

Parshat Mishpatim contains 53 laws; 23 positive & 30 negative. There is no way I can do justice to all these laws in the mere 20 minutes allotted to me today. Did I say 20 minutes? Well, it is such a rare opportunity I have to speak to a captive audience that I am going to use up as much time as I can, hopefully without being condemned to death by stoning, which is the specified punishment for breaking a number of laws in this parsha. Anyway, because I cannot do justice to all, I have decided to discuss none – save to mention that later this year, at our Tikkun Leil Shavuot (Saturday night, May 19) there will be a discussion of the law to not seethe or boil a kid in its mother's milk (Ex. 23:19), which occurs in this parsha (as well as two other places on the Torah).

Several months have passed since Rosh Hashana & I would like to remind you of the single thread that went through all of Rabbi Jonathan's sermons for the High Holidays. Who listened to them all & remembers? The thread was that Judaism has undergone constant change throughout its history & that Progressive/Reform/Liberal Judaism has nothing to be ashamed of vis-à-vis other branches of Judaism. It's the Orthodox that try to deny that fundamental change has taken place.

One illustration of this fundamental change is in our understanding of God. As Rabbi Jonathan noted in his Erev Rosh Hashana sermon:

This God of ours has changed, as we have changed. It seems clear that in the beginning, when the other peoples of the area believed in multiple gods ..., that our tradition did too. That's the reason why Elohim is plural. In the beginning, the gods created the heavens and the earth. The children of the gods saw the daughters of humans, and married them, creating Nephilim, giants... So in these stories, God still has elements of plural...

Now Orthodox Judaism denies all of this & maintains that "Elohim" is just another name for the singular universal God. But what about "children of the gods" - בְּנֵי הָאֱלֹהִים? Even if אֱלֹהִים is singular, what could the children of God be other than gods? This expression occurs in Genesis, Chapter 6, Verse 2. It has been a bother to our bible commentators throughout the centuries. The usual interpretation is that the בְּנֵי הָאֱלֹהִים were human beings of high social standing. It's a bit hard for any rational person to accept these commentators' interpretation. But as the term only occurs once in the Torah it is relatively easy to ignore the one time it is read every year. Or... did it only occur once in our Torah? Apparently it really bothered the compilers of our Masoretic text – that's the official text we read today - who understood the term to literally mean "sons of the gods". How do we know this? In the "Song of Moses" Chapter 32 of Deuteronomy, Verse 8 says:

בְּהִנְחַל עֲלֵיוֹן גּוֹיִם בְּהַפְרִידוֹ בְּנֵי אָדָם יִצַּב גְּבֻלַת עַמִּים לְמִסְפַּר בְּנֵי יִשְׂרָאֵל

**8** When the Highest or עֲלֵיוֹן (that is the "top god") gave nations legacies, when He dispersed humankind, He set the peoples' borders to the number of the children of Israel.

Verse 9 says:

כִּי חִלַּק יְהוָה עַמּוֹ יַעֲקֹב חֶבְלֵי נַחֲלָתוֹ

**9** For YHWH's portion is His people. Jacob the share of His legacy.

Verse 8 simply does not make sense. First of all, when God dispersed humankind & portioned out the earth to create the various nations, as described in Genesis chapters 10 & 11, there were no "children of Israel" - Abraham was nowhere near a twinkle in his father's eye. Secondly the number of the children of Israel is much greater than the 70 nations that are listed in Genesis. So what's going on here? This is where archaeology comes to our rescue. It turns out that there are two separate fragments of Deuteronomy containing these verses found among the Dead Sea Scrolls but instead of "children of Israel" it has "children of God" - בְּנֵי אֱלֹהִים. If you substitute this into the English translation it makes sense:

**8** When the Highest gave nations legacies, when He dispersed humankind, He set the peoples' borders to the number of the children of God.

