

“Between Man and God” and “Between Man and His Fellow”

Categories in Polemical Context

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I INTRODUCTION

The distinction between precepts that are “between Man and God” (*bein adam la-maqom*) and those that are “between Man and his fellow” (*bein adam le-havero*) is generally taken to be a general consensus view, going back to its first appearances in the talmudic corpus. Due to the distinction’s simplicity, few have dealt with it, including its historical context. But an examination of the tannaitic literature, where the two categories were documented, reveals that there was disagreement about the distinction between them.

This chapter will present the disagreement in its historical context, proposing that it should be viewed in light of a latent dispute pitting the talmudic sages, especially those of the second and third generations at Yavneh, against the early Christian literature that was contemporary with them, and perhaps also the Roman law of that period. The chapter will also address the related issue of the arrangement of the Ten Commandments on the two Tablets of the Law. Early Christianity mostly saw the separation between two units of the Ten Commandments as a clear expression of the distinction between the two types of precepts, but a widespread sages approach rejected such a categorical distinction and thus also the division of the Ten Commandments onto two tablets.

II BELLORIA THE CONVERT’S QUESTION

The distinction between the two categories of precepts, “between Man and God” and “between Man and his fellow,”¹ appears to have been first documented in the academy at Yavneh in the second and third generations of the tanna’im, in the reply

¹ This applies to these categories literally. The idea of a distinction between types of norms, religious and social, is very old and can be found already in Philo, in Roman law, and in early Christianity. See below, Section V.B (Philo); Appendix A (Roman law); Section V.C (early Christianity).

by Rabbi Jose the Priest, one of Rabban Johanan ben Zakkai's disciples,² to a question posed to Rabban Gamaliel of Yavneh. Belloria, a Roman matron who had converted to Judaism, asked Rabban Gamaliel as follows: Belloria the convert once asked Rabban Gamaliel: It is written in your Torah: "The great, mighty, and awesome God who favors no one [and will not take bribes]" (Deuteronomy 10:17), and elsewhere it is written: "The Lord shall show favor to you and give you peace" (Numbers 6:26). In short: Does the Lord pardon sinners or does he reject their appeals for forgiveness? When Rabban Gamaliel, for whatever reason, did not respond, Rabbi Jose the Priest spoke up:

I will tell you a parable. To what is this matter comparable? To a person who lent his friend one hundred dinars and fixed a time for repayment of the loan before the king, and the borrower took an oath by the life of the king that he would repay the money. The time arrived, and he did not repay the loan. The delinquent borrower came to appease the king for not fulfilling the oath that he had sworn by the life of the king, and the king said to him: For my insult I forgive you, but you must still go and appease your friend. Here also the same is true: Here, the verse that states: "The Lord shall show favor to you," is referring to sins committed between man and God, which God will forgive; there, the verse that states: "God favors no one," is referring to sins committed between a person and another, which God will not forgive until the offender appeases the one he hurt.

This is how the contradiction was resolved, until Rabbi Akiva came with a different explanation:

Here the verse is referring to the time before one's sentence is issued, when God shows favor and forgives; and there the verse is referring to the time after the sentence has been issued, when He no longer forgives.³

Rabbi Jose the Priest holds that divine justice must be unbiased – "who favors no one and will not take bribes"; this applies to transgressions between Man and his fellow.⁴ However, God does grant absolution for transgressions between man and God,⁵

² Zechariah Frankel, *Darkei hamishnah* (Tel Aviv, 1958/9), 94 n. 3; Gedalia Alon, *The Jews in Their Land in the Talmudic Age, 70–640 C.E.*, Vol. 1 (Jerusalem, 1980), 104.

³ *B Rosh Hashanah* 17b–18a Hebrew according to JTS MS 218 (270 EMC); translation from the William Davidson Talmud (at www.sefaria.org.il/Rosh_Hashanah.18a.1?lang=he&with=all&lang2=he, accessed March 8, 2017).

Var. lect. : בלודיא | Most MSS: בלוריא; Munich 140: ברוריא.

במרתכב | Haim Z. Dimitrovsky, *Séride Bayli* II.1 (New York: Jewish Theological Seminary, 1979), 233; בתורה.

מקום | Munich 95 (and Ed. Venice and Dimitrovsky): כאן בעבירות שבין אדם להברו כן בעברות שבין אדם למקום (בספא): (400) כאן בעבירות שבין אדם לשמים

⁴ The problem of God's favoritism appears in several locations in talmudic literature and is resolved in various ways. See Menahem Kahane, *Sifre Bamidbar, Annotated Edition, Part II* (Jerusalem, 2011), 324.

⁵ It is possible that Rabbi Jose the Priest's distinction is based on the context of the two verses cited. The verse that follows "who will not show favor or take bribes" (Deut. 10:17) concerns interpersonal

because they affect only Him, and a king can pardon offenses of *lèse majesté*.⁶ The text and style of the baraita suggest that Rabbi Jose’s statement was made in a polemical context, and especially because he is responding to the query of a convert who was formerly a Roman matron.⁷ Her question is belligerent and polemical, beginning “it is written in your Torah.”⁸ The term used to describe

matters: “Who executes justice for the orphan the widow, and loves the stranger, giving him food and clothing” (v. 18). On the other hand, “the Lord will show you favor” is part of the priestly blessing (Num. 6:22–27), as part of a string of the Lord’s favor bestowed on the Israelites through the use of the divine name – clearly in the domain of human-divine relations.

⁶ The parable of the king and the creditor is based on a well-known practice in the Greco-Roman world, where oaths invoking the ruler’s life were common. See Saul Lieberman, *Greek in Jewish Palestine: Hellenism in Jewish Palestine* (New York, 1994), 192–93; Samuel Krauss, *Paras ve-Romi ba-Talmud u-va-midrashim* [Persia and Rome in the Talmud and Midrash] (Jerusalem, 1947), 65–68. The distinction between the king’s law and heavenly law in relation to false oaths (“for my insult I forgive you, but you must still go and appease your friend.”) represents a well-known and mirror-image situation in Roman law. See the Code of Justinian 82.11.1: “The punishment for perjury oath will be imposed on them by God. . . . We do not expect that the punishment for perjury will be imposed on them by a human”; *ibid.*, 6.3.21 (Ulpian): If a person took an oath and subsequently died, and is found to have perjured himself, according to Marcellus, “the religious aspect of the oath shall be taken into account.” See also Krauss, *Paras ve-Romi*, 68: “Among the Romans, an earthly court did not punish perjury, because judgment is [left for] God.”

Scholars of Roman law have different views about how the courts’ recusal from cases of perjury should be understood. Some have seen it as a result of the fundamental separation that Roman law maintained between religious law and secular law. See Fritz Schulz, *Classical Roman Law* (Oxford, 1951), 370: an injury to the gods is a matter for the gods (“Deorum iniuria diis curae”). Another opinion is that the prosecution of perjury is reserved to the gods because of procedural considerations: the legal system’s limited ability to take effective action against perjurers. In general, the law resorts to religious tools only as a last resort, when other legal instruments cannot be used. This is the case for curses and oaths, where the difficulty of enforcement leads to a dependence on religious “tools.” See Alan Watson, *The State, Law, and Religion: Pagan Rome* (Athens, GA: 1992), 49–50. For a broader discussion of the distinction between religious law (*ius divinum*) and human/secular law (*ius humanum*) in Roman law, see Appendix A.

⁷ Shmuel Klein, “Shalosh matanot tovot” [Three good presents], *Zion* 1 (1926), 12; Adolf Büchler, *The Economic Conditions of Judaea after the Destruction of the Second Temple* (London: Jews’ College, 1912), 66–67; Moshe David Herr, “The Historical Significance of the Dialogues between Sages and Roman Leaders” [Hebrew], *Proceedings of the Fifth World Congress of Jewish Studies*, Division IV (1969): 282–83; Gedalia Alon, *The Jews in Their Land in the Talmudic Age, 70–640 C.E.*, Vol. 2 (Jerusalem, 1984), 561 (Belloria is Valeria); Tal Ilan, *Lexicon of Jewish Names in Late Antiquity*, vol. 1 (Tübingen, 2002), 50, and 344.

⁸ “It is written in your Torah” declares the questioner’s attitude towards the Torah – your Torah, not ours. However, Ezra Zion Melamed, *Midreshei halakhah shel ha-tana’im ba-talmud ha-bavli* (Jerusalem, 1988), 347, n. 4, had difficulty with this formulation and proposed deleting “your Torah”: Belloria is a convert, not a non-Jew. So too Dimitrovsky, *Seride Bavli*. However, in all manuscripts the text is “it is written in your Torah.” The tenor of this phrasing is usually critical and belligerent. See, for example: M *Avodah Zarah* 3:4 (the query addressed by Proclus son of Philosphos to Rabban Gamaliel) and Abraham Wasserstein, “Rabban Gamaliel and Proclus of Naucratus”, *Zion* 45 (1980): 257–67; *Mekhilta de-Rabbi Ishmael, Ba-hodesh* 6, Horowitz & Rabin ed., 226 (a philosopher and Rabban Gamaliel); B *Berakhot* 32b (a *hegmon* and a pious man); B *Avodah Zarah* 17a (Jacob of Kefar Saknia, “one of the disciples of Jesus the Nazarene,” asked Rabbi Eliezer), and the parallel in *Ecclesiastes Rabbah* 1:3. See also David Rokeah, “Ben Sitra is Ben Pantera – Clarification of a Philological-Historical Problem”, *Tarbiz* 39 (1969): 9–12. In one case, a Jewish sage uses this formulation in a polemic against the Kuthites (Samaritans). See J *Sotah* 7:5 [21c], eds.

R. Jose's intervention, *nitpal lah* – “he dealt with her”⁹ – is also typical of polemic encounters.¹⁰

Rabbi Jose's words, possibly uttered in the heat of debate, remained unchallenged until Rabbi Akiva offered an alternative reply. The locution “until Rabbi Akiva came and taught” appears several times in talmudic literature, where it signals a homiletic or ideological revolution and significant innovation by Rabbi Akiva, generally in the field of halakhah.¹¹ The use of this locution, then, indicates that Rabbi Akiva's proposal is not meant only as an additional reply to Belloria's question and is not simply a homiletic exegesis. Rather, it is an innovation on a matter of principle, stating that divine judgment is not contingent on the type of positive actions or transgressions attributed to a person, but on the stage of divine judgment: after the sentence has been rendered, the divine judgment is final and cannot be undone. But until then, God can forgive all transgressions, including those between two individuals. Thus, Rabbi Akiva denies the distinction between types of transgressions and holds that divine justice deals in the same fashion with all transgressions, whether they offend God or other human beings.

