

BARUCH BRODY

Jewish Reflections on the Resurrection of the Dead

*Oh, Danny Boy, the pipes, the pipes are calling
From glen to glen, and down the mountain side,
The summer's gone, and all the roses falling,
It's you, it's you must go and I must bide.*

*But come ye back when summer's in the meadow,
Or when the valley's hushed and white with snow,
It's I'll be here in sunshine or in shadow,
Oh, Danny Boy, oh Danny Boy, I love you so!¹*

A fundamental belief of Judaism is the belief in reward and punishment; those who follow God's law will be rewarded for doing so, and those who do not will be punished for failing to do so. This theme is stated explicitly in the Torah on many occasions and it provides the framework for the historical account in the early prophets. The biblical versions of this belief refer to this-worldly rewards and punishments, but the problem of "the good who suffer and the evil who

1. This is a very moving song sung at traditional Irish wakes, and this connection with wakes and death has always suggested to me that this song represents a belief and a prayer that Danny will be resurrected and reunited with those who love him. It is useful to remember that the belief in bodily resurrection of the dead is not restricted to Jews.

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prosper” in this life seems to require a belief in an afterlife in which rewards and punishments correspond to one’s deeds.² And indeed we find in the Mishnah two such beliefs, a belief in the resurrection of the dead and a belief in punishment in Gehinnom for at least a limited period of time.

The centrality of the belief in the resurrection of the dead is stressed in the Mishnah³ where it is ruled that there are two beliefs whose denial results in the denier losing a share in the world to come: the belief that the Torah is from heaven and the belief in the resurrection of the dead. But this *mishnah* also introduces the concept of the world to come (*olam ha-ba*), since that is what is denied to the sinner who does not believe in either of these beliefs. What is the relation between these two? Is the world to come just the world that exists after the resurrection of the dead? If so, what happens to the person between their death and their resurrection? To make things even more complicated, another *mishnah*⁴ refers to punishment in Gehinnom as lasting twelve months, without specifying when this occurs and what happens afterwards. How does this fit in with these other beliefs about the resurrection of the dead and the world to come? The obvious suggestion is that it relates to existence which occurs after death but before the resurrection, allowing for the disembodied self to experience Gehinnom (and then rise to Gan Eden). But then what point is there to the resurrection of the dead? If the resurrection of the dead is a bodily resurrection with normal human bodies engaged in

2. Even so extreme an Enlightenment figure as Kant makes the same move in the *Critique of Practical Reason* II:2:4 (“On the Immortality of the Soul As a Postulate of Practical Reason”). I leave aside for now the question, much discussed among Jewish philosophers, as to why the biblical version refers to this-worldly rewards and punishments. I also leave aside for now the important question of whether a belief in the afterlife serves other functions. After all, the traditional belief in the afterlife is an eternal afterlife, and far less than that is required to redistribute rewards and punishments so as to restore a just proportion between actions and rewards/punishments. Frances Kamm has an important discussion of these issues about never going out of existence in Part I of *Morality, Mortality I* (New York, 1993).

3. See *Sanhedrin* 10:1. The chapter is known as *perek Helek* because of its opening statement that all of Israel has a share (*helek*) in the world to come except for certain categories of people.

4. *Eduyot* 2:10. The classical commentators make explicit that this occurs right after death and that afterwards the soul goes to Gan Eden, but this is not explicit in the *mishnah*—the related passage in *Rosh Hashanah* 16b-17a is interpreted by Rashi and Tosafot as referring to a judgment at the time of the resurrection of the dead, not immediately after death, raising further complications in understanding both this *mishnah* and the talmudic passage.

normal human activities, where that is thought to be a further reward, then it has a point. But if the resurrected body is just a spiritual entity, not performing normal bodily activities,⁵ what is its point, since those who are resurrected are already living such a life in Gan Eden? All of these questions have been debated by Jewish thinkers over the ages and different views have been adopted.

