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SHARING WEAL AND WOE: EXPRESSIONS OF SOLIDARITY*

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The Old Babylonian adoption contract from Mari, ARM 8:1, records the terms of the adoption of one Iahatti-II by the couple Hillalum and Alitum. After declaring that Iahatti-II is the couple's son it states that *damāqišunu idammīq lemēnišunu ilemmin*, "he shall share their good fortune and share their bad fortune" (lit. "he shall do well as they do well, he shall do poorly as they do poorly").¹ As G. Boyer, the first editor of the text observes, the clause is intended to give the adoption the same effect that natural filiation would: "to expressly associate the adoptee with the life and good or bad fortune of the adopters."²

In a study of this clause R. Yaron, who terms it a "solidarity clause," cites other types of solidarity clauses that resemble it.³ Two Old Babylonian marriage contracts, both dealing with the same individuals,⁴ concern a certain married man who was now marrying his

* It is a great pleasure for me to take part in this expression of admiration and affection for Emanuel Tov in appreciation for his friendship, for his many scholarly achievements, and for the tact, wisdom, and skill with which he has accomplished them.

¹ G. Boyer, *Textes juridiques* (ARMT 8), p. 2 no. 1, lines 4–5. For the translation see *CAD D*, 61d; *CAD L*, 116d. For the syntax see the citations of this passage in *AHw*, p. 156ab, end of (2), and 542cd beginning of (5a); and, with reference to the clauses in the marriage contracts cited below, *GAG* § 150a and R. Westbrook, *Old Babylonian Marriage Law* (AFOB 23; Horn Austria: Ferdinand Berger & Söhne, 1988), p. 79. I am grateful to my colleague, Barry L. Eichler, for clarifying issues involved in this and other Akkadian texts cited here. Obviously, any misunderstandings are my own. Pages in *CAD* and *AHw* are cited by quadrants (a,b,c,d).

² Boyer, *Textes juridiques*, p. 179.

³ R. Yaron, "Varia on Adoption," *JJP* 15 (1965): 173–75.

⁴ CT 2 no. 44:21–23 and Meissner, *BAP* 89:7–8, cited by Yaron from M. Schorr, *UAZP* [*Urkunden des altbabylonischen Zivil- und Prozessrechts* (Leipzig, 1913)] nos. 4 and 5; see now R. Harris, "The Case of Three Babylonian Marriage Contracts," *JNES* 33 (1974): 363–69; Westbrook, *Old Babylonian Marriage Law*, pp. 79, 116–17, 127. Compare, in an obscure context: *pīšī pīšatka u šaburti šaburta[ka]*, "an insult against me is an insult against you, malice against me is malice against you," G. Boyer, *Contribution à l'histoire juridique de la 1^{re} dynastie babylonienne* (Paris: Librairie Orientaliste Paul Geuthner, 1928), 119:17–18 (cited in *CAD A II*, 189 end; *CAD S*, 55c; *AHw* 869ab).

first wife's sister. According to the contracts, "whenever she (the first wife) is angry, she (the second wife) shall be angry, whenever she is friendly, she shall be friendly" (*zenīša izenni salāmiša isallim*),⁵ meaning essentially "with whomever the first wife is angry, the second wife shall be angry, with whomever she is at peace, she shall be at peace."⁶ Yaron finds parallels to this in two Latin passages from Plautus. In one, a slave says, "an honest servant ought to stick to this principle: be like what his betters are, model his expression on theirs, be in the dumps if they are in the dumps, and jolly if they are happy" (*tristis sit, si eri sint tristes; hilarus sit, si gaudeant*).⁷ In the other a husband says to his wife, "if you weren't stupid . . . what you see displeases your husband would be displeasing to you, too" (*quod viro esse odió videas, túte tibi odio habeas*).⁸ Yaron also cites Ruth's pledge of solidarity to Naomi: "Wherever you go, I will go; wherever you lodge, I will lodge; your people shall be my people, and your God my God. Where you die, I will die, and there I will be buried. Thus

⁵ The translation essentially follows Westbrook, *Old Babylonian Marriage Law*, p. 109.

⁶ S. E. Loewenstamm apud Yaron, p. 175. Yaron argues that ARM 8:1, 4 5 should be understood in the same way: "the true import of the clause is less to give the adoptee a share in the family fortunes, but to impose upon him the duty of associating himself, of adjusting himself. His joy, just as much as his sorrow, are duties rather than rights. It is the adoptive parents who determine the mood, the adoptee will have to follow suit." Following Yaron, J. J. Finkelstein translated: "he shall rejoice in their joys and commiserate in their miseries" ("Documents from the Practice of Law," ANET 3d ed., 545). The definitions of *damāqu* and *lemēnu* under which ARM 8:1 is cited in *AHw* (see n. 1, above) also see the adoptee as required to follow the adopters' moods, but they assume a meaning closer to that of the marriage contracts cited in n. 4: "freundlich sein," "böse sein gegen jmd." However, apart from the facts that "prosper" and "fall into misfortune" are more common meanings of *damāqu* and *lemēnu* than the other meanings proposed (*CAD* D, 61bc-62a; *CAD* L, 116d; *AHw*, 156b, *AHw*, 542b; *lemēnu* means "be angry" mostly in combination with *libbu*), and that the terminology of the marriage contracts is in any case entirely different, adoption and marriage to a co-wife seek to create different kinds of solidarity, and the clauses in the two genres should not be presumed to be synonymous. In adoption the adopters seek, among other things, someone to provide for them in old age and bury and mourn them, and the adoptee expects a share in the new parents' estate. The contract, accordingly, prevents the child from opting out of the relationship if the parents become poor or burdensome, and it guarantees him his share when they prosper. The contract for marriage to a co-wife, on the other hand, seeks to preserve the first wife's superiority in her relationship to a new potential rival, a danger expressed in the Semitic terms for co-wife, Heb. אִשָּׁה אֶחָדָה; (1 Sam 1:6; Sir 37:11) and Akk. *šerretu* (*AHw* 1093a; *CAD* Š: 137a-138b), both literally "enemy," Arab. *darra*, from *darra*, "harm, impair, prejudice, injure," etc.

⁷ *Amphitryon*, 960f. in P. Nixon, *Plautus*. Loeb Classical Library (London: W. Heinemann, and Cambridge MA: Harvard University, 1956), 1.98-99.