Later we will try to understand Rabbi Akiva's position on this matter of principle in light of the polemic. First, though, we will examine another tannaitic exegesis, in which Rabbi Akiva again opposes the distinction between transgressions towards God and transgressions towards human beings.¹²

Academy of the Hebrew Language, 934: “Rabbi Eleazar son of Rabbi Simeon said: I told the Kuthite scribes: You have forged your Torah and have not done yourselves any good, because you wrote into your Torah near Elonei Moreh Shekhem. . . .” See also: *Midrash Tanna'im* Deut. 15, 10, Hoffman ed., 84 (a philosopher and Rabban Gamaliel).

⁹ *Nitpal le* [he responded to] implies a quarrelsome and sometimes even belittling reply to an antagonistic questioner. See, for example, B *Eruvin* 64b (Rabbi Ilai to a non-Jew); B *Bava Batra* 115b and B *Menaḥot* 65a (R. Johanan ben Zakkai to Sadducees); *Megillat Ta'anit*, ed. Vered Noam (Jerusalem, 2004), 61 (R. Johanan ben Zakkai to a Boethusian). See also Ben Yehuda Dictionary, s.v. 1910 טפל, “(began to speak and argue with)”; Krauss, *Paras ve-Romi*, 66.

¹⁰ Parables (“I shall use a parable to explain what this matter is like”) are used in many non-polemical contexts as well, but are especially common in polemical contexts. See: David Stern, “Tafkido shel hamashal be-sifrut Hazal” [The function of the parable in rabbinic literature], *Jerusalem Studies in Hebrew Literature* (1985): 92 n. 5. For additional sources see: *Avot de-Rabbi Nathan*, Recension B, ch. 8, ed. Schechter, 24; *Mekhilta de-Rabbi Ishmael*, *Ba-ḥodesh* VI, 226; B *Shabbat* 108a; B *Bava Batra* 10a; B *Sanhedrin* 91a; B *Avodah Zarah* 54b–55a.

¹¹ In most cases, this term describes the halakhic revolution that Rabbi Akiva introduced by determining that the halakhah is according to the rulings of the School of Hillel, and not the School of Shammai's rulings, which had previously been the norm. See: J. N. Epstein, “Le-mishnat Rabbi Yehuda (le-heger meqorot ha-mishnah),” *Tarbiz* 15 (1943): 5 (“R. Akiva ruled in support of the House of Hillel”); Avraham Goldberg, “Tannaim in the generation of R. Judah the Prince,” *Proceedings of the World Congress of Jewish Studies* 6 (1973): 92–94; Shmuel Safrai, “The Decision in Favor of the School of Hillel in Yavneh,” *Proceedings of the World Congress of Jewish Studies* 7 (1977): 40–41. See also: M *Ma'aser sheni* 5:8; M *Nedarim* 9:6 (and parallel, T *Nedarim* 5:1, ed. Lieberman, 114); T *Pesahim* 1:7, ed. Lieberman, 142; T *Mo'ed qatan* 2:10, ed. Lieberman, 371; *ibid.* 2:14, 372; *Sifra*, *Metzora*, *Zavim*, vol. 3, 79c (and parallel, B *Shabbat* 64b); B *Qiddushin* 57a (and parallel, B *Bekhorot* 6b); B *Bava Metzia* 62a.

¹² Rabbi Jacob Ettlinger noted the link between Rabbi Akiva's two homilies in *Arukh la-ner*, *Niddah* 70b: “And regarding the fact that Rabbi Akiva was uncomfortable with Rabbi Jose the Priest's resolution, we can say that he is consistent with his own position: . . . that if one does not repent sins against his fellow,

III RABBI ELEAZAR BEN AZARIAH’S HOMILY

The distinction between transgressions against God and those against other human beings returned to the academy (*beit midrash*) at Yavneh in the following generation, raised by Rabbi Eleazar ben Azariah:

“For on this day He shall atone for you [to purify you from all of your sins; before the Lord you shall be purified]” (Leviticus 16:30) . . .

For transgressions between man and God, Yom Kippur atones; for transgressions between Man and his fellow, Yom Kippur does not atone, until he conciliates his fellow.

R. Eleazar b. Azariah expounded this as follows: “Of all of your sins before the Lord you shall be purified”: For matters between yourself and God, you are pardoned; for matters between yourself and your fellow, you are not pardoned until you conciliate your fellow.¹³

As pertains to Yom Kippur, the distinction between the categories (precepts that apply between Man and God and those that apply between Man and his fellow) is anchored in the biblical text. In his homily, Rabbi Eleazar ben Azariah repunctuates the verse in a way that implicitly creates a category of “transgressions between Man and God”: “From all of your sins before the Lord – you shall be purified” (Leviticus 16:30). That is, there is a category of “transgressions before the Lord,” for which alone there is atonement and purification. Yom Kippur itself atones only for sins “before the Lord,” but not for “matters between yourself and your fellow.”

Here too Rabbi Akiva seems not to accept the distinction between two categories, or the homily through which they are derived. The last mishnah in tractate *Yoma* presents a homily by Rabbi Akiva that parallels that of R. Eleazar ben Azariah:

R. Akiva says, Happy are you, Israel! Before whom are you purified, and who purifies you [of your transgressions]? Your Father Who is in heaven. For it is said, “Then will I sprinkle pure water upon you, and ye shall be pure”; and it is also said, “The ritual bath [*lit.* Hope] of Israel is the Lord”; even as a ritual bath purifies the impure, so does the Holy One, Blessed be He, purify Israel.¹⁴

Rabbi Akiva is responding to Rabbi Eleazar ben Azariah’s homily. According to his reading, the Israelites are purified before God. Rather than reading “from all your sins *before the Lord* – you shall ye be purified,” he reads “From *all* your sins – before the Lord you shall be purified.”¹⁵ That is, “before the Lord” does not apply to the

then what sinned against God is not forgiven either. Thus partial repentance will be of no benefit, since ‘from *all* your sins before God shall you be purified.’ So Rabbi Akiva, consistent with his position and not holding such an opinion, is uncomfortable with this answer, and [instead] reconciles the texts: here, before the final judgment, and there after the final judgment.” See also below, nn. 17 and 48.

¹³ *Sifra*, *Aḥarei mot* 5:8, acc. to MS Vatican 66.

¹⁴ *M Yoma* 8:8–10, MS Kaufman.

¹⁵ Regarding the argument about how the two homilies punctuate the verse, see: Mordechai Breuer, *Ta’amei ha-miqra be-21 sefarim u-ve-sifre emet* [The cantillation marks in the 21 books and Job-Proverbs -Psalms] (Jerusalem Mikhlal, 1982), 375; Simcha Kogut, *Ha-Miqra, ben te’amim le-farshanut*

sins, limiting them to those between human beings and God, but to the quality of purification: the Israelites are purified before God, who purifies them himself;¹⁶ the atonement worked by Yom Kippur and the purification by God apply both to transgressions against God and those against one's fellow human beings.¹⁷

In this homily, too, Rabbi Akiva seems to take issue with the distinction that Rabbi Eleazar ben Azariah makes between types of transgressions. We may conclude that this distinction is a matter of disagreement among the tanna'im. Rabbi Akiva does not accept it because he believes that transgressions against one's fellow are also transgressions against God.¹⁸ What is the import of his position?

IV A DISAGREEMENT WITH A POLEMICAL BACKGROUND

In this section, we will examine Rabbi Akiva's position in the context of a debate that raged, mainly below the surface, between his notion and various positions taken by early Christian thinkers. Above, with reference to Belloria the convert, we noted the polemical elements in the background of this first appearance of the distinction between the two categories of "Man and God" and "Man and his fellows." In that

[Correlations between biblical accentuation and traditional Jewish exegesis] (Jerusalem, 1996), 64, 125–26. Rabbi Akiva's reading is consistent with the placement of the cantillation marks in the MT. Rabbi Eleazar's reading is according to the Temple tradition. See Maimonides, *Mishneh Torah*, Laws of the Yom Kippur Service, 2:7: "During each of the three confessions, he [the high priest] would intend to complete the Tetragrammaton with those blessing [reciting *barukh shem kevodo le'olam va'ed* – Blessed be His glorious name forever and ever], and he would [then] say to them 'you shall be purified' [completing the verse]." In other words, there was a pause in the reading of the verse by the high priest between "The Lord" and "you shall be purified." The source of this tradition seems to be Jose ben Jose's liturgical poem *Atta konanta*, which the Geonim knew. See: Aaron Mirsky, *Priyyutei Yose ben Yose* [Jose ben Jose's liturgical poems] (Jerusalem, 1977), 13–14, 162, 164, 169; *Teshuvot ha-ge'onim ha-hadashot* [The new responsa of the Geonim], ed. Simcha Emanuel, § 115, 23. On the other hand, see: Zvi Malachi, *Ha-avodah le-yom ha-kippurim—ofyah, toldoteha, ve-hitpathutah ba-shirah ha-ivrit* [The Yom Kippur service: character, history, and development in Hebrew poetry] (Jerusalem, 1974), 19–20.

In addition to the disagreement about the punctuation of the verse, there is also an hermeneutical disagreement about the word "before." According to R. Eleazar ben Azariah, it means "in the eyes of" ("designating the one who calculates or evaluates"), meaning: "your sins before God" are the sins in God's eyes – "between you and Him." According to Rabbi Akiva, however, "before" "designates the object of the activity" or the "direction," and "before God shall you be purified" means that the purification is directed towards God. See: Eliezer Rubinstein, "Lifnei š. sh. [Before š. sh.] *Leshonenu* 40 (1975): 58–64. See also BDB, s.v. פנה (Oxford, 1957), 816–17; KBL, s.v. פנה (Leiden, 1996), 942; Menachem Zvi Kaddari, *Dictionary of biblical Hebrew*, s.v. פנים (Ramat-Gan, 2006), 865.

