

# Crossing Boundaries in Early Judaism and Christianity

*Ambiguities, Complexities, and Half-Forgotten  
Adversaries: Essays in Honor of Alan F. Segal*

*Edited by*

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# From Theodicy to Anti-theodicy: Midrashic Accusations of God's Disobedience to Biblical Law

*Adam Gregerman*

## 1 Introduction

Alan Segal's many contributions to our knowledge of ancient Judaism and Christianity are distinguished by great creativity and insight. Both from his writings and from his guidance in my own scholarly development, I have learned to question commonplace beliefs about Judaism, Christianity, and—most importantly—the study of Judaism and Christianity. Alan refused to be bound by traditional assumptions or methodologies, and he did not simply repeat oft-heard and largely unchallenged ideas. For example, his work inverts the widespread and questionable scholarly practice of drawing on comparatively late rabbinic sources to illuminate the New Testament by convincingly arguing for the usefulness of Paul's writings for the study of Judaism in the first and second centuries. He broke with earlier Jewish scholars' unwillingness to move beyond traditional antipathies and fruitfully considers the relevance of Christian sources to Jewish history.<sup>1</sup> He brought nuance to popular and scholarly terminology, and skillfully demonstrates the inadequacy of descriptions of 'universalistic' Christianity and 'particularistic' Judaism, for example.<sup>2</sup> He critiqued such simplistic divisions and distinctions, and likewise crossed academic boundaries to draw from other fields. In his research on both the afterlife and conversion, he did not limit himself to an analysis of theological beliefs but delved into contemporary sociological data and methods.<sup>3</sup> These

1 Alan F. Segal, *Paul the Convert: The Apostolate and Apostasy of Saul the Pharisee* (New Haven: Yale University Press, 1990), xv–xvi.

2 Alan F. Segal, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge: Harvard University Press, 1984), 163–82; Alan F. Segal, "Universalism in Judaism and Christianity," in *Paul in his Hellenistic Context*, ed. Troels Engberg-Pedersen (Minneapolis: Fortress, 1995), 1–29.

3 Segal, *Paul the Convert*, 285–300; Alan F. Segal, *Life after Death: A History of the Afterlife in the Religions of the West* (New York: Doubleday, 2004).

examples, and many more, illustrate why it is appropriate to honor him with a work subtitled “Crossing Boundaries in Early Judaism and Christianity.”

As a tribute to my mentor and friend, I present here a study of rabbinic theology that in a sense crosses both modern and ancient boundaries. I will consider anti-theodicy—challenges to the traditional belief in divine justice and benevolence which blames the Jews’ suffering on their own sins—in the Midrash on Lamentations.<sup>4</sup> While not dominant, such challenges in this text have largely been overlooked by modern scholars, and yet deserve serious attention. Whether this can be explained by traditional piety (i.e., a reluctance to consider sometimes shocking rabbinic ideas) or unexamined assumptions about rabbinic theology, there has been surprisingly little interest in investigating rabbinic anti-theodicy, especially the most extreme or harsh statements. Whatever the reasons, I propose to move beyond the prominent scholarly focus on the many midrashim that support a traditional theodicy and consider evidence for an anti-theodic trend.<sup>5</sup> This parallels what I will demonstrate was a more remarkable breach of religious boundaries in the Midrash itself. Despite the dominance of traditional theodicy in biblical and rabbinic thought,

4 On biblical theodicies, see Antti Laato and Johannes C. de Moor, eds., *Theodicy in the World of the Bible* (Leiden: Brill, 2003); James L. Crenshaw, *Defending God: Biblical Responses to the Problem of Evil* (Oxford: Oxford University Press, 2005). On rabbinic theodicies, see Ephraim E. Urbach, *The Sages: The World and Wisdom of the Rabbis of the Talmud*, trans. Israel Abrahams, 2nd ed. (Cambridge: Harvard University Press, 1979), 437–41, 511–23; David Kraemer, *Responses to Suffering in Classical Rabbinic Literature* (New York and Oxford: Oxford University Press, 1995). On Jewish theodicy generally, see Anson Laytner, *Arguing with God: A Jewish Tradition* (Northvale, NJ: Jason Aronson, 1990); Marvin Fox, “Theodicy and Anti-Theodicy in Biblical and Rabbinic Literature,” in *Theodicy*, ed. Dan Cohn-Sherbok (Lewiston, NY: Mellen, 1997), 33–49; Zachary Braiterman, *(God) After Auschwitz: Tradition and Change in Post-Holocaust Jewish Thought* (Princeton: Princeton University Press, 1998).