In other words, to each child of God, presumably also a god, but a lesser one, was allocated a nation that would worship it. In verse 9, YHWH chose Israel as his portion. The Greek translation of the bible, known as the Septuagint, was completed in Second Century BCE. Deuteronomy Chapter 32, verse 8 of the Septuagint has "sons of God", and in another version has "angels of God", which is a half-way house of sorts where we have divine entities but not gods. Don't ask me about how there is more than one version of the Septuagint. As we Jews like to say, "It's complicated". However for the Masoretic text compilers, some ten centuries after the completion of the Septuagint<sup>1</sup>, it was apparently too much & the text was changed from "children of God" to the incomprehensible "children of Israel. By then, better incomprehensibility than admitting to the existence of other gods.

If you really want to turn an Orthodox & possibly even a Progressive Jew apoplectic, just inform them that God had a wife and the evidence for this is contained in a book by William G. Dever, Professor Emeritus of Near Eastern Archeology and Anthropology at the University of Arizona. It was published in 2005 with the title, *Did God Have a Wife?: Archaeology and Folk Religion in Ancient Israel*. But this is so out of left field that after their initial shock they will simply deny it as too incredible to merit any consideration.

Professor Dever, however, isn't alone. In a book I read recently by Richard Elliot Friedman, Katzin Professor of Jewish Civilization Emeritus of the University of California, San Diego with the title *The Exodus*, he notes the discovery of an inscription with the words "Yahweh of Samaria and his Asherah". Friedman explains that "Asherah" is a generic term for a goddess. He also notes that you will find in the book of Jeremiah the acknowledgement of the fact that the people have been worshipping a goddess known as the "Queen of Heavens".

---

<sup>1</sup> See [https://en.wikipedia.org/wiki/Masoretic\\_Text](https://en.wikipedia.org/wiki/Masoretic_Text)

Due to lack of time I am not going to provide more evidence, but it is clear that originally the Jewish belief in one god did not preclude the existence of other gods. Each nation had its own god or gods to worship as explained earlier when discussing verses 8 & 9 of Deuteronomy Chapter 32.

At some point the Israelites' conception of God changed from a national god to a universal god. There is much debate among scholars as to when this occurred & it probably took many centuries to spread among all the people. It is important for us today to understand that our conception of divinity is completely different from our ancient forebears. This is described in a 2003 article entitled *Gods and the One God* in the journal *Bible Review* by Paula Fredriksen, an historian of ancient Christianity at Boston University. She writes:

No ancient monotheist was a modern monotheist. Divinity expressed itself along a gradient, and the High God—be he pagan, Jewish or Christian—hardly stood alone. Lesser divinities filled in the gap ... between humans and God. Heaven's divine population had to wait for the Renaissance, and the beginnings of modern science, to be seriously pruned. Antiquity's universe, by comparison, was filled with gods. Monotheists directed their particular worship to the being they termed the high god, while dealing with the others as they would. To make the same point differently: While not every ancient polytheist was a monotheist, all ancient monotheists were, by our measure, polytheists.

Why am telling you this? It's not to undermine your fundamental beliefs. This is all evidence of how our concept of God, & hence Judaism, evolved over time. Now that we have established that there were so called lesser divinities that filled the gap between humans & God, I would like to discuss one we have all read about, Satan. And let's be clear. Satan is not some fallen angel with horns, a tail & a pitch-fork. Satan literally means "accuser" or "adversary".

And here I am going to quote from my favorite Orthodox rabbi - Brigadier General Rabbi Dr. Israel Drazin<sup>2</sup> - on why we blow the shofar on Rosh Hashana. He writes:

It is absolutely certain that both the spiritual leaders of Jewry and the masses of uneducated Jews (or at least the majority of these) before, during and after the talmudic period believed that the *shofar*, ..., was blown on the holiday of Rosh Hashanah in order to confuse Satan and his demonic cohorts. The widely held belief was that the blowing of the shofar would stop Satan from approaching God at a crucial moment, keeping him from indicting Jews for past sins in a heavenly judicial proceeding in which God decides the future of each Jew.

