

Essentialism, Freedom of Choice, and the Calendar: Contradictory Trends in Rabbinic Halakhah

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I. Rituals as a Response to a Pre-existent Nature of Time

Religious practices which are performed on a specific date, or at a specific point in time, *necessarily* reflect a notion of a pre-existent nature of reality, which demands and directs their performance. The very fact that such actions cannot be carried out at any time attests that the religious system considers certain temporal loci to be charged with significance, and that this significance requires exposure or a response in the form of a consecrated ritual or festival. Blowing the shofar, for example, is “right” only on the first day of the seventh month, whereas repentance is especially efficacious on the tenth of the month, and sitting in the sukkah is meaningless after the conclusion of the seventh day of the festival of Sukkot.

The view that specific points in time—hours, days, or dates—have special meaning to which time-dependent rituals respond is well-entrenched in the rabbinic world.¹ The rationales for this special essence of time that demands

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1 Sacha Stern (*Time and Process in Ancient Judaism* [Oxford: Littman Library of Jewish Civilization, 2006], 124) argues that “the concept of time as an entity per se was alien to the ancient Jewish world-view. Reality was conceived only as a series of discrete events and processes.” However, the current paper does not deal with the very concept of time but rather with the notion of the sacred points in the sacred cycle of the Jewish year as viewed by the rabbis.

the performance of biblical or rabbinic commandments can be divided into three categories: seasonal, historical, and metaphysical. The “natural” category includes those holidays, rituals, and certain praxes that emerge from their place in the seasonal and annual agricultural cycles. This category of designated times is prominent in the Hebrew Bible’s denotations of the festivals, *יום הבכורים*, *חג האסיף*, *חג הקציר*, *חג הקציר* (The Feast of the Harvest, the Feast of Ingathering, the Day of the First Fruits, see, e.g., Exod 23:16; Num 28:26), and awareness of this aspect was also maintained and heightened by the rabbis. With regard to the historical rationale, the Hebrew Bible establishes that the festivals and certain ceremonies function to commemorate past events. Of these, the prime example is the paschal sacrifice on the 14th of Nisan, which commemorates the Exodus from Egypt on that date (Exod 12:14–17). As we shall see, the rabbis also developed and modified this historical aspect of the festivals. But the third category, the festivals invested with metaphysical “sacred time,” has no biblical precedent. Whereas the Hebrew Bible does ascribe divine blessing and holiness to the Sabbath (e.g., Gen 2:1–3), which is celebrated every seventh day, independently of the Jewish calendar, it never points explicitly to an invisible cosmic event that occurs on the calendrical holidays. Yet, the rabbis anchored several commandments and obligatory time-dependent practices in a hidden superhuman reality to which the action or commandment responds or which reveals its existence.

On the other hand, we also find an entirely opposite approach in rabbinic thought, according to which time is essentially neutral and lacks pre-existent content. It is human activity that determines its nature and endows it with content and significance. The most outstanding example of this viewpoint in the halakhic context is the subjection of the calendar to human discretion and decision. The current paper examines these phenomena, focusing especially on the strategies employed to *resolve* the tension between the two poles, namely, the harmonization of the natural, historical, and metaphysical aspects of the festivals with the principle of human autonomy in shaping time. Based on an examination of the relevant sources I will also try to elicit the theological advantages and disadvantages of each of these approaches.

II. The “Essentialist” Approach—the Pre-existent Nature of Time

I now turn to what I term the “essentialist approach,” based on its ascription of a special essence, logically prior to human activity, to certain points in time. The first of the three aspects I would like to explore is the seasonal essence of time.

Natural-Seasonal Essence of Time

One aspect of reality to which the festival rituals respond is nature itself; the changing seasons and the agricultural cycle. Obvious in the Hebrew Bible, this element is also clearly acknowledged in rabbinic thought. Thus, Rabbi Akiva ascribes the biblical injunctions of the *omer*—the barley offering brought to the Temple on Passover (Lev 23:10–14)—and the first-fruits of the wheat harvest brought on Shavuot (Lev 16–17), as well as the extra-biblical custom of the water libation on the altar on Sukkot (*m. Sukkah* 4:9–10 and many other sources), to the nature of the season:

אמ' ר' עקיבא אמרה תורה הבא עומר שעורין בפסח שהוא פרק שעורין כדי שתתברך עליך תבואה, הביא בכורים חטים בעצרת שהו פרק אילן כדי שיתברכו עליך פירות אילן, הביא ניסוך המים בחג כדי שיתברכו עליך מי גשמים

Said R. Akiva, “The Torah has required to bring the *omer* of barley on Passover, because it is the season of barley, so that the grain-harvest would be blessed on its account. It required bringing first fruits (of grain) on Pentecost, because it is the season of orchards, so that on its account the produce of fruit-bearing trees will be blessed. It required bringing the water-offering on the Festival [of Tabernacles] so that the rain would be blessed on its account.” (*t. Sukkah* 3:18)

This is the version as it appears in *Tosefta Sukkah* and in *Sifre Numbers* 150, but *Tosefta Rosh HaShanah* 1:12 (as well as *b. Rosh Hash.* 16a) has an addition:

אמ' ר' עקיבא אמרה תורה הבא עומר שעורין בפסח שהו פרק שעורין כדי שתתברך לך תבואה הבא חטים בכורים בעצרת שהוא פרק אילן כדי שיתברכו עליך פירות אילן הבא ניסוך המים בחג כדי שיתברכו עליך מי גשמים, אמרו לפניו מלכיות זכרונות ושופרות, מלכיות כדי

שתמליכוהו עליהם, זכרונות כדי שיבא זכרונכם לטובה לפניו, שופרות
כדי שתעלה תפלתכם בתרועה לפניו

Said R. Akiva, “The Torah has required to bring the *omer* of barley on Passover... [etc.]... say before Him sovereignty-verses, remembrance-verses, and shofar-verses: sovereignty-verses, so that you will make Him ruler over them; remembrance-verses, so that your remembrance will come before Him for good; shofar-verses, so that your prayer will go up with the quavering sound of the shofar before Him.” (*t. Rosh Hash.* 1:12)

As elaborated by Avraham Walfish, it is evident that the section dealing with the New Year—as the rabbis designated the biblical first day of the seventh month (Lev 23:24; Num 29:1)—was not part of the original statement. First, unlike the initial three, it has nothing to do with ritual offerings in the Temple, but rather treats the content of the *Amidah* benedictions on Rosh Hashanah. Second, unlike barley, fruit, and rain, it bears no relationship to the blessing of crops. Third, the New Year appears out of the correct chronological order, which would be before “the *Hag*”—Sukkot.² More importantly, we must ask what purpose is served by the editorial juxtaposition of this sentence to the other three rituals. I argue that the editor sought to create the impression that just as there is an explanation for the dates designated for the other festival rites, there is a *reason* for the Rosh Hashanah ritual. But this is misleading. The rationale for the first three rites lies in each festival’s seasonal context, but Scripture provides no seasonal explanation for the festival of the first day of the seventh month (Lev 23:24; Num 29:1). Hence, the crucial formula “שהו פרק,” “because it is the season,” is missing in the description of the New Year ritual. The text states that on Rosh Hashanah we enthrone God and hope that He remembers us and accepts our prayer, but why on this date? Why in this season? As we shall see, the absence of seasonal or agricultural justification for Rosh Hashanah’s specific date prompted the creation of a metaphysical rationale.

2 Avraham Walfish, “The Literary Method of Redaction in Mishnah Based on Tractate Rosh Hashanah” (PhD diss., Hebrew University of Jerusalem, 2001), 54–55 (Hebrew).

Historical Essence of Time

Historical significance stems from the assumption that a certain historical or mythological event occurred on the date or hour at which a ritual should take place, and the ritual is aimed toward commemorating or even re-creating the event. This historical significance is manifested for certain biblical festivals, first and foremost, Passover.

Rabbinic literature further underscores and refines the concept of ritual as a direct response to a specific moment in biblical history. Thus, for example, the School of Shammai contends that the recitation of the *Hallel* chapters on the eve of Passover must take place until midnight, as that was the exact hour of the actual Exodus, whereas the School of Hillel proposes that, because the Israelites only left Egypt at noon the next day, this consideration has no bearing on the recitation of the *Hallel*.