5 Some downplay or deny the anti-theodicy of rabbinic statements; see Jacob Neusner, *Lamentations Rabbah*, vol. 1 of *The Midrash Compilations of the Sixth and Seventh Centuries: An Introduction to the Rhetorical, Logical, and Topical Program* (Atlanta: Scholars, 1990), 185; Jacob Neusner, “Folklore in the Rabbinic Theological Context: A Review Essay,” *Review of Rabbinic Judaism* 4 (2002): 297–312 (308–09); Christian M. M. Brady, *The Rabbinic Targum of Lamentations: Vindicating God* (Leiden: Brill, 2003), 15. More nuanced studies recognize the presence of anti-theodic ideas, though there is a tendency to minimize their radicalness or significance; see Shaye J. D. Cohen, “The Destruction: From Scripture to Midrash,” *Prooftexts* 2 (1982): 18–39; Alan Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature* (New York: Columbia University Press, 1984), 49–83; David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Cambridge: Harvard University Press, 1991); Kraemer, *Responses to Suffering*, 141.

I will show that some rabbis were willing to question these views and present stunning accusations of injustice against God, crossing boundaries that other Jews refused to breach.

The Midrash on Lamentations, redacted in the land of Israel in the fourth or fifth centuries though containing earlier sources, presents a wide range of views on the Jews' suffering following the Romans' victories in 70 CE and 135 CE.<sup>6</sup> Specifically, I explore an anti-theodic theme in four midrashim that reflects prior critiques of traditional theodicy but also offers distinctly rabbinic, and stunningly harsh, accusations against God. Rather than affirm a traditional theodicy linking suffering and the sin of Jewish disobedience to God and the Torah, the authors of these midrashim turn such an accusation on its head by charging *God* with disobedience to biblical Law. Refusing to blame the Jews themselves for their sins, they blame God, and, most importantly, hold him to a standard of behavior—faithfulness to the Law—that is otherwise applied to the Jews and used to justify their punishment when that standard is not met. In an inversion of expectations, it is God's transgressions that explain Jewish suffering.<sup>7</sup>

My focus is quite specific. I move beyond doubts about divine justice to accusations that God breaks the very commandments enjoined on Israel. Reflecting their intense commitment to Law observance, these rabbis do not make general accusations of divine injustice based on vague expectations that God is good, powerful, etc. Rather, they offer pointed critiques that God ought to have followed the biblical commandments and yet grievously failed to do so. Surprisingly, it is God's failure that explains suffering faced by Israel.

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6 See Moshe David Herr, "Lamentations Rabbah," *Encyclopaedia Judaica* (New York: Macmillan, 1971), 10:1378; H. L. Strack and Gunter Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress, 1992), 283–87; Carl N. Astor, "The Petihta'ot of Eicha Rabba" (PhD diss., Jewish Theological Seminary of America, 1995), 83–88. There is no critical edition of the entire text. I have used the so-called Vilna or Jerusalem version (1878), found on the CD-Rom of the Bar-Ilan University Database of Jewish Studies. Versification is to book and chapter number, with the letter indicating where in the chapter the text is found (e.g., 'b' is partway through the chapter).

Translations of the Bible are taken from the NJPS, and translations of the Midrash are taken from *Midrash Rabbah*, vol. 7 of *Lamentations*, ed. Maurice Simon, 10 vols. (London: Soncino, 1961). I have occasionally made small changes in the translations. Finally, in this essay, 'Midrash' refers to the entire work, and 'midrash' refers to an individual passage.

7 Note that not all the accusations are based on God's unfaithfulness to commandments from the Torah alone, but include accusations that God disobeyed requirements in other parts of the Bible as well.

It is essential to note that these specific critiques are based on an assumption that God, as the author of scripture, observes its commandments. The idea is found throughout the rabbinic corpus. For example, a statement attributed to R. Shimon says that God observed the biblical requirements binding on Israel “to rise before the aged and to show deference to the old,” in Lev 19:32. This presumably refers to the scene in Gen 18:2, where God (or the angelic messengers) stood before Abraham by the oaks of Mamre. God attested “I am the one who carried out the requirement to stand before an elder.”<sup>8</sup> In another example, R. Akiva is said to have rebuked R. Papias in a dispute over God’s freedom of action. R. Papias said that because there is one God in the world, “whatever he wants to do, he does.” R. Akiva, however, retorts that God is not capricious, but does everything “according to the Torah.”<sup>9</sup> Another text, attributed to R. Hama b. R. Hanina in the Babylonian Talmud, reflects an idea that one can “walk after” God by following the same commandments that God follows. Midrashically interpreting various passages in Genesis, he says that God visited the sick and buried the dead, and expects Jews to do the same.<sup>10</sup> In all these examples, God is said to do that which is demanded of the people by the Law.<sup>11</sup>

This expectation is not surprising, for rabbis see biblical Law as the guide for righteous conduct. Just as they deem its observance a Jew’s highest obligation, so too do they expect that God also follows its dictates. Required acts of kindness and mercy are as obligatory on the one who gave the Law as the ones who received it. Solomon Schechter summarizes this ideal: “God himself observes the commandments.”<sup>12</sup> Importantly, this makes it possible, as noted above, to appeal to the covenant when evaluating God’s behavior, for it functions as a “mediating power” between God and the Jews in the case of transgressions by either party. Rabbis appeal to it as if it were a “contractual agreement binding them both.”<sup>13</sup> This undergirds the remarkable accusations of divine disobedience found in the midrashim. God broke the Law, yet Israel paid the price.

