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STATUTES THAT WERE NOT GOOD (EZEKIEL 20:25-26): TRADITIONAL INTERPRETATIONS

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‘I gave them statutes that were not good, and ordinances by which they could not have life.’ This text was much used in the Christian *Adversus Judaeos* literature to prove that the Mosaic law was intrinsically evil, given only as a punishment, and not expressing the true and final will of God (William Nicholls, *Christian Antisemitism*, p. 216; see Rosemary Ruether, *Faith and Fratricide*, p. 153ff.). Even more damaging was the use of the following verse by Enlightenment antisemites (Voltaire, D’Holbach) and later followers to argue that the Hebrew Bible advocates human sacrifice (‘Molochism’).

NEB translates vv. 25-26:

I did more: I imposed on them statutes that were not good statutes, and laws by which they could not win life. I let them defile themselves with gifts to idols; I made them surrender their eldest sons to them so that I might fill them with horror. Thus they would know that I am the Lord.

JPS translates:

Wherefore I gave them also statutes that were not good and ordinances whereby they should not live; and I polluted them in their own gifts, in that they set apart all that openeth the womb, that I might destroy them, to the end that they might know that I am the Lord.

The difficulties of these translations are obvious. Ezekiel has just been complaining that the Israelites have not kept the statutes and laws. Now he says, apparently, that the statutes and laws were not good. In that case, why complain that the Israelites did not keep them? Or were there two sets of laws, one good, which the Israelites did not keep, and the other bad, given to them as a punishment for not keeping the first set? Where in the Torah or elsewhere is there any evidence for two such sets of laws?

A further difficulty lies in the apparently disjointed 26b. How is the giving of bad laws and pollution with human sacrifice going to have the result of enabling the Israelites to know God?

The NEB translation accentuates the difficulties, while the JPS translation does not find any way of alleviating them.

It may be worthwhile to look at Jewish exegesis of the past, in view of the manifest difficulties or even impossibilities of the modern translations cited above. It should surely be presumed that Ezekiel, the great champion of covenant law, cannot be denigrating it as deliberately evil.

The attempt of Rashi (Solomon ben Isaac, 1040-1105) to make sense of the text is certainly unconvincing. His solution (following Targum Jonathan) is that the prophet is saying that God, as a punishment to the Israelites, strengthened their evil inclination and thus forced them to sin further, until they incurred the punishments of exile and destruction. This does not cope with the apparently plain statement that the laws given by God were themselves evil. Moreover, Rashi's solution involves a theological problem, which, however, may not be too difficult to solve. The obvious analogy is to the 'hardening' of Pharaoh's heart. How can a person be blamed for doing evil if God has deliberately lessened his capacity for choice? The answer often given is that God does this only after allowing generous time for repentance. In psychological terms, continuous and repeated sinning dulls the ability of the human soul to find the path of return.

The commentary Metzudat David (by David Altschuler, 18th century) has a better solution. He suggests that the meaning of v. 25 is, 'I have driven you into exile, where you will be forced to submit to laws and statutes that are bad, i.e. oppressive legislation against the Jews.' He translates v. 26, 'I have removed you from me like a polluted thing because of your sacrifices of firstborn sons to Moloch.' These translations make sense, in the prosaic manner typical of this commentator, but are somewhat forced. The interpretation actually derives from the commentary of David Kimchi (1105-1170).

The solution provided by Malbim (Meir Loeb Malbim, 1809-1879) is far more attractive and poetic. A translation based on his commentary would be as follows (vv. 23-26):

23. I too swore to them in the wilderness to scatter them among the nations and to spread them among the lands –

24. Because they did not perform my judgments and despised my statutes and profaned my sabbaths and their eyes were set on the idols of their ancestors,

25. (for they said that) I had even given them statutes that were not good and judgments by which they could not live,

26. And that I had defiled them in their offerings (by commanding them) to sacrifice the firstborn (of animals only) – so as to devastate them, so that they may know that I am the Lord.

The four verses form one sentence, with a parenthesis from the beginning of v. 23 to the middle of v. 26. The phrase 'so as to devastate them', in v. 26 takes up the threat to scatter and spread them in v. 23.

Three lacunae are posited. The first, in v. 25, puts the problematic words, 'I had given them statutes that were not good and judgments by which they could not live' into the mouths of the erring Israelites. Actually, it is hardly necessary to insert the parenthesis '(for they said that)', as the verse can be understood as sarcastic. The two lacunae in v. 26, however, are more necessary to the sense proposed. This verse represents the Israelites as reproving God for depriving them of the sanctity and purity they would have acquired by sacrificing their firstborn sons. By confining sacrifice of the firstborn to animals, in the Torah law

about 'womb-openers' (Exodus 13: 12), God has left the Israelites in a state of impurity.

However, Malbim's interpretation of v. 26 is the weakest part of this thesis. His actual comment is: 'And according to their view, not only have I not sanctified them by my commandments which I gave, but also I defiled them in their gifts in that I commanded them to bring every firstborn (lit. womb-opener) to the Lord. For since they had become accustomed to worship the sun, they would single out the firstborn who was holy to Moloch to belong to the sun. This was for them holiness and worship, and as for my commandment to sanctify to me every firstborn and not to sacrifice him to an idol, this was for them defilement, as if thereby they departed from their holiness; until my commandments, which I gave to benefit them and give them life and sanctify them, were reckoned in their eyes as being for their detriment and their death and their defilement; for they called good evil, and evil good.'

Malbim is here interpreting the phrase *beha'avir kol peter racham* as referring to the Torah commandment to sanctify the firstborn. This leads to a somewhat contorted interpretation: the Israelites are complaining that they have been defiled by God's commandment about the firstborn (that the firstborn of all animals should be sacrificed, but the firstborn of humans should be redeemed), because this interferes with their intended adherence to idolatrous procedure which involves the sacrifice of the human firstborn.

