), 27.

48 This approach was analyzed at length in Sagi, *Judaism*.

49 Jonathan Sacks, ed., *The Koren Rosh Hashana Mahzor* (Koren, 2007), 592.

50 Jonathan Sacks, ed., *The Koren Siddur* (Koren, 2006), 34.

useful lesson — even when one hears something from the most honorable source, he must not accept the testimony and act on it if he has not seen.⁵¹

This Midrash suggests that humans are obliged never to lose their discretion, their critical faculty, and their judgment; that is the religious disposition required from the believer — neither self-annulment nor uncritical submission.

IV. THE PROTEST AND CRITIQUE ETHOS

The stance emphasizing protest and critique is a constitutive element of the normative traditional ethos. Note that the characterization of protest as one element in a web of values means giving up a reductionist assumption making one component the basis of all others. The ethical-normative Jewish system appears to be based on at least four elements, all part of a web that weaves protest and criticism into it: 1) The intimate experience of faith as an encounter with God. 2) The central role of the prohibition against the desecration of God's name. 3) The standing of morality in Jewish tradition. 4) The perception of Halakhah as a system of rational values and norms. Following is a brief analysis of each of these elements.

Most classic sources involving protest against God present it as part of a conversation where the believer turns to God in the context of an intimate connection — addressing God as “you,” presenting him as a compassionate father, and so forth. The form of the critique attests to a profound bond of believers in pain turning to God to accuse him or to inquire into the iniquity exposed in the world. This critique, then, is the deepest expression of the personal encounter between humans and God, which encompasses a range of contradictory experiences. There is intimate closeness on the one hand but, on the other, it is precisely this intimacy that enables believers to criticize God and even accuse him of things they are forbidden to mention, as Levi did. The discourse in the Bible and the Midrash, even when metaphorical, cannot conceal this intimacy and contains the actual foundations of religious faith. The God of Israel is not the God of the philosophers and definitely not the God of Aristotle but the God of Abraham, Isaac, and Jacob. This is a God who leads his people through the desert and speaks with them like a father to his sons. For the believer, the encounter with God is as the encounter with a fellow, which culminates in the Sinai theophany when all the people experience the encounter with the divine. This encounter, writes Berkovits, “is the foundation of religion, faith is its edifice.”⁵² He emphasizes that the encounter is a unique and exceptional event, and it is faith that preserves its power and vitality — without faith, the encounter is as “a tiny island of freakish fellowship with the Supreme Being in an ocean of loneliness.”⁵³ Berkovits rightly emphasizes:

Only one who has known such fellowship may call out, with the psalmist: “My God, my God, why have you forsaken me. And are far from my help at the words of my cry? O my God, I call by day, but you answer not ...” [Psalms 22:2–3]. Only he who has learned of the nearness of God as a matter of experience may exclaim: “Upon you I have been cast from my birth; you are my God from my mother's womb. Be not far from me; for trouble is near...”⁵⁴

The protest is a turn to God, an attempt to renew the intimacy in a place of crisis and distance; it is a rejection of Levi's statement, noted above, whereby God turned himself into an inaccessible transcendent being. The protest is a refusal to accept the hiding of the divine face and a rejection of a theology founded on it, a call to renew the connection that may explain the meaning of evil. The protest is an affirmation of the potential connection to God and the belief that a past encounter will reoccur, be it in reality or in the depths of the believer's heart. Whoever renounces protest and criticism turns God into a transcendent being entirely removed from his creatures who are doomed to live alone in a wasteland, bearing the Sisyphean burden of a normative system divorced from its divine source.

51 *Exodus Rabba*, *Ki Tisa*, 46:1.

52 Eliezer Berkovits, *God, Man and History* (Shalem Press, 2010), 44.

53 Berkovits, *God, Man and History*, 45

54 *Ibid.*

The believer's prayer is the intimate gesture of pouring out the heart before God. We cannot but discern that, woven in many prayers, is a turn to God that also includes a critique of God. Anson Laytner identified in many prayers a judicial construct, "both against God yet also to God, making Him, paradoxically, both judge and defendant."⁵⁵ The intimate relationship with God enables humans to turn this into the mainstream stance of Jewish discourse.