8 y. Bik. 3:3, 66c. See also Lev Rab. 35:3.

9 Tanh., Buber Recension, Vayera 4.

10 b. Soṭah 14a.

11 See also Solomon Schechter, *Aspects of Rabbinic Theology: Major Concepts of the Talmud* (New York: Schocken Books, 1961), 201–03.

12 See Schechter, *Aspects*, 203. See also George Foot Moore, *Judaism in the First Centuries of the Christian Era*, 2 vols. (New York: Schocken Books, 1971), 2:146.

13 Braiterman, (*God*), 32.



## 2 The Accusations: Four Passages from the Midrash on Lamentations<sup>14</sup>

### 2.1 1:37b

The Holy Spirit cries out and says, “See, O Lord, my misery; How the enemy jeers!” (Lam 1:9). [It is written,] “The insolent have dug pits for me [which was contrary to your Torah/Law]” (Ps 119:85).

R. Abba b. Kahana, adducing two biblical verses, said, “[If, along the road, you chance upon a bird’s nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs,] do not take the mother (*ha’em*) together with her children (*habanim*)’ (Deut 22:6). But here [it is written], ‘...mother (*’em*) and children (*banim*) were dashed to death together’ (Hos 10:14), ‘which was contrary to your Torah/Law’ (Ps 119:85).”

R. Abba b. Kahana said, “Another time it is written, ‘[For death has climbed through our windows, has entered our fortresses,] to cut off children from the streets’ (Jer 9:20). But not from the synagogues! [to cut off] youth (*bahurim*) from the squares’ (Jer 9:20). But not from houses of study! But here [it is written], ‘... when God’s anger flared up at them [he slew their sturdiest, and he struck down the youth (*bahore*) of Israel]’ (Ps 78:31), ‘which was contrary to your Torah/Law’”

R. Yehudah b. R. Shimon, adducing two biblical verses, said, “No animal from the herd or from the flock [shall be slaughtered on the same day] with its child (*beno*)’ (Lev 22:28). But here child was slain with its mother on the same day, as it says, ‘... mother and children (*banim*) were dashed to death together’ (Hos 10:14), ‘which was contrary to your Torah/Law’”

R. Yehudah b. R. Shimon said, “Another time it is written, ‘[And if any Israelite, or any stranger who resides among them], hunts down an animal or bird [that may be eaten, he shall pour out its blood (*damo*) and cover it with earth]’ (Lev 17:13). But here [it is written], ‘Their blood (*damam*) was shed like water around Jerusalem, with none to bury them’ (Ps 79:3), ‘which was contrary to your Torah/Law’”

14 I have chosen to focus on four midrashim, though others could have been included. These include sections from proems 3, 15, and 24, as well as midrashim at 1:41, 1:50, 1:56, 2:3, 3:1, and 5:1.

The midrash, attributed to two Amoraim, R. Abba b. Kahana and R. Yehudah b. Shimon, sets the tone with a biblical quote recalling Israel's "misery." Each rabbi then creatively juxtaposes biblical verses showing that Israel's suffering contradicted biblical commandments for humane treatment. Though the enemies were the immediate cause of their suffering, I will argue that the concluding statements from Psalm 119:85 emphasize where responsibility ultimately lies: not with the enemies but with God, the giver of the Law, in whose hands lies Israel's fate.

First, R. Abba quotes Deut 22:6: one who finds both fledglings and eggs in a nest must not "take the mother together with her children." He then quotes Hos 10:14, a violent description of conquest and slaughter, which he applies to an attack on Jerusalem. When Israel's enemies assaulted the city, "mother and children were dashed to death together." The link between prohibition and assault is based on the appearance of the Hebrew words "mother" and "children" in both verses, in order to prove that the requirement in Deuteronomy, seen as a restriction on human cruelty, was broken. The result was "contrary to your Torah/Law," quoting the verse in Psalms 119:85. That is, the rabbi uses Hosea's description of an assault on Israel to show that more recent assaults contradicted the Deuteronomic commandment.

In a parallel passage a bit later, R. Yehudah quotes Lev 22:28, where a similar command appears: "No animal from the herd or from the flock shall be slaughtered on the same day with its child." He then follows up with the same violent verse, Hos 10:14. The link is similar: in this case, the appearance of the word "child/children" in both verses. Again, the claim is that a more recent assault on the Jews constituted a transgression of the biblical prohibition on unacceptable violence, for this outcome was "contrary to your Torah." The original commandments applied to the treatment of animals, though the implication is that humans (let alone Israel!) should be shown at least equal consideration.

These accusations are a statement about God's failure. There is no mention of Israel's sins which might justify their suffering according to a traditional, retributive theodicy. Likewise, the foreign enemies, who are largely overlooked in the descriptions, should be seen as at most the agents of Israel's suffering, for it is God who is ultimately in control, and only God could be expected to observe the Law. The failure to do so explains the slaughter faced by the people. The summary denunciations make this clear: all happened "contrary to your Torah" (Ps 119:85). This functions as an indictment of God for failure to assure Israel the humane treatment demanded in the Torah.

