Course Reading

Dershowitz, Alan M. "Abraham Commits Attempted Murder—and is Praised." In *The Genesis of Justice: Ten Stories of Biblical Injustice that Led to the Ten Commandments and Modern Law, 103-131*. New York: Warner Books, 2000.

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1. Several commentators interpret this verse as saying that Lot was saved on account of Abraham, because he was the patriarch's nephew or because he moved to Sodom at Abraham's behest. Yet another early example of virtue-by-status.
2. Genesis 12:10–20.
3. Genesis 20:1–18.
4. Quoted in Riskin at p. 11.
5. See at Oshry, Efroim, *Responsae from the Holocaust*, pp. 183–94.
6. Ginzberg at p. 255.
7. 9:21–25.
8. Ginzberg at p. 165.
9. Soncino at p. 99. Some commentators criticize Lot's older daughter for naming her child Moab, which identifies the child as her own father's. The younger child, whose name did not explicitly identify its father, was rewarded by being a forebearer of David and the Messiah.
10. Kugel at p. 192.
11. Jewish tradition forbids criticizing non-Jews in the presence of converts, recognizing that the convert will retain a natural affinity for his non-Jewish heritage and family.
12. Ginzberg at p. 203.

CHAPTER 6

Abraham Commits Attempted Murder—and Is Praised

Now after these events it was
that God tested Avraham
and said to him:
Avraham!
He said:
Here I am.
He said:
Pray take your son,
your only-one
whom you love,
Yitzhak [Isaac in English],
and go-you-forth to the land of Moriyya/Seeing,
and offer him up there as an offering-up
upon one of the mountains
that I will tell you of.
Avraham started-early in the morning,
he saddled his donkey,
he took his two serving-lads with him and Yitzhak his son,
he split wood for the offering-up
and arose and went to the place that God had told him of.
On the third day Abraham lifted up his eyes

and saw the place from afar.
Avraham said to his lads:
You stay here with the donkey,
and I and the lad will go yonder,
we will bow down and then return to you.
Avraham took the wood for the offering-up,
he placed them upon Yitzhak his son,
in his hand he took the fire and the knife.
Thus the two of them went together.
Yitzhak said to Avraham his father, he said:
Father!
He said:
Here I am, my son.
He said:
Here are the fire and the wood,
but where is the lamb for the offering-up?
Avraham said:
God will see for himself to the lamb for the offering-up,
my son.
Thus the two of them went together.
They came to the place that God had told him of;
there Avraham built the slaughter-site
and arranged the wood
and bound Yitzhak his son
and placed him on the slaughter-site atop the wood.
And Avraham stretched out his hand,
he took the knife to slay his son.
But YHWH's messenger called to him from heaven
and said:
Avraham! Avraham!
He said:
Here I am.
He said:
Do not stretch out your hand against the lad,

do not do anything to him!
For now I know
that you are in awe of God—
you have not withheld your son, your only-one, from me.

GENESIS 22:1–12

No biblical narrative is more dramatic, more poignant, and more confusing than God's command to Abraham that he sacrifice his son Isaac. What kind of a God would ask such a thing of a father? What kind of a father would accede to such a request, even from a God? Why did Abraham, the man who argued so effectively with God over the fate of strangers, suddenly become silent in the face of so great an injustice toward his own beloved son? Why did God praise Abraham for his willingness to engage in an act of ritual murder? And what are we to learn from a patriarch who follows, without question, immoral superior orders to murder an innocent child?

These, and other questions, have been debated by Jews, Christians, and Muslims for generations. Again, there are the trivial answers, designed to justify everything God and Abraham did. Some of the defense lawyer commentators argue that Abraham knew that God was merely testing him and that He would never let him actually kill his son. A variation on this interpretation comes from the fact that God never explicitly commanded Abraham to sacrifice Isaac, but rather to "offer" him. These commentators argue that Abraham realized God would not accept his offer and would stay his hand, pointing to Abraham's assurance to his servants that both he and Isaac will return: "You stay here with the donkey, and I and the lad will go

yonder, we will bow down and then return to you."[1] As one midrash put it: "God informed Abraham by making him unintentionally prophesy"—a divinely inspired slip of the tongue.[2]

The problem with this "defense" is that if Abraham knew the outcome, then it wasn't really a test—or at least a fair test. One who knows the answer to a test in advance is a cheat. Moreover, based on God's past behavior, why would Abraham trust that his son would survive? After all, this is the same God who destroyed the world in the flood and was prepared to sweep away the innocent along with the guilty in Sodom. Why would such a God not also expect one of His followers to kill a single child?

On the face of it, it seems that Abraham believed that God wanted him to kill his son and that the patriarch was willing to do just that. Why would the man who argued with God over strangers be prepared to murder his own son without protest?

There is, of course, the possibility that Abraham went along with God's command for entirely self-serving reasons: He believed that if he disobeyed God's direct order, God would kill him as he killed Lot's wife. By killing his own son, Abraham would be saving himself. Remember that this is the same Abraham who twice sacrificed Sarah's virtue to save his own neck. Remember too that God *invited* Abraham to argue with Him over the condemned of Sodom, but he *commanded* Abraham to sacrifice Isaac. Failure to comply with a direct command from God carried a divine punishment. To suggest a slightly less selfish motive, perhaps Abraham decided that if he refused God's command, both he and Isaac would be killed by God, but if he complied, God might spare at least

one of them. We do not know, of course, what was going through Abraham's mind as he lifted the knife to slay his son, but in light of his prior history—especially with Sarah—a self-serving motive cannot be entirely excluded. A midrash suggests a different spin on Abraham's self-interest.