עד היכן הוא אומ', בית שמיי אר' עד אם הבנים שמחה, ובית הלל אומ',
עד חלמיש למעינו מים, וחותרם בגאולה. אמרו בית שמיי לבית הלל,
וכי כבר יצאו שמזכירין יציאת מצרים? אמרו להם בית הלל, אפילו הוא
ממתין עד קרות הגבר, הרי אילו לא יצאו עד שש שעות ביום, היאך
אומר את הגאולה ועדין לא נגאלו?

To what point does one recite [*Hallel*]? The House of Shammai say, "Up to [*He gives the barren woman a home*], making her the joyous mother of children (Ps 113:9)." The House of Hillel say, "Up to [*Who turns the rock into a pool of water*], the flint into a spring of water (Ps 114:8)." And he concludes with the prayer of redemption. Said the House of Shammai to the House of Hillel, "Now have they already gone forth from Egypt that they should make mention of the Exodus from Egypt?" Said to them the House of Hillel, "Even if one should wait until the cock crows [what difference would it make?] Lo, since they did not go forth from Egypt until the sixth hour of the day, how shall one say the prayer of Redemption, for as yet [the Israelites] have not been redeemed!" (*t. Pesah.* 10:9)

According to both schools, then, the ritual recitation of this section of the *Hallel* should correspond to the exact moment of the historical Exodus ("Now have they already gone forth from Egypt, that they should make mention of the Exodus from Egypt?"; "How shall one say the prayer of Redemption, for as yet [the Israelites] have not been redeemed!"). It is only because such

precise correspondence is impossible that the School of Hillel rescinds this requirement.

Metaphysical Essence of Time

Some biblical festivals lack any obvious seasonal or historical meaning. As shown earlier, such is the case for the first day of the seventh month, the rabbinic Rosh Hashanah. Described in Scripture only as *יום תרועה*, זכרון (a memorial proclaimed with blast of trumpets; a day of blowing the trumpets, Lev 23:24; Num 29:1), this festival was widely elaborated and developed in rabbinic sources. The Mishnah supplies the celestial setting which accounts for the special rituals prescribed for Rosh Hashanah, thus filling in the biblical gap:

בארבעה פרקים העולם נידון. בפסח על התבואה ובעצרת על פירות האילן. ובראש השנה כל באי העולם עוברים לפניו (ב) (כ)בנו-מרון.

The world is judged at four periods: on Passover for the produce; on *Atzeret* for the fruits of the tree; on Rosh Hashanah all the inhabitants of the world pass before Him like troops... (*m. Rosh Hash.* 1:2)

The New Year festival, which lacks any agricultural-seasonal rationale, relies totally on a metaphysical foundation. The Mishnah declares that the human ritual corresponds fully to a cosmic event of heavenly judgment. This brings to mind Mircea Eliade's theory: "Objects or acts acquire a value, and in so doing become real, because they participate, after one fashion or another, in a reality that transcends them."³ While in the above-mentioned Tosefta, the prayers of the New Year are appended to the rituals of Passover, Shavuot, and Sukkot in order to artificially endow it with a seasonal justification, in this Mishnah we witness the opposite move. The rituals of the *omer*, the first-fruits, and the water libation, which obviously respond to natural phenomena, are now, following the reasoning of the First of the Seventh Month's rituals, also accompanied by heavenly procedures. The divine court allocates the seasonal amounts of grain, fruit, and rain on these dates. Another intriguing difference is the theurgic rationale⁴ in *t. Sukkah* 3:18 and *t. Rosh Hash.* 1:12,

3 Mircea Eliade, *The Myth of the Eternal Return, or, Cosmos and History*, trans. Willard R. Trask (Princeton, N.J.: Princeton University Press, 1974), 3–4.

4 For an elaboration on the shift from the cosmological-eschatological to the theurgic concerning the water libation specifically, see Jeffrey L. Rubenstein,

according to which human action provokes divine blessing (“so that the grain-harvest would be blessed”; “so that the produce of fruit-bearing trees will be blessed”; “so that the rain would be blessed”) as opposed to the responsive ritual in the Mishnah, whereby ritual is performed as a response to the pre-existent divine judgment.

Thus far, we have seen three examples in which the rabbis subordinate time-dependent rituals to pre-existent reality and interpret the sacred ceremony as a response to, exposure of, or participation in, a given essence of the designated time. In some cases, these explanations elaborate on the biblical notion of holidays commemorating historical events, or holidays regarded in the Hebrew Bible as indicating a focal point in the annual agricultural cycle. In other instances, where there is a vague relationship between the ritual and the time of year in the biblical injunction, rabbinic sources portray an invisible heavenly reality which justifies the biblical precept.