Each rabbi also comments on a different set of verses to make a similar point about God's responsibility for Israel's excessive suffering. Returning to the first section, with R. Abba's statements, he quotes a verse from Jeremiah

that he says details the biblical requirements, and then another from Psalms illustrating God's transgression of them. The first verse reads: Death "cut off children from the streets, and youth from the squares" (9:20). He reads this verse over-literally, as if it sets a limit on the places that Jews could be harmed: apart from those who were in the "streets" and "squares," the rest of the Jews, in synagogues and study-houses, should have been protected. He implies that they were not, however, recalling actual attacks on these places. Ps 78:31 proves that the excessive destruction was God's fault and a transgression of Jeremiah's limits: "God's anger flared up at them. He slew their sturdiest, and he struck down the youth of Israel." As above, the link between the two verses is the appearance of the same word, in this case, "youth." This description in Ps 78 is used to argue that the violence was too broad, affecting more people than the verse in Jeremiah seems to allow. "Children," R. Abba says, were cut off *not only* "from the streets" but *also* "from the synagogues." "Youth" were cut off *not only* "from the squares" but *also* "from the study halls." This wide-ranging violence went beyond what Jeremiah seems to permit. It was inexplicable because an attack ultimately attributed to God occurred in places of piety and learning, and it afflicted those especially beloved of God, children and scholars. The attack was a divine betrayal of the divine limitations laid out in Jeremiah and therefore "contrary to your Torah."

Finally, R. Yehudah makes a similar claim. He first quotes Lev 17:13, which requires that one who slaughters an animal must "cover [its blood] with earth." His interest in this ritual commandment can be explained by the connection he makes with another verse about the uncovered blood of the slain among Israel. This second verse, Ps 79:3, supports his claim that the slaughtered Jews' blood was not covered up when they were attacked: "Their blood was shed like water around Jerusalem, with none to bury them." Again, the link is a word in both verses, 'blood.' The assault on Jerusalem was brutal, filling the streets with slaughter and, in an egregious omission, leaving the bodies of the slain unburied.<sup>15</sup> With vivid imagery, the midrash accuses God of treating the blood of the Jews worse than God demanded in Leviticus that they treat the blood of animals. If the blood of animals slain for food and sacrifice must be covered up, should not equal consideration be shown to the blood (and bodies) of the Jews? Like R. Abba, then, R. Yehudah argues that the biblical limitations on violence were ignored, as devastation was, he repeats, "contrary to your Torah."

Despite the denunciations from Ps 119:85, the link between God and the enemies' brutality is not always explicit in these terse statements. Sometimes,

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<sup>15</sup> See also below, at 1:37c.

there is the implication that God is responsible, without identifying God as the agent of punishment, because God is the one who gave the commandment that was broken (and who could be expected to follow it), and who ultimately controls Israel's fate. This is the case with R. Yehudah's last statement. However, R. Abba makes the accusation against God explicit in his quotation of Ps 78:31. While the other verses recounting the enemies' attacks on Israel do not directly implicate God, the verse he quotes is unambiguous. Referring to the people who were "struck down," the agent of the violence is God himself: "He" was angered, and "he" killed them. This makes explicit what the other verses similarly suggest.<sup>16</sup>

## 2.2 1:37C

R. Berechiah said, "The people of Israel spoke before the Holy One, blessed be He, 'Lord of the Universe, to donkeys you gave a burial but to your people you gave no burial.' 'To donkeys you gave a burial'—these are the Egyptians, as it is written, 'whose flesh was like the flesh of donkeys' (Ezek 23:20)." R. Berechiah said, "Since the sea kept casting them back to the land and the land kept casting them back to the sea—the sea was saying to the land, 'Receive your bodies,' and the land was saying to the sea, 'Receive your bodies'—the land said, 'If at the time that I only received the blood of Abel it was pronounced against me, "Cursed is the ground" (Gen 3:17), how can I receive the blood of this multitude?' [Then] the Holy One, blessed be He, swore to it that he would not hold it to account. For is it not written, 'You stretched out your right hand, the earth swallowed them' (Exod 15:12)? 'Right hand' signifies nothing else than an oath, as it is said, 'The Lord has sworn by his right hand' (Isa 62:8). But to your people you gave no burial, 'which was contrary to your Torah/Law' (Ps 119:85)."

The midrash attributed to the amora R. Berechiah indicts God for failing to perform a deed assigned supreme significance in rabbinic literature: burial of the dead. This is not simply an act of kindness for which one cannot be repaid, but a binding commandment.<sup>17</sup> Importantly, God too made sure that the command was followed. For example, rabbis say God buried Moses at the end of

16 Interestingly, the opposite explanation—Israel alone is at fault—appears in another interpretation of Ps 119:85, in the Midrash on Psalms *ad loc*.

17 For example, b. Meg. 3b and b. B. Qam. 81b use legal language to describe this obligation; see also b. 'Erub. 17b; b. Sukkah 25b; b. Naz. 43b–48b; b. Sanh. 35a–b; cf. Josephus, C.