There is a related paradox that has always troubled me. The *Anshei Keneset ha-Gedolah*, men of the Great Assembly, when they formulated the text of the *Amidah*, clearly placed their emphasis on the belief in the resurrection of the dead. Three times each day, observant Jews praise and bless God as the one who “keeps his faith with those who sleep in the ground” because he “gives life to the dead.” Yet, in all my years in yeshivah, the emphasis was always on Gehinnom and Gan Eden, and my friends report the same experience. No doubt, part of the explanation of this lies in the connection of those latter beliefs with Kaddish related customs.⁶ But it is strange that we pray daily for one form of afterlife but then emphasize the other type whenever death-related prayers are recited.

There is still a further complication. In addition to these views about individual salvation, perhaps after a period of punishment, there is also the central Jewish belief in the coming of the messiah who will usher in a time of national salvation. How are these visions of individual and national salvation to be combined?

This essay will not attempt to trace the complete history of the discussion of these issues. I will discuss primarily the views of Sa'adyah, Maimonides, and Naḥmanides at some length. I will argue that the first two emphasize one of these beliefs (for Sa'adyah, the resurrection, for Maimonides, disembodied survival) at the expense of the other, which plays a minimal role in their thinking. This differs greatly from Naḥmanides, who incorporates both into his belief system. It is this Naḥmanidean position which has become the standard interpretation of the afterlife in traditional Judaism, and it is this position which will be the focus of my reflections at the end of this essay.⁷

5. This seems to be the Christian view of “glorified bodies,” and is held by many medieval rabbinic thinkers as well. See, e. g., Ravad to *Hil. Teshuvah* 8:2.

6. See the glosses of R. Isserles to *Yoreh De'ah* 376—we will discuss this issue below.

7. A question I will not discuss in this essay is how these authors interpret biblical passages employing the concept of *she'ol*.

I. The Philosophers

A. Sa'adyah

Sa'adyah's philosophical work is one of the best organized works in medieval Jewish philosophy. This is clearly reflected in his organization of his views on the topics with which we are concerned. His views on the soul and on human beings, on the resurrection of the dead and on reward and punishment occupy three of the ten treatises in *Sefer Emunot ve-De'ot* (*The Book of Belief and Opinions*; originally in Arabic): treatises six, seven and nine, eight being reserved for the messianic redemption. We will see as we proceed why the material is organized that way.

I want to focus for my purposes on his central themes:

1. *The nature of the human being (treatise six)*

a. Sa'adyah makes very strong claims about the interrelationship between the body and the soul: the soul can perform its activities⁸ (he mentions reasoning, appetite and anger⁹) only by means of the body (VI: 3). Put more precisely, the claim is that these activities are the product of one agent (VI: 5). Sa'adyah gives, however, no account of how this joint agency works, other than to say that it is connected to the heart.¹⁰

b. Nevertheless, Sa'adyah is very clearly not a materialist. He describes the soul as having a luminous and noble character, which certainly distinguishes it from the body, although its luminosity increases only through the actions performed by means of the body.

c. Sa'adyah, as a dualist, sees death as the exit of the soul from the body, and says that it "is stored up until the time of retribution" (VI:7). Given what we shall see below, this must mean until the time of the resurrection. In popular Jewish culture, Gan Eden and Gehinnom are the places where souls exist after death, where Gehinnom serves as a purgatory for some sinners, and a permanent abode for others. Sa'adyah, by contrast, places his account of these in his discussion of reward and punishment after the resurrection (IX: 5). He does say, however, that the

8. I leave aside the meaning of the difficult passage in VI: 3 where he speaks about cognition being performed by means of the essence of the soul (p. 243). The difficulty is heightened by the fact that it is followed immediately by the strong claim about the soul using the body to perform its functions.

9. This seems like an echo of the Platonic idea of the tripartite soul, especially given that anger is the third activity.

10. Sadly, while he recognized that the nerves seem centered in the brain, he dismisses them as just the sinews of the body.

souls of the righteous are stored up until the resurrection in a higher place than the souls of the wicked,¹¹ implying a sort of reward and punishment.¹²

d. Given his views about reward and punishment occurring after the Resurrection, Sa'adyah needs to devote a treatise (seven) to the resurrection and a treatise to the associated redemption (eight) before he can get to reward and punishment in treatise nine.