⁸ *The Two Menaechmuses*, 110f., in Nixon, *Plautus* 2.374-75.

and more may the LORD do to me if anything but death parts me from you” (אֱלֹהֵי אֲשֶׁר הִלְכִי אִלַּיךָ וּבְאֲשֶׁר תִּלְוֵנִי אִלַּיִן עִמָּךְ עִמִּי וְאֶל־הוֹדֵךְ אֱלֹהֵי: בְּאֲשֶׁר) Ruth 1:16–17). Finally, Yaron cites the solidarity clause that appears frequently in treaties, both parity treaties and vassal treaties: “to my enemy you shall be an enemy and to my ally you shall be an ally” (*itti nakrija lu nakrāta u itti salamija lu salmāta*).⁹

Yaron’s brief study is very useful in demonstrating that such solidarity clauses and similar statements appear in various genres and in different cultures. As similar as they are in formulation, however, they fall into different types. Those in the Mari adoption contract and in the book of Ruth refer to sharing of existential circumstances: weal and woe, domicile, nation, religion, and burial.¹⁰ The passages dealing with co-wives and slaves refer to shared attitudes and moods: friendship and anger, pleasure and displeasure, likes and dislikes. The passages from treaties refer to alliance and enmity. We may refer to these types of solidarity, respectively, as circumstantial, empathetic, and political.

Among Biblical scholars, perhaps the best known parallel to these clauses are the verses in the Bible that echo the political solidarity clauses found in treaties, such as God’s declarations in Exod 23:22,

⁹ J. Nougayrol, *Le Palais royal d’Ugarit IV* (Paris: Imprimerie Nationale and Librarie C. Klincksieck, 1956), p. 36, lines 11–13. For lists of such clauses see *CAD* N I 193a; *CAD* S, 90cd, 104c; M. Weinfeld, “The Covenant of Grant in the Old Testament and in the Ancient Near East,” *JAOS* 90 (1970):194; J. Tigay, “Psalm 7:5 and Ancient Near Eastern Treaties,” *JBL* 89 (1970): 183, n. 26. Note *CAD*’s dynamic translation of the clause: “I am at war with my lord’s enemy, I am at peace with my lord’s friend” (*CAD* N I, 193 b,c). For reflexes of this formula in the Bible, Greece, Rome and elsewhere, see the articles by Weinfeld and Tigay just cited and M. Weinfeld, “The Loyalty Oath in the Ancient Near East,” *Shnaton* 1 (1975): 63–64 [Hebrew] (Weinfeld cites the oath to “have the same friends and enemies” mentioned in Plutarch, *Eumenes* 12 [B. Perrin, *Plutarch’s Lives*. LCL. (Cambridge: Harvard University Press, 1969–1982)], 8.115). In contemporary parlance Article 5 of the North Atlantic Treaty is called the “solidarity clause”: “The Parties agree that an armed attack against one or more of them . . . shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them . . . will assist the Party or Parties so attacked . . .” (<http://www.nato.int/docu/basic/txt/treaty.htm>).

¹⁰ Sasson aptly captures Ruth’s point: “. . . the emphasis is on the *type of dwelling* which will ultimately become [Naomi’s] home. Ruth’s statement concerns events, situations, and relationships which will permanently bind the two women. *Whether Naomi’s future home is in a palace or in a hut*, Ruth is determined to share her mother-in-law’s dwelling” (Jack M. Sasson, *Ruth. A New Translation with a Philological Commentary and a Formalist-Folklorist Interpretation*. 2d ed. [Sheffield, England: Sheffield Academic Press, 1995], p. 30 [first emphasis original; second emphasis added]).

“I will be an enemy to your enemies and a foe to your foes” (וְאֵיבֹהֵי וְאֵחָדֵיבֵיךָ וְאֵחָדֵיבֵי אֵחָדֵיבֵיךָ),¹¹ and Gen 12:3, “I will bless those who bless you and curse him that curses you” (אֲבָרֵךְ מְבָרְכֶיךָ וּמְקַלְלֶיךָ אָסֵר), and the psalmist’s declaration in Ps 139:21–22: “O LORD, You know I hate those who hate You, and loathe Your adversaries. I feel a perfect hatred toward them; I count them my enemies” (הֲלוֹא־מִשְׂנֵאֵיךָ הֵי לִי אֲשֶׁנָּא וּבְתַקוּמֵיךָ אֲתַקוּשׁט: הַכְלִיחַ שְׂנֵאָה שְׂנֵאתִים לְאֵיבִים הֵי לִי). Here I would like to call attention to several interesting parallels, mostly from later times, to the circumstantial and empathetic solidarity clauses in the Old Babylonian adoption and marriage contracts cited above. Some of these parallels are stylistically similar to the Akkadian and Latin ones, in that both parties’ actions are described by the same terms (such as *damāqišunu idammīq lemēnišunu ilemmin*, “he shall do well as they do well, he shall do poorly as they do poorly”), as in many of the Hebrew examples from the Bible and Qumran. In other cases they are expressed with synonyms, as in other examples from Qumran, while in others the mutual obligations are indicated only by paraphrase, as in the Greek examples from Hellenistic and Christian literature. In all cases, the mutuality of the parties’ obligations and actions is clear.

CIRCUMSTANTIAL SOLIDARITY

A close parallel to the clause in the Mari adoption contract is found in the New Testament, in Rom 8:14–17:

All who are guided by the Spirit of God are sons of God; for what you received was not the spirit of slavery to bring you back into fear; you received the Spirit of adoption (υιοθεσίας), enabling us to cry out, “Abba, Father!” The Spirit himself joins with our spirit to bear witness that we are children of God. And if we are children, then we are heirs, heirs of God and joint-heirs with Christ, provided that we share his suffering (συμπάσχομεν), so as to share his glory (συνδοξασθῶμεν).¹²

¹¹ The midrash elaborates on the theme that God considers Israel’s enemies His own. See *Mekilta, Shirta*, 6 (J. Z. Lauterbach, *Mekilta de-Rabbi Ishmael* [Philadelphia: Jewish Publication Society, 1933] 2.42–47; H. S. Horovitz and I. A. Rabin, *Mekilta d’Rabbi Ismael* [Jerusalem: Bamberger & Wahrman, 1960] pp. 134–36); *Sifre Num.* 84 (H. S. Horovitz, *Sifre d’Be Rab* [Jerusalem: Wahrmann, 1966] pp. 81–2). See S. Schechter, *Aspects of Rabbinic Theology* (New York: Schocken, 1961), p. 50 top; J. Goldin, *The Song at the Sea* (New Haven: Yale University Press, 1971), p. 152 s.v. “Thy children,” par. 2.