Deuteronomy and, when Jews' bodies were left unburied after the fall of the Betar fortress in 135 CE, preserved them from decomposition until it was possible to inter them.<sup>18</sup> This midrash, however, reflects intense disappointment and confusion over what is seen as God's failure to bury the dead of Israel. The accusation perhaps recalls the slaughter of Jews by Rome, and is based on a verse quoted in the previous midrash, Ps 79:3.

The author begins with a related criticism of divine injustice. Not only did God not bury the dead of Israel, but, it also says, God *did* bury the Gentile dead: "To donkeys [i.e., Egyptians] you gave a burial."<sup>19</sup> Evidence for this is offered from the Exodus account of the Israelites' flight from their Egyptian pursuers. The midrash introduces a verse from Exod 15:12, "the earth swallowed them." This is a poetic reference to the defeat of the Egyptians, who followed the Israelites into the parted sea but "sank like lead" and were destroyed (Exod 15:10). According to the midrash, the land and the sea both were afraid to accept Egyptian corpses. The land explains its reluctance: "If at the time that I only received the blood of Abel it was pronounced against me, 'Cursed is the ground,' how can I receive the blood of this multitude?"<sup>20</sup> Only God's direct intervention secures the land's assent to accept the bodies. God will not "hold it to account," and there will be no curse on the land as there was in Genesis. God, the midrash says, even gave an oath, reading Exod 15:12 ("You stretched out your right hand") as evidence of a solemn promise to the land, for that is how the phrase "right hand" is used in Isa 62:8.<sup>21</sup>

The emphasis on God's commitment to the burial of the Egyptians is used to demonstrate a shocking discrepancy between God's treatment of them, in fulfillment of the requirement to bury corpses, and of the Jews. God's comparative lack of concern for the Jews prompts the pointed accusation of divine transgression. God failed to ensure the burial of the slain among the Jews—"to your people you gave no burial"—and this was "contrary to your [i.e., God's] Torah" (Ps 119:85).<sup>22</sup> Though the verse was originally a criticism of the Psalmist's

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Ap. 2:30. See Saul Lieberman, "Some Aspects of After Life in Early Rabbinic Literature," in *Texts and Studies* (New York: Ktav, 1974), 235–72 (255–56).

18 b. Soṭah 14a; b. Ta'an. 31a.

19 The midrash depends on verses not provided here. Egyptians are linked with donkeys in Ezek 23:19, and the claim that God buried donkeys likely refers to the requirement in Lev 17:13, quoted in a previous midrash, that the blood of slain animals be covered with earth (though this applies to animals that were consumed).

20 The quotation is from Gen 3:17, but the midrash seems to refer to Gen 4:11.

21 Cf. Tg. Neof. and Tg. Ps.-J. on Exod 15:12.

22 See Charles A. Kroll, "The Effect of Suffering on the Concept of God in Lamentations Rabba" (MA thesis, Hebrew Union College, 1960), 69; Mintz, *Hurban*, 78.

enemies, in the midrash the charge is now redirected at God directly (“*you*”). The enemies, just like in the previous midrash, are not in view. The religious requirement to attend to the burial of the Israelite dead was neglected by God, so that God, inexplicably, broke the Law. God’s behavior failed to conform to this ultimate standard of right conduct. There is no hint that the people deserved such treatment, no mention of their sin or guilt which might otherwise minimize the apparent injustice. This is a damning indictment of God for kindness to those least deserving and for cruelty to those most deserving.

### 2.3 1:40<sup>23</sup>

“Look about and see: Is there any agony like mine, which was dealt out to me [when the Lord afflicted (*’olal*) me on his day of wrath]?” (Lam 1:12). For he was strict with me, and cut off my gleanings (*’olalti*)—gleanings having the same meaning as in the verse, “When you gather the grapes of your vineyard [do not glean (*te’olel*) what is left; that shall go to the stranger, the fatherless, and the widow]” (Deut 24:21).

The most straightforward accusation of divine injustice is made here by an unnamed rabbi, in a midrash on Lam 1:12, a mournful comment on suffering when “the Lord afflicted [Israel].” Importantly, the biblical verse is surrounded by others that justify suffering as divine chastisement of sinful Israel.<sup>24</sup> This midrash, by contrast, undermines this type of retributive justification. It too bemoans Israel’s suffering, but the explanation is very different.

The unnamed rabbi, citing Lam 1:12, also emphasizes Israel’s suffering, but instead lodges a complaint against God: “He was strict with me, and cut off my gleanings.” The complaint is based on the ambiguity of the Hebrew word *’olal*, translated in Lam 1:12 as “afflicted.” However, the same root can also be translated as “glean,” as in a harvest.<sup>25</sup> This is the meaning it is given next, as the author quotes Deut 24:21, a commandment to the farmer to leave fallen produce behind for the poor: “When you gather the grapes of your vineyard, do not glean (*te’olel*) what is left.” This biblical requirement to leave dropped food behind in the fields is obligatory on all Israelites, a required act of kindness toward the hungry and vulnerable.