> It shows that out forefathers presupposed the existence of another world beyond this one. If not for Avraham's belief in *olam haba* [the world to come], he certainly would not have agreed to sacrifice his only son and continue living a life without hope and without a future. He was ready to listen to God's commandment, knowing that for his sacrifice in this world, God would repay him well in *olam haba*.[3]

This turns Abraham's great test into a simple cost-benefit decision. Indeed, the very word "repay" connotes a crass balancing of benefits. Neat as the equation may seem, there is no textual support that the patriarch believed in a world to come. Absent any guarantee of eternal reward for following God's command, Abraham's decision to kill Isaac is especially dramatic precisely because it would have left him with "a life without hope and without a future." He was willing to accept such a life for one reason alone: because God commanded it.

Maimonides refuses to attribute Abraham's compliance to simple fear of consequences: "For Abraham did not hasten to kill Isaac out of fear that God would slay him or make him poor, but solely because it is man's duty to love and to fear God, even without hope of reward or fear of punishment."[4] But why then is

Judaism (as well as other religions) so premised on reward and punishment, both in this world and in the world to come? I believe that true morality can best be judged in the absence of threats or promises.[5] The atheist who throws himself in front of a car to save a child is performing a truly moral act, because he expects no divine reward. The religious person who strongly believes that he will be rewarded for his moral acts and punished for his immoral ones in the hereafter may simply be making a long-term cost-benefit analysis. Blaise Pascal, a seventeenth-century French philosopher and mathematician, argued that faith is a worthwhile gamble, since we lose nothing if we believe and God does not exist, but we risk spending eternity in hell if we do not believe and God turns out to be real. The fallacy is that God may despise those who engage in such self-serving wagers and prefer those who honestly doubt or even disbelieve. Maimonides argued strongly against the midrashic variation of "Pascal's wager":

> Let not a man say, "I will observe the precepts of the Torah and occupy myself with its wisdom in order that I may obtain all the blessings written in the Torah, or to attain life in the world to come; I will abstain from transgressions against which the Torah warns, so that I may be saved from the curses written in the Torah, or that I may not be cut off from life in the world to come." It is not right to serve God after this fashion, for whoever does so, serves Him out of fear. This is not the standard set by the prophets and sages. Those who may serve God in this way are illiterate, women, or children whom one trains to serve out of fear,

> till their knowledge shall have increased, when they will serve out of love.[6]

According to other commentators, Abraham was not aware of the world to come—of reward and punishment after death.[7] If so, the stakes were even higher. The death of Isaac would be forever, not simply a transition from this life to the next.

Even the noble motive attributed to Abraham by Maimonides and other commentators is somewhat self-serving. Abraham placed his allegiance to the all-powerful God above his obligation as a parent and a husband. He never even consulted with his wife about his decision to sacrifice *their* son. Of course, Sarah was not entirely blameless, either. After all, she was prepared to sacrifice Abraham's other son, Ishmael, to her own ambitions for Isaac—a deed for which she was called a "sinner" by Maimonides. It was only God's intervention that saved Ishmael from certain death.[8]

What then is the nature of God's test of Abraham? The best evidence of that comes from God's own mouth when He declares that Abraham passed the test: ". . . now I know that you are in awe of God." The actual Hebrew word is *y'rei*, which literally means "afraid" or "in fear of" God. But what kind of a moral test is that? Acceding to an immoral command out of fear does not show much courage or virtue. What if a powerful human king had presented Abraham with a similar, terrible choice: "Either kill your child or I will kill you"? Would we *praise* a father for being "afraid" of the king, or being "in awe" of the king and killing the child? Of course not. At most we might *understand* why the father, like those parents during the Holocaust who abandoned or even sacrificed their crying

children, might have made such a decision.[9] We might even feel uncomfortable condemning them. But praise them? Never. Why then do we praise Abraham? He may have passed *God's* test of justice, but he failed his ***own*** test of justice, as he articulated it during his argument over the condemned of Sodom—namely that it is always wrong to kill the innocent, even if God commands it.

In addition to failing his own test of justice, Abraham also fails every contemporary test of justice. No one today would justify killing a child because God commanded it. A contemporary Abraham would be convicted of attempted murder, and his defense—"I was just following superior orders"—would be rightly rejected. Of course, today we believe that people who hear commands from God are insane, but even if we were to entertain such a claim, we would condemn anyone who acted on it by killing a child. Indeed, there are religious cults that cite the Bible in support of abusing disrespectful children, but we correctly reject their claim that the Bible supersedes their legal obligation, especially when it comes to children.[10]

My Harvard colleague Professor Jon Levenson of the Divinity School makes a powerful argument against viewing Abraham's actions through the prism of contemporary abhorrence to the murder of children. In the days of the patriarch, child murder was distinguished from child sacrifice. The former was almost universally condemned, the latter widely accepted as a show of gratitude toward the gods. (As recently as five hundred years ago, Incas in South America were still sacrificing children to their gods, as preserved mummies prove.)[11] God did not order Abraham to "murder" his son; such a command would have violated the Noachide laws against shedding innocent blood. God ordered Abraham to "sacrifice" his son, and sacrifice is different from murder, as evidenced by the inclusion of "whom you love" in the description of the sacrificed object. You murder those you hate; you sacrifice what you love most.