¹⁶ See Kogut, *Ha-miqra*, 64; Ettlinger, *Arukh la-ner*.

¹⁷ Rabbi Akiva's homily deduces general purification from all transgression from two verses: First: "And I shall throw upon you pure water and you shall be purified; I shall purify you *from all your impurities and from all your fetishes*" (Ezek. 36:25). The second: "Hope of Israel! O Lord! All who forsake You shall be put to shame" (Jer. 17:13), which refers to the sins referenced in the preceding verses, including those against God (17:1–3) and those against human beings (v. 11).

¹⁸ Other sources preserve a different tradition about Rabbi Akiva's position. See Numbers Rabbah, 11:7, MS Munich 97. Cf.: Midrash Hagadol, Numbers 6:26, ed. Z. M. Rabinowitz (Jerusalem, 1997), 95.

story, we identified linguistic and literary features relevant to a polemic, but the matter at dispute is not obvious.

Belloria’s question seems to be testing the limits of divine forgiveness, and, thus, of divine justice. Rabbi Jose the Priest’s answer may be taken as tactical and superficial: transgressions between a man and his fellow do not fall under the purview of divine justice and fall into the exclusive jurisdiction of human instances. As in the parable, a debt to one’s fellow does not concern the king.¹⁹ Rabbi Jose the Priest’s proposal evidently satisfied the second generation at Yavneh. Later, however, Rabbi Akiva rejected it by asserting that divine judgment applies also to transgressions between Man and his fellow, which, like those between man and God, can be pardoned only until the final verdict has been rendered.

The tannaitic discussion centers on the legal and religious status of the norms of personal conduct. A similar question seems to have been at the center of a polemic between Rabbi Akiva and early Christianity.

In Jerusalem, Jesus responds to a question posed by one of the Pharisee “experts in the law”: “Which is the great commandment in the law [Torah]?”²⁰ He replies:

And he said to him, “You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the great and first commandment. And a second is like it, You shall love your neighbor as yourself. On these two commandments depend all the law and the prophets” (Matthew 22:34–40).²¹

A few decades later, Rabbi Akiva replied to the same question in a completely different way (*Sifra*, *Qedoshim* II 4:12):

“And you shall love your fellow as yourself” (Leviticus 19:18)—Rabbi Akiva says: This is a great rule in the Torah.” Ben Azzai says: “This is the book of the genealogy of Man [, on the day God created Man, He made him in the divine image]” (Genesis 5:1) is an even greater rule than that.²²

¹⁹ Compare with n. 6 above.

²⁰ Jesus’s words were originally a “great rule in the Torah,” mistranslated into Greek as “a great commandment.” See David Flusser, “The Ten Commandments and the New Testament,” in *‘Aseret ha-dibberot bi-re’i ha-dorot* [The Ten Commandments through the generations], ed. B. Z. Segal (Jerusalem, 1986), 180; Serge Ruzer, “Šemed ha-šivvuyim ‘ve-ahavta’ bi-vrit ha-ḥadashah u-ve-sereh ha-yahad” [The double love precept in the New Testament and in the Rule of the Congregation], *Tarbiz* 71 (2002): 354, n. 5.

²¹ Similarly in Mark 12:28–31 and Luke 10:25–28. See Victor Paul Furnish, *The Love Command in the New Testament* (London, 1972), 33–34; Victor Paul Furnish, “Love of Neighbor in the New Testament,” *Journal of Religious Ethics* 10 (1982): 327–34. See also: Ruzer, *ibid.*

²² *Sifra*, *Qedoshim* 2:4.12, MS Vatican 31. It is uncertain whether the core of the debate between Ben Azzai and Rabbi Akiva is exegetical or theological. If the latter, Ben Azzai sees loving one’s fellow as a social and moral obligation (“the genealogy of Man”), whereas Rabbi Akiva sees it as also a religious obligation (see immediately below). If the former, Ben Azzai too holds that loving one’s fellow is a religious obligation and is building mainly on the end of the verse: “This is the book of the genealogy of Man . . . in God’s image made He him” (Gen. 5:1). See Rabbi Joseph Saul Nathansohn, *Ziyyon vi-yrushalayim*, on *J Nedarim* 9:4 (Vilna: 1925/6), 30b.

Rabbi Akiva, unlike Jesus,²³ focuses on a single golden rule – love your fellow.²⁴ Of course, we should not conclude from this that Rabbi Akiva discarded the precept to love God; he also ruled, based on the verse, “And you shall love the Lord your God with all your might” (Deuteronomy 6:5), that this applies “even if He takes your life.”²⁵ It appears, rather, that Rabbi Akiva believed that the obligations to love one’s fellow and love God are interlinked, just as the verse itself links the two domains of relationships: “And you shall love your fellow as yourself, *I am the Lord*” (Leviticus 19:18).²⁶ In other words, the declaration “I am the Lord” follows the commandment to love one’s fellow in order to teach that loving one’s fellow is not only a human and social matter but in fact derived from the obligation to honor God, because God made humans in the divine image.²⁷

²³ Jesus’s view about the two rules was accepted in the Jewish world of the late Second Temple period, earlier echoes of it can be found at least since *Jubilees*. See George Foot Moore, *Judaism in the First Centuries of the Christian Era*, II (Cambridge, MA, 1955), 86; below, n. 50; David Flusser, ‘*Aseret ha-dibberot*, 168–69, 172–74 at nn. 21–27, and 177 at nn. 35–36 (David Flusser, *Yahadut bayit sheni, hakhameha ve-sifrutah* [Second Temple Judaism, its sages and literature] (Jerusalem, 2002), 164–65, 168–69, 173; Ruzer, “Ve-ahavta,” 362–65. Flusser holds that some talmudic sages supported the demand for double love (of God and of fellow). See David Flusser, “A New Sensitivity in Judaism and the Christian Message,” *Harvard Theological Review* 61 (1968): 112–13. However, Flusser, ‘*Aseret ha-dibberot*, at n. 28, holds that there is no explicit expression of this position in talmudic literature, in deference to Rabbi Akiva’s authority.

For another discussion about similar polemic between R. Akiva and early Christianity, see Appendix B.

²⁴ M. Weinfeld, “Julius Wellhausen’s Understanding of the Law of Ancient Israel and Its Fallacies,” *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 4 (1980): 69: “The two elements – the love of God and the love of his fellow, were merged by R. Akiva, the most prominent representative of the Pharisees” (as opposed to the Christian separation between the two). It appears that Rabbi Akiva’s position is based on Hillel’s statement in B *Shabbat* 31a (MS Oxford 366): “On condition that you teach me the entire Torah. . . . He said to him: that which is hateful to you, do not do to your fellow.” See Theodor’s note in *Genesis Rabbah with Minhag Yehudah*, J. Theodor and Hanoch Albeck, eds. (Jerusalem, 1965), 237; Israel Abrahams, *Studies in Pharisaism and the Gospels* (New York, 1967), 21–24.

²⁵ J *Berakhot* 9:5 [14b], ed. Academy of the Hebrew Language, 75, and B *Berakhot* 61b (the words of Rabbi Akiva himself); *Sifre*, Deuteronomy 32, ed. Finkelstein, 55 (the words of Rabbi Eliezer, his teacher). See also: Abrahams, *Pharisaism*, 19.

²⁶ Baruch J. Schwartz, *Tirat ha-qedushah: iyunim ba-huqqah ha-k’hanit she-ba-T’rah* [The holiness legislation: studies in the Priestly Code] (Jerusalem, 1999), 323: “The repetition of the formula ‘I am the Lord’ . . . indicates . . . that [the author] does not see the precepts between Man and his fellow as an independent category but rather as precepts between Man and God”; Martin Buber, *Darko shel Mikra: ‘iyunim bi-defuse-signon ba-Tanakh* [The way of Scripture: studies in the Hebrew Bible’s stylistic patterns] (Jerusalem, 1978), 104: “What we have here is not a moral command but a faith-related command. . . . Inasmuch as human beings are Mine, I command you in this matter.” For an opposite formulation, see Flusser, ‘*Aseret ha-dibberot*, 178: “We may assume that according to this anthropocentric approach . . . the first rule, which is love of God, is seen as included in the overall rule of love for one’s fellow.” Such a reading is common in Kabbalah and Hasidism. See, e.g., Haim Vital, *Liquṭei Torah nevi’im u-ketuvim, Qedoshim* (Tel Aviv, 1972/3), 190 (in the name of R. Isaac Luria); *Toledot Ya’akov Yosef, Qedoshim* (Medzhybozh, 1816/7, 73a); *Qedushat Levi ha-shalem*, II (Jerusalem, 1957/8), 414; *Sefat Emet*, Korach, 5656.

²⁷ So too the early-fourth century church father Lactantius: “The very same thing you granted to Man is granted to God, because Man is God’s image.” See: Lactantius, “Divine Institutes” 6.10, in *The Divine*

V THE TWO TABLETS

The polemic between some of the tanna'im and early Christianity about the relationship between one's duties to God and those to other people can be examined from an additional perspective: the arrangement of the Ten Commandments on the two Tablets of the Law.

A *The Division*

The notion that the Ten Commandments were divided between the two Tablets of the Law appears frequently in medieval Jewish philosophy and biblical commentaries.²⁸ The idea is that the Ten Commandments were divided equally: the first five, commandments “between Man and God,” were written on one tablet, and the second five, commandments “between Man and his fellow,” were written on the second tablet. Various considerations seem to lie behind this separation, both practical and textual.

Let us begin with the practical considerations. In the ancient Near East, most texts were written on a single tablet. Hence breaking up a rather short text onto two tablets may well indicate some internal distinction between the two parts, and the division of the commandments between the tablets might be the result of this distinction.²⁹ Moreover, the Decalogue is a fundamental and important text, one that should be committed to memory. The division into two sets of five is convenient for this purpose, because it is common to use the fingers to tally memorized items, and two sets of five corresponds to the fingers on each hand.³⁰

Institutes: Books I–VII, Trans., Mary Francis McDonald (Washington, DC, 1964), 417. See also Abrahams, *Pharisaism*, 18, 20.