23 Cf. 1:57.

24 E.g., 1:5, 8, 14, 18.

25 F. Brown, S. Driver, and C. Briggs, eds., *The Brown-Driver-Briggs Hebrew and English Lexicon* (Peabody, MA: Hendrickson, 1996), 760.

The midrash charges that God did not fulfill this biblical requirement. Reading Deut 24:21 metaphorically, the rabbi accuses God of having acted harshly toward those who, as the Torah says, deserve to be cared for, when he “cut off [their] gleanings.” Israel, like the hungry and weak, are rightfully owed a minimum level of consideration, though this was denied to them by God, who saw to it that nothing was left behind for them. This expectation that something would be left behind is based on the commandment in Deuteronomy, and is by extension binding on God as the author of the Law. The biblical standard the rabbi appeals to is God’s own standard; God is accused of being overly “strict,” and therefore not adhering to the commandment.<sup>26</sup>

This is not simply a complaint that God treated Israel harshly. Rather, God explicitly failed to heed the demands of the Law by symbolically denying the Jews the sustenance necessary for survival. It is not divine mercy but divine justice and faithfulness to the Law which is denied. Recalling the ancient devastation mentioned in Lam 1:12, the author therefore condemns God’s later “affliction” of Israel. (Again, the enemies go unmentioned.) Like others, this midrashist struggles to explain Israel’s repeated setbacks and continuing sense of powerlessness. He appropriates the cry in Lamentations, though without offering a traditional justification for suffering (i.e., Israel’s sin), to rebuke God.

#### 2.4 *Proem 24*<sup>27</sup>

When the angels saw [Abraham], they also composed lamentations, arranging themselves in rows [like mourners] and saying, “Highways are desolate, Wayfarers have ceased. He broke the covenant, He rejected the cities, He did not regard man” (Isa 33:8). What does “Highways are desolate” mean? The angels spoke before the Holy One, blessed be He, “How the highways to Jerusalem that you established, so that travelers should not cease therefrom, have been destroyed!” “Wayfarers have ceased.” The angels spoke before the Holy One, blessed be He, “How have the ways on which Israel used to pass to and fro on the pilgrimage festivals ceased!” “He broke [*hefer*] the covenant.” The angels spoke before the Holy One, blessed be He, “Sovereign of the universe, broken is the covenant made with their patriarch Abraham, through which the world is peopled and through which humanity acknowledges that you are God Most High, maker of heaven and earth.” “[H]e rejected (*ma’as*) the cities.” The

26 The term for ‘strict’ (דקדק) can refer to God and humans, and describe behavior that is unexpectedly harsh and even contrary to justice; e.g., b. Yebam. 121b; Lev Rab. 27:1; see Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, 2nd ed. (Ramat-Gan: Bar-Ilan University, 2002), 154.

27 This section appears about one-third of the way into Pr 24.



angels spoke before the Holy One, blessed be He, “Have you rejected Jerusalem and Zion after you had chosen them?” And so it is stated, “Have you completely rejected (*hama’os ma’asta*) Judah? Does your soul loath Zion?” (Jer 14:19). “He did not regard man (*’enosh*).” The angels spoke before the Holy One, blessed be He, “You have not regarded Israel even as much as the generation of Enosh (*’enosh*), who were the foremost idolaters.”

The lengthy Proem 24 contains a vivid description, attributed to the amora R. Shmuel b. Nachman, of a visit by a mournful Abraham to the destroyed Temple. Joining him are angels, who compose lamentations of their own. First, the patriarch demands that God tell him why Israel has suffered such a loss, especially when the idolatrous nations are thriving inexplicably. Next, angels issue similar accusations against God, for they too are angry over Israel’s fate. I will focus on this part of the larger scene. As I will demonstrate, the angels’ accusations, like those above, are grounded in a sense of disappointment in God. Specifically, Israel’s inability to carry out required commandments because of the Temple’s destruction ultimately is seen as a failure of God’s faithfulness to Scripture. They are also disappointed by God’s betrayal of fundamental features of the relationship between God and Israel, and accuse God of infidelity to the covenant and earlier promises of election.

The midrash is based on a re-application of Isa 33:8 to post-70 CE Jerusalem. Isaiah’s ancient description of foreign oppression is here used to illustrate recent devastation of the land. The angels comment on each phrase of the verse. They begin their lament with the first phrase: “Highways are desolate, Wayfarers have ceased.” They speak directly to God, complaining about loss that extends beyond the localized devastation of the Temple to the Jews’ inability to fulfill a central religious obligation, travel to Jerusalem on pilgrimage.<sup>28</sup> Previously, they say, Jews came from great distances to the Temple. However, the paths they took were destroyed, as illustrated by Isaiah’s statement, “Highways are desolate,” which they read as an explanation for the absence of Temple pilgrims. In their comment on the verse, they exclaim, “How the highways to Jerusalem that you [i.e., God] established, so that travelers should not cease therefrom, have been destroyed!” The second phrase, “Wayfarers have ceased,” also refers to the cessation of pilgrimages. These were trips undertaken in obedience to the biblical commandment to travel to Jerusalem, and demonstrated the Jews’ piety.

