Lawless, Lawlessness

III. Judaism

B. Rabbinic Judaism

The rabbis’ limited sense of lawlessness is perhaps best demonstrated by the multiple texts that cannot envision a world without the Torah, and more generally a world without law. Humans receive instructions from God upon creation (Gen 1:28; 2:16–17), while the rabbinic understanding of the injunction to procreate as a divine commandment suggests that even animals have laws (Gen 1:22). Following Paz, Hayes argues for greater nuance in the rabbinic view of pre-Sinaitic law. The belief that the Torah existed from before creation, but was revealed progressively (MekhY Wa-yassa 1; PesRK 12:1; SifDev 343; bSan 56b); (b) the patriarchs as rabis: the entire law was known and practiced by the patriarchs prior to Sinai (MekhY Be-shallah 1; mQid 4:14; BerR 61:1; WayR 2:10; yYom 28b; Tan Behar 1); (c) “historical” sensibility: the Israelites were unfamiliar with and not subjected to the law prior to Sinai (mHul 7:6; bSot 135a; bSan 59a; PRE 21, 38).

Nevertheless, Hayes ultimately states that “there is no text that suggests the pre-Sinai Period is entirely lawless” (350), concurring that in the rabbis’ mind there never was a “lawless moment” (Bockmuehl: 89), since “it was inconceivable … that there could be a period in human history without law” (Wilf: 39).

The concept of Noahide laws (aAZ 8:4–5; bSan 56a) is further attestation to the inability of the rabbis to envision any part of the world to be ungoverned by God’s laws. While taken by some to demonstrate that Judaism claimed to bear a universal message (Stone: 91), the earliest rabbinic texts (MehkY Yitro 3, 5; Sifra 1; Sot 6:9) demonstrate their formulation is initially intended for internal purposes of strengthening Jewish particularism (Oliner).

Perhaps the concept of the Noahide laws (given only after the flood), prompted the closest thing to a rabbinic vision of an age of lawlessness as associated with those punished by the flood. The outrage (hamas) that filled the earth (Gen 6:11) is interpreted to refer to the same taboos that one should die for rather than violate: idolatry, forbidden sexual relationships and shedding blood (BerR 31:13; but cf. bSan 108a). The generation of the flood, however, is often coupled with the generation of the tower of Babel as equally wicked (mSan 10:3), with one source contrasting the latter with the reception of the Law at Sinai (ARN A 40–B 46). The association between them usually focuses on iniquity or sinfulness rather than lawlessness (bTaan 27b; bAZ 19a), and thus they are further associated with Sodom and Egypt (BerR 19:8; SifDev 310; Tan Be-midbar 5).

The distinction between sinfulness and lawlessness is difficult to draw, but it primarily resides in the question of scope: the lawless person denies the validity of the entire law, while the sinner acknowledges the authority of the law even while violating it. The lawless person can therefore be recognized through a statement that denies the law, or through a consistent and comprehensive violation of it. The traditions of Elisha b. Abuyah’s apostasy showcase both these elements as he is claimed to question the legitimacy of the law (bQid 39b), as well as commit a multitude of sins (yHag 2:1; hHag 15b). The case of the wayward and rebellious son (Deut 21:18–21) is likewise set to describe a lawless person, although here through his actions alone, without proclamation. The rabbinic specifications of all the requirements needed to fit the category (mSan 8:1-5; bSan 68b–72a) once more demonstrate the rabbis’ refusal to envision actual lawlessness, leading them to famously declare that “there never was a wayward and rebellious son, nor will there ever be one” (Isan 11:6). The same is repeated, although not as unequivocally, in relation to the apostate city (Deut 13:13–19): the specifications for its identification and for rendering the threat it poses to merit an actual war (mSan 10:4–6; bSan 11b–112b) designate it as no more than a fiction for the purpose of study (Isan 14:1; but cf. bSan 71a).

The lawless person who is explicitly so is described by the phrase pereq ’el, “one who throws off the yoke.” While the phrase often appears in the abstract (Isan 12:9; bKer 7a), the yoke is sometimes specified to be of the law (Ber 67:40), of the heavens (bSet 47b), or of God (SifDev 93; ARN A 20). The Jerusalem Talmud describes the pereq ’el as one who states “there is a Torah, yet I do not tolerate it” (yPea 1:1; ySan 10:1; variants read: “yet he does not treasure it” on account of the callousness of the statement). Here too the concept confounds the rabbis. Nebunah ben Ha-Qanah claims that anyone who throws off the yoke of the Torah, is burdened with the yoke of the kingdom and of common custom (mAv 3:5). The implication is that there is no escape from some form of law. The converse formulation promises rewards for following the Torah: those who accept its yoke, are relieved of the yoke of the kingdom (ibid.; MehkY 19:18; Tan Huczqat 49), as well as the yokes of the Diaspora and common custom (Tan Huczqat 21).

The apiqore, a general designation for a heretic or apostate, can denote either a person who explicitly denies the Torah (bSan 99a), or who does so by his actions (SifBem 112). The term’s evolution, stemming from debates with Epicureans (mSan 10.1; mAv 2:14) to denoting heresy at large (Labendz),
culminated in its usage to describe “irreverence towards the sages” (Vidas: 132–4) as another form of lawlessness. The biryonim, ostensibly men who rely on their might, may also denote another class of lawless people. However, the two stories that make such a reference also equate them with sinners, with little insight on lawlessness itself (bBer 10a; bSan 37a).