¹² Translation from *The New Jerusalem Bible*. Cf. Gal 4:4–7; Eph 1:5.

The basic idea here is that those who become Christians have been redeemed from slavery and adopted by God, whom they are inspired to call "Father," and as His children they have become His heirs, co-heirs with Jesus, entitled to share in his future glory provided that they first share his suffering. In this passage, adoption, sharing weal and woe, being an heir, and calling God "Father" stand in close connection, as at Mari. There are, of course, differences: (1) In Romans, sharing woe and weal are sequential; the one is the prerequisite for the other, unlike the Mari contract where they are presented as parallel statements. This is merely a difference in formulation due to the fact that ARM 8:1 is a contract while Rom 8:14 is an exhortation and promise. ARM 8:1 certainly implies that the one is a prerequisite for the other: an adoptee who repudiates the adopters in adversity will not be entitled to share in their estate ("If [he] should say [to them]: 'You are not my father; you are not my mother,' they shall . . . sell him for money," lines 12–18). (2) In Romans, the adoptees share the woe and weal of the elder son, with whom they are co-heirs, and not that of the parent.¹³ (3) In Romans, being inspired to call God "Father" is mentioned as proof of the adoption,¹⁴ whereas in ARM 8:1, declaring that the adoptive father and mother are *not* his parents is, as noted, grounds for selling the adoptee as a slave.

The idea of sharing in Jesus's suffering and glory is also echoed in Rom 6:3–8:

... all of us, when we were baptised into Christ Jesus, were baptised into his death. So by our baptism into his death we were buried with him, so that as Christ was raised from the dead by our Father's glorious power, we too should begin living a new life. If we have been joined to him by dying a death like his, so we shall be by a resurrection like his . . . [W]e believe that, if we died with Christ, then we shall live with him too.¹⁵

¹³ On adoption in the New Testament, see F. Lyall, "Roman Law in the Writings of Paul—Adoption," *JBL* 88 (1969): 458–66 and earlier studies cited by him on p. 463 n. 22. These studies debate whether Paul's use of adoption alludes to a "Semitic" or a Greco-Roman institution. The Mari adoption contract should be taken into account in future consideration of this question.

¹⁴ *The New Oxford Annotated Bible* [with NRSV] (ed. B. M. Metzger and R. E. Murphy; New York: Oxford, 1994) ad loc. Cf. the NRSV translation of vv. 15–16: "When we cry 'Abba! Father!' it is that very Spirit bearing witness with our spirit that we are children of God." Cf. Gal 4:6.

¹⁵ Translation from *The New Jerusalem Bible* in *The Complete Parallel Bible* (New York: Oxford University Press, 1993).

These two passages inform the wording of the Christian baptism ceremony to this day. In the Episcopal *Book of Common Prayer*, part of the ceremony involves the minister saying

We yield thee hearty thanks, most merciful Father, that it hath pleased thee to regenerate this Child . . . with thy Holy Spirit, to receive him for thine own Child, and to incorporate him into thy holy Church. And humbly we beseech thee to grant, that he, being dead unto sin, may live unto righteousness, and being buried with Christ in his death, may also be partaker of his resurrection; so that finally, with the residue of thy holy Church, he may be an inheritor of thine everlasting kingdom . . .¹⁶

Note here the association of God adopting the child (“receive him for thine own child”), granting that the child, who has shared in Jesus’s death, share also in his resurrection, and that he be an inheritor of God’s kingdom.

The Jewish conversion ceremony also contains echoes of this idea, though less explicitly. The would-be proselyte is warned about present-day Jewish suffering. If he or she persists in becoming a Jew, he/she is instructed in selected commandments and told of the punishment for violating them and the reward for observing them, including the fact that the next world is reserved only for the righteous, and that although the Jews are suffering now, good (טובה) is in store for them in the next world.¹⁷ In other words, if he or she persists in converting and sharing the Jews’ present suffering, he/she will share in their future good fortune. (This is stated explicitly by Judah Halevi: “any Gentile who joins us . . . shares our good fortune,” though he adds the qualification “without, however, being quite equal to us”).¹⁸ This has more in common with the Mari adoption contract and Christian conversion than meets the eye, since Jewish conversion is likewise an adoption: the convert becomes the child of Abraham who is the father of the Jewish people and “father of pros-

¹⁶ *The Book of Common Prayer*, 1928 ed. (New York: Church Pension Fund, 1945), 280-81.

¹⁷ *b. Yeb.* 46a-47b; Maimonides, *Hilkhot ’Issurei Bi’ah* 14:1-5; *Shulhan Arukh, Yoreh Deah* 268:2. The details in *Gerim* 1:1-5 are different.

¹⁸ *Kuzari* 1.27 (H. Hirschfeld, ספר הכוזרי *Kutab al-Khazari. The Book of Kuzari by Rabbi Judah Halevi* [Brooklyn: P. Shalom, 1969], Eng. section, p. 47; Arabic: זמן אנצאך אלינא מן אל אמם כאצה יצלה מן כודנא ולם יסחו מענא וכל הנלוח אלינו מן האמות בפרש יניעהו מן, Hirschfeld, Heb. section, p. 18; Hebrew [Judah ibn Tibbon]: וכל הנלוח אשר יניעהו מן, אך לא יהיה שיה עמנו הטובה אשר ייטיב הבורא אלינו, A. Tsifroni, ed. *Sefer ha-Kuzari* [Tel-Aviv: Mahbarot le-sifrut, n.d. (repr. 1988)], p. 21).

elytes” (אב הנדרים).¹⁹ This conception was made more explicit by the later practice of the convert taking a new name with the patronym “son or daughter of Abraham our father,”²⁰ which is still the practice today.