2. *The resurrection of the dead (treatise seven)*¹³

Sa'adyah believes in two resurrections (VII:4-8):

a. The first will come at the time of the messianic redemption of *this* world. Virtuous and repentant Jews will be resurrected and will enjoy an embodied existence (eating, drinking and marrying). Only those who are to be rewarded will be resurrected in this first resurrection. So, for Sa'adyah, there is a definite connection between national salvation and a part of individual salvation.

b. The second, which is the topic of treatise nine, will be a general resurrection of all, those who are to be rewarded and those who are to be punished. Sa'adyah believes that this will occur in a new world, which the rabbis referred to as the world to come. Although those who are resurrected are embodied in real bodies, they will not engage in bodily acts such as eating and drinking.

c. There is an interesting passage in which Sa'adyah justifies the two resurrections:

11. His language varies slightly from the text in *Shabbat* 152b, which is presumably his main source for the idea that the souls are stored up. This passage is in turn a commentary on a blessing to David given by Abigail in chapter 25 of Samuel I. The language, with further variations, is found in the *Sifrei* to Deuteronomy (p. 401 of the Finkelstein-Horovitz edition) and elsewhere in the midrashic literature. An earlier version of this thought is found in the apocalyptic book *Esdras* (2:35-37), where the souls of the righteous are asking when they will be released from their chambers to receive their reward in the resurrection. I thank my colleague, Matthias Henze, for calling my attention to this passage. I cannot find any references to this thought in rabbinic literature.

12. He also allows for a difference in the short-term suffering from the pangs of the grave. My *havruta*, Gideon Miller, has suggested that these two differences are Sa'adyah's version of reward and punishment of the soul after death but before the Resurrection. But this suggestion, and the claims of Sa'adyah's it is based upon, go against Sa'adyah's basic claim that reward and punishment are meted out only to the united body and soul. Because of this, he explicitly disavows the idea that either the soul alone or the body alone is punished (IX: 5). According to Sa'adyah, reward and punishment in the hereafter is meted out to the body and soul united.

13. There actually are two versions of treatise 7 published in the Yale Press translation. I did not find many significant differences between them as they relate to our issues.

But what is there in this that would contradict the view that this nation would enjoy an advantage in being granted an additional period during which our dead would be resurrected by God prior to the world to come. . . . [W]hy should it not be considered as a mere act of justice whereby whoever has been tried receives compensation in proportion to his trials, since this nation of ours has been subjected by God to great trials. . . (VII:8).

d. Both resurrections are bodily resurrections; they have to be if thoughts and desires are to be possible. But the former involves the resurrected person engaged in normal bodily activities while the latter does not. Why the difference between the two? It is easier to understand the latter. Sa'adyah is simply capturing the talmudic view¹⁴ that none of these activities will take place in the world to come, the world of the second resurrection. Moreover, his picture of that world is of a far more spiritual world in which such activities have no place. None of this holds for the first resurrection which takes place in our ordinary physical world, and Sa'adyah quotes both midrashic and talmudic sources that the people involved in this-worldly resurrections (such as those discussed in Ezekiel) procreated.¹⁵

e. Many have expressed doubts about the possibility of the resurrection of the dead, and Sa'adyah attempts to address them. Most of these doubts are based upon the assumption that the resurrected body is the same as the previous body. It never occurs to Sa'adyah that it might be the resurrection of the same person as an embodied person but that their new body is not the same body as the previous body of that person.¹⁶ There is one passage where Sa'adyah is considering whether the person whose original body was blemished will be resurrected with that same blemished body. Following a talmudic passage (*Sanhedrin* 91b), Sa'adyah says:

He will first be resurrected with that blemish still adhering to him so that his fellowmen may recognize him as being that particular person. After that, the Creator will cure him. . . (p. 432, chapter 8 of the second version).

Given that most people die with a great many blemishes (this is called aging—but who would want to live forever in an aged body), God is basically going to redo our bodies. It is interesting to note his reason: “so that his fellowmen may recognize him.” But it is still the same body.

14. *Berakhot* 17a (citing Rav).