They can no longer do this, yet the implication is that they are not to be blamed. The angels suggest that the Jews were willing—“Israel used to pass to and fro”—and remain willing, for they ceased their pilgrimages only when

28 E.g., Exod 23:14–17; 34:23; Deut 16:16.



the roads became impassable. Furthermore, there is no mention of the Gentile destroyers, who are most immediately responsible for the change. Rather, in the context of this angry section, we have here an indictment of God, placed on the lips of the angels. Following Abraham's outburst at God, the angels' complaint neatly fits into this pattern of accusations. Their focus is not on suffering and loss generally, but, specifically, on the losses that keep Jews from observing the Torah's pilgrimage requirement. Witnessing the destruction, they blame God for the abrogation of a biblical obligation.

The following statement makes the object of the accusation explicit. Isaiah's phrase, "He broke the covenant," with its third-person masculine singular verb form *hefer*, refers directly to God. The accusation of breaking the covenant is typically applied to the Jews, using identical words to criticize them for transgressing the commandments.<sup>29</sup> In this midrash, the critique is inverted. Now God, like the wicked in Israel, is accused of abrogating the covenant. The angels suggest that God's promises can be doubted and that God's power may not be as great as was once thought. Addressing God, they say that humanity may no longer acknowledge "that you are God Most High, maker of heaven and earth." God's faithlessness to the covenantal obligations is manifest in Israel's suffering, and raises disquieting doubts among Jews and Gentiles.

The angels' last two comments on Isaiah provide stinging parallels to the accusations we have already seen. They charge God with unfaithfulness to fundamental ideas of chosenness. Promises given repeatedly in the Bible—to put God's name in one place, to take one people as God's own—have been forgotten. The charges, while less specific than the immediately preceding ones, fit with the others as evidence of divine disobedience to the Bible.

On Jerusalem, angels demand to know, "Have you rejected Jerusalem and Zion after you had chosen them?" To describe the loss, they quote a verse from Jeremiah which contains the same word "reject" as Isa 33:8: "Have you completely rejected Judah?" (Jer 14:19). Jeremiah's anguished question becomes an indictment of God for betraying a bedrock idea in biblical theology, God's choice of Jerusalem. The betrayal, manifest in the destruction, cannot be reconciled with the prophecy, prompting doubts about God's faithfulness to his word. Likewise, on Israel's chosenness, the angels, commenting on the phrase "He did not regard man," contrast the terrible fate of the chosen people with the success of the Gentiles. The angels creatively read not the generic word "man" (*'enosh*) in Isa 33:8 but the name "Enosh," recalling this antediluvian figure from Gen 4:26 who was demonized as the first idolater in rabbinic

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29 E.g., Lev 26:15; Deut 31:16, 20.

tradition.<sup>30</sup> The point they make is that God, as demonstrated by recent events, did not even “regard” him and his fellow idolaters *negatively*, though they, rather than Israel, deserved to be criticized and punished.

This unexpected outcome provides further evidence of divine injustice and a breakdown in Jewish observance. The unique relationship between God and Israel, and God’s solicitude for the people, are undermined. There is no defense of God’s behavior, and there are no accounts of Israel’s sins which might prove the justice of this outcome. There is only a cessation of prominent biblical commandments, and suffering and dispossession for the chosen people, a fate worse than that of the sinful nations.<sup>31</sup>

### 3 Historical Context

When considering the influences upon rabbis’ perceptions of Jewish suffering, we can draw on the Midrash itself, as well as our knowledge of Jewish history in the land of Israel in the few centuries after the destruction.<sup>32</sup> I cannot now reconstruct that history, but simply want to mention evidence that might have encouraged these perceptions. Throughout the Midrash we find references to mass suicide, enslavement, and slaughter.<sup>33</sup> Though many statements are of questionable historicity, their frequency and vividness reflect strong perceptions of loss and suffering, at various times and places, and under various rulers.

The force of these complaints is compounded by perceptions of political and symbolic powerlessness and loss, especially when compared to the successes of the Gentiles.<sup>34</sup> It was surely galling that Rome’s domination, unlike that of earlier oppressors, had not come to an end. Those who destroyed the Temple in 70 CE and repressed the revolts retained control of the land. In it were garrisons of Roman troops. Taxation was high, and paganism was

30 See b. Šabb. 118b; Gen Rab. 23:7. The negative perception is not found in all ancient Jewish texts; see Steven D. Fraade, *Enosh and his Generation: Pre-Israelite Hero and History in Post-Biblical Interpretation* (Chico, CA: Scholars Press, 1984).

31 See also Mintz, *Hurban*, 78; David Stern, “Imitatio Homini: Anthropomorphism and the Character(s) of God in Rabbinic Literature,” *Prooftexts* 12 (1992): 151–74 (162); Kraemer, *Responses to Suffering*, 145.