III. Rituals as Independent Acts which Create, Rather than Indicate, Reality

However, on occasion, we encounter the opposite extreme in rabbinic sources. According to this other stance, there is nothing immanent in reality that requires the fulfillment of scriptural or rabbinic injunction. *Rather than indicating reality, halakhah creates reality. Time is neutral, and it is humans who charge it with meaning.* A basic feature of the Jewish calendar is its subordination to human judgment, calculation, and deliberation. This principle is fundamental to rabbinic thought, and a central bone of contention between the sages and their opponents. The famous story about R. Yehoshua’s decision to accept Rabban Gamaliel’s erroneous dating for the Day of Atonement (*m. Rosh Hash.* 2:9) teaches us that we can ascribe no given qualities to Time, which is totally subject to human action: בין בזמן בין שלא בזמן אין לי מועדות אלא אלו (“Whether they are proclaimed at their proper time or not at their proper time, I have no

The History of Sukkot during the Second Temple and Rabbinic Periods (Atlanta: Scholars Press, 1995), 117–31; Moshe Halbertal and Shlomo Naeh, “‘Springs of Salvation’—Talmudic Parody and the Refutation of the Minim,” in *Higayon L’Yona: New Aspects in the Study of Midrash, Aggadah and Piyut in Honor of Professor Yonah Fraenkel*, ed. Joshua Levinson, Jacob Elbaum, and Galit-Hasan Rokem (Jerusalem: Magnes Press, 2007), 179–97, esp. 182–84.

appointed seasons except these”).⁵ This is a “desacralization,” a rationalistic removal of any magical quality of time. If people control hallowed time, this means that there is *no* inherently hallowed time at all; there are only human acts that sanctify an indifferent reality.⁶

IV. Harmonization of the Two Approaches

How can this bold conception be reconciled with the notion that rituals correspond to nature, history, or celestial occurrences? Christine Hayes correctly submits: “The rabbis are not categorically anti-realist or anti-empirical. However, appeals to the natural order, to ‘the way things really are’ and to empirical considerations are weighed among other considerations and are at times overruled.”⁷

My chief interest here is to characterize the *strategies* used to overrule “the way things really are.” Rabbinic attempts to harmonize these two approaches are intriguing, sometimes even amusing. I will now examine three cases in which the rabbis reconcile the idea of human-created time with the requirements of the pre-existent natural, historical, or celestial circumstances outlined earlier.

Natural Circumstances

One resolution for the tension between natural requirements and the principle of human control of the calendar lies in a notion of rabbinic mastery of nature itself, as manifested in the following amusing anecdote about R. Avun:⁸

- 5 See also Sacha Stern, *Calendar and Community: A History of the Jewish Calendar, 2nd Century BCE to 10th Century CE* (Oxford: Oxford University Press, 2001), 159, who concludes from other tannaitic sources (*m. ʿArak. 2:2; t. ʿArak. 1:7*): “These passages imply that in certain cases, the new month would have been declared regardless of when the new moon had been sighted.”
- 6 It appears difficult to accept Stern’s assertion (*Time and Process*, 66) that “time itself was consequently perceived as flexible, man-made, and in a certain sense, sacred.” If flexible and man-made, how can it be sacred?
- 7 Christine Hayes, “Legal Realism and the Fashioning of Sectarians in Jewish Antiquity,” in *Sects and Sectarianism in Jewish History*, ed. Sacha Stern (Leiden: Brill, 2011), 119–46, at 132; see below.
- 8 For a parallel story in the Bavli, ascribed to R. Ḥiyya, see *b. Rosh Hash. 25a*. See also *Tanḥ. Bo 8* (Buber, 24a).

ר' אבון משדי עלוי צרדין ואמר לה. לא תבהית בני מריך. ברמשא אנן בעייך תיתחמי מיכא ואת מיתחמי מיכא. מיד איתבלע מן קומי.

R. Abun cast stones at it [=the moon] and said to it: “Do not embarrass the sons of your master. This evening [according to our calculations] we must see you [new] over there, and you show yourself here?!” Immediately the moon concealed itself from him. (*y. Rosh Hash. 2:4, 58a*)

In this somewhat ironic tale, the moon hides itself so as not to refute rabbinic calendrical calculations.