It is possible that this is how Rabbi Tanhuma interpreted Rabbi Akiva's words. See *Genesis Rabbah* 24:5, ed. Theodor and Albeck, 237: “Rabbi Akiva said: ‘Love your neighbor as yourself’ is the greater rule; lest you say ‘since I have been debased, let my fellow be debased.’ Rabbi Tanhum said: If you have done so, know whom you are debasing: ‘In God's image made He him.’” It is unclear whether this is an interpretation of or addition to Rabbi Akiva's statement. It could even be a contrary position, similarly to the disagreement between Rabbi Akiva and Ben Azzai (above, n. 22): Rabbi Akiva stresses the human and social aspect, “like you”: because I have been debased, may my fellow also be debased; whereas Rabbi Tanhuma stresses the religious aspect: it is God who is debased.

²⁸ See, e.g., Ibn Ezra, Nahmanides, and Abравanel (below, nn. 32, 34); David Kimhi on Isa. 5:12; Joseph Albo, *Sefer ha-Iqqarim*, 3:26.

²⁹ James L. Kugel, *The Bible as It Was* (Cambridge, MA, 1997), 381.

³⁰ See Eduard Nielsen, *The Ten Commandments in New Perspective: A Traditio-Historical Approach*, trans. David J. Bourke (Naperville, IL, 1968), 34. This idea was first proposed by Rabbi Joseph ben David of Saragossa, a student of Rabbi Nissim of Gerona, in his commentary on the Torah, ed. Feldman (Jerusalem, 1973, 171); and, after him, Moshe ben Simeon of Frankfurt (eighteenth century) in his commentary on the *Mekhilta* (below, n. 49), *Zeh yenaḥmenu* (Amsterdam, 1712, 48b), and nineteenth-century commentators on the midrash – R. Joseph Zundel and Rabbi Zev Wolf Einhorn, on *Song Rabbah* 5:12. See also: Edward L. Greenstein, “The Rhetoric of the Ten Commandments,” in *The Decalogue in Jewish and Christian Tradition*, Henning Graf Reventlow and Yair Hoffman, eds., (New York, 2011), 6, n. 22. A hint to this effect is found in the *Mekhilta* (below, n. 46), which

There are also textual considerations. Several literary and philological elements distinguish the first five commandments from the second five. Commandments six through ten (as found in Deuteronomy 5:17–18) are linked by the conjunctive *vav*, whereas the first five commandments are separate statements.³¹ In addition to this syntactic difference, there are a number of literary differences as well. God's name appears (either as *Elohim* or as the Tetragrammaton) in each of the first five commandments, but never in the second five.³² All those in the first group are lengthy and include their rationales and in some cases the reward or sanction for their observance or violation; whereas the second five are short and laconic,³³ absolute prohibitions with no explanation or stated reward.³⁴

B Philo: *The Roots of the Idea*

Given these reasons – both the practical and the textual – the bipartite division of the commandments and the corollary distribution between the two tablets appear quite logical. However, the first explicit mention of this division seems to be by Philo of Alexandria, in his treatise on the Ten Commandments:³⁵

He divided the ten into two sets of five which He engraved on two Tables. . . . The superior set of five. . . . Thus one set of enactments begins with God the Father and

compares the Tablets of the Law to hands, based on the verse “His hands are rods of gold, studded with beryl” (Song of Songs 5:14). See also: *Numbers Rabbah* 13:15; *Song Rabbah* 5:14; *Tanḥuma, Ekev*, 9.

³¹ Moshe Weinfeld, ‘*Aseret ha-dibberot u-qeri’at shema’*: *gilguleihen shel hašharot emunah* (Tel Aviv, 2001), 39.

³² *Pesiqta rabbati* 21, MS Parma 3122, ed. Ish Shalom, 99: “Adrianus (may his bones be ground) asked Rabbi Joshua ben Hananiah. He said to him: . . . The first ten [*sic!*] precepts that the Holy [One blessed be He] gave, His name is found in them. . . . But the latter five precepts . . . His name is not found in them”; Abraham Ibn Ezra, short commentary on Exodus 20:1: “Therefore, the [divine] name is mentioned in these five precepts (whereas there is no [divine] name in the other five), because these five are between Man and the Creator”; Abravanel on Exodus 20 (eighth question) and Deut. 5:6; Weinfeld, ‘*Aseret ha-dibberot*, 86.

³³ The second tablet contains precepts that are obligations of natural morality and based on the principle of reciprocity, so they require no rationale. By contrast, the precepts on the first tablet are religious and spiritual obligations, and therefore require explanation and persuasion. See Moshe Weinfeld, *The Anchor Bible, Deuteronomy 1–11* (New York, 1991), 245; Greenstein, “The Rhetoric of the Ten Commandments,” 7.

³⁴ Nahmanides on Ex. 20:13: “And here, [He] has mentioned the reward for some of the commandments, and not for others, such as in the second commandment ‘a zealous God,’ in the third ‘for [the Lord] will not clear,’ in the fifth ‘so that [your days] last long’; whereas in the others He did not mention a punishment or reward. And this is because the last five commandments are for the benefit of Man, and their reward accompanies them.”

³⁵ Philo seems to have been influenced by the common distinction between “divine law” and “human law” that emerged from classical Greek philosophy and literature, going back to the pre-Socratics, and later in the Stoa. See: Christine Elizabeth Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton, 2015), 55–56 (See also her reference to Martens, *inn.* 3); E. E. Halevi, ‘*Erkhei ha-aggadah ve-ha-halakhah le-or meqorot yevaniyim ve-latiniyim* [The principles of aggadah and halakhah in light of Greek and Latin sources], I (Tel Aviv, 1979), 210–11 and n. 2. A similar distinction exists in Roman law. See above, n. 6.

Maker of all, and ends with parents who copy His nature by begetting particular persons.³⁶

... the fifth commandment on the honour due to parents ... He placed on the border-line between the two sets of five; it is the last of the first set in which the most sacred injunctions are given and it adjoins the second set which contains the duties of man to man.³⁷

Philo’s division of the commandments between the two tablets derived from his fundamental view of both the tablets and the Torah precepts in general. He believed that the tablets, and the Ten Commandments written on them, included all the precepts,³⁸ which were divided into two main branches or main headings:

But among the vast number of particular truths and principles there studied, there stand out practically high above the others two main heads: one of duty to God as shewn by piety and holiness, one of duty to men as shewn by humanity and justice ...³⁹

Thus the bipartite division of the commandments, which, for Philo, include all the precepts, reflects the two categories of precepts: the first tablet deals with “duty to God,” and the second with “duty to men.”

C The Christian World

Philo’s thesis has echoes in the Christian world. The idea of the distinction between the two tablets can be found as early as Paul’s Epistle to the Romans, at least partially and indirectly.⁴⁰

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. The commandments, “You shall not commit adultery, You shall not kill, You shall not steal, You shall not covet,” and any other commandment, are summed up in this sentence, “You shall love your neighbor as yourself.” Love does no wrong to a neighbor; therefore love is the fulfilling of the law.⁴¹

³⁶ Philo, “De Decalogo” #50, in *Philo VII*, trans. F. H. Colson (LCL, 1984), 31.

³⁷ *Ibid.*, #106, 61. See: Yehoshua Amir, “Aseret ha-dibberot al-pi Filon me-aleksandria,” in Segal, *Aseret ha-dibberot*, 122; Flusser, “Aseret ha-dibberot,” 180; Moshe Greenberg, “The Decalogue Tradition Critically Examined,” in *Studies in the Bible and Jewish Thought* (Philadelphia, 1995), 300.

³⁸ Philo, *De Decalogo*, #154; *ibid.*, #19. See also: Suzanne Daniel-Nataf, introduction to *De Decalogo*, in Philo, *Ketavim [Writings] II* (Jerusalem, 1991), 185–86 [Hebrew]; Harry Austryn Wolfson, *Philo; Foundations of Religious Philosophy in Judaism, Christianity, and Islam II* (Cambridge, MA, 1968 [1947]), 181–82, 201–02; See also: *ibid.*, I, 128; II, 304–05. Regarding the talmudic sages’ position on this matter, see Efraim Elimelech Urbach, *The Sages, their Concepts and Beliefs*, trans. Israel Abrahams (Jerusalem, 1975), 844–47.

³⁹ Philo, *De Specialibus Legibus II*, #63. See also Wolfson, *Philo*, II: 395.

⁴⁰ For a discussion of Philo’s possible influence on Paul’s attitude towards the Ten Commandments, see: Gottfried Nebe, “The Decalogue in Paul, Especially in His Letter to the Romans,” in *The Decalogue in Jewish and Christian Tradition*, 58–60. For other parallels between Philo’s and Paul’s interpretations of the Ten Commandments, see *ibid.*, 64–65.

⁴¹ Romans 13:8–10. See, similarly, Mark 10:19; Matthew 5: 21, 27, 43. The idea of emphasizing the precepts between man and his fellow (the second tablet) as the main part of the Torah comes from

Paul writes that the second five commandments are summed up by the core rule of loving one's neighbor as one's self. While he does not explicitly mention Jesus's "double core rule" of loving God and loving one's fellow, it is possible that he hints at it when he mentions "any other commandment" and "the law." If so, the first five commandments are summed up by the other commandment to love – "You shall love the Lord your God."⁴²

D *The Talmudic Literature*

We have seen that the idea of a distinction between the first five and the second five commandments, and their separate inscription on the two Tablets of the Law, originated with Philo and was taken over by early Christianity and the Church Fathers. The idea was also common in the rabbinic scholarship of the Middle Ages. Now we must ask how the talmudic sages viewed this idea.

There does not seem to have been a consensus among them on this matter. The majority position opposed the idea of the distinction, holding that all ten commandments were written on each of the two tablets, possibly on both sides. The division into five on each tablet was a minority opinion:

How were the tablets written?

Rabbi Hananiah ben Gamaliel says: "Five on one tablet and five on the other tablet." This is as is written: "And he wrote them on two stone tablets" (Deut. 4:13): five on one tablet and five on the other tablet.

And our rabbis say: "Ten on one tablet and ten on the other tablet." This is as is written (Deut. 4:13): "He declared to you the covenant that He commanded you to observe, the Ten Commandments . . .": ten on one tablet, and ten on the other tablet.

Rabbi Shimon ben Yohai said: twenty on one tablet and twenty on the other tablet. As is written: "And he wrote them on two stone tablets" (Deut. 4:13): twenty on one tablet and twenty on the other tablet.