15. VII:7, p. 280, in the Yale edition.

16. This crucial possibility seems to have been first raised by Hasdai Crescas, many centuries later.

3. *Reward and Punishment (treatise nine)*

a. Sa'adyah begins his discussion by reiterating three points: (1) there must be a different world, the world to come, in which the wicked are punished and the good rewarded, if God's justice is to prevail; (2) these rewards and punishments must be given to embodied persons; (3) In the general resurrection (resurrection #2) they must be non-material rewards and punishments, given the more spiritual nature of the world to come.

b. This state of reward and punishment after resurrection in the world to come is called Gan Eden and Gehinnom only because in the Bible those names symbolize excellence and baseness, respectively (IX: 5).

c. Sa'adyah insists (IX:7) that these rewards and punishments must be eternal. He recognizes that there is an issue about eternal punishment being excessive, but asserts that any lesser threat will not necessarily be efficacious.¹⁷

d. Sa'adyah believes (IX:9) that these eternal punishments are restricted to nonbelievers, polytheists and unrepentant severe sinners.¹⁸ What about unrepentant sinners who have committed lesser crimes? Sa'adyah's theory of punishment doesn't seem to incorporate a belief that they suffer torment in the world to come for a limited period of time. This is particularly troubling in light of both mishnaic and talmudic discussions of just such a view of Gehinnom.¹⁹ He merely says (IX: 9) that they have been punished in this world and that they have the merit of not having committed (or repenting of) the graver sins.

4. *Concluding Remarks about Sa'adyah*

a. For Sa'adyah, it is the resurrected embodied person who is the object of reward and punishment and not some disembodied soul which exists after the death of the body.

b. The philosophical root of Sa'adyah's theory is his view that it is only embodied persons who can act, even if the actions are normally

17. In contemporary terms, Sa'adyah has turned to a deterrence theory to justify seemingly excessive punishments, a move that exemplifies a well known difficulty with deterrence theories. He applies the same logic to rewards needing to be eternal. In either case, these claims about effectiveness seem questionable. Who is it that would not be deterred by the threat of a thousand years of torment but would be deterred by the threat of eternal torment?

18. Those who committed crimes that are deserving either of the death penalty or of *karet*.

19. For example, the *mishnah* in *Eduyot* cited above and the discussion in *Rosh Hashanah* 16b-17a.

viewed as psychological actions (e.g., thinking, feeling). As we saw above, Sa'adyah is not a materialist. But his views do fit in with contemporary neurophysiological accounts of psychological actions, insofar as these stress the bodily activities required for psychological actions. This strength is limited by his failure to give an account of this soul-body interaction even in psychological actions.

c. There are major aspects of the rabbinic tradition that are not incorporated into Sa'adyah's views. The most important, of course, is his failure to incorporate the mishnaic tradition of twelve months in Gehinnom and later traditions of subsequent rewards in Gan Eden.

B. Maimonides

In his time, and after his death, Maimonides' views about the afterlife were a matter of great controversy, for although he affirmed on several occasions a belief in the resurrection of the dead, many claimed that he did not believe in it, primarily because he leaves it out of many of his accounts of reward and punishment. I am not interested in this essay to explore what he really believed, although I would take his insistence that he believed in it and his inclusion of it as one of his thirteen essential beliefs of Judaism, as strong evidence of his belief. What I am interested in is defining his general approach and seeing whether his belief in the resurrection fits smoothly into it.

What are his basic beliefs about the soul and about reward and punishment in an afterlife? In offering an answer to this question, I will follow a straightforward reading of the text, leaving aside for later discussion the attempt by later authorities, starting from Nahmanides, to reinterpret the text. There are three crucial points that emerge when we look at his discussion in *Laws of Repentance*.²⁰ They are:

1. The nature of a human being

a. Maimonides, following a long medieval tradition, distinguishes a soul which requires a body to function (he calls this the *neshamah*) from a soul (called *nefesh*) which does not.²¹ In *Laws of the Foundations of*

20. Correctly or incorrectly, I always give precedence to that text, because *Mishneh Torah*, in which it is embedded, presents a comprehensive picture of all of Maimonides' views on such a large number of topics, and is undoubtedly the work of his which has had the greatest influence on Jewish life and thought through the centuries.