Professor Levenson makes an interesting argument against judging ***historical*** figures by the moral standards of a later age. Kierkegaard anticipated and answered Levenson's argument:

> Perhaps in the context of his times, what [Abraham] did was something quite different. Then let's forget him, for why bother remembering a past that cannot be made into a present?[12]

Abraham is not seen as a mere historical figure whose actions are simply described; he is a ***biblical*** patriarch whose actions are supposed to be eternal, not timebound. Abraham is supposed to be more than a man for all seasons. He is seen as a man to be emulated forever. Levenson acknowledges that Abraham, by being willing to sacrifice his son, violated the Torah's explicit prohibition against child sacrifice,[13] but, like other traditional commentators, he argues that Abraham's actions took place before the Torah was given at Sinai[14] and that "any attempt to derive practical norms for ourselves immediately and directly from Abraham's experience . . . is thus a denial of the Torah, rather than an implementation of it." This argument, clever as it is, proves too much. If accepted, it would make all of Abraham's actions—from his rejection of idol worship to his argument on behalf of the sinners of Sodom—irrelevant to current life. Yet

we do derive "practical norms" from Abraham's pre-Sinaic actions. Indeed, Levenson himself derives a very important norm from the *akeidah*, praising Abraham as "a man who scrupulously observes God's commandments" and who "fears" the Lord. How are we to decide which norms are universal and which time-bound?

At an even more fundamental level, why should sacrifice be so highly valued at the expense of other—even other biblical—norms? Abraham may have been entitled to sacrifice "what is most precious" to *him*—as long as it was *his* to sacrifice. His life, his fortune, his health—yes. But his son? No! His wife's son? Certainly not! Where did Abraham get the right to sacrifice Sarah's only and last child, especially since he could, as a man, have more children with other wives? Indeed, he had six more children with his next wife. Levenson might argue that judged by the standards of his day, Abraham owned his son—just as he owned his wife. Isaac was *his*, to do with as he wanted. By sacrificing Isaac, Abraham *was* giving up something that was *his*—not Sarah's. But this argument takes moral relativism beyond all meaning. By *any* moral, as distinguished from descriptive, standard that Levenson or others could articulate, it would have been wrong for Abraham to sacrifice Isaac. It is significant that Levenson proposes no standard—other than the immoral practices of the time—by which Abraham's sacrifice of Isaac could be justified.[15] Abraham's critics may be wrong for failing to consider the historical conditions that allowed for human sacrifices. But the fact that some of Abraham's contemporaries may have been willing to sacrifice their children does not make Abraham's actions praiseworthy. Surely there were some,

even in those days, who refused to sacrifice their children. Perhaps they lost their own lives for their refusal. Why should we judge Abraham by the common—or lowest—standard of his era; should we not expect more of a man who is presented as a paragon of virtue for all times and places? The closest Levenson comes to his own standard of judgment is to praise Abraham for his "radical obedience to the divine commandments"[16] and for his "complete trust" in God.[17]

"Trust" in this context can have multiple meanings. It can mean that Abraham trusted that God was right in ordering him to sacrifice his son and was prepared to do the terrible deed. This is *moral* trust. It could also mean that he trusted that God would never actually permit the slaughter of an innocent child. This is *empirical* trust. Trust, in the latter sense, can be illustrated by the experiment in which you ask a loved one to fall backward into your arms. If they trust you *to catch them*, they will willingly fall. That is empirical trust. Moral trust would be a willingness to fall backward even if they knew you would not catch them, because they trusted your judgment that a broken back is not such a bad thing! It is not clear in which sense trust is used in the context of the *akeidah*.

Kierkegaard, in his famous essay on the *akeidah*—"Fear and Trembling"—focuses on Abraham's "faith" and argues that he suspended his own ethical principles in demonstrating his faith. Kierkegaard too is unclear whether he means faith that God would not require Abraham actually to sacrifice Isaac (empirical faith) or faith that if He did, it would be the right thing (moral faith).[18] If the latter, then Kierkegaard

fails to provide a persuasive argument for why we should praise faith over parental responsibility.

How then do the traditional commentators explain God's command, Abraham's actions, and the praise we are supposed to heap on both of them? What lessons about justice are we supposed to derive from this extraordinary tale of injustice?

