

Dvar Torah for Parshat Mattot

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The Most Important Text in the Mishna: Executing the Image of God

Rabbi Mishael Zion | Text and the City | BronfmanTorah | Mattot 2016

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The Sanhedrin (Rabbinic High Court)

They once asked **Hillel** where he was going. He answered:

--"I am going to do a mitzvah."

"Which mitzvah?"

--"I am going to the bathroom"

"That is a mitzvah??"

--"Yes, so the body won't dysfunction"

"Where are you going Hillel?"

-- "I am going to do a mitzvah"

"Which mitzvah, Hillel?"

--"I am going to the bath house".

"That is a mitzvah??"

--"Yes! If those who are in charge of the images [statues] of Caesar in theaters and circuses, scour them and wash them and are rewarded and honored for it -- how much more should we take care of our bodies, for we have been created in the image of God, as it is written,

'In the image of God was human created' (Genesis 1).

Shammai would not say thus, but rather would say:

"Let us do what must be done with this body".

Avot deRabbi Nathan b 38a,

Commentary on "Let all your deeds be for the sake of heaven",

Pirke Avot Chapter 2:19

The human body has become the site of this year's most intense debates and dramas. It seems like one perspective asks us to look beyond the human body, as a way of recognizing the inherent equality of all human beings, regardless of gender, ethnicity, color, nationality and creed. The growing recognition of the right to self-definition of human beings over their body (including where Hillel will go to perform the mitzvah of going to the bathroom) also seems to transcend the human body as a means to freedom – even as it brings the physical body back to the center of attention. And then on the darker side of things, the resurgence of public violence aimed specifically against the human body, in far off lands and close to home, brings our very bodies – not just our beliefs and opinions – back into clear relief. These killings claim symbolic meaning in the public desecration of the human body, renouncing the sanctity of human life not only of those being killed, but by proxy of all humans watching. Some might frame this as a battle between a religious and a secular world view, yet in the Jewish House of Study, the conversation about human life is a conversation about God, for human beings – so we teach our children – were created in the image of God. As I try to navigate my own position in these debates,

I find myself returning again and again to this idea of *Tzelem Elohim*. In it I find that the call to human freedom, equality and uniqueness is found not in overcoming the human body, but in placing the human body as the very site of infinite value and deep equality.

Yet, if we're going to tout that old adage of "Tzelem Elohim" - being created in the image of God - around, I owe it to myself to dig deeper into how this idea was understood, constructed, reinterpreted and used by Jews over the centuries.

Ironically, the place where a culture's true values regarding the sanctity of human life play out is in the way they choose to end such lives through judicial means, i.e. execution (see Foucault's "[Discipline and Punish](#)" for a great exploration of these themes as the essence of modernity). Thus this summer I've been studying with the 2016 Bronfmanim the Sixth Chapter of Tractate Sanhedrin, which discusses how a society that believes that humans are created in the image of God would go about the problematic act of execution. The texts are gruesome and dark at times (and oddly, I feel like binge viewing "Game of Thrones"), but the Talmudic discussions of execution reveal how the Rabbis reshaped the Biblical execution rituals to reflect the two organizing principles that they set for the Torah: "*Love your neighbor as yourself*" (which they interpreted to mean: therefore even choose for them a good death") and "*In the image of God they were created*". (Want to study this with us? Take a look at these debates in this [chapter of Mishna](#), in [Beth Berkowitz's](#) fantastic book about execution in Jewish, Christian and Roman texts; or email me to get the source packet from my shiur this summer, which I'd be delighted to share).

But of all the fascinating details of execution – stoning, burning, hanging, oh my -- there is one Rabbinic text that stands out as the (bleeding) heart of the idea of the image of God. It unfolds in a speech which is given to witnesses who seek to give incriminating testimony in a capital case. If we are to end a human life because of the words you are about to say, says the Mishna, we want to make sure you understand the gravity of human life. If there is one Rabbinic text which is most important to study, memorize and recite in our times, I believe it is this one:

How do we press the witnesses in a capital case? We bring them in [to the court's chambers] and press them: "Perhaps what you say [isn't eyewitness testimony] but your own assessment, or from rumors [...] But take heed, for capital cases are not like monetary ones. In monetary cases, [a false witness] can return the money and be forgiven. But in capital cases, the blood of the victim [a wrongfully executed person] and all their future offspring hang upon you until the end of time.

For thus we find in regard to **Cain**, who killed his brother, the verse says: "*The bloods of your brother scream out!*" (Genesis 4:10) – the verse does not say *blood* of your brother, but *bloods* of your brother, because it was his blood and also the blood of his future offspring [screaming out]!

It was for this reason that **human was first created as one person**, to teach you that anyone who destroys a life is considered by Scripture to have destroyed an **entire world**; and anyone who saves a life is as if he saved an entire world."

And also, to **promote peace** among the creations, that no person can say to their friend, "My ancestors are greater than yours." And also, so that heretics will not say, "there are many rulers up in Heaven."