A Date Commemorating a Historical Event

The idea of bending or even erasing reality in order to validate human decision is apparent not only when the religious rite relates to natural pre-conditions, but even when the halakhic act commemorates objective historical reality. A Babylonian *sugya* inquires whether the semi-holidays collected in the *Scroll of Fasting*, which celebrate past victories that occurred before the destruction of the Second Temple,⁹ are still valid, or whether they have been abolished. Rav Kahana adduces a tannaitic source which demonstrates that the festival of Ḥanukkah is still binding. This, in his opinion, proves that the other festivals in the Scroll are valid as well. To this argument Rav Yosef replies: שאני הנוכה ראיכא מצוה, “Ḥanukkah is different, because there is a religious ceremony [attached to it]” (*b. Rosh Hash. 18b*). Ḥanukkah cannot serve as an example for the other holidays because, unlike them, Ḥanukkah has an active religious rite—the lighting of candles—which “protects” this festival. This is a revolutionary notion. A festival may be a candidate for nullification if the historical event it commemorates becomes irrelevant. In this instance, the destruction of the Temple diminishes the significance of Ḥanukkah’s commemoration of its earlier Hasmonean purification. Yet, the rite aimed solely at commemorating this purification is more important than the historical event that generated it in the first place. The importance of the halakhic act intended to serve collective memory overrides the significance of this memory

9 See Vered Noam, “Megillat Taanit: The Scroll of Fasting,” in *The Literature of the Sages, Second Part: Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Language of Rabbinic Literature*, ed. Shmuel Safrai et al. (Assen: Royal Van Gorcum, 2006), 339–62.

itself. A religious act which was subject to the historical aspect of time is emancipated from this subordination and granted autonomous existence.

Reaction to Celestial Events

As mentioned earlier, the mishnaic statement regarding the heavenly judgment which takes place on the New Year indicates an essentialist approach, which ascribes metaphysical pre-existent qualities to the date. However, note the toseftan halakhah appended to this mishnah, which reads as follows:

בראש השנה כל באי עולם עוברין לפנינו נומרון... ואומר כי חק לישראל
הוא [משפט לאלהי יעקב]. אם קדשוהו בית דין הדין נכנס לפניו ואם
לאו אין הדין נכנס לפניו.

On Rosh Hashanah all the inhabitants of the world pass before Him like a troop... and it says, *For it is a statute for Israel, [an ordinance (משפט, which also means judgment—V. N.) of the God of Jacob] (Ps 81:4). [If] the court has sanctified the day, [the heavenly] court enters before Him. And if not, [the heavenly] court does not enter before Him. (t. Rosh Hash. 1:11)*

The Tosefta introduces to this context the idea of the human-created calendar. It uses the verse in Ps 81:4 in order to support the claim that *הוק לישראל*, the “statute for Israel,” that is, the calendrical decisions made by the Children of Israel, precedes *משפט לאלהי יעקב*, the “judgment of the God of Jacob,” divine judgment. In other words, the gathering of the heavenly court for judgment depends on the earthly, occasionally erroneous, human declaration of the beginning of the new month and the New Year: “If the court has sanctified the day, the heavenly court enters before Him, and if not, the heavenly court does not enter before Him.” This description turns the very idea of divine judgment on its head. The supreme judge has to wait for a signal from the accused in order to convene his court! Rather than responding to metaphysical reality, the religious action in question creates it, employing control over the very divine order.¹⁰

10 Compare to Stern’s (*Time and Process in Ancient Judaism*, 66) observation: “The rabbis would have been perceived as exerting control over the passage of time, and hence, over the entire cosmos and even the divine order.”

V. Disputes Resulting from the Two Approaches

Awareness of the tension between these two poles—the pre-existent quality of time versus the human freedom to mold and charge it with meaning—sheds light on some prominent disputes in rabbinic literature.