People are people first and Jews only second. Demons played a part in individual's lives since ancient times – present when they were awake or asleep, at joyous and sad

---

<sup>2</sup> Additional degrees include a B.A. in Theology (1957), an M.Ed. in Psychology (1966), a JD (1974), an MA in Hebrew Literature (1978), and a Ph.D. in Aramaic Literature (1981). Thereafter, he completed two years of post-graduate study in philosophy and mysticism.

occasions. And since they saw demons stalking around them, the people were convinced, as J. R. R. Tolkien wrote, that, "It does not do to leave a dragon out of your calculations, if you live near him." The frightful term "nightmare," for example, is derived from the ancient Saxon word *mara*, which means "demon."

Thus, it is no surprise that the Jewish masses believed in demons until the era of the enlightenment in the nineteenth century and that this mistaken notion affected and twisted their understanding of Jewish holidays and their behavior on these days. It should also surprise no one that the rabbis, who assumed the duty of weaning their congregants from superstition toward a true understanding of Judaism, were frequently unsuccessful, especially when the irrational conception held by their coreligionists was accepted by virtually all of their non-Jewish neighbors.

Many of these rabbis, themselves human, were also affected by and accepted illogical, frequently heathenish opinions and nonsensical and useless customs. Other rabbis, who felt that these practices were based on falsehoods, felt compelled to allow the practice of the Jewish religion as the masses understood it, even though the rituals were wrong-headed. These rabbis attempted to rationalize and elevate the superstitious observances by giving them a Jewish explanation and coloring. The use of the shofar on Rosh Hashanah is an example of this phenomenon.

The original reason for blowing the shofar on the New Year, to frighten and expel satanic forces that may persuade an influenceable God that the Jew is a sinner and should be punished and perhaps even killed during the upcoming year, is explicitly reported in the Babylonian Talmud, *Rosh Hashanah* 16b.

...

This notion is present not only in the Talmud but also in various legal codes and commentaries, such as Nathan ben Jehiel's *Arukh* in the 11<sup>th</sup> Century and David Abudarham's book on prayer *Perush haberakhot v'hatefilot* in the 14<sup>th</sup> Century.

The Babylonian Talmud, *Hullin* 105b, and Rashi's commentary to *Rosh Hashanah* 28a repeat that the shofar was used to scare demons and upset their plans.<sup>3</sup>

The bottom line is that the halachic requirement to blow the shofar on Rosh Hashana is to confound & repel Satan & his demonic minions.

Going back some 20 months, a letter appeared in the Australian Jewish News (24/6/2016) from a certain Orthodox Rabbi Chaim Ingram, criticizing a previously published article in the AJN by our UPJ Movement Rabbi, Fred Morgan. Basically, Rabbi Ingram accused Rabbi Morgan of dishonesty in claiming that Progressive Judaism respects Halacha because Progressive Judaism allows

---

<sup>3</sup> See <http://booksnthoughts.com/the-shofar-scares-and-confuses-satan/>

Halacha to be modified by real-life situations. According to Rabbi Ingram such modification shows Progressive Judaism cannot really respect Halacha. He concludes by noting, "If Progressive leaders were to be honest and up front about this, then at least they would gain my respect."

What Rabbi Ingram is effectively saying is that any modification to Halacha shows disrespect. If the Halacha is derived from the written or oral law, it cannot change as it is the word of God. I suppose this is a consistent position to take.

Getting back to the reason for blowing the shofar on Rosh Hashana, Rabbi Drazin notes that by the 12<sup>th</sup> Century "Maimonides rationalizes the blowing of the shofar on Rosh Hashanah" by stating "that it is a way of calling the people to awaken from their slumbers, search their deeds and change their ways." Not a mention of Satan. Such superstition was anathema to Maimonides. And if you ask a Jew of any persuasion why we blow the shofar on Rosh Hashana, they will more than 99% of the time give you Maimonides' rationalization rather than the reason according to the Talmud. Why is this hidden today from the Jewish masses? Are the Orthodox rabbis ashamed of their Halacha? Perhaps the rabbis will argue that even if the reason given for blowing the shofar has changed, the Halacha has not, as we still blow the shofar on Rosh Hashana.