A later, but more explicit, parallel to the clause “he shall share their good fortune and share their bad fortune” is found in the Christian marriage ceremony in which the husband and wife declare that they take each other “to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part.”²¹ This formula is attested in pre-Reformation English liturgical texts, and undoubtedly goes back to older sources.²²

The motif of circumstantial solidarity is also reflected in the well-known midrashic theme that God shares Israel’s suffering and redemption:

וכן אתה מוצא כל זמן שישראל משועבדין כביכול שכונה משועבדת עמהם שנאמר . . . בכל צרתם לו צר (ישעיה סג:ט קרי). אין לי אלא צרת ציבור צרת יחיד מנין תל (תהלים צא:טו) . . . עמו אנכי בצרה . . . וכן הוא אומר (ש”ב זכ”ג) מפני עמך אשר פדיה לך ממצרים נוי ואלהיו . . . רבי עקיבא אומר אלמלא מקרא כתוב אי איפשר לאומרו כביכול אמרו ישראל לפני המקום עצמך פדיה. וכן את מוצא שבכל מקום שגלו ישראל כביכול שכונה נלחה עמהם

¹⁹ *Tanḥuma, Lekh Lekha 6* (ed. Hanokh Zundel), p. 20a end = *Tanḥuma Buber, Lekh Lekha 6*, p. 32a (63) end; Maimonides, *Letter to Obadiah the Proselyte* (I. Twersky, *A Maimonides Reader* [New York: Behrman House, 1972], p. 476); see also Maimonides as cited by Bertinoro (commentary to *m. Bik 1:4*) and by S. Lieberman, *Tosefta Kifshutah* (New York: Jewish Theological Seminary, 1955–1988), 2. *Zeraim*, p. 824; 7. *Nashim*, pp. 421–25. That Jewish conversion is formally an adoption is also indicated by the statement that “a proselyte is like a newborn child” (שנחנייד כקטן שנולד) (דמי נר, *b. Yeb.* 22a, 48b, etc.), which is comparable to the idea of “regeneration” in the Christian baptism ceremony (see above). Adoption as rebirth is a common notion expressed in adoption ceremonies; see J. G. Frazer, *Folklore in the Old Testament*. Abridged ed. (New York: Tudor, 1923), 216–18.

²⁰ *Shulhan Arukh. Even HaEzer*, 129:20.

²¹ *The Book of Common Prayer*, 301–02.

²² “I, N. take thee, N. for my wedded wife, to have and to hold, from this day forward, for better for worse, for richer for poorer, in sickness and in health, till death do us part . . . and thereto I plight thee my troth” (from the Use of Sarum, cited in *The Catholic Encyclopedia*, 9, art. “Ritual of Marriage”); “Here I take thee N. to my wedded wife, to have and to hold at bed and at board, for fairer for fouler, for better for worse, in sickness and in health, till death us do part and thereto I plight thee my troth . . .” (from the Use of York, cited in *The Catholic Encyclopedia*, 15, art. “Use of York”) (both cited from the online edition [Copyright © 1999 by Kevin Knight]; see <http://www.newadvent.org/cathen/09703b.htm> and <http://www.newadvent.org/cathen/15735a.htm>).

נלו למצרים נלחה שכינה עמהם . . . נלו לבבל נלחה שכינה עמהם . . . נלו לעילם נלחה שכינה עמהם . . . נלו לאדום נלחה שכינה עמהם . . . וכשעתידין לחזור כביכול שכינה תזרת עמהם . . .

And so you find that whenever Israel is enslaved, the Shekhinah, as it were, is enslaved with them, as it is said . . . “In all their affliction He was afflicted” (Isa 63:9 *Qere*)²³ . . . So far I know only that He shares in the affliction of the community. How about the affliction of the individual? Scripture says: “. . . I will be with him in trouble” (Ps 91:15) . . . And thus it says: “From before Thy people whom Thou didst redeem to Thee out of Egypt, the nation and its God” (2 Sam. 7:23)²⁴ . . . Rabbi Akiba says: Were it not expressly written in Scripture, it would be impossible to say it. Israel said to God: Thou hadst redeemed thyself, as though one could conceive such a thing. Likewise you find that whithersoever Israel was exiled, the Shekhinah, as it were, went into exile with them. When they went into exile in Egypt, the Shekhinah went into exile with them . . . When they were exiled to Babylon, the Shekhinah went into exile with them . . . When they were exiled to Elam, the Shekhinah went into exile with them . . . When they were exiled to Edom, the Shekhinah went into exile with them . . . And when they return in the future, the Shekhinah, as it were, will return with them . . .²⁵

Similarly:

ויבן משה מזבח ויקרא שמו יי נסי . . . רבי אלעזר המודעי אומר המקום קראו נסי שכל זמן שישראל שרויין בנס כאלו נס לפניו שרויין בצרה כאלו צרה היא לפניו. שרויין בשמחה שמחה היא לפניו וכן הוא אומר כי שמחתי בישועתך (ש"א ב:א)²⁶

²³ As is well known, the midrashic interpretation of Isa 63:9 is based on the *Qere*, נלו למצרים נלחה שכינה עמהם, “in all their troubles He was troubled,” which must be construed as an independent clause, whereas the *Ketiv* (= LXX, Vulg. and Pesh.), בכל צרתם, requires that these words be read as part of a longer sentence beginning with v. 8b, ויהי להם למושיע בכל צרתם/לא צר ומלאך פגיו הושיעם, “So He was their Deliverer in all their troubles, No angel or messenger, His own Presence delivered them” (thus LXX). See I. L. Seeligmann, *The Septuagint Version of Isaiah* (Leiden: Brill, 1948), p. 62.

²⁴ For the reading נ (singular), see Lauterbach, *Mekilta*, 1.114 n. 4a.

²⁵ *Mekilta, Pisha*, ch. 14 (ed. Lauterbach 1.113–115; ed. Horowitz-Rabin, pp. 51–52). For parallels see *Sifre Num.* 84 (ed. Horowitz, pp. 81–83); *Yalqut* 2.92; *b. Meg.* 29a; etc.