And also, to express the grandeur of The Holy Blessed One : For a human strikes many coins from the same die, and all the coins are alike. But the King, the King of Kings, The Holy Blessed One strikes every human from the die of the First Human, and **yet no human is quite like the other.**

Therefore, every person must say, "For my sake the world was created."
([Mishna Sanhedrin Chapter 5:4](#), see Hebrew text below)

Here, in the middle of a procedure to kill a person, is where Jews have a conversation about the value of human life. The Mishna uses the story of the creation of Humanity to draw moral conclusions: narrative turns into *nomos*; myth becomes practice. Three basic teachings are expounded from the fact that in the Jewish creation story, God creates just one human being: that human life is of infinite

value (every person is worth an entire world); that all lives are equal (one can't say "my ancestor is greater than yours"); and that each human life is unique (no coin of god=human being is quite like the other). This could easily become a teaching of radical individualism – "for me the world was created!" – but instead becomes a call of infinite responsibility to human life wherever it is to be found. Ethics, existentialism and mysticism are tied together here. Witnessing human diversity and individual uniqueness becomes a testament to God's amazing creation – and it all emanates from a great respect for the human body itself, which is infinitely unique, valuable AND equal, because it is an icon of God. Thus encountering human matchlessness becomes a spiritual experience. Building a society that truly believes that human beings are created in the image of God means creating societies where every person is recognized for their own (divine!) uniqueness, where all human beings are equal, and where every human life is of infinite value. The conversation of criminal justice must begin from this point, as must the conversation of why and how Jewish communities so often fail to reflect these values.

The ramifications of this approach are reflected in the dark heart of capital punishment to the Rabbinic approach to toilets, as in the opening quote from Hillel above: "Just as the Romans believed that the icons of their Gods, Kings and emperors were imbued with an element of the sovereign itself, so our very bodies are imbued with an element of Divinity herself, and must be treated with the proper respect."

Shammai, mind you, is having none of this anthropomorphic nonsense. The above Mishna might be the most important text to some Jews, but to others it is nothing of the sort. Yet perhaps this too explains why we value debate and dispute, *machloket*, in Judaism: the diversity of opinions in itself reflects the divine uniqueness of human existence... If only God created more people that agree with me, and not so much uniqueness, the world would be a simpler place...

Continue the conversation. Send Mishael your thoughts: mishael@byfi.org

מסכת אבות דרבי נתן נוסחא ב פרק ל

וכל מעשיך יהיו לשם שמים כהלל. כשהיה הלל יוצא למקום היו אומרים לו להיכן אתה הולך. לעשות מצוה. אני הולך. מה מצוה הלל. לבית הכסא אני הולך. וכי מצוה היא זו. אמר להן הן. בשביל שלא יתקלקל הגוף איכן אתה הולך הלל. לעשות מצוה אני הולך מה מצוה הלל. לבית המרחץ אני הולך. וכי מצוה היא זו. אמר להן הן. בשביל לנקות את הגוף. תדע לך שהוא כן מה אם אוקיינות העומדות בפלטיות של מלכים הממונה עליהם להיות שפן וממרקן המלכות מעלה לו סלירא בכל שנה ושנה ולא עוד אלא שהוא מתגדל עם גדולי המלכות. אנו שנבראנו בצלם ודמות שנאמר כי בצלם אלהים עשה את האדם (בראשית ט' ו' 'על אחת כמה וכמה. שמאי לא היה אומר כך אלא יעשה חובותינו עם הגוף הזה

משנה מסכת סנהדרין פרק ד

כיצד מאימין (על עדי נפשות

היו מכניסין אותן ומאימין עליהן

שפא תאמרו מאמד, ומשמועה

עד מפי עד ומפי אדם נאמן שמענו

או שמא אי אתם יודעין שסופנו לבדוק אתכם בדרישה ובחקירה

הו יודעין שלא כדיני ממונות דיני נפשות. דיני ממונות, אדם נותן ממון ומתכפר לו

דיני נפשות, דמו נדם ורעיותיו תלוין בו עד סוף העולם, שפן מצינו בקון שהרג את אחיו, שפאמר (בראשית ד)

דמי אחיד צעקים, אינו אומר דם אחיד אלא דמי אחיד, דמו נדם ורעיותיו

דבר אחר, דמי אחיד, שהיה דמו משלה על העצים ועל האבנים

לפיכך נברא אדם יחידי

ללמדך, שכל המאבד נפש אחת [מישראל]

מעלה עליו הפתוב פאלו אבד עולם מלא

וכל המקום נפש אחת מישראל

מעלה עליו הפתוב פאלו קים עולם מלא

ומפני שלום הבירות

שלא יאמר אדם לחברו אבא גדול מאביך

ושלא יהו מינין אומרים, הרבה רשויות בשמים

ולגיד גדלתו של הקדוש ברוך הוא

שאדם טובע כמה מטבעות בחותם אחד

וכלן דומין זה לזה

ומלך מלכי המלכים הקדוש ברוך הוא

טבע כל אדם בחותמו של אדם הראשון

נאין אחד מהן דומה לחברו

לפיכך כל אחד ואחד חייב לומר

בשבילי נברא העולם

ושמא תאמרו מה לנו ולצרה הזאת

נהלא כבר נאמר (ויקרא ה) (והוא עד או ראה או ידע אם לוא נגיד וגומר

ושמא תאמרו מה לנו לחוב בדמו של זה

נהלא כבר נאמר (משלי יא) (ובאבד רשעים רנה

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