First there is God's command. How are we to assess it? The "defense lawyer" commentators have a simple-minded, reductionist justification of God's command. One writes, "The nature of this trial calls for an explanation, since there is no doubt that the Almighty does not try a person in order to prove to Himself whether he is capable of withstanding the trial, since God is all-knowing and has no doubt about anything."[19] But the text itself is richer than this tautological answer, since the angel of God says, "For *now* I know that you are in awe of God" (or that you "fear" God). This suggests that the trial was not fixed, as some commentators argue—that neither God nor the angels knew what its outcome would be. Just as God believed and hoped that Job would pass the diabolical test concocted by Satan, God probably also believed and hoped that Abraham would pass the test that God contrived for him. (Some commentators argue that Satan provoked God into testing Abraham just as he did with regard to Job.) But God could not be certain, because since the day Adam and Eve ate from the Tree of Knowledge and learned right from wrong, man had the capacity to choose freely. Perhaps if the test had been a simple one—between good and evil—God could be confident that Abraham would choose good over bad. But which is "good" and which "bad" in the context of a divine command to kill one's

own son? Even God and His angels could not be certain of Abraham's answer. They had to wait for Abraham to act, and only then could the angel declare, "For now I know. . . ." This idea of God's uncertainty is supported by some contemporary commentators,[20] who argue that Abraham's "decision could not be known—even by God—until he actually made it by bringing down the knife on his son's body."[21]

Other commentators try to have it both ways. Of course God knew what Abraham would do, even though Abraham had complete free will.[22] The purpose of the test, therefore, was "to translate into action the potentialities of [Abraham's] character and give him the reward of a good deed, in addition to the reward of a good heart."[23] In other words, God rewards good actions more than good intentions. But this begs the important question Would it have been good if Abraham had actually carried out God's command and sacrificed his son? Would the killing of Isaac have given Abraham "the reward of a good deed"? As it was, Abraham got to have his cake and eat it, too. He got brownie points for following God's command, *and* he got his son back. But for purposes of evaluating the morality of Abraham's actions, we should judge him as if he actually plunged the knife into Isaac's throat. Would *that* story have appeared in the Bible? If not, why does this story appear—since *Abraham's* mens rea (state of mind) and actus reas (actions) are essentially the same as they would have been had he actually killed his son?

Some midrashic commentators go so far as to suggest that Abraham did actually kill Isaac and that God then brought him back to life. Isaac then "stood on his feet and spoke the benediction 'Blessed are Thou,

O Lord, who quickenest the dead.'"[24] These commentators do not take this suggestion to its logical conclusion by asking whether Abraham deserves praise for actually killing Isaac—if that's what he did.

A twentieth-century rabbinic commentator, Avraham Yitzhak Kook, contrasts the Abraham story with "the absolute self-surrender characteristic of idolatry." According to Rabbi Kook, primitive idolatry required its followers to ignore "parental pity" if the gods so commanded "and made cruelty towards sons and daughters the keynote of Molech worship. . . ."[25] Molech was the Canaanite God of fire who demanded the sacrifice of children. I must admit I do not understand the distinction Rabbi Kook seems to make between Abraham's actions and those of his Molech-worshiping contemporaries. Abraham too allowed his "self-surrender" to God's unjust command to triumph over his pity and obligation to his son. And the importance accorded Abraham's willingness to sacrifice his son can be said to have made "cruelty towards sons"—or at least a willingness to be cruel—a "keynote" of Jewish worship. Abraham's *God* is surely to be contrasted with the Canaanite *God*, since the former stays Abraham's hand, whereas the latter allows the sacrifices to go forward. But Abraham's *own* conduct cannot be contrasted favorably with that of Canaanite parents who willingly sacrificed their children to Molech, unless Abraham never really intended to carry out God's commands, in which case he loses points on the faith scale.

In an effort to escape this harsh conclusion, another modern commentator offers a radical interpretation of the Abraham story. Lippman Bodoff, a Jew working within the Orthodox tradition, proposes that in testing Abraham, God hoped that Abraham would *refuse*

His command to murder Isaac. The object lesson of the story, according to Bodoff, is to send a message "that God does not want even his God-fearing adherents to go so far as to murder in God's name or even at God's command."[26] God was "testing Abraham to see if he would remain loyal to God's revealed moral law"—namely the prohibition against murder—"even if ordered to abandon it."[27] According to Bodoff, Abraham would pass the test only if he stood up to God and said: "'I can't do it; it is contrary to Your moral law.'"

How might he have managed such an act of defiance? Abraham could have reminded God of His covenant with Noah, which made explicit what had been implicit at least since Cain killed Abel—namely that killing is wrong. Even a heavenly voice cannot make the killing of an innocent child right. The Talmud recounts a wonderful legend that makes the point that once God gives humans His law, He may not interfere with the human process for interpreting and applying it. The legend tells of a rabbinic dispute between Rabbi Eliezer ben Hyrcanus (a brilliant but somewhat arrogant rabbi who lived at the beginning of the second century A.D.) and the other members of the yeshiva over a rather arcane issue concerning an oven:

> On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: "If the halakah [oral law] agrees with me, let this carob-tree prove it." Thereupon the carob-tree was torn a hundred cubits out of place. . . . "No proof can be brought from a carob-tree," they retorted. Again

> he said to them: "If the halakah agrees with me, let the stream of water prove it!" Whereupon the stream of water flowed backward. "No proof can be brought from a stream of water," they rejoined. [Finally] he said to them: "If the halakah agrees with me, let it be proved from heaven!" Whereupon a Heavenly Voice cried out: "Why do ye dispute with R. Eliezer, seeing that in all matters the halakah agrees with him!" But R. Joshua arose and explained: "It is not in heaven!" What did he mean by this?—Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to Heavenly Voice, because Thou hast long since written the Torah at Mount Sinai.[28]

The Talmud then relates how a rabbi asked the prophet Elijah what God did next. According to the story, God laughed with joy and said, "My sons have defeated me [in argument]." If God's voice is not enough to change the law regarding an issue of ritual, why should it be enough to overrule the most fundamental law of humanity: Thou shalt not murder?[29] At the very least, Abraham could have pointed to God's covenant with Noah and asked God to resolve the conflict between His written and oral command before agreeing to slaughter his son.[30] It shows no disrespect to point to conflicting authority and seek guidance. When Abraham argued with God over the sinners of Sodom, he had no contrary authority—other than his own sense of justice—to which to refer.