²⁶ *Mekhilta d'Rabbi Šim'on b. Joḥai*, ed. J. N. Epstein and E. Z. Melamed (Jerusalem: Mekize Nirdamim, 1956), p. 126 = *Midrash Hagadol*, Exodus to Exod 17:15 (ed. M. Margulies [Jerusalem: Mosad Harav Kook, n.d.], p. 345). See also *Tg. Pseudo-Jon.* ad loc.: “And the Memra of the Lord named it, ‘This Miracle is Mine,’ for the miracle . . . was for My sake” (בניי); see M. M. Kasher, *Torah Shelema* 14 (New York: American Biblical Encyclopedia Society, 1944), p. 272 n. 123; R. Le Déaut, *Targum du Pentateuque. 2. Exode et Lévitique* (Paris, 1979), 145 (contra J. W. Etheridge,

“And Moses built an altar and called its name Adonai-Nissi” (Exod 7:15) . . . Rabbi Elazar of Modi'im said, “God²⁷ called it ‘Nissi’ [My miracle], for whenever Israel is affected by a miracle, the miracle, as it were, befalls Him. When they are afflicted it is as if the affliction befell Him. When Israel has joy, it is as if the joy befalls Him. And so it says, “For I rejoice in Your [i.e., God’s] salvation” (1 Sam 2:1).²⁸

In these passages, the remarkable thing is that, unlike the earlier passages where the inferior party must share the weal and woe of the superior party, or equals must share each other’s weal and woe, here the superior party, God, shares the suffering and redemption of the inferior party. Rabbinic sources see this as a sign of God’s great love for Israel.²⁹

The idea of sharing weal and woe also appears in a metaphoric sense in 2 Macc 5:19f. God allowed Antiochus IV to defile the Temple because of Israel’s sins; He did not protect the Temple (“the Place”) because

it was not for the sake of the Place that the Lord chose the nation; rather, He chose the Place for the sake of the nation. Therefore, even the Place itself partook in the misfortunes (δυσπετημάτων) of the nation but then shared in the benefits (εὐεργετημάτων) which came later. The

The Targums of Onkelos and Jonathan Ben Uzziel on the Pentateuch [London: Longman, Green, 1865], 1.503–504, and M. Maher in M. McNamara et al., *The Aramaic Bible* 2 [Collegeville, Minnesota: Michael Glazier, 1994], p. 211 [but see n. 23]). See also *Tanḥuma Beshallah* sec. 28 (ed. Zundel, p. 93); *Yalqut* 1.267; *Yalqut* 2.82 (to 1 Sam 2:1), 507 end (to Isa 63:9). The text of the parallel in *Mekilta, Amalek*, ch. 2 ad loc. (ed. Lauterbach 2.159–60; ed. Horowitz-Rabin, p. 186) and parallels (*Beshallah* sec. 28 (ed. Buber p. 93); *Sekhel Tov* ed. Buber 2.324–325; *Yalqut* ad loc., sec. 267) is difficult, as noted by Kasher, *Torah Shelemah* 14.272 n. 123 and A. J. Heschel, *Theology of Ancient Judaism* (London and New York: Soncino, 1962), 1.65 n. 1.

²⁷ In other words God, not Moses, is the subject of “called.”

²⁸ Assuming that “When Israel has joy, it is as if the joy befalls Him” means the same thing as “whenever Israel is affected by a miracle, the miracle, as it were, befalls Him,” the midrash takes 1 Sam 2:1 to mean that God is saved. This is how this verse and others referring to God’s salvation are commonly interpreted in midrashic texts. See *Yalqut* 2.82 (to 1 Sam 2:1); 2.577 (to Zech 9:9); *Midrash Tehillim* 91 end; *Exod. R.* 30:24; other passages cited by Heschel, *Theology*, pp. 69–70, 71–72. In that case, “joy” must mean “joyous conditions,” i.e., salvation. Assuming the common meaning of “joy,” Lauterbach states that “Presumably the verse is interpreted as if God said this to Israel” (Lauterbach, *Mekilta*, 2.160 n. 9). In that case, God is rejoicing over Israel’s salvation. Although this would make the end of the midrash inconsistent with the rest of it, this interpretation cannot be ruled out. In that case, the end of the midrash refers to God’s empathetic, rather than circumstantial, solidarity with Israel. See below, n. 32.

²⁹ *b. Meg.* 29a; *Yalqut* 2.92.

Place, which had been abandoned at the moment of the Almighty's wrath was restored to full glory at the time of the great Lord's forgiveness.³⁰

In contrast to the cases cited above, the *absence* of solidarity between Israel and the nations is expressed in a midrashic explication of (appropriately) Num. 23:9, "there is a people that dwells apart":

כשהוא משמחין אין אומה שמחה עמו, אלא הכל לוקין, [שנאמר] ה' בדר ינהנו . . . (דברים ל"ב), וכשהאומות שמחין בעולם הזה, הם אוכלים עם כל מלכות ומלכות, ואינן עולה להם מן החשבון, שנאמר ובגוים לא יחשב (במדבר כ"ט).

When God gives them joy, no other nation shares their joy, rather, they are all punished, as it says "the Lord guides them alone" (Deut 32:12), but when the nations rejoice in this world, they (Israel) (are enabled) to eat with every single kingdom and it is not reckoned against them (that is, it is not deducted from their future reward), as it is written, "not reckoned among the nations."³¹

EMPATHETIC SOLIDARITY

Some midrashic passages citing Isa 63:9 and Ps 91:15 speak of God's empathetic, rather than circumstantial, solidarity with Israel, that is, He shares Israel's sorrow and joy.³² For example:

א"ר ינאי מה התאומים הללו אם חשש אחד בראשו חבירו מרגיש כן אמר הקב"ה כביכול (תהלים צ"ט) עמו אנכי בצרה . . . ואומר (ישעיה ס"ט ק"ד) בכל צרתם לו צר, א"ל הקב"ה למשה אי אחת מרגיש שאני שרדי בצער כשם שישראל שרדים בצער הוי יודע ממקום שאני מדבר עמך מחוך הקציום כביכול אני שותף בצערך.

R. Yannai said: Just as in the case of twins, if one has a pain in his head the other feels it, so did God say, as it were, "I am with him in trouble" (Ps 91:15) . . . And it also says: "In all their affliction He is afflicted" (Isa 63:9 Qere). Said God to Moses: Don't you realize that I am in sorrow just as Israel is in sorrow? Know that from the place whence I speak to you, from among the thorns, I share, as it were, their sorrow.³³

³⁰ Translation from J. Goldstein, *II Maccabees*. AB 41A (New York: Doubleday, 1983), 245 (slightly modified).

³¹ *Tanhuma* Buber, *Balak*, 19 (p. 143) and parallels; cf. Rashi at Num 23:9.

³² Heschel distinguished (though without using these terms) between these two types of solidarity in rabbinic sources. See his *Theology*, 1.65-66, and his broader discussion and collection of sources, Chap. 5, pp. 65-72. It is not always clear which type a particular midrashic text has in mind.