Unfortunately for Rabbi Ingram there are plenty of examples where the law has been changed in direct contravention to the Written Law of the Torah or to the Oral Law of the Orthodox rabbis. You will be relieved to hear, I don't have time to go into it now but these rabbinic changes to the Halacha are well documented. You only need to read on-line Solomon Zucrow's 1928 scholarly book, *Adjustment of Law to Life in Rabbinic Literature*. It documents literally dozens of examples of the rabbis changing Halacha. According to Rabbi Drazin, "Zucrow lists many reasons why laws were either changed or annulled entirely. In essence, the reasons boil down to one: times changed and the community needed the laws to be altered to fit their new conditions." And isn't this exactly what Rabbi Morgan is being attacked for doing?

As an aside, information on Zucrow is not easy to find on-line. This is what I have managed to glean:

Solomon Zucrow (1870—1932) was professor of Talmud at Hebrew Teachers College in Boston. Much of his work concentrated on the flexibility of Jewish law, a point that he encouraged rabbis in his own time to consider. ... Zucrow was frustrated that traditional leaders refused to take action and retroactively absolve the marriages of women who were deserted by their husbands and unable to receive the requisite bill of divorce [or *Gett*] to remarry. In the postscript to his work on change in Halakhah, Zucrow expressed hope that the new crop of "Modern Orthodox" rabbis ... would rise up to his challenge.<sup>4</sup>

Tragically, some 90 years after Zucrow penned his challenge, Orthodoxy is yet to rise up.

---

<sup>4</sup> *Modern Orthodox Judaism: A Documentary History* by Zev Eleff

So Rabbi Ingram has criticized Progressive Jews for not following Halacha but claiming to still respect Halacha. Yet Orthodox Judaism is guilty of the same. It has changed Halacha on many occasions to suit community needs, even if Rabbi Ingram won't admit it. What hypocrisy. I remind you of Rabbi Ingram's words in his letter to the AJN, "If Progressive leaders were to be honest and up front about this, then at least they would gain my respect." To which I can only say, perhaps Rabbi Ingram can begin to respect himself when he is "honest and up front" about Orthodox Judaism doing the same thing.

I believe the truth is the Oral Law, & the Halacha derived from it, is a rabbinic invention & the source of power of the Orthodox rabbis over their congregants. Like all monopolists, they will do everything in their power to maintain their monopoly & hence their visceral hatred of Progressive Judaism. Non-Jews are no danger to them but Progressive Jews questioning their Halacha & the reasons things are done... As the saying goes, that's "a clear & present danger".

On the advice of Rabbi Steve Burnstein, who led the Beutel Seminar in Jerusalem, & that Regina & I attended early in 2016, I purchased a book entitled *Explaining Reform Judaism*.<sup>5</sup> It is pitched at the pre-bar mitzvah to late teens age group. Nevertheless, & despite my curmudgeonly contrariness, I found it interesting & even inspiring in parts. Here is a quote that is apposite:

According to Reform, every Jew should have the right to decide how to live as an individual and as a Jew. Of course, choices involving God, the Torah, and ethics are very serious matters and people who intend to take their responsibility seriously need to know a lot about Judaism & what Jews believe.

Each of us has to judge by ourself and for ourself. Otherwise we are not free – and we are not responsible.

In other words, as Jews we have a right to decide for ourselves how we will practice our Judaism. But along with that right we have a duty to be as informed as humanly possible about the decisions we take.

As Progressive Jews we respect Halacha because of the centuries of accumulated learning, wisdom & tradition behind it. However we also recognize that the halachic decisions were made by fallible human beings, no matter how wise, and that what might have been appropriate a thousand years ago, may not be so today.

There appears to be two main choices we have as Jews. We can either act as responsible Progressive Jews, with all that that entails, & make informed decisions on how we practice our Judaism or we can unquestioningly follow the dictates of Halacha as directed by the Orthodox rabbinate. I suggest the first option is personally much tougher but also far more rewarding.

---

<sup>5</sup> *Explaining Reform Judaism Paperback* by Eugene Borowitz & Naomi Patz (Behrman House, 1984)

Dvar Torah: Mispatim (20/2/18)

Presented at the Leo Baeck Centre For Progressive Judaism

By Mannie Gross