There is a wonderful midrash that elaborates on the conflict between God's general prohibition against murder and His specific command to murder in this case. As Isaac questioned his father about the absence

of a lamb for the burnt offering, a wicked angel named Samael upbraided Abraham, saying: "What means this, old man! Hast thou lost thy wits? Thou goest to slay a son granted to thee at age of hundred!" Abraham was resolute: "Even this I do." Then the angel prophesied that after Abraham sacrificed Isaac, God would condemn him: "Tomorrow He will say to thee, 'Thou art a murderer, and art guilty.'" Still, Abraham responded, "I am content."[31] Abraham, according to this interpretation, was willing not only to sacrifice his son, but also to break God's law against murder and be rebuked as a murderer, as long as God personally ordered him to do so. Immanuel Kant would have had Abraham respond more directly to God's command with a reference to the categorical imperative against murder: "That I ought not to kill my son is certain beyond a shadow of a doubt; that you, as you appear to be, are God, I am not convinced. . . ."[32] Or as Bob Dylan put it:

> *God said to Abraham, go kill me a son. Abe said, man, you must be puttin' me on.*

But Kant and Dylan beg the critical question: What if Abraham believed it really was God and that He was not putting him on?

Bodoff goes so far as to say that if Abraham had actually killed Isaac and received praise for that act, we would have had "a religion to which few and perhaps none of us could subscribe. . . ." But this raises the disturbing question of why so many *can* subscribe to a religion in which Abraham is praised for his *willingness* to obey God's immoral command. Here is where Bodoff's interpretation is truly radical. He claims that

Abraham never intended to carry out God's unjust command. He expected God to countermand it at the last minute—he had *empirical*, not *moral* trust. He was willing to fall backward, confident that God would catch him before he hit the ground. He was not willing to accept God's moral assurance that killing Isaac was the right thing to do. Bodoff argues that Abraham was resolved to violate God's command if, at the last minute, God did not countermand it. In other words, as much as God was testing Abraham, "Abraham was testing the Almighty." And the reason for the test is understandable: This is a God who swept many innocent along with the guilty in the flood but who acceded to Abraham's moral argument over the innocents of Sodom. Which God was He, really? Had He learned the lesson of not condemning the innocent? This test would answer that question for Abraham. Had God failed the test—had he not stayed Abraham's hand—Abraham would have broken the covenant and said, "If the God I have found demands the same kind of immorality that I saw in my father's pagan society, I must be mistaken [in accepting Him and] I must look further."

Bodoff tells us that God passed the test by sending an angel to stay Abraham's hand and in doing so told Abraham and the rest of the world that He does not demand blind obedience to immoral superior orders. His is a code of justice that eventually develops a process for deciding what is right and wrong. That process includes codification, as in the Noachide code, and argumentation, as in the Sodom narrative. But it does not include uncritical acceptance of the immoral commands of heavenly voices.

This is a brilliant and positive interpretation that

makes both God and Abraham appear just, but it is difficult to reconcile with the text. After all, God's angel—purporting to speak for God—praises Abraham for his willingness to sacrifice Isaac. If God had really wanted Abraham to refuse His command, why does He have His messenger praise him for his willingness to comply? Here Bodoff is at his weakest, claiming that the angel—being only a messenger of God and not himself omniscient—was unaware of the true intention of God's test as well as Abraham's true intention to refuse God's order. The following midrash is more faithful to the text:

> When God commanded the father to desist from sacrificing Isaac, Abraham said: "One man tempts another, because he knoweth not what is in the heart of his neighbor. But Thou surely didst know that I was ready to sacrifice my son!"
>
> God: "It was manifest to Me, and I foreknew it, that thou wouldst withhold not even thy soul from Me."
>
> Abraham: "And why, then, didst Thou afflict me thus?"
>
> God: "It was My wish that the world should become acquainted with thee, and should know that it is not without good reason that I have chosen thee from all the nations. Now it hath been witnessed unto men that thou fearest God."[33]

As this midrash points out, there is an even more fundamental problem with Bodoff's fascinating interpretation. How does he know that Abraham intended to stay his own hand if God had not sent the angel?

Abraham surely behaves as if he is ready to slay Isaac. Why should we not assume that he intended the natural consequences of his actions, which ended with him stretching out his hand and taking the knife to kill his son? Here an analogy to the law of attempted murder may be helpful.

The law of attempts deals directly with the problem of ascertaining a person's true intentions when he has ***not*** completed the crime but appears to have intended it. A vast literature has developed around this issue.[34] I recently argued a case that was similar, in certain respects, to the Abraham story. My client was accused of attempted murder after the police found him on top of another man, holding a knife over the other man's body. The police drew their guns and ordered my client to drop the knife, which he did. My client claimed that he did not intend to kill the other man, merely to frighten him into submission. Even if the police had not intervened, he said, he would never have plunged the knife into the other man's body. According to Bodoff, this was roughly the mind-set of Abraham at the moment the angel intervened.