³³ *Exod. R.* 2:5. See Maharzu, ad loc., s.v. בכל צרתם לו צר, in *Midrash Rabbah*,

According to Philo, empathetic solidarity prevailed among the animals in primordial times:

The tale is that in old days all animals, whether on land or in water or winged, had the same language, and . . . every creature conversed with every other about all that happened to be done to them or by them, and in this way they mourned together at misfortunes (κακοπραγίαις), and rejoiced together when anything of advantage (λυσιστελές) came their way. For since community of language led them to impart to each other their pleasures and discomforts, both emotions were shared by them in common. As a result they gained a similarity of temperament and feeling . . .³⁴

The Talmud expands on the theme of empathetic solidarity proclaimed by the exilic prophet in Isa 66:10–11:

שמחו אֶת־יְרוּשָׁלַם וְגִילוּ בָּהּ כָּל־אֹהֲבֶיהָ שִׁישׁוּ אִתָּהּ מְשׁוֹשׁ כָּל־מִתְחַאֲבָלִים עֲלֶיהָ:
לְמַעַן תִּינְקוּ וּשְׂבַעְתֶּם מִשֵּׁר תִּנְחַמֶיהָ לְמַעַן תִּמְצְוּ וְהִחַעֲנַנְתֶּם מִיַּד כְּבוֹדָהּ:

Rejoice with Jerusalem and be glad for her, all you who love her! Join in her jubilation, all you who mourned over her—That you may suck from her breast consolation to the full, that you may draw from her bosom glory to your delight.³⁵

כל העושה מלאכה בט' באב ואינו מתאבל על ירושלים - אינו רואה בשמחה, שנאמר (ישעיהו סו:י) שמחו את ירושלים ונילו בה כל אהביה שישו אתה משוב כל המתאבלים עליה. מכאן אמרו: כל המתאבל על ירושלים זוכה ורואה בשמחה, ושאינו מתאבל על ירושלים - אינו רואה בשמחה.

Whoever does work on the Ninth of Ab and does not mourn for Jerusalem will not share in her joy, as it is said, “Rejoice with Jerusalem and be glad for her, all you who love her! Join in her jubilation, all you who mourned over her” (Isa 66:10). On the basis of this [the Rabbis] said: Everyone who mourns for Jerusalem merits to share in her joy, and anyone who does not mourn for her will not share in her joy.³⁶

The Qumran scrolls demand another type of solidarity, a sharing of attitudes of the type required of a servant according to Plautus. One of the fundamental principles of the sect, stated at the beginning of

ed. Vilna (repr., Jerusalem, 1961), Exodus p. 18 (9b) (contra M. Mirkin, *Midrash Rabbah* [Tel Aviv: Yavneh, 1972] ad loc.).

³⁴ *On the Confusion of Tongues*, §§6–7, in F. H. Colson and G. H. Whitaker, *Philo* 4 (Cambridge, MA: Harvard University Press, 1968), 12–13.

³⁵ Translation from *Tanakh* (Philadelphia: Jewish Publication Society, 1999).

³⁶ *b. Ta'an.* 30b; see also *b. B.B.* 60b.

the *Rule of the Community* and repeated frequently, is that, as servants of God, members of the sect must adopt the attitudes of God: לאהוב לאשר בחר ולשנוא את כול אשר מאס, “to love everything that He has chosen and hate everything that He has rejected.”³⁷ The wicked, in contrast, לא רצו בכול אשר צויתח ויבחרו באשר שנאתה, “take no pleasure in all that You command, but have chosen what You hate.”³⁸ This motif is also paraphrased in Rabbi Hiyya bar Abba’s prayer in the Palestinian Talmud וחרחקינו מכל מה ששנאת ותקרבינו לכל מה שאהבת, “Keep us far from all that You hate and bring us close to all that You love.”³⁹

The same motif emerges several centuries later in the medieval English oath of fealty which requires that the vassal share his lord’s attitudes:

Thus shall a man swear fealty oaths. 1. By the Lord, before whom this relic [or: sanctuary] is holy, I will be to N. faithful and true, and love all that he loves, and shun all that he shuns, according to God’s law and according to the world’s principles, and never, by will nor by force, by word nor by work, do aught of what is loathful to him . . .⁴⁰

MOSES’S INVITATION TO HOBAB

The theme of circumstantial solidarity may shed light on Moses’s invitation to Hobab in Num 10:29–32.

כֹּה וַיֹּאמֶר מֹשֶׁה לְחֹבָב בֶּן־רְעֻוֹאֵל הַמִּדְיָנִי חָתָן מֹשֶׁה נֹסְעִים אֲנִי וְאֶת־הַמָּקוֹם אֲשֶׁר אָמַר ה' אֲחִי אֲתָן לָכֶם לָקֶחַ אֲתָנוּ וְהִטְבַּנוּ לָךְ כִּי־הוּא דִבְרַת־טוֹב עַל־יִשְׂרָאֵל: ל וַיֹּאמֶר אֵלָיו לֹא אֵלֶיךָ כִּי אִם־אֶל־אֶרְצִי וְאֶל־מִוֹלְדָתִי אֵלֶיךָ: מ וַיֹּאמֶר אֵלָיו תַּעֲזֹב אֲתָנוּ כִּי עַל־כֵּן יָדַעְתָּ וְנָתַנּוּ בַּמִּדְבָּר וְהָיִיתָ לָנוּ לְעֵינָיִם: נ וְהָיָה כִּי־תֵלֵךְ עִמָּנוּ וְהָיָה הַטוֹב הַהוּא אֲשֶׁר יִשִּׁיב הוּא עִמָּנוּ וְהִטְבַּנוּ לָךְ:

²⁹Moses said to Hobab son of Reuel the Midianite, Moses’s father-in-law, “We are setting out for the place of which the Lord has said, ‘I

³⁷ 1QS I, 3–5. See also CD II, 15; 1QHod XIV (F. G. Martinez, *The Dead Sea Scrolls Translated*. Trans. W. G. E. Watson [Leiden: Brill, 1994], p. 321: VI), 10–11; XVII (Martinez [p. 317]: IV), 24. See J. Licht, *The Rule Scroll* (Jerusalem: Bialik Institute, 1965), 59 [Hebrew]; *The Thanksgiving Scroll* (Jerusalem: Bialik Institute, 1957), 188 [Hebrew].