Rabbi Simai says: forty on one tablet, and forty on the other tablet. "From this side and from that side they were written" (Ex. 32:15): a tetragon (solid with four written faces).⁴³

Jesus, and he repeats it in various contexts. See: Robert M. Grant, "The Decalogue in Early Christianity," *The Harvard Theological Review* 40 (1947), 2–4, 6; below, note 50 (*Didache*).

⁴² Flusser, "Aseret ha-dibberot," 169–70; Nebe, "The Decalogue in Paul," 58, 80–83. According to Nebe, *ibid.*, 81, it is possible that "all other precepts" refers to the first tablet, and "therefore love is the fulfillment of the entire Torah."

If the idea of the division of the commandments between the two tablets is not stated outright in Romans, though it could be inferred from the text, it does appear, explicitly and systematically, in Augustine. See Appendix C.

⁴³ J *Sheqalim* 6:2 [49d] (ed. Academy of the Hebrew Language), 625; J *Sotah* 8:1 [22d], 940. See also *Exodus Rabbah* 47:6 (according to Jerusalem, NLI, MS ~24 5997): "[This] teaches that the first and latter [commandments] were [different] <the same>. How were the Ten Commandments arranged? Five on one tablet and five on [the other] tablet, according to Rabbi Judah. Rabbi Nehemiah says: Ten on one tablet and ten on [the other] tablet, as is stated 'And when Moses descended from the

For most of the tanna'im, the Ten Commandments constitute a single indivisible unit. Because the Ten Commandments are described as written on two tablets and on both of their sides, they must have been written twice on each tablet, for a total of four times, and possibly even on all four sides of each tablet, for a total of eight times. The minority opinion⁴⁴ is not comfortable with the notion of such repetition and consequently divides them between the two tablets, five on each.⁴⁵

We might propose that the disagreement here is relevant to the distinction between the types of precepts – those “between Man and God” and “between a man and his fellow.” That is, perhaps the minority opinion divides the commandments into five on each tablet because it supports this distinction. However, examination of Rabbi Hananiah ben Gamaliel’s homily in the *Mekhilta* reveals that this is not the case:

How were the Ten Commandments arranged? Five on the one tablet and five on the other.

On the one tablet was written: “I am the Lord thy God.” And opposite it on the other tablet was written: “Thou shalt not murder.” This tells that if one sheds blood is accounted to him as though he diminished the divine image. . . .

On the one tablet was written: “Thou shalt have no other god.” And opposite it on the other tablet was written: “Thou shalt not commit adultery.” This tells that if one worships idols it is accounted to him as though he committed adultery, breaking his covenant with God. . . .

On the one tablet was written: “Thou shalt not take [the Lord your God’s name in vain].” And opposite it on the other tablet was written: “Thou shalt not steal.” This tells that he who steals will in the end also swear falsely. . . .

On the one tablet was written: “Remember the Sabbath day,” and opposite it on the other tablet was written: “Thou shalt not bear [false witness against your fellow].” This tells that one who violates the Sabbath as it were bears witness before He who spoke and the world came into being that He created his world in six days and did not rest on the seventh, and one who keeps the Sabbath bears witness before He who spoke and the world came into being that He created his world in six days and rested on the seventh . . .

On the one tablet was written: “Honor your father [and your mother],” and opposite on the other tablet was written: “Thou shalt not covet.” This tells that one who covets will end up bearing a son who curses his father and honors those who are not his father.

It was for this that the Ten Commandments were arranged five on one tablet and five on the other.— These are the words of Rabbi Hananiah, the son of Gamaliel.

mountain’ this were written” (this is mistaken citation, and it *probably should be*: “And Moses [turned and] descended from the mountain, . . . on this side and on that side they were written” [Ex. 32:15]).

⁴⁴ In addition to Rabbi Hananiah ben Gamaliel, Rabbi Judah also holds this position. See *Exodus Rabbah* 47:6 (previous note).

⁴⁵ The minority view appears as the consensus position in *Mekhilta de-Rabbi Yishmael* (next note). This was also Philo’s position (above, n. 36): “He divided the ten into two sets of five each which He engraved on two tables.” See also Josephus, *Antiquities*, III 6.8 (§138): “Within this ark he deposited the two tables, whereon had been recorded the ten commandments, five on each of them, and two and a half on either face” (trans. Thackeray, LCL, vol. 4).

And the sages say: ten on one tablet, and ten on the other tablet, as it is written: “And these words spoke the Lord to all your congregations . . .” and “Your two breasts are like two fawns . . .” (Song of Songs 4:5) and “His hands are rods of gold . . .” (ibid. 5:14).⁴⁶

For Rabbi Hananiah ben Gamaliel, the division of the commandments between the tablets is actually meant to negate the distinction into two categories; their parallel inscriptions (“On the one tablet was written . . . and opposite on the other tablet was written . . .”) emphasized their integration and complementary nature.⁴⁷ The complementarity goes both ways. On the one hand, precepts “between a man and his fellow” are also “between Man and God.” Murder is not only a transgression between human beings but also between humans and God, inasmuch as one who spills blood has also assaulted God’s image;⁴⁸ similarly, theft may lead to false oaths. On the other hand, precepts “between Man and God” are linked to those “between a man and his fellow”: an idolater is like an adulterer, and one who observes or violates Shabbat is like a witness standing before the judges.⁴⁹

⁴⁶ *Mekhilta de-Rabbi Yishmael, ba-Hodesh* 8, trans. Lauterbach, 731.

⁴⁷ It is possible that Rabbi Hananiah’s homily is in agreement with Sages’ idea that the two tablets were identical (“twins of a gazelle,” Song 4:5). See Tamar Kadari, “‘Tokho rašuf ahavah’: al ha-Torah ke-ra’ayah bi-derashot tanna’im le-shir ha-shirim” [“Within It Was Decked With Love’: The Torah as the Bride in Tannaitic Exegesis on Song of Songs], *Tarbiz* 71(3/4) (2002): 401. The word כנגד, *keneged*” [which Lauterbach translated as “opposite it”] can be applied physically to the writing on the tablets, meaning the sixth commandment was written on the same line as and opposite the first commandment, the seventh opposite the second, and so on. But it can also be interpreted symbolically as referring to the content of the commandments, meaning that they correspond, matching and complementing each other. This is the interpretation of the *Mekhilta, Pesiqta Rabbati* 21 (Shklov 1806), 34c: “The five first Commandments opposite (*keneged*) the last [five].” Later it states that the Ten Commandments were corresponding to (*keneged*) the ten utterances with which the world was created, or corresponding to (*keneged*) the Ten Plagues. For the two senses of *keneged*, see: Shlomo Naeh, “‘Ezer ke-negdo,’ ‘keneged ha-mašhitim’” [Forgotten Meanings and a Lost Proverb], *Leshonenu* 59(2) (1996): 108–11 (which shows how *keneged* can be both a positional and a comparative preposition).

⁴⁸ Yair Lorberbaum, “‘Al rešah, ‘onesh mavet, ve-ha-adam be-šelem Elohim be-sifrut Ḥazal” [On murder, capital punishment, and man’s creation in the divine image in talmudic literature], *Pelilim* 7 (1998), 239–42, 253–56. Lorberbaum (241) proposes that the *Mekhilta*’s homily is based on Rabbi Akiva’s midrash (*Genesis Rabbah* 34:9, ed. Theodor-Albeck, 326): “Anyone who spills blood is considered to have reduced the [divine] image. Why? Because ‘He who spills the blood of man, etc. [by man shall his blood be spilled, because in His image did God make man]’ (Gen. 9:6).” The identification of human blood and the divine image “blurs the semantic barrier between God and Man, thus blurring the distinction between precepts between Man and God and precepts between Man and his fellow.” See also: Yair Lorberbaum, *Šelem Elohim: halakhah ve-aggadah* [The divine image: halakhah and aggadah] (Jerusalem and Tel Aviv, 2004), 301–02, 354–58. Rabbi Akiva’s and the *Mekhilta*’s homilies are compatible with Rabbi Akiva’s rejection of any distinction between types of precepts. See above, at nn. 12 and 17.

⁴⁹ Moshe Greenberg, “Mesoret ‘aseret ha-dibberot bi-re’i ha-biqqoret” [The Ten Commandments tradition in light of criticism], in: ‘*Aseret ha-dibberot bi-re’i ha-dorot*, 90: “The homily . . . hints at the reciprocal relationship between the precepts between Man and God and those between Man and his fellow. And the switch of the starting point of each statement from one set of five to the other one, emphasizes the equal value of the two sets”; *Zeh yenaḥmenu* (above, n. 30): “That these were opposite those, so one who violates [a precept] on this side is deemed to have violated [a precept] n the other side.”

We conclude that the tanna'im rejected the notion that the Decalogue has two subsets – commandments “between Man and God” and those “between Man and his fellow.” First, the idea of such a division has no explicit source in talmudic literature.⁵⁰ Second, in the sources that do discuss the arrangement of the Ten Commandments on the two tablets, the majority opinion rejects the idea and holds that all ten were written as a single unit. Third, the minority opinion, which posits a physical division of the Ten Commandments onto two separate tablets, believes that this division was meant to lead to an integrated reading. This does not accord with the idea that the Decalogue falls into two subsets and instead supports a harmonization of the different categories of commandments.⁵¹

⁵⁰ Urbach notes an early midrashic source that includes the “double love” homily, followed by a detailed list of the second five commandments with regard to the obligation to love one’s fellow. This would seem to support the idea of separation. See: *Sefer Pitron Torah* [The book of the solution of the Torah], ed. Efraim Elimelech Urbach (Jerusalem, 1978), 79–80 (*Sefer Pitron Torah*, ed. Malachi Beit-Arié, facsimile of MS Heb. 40 5767, 63–64): “As the sages said: *all the precepts in the Torah* depend on two verses: the first, ‘*And you shall love the Lord your God*’ (Deut. 6:5); the second, ‘*And you shall love your fellow as yourself*’ (Lev. 19:18); that two hundred forty-eight positive precepts all depend on ‘and you shall love the Lord your God, etc.’ . . . and the negative precepts depend on ‘And you shall love your fellow as yourself.’ . . . ‘*And you shall love your fellow as yourself*’ is the epitome of all the negative precepts stated in regards to a human being. . . . *Thou shalt not take the Lord’s name in vain and thou shalt not murder and thou shalt not commit adultery, and thou shalt not steal and thou shalt not bear [false witness] and thou shalt not covet.*” Urbach (*Pitron Torah*, *ibid*) conjectures that “the statement comes from an early source.” But it does not appear to come from the talmudic sages, as Urbach himself says elsewhere. See Efraim Elimelech Urbach, “Ma’amadam shel ‘*aseret ha-dibberot ba-avodah u-va-tefillah*” [The status of the Ten Commandments in the Temple service and in prayer], in *‘Aseret ha-dibberot bi-re’i ha-dorot*, 136 (“a parallel midrash, though from a later source”). See also above, n. 23.