How should the law go about assessing a claim of this kind? We can never know for certain what my client would or would not have done had the police not intervened. The facts of the case were consistent with either possibility. The man my client was accused of attacking had been dating my client's sister. Their relationship had been a troubled one, and someone burned down the sister's house, injuring her severely. The prosecution argued that my client believed that his sister's boyfriend had caused the fire and was trying to kill him in revenge. My client maintained that he had gone to see the other man to complain

that he had not even bothered to visit the sister. A fight broke out, and my client was either holding the man at bay until the police arrived or trying to kill him. The jury believed the prosecution and convicted my client. Although we eventually won the appeal on an unrelated ground, the law of attempts supported the prosecution's case.

The law, in simplified terms, says that if a person changes his mind ***without the intervention*** of an outside force—the police or the angel—he is entitled to the benefit of the doubt. The law will presume that his change of mind was ***internally*** generated.[35] But if he withholds his hand as the result of an outside source—the police or the angel—the law will presume that he would have completed the crime ***but for*** the intervention of that outside source. It is, of course, possible that even in a case where the police stopped him, he would have stopped himself if the police had not been there. But we presume the opposite, because it appears—from the external evidence—that he had made the decision to proceed. We can never know for sure, since we are incapable of entering into his mind, but the degree of likelihood is deemed sufficient to overcome the general presumption of innocence and the requirement of proof beyond a reasonable doubt. (My ten-year-old daughter believes that Abraham was conflicted and that the angel represents his "better instinct" [*yetzer ha-tov*], which eventually prevailed. If so, the "angel" was an internal, rather than an external, source.)

Applying these principles to the Abraham narrative, one finds it difficult to accept Bodoff's interpretation. Both the text and general principles of law make it more likely that Abraham intended to kill his son.

That is certainly the *apparent* message of the test, as even Bodoff concedes. Indeed, he characterizes his interpretation as "a coded countermessage." And he has the right to his interpretation, since one of the glories of the Bible is its Rorschach test quality: its seventy faces and its amenability to multiple midrashim—interpretations.

Bodoff's analysis also suggests a somewhat darker interpretation—namely that Abraham *failed* God's test. He would have killed his son had God not sent the angel, and God was upset at Abraham for his willingness to kill on command. There is textual support for this interpretation as well. After all, it is *God* who commands Abraham directly at the beginning of the story. If Abraham had passed God's test with flying colors, we might expect *God Himself* to come down and praise Abraham. Instead God sends a mere messenger. In addition, when God first commands Abraham to offer up his son, He refers to Isaac as Abraham's "only son, whom thou lovest."[36] But after Abraham fails the test, the angel refers to Isaac twice as "thine only son,"[37] eliminating the description "whom thou lovest." This suggests that the angel does not believe that a father who was willing to sacrifice his son can be said to love him.[38] Moreover, God Himself never speaks to Abraham again.[39] Sarah dies soon thereafter. Isaac emerges from the experience a shattered person, who rarely speaks until his deathbed (where he is tricked by his son). One can only imagine the trauma a son would go through upon learning that his father was prepared to kill him. I would have loved to overhear the conversation between Isaac and his father on the way down from the sacrificial mountain: "You were preparing to do *what*?" To be sure, Abraham is re-

warded with long life, wealth, a new wife, more children, and patriarchy, but in some respects all this seems like a consolation prize for doing his best, but not quite enough in God's eyes.[40] His personal relationship with God ended, because he disappointed his covenantal Partner. According to this interpretation, God used Abraham as an object lesson for future generations. People in those days sacrificed their children when the gods commanded it. Abraham was willing to do the same. But God's angel stopped him, thus signaling that *this* God was different. Indeed, some modern commentators, noting Isaac's silence and victimization by his father and son, as well as the advanced age of his parents when he was born, have speculated that he may have been retarded or emotionally disturbed. Throughout history parents have sacrificed retarded and disturbed children. This may explain Abraham's willingness to accept God's command. The message of this story is not in what *Abraham* did in setting out to sacrifice his son. It is in what *God* did in refusing Abraham's sacrifice. Abraham passed the test of obedience but failed the test of moral self-determination. Like a good student who messes up one exam, Abraham learned a great deal from the experience and was able to teach future generations from his own mistake.

An even more disturbing conclusion is offered by the writer and Nobel Peace Laureate Elie Wiesel, who argues that not only did Abraham fail the test, but so did God. No God should ever ask a father to kill his child, and no father should ever agree to do so. God may have eventually saved Isaac *physically*, but He crippled him emotionally, killing his mother in the process. A midrash recites how "Abraham returned

home alone, and when Sarah beheld him, she exclaimed, Satan spoke truth when he said that Isaac was sacrificed and so grieved was her soul that it fled from her body."[41]

Even Bodoff concedes that many wrong lessons have been gleaned from this story. Perhaps the most disastrous is the concept of "daat torah," prevalent among some Hasidim, whereby the individual sacrifices his intellect on the altar of blind obedience to the words of the sages or a charismatic rabbi. The murder of Yitzhak Rabin by a Jewish fundamentalist who believed he was following God's command may be the best known consequence of this know-nothing interpretation of the Abraham narrative.