³⁸ 1QHod XV, 18–19 (Martinez [p. 322]: VII, 22–23).

³⁹ *y. Ber.* 4.2, p. 7d; Licht, *The Rule Scroll*, 59.

⁴⁰ *Ancient Laws and Institutes of England* (London: G. E. Eyre and A. Spottiswoode) 1.178–79. As my colleague Donald A. Ringe informs me, the verb rendered “shun” (*onscunian*) can also mean “avoid, fear, detest, hate” (John R. Clark Hall, *A Concise Anglo-Saxon Dictionary*. 2d ed. [New York: Macmillan, 1916], p. 229).

will give it to you.’ Come with us and we will do good to you; for the Lord has promised good to Israel.”³⁰ “I will not go,” he replied to him, “but will return to my land and my kindred.”³¹ He said, “Please do not leave us, inasmuch as you know where we should camp in the wilderness and can be our guide. So if you come with us, we will grant you the same good that the Lord grants us.”⁴¹

At first glance Moses’s offer to do good to Jethro looks very similar to Ammunenshi’s offer to Sinuhe in the Egyptian *Tale of Sinuhe* (ca. 20th century B.C.E.). Sinuhe, an Egyptian courtier, flees to Syria-Palestine and is taken in by a local sheikh, Ammunenshi, who declares: “You shall stay with me. What I shall do for you is good.” Ammunenshi then places Sinuhe at the head of his children, marries him to his eldest daughter, lets him choose some of his land, and makes him ruler of a tribe.⁴² But the phraseology in Numbers 10 expresses another dimension beyond simply treating generously. What Moses offers is not only to “do good,” but to share the good that Israel expects. Hobab will prosper as Israel prospers. This points to the beneficial aspect of solidarity: *sharing* good fortune. Judah ibn Tibbon, who translated Judah Halevi’s *Kuzari* from Arabic to Hebrew, sensed the connection between Moses’s offer and the concept of solidarity, though he did not use that phrase. The Arabic original of Judah Halevi’s comment about conversion to Judaism, quoted above, reads literally, “any Gentile who joins us . . . shares our good fortune,” but ibn Tibbon translated “our good fortune” as “the good that the LORD grants us” (הַטּוֹבָה אֲשֶׁר יִשִּׁיב הַבּוֹרָא אֱלֹהֵינוּ), paraphrasing the wording of Num 10:32, הַטּוֹב הַהוּא אֲשֶׁר יִשִּׁיב ה’ עִמָּנוּ. Ibn Tibbon was doubtless aware of the Talmudic tradition that Jethro (Hobab) and his descendants converted to Judaism,⁴³ and hence he saw Moses’s phraseology as applicable to proselytes. Although to speak of conversion in the pre-exilic period is anachronistic,⁴⁴ Moses is clearly inviting Jethro/Hobab, to whom he is already tied by marriage and who had already expressed empathetic solidarity with Israel (וַיִּתְּרָה

⁴¹ Translation from *Tanakh*, slightly modified.

⁴² M. Lichtheim, *Ancient Egyptian Literature*. 1 (Berkeley: University of California Press, 1973), 226.

⁴³ *Tg. Pseudo-Jon.* Ps. Exod 18:6, 27 and Num 10:29; *t. Bik.* 1:2; *y. Bik.* 1:4 p. 64a (see Penei Moshe ad loc.); *Sanh.* 94a; *Sifre Num.* sec. 78 (ed. Horovitz, pp. 72–76); *Exod. Rab.* 1:32; *Tanh. Yitro*, 7; *Yalqut* 268 (to Exod 18:9); *Tanh. Buber Yitro*, 5 (see Buber’s note 27 ad loc.).

⁴⁴ See J. Milgrom, “Religious Conversion and the Revolt Model for the Formation of Israel,” *JBL* 101 (1982): 169–176, following and refining Yehezkel Kaufmann; idem, *Leviticus 17–22*. AB 3A (New York: Doubleday, 2000), 1495–1501.

וַיִּתְרוּ עַל כָּל־חַסְדֵי ה' לְיִשְׂרָאֵל, “Jethro rejoiced over all the kindness that the Lord had shown Israel,” Exod 18:9), to join the Israelites and live among them in a relationship that would create some form of circumstantial solidarity between them. This invitation would account for the Kenite descendants of Hobab living in Judah, the Negev and north Israel,⁴⁵ and the acts of friendship between them and Israel mentioned in Judges and 1 Samuel.⁴⁶

The relationship proposed by Moses to Hobab has elements in common with that which Ruth proposes to Naomi in Ruth 1:8–19. Just as Moses proposed that Hobab “come with us” (לְכֶה אִתָּנוּ) to the place God promised to give Israel, Ruth insisted on “going with” Naomi (לְלַכֵּת אִתָּהּ, v. 18) to Judah, declaring “wherever you go, I will go” (אֶל־אֲשֶׁר תֵּלְכִי אֵלָיךְ, v. 16). Just as Hobab declined, saying that he wished to “return to my land and my kindred” (אֶל־אֶרְצִי וְאֶל־מוֹלְדֹתַי אֵלָיךְ), Naomi urged her daughters-in-law to “return to your mother’s house/family” (לְבֵית אִמְהָהּ, v. 8) and Orpah did return to her “people and her gods” (אֶל־עַמָּהּ וְאֶל־אֱלֹהֶיהָ, v. 15). Just as Moses implored Hobab “do not leave us” (אַל־נָא תַעֲזֹב אִתָּנוּ), so Ruth asked Naomi not to urge her “to leave you, to turn back and not follow you” (לְעִזְבוֹךְ לָשׁוּב מֵאַחֲרָיִךְ, v. 16). Ruth declared her intention to join Naomi’s people (עִמָּךְ עָמִי, v. 17), much as the Shechemites had proposed that they and Jacob’s family live together, intermarry, and become “one kindred” (עִם אֶחָד, Gen 34:16, 21–22). Moses and Hobab already had ties of intermarriage, and although Moses does not explicitly propose becoming “one kindred,” Hobab’s reply that he wished to “return to my land and my kindred” (אֶל־אֶרְצִי וְאֶל־מוֹלְדֹתַי אֵלָיךְ), may suggest that that is what he understood Moses to mean. In any case, their relationship certainly constituted an alliance of some type.⁴⁷ Moses’s

⁴⁵ Judg 1:16; 4:11; 1 Sam 15:6; 27:10; 30:29. On the location of the Kenites mentioned in Judg 4:11, see Y. Kaufmann, *Sefer Shoftim* (Jerusalem: Kiryat Sepher, 1962), p. 117. That Moses’s invitation to Hobab includes a promise of territory in Israel—namely, Jericho—is assumed by rabbinic exegesis (*t. Bik.* 1:2; *y. Bik.* 1:4 p. 64a (see Penei Moshe ad loc.); *Sifre Num.* sec. 81 (ed. Horovitz, p. 77); Yalqut, sec. 726; followed by Rashi, Ramban, etc. (Hazzekuni at Num 10:29 end disagrees).