The source may be the *Didache*, a Jewish-Christian text. See Flusser, *Yahadut u-meqorot ha-našrut* [Judaism and the sources of Christianity] (Tel Aviv, 1969), 235–36, 244–47. The regnant position dates the text to the second half of the first century CE. See Huub van de Sandt and David Flusser, *The Didache: Its Jewish Sources and its Place in Early Judaism and Christianity* (Minneapolis: Fortress Press, 2002), 48–49. Indeed, in the *Didache* there is a parallel to the homily in *Pitron Torah*: “There are two ways, one of life and one of death. . . The way of life, then, is this: First, you shall love God who made you; second, your neighbour as yourself; and all things whatsoever you would should not occur to you, do not also do to another.” See *The Didache*, 1:1–2, ed. Kurt Niederwimmer (Minneapolis, 1988), 59–77. Subsequent to the “double love” homily, a detailed list of the commandments on the second tablet appears later in the *Didache* (2:2–7). See Sandt and Flusser, *The Didache*, 56; and, in greater detail, Huub van de Sandt, “Essentials of Ethics in Matthew and the *Didache*: A Comparison at a Conceptual and Practical Level,” in *Early Christian Ethics in Interaction with Jewish and Greco-Roman Contexts*, eds. Jan Willem van Henten and Joseph Verheyden (Leiden, 2013), 245–51. However, as we saw above (around n. 41), such a model existed in early Christianity. Hence it stands to reason that the passage in question is Christian and not by the talmudic sages. See Philip S. Alexander, “Jesus and the Golden Rule,” in *Hillel and Jesus: Comparisons of Two Major Religious Leaders*, eds. James H. Charlesworth and Loren L. Johns (Minneapolis: Fortress Press, 1997), 162–64. Some hold that the passage is a synthesis of Jewish and Christian sources. See Grant, “The Decalogue in Early Christianity,” 9. This seems likely, because the text was influenced by various sources – Jewish, sectarian, and Christian (see Sandt and Flusser, *The Didache*, 56–57, 59, and 70–80).

⁵¹ The harmonization is also expressed in the parallel that the talmudic sages drew between the first two sections of the *Shema* and the Ten Commandments. See *J Berakhot* 1:4 [3c] (p. 9). This parallel

It appears, then, that a widespread position of the talmudic sages rejects the idea of a division of the precepts into those “between Man and his God” and those “between Man and his fellow.” All the tanna'im oppose the early Christianity approach that maintained this division. This may support the possibility that the issue was an item of dispute between Jews and Christians.

VI FINAL THOUGHTS

Above we discussed the relationship between the two “wings” of halakhah – the “religious” and the “sociological” – in the rabbinic literature, and against the background of the parallel Jewish-Christian debate. We chose to focus on those aspects that we see as primary, from a philological-historical approach to the rabbinic literature. However, there are clearly other aspects that may affect the question of the relationship between the two wings. Here, briefly, are three of them:

- A. Legal theory aspect: One of the basic tools used to organize a scientific system is taxonomy.⁵² Legal taxonomy sorts and organizes the law, dividing it into families, branches, groups, etc. Three types of legal taxonomy can be differentiated:⁵³
- (1) Formal taxonomy classifies and explains law from a theoretical perspective, and has no normative or practical ambitions.⁵⁴
 - (2) Functional taxonomy defines the framework of the dispute between litigants and helps resolve them. This mode of organization may have a normative influence, although it is indirect and focused on the particular case and its outcome.
 - (3) Rational taxonomy is the most activist of the three. It offers a normative explanation and meaning, and thus influences decision-makers in both the legislature and the judiciary.

The distinction between the types of precepts might be made in any of these taxonomies. In the tannaitic literature it appears in the attempt to

effectively place all the precepts under the joint title of the two sections: the precept to love God. See: Abrahams, *Pharisaism*, 28; Aharon Oppenheimer, “Removing the Decalogue from the *Shema* and Phylacteries: the Historical Implications,” in *The Decalogue in Jewish and Christian Tradition*, 99–100. See also Urbach, “‘Aseret ha-dibberot,” 133. He asserts that the Jewish-Christian debate about the recitation of the Ten Commandments during prayer stemmed from the early Christian emphasis on the interpersonal precepts. See above, at nn. 41 and 42. This is why, the talmudic sages dropped the recitation of the Ten Commandments from the liturgy and included them under the rubric of the precept to love God, including those that clearly apply among human beings.

⁵² On taxonomy as a phenomenon from a philosophical perspective, see M. Härlin and P. Sundberg, “Taxonomy and Philosophy of Names,” *Biology and Philosophy* 13 (1998): 233–35.

⁵³ Emily Sherwin, “Legal Taxonomy,” *Legal Theory* 15 (2009): 25–54.

⁵⁴ Formal taxonomy has another goal: mapping law in order to transfer information from one legal system to another. Such a method is especially common in comparative law. See Ugo Mattei, “Three Patterns of Law: Taxonomy and Change in the World’s Legal Systems,” *The American Journal of Comparative Law* 45 (1997): 6.

resolve a theological and exegetical problem, evidently in the context of the Jewish-Christian polemic. This distinction might therefore be formal, and perhaps even functional. However, it is doubtful whether it also claims to define a general theological and legal position.

- B. The epistemological aspect: The human mind may relate to different and contradictory factors within a single system in two polar ways. One of them is dichotomous and dualistic.⁵⁵ Here reality is seen as separate entities: the metaphysical is distinct from the physical, and the divine from the natural. Therefore, according to this method, in a normative system there will be a separation between the legal wing and the religious wing.

Another method proposes a harmonious and complementary approach.⁵⁶ It sees disparate and even contradictory phenomena as different and complementary facets of a single harmonious entity.⁵⁷ Torah law completes what is missing in natural morality and human law, and views civil law as simultaneously religious law. In this way, the precepts “between man and his fellow” may also be an aspect of “between man and God.”⁵⁸

- C. The religious aspect: Ernst Akiva Simon distinguished two paradigms of religion: “Catholic” and “Protestant.” The Catholic pattern is total: religion is involved in every aspect of life; and just as God is present everywhere and everything is subject to His authority, so too all normative systems are subordinate to religion. The Protestant paradigm is “softer.” Here religion is flexible

⁵⁵ Dualism has many types and applies to many domains. On theistic dualism (the Creator’s relationship with Creation), see Leroy Rouner, “Dualism,” *The Westminster Dictionary of Christian Theology* (London, 2002), 166. On dualism in the context of the psychophysical problem (the relationship between mind and body), see Howard Robinson, “Dualism,” *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, available at: <https://plato.stanford.edu/entries/dualism/>; W. D. Hart, “Dualism,” in *A Companion to the Philosophy of Mind*, ed. Samuel Guttenplan (Oxford, 1996), 265–68.

⁵⁶ The complementary approach describes, in very domains of knowledge, complementary relations between causes that are different or opposing in quantum physics, in the wake of Niels Bohr, see: Simon Saunders, “Complementarity and Scientific Rationality,” *Foundations of Physics* 35 (2005): 417–47; Niels Bohr, “Causality and Complementarity: Supplementary Papers,” in *Philosophical Writings of Niels Bohr*, eds. Jan Faye and Henry J. Folse, vol. IV (Woodbridge, 1998), 164–69. In the social sciences (complementarianism: men and women as complementary sexes), see, e.g., Prudence Allen, “Man-Woman Complementarity: the Catholic Inspiration,” *Logos* 9 (2006): 87–105 (the Catholic stance); online at www.laity.va/content/dam/laici/documenti/donna/filosofia/english/man-woman-complementary-the-catholic-inspiration.pdf. In tort law, see Izhak Englard, “The Idea of Complementarity as a Philosophical Basis for Pluralism in Tort Law,” in *Philosophical Foundations of Tort Law*, ed. David G. Owen (Oxford, 1995), 183–95.

⁵⁷ In the talmudic corpus, the dominant position about the mind-body problem is monistic and harmonizing. See Julius Guttmann, *The Philosophy of Judaism: The History of Jewish Philosophy from Biblical Times to Franz Rosenzweig*, trans. David W. Silverman (Northvale, NJ, 1988), 51–52; Urbach, *The Sages* [Heb.], 190–98. See also Nissan Rubin, *Qeṣ ha-ḥayyim: tiqsei qevurah bimqorot hazal* (Tel Aviv, 1997), 54–64; Lorberbaum, *Selem Elohim*, 192–93, n. 81.

⁵⁸ On the connection between the normative separation and the overall confrontation between dualism and harmonism, see my “Commandments between Man and God and between Man and His Fellow – Between Separation and Completion: A Medieval Debate” (unpublished).

and liberal regarding aspects of life that are not clearly religious and grants them autonomy.⁵⁹

The “Catholic” paradigm will not acknowledge a distinction between precepts that are between man and God and precepts that are between man and his fellow. The “Protestant” paradigm can do so. About a century ago there was a sharp debate between representatives of the two modes, with regard to the application of halakhah as a legal system in a modern Jewish state.⁶⁰ The secular wing affiliated with the Hebrew Law Society called for a separation between “religious law” and “civil law.” The religious Zionist wing opposed this vehemently:

If for other peoples, religion and state are two domains, . . . for the Jewish people both of them, religion and state, are bound together and connected, and anyone who would separate them is cursing the people’s soul. Our Torah contains not only precepts between man and God, but also precepts between man and his fellow and between man and his country . . .⁶¹

The ideas presented in this chapter may support the latter position. The controversy hovers above the question of the separation that took place in its infancy during the second and third generations in Yavne. A reexamination of the statements by the tanna’im, against the background of the Jewish-Christian debate of those years, may lead to the conclusion that the rabbinic literature tends to reject the distinction and to combine the precepts between man and his fellow with those between man and God.