The intimacy of the divine-human connection is also revealed in the second dimension of this web — the desecration of God's name. This is a paradoxical concept given the apparent impossibility of either desecrating or sanctifying God's name. How can one possibly assume that God depends on humanity? Nevertheless, Jewish tradition turned this concept into a powerful expression of the divine's dependence on the human. God's fate and standing in the world depend on human action and on the human interpretation of the Torah and of Halakhah as an expression of God. In the widespread use of this concept, this dependence of the divine on the human does not relate to God as such but to God's presence and revelation in the world, as is impressively conveyed in *Pesikta de-Rav Kahana*:

"I am God and you are my witnesses" (Isaiah 43:10). R. Simeon b. Yohai taught, "If you are my witnesses, says the Lord, then I am God, and if you are not my witnesses, then, as it were, I am not the Lord."⁵⁶

This audacious homily points out that God's presence in the world is contingent on humans. Believers are God's witnesses; their testimony is a sanctification of the name and vice-versa, the inability to attest to God or the questioning of this testimony is a desecration of God's name.⁵⁷

The concern about the desecration of God's name often drives the protest since allowing evil, suffering, and iniquity to remain in place harms God's name and standing in the world. Furthermore, the desecration or sanctification of God's name is contingent on the stance of the other, who may not necessarily belong to the community of believers. The believer must understand the critique and act accordingly, but relating to the critique (at times external to the Torah and its believers) is only possible if one assumes that God participates in the discourse.

An identical link between the desecration of God's name and a breach of justice points to the third element making up the web: the standing of morality. We will not enter here into a detailed analysis of morality's standing in Judaism,⁵⁸ and will only determine that mainstream Jewish tradition rejects the "divine command morality" thesis and assumes the autonomy of morality as a given. This assumption means that God will not issue a command that contradicts equity and morality because the God of Israel is the God of justice and righteousness. These are God's essential features; they determine his divinity and hence also his commands. Injuries to justice and morality, therefore, injure God's name. Protest and criticism are an ongoing attempt to prevent the desecration of God's name and the harm to God's perception as understood in Jewish tradition.

The fundamental assumption of the critical discourse is that God and humans are members of the same universal moral community. An act is evil because it is evil, regardless of whether committed by humans or, far be it from him, by God. Protest and criticism are a renewed affirmation of these truths. They convey trust in the God of Israel, who is not a demon engaged in evil action, and in the human ability to judge and evaluate the relationship between the reality and the ideal premised in the notion of membership in a universal community.

These insights gather together in the fourth component of the web — the rationality assumed to underlie Halakhah.⁵⁹ This rationality is manifest in the special standing of human judgment as well as in

55 Anson H. Laytner, *Arguing with God: A Jewish Tradition* (Aronson, 1990), xviii. For a critique of Laytner's view, as described in the text, see David A. Frank, "Arguing with God, Talmudic Discourse, and the Jewish Countermodel: Implications for the Study of Argumentation," *Argumentation and Advocacy* 41, no. 2 (2004).

56 *Pesikta de-Rav Kahana*, ed. Dov Mandelbaum (Jewish Theological Seminary, 1987), 212, s. v., *ba-hodesh ha-shelishi*. See also the parallel versions.

57 Samuel H. Bergman, "Kiddush ha-Shem (Hebrew)". In *ba-Mish`ol [On the Path]* (Am Oved, 1967), 182–90.

58 See at length, Sagi, *Judaism*.

59 On this issue, see Eliezer Berkovits, *Halakhah: Its Power and Role* (Hebrew) (Mosad Harav Kook, 1981), 11–33; Sagi, *Judaism*; Avi Sagi, *Halakhic Loyalty: Between Openness and Closure* (Hebrew) (Bar-Ilan Univ. Press, 2012).

several meta-halakhic principles.⁶⁰ Halakhah is itself judged according to its correlation with human rationality, which becomes a foundation of its commands.⁶¹ The famous formula of R. David Ibn Zimra (known as Radbaz) sums up this matter: “Since it is written, ‘her ways are ways of pleasantness,’ and the rulings of our Torah must agree with reason and logic.”⁶² The covenant between God and the people of Israel over the Torah is an alliance with human subjects able to argue, interpret, and amend Halakhah according to their reason and understanding. This rationality is embedded in the very foundation of the halakhic discourse, which is critical to begin with, as R. Chaim of Volozhin suggests:

Indeed, learning is called battle, as it is said, “the battle of the Torah” (TB Sanhedrin 111b). The students are engaged in a battle. [...] and a student is forbidden to accept his rabbi’s words when he has questions about it. Truth is sometimes with the student, just as a small tree lights up a large fire, as they said, “Let your home be a gathering place for scholars and wrestle (get dusty) in the dust of their feet” [M. Avot 4:1], from the saying “and there wrestled a man with him” [Genesis 32:25], which is a wrestling of war, because this is a war by commandment. And so are we vis-à-vis our holy rabbis on earth and vis-à-vis their soul in the heavens above, the famous sages whose books are with us and thus, through the books in our homes, our home is a gathering place for these sages. We have also been warned and allowed to wrestle, engage in battle with them and explain their quandaries, and not try to find favor — only to love truth. And yet, one should beware of speaking arrogantly [...] and imagine one is as great as one’s rabbi.⁶³