⁴⁶ Judg 4:21; 1 Sam 15:6.

⁴⁷ I do not believe, however, that טוֹב in vv. 29 and 32 refers to a treaty/covenant, as suggested by J. Milgrom, *The JPS Torah Commentary. Numbers* (Philadelphia: Jewish Publication Society, 1990), 79 s.v. “to be generous.” Milgrom holds that “[v. 29] may also be rendered “for the Lord has negotiated a treaty with Israel” (דְּבַר־טוֹב עַל־יִשְׂרָאֵל) and implies that the following clause, “we will be good to you” means that Israel would include Hobab in the covenant. But it is clear from v. 32 that the “good” promised by God is a future good, not a past action like the covenant, and that דְּבַר־טוֹב עַל־יִשְׂרָאֵל means “promised good fortune” (B. A. Levine,

offer to share Israel's good fortune with Hobab would have been part of that relationship, just as an adopted son would share in the good fortune of his adoptive parents. Naturally, given Moses's optimism at that point (not to mention his desire to convince Hobab), he did not mention the complementary dimension of solidarity, sharing misfortune as well.

SAMUEL DAVID LUZZATTO

The human dimension of solidarity is nowhere expressed more movingly than in Samuel David Luzzatto's introduction to his theological work *Yesodei HaTorah (Foundations of the Torah, 1880)*, in which he dedicates the book to his father-in-law, R. Raphael Baruch Segrè, Luzzatto's former teacher and father of his first and second wives. As is clear from the dedication, Luzzatto and Segrè shared a relationship of both circumstantial and empathetic solidarity.

אבי אבי!

אתה אשר זה שלשים שנה לשון אשכנז ולשון רומי למדתי, אתה אשר מאז והלאה אהבתי וקרבתני; אתה אשר גדלת ותנכת שלש בנותיך לאות ולמופת בחכמה וביראה ה' אהבת חסד והצנע לכת; אתה אשר נתת בחיני את בלהה בת-שבע אשר למעלה מדותיה אין ערוך זולתי באחותיה; אתה אשר במשך ימים ושנים שבעת עמי מרורים, וכוס החרעלה שחית עמי, במחלצה הקשה ממות; אתה אשר בכל ימי הרעה עזרתני ונחמתני, ובך ובכל בני ביתך ברוכי ה' עזרה בצרות מצאתי מאד אני ואשתי וכל זרעי; אתה אשר בעלות הצדקת השמימה המלת עלי ועל ילדי, ותתן את לאה למלא מקום אחותה, ולהיות לאם לילדים אשר זה ימים ושנים כבנים היו לה: לך אביא היום תשורה את מבחר פרי יניעי, הוא מאמרי יסודי החורה. לך אתנהו, כי לך יאה, כי כוס חמת ה' אשר עברה עלי ועליך, היא אולי היתה סבה גדולה לפקוד עיני, ולהכשירני להכיר האמת בעגנים ההמה; ואתה אשר היית עמי בסבלותי, לך אכול בשמחה עמי הדבש הזה אשר רדיתי מבטן תלאותי.

My father, My father!

To you, who taught me German and Latin thirty years ago; who loved and befriended me ever since; who raised and reared three daughters and taught them wisdom, piety, love of justice, and humility; who gave me Bilhah Bath-Sheva in marriage, whose remarkable qualities only her sisters can equal; who for many years shared my bitterness and during her dreadful illness drank with me the cup of poison; who

Numbers 1–20. AB 4A [New York: Doubleday, 1993] ad loc.). Nevertheless, though the verse does not mention it, it is entirely plausible that the relationship proposed by Moses would have been sealed by a treaty.

helped and consoled me in my adversity and, together with your God-blessed family, assisted me, my wife and children in times of need; who had compassion upon me and my children and gave me, after my saintly wife's death, her sister, Leah, to take her place and be a mother to her children, who since became like her own; to you I bring today my best work, my essay, *The Foundations of the Torah*, as a gift. I present it to you because you deserve it. For the cup of Divine wrath which we shared may have been the main factor that opened my eyes and made me realize the truth in these matters. Having endured with me in my troubles, may you, in joy, partake with me in the honey I extracted from my tribulations.⁴⁸

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The expressions of solidarity surveyed here⁴⁹ span nearly four millennia, from Syria and Mesopotamia of the Old Babylonian period, through Biblical, classical Latin, Hellenistic, Rabbinic, Christian, Old English, medieval Jewish and English sources, down to modern Christian and Jewish sources. While some of these expressions appear in historically connected bodies of literature and are certainly or probably related, in other cases the wording is different enough to make a relationship very difficult to prove. Luzzatto's wording—though he was certainly familiar with almost all the cultures from which the other examples came—is so different from all the others that influence seems unlikely. Circumstantial and empathetic solidarity are universal human experiences that even unrelated cultures would find ways to express, and given the similarity of the experiences the content of the expressions, if not their wording, would almost inevitably be similar.⁵⁰

⁴⁸ A. Z. Eshkoli, *Yesode ha-Torah* (Jerusalem: Mosad ha-Rav Kook, 1947), 19; N. H. Rosenbloom, *Luzzatto's Ethico-Psychological Interpretation of Judaism* (New York: Yeshiva University, 1965), 147.

⁴⁹ The examples surveyed here are not the result of a systematic search but are simply cases that I began to notice and collect after studying ARM 8:1 years ago. Certainly, I have only scratched the surface.

⁵⁰ My son Chanan was kind enough to critique this article for me. The day after doing so he opened a Chinese fortune cookie and found the following advice: "Remember to share good fortune as well as bad with your friends." (I do not mean to imply that the advice is from China. Fortune cookies originated in the United States, and their messages are composed there, too. The incident merely shows that the advice is a commonplace.)