בית שמיי או' מברך על היום ואחר כך מברך על היין שהיום גורם ליין
שיבא וכבר קדש היום ועדיין יין לא בא ובית הלל אומ' מברך על היין
ואחר כך מברך על היום שהיין גורם לקדושת היום שתאמר

The House of Shammai say: “[On the eve of Sabbaths and festivals] one recites the benediction for the day and then recites the benediction over the wine, since it is [the sanctity of] the day which provides the occasion for the bringing of the wine, and the day is already sanctified before the wine has been brought,” and the House of Hillel say: “One recites the benediction over the wine and then recites the benediction for the day, since it is the wine which provides the occasion for the Sanctification of the Day to be recited.” (*t. Ber.* 5:25)

The two schools debate the correct order for the benedictions recited during the *qiddush*. The School of Shammai contends that the mention of the day—Shabbat or a holiday—takes precedence over the reference to the wine. According to this opinion, the abstract essence of holy time is the *reason* and the pre-condition for the religious act performed over the wine: “It is [the sanctity of] the day which provides the occasion for the bringing of the wine.” The School of Hillel, on the other hand, emphasizes that the recitation of the Sanctification of the Day is dependent on the presence of wine. In other words, the benediction over the human deed precedes the benediction over the essence of time. It is probably not a coincidence that the Shammaites represent an approach that has been termed “realistic,” a more fundamental and typically sectarian or early-rabbinic outlook, whereas the Hillelites represent the “nominalistic” view, a human-centered perspective that is typical of later rabbinic culture.¹¹

11 For the use of this terminology in recent scholarship see below. On the proximity of the Shammaitic halakhic worldview to that of the sect represented in the Dead Sea Scrolls see Vered Noam, “Traces of Sectarian Halakha in the Rabbinic World,” in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls, Proceedings of the Eighth International Symposium of the Orion Center*, ed. Steven D. Fraade et

The tension between these two approaches, as well as the advantages and disadvantages of each attitude, is especially prominent in the case of the Day of Atonement. In contrast to Scripture, where the tenth day of the seventh month is defined as a day of atonement, with no mention of repentance (Lev 16:29–34), rabbinic culture made repentance the central theme of the day.¹² This reshaping of the holiday underscores our question. Do the commandments respond to a pre-existent reality, or do they create new circumstances in a previously neutral setting? One possibility is that the Day of Atonement is characterized by a special, mystical quality, namely the potential for atonement. This potential can be described as a *miqveh*, a ritual bath of sorts, which exists within the temporal, rather than the spatial dimension. But if so, can forgiveness be achieved even without any intent or effort on the sinner's part?

This question enables us to identify the general motivation that underlies the idea of “human-determined time.” The essentialist approach deprives humans of responsibility and denies them freedom of choice. If, on the other hand, divine forgiveness depends on human repentance, why should there be a need at all for a specific date in order to generate this dialogue? Or, put more abstractly, a central, underlying motivation for the notion of an essential quality of time is the fear that the lack of this quality would empty religious rituals of significance, turning them into a technical opportunity for an action that can be carried out at any time.

How do tannaitic sources cope with this dilemma? The Mishnah and Tosefta attempt a “mathematical” harmonization of the two factors:

[...] מיתה ויום הכפורים מכפרין עם התשובה. תשובה מכפרת על עבירות קלות, על עשה ועל לא תעשה. ועל החמורות היא תולה עד שיבא יום הכפורים וכפר.

Death and Yom Kippur effect atonement with repentance. Repentance effects atonement for lesser transgressions of positive commandments and prohibitions, and for grave sins it suspends until Yom Kippur comes and effects atonement.
(*m. Yoma* 8:8–9)

al., STDJ 62 (Leiden: Brill, 2006), 67–85; eadem, “Beit Shammai and Sectarian Halakha,” *Jewish Studies* 41 (2001–2): 45–67 (Hebrew).

¹² See, e.g., *m. Yoma* 8:8–9, and see below.

חטאת ואשם ומיתה ויום הכפורים כולן אין מכפרין אלא עם התשובה
שנ' אך בעשור וגו', אם שב מתכפר לו ואם לאו אין מתכפר לו.