APPENDIX A (NOTE 6): BETWEEN *IUS DIVINUM* AND *IUS HUMANUM* IN ROMAN LAW

Roman law distinguishes religious law from secular law. It recognizes both *fas* (divine law or sacred law) and *ius* (human law). According to the definition by Servius Sulpicius Rufus, “*fas* relates to religion, and *iura* to humans” (“Ad religionem fas, ad homines iura pertinent”).⁶²

⁵⁹ Akibah Ernst Simon, *Ha'im od yehudim anahnu?* (Jerusalem, 1982). For a recent discussion of Simon’s stance, see Avi Sagi, “Ha'im od yehudim anahnu,” in *Hamishim le-arba'im ushemoneh*, ed. Adi Ophir (Jerusalem; Tel Aviv, 1999), 79–87.

⁶⁰ For an extensive discussion, see Amihai Radzyner, “Hamishpaṭ ha'ivri bein 'le'umi' le-'dati': ha-dilema shel ha-tenu'ah ha-datit-le'umit,” *Mehqerei Mishpat* 26 (2010): 110–18.

⁶¹ Yehuda Leib Hakohen Fishman, “Ha-ṣiyonut ha-datit ve-hitpathutah,” *Ezkerah* 5 (1936): 121. For a critique of the “catholic” stance of religious Zionism, see Sagi, “Ha'im od yehudim anahnu.” See also Avi Sagi, “*Ṣiyonut datit: bein segirut liftihut*,” in *Yahadut pnim va-huṣ: di'alog bein olamot*, eds. A. Sagi, D. Schwartz and Y. Stern (Jerusalem, 2000), 124.

⁶² See Servius, *In Vergili Georgica*, 1.269. For different senses of this distinction, see: Leon ter Beek, *Divine Law and the Penalty of Sacer Esto in Early Rome*, in *Law and Religion in the Roman Republic*, ed. Olga Tellegen-Couperus (Leiden, 2012), 11–12; Watson, *The State, Law, and Religion* (see above n. 6), 94, n. 1. See also Watson, *ibid.*, 86.

For a parallel distinction between the objects of religious law (*ius divinum*) and human/secular law (*ius humanum*), see Gaius, *Institutiones* 2.2–2.8. And at length, James Rives, “Control of the Sacred in

The roots of this distinction is in the Twelve Tablets. There, in the first foundations of Roman law, we encounter a paradox: law is strictly secular in nature, even though intended for an especially religious society.⁶³ The background here is sociopolitical: in the early fifth century BCE, in the wake of a severe socioeconomic crisis, tension emerged between the ruling elite (the Patricians) and the masses (the Plebeians). The Plebeians organized themselves in various political groups and demanded a written code to regulate the relations between the citizen and the state.⁶⁴ The written law – the Twelve Tablets – was enacted for the Plebeians; but religious laws were removed from it, because that applied to the Patrician religious establishment.⁶⁵ Thus the sociopolitical tensions created a paradox of legal theory and a normative tension between the “religious” and the “legal.”⁶⁶

The gulf in Roman law between “divine” law and the “law” deepens in the wake of the Christian influence on Roman law.⁶⁷ This influence is already discussed in the second half of the fourth century, in the *Liber quaestionum* attributed to Ambrosiaster.⁶⁸ In various passages the author describes Paul’s separation of human law from divine law and the adoption of this Pauline idea by Roman law.⁶⁹

APPENDIX B (NOTE 23): RABBI AKIVA AND EARLY CHRISTIANITY – ANOTHER POLEMIC

It is possible that Rabbi Akiva’s integration of love for one’s fellow and love for God is at the heart of another polemic between him and early Christianity:

Love all these (disciples and *am ha’ares*) and hate the sectarians, apostates and the informers . . .

Roman Law,” in *Law and Religion in the Roman Republic*, ed. O. E. Tellegen-Couperus (Leiden and Boston: Brill, 2012), 166–68; Watson, *The State, Law, and Religion*, 55–57.

⁶³ Watson, *The State, Law, and Religion*, 73. See also *ibid.*, 1. On the secular character, see further Clifford Ando, “Religion and *ius publicum*,” in *Religion and Law in Classical and Christian Rome*, eds. Clifford Ando and Jorg Rupke (Stuttgart, 2006), 129, 132–40. Even though law has a secular character, it bears the clear indirect imprint of religious social practices. For example, the source of the civil contract (*stipulatio*) is religious (*votum*). See Watson, *The State, Law, and Religion*, 39–43. Similarly, the religious oath also is employed in the private and civil realm (*ibid.*, 44–45 and 78–79).

⁶⁴ See T. J. Cornell, *The Beginnings of Rome* (London and New York, 1995), 242–71.

⁶⁵ Thus (according to Ulpian, *Digesta* 1.1.1.2), religious matters are part of public law, whereas civil law is part of private law. See Elizabeth DePalma Digeser, “Religion, Law and the Roman Polity: The Era of the Great Persecution,” in *Religion and Law in Classical and Christian Rome*, eds. Clifford Ando and Jorg Rupke (Stuttgart, 2006), 70.

⁶⁶ Watson, *The State, Law, and Religion*, 78.

⁶⁷ Sophie Lunn-Rockliffe, *Ambrosiaster’s Political Theology* (Oxford, 2007), 54–56.

⁶⁸ On the author’s identity and the historical and theological background of the work, see: *ibid.*, 12–17, 33–50; Alexander Souter, *The Earliest Latin Commentaries on the Epistles of St. Paul: A Study* (Oxford, 1927), 39–48.

⁶⁹ Andrew S. Jacobs, “Papinian Commands One Thing, Our Paul Another”: Roman Christians and Jewish Law in the *Collatio Legum Mosaicarum et Romanarum*,” in *Religion and Law in Classical and Christian Rome*, eds. Clifford Ando and Jorg Rupke (Stuttgart, 2006), 95–97.

[Rabbi Akiva says: “Yet it says,] ‘But thou shalt love thy neighbour as thyself: I am the Lord. And why is that? Because I [the Lord] have created him. Indeed! If he acts as thy people do, thou shalt love him; but if not, thou shalt not love him.”

Rabbi Simeon ben Eleazar says: “This matter was stated with a great oath: ‘And you shall love your fellow as yourself [because] I am the Lord,’ who faithfully pays rewards and extracts punishment.”⁷⁰

Both the text and meaning of Rabbi Akiva’s homily are doubtful. According to our version (in footnote 71), the homily seems to be based on the declaration “I am the Lord” that is attached to the injunction to love one’s fellow.⁷¹ This declaration bases

⁷⁰ *Avot de-Rabbi Natan* [The Fathers According to Rabbi Nathan], Recension A, chapter 16 (MS New York, JTS 25); trans. Judah Goldin (London, 1956), 86. For textual variants, see, at length: Louis Finkelstein, *Mavo le-masekhtot Avot ve-Avot de-Rabi Natan* [Introduction to Tractates Avot and Avot de-Rabbi Nathan] (New York, 1950), 47–51; Menahem Kister *Iyyunim be-Avot de-R. Natan: nusah, arikhah u-farshanut* [Studies in Avot de-Rabbi Nathan: text, redaction, and interpretation] (Jerusalem, 1998), 69–70; H. G. Becker, *Avot de-Rabbi Natan: Synoptische Edition beider Versionen* (Tübingen, 2006), 170–71. The statement is attributed to Rabbi Akiva in all textual witnesses except the first printed edition (Venice, 1550). Finkelstein (*Mavo*, 49–50), holds that the first clause (“Yet it says . . . [created him]”) is Rabbi Akiva’s, but the end (“those who act/do not act like one of your people”) is not. According to the first clause, the fact that human beings are created in the divine image requires that we love everyone, including evildoers. But the second clause limits the love for one’s fellow to those who “act like one of Your people.” Given this contradiction, Finkelstein proposes that this is a hybrid text: Rabbi Akiva’s authentic homily in the first clause is followed by another, even though it “is not by Rabbi Akiva at all and is only an interpretation and addition to the main point of the *baraita* and the words of the first authority” (and see, phrased differently, *ibid.* 49, n. 88). It is possible that ideology (tolerance and universalism) is lurking in the background of Finkelstein’s proposal. See Jonathan Howard, “Ela ehov et kullam” [Rather, love everyone], *Ma’agalim* 8 (2013): 106–10. Kister (*Iyyunim*, 168), adopts Finkelstein’s hypothesis of a hybrid text: “These are two completely different things, and their linkage creates a meaningless statement.” However, his solution is just the opposite: the second clause is based on a common tannaitic homily (167), implying that it is Rabbi Akiva’s original homily; but the first clause is rare and likely a later and inauthentic supplement (*ibid.*, 70 and n. 160; *idem*, “Bein ma’amarei yeshu la-midrash” [Jesus’s statements and the Midrash], *Mehqerei yerushalayim be-mahshevet Yisrael* II, (1981/2), 14, n. 27). Either way, the hybrid text thesis requires further study, based on Rabbi Simeon ben Eleazar’s dictum in *Avot de-Rabbi Nathan*, Recension A, chapter 16, and the parallel statement by Rabbi Hananiah the Temple prefect (*Avot de-Rabbi Nathan*, Recension B, ch. 26, MS Parma 2785 [MS Schechter, 53]: “That on which the entire world depends on, a tradition (oath) was said about it from Mount Sinai: If [you] hate your fellow *whose deeds are as bad as your deeds – I am the Lord*, a judge who will punish that person; and if you love your fellow *whose deeds are proper, like your deeds – I am the Lord*, merciful and who has mercy upon you.” For this parallel, see: Flusser, “Judaism and the Christian Message,” 114–15; Kister, *Iyyunim*, 167–168. In this homily, Rabbi Hananiah combines “I am the Lord” (as an oath) with the limitation of the precept to love to those who behave appropriately. However, “I am the Lord” in this version does not refer to the Creator of all humanity, but to the God who commands and judges. In any event, here the combination seems to be original. Kister goes on to reject this consideration (*ibid.*, 168 and 70 n. 159), but without presenting a decisive argument.