A more uplifting metaphoric interpretation, similar to my daughter's, is offered by a contemporary Conservative rabbi named Harold Schulweis, who suggests that Abraham passed the test by refusing to kill Isaac. He sees "the angel who stays Abraham's hand [as] a symbol of Abraham's moral conscience"—an aspect of Abraham, rather than of God. "Abraham's acceptance of the voice of the Lord's angel over God's commanding voice expresses his faith in a moral God who could not will the death of an innocent."

My own favorite interpretation is that by commanding Abraham to sacrifice Isaac, God was telling Abraham that in accepting the covenant, he was not receiving any assurances that life would be perfect. Far from it. Through that terrible test, God was demonstrating—in a manner more powerful than words could ever convey—that being a Jew often requires sacrificing that which is most precious to you—even children. The history of the Jewish people has certainly borne that out. During the Crusades, the Inquisition, and especially the Holocaust, many "Abrahams" made the decision to kill their own "Isaacs," sometimes to prevent their forced conversion, other times to prevent their torture, rape, and eventual murder. The traditional view of the ***akeidah*** influenced the willingness of Jews "to turn the Biblical prohibition against murder into an act that became recognized as a legitimate form of ***kiddush ha-shem*** [honoring of God], when fathers killed their children and wives and then committed suicide rather than face forced Baptism during the crusades."[42] Perhaps this took religious zealotry too far, but during the Holocaust even baptism could not save "genetic" Jews. Parents had to kill or abandon crying babies in order to prevent Nazis from finding Jews in hiding. In one poignant episode during the Holocaust, ninety-three teenage girls—students of a Jewish seminary in Cracow—reportedly took their own lives after learning that they were going to be forced to serve as prostitutes for German soldiers. Before taking poison, they collaborated on a poem, which included the following lines: "Death does not terrify us; we go out to meet him. We served our God while we were alive; We shall know how to sanctify Him by our death. . . . We stood the test, the test of the binding of Isaac."[43] These have been the tragic realities of Jewish life, and God was warning Abraham that the covenant offered no assurances that such sacrifices would not be required.[44] Sometimes God would intervene. Sometimes He would not. That is the nature of a covenant. So if a Jew witnesses tragedy—even the worst of tragedies, as did Job and those who saw their children die in the Crusades and Holocaust—do not think that God has broken the

covenant. Religion is not a panacea for all of life's tragedies.

An Israeli rabbi made a similar point in the context of his nation's daily struggle: "Every parent in Israel who sees his son off to the army hears the divine command: 'Take your son, your only son, whom you love. . . .' "

I also have a favorite interpretation of why Abraham argued with God about the Sodomites but not about his own son. Good people are sometimes reluctant to argue for self-serving ends. They demand justice for others but are silent in the face of injustice to them. I have seen fellow Jews march energetically for the civil rights of others but sit passively when their own rights are violated. Many Jews who marched for the rights of blacks in the 1960s did nothing during the Holocaust. There is something more noble in advocacy for others than in self-serving advocacy. To be sure, some Jews speak up only for Jewish causes, not for others, but a great many are active in the struggle for universal human rights. The Bible instructs us not to "stand idly by the blood of your neighbors"; Hillel interpreted this to mean "If I am not for myself, who will be for me, [but] if am for myself alone, what am I?" The two apparently conflicting Abraham stories teach us to seek an appropriate balance between advocating for strangers and advocating for our own families.

Even if one concludes that the two Abrahams are irreconcilable, this too makes an important point: Genesis speaks with multiple voices; it does not seek to convey a singular message. The Abraham who argues with God represents one voice, while the Abraham who places his complete faith in God represents an-

other. The New Testament explicitly speaks in multiple voices—the Gospel according to Mark, Matthew, and so on, while the different voices of the Old Testament are implicit. Genesis—as contrasted, for example, with the Ten Commandments—is not written in the voice of God; the stories are not presented from His point of view; indeed, God is described as simply one of the actors. Multiple points of view assure multiple interpretations.

Whatever interpretation the reader ultimately finds meaningful, one conclusion is clear: No one can read the story of the ***akeidah*** literally and accept it as a clear guide for human action. It cries out for explication, for disagreement, for reflection, and for concern. It provides no answers, only eternally unanswerable questions, and in that respect it is the perfect tool for teaching the realities, limitations, and imperfections of both divine and human justice. The story of Abraham and Isaac is real life writ large, with all of its tragic choices, ambiguities, and uncertainties.

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1. 22:5.
2. *Midrash Rabbah*, vol. 1, p. 492, n. 6.
3. Weissman, Moshe, *The Midrash Says* (Brooklyn, NY: Bnai Yakov, 1980), p. 205.
4. Quoted in Leibowitz, Nehama. *Studies in Bereshith (Genesis)*. 4th rev ed. (Jerusalem: World Zionist Organization, Department for Torah Education and Culture, 1985), p. 189.
5. See Dershowitz, Alan, "Good Character Without Threat or Promise," in *The Power of Character*, ed. Michael S. Josephson and Wes Hanson (San Francisco: Jossey-Bass, Inc., 1998), pp. 268–75.
6. Twersky at p. 83. It is interesting to contrast Maimonides' sexism in comparing women to children with his progressive attitude toward a husband's obligation to satisfy his wife sexually—except if he is a scholar!
7. *Midrash Rabbah*, vol. 1, p. 376.
8. This is one of the rare instances in which an angel of God appears to a woman, Hagar. A midrash draws interesting parallels between the Isaac and Ishmael stories:

and the Lord's messenger called out to him from the heavens. This is nearly identical with the calling-out to Hagar in 21:17. In fact, a whole configuration of parallels between the two stories is invoked. Each of Abraham's sons is threatened with death in the wilderness, one in the presence of his mother, the other in the presence (and by the hand) of his father. In each case the angel intervenes at the critical moment, referring to the son fondly as *na'ar,* "lad." At the center of the story, Abraham's hand holds the knife. Hagar is enjoined to "hold her hand" (the literal meaning of the Hebrew) on the lad. In the end, each of the sons is promised to become progenitor of a great people, the threat to Abraham's continuity having been averted. Alter, Robert, *Genesis* (New York: W. W. Norton & Company, 1996), p. 106.

9. See Finkelman in Dershowitz, Alan, "The Case of the Speluncean Explorers: A Fiftieth Anniversary Symposium," *Harvard Law Review*, vol. 112, no. 8, June 1999, p. 1906.
10. Dershowitz, Alan, *Taking Liberties* (New York: Contemporary Books, 1988), p. 119, 271.
11. *New York Times,* April 7, 1999, p. 1.
12. Kierkegaard, Soren, *Fear and Trembling* (New York: Penguin, 1985), p. 60.
13. Leviticus 20:2–6, Exodus 13:11–16, Numbers 3:44–51.
14. Some rabbinic commentators try to have their theological cake and eat it too in this regard. Sometimes they argue that the patriarchs knew the Torah (see B. Rabbah), and other times they argue that they did not.
15. Levenson, Jon D. "Abusing Abraham: Traditions, Religious Histories, and Modern Misinterpretations," *Judaism* 47 (Summer 1998): 259–77.
16. Levenson at p. 274.
17. Levenson at p. 268. This is Kierkegaard's concept, which Levenson also criticizes as an incomplete justification.
18. "All along he had faith, he believed that God would not demand Isaac of him, while still he was willing to offer him if that was indeed what was demanded." Ibid at p. 65.
19. See Rabbenu Nissim, quoted in Leibowitz, Nahama, at p. 188 and Maimonides, quoted in Leibowitz, pp. 188–89.
20. Bodoff at p. 80.
21. Ibid., quoting sources.
22. Maimonides.
23. Maimonides, quoted in Leibowitz at p. 191.
24. Ginzberg at p. 282.
25. Rabbi Kook, quoted in Leibowitz at p. 204.
26. Bodoff at p. 71.
27. Bodoff at p. 76.
28. Baba Metzia, 59b.
29. One traditional answer is that the rabbis refused to listen to God's interpretation after He had given them the Torah, while Abraham's encounter with God preceded the Torah and came at a time when God gave orders orally.
30. One midrash suggests that Abraham should have made a different argument to God: "When You commanded me to sacrifice Isaac, I should have replied: 'Yesterday You told me: "In Isaac shall thy seed be called . . ." Nevertheless, I restrained my impulse and did not reply. . . .' " See also *Midrash Rabbah*, p. 498.
31. *Midrash Rabbah*, vol. 1, p. 494.
32. Schulweis, Harold, *For Those Who Can't Believe* (New York: HarperCollins, 1994), p. 81.

33. Ginzberg, pp. 283–84.
34. For an interesting parallel between the law of attempts and halakah, see Nachshoni, Y., *Studies in the Weekly Parashah* (New York: Mesotah, 1998), pp. 96–98.
35. Locus penitente is defined as:

> a place for repentance; an opportunity for changing one's mind; an opportunity to undo what one has done; a chance to withdraw from a contemplated bargain or contract before it results in a definite contractual liability; a right to withdraw from an incompleted transaction. *Morris* v. *Johnson*, 219 Ga. 81, 132 S.E. 2d 45, 51. Also, used of a chance afforded to a person, by the circumstances, of relinquishing the intention which he has formed to commit a crime, before the perpetration thereof. Black, Henry Campbell, *Black's Law Dictionary*, 6th ed. (St. Paul, Minn.: West Publishing Co., 1990), p. 941.

In the law of attempts, locus penitente refers to that point in time after an attempt has technically occurred when the defendant can undo that crime by changing his mind and removing the danger.

36. Genesis 22: 2.
37. Genesis 22:12, 16.
38. My student Meron Hacohen suggested this interpretation.
39. Armstrong, p. 69.
40. Shlomo Riskin, a modern Orthodox rabbi, was criticized for suggesting that Abraham should have argued for the life of Isaac and that he may have failed the test. Riskin at p. 13.
41. Ginzberg, p. 286.
42. Bodoff, p. 86, note 4.—The mass suicide at Masada exemplifies this perspective.
43. *The Reconsructionist*, New York, March 5, 1943, pp. 23–24. See also Brownmiller, Susan, *Against Our Will: Men, Women and Rape* (New York: Simon & Schuster), p. 332. Some historians have wondered whether this incident occurred as described, though no one doubts that Jewish women were raped during the Holocaust or that references to the binding of Isaac were common during periods of Jewish victimization. See Baumel, Judith Tydor, *Double Jeopardy, Gender and the Holocaust* (London: Valentine Mitchell, 1998), pp. 117–38.
44. Riskin at p. 17.