A sin-offering, guilt-offering, and Day of Atonement all effect atonement only along with repentance. (*t. Yoma* 4:9)

The Mishnah contends, and the Tosefta further accentuates, that the Day of Atonement alone cannot expiate for sins: repentance is a pre-condition for expiation. However, for grave offences, for which repentance alone is not sufficient, the specific date is necessary. A more sophisticated scale, containing four means of atonement ("ארבעה חילוקי כפרה") and biblical prooftexts, appears in *Mekhilta de-Rabbi Ishmael*, but the principle is the same: in spite of the emphasis on human will, *the day itself is conceived as an independent agent of atonement*, not merely as an arbitrary opportunity for public remorse.¹³

At the opposite extreme we find Rabbi Judah the Prince's assertion that the Day of Atonement atones for all sins (except for the three gravest ones), without repentance:

...דתניא, רבי אומר: על כל עבירות שבתורה, בין עשה תשובה בין לא עשה תשובה, יום הכפורים מכפר, חוץ מפורק עול ומגלה פנים בתורה ומיפר ברית בשר, שאם עשה תשובה יום הכפורים מכפר, ואם לא עשה תשובה אין יום הכפורים מכפר.

...For it was taught: Rabbi said: "For all transgressions in the Torah, whether one had repented or not, does the Day of Atonement procure atonement, except in the case of one who throws off the yoke [of Torah], interprets the Torah unlawfully or breaks the covenant of circumcision. In these cases, if he repented, the Day of Atonement procures atonement, if not, not. (*b. Yoma* 85b)

Whereas the Babylonian rabbis accept this statement at face value and even impose a similar approach on the conflicting mishnah (*ibid.*), the sages in the Palestinian Talmud cannot believe their ears:

רבי זבידא אמר רבי יסא מקשי: מיסבור סבר רבי שיום הכיפורים מכפר בלא תשובה!?

R. Zevida said R. Yesa raised the question: "Does Rabbi truly maintain that the Day of Atonement effects atonement without [the sinner's] repenting?!"

13 See *Mek. de-Rabbi Ishmael, Bahodesh, Yitro*, 7.

And immediately hastens to offer a new version of this statement:

רבי אשיין רב יונה ר' בא ר' חייה בשם רבי יוחנן: מודה רבי שאין יום הכיפורים מכפר אלא בתשובה, הא מיתה מכפרת בלא תשובה.

R. Ashian, Rav Yona, R. Ba, R. Ḥiyya in the name of R. Yohanan: "Rabbi concedes that Yom Kippur does not effect atonement without an act of repentance. But [it is] one's death that washes away sin without an act of repentance." (*y. Yoma* 8:7, 45b)

As understood here, Rabbi never stated that the Day of Atonement atones without repentance. His statement rather concerned death's capacity for atonement.

A possible motivation for Rabbi's insistence on the autonomous nature of *Yom Ha-Kippurim*, divorced from human behavior, may be found in another section of the same *sugya* in the Palestinian Talmud.

האומר: "אין יום הכיפורים מכפר" - מכפר הוא. "אי איפשי שיכפר לי" - מכפר הוא לו על כורחו. אמר רבי חנניה בריה דרבי הלל, לא כולא מן הדין בר נשא מימור למלכא לית את מלך [...]

If one said: "The Day of Atonement does not effect atonement"—it *does* effect atonement [for him despite what he says]. [Even if he says]: "I do not want it to atone for me," it effects atonement for him against his will. Said R. Ḥananyah the son of R. Hillel: "It is not within the authority of this fellow to say to the King: 'You are not the King!'"

The Palestinian Talmud introduces an astonishing notion, which dovetails with Rabbi's stance; namely, that the Day of Atonement even atones for those who refuse to recognize it, notwithstanding their explicit wish that this day not "work" for them. R. Ḥananyah the son of Hillel suggests a fascinating interpretation of this oddity: "It is not within the authority of this fellow to say to the King: 'You are not the King!'" The power to grant forgiveness and amnesty is a clear manifestation of God's sovereignty. This makes the attempt to subordinate this power to free human choice a kind of heresy.

VI. The Underlying Motivation of Each Approach

The opposing arguments concerning the Day of Atonement pave the way for a summary of the theological pros and cons of each rabbinic approach regarding the nature of time and the meaning of time-dependent sacred rites.

The advantage of the first approach, which presumes that time possesses a primary essence that requires the performance of the religious actions, is what I would term “the allure of essentialism.” There is something enchanting about the supposition that there is a covert dimension of reality exposed by religious practices. This premise charges time itself, as well as the sacred deed, with significance. From this point on, the enactment of a commandment is not merely an artificial means of creating situations and sensations but rather a response to the hidden nature of the cosmos. This perception also signifies submission to God, as this hidden nature of things is a manifestation of His will, graciously revealed to us through his commandments.