It is in fact an important problem of the text whether the words *beha'avir kol peter racham* refer to idolatrous human sacrifice or to the Torah practice of sacrificing the firstborn of animals only. The translators of AV and NEB have plumped for the former alternative, while JPS leaves the matter indeterminate. In favour of the idolatry alternative is the use of the same verb in a clearly idolatrous context in v. 31. Also the use of the verb *ha'avir* in almost all cases refers to idolatrous worship.

But there is an important exception, and this is certainly what determined Malbim to adopt his interpretation. In Exodus 13:12, we find not only the verb, but the whole phrase. Malbim was well aware that Ezekiel is here repeating a liturgical phrase from Israelite worship, and

such a phrase cannot be ascribed to idolatrous procedure, in reference to which the expression *kol peter rechem* is never used. He therefore felt forced to interpret the rebellious Israelites as complaining about the Torah law as an impediment to the performance of idolatrous rites.

Malbim is perfectly correct in his interpretation of the phrase as referring to Torah teaching on the sanctification of the firstborn, since the phraseology points unmistakably in this direction. But another interpretation can be found for the introduction of Torah teaching at this point.

Ezekiel is representing the Israelites as complaining that God is contradicting himself by denouncing the sacrifice of the human firstborn. Did He not command that every womb-opener should be sacrificed? True, as an afterthought, He decreed that human firstborn should be redeemed from sacrifice, but his first commandment made no such exception. The Israelites are merely holding him to his commandment as first formulated. A translation, or rather paraphrase, of verse 26 would therefore run:

And (they claim) I declared them polluted in their offerings when they sacrificed every womb-opener, including the human firstborn, though this is an ancient practice alluded to in the traditional words 'devote every womb-opener' and actually included in the Torah.

This interpretation casts new light on Ezekiel's dispute with the Israelites. Rather than being merely disobedient to the commandments of Yahweh, these Israelites disapproved of the upstart prophetic interpreters, who, in the name of Yahweh, forbade a practice of ancient authority, the sacrifice of firstborn sons. Ezekiel represents the rebels as attributing the new teaching to Yahweh himself, and declaring this new teaching to be bad, but in historical fact, the rebels probably blamed the prophet for introducing wrong interpretation of Yahweh's wishes.

Actually, modern scholarship confirms the rebels' sense of history, if not their morality, for the biblical denunciation of human firstborn sacrifice is now seen by scholars as a reform of previous Israelite practice. The text of Exodus 13:12-13, while it rules out sacrifice of the human firstborn, shows a law that has been subject to evolution. The sanctification of the firstborn requiring redemption, the sparing of the Israelite firstborn

at the time of the death of the Egyptian firstborn, even the aborted sacrifice of Isaac by Abraham, all show a process of accommodation and reform bespeaking an original, primitive pre-Biblical rite of firstborn sacrifice. The very fact that the term *ha'avir* has survived in Exodus for non-idolatrous practice, though elsewhere this term is used exclusively in a context of idolatry, shows that there is more continuity between the two practices than was later acknowledged. The biblical writers, including Ezekiel, denounced human sacrifice as idolatrous (see especially the denunciation of the Canaanites in Leviticus 21), but they were struggling with a mode of worship that had an aura of ancient authority as well as a mystical rationale of its own.

Malbim's general approach to the text investing it with fierce sarcasm, is surely far more convincing than the standard translations. The notion of a God who deliberately gives bad laws is surely nonsensical, but that Ezekiel should attribute to the rebels the view that the laws of God, as conveyed by the prophet, are bad is perfectly understandable.

Malbim realised that Ezekiel was disputing with people who had their own critique of the commandments of the Torah, rather than with mere idolaters. But Malbim may have overlooked the extent to which Ezekiel's opponents were concerned with exegesis rather than criticism of the Torah. There is also a question about how far the text of Exodus was available to Ezekiel and to his opponents. This question leads to the possibility that their dispute was not merely exegetical but redactional: they may have been arguing about different versions of Exodus current at that time, only one of which explicitly banned human firstborn sacrifice (i.e. one contained Exodus 13: 13b, 'and every firstborn of your sons you shall redeem', while another, cited by Ezekiel's opponents, did not).

Ezekiel himself, however, was not prepared to enter into any discussion about whether the law, as he expounded it, derived genuinely from God. As a prophet, he was confident that the law against human sacrifice came directly from God; so those who opposed this law must be accusing God of giving bad laws.

With whatever qualifications, an interpretation along the lines of Malbim's, attributing the stigmatization of certain scriptural laws as 'bad'

to Ezekiel's enemies rather than to Ezekiel himself, makes sense. It is incredible that Ezekiel would attribute to God a malevolent tactic of giving bad laws to the Israelites in retaliation for their neglect of his good laws. Such a tactic would not even have the results intended; for if the Israelites neglected the observance of his good laws, what guarantee was there that they would observe his bad laws? The Israelite habit of disobedience would protect them from the suffering attendant on evil laws just as it had deprived them of the well-being attendant on good ones. The whole tactic of giving bad laws as a punishment would misfire. On the other hand, if the idea was to tempt the people into bad deeds, for which they would be subsequently punished, it would hardly be logical for God to punish people for misdeeds performed in obedience to his laws.

It is unfortunate, however, that modern Jewish commentators, led by Moshe Greenberg, have generally adopted the view that Ezekiel is here accusing God of having given bad laws, including even a law of human sacrifice of the first-born. While the modern scholar must accept that pre-biblical Israelite practice included human sacrifice, the Bible itself denounces it, and no biblical writer would ever attribute its institution to the God of Israel.