32 Saul Lieberman, “Palestine in the Third and Fourth Centuries,” in *Texts and Studies*, 112–79; Louis Feldman, “Some Observations on Rabbinic Reaction to Roman Rule in Third Century Palestine,” *HUCA* 63 (1992): 39–81.

33 E.g., Proem 17; 1:45–50; 2:6b; 2:23; 4:7.

34 E.g., Proem 24; 1:35; 1:41; 1:51–52; 5:1. See Mintz, *Hurban*, 5, 78.

unavoidable.<sup>35</sup> Perhaps the shift to a Christian empire encouraged such anger. While the Midrash makes no explicit references to Christianity, we do know of increasing restrictions on Jewish life following Constantine. These include limits on the power of Jewish courts, restrictions on ownership of slaves, and loss of exemptions from onerous civil service tasks, for example. With Jews already chafing under pagan rule and oppression, the coming of Christian rule presented further evidence of Jewish powerlessness.<sup>36</sup>

#### 4 Conclusion

These midrashim, rejecting a retributive theodicy that explains the fate of the Jews by their transgressions of the Law, present remarkable critiques of God. There is some precedent in earlier anti-theodicies for doubts about divine justice. However, these midrashim are noteworthy not only for their bitterness but for the use of God's own standard—faithfulness to the Torah—against him. Some rabbis seem reluctant to directly criticize God, or have surrogates (e.g., angels) do so, while others are stunningly direct. However, the central theological assumption that underlies these midrashim—that ultimately God controls Israel's fate, even when afflicted by human enemies—makes the object of the critiques unmistakable. It is God who failed to follow the requirement of Scripture, but Israel who pays the price. The repeated failure to mention Israel's human enemies, who were of course most immediately responsible for their suffering, confirms this. Though one should be cautious when speculating about rabbis' motives, a desire to give voice to feelings of pain and frustration, rather than to exonerate Israel as sinless victims, is most prominent. Rabbis may also wonder whether Israel deserved to suffer, but the emphasis—in tone,

35 See E. Mary Smallwood, *The Jews Under Roman Rule from Pompey to Diocletian: A Study in Political Relations* (Leiden: Brill, 1981), 495–96, 526–27; Martin Goodman, *State and Society in Roman Galilee, AD 132–212* (Totowa, NJ: Rowman & Allanheld, 1983), 142–48; Richard Horsley, *Galilee: History, Politics, People* (Valley Forge, PA: Trinity Press International, 1995), 124–25; Seth Schwartz, *Imperialism and Jewish Society, 200 BCE to 640 CE* (Princeton: Princeton University Press, 2001), 107–08; Steven Fine, *Art and Judaism in the Greco-Roman World: Toward a New Jewish Archaeology* (Cambridge: Cambridge University Press, 2005), 110–17.

36 Peter Schäfer, *The History of the Jews in the Greco-Roman World* (London: Routledge, 2003), 176–88; Amnon Linder, “The Legal Status of the Jews in the Roman Empire,” in *The Cambridge History of Judaism: The Later Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 1:228–73 (144–73).

in the vividness of the descriptions, in the contrast between the fates of Israel and the nations—is on anger over God’s failings.

No rabbi (at least, no rabbi whose views are preserved in rabbinic literature) goes so far as to threaten to punish or reject God for breaking the Torah, as God threatens to do to disobedient Israel many times in the Bible. This, one imagines, would take the critique too far, crossing an unacceptable boundary by vitiating entirely the covenantal relationship between God and Israel. If one follows through the logic of some of the accusations, this may be surprising. However, there are precedents for this reluctance to cast off God, even in the wake of suffering, and even when racked by doubts about divine justice. Anti-theodicy does not mark the end of faith, nor is anti-theodicy the same thing as atheism.<sup>37</sup> Blunt rebukes *of* God appear in speeches *to* God, implicitly affirming the relationship, even as rabbis attack the other party to it.

The Jewish covenantal model of the relationship between God and Israel may be well-suited for such a rebuke, and helps us to understand how rebuke may co-exist with continuing faith. In the dominant form of the model, God criticizes Israelites for their transgressions, and nonetheless affirms a deep commitment to them. Now, in the midrashim, rabbis both criticize God for God’s transgressions but nonetheless implicitly affirm their faith by not rejecting God. There is an inherent tension in each formulation, between critique on the one hand and steadfastness and fidelity on the other. This need not, however, be irreconcilable; biblical ideas of covenant emphasize both aspects of God’s treatment of Israel, sometimes in close proximity to each other.<sup>38</sup> This unlikely parallel between the dominant covenantal model and that of these four midrashim, while minimizing the stark differences between the two parties God and Israel (in power, expectations, etc.), illustrates the type of balance that can be struck by those who face the sad reality that covenant partners can be profoundly disappointing.

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37 See Braiterman, (*God*), 4.

38 See Walter Brueggemann, *Theology of the Old Testament: Testimony, Dispute, Advocacy* (Minneapolis: Fortress, 2005), 247–49.