R. Chaim of Volozhin outlines the borders of the halakhic field as a domain based on the knowledge found in books rather than on personal charismatic authority. Since the halakhists’ authority rests on their knowledge, the invitation to engage in critical discourse is the foundation of the halakhic discourse. Halakhists are not only *allowed* to struggle for truth but *required* to do so — “because this is a war by commandment.” They must, however, do so in suitable ways, preserving the rabbi-disciple relationship and refraining from arrogant condescension.

Those seeking to found the relationship with God on absolute compliance and submission, however, may draw a distinction between the legitimate and the illegitimate scope of human knowledge and understanding. According to this distinction, human understanding can be applied to Halakhah but not to the relationship with God: humans are sovereigns of Halakhah but they are slaves of God. But such a distinction, though possible, is implausible. It is implausible that the believers’ standing in the world should compel them to create two mutually contradictory dispositions: submission and enslavement on the one hand, and sovereignty and autonomy on the other. David Hartman, too, argues that this distinction is problematic:

If a person claims to be overcoming the finite limitations of his or her mind by giving absolute allegiance to a divine revelation, then that person is engaging in self-deception. Those very limitations can lead him or her to misunderstand the purport of the revelation, however clear its formulation may seem to be. Since our finite minds are vulnerable to misunderstanding God’s plainest words, we can never have infallible assurance that we are acting exactly according to divine command.⁶⁴

Human dispositions cannot simply be switched on and off. Those who foster a disposition of submission and compliance, sacrificing their reason and their values to God as part of their religious standing, could cause actual damage to Halakhah. R. Uzziel emphasized independence as a vital basis of the halakhic endeavor:

Handing the Torah to the heartless and unthinking, delivering its teachings to people who lack self-understanding and common sense, is not merely unhelpful but damaging [...] And our rabbis, of blessed memory, explicitly said: “The humility of R. Zechariah b. Abkulas destroyed our house, burnt our Temple, and exiled us from our land” (TB Gittin 56a). And they also said: “For the ways of the Lord are right, and the upright walk in them, but transgressors stumble in them” [Hosea 14:10]. In the hands of those upholding worthless, harmful notions and corrupt habits, the Torah becomes a stumbling block.⁶⁵

60 On the concept of meta-Halakhah and its importance for the current discussion, see Eliezer Goldman, *Judaism without Illusion (Hebrew)* (Shalom Hartman Institute, 2009), 15–37.

61 See, especially, Sagi, *Judaism*, 103–35.

62 R. David ibn Zimra, *Responsa*, #627.

63 R. Chaim of Volozhin, *Ruah Chaim*, on Avot 1:4.

64 David Hartman, *The Living Covenant: The Innovative Spirit in Traditional Judaism* (Free Press, 1985) 104.

65 Ben Z. H. Uzziel, *Derashot Uzziel, Avot* (Va`ad le-Hotsa`at Kitvei ha-Rav, 1991), 34.

The independence and autonomy of the halakhic discourse, as shown, have religious meaning—God rejoices in his children's victory.⁶⁶

In sum, the elements constituting the ethos of the relation between humans and God enhance the individual's responsibility—for the world, for God, and for himself or herself. Since it reflects these elements, this responsibility enables and compels the critical attitude that becomes the very core of the religious life.

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⁶⁶ Note in this context the study of Daniel London, who grapples with the question of why protest against God is found in rabbinic Jewish tradition but not in Christianity and asks himself what, as a Christian, he can learn from Jewish sources. London assumes that key to the preservation of the critical discourse is the centrality of the Torah as the mediating element between humans and God. By placing the Torah, meaning Halakhah, at the center, "the Rabbis equipped themselves with a tool and weapon to argue more assertively and aggressively with their God. In some ways, it appears that the Torah might have greater authority than God himself since God appears to be a student of its teachings. God also appears to be open to having his interpretation of Torah overruled by human interpretation, as in the story of the Oven of Akhnai." See Daniel London, *Fearless Prayer: Learning from the Jewish Tradition of Protest Against God: Meeting of the Society for the Study of Christian Spirituality: Univ. of Notre Dame, July 2 2013*, 5.

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