⁷¹ It is possible that the formulation of the limitation – “if he acts *as thy people do*” – hints that the homily draws on the parallel between the command to love one’s fellow and the adjacent precepts in the Torah: “You shall not hate your *brother* in your heart; you shall surely reprove *your fellow* and bear no sin for him. You shall not avenge nor bear a grudge against *the members of your people*. . .” (Lev. 19:16–17). See Kister, “Ma’amarei yeshu,” 41, n. 27; Kister, *Iyyunim*, 167. These precepts do not protect everyone, but only members of one’s close circle. See *Sifra*, *Qedoshim* 2:4, ed. Weiss, 89b: “You may

the obligation to love one’s fellow on the fact that all human beings were created in the divine image: “And you shall love your neighbor as yourself [I the Lord have created him].”⁷² A person who shirks his connection to God and does not act “like one of your people” is not worthy of his fellow’s love.⁷³

Jesus opposed this. In the Sermon on the Mount he prescribes love for all:

You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust. . . . You, therefore, must be perfect, as your heavenly Father is perfect.⁷⁴

Jesus is familiar with the traditional homily (“you have heard”) that limits the love of one’s fellow by excluding the wicked,⁷⁵ but turns it on its head: Yes, love for one’s fellow derives from “I am the Lord.” But precisely for this reason one must love also

take revenge and hold a grudge against others” (meaning non-Jews; see David Henshke, “Ḥametz shel aḥerim” [The leaven of others], *Te’udah* 16–17 (2001): 164–66); Aaron Shemesh, “Ha-mavdil bein bnei ‘or livnei ḥoshekh bein yisra’el la-‘amim” [Who distinguishes between the sons of light and the sons of darkness, between Israel and the nations], in *Atarah le-ḥayyim*, eds. D. Boyarin et. al. (Jerusalem, 2000), 211 and nn. 8, 9; Ruzer, “Ve-ahavta,” 365–67. For other and even contradictory readings of the set of social precepts, see Schwartz, *Torat ha-qedushah*, 317–23. Another approach sees the homily as based on an alternative vocalization of the verse: *ra’akha* “your evil person” instead of *re’akha*, “your fellow.” In other words, it is obligatory to love not only one’s partners in right religious and social conduct, but also those who behave badly. See: Herbert Basser, “Hed le-midrash qadum bi-vrit ha-ḥadashah” [An Echo of Early Midrash in the New Testament], *Proceedings of the World Congress of Jewish Studies* 11 (div. C vol. I) (1993): 124–26. This is implausible: First, because it is passed on a faulty reading of the text in a way not employed in the tannaitic literature; see Shlomo Nach, “Ein em lamasoret o: ha’im darshu ha-tanna’im et ketiv hatorah shelo ki-qri’ato hamequbbelet?” [Did the Tannaim Interpret the Script of the Torah Differently from the Authorized Reading?] *Tarbiz* 61(3/4) (1992): 407–10. Second, if the homily was based on an alternative reading of the verse, the homilist should have made that plain. The explanation proposed here is based on interpreting the words *re’akha kamokha* [your fellow like you] – a person who is like you; or on “I the Lord – made him.”

⁷² Compare Rabbi Akiva’s statement in *M Avot* 3:14: “Beloved is man, because he is *created in the image* [of God]. . . . Beloved are Israel, because they are called *children of God*” with Jesus’s homily (*Matt.* 5:45): “And you shall love your fellow as yourself. . . so that you shall be children to your father in heaven.”

⁷³ With regard to the homily in the first clause, see *Avot de-Rabbi Nathan*, cited above at n. 70: “And hate (the sectarians)! . . . And so too David used to say ‘O Lord, I hate those who hate You’” (*Ps.* 139:21; parallels: *T Shabbat* 13:5, ed. Lieberman, 58–59: “Sectarian books . . . they and references to them should be blotted out; and it is in reference to them that the verse said: ‘O Lord, I hate those who hate You’”). Similarly, *Avot de-Rabbi Nathan*, Recension A, ch. 9, MS New York: “Lest a person keep company with a *bad person* or an *evil person*. . . [as is written ‘Should you help the wicked and love those who hate the LORD?’” (*2 Chron.* 19:2). The same follows from the Gaon of Vilna’s emendation of the homily: “Yet He says ‘And you shall love your fellow as yourself I am the Lord.’ Why? ‘Because I created him,’ and if he performs acts of justice and righteousness you shall love him, and if not, you shall not love him.”

⁷⁴ *Matt.* 5:43–48.

⁷⁵ Ruzer, “Ve-ahavta,” 355, n. 13. Flusser believes that this is a Sadducean homily: “it is extremely difficult to assume” that it is Pharisaic. See David Flusser, *Yahadut u-meqorot ha-našrut* (ibid. n. 50), 227–28.

one's enemies and the wicked, because they too are the children of their Father in Heaven, who is perfect, and who does not distinguish in his mercies, whose sun shines and rains fall on righteous and wicked alike.⁷⁶

The two homilies – Rabbi Akiva's and Jesus's in the Sermon on the Mount – share an assumption: that “And you shall love your fellow as yourself” and “I am the Lord” are linked. Both assume a connection between the obligation to love one's fellow and *imitatio Dei*, but apply the latter in different ways: Rabbi Akiva infers that only fellow-men who follow in the path of the Lord are worthy of love, whereas Jesus preaches that it is God's love of all His creatures and benevolence towards them – including our enemies and the wicked – that is to be emulated.

It is possible that underlying this unspoken debate between Rabbi Akiva and early Christianity is the relationship between obligations towards God and obligations towards other human beings. Rabbi Akiva integrates the two categories and makes one depend on the other: those who breach their obligations to God do not merit the fundamental right at the basis of societal norms.⁷⁷ Early Christians rejected this link and viewed the two types of duties as parallel, separate, and independent. Love for one's fellow is mandatory, even if it indirectly detracts from God's honor.

APPENDIX C (NOTE 42): THE DIVISION OF THE TEN COMMANDMENTS IN AUGUSTINE

The idea of the division of the commandments between the two tablets appears, explicitly and systematically, in Augustine.⁷⁸ He presented the “golden rule” as the basis for the Ten Commandments and proceeded to explain their division between the two tablets accordingly:

So that one commandment [the commandment to love] contains two [the commandment to love God and the commandment to love one's fellow], those two contain ten, those ten contain them all.⁷⁹

⁷⁶ Kister, “Ma'amarei yeshu,” 13–14. The Christian position also adopts an attitude of distancing oneself from and hatred of sinners. The integration of hatred and love creates a complex paradox. See: Liu Qingping, “On a Paradox of Christian Love,” *Journal of Religious Ethics* 35 (2007): 681–94.

⁷⁷ The categorical distinction between the two contradicts Rabbi Akiva's position and fits in with a widespread attitude in the Second Temple period and in later of early Christianity. See above, n. 23. See also Flusser, “Ašeret ha-dibberot,” near n. 28.

⁷⁸ Many date Paul's Epistle to the Romans to 55–58 CE (although a minority opinion, held by Gerd Lüdemann, holds for 51 CE). See F. F. Bruce, *The Epistle of Paul to the Romans: An Introduction and Commentary* (Leicester, 1983), 12; James D. G. Dunn, *Romans 9–16* (Dallas, 1988), XLIII–XLIV. Augustine's homily is about 350 years later, and was apparently written after 412. See *Augustine through the Ages: An Encyclopedia*, ed. Allan D. Fitzgerald et al. (Grand Rapids, 1999), 633–40, 774–89.

⁷⁹ John E. Rotelle, ed., *Sermons on the Old Testament (1–19), The Works of Saint Augustine*, Vol. III/1, *Sermon 9.16* (Brooklyn, 1990), 273. For a discussion of the idea of the division of the Ten Commandments between the two tablets in Augustine's thought, see also Wilhelm Geerlings, “The Decalogue in Augustine's Theology,” in *The Decalogue in Jewish and Christian Tradition*, above n. 30, 112.

According to Augustine, the allocation of the Ten Commandments among the tablets is not five and five. Rather, there are three commandments that refer to love of God (the first, which is belief “I am the Lord” and “You Shall have no other gods”; the second (in the Christian enumeration), the prohibition against vain oaths – “Thou shalt not take the Lord’s name in vain”; and the third (still in the Christian enumeration, remembering and observing the Sabbath), and seven commandments that refer to love for one’s fellows (including the precept of honor one’s parents).⁸⁰ Thus Augustine finalizes the division into two categories; henceforth the precepts that apply between Man and God are distinct from those that apply between Man and his fellow.⁸¹

⁸⁰ John E. Rotelle, ed., *Sermons on the Saints (273–305A)*, Vol. III/8, *The Works of Saint Augustine, Sermon 278.6*. (New York, 1994), 53; Geerlings, “The Decalogue,” 117; G. B. Sarfatti, “Luhot ha-berit ke-semel ha-yahadut” [The Tables of the Covenant as a Symbol of Judaism], *Tarbiz* 29 (1960): 388–89. Several other explanations for this division have been proposed. Some have suggested that there must be precisely three commandments referring to God, to match the Holy Trinity. See: *Corpus Christianorum: Series Latina*, ed. K. D. Daur (Turnhout, 1953), vol. 33, 103; R. H. Charles, *The Decalogue: Being the Warburton Lectures* (Edinburgh, 1923), 17, n. 1. According to Greenstein (“The Rhetoric of the Ten Commandments”), the division into three and seven commandments allows for a quantitative balance between the tablets, given that the first five commandments are significantly longer than the second five.

⁸¹ Luther followed Augustine in dividing the Ten Commandments into three and seven. See Henning Graf Reventlow, “The Ten Commandments in Luther’s Catechisms,” in *The Decalogue in Jewish and Christian Tradition*, above n. 30, 139–40. See also Laurence Vaux, *A Catechisme Christian Doctrine* (Manchester, 1583), 48 (at www.aloha.net/~mikesch/vaux.htm#48). For a discussion of other ways of dividing the Ten Commandments in the Christian world, see: Jonathan Hall, “St. Augustine and the Decalogue,” 5–6, 9, at: <http://decalogue.atwebpages.com/AugustineDec.pdf> ; Charles, *The Decalogue*, *ibid.*; Sarfatti, “Luhot ha-berit,” 389, n. 123.