The other approach neutralizes the mystic, magic elements of reality. It desacralizes and rationalizes reality. Such an attitude grants humankind liberty and imposes liability and responsibility. When the idea of entrusting humans with the duty and the privilege of regulating Time and determining its significance collides with historical, natural, or divine pre-existent requirements, these conditions are either set aside or subordinated to human action. This seems to me a symbolic way of declaring that human beings who assume responsibility and use their free will become the masters of their circumstances, not just natural, but also supernatural.

Conclusion

In this paper I have tried to sketch two antithetical concepts in rabbinic literature regarding the essence of sacred time, the meaning of religious rites and the strategies used to overcome the gap sometimes between them. With respect to holy time and rituals, it turns out that two opposing trends of thought coexisted in the world of the rabbis. One evidences an essentialist approach that assigns pre-existent attributes to time; the other is an abstract train of thought that subordinates time and ritual to human determination.

Daniel Schwartz’s general distinction between “realistic” and “nominalistic” conceptions of law,¹⁴ which follows that of Yochanan Silman,¹⁵ can

14 Daniel R. Schwartz, “Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law,” in *The Dead Sea Scrolls: Forty Years of Research*, ed. Devorah Dimant and Uriel Rappaport (Leiden: Brill, 1992), 229–40.

15 Yochanan Silman, “Halakhic Determinations of a Nominalistic and Realistic Nature: Legal and Philosophical Considerations,” *Diné Israel* 12 (1984–85): 249–66 (Hebrew).

be applied here as well. Admittedly, his attempt to characterize rabbinic halakhah at large as “nominalistic,” in contrast to the “realistic” nature of the Qumran-Sadducean-priestly law, has come under fire over the last two decades. Countering Schwartz’s theory, Jeffrey Rubenstein argues for the largely realistic nature of rabbinic halakhah, while noting that it also encompasses some marginal nominalistic phenomena.¹⁶ In my own past research I examined the halakhic field of impurity and arrived at a conclusion similar to Rubenstein’s findings for other fields of halakhah: namely, that the tannaitic approach to impurity is grounded in a natural, immanent perception, though a secondary stratum represents a diametrically opposed perception, which subjects the concept of impurity to human sensibilities and intention.¹⁷ Christine Hayes has recently supported and refined Schwartz’s view. She observed that, although Rubenstein correctly pointed at certain dominant “realistic” conceptions within the rabbinic world, it is nonetheless true that “rabbinic law differs from Qumran law in that it incorporates *a strain of nominalism* according to which epistemological certainty in general and empirical considerations in particular may occasionally be devalued or overruled in the determination of law.”¹⁸ Moreover, Hayes has shown that “rabbinic representations of heretics ... share a common element—a realist resistance to rabbinic legal nominalism.”¹⁹

As both Rubenstein and Hayes assert regarding the rabbinic attitude at large, here too *both* the realistic and the nominalistic concepts are clearly attested within rabbinic culture. The rabbinic principle of human regulation of the calendar was already noted in the scholarship as a manifestation of the so-called “nominalistic” trend. However, I believe that a more comprehensive picture of these *two forces* at work, and their underlying presence in many well-known halakhic conceptions and disputes regarding Jewish festivals,

16 Jeffrey L. Rubenstein, “Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment,” *DSD* 6 (1999): 157–83. Rubenstein refers to Moshe Silberg, who identified rabbinic halakhah largely with naturalism, and to Silman, who pointed to the tension within halakhah between the two elements.

17 Vered Noam, “Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives,” *JAJ* 1 (2010): 65–103, though previously I had also utilized this distinction to indicate the similarity between the Qumranic worldview and the remnants of early halakhah within the tannaitic oeuvre; see Noam, “Traces of Sectarian Halakha,” esp. 82–84.

18 Hayes, “Legal Realism and the Fashioning of Sectarians,” 129.

19 *Ibid.*, 145.

has yet to be undertaken. I hope the current article represents a step in this direction.

To conclude: I did not attempt to trace a clear route of development from the “essentialist/ realistic” to the “nominalist” conception, nor did I purport to encompass their full scope, but merely sought to draw attention to their very existence and the role played by their interaction in molding halakhic aspects of Jewish holidays. Many halakhic and aggadic structures in rabbinic culture are actually the result of processes of struggle and harmonization between these two conceptions of the relationship between God, man, and time.