21. See *Laws of Repentance* 8:3. This distinction is a descendant of Aristotle's views in *De Anima*. A major issue in medieval philosophy was how to develop this theory of two souls. See on this topic Herbert Davidson, *Alfarabi, Avicenna and Averroes on Intellect* (New York, 1992), especially 180-208, where he discusses these issues in the

the Torah (chapter 4), Maimonides elaborates upon this distinction. The *neshamah*, which is the form of the body, engages in conjunction with the body in a wide variety of physical activities, as well as in thinking and feeling. The *nefesh*, on the other hand, is nondependent on the body and on the *neshamah*. It engages in pure intellectual activity. It is what the Bible refers to when it talks about human beings being created in the image of God, and only human beings have a *nefesh*.

b. At the time of death, both the body and the *neshamah* go out of existence. Only the *nefesh*, which is dependent upon neither, can continue to exist and engage in pure intellectual activities. It is this view which leads the Ravad to remark (*Laws of Repentance* 8:2) “The words of this man are close to one who would say that there is no resurrection of the bodies of the dead, only of their souls.”

2. *The Resurrection of the Dead*

a. In the text we have been analyzing, there is no mention of the resurrection of the dead. We need to turn to Maimonides’ letter on the resurrection²² to get some insight into these crucial issues concerning his beliefs. But when we do that, we are disappointed. Most of that essay is a polemic about how to interpret biblical verses, literally or figuratively, and how to interpret sayings of the sages. What we get is the following:

The expressions of our sages allow free scope to our assumption that the bodies restored to life will eat, drink, generate and die after a prolonged existence. . . . But that [a passage he has just quoted] does not imply that the Almighty will not cause the resurrection whenever he wills, and on behalf of whomever he wills, either at the time of the Messiah or after his demise.²³

This is of only modest help because we are not told the purpose of this resurrection. If these people have already attained when they die disembodied life, which is as we shall see the highest reward, why is it a reward for them to be brought back to the physical world to enjoy the pleasures of that world?²⁴ I think that it is fair to say for this reason that

context of Jewish thought. It should be noted that Sa’adyah, believing that all activities require the use of the body, distinguishes (VI:3) the *nefesh* as the appetitive faculty from the *neshamah* as the intellectual faculty.

22. This letter was written in 1191 in response to scholars in Damascus who raised questions about Maimonides and his belief in the resurrection of the dead.

23. See the translation in J. David Bleich, *With Perfect Faith* (New York, 1983), 644–46.

24. He does, however, offer an explanation as to why he believes that the resurrected body will engage in normal bodily activities; otherwise, he argues, what is the point of the body. For those who think that these bodies will be different, Maimonides advises them to keep silent as “their silence will be considered wisdom.” I will say more on this

this view is in tension with Maimonides' general system, and that is an important reason why many suspected that he did not really believe in the bodily resurrection of the dead.

b. Another text which we might examine is his commentary on the chapter *Helek* in the Mishnah (*Sanhedrin*, chap. 10). At the end of his opening comment, he lists his thirteen principles of faith, the last of which is the resurrection of the dead, "as we have explained." But in the earlier explanation he offers, reward and punishment seems confined to a spiritual existence. It does not even contain the minimal involvement of bodily resurrection found in his letter.

3. Reward and Punishment

a. The reward to be received is a spiritual reward which consists of taking pleasure from the awareness of the divine presence. It is the *nefesh*, existing in a disembodied manner, which will be rewarded in the afterlife. To quote Maimonides:

We will be like them [the angels] after death. These men who purify themselves will reach this spiritual height. They will neither experience bodily pleasures, nor will they want them. . . . In the world to come our souls will become wise out of knowledge of God the Creator. . . . The ultimate good, the final end is to achieve this supernal fellowship, to participate in this high glory in which the soul is forever involved with the existence of God the Creator. . . .²⁵

b. This is attained by the righteous at the time of their death. This is what is called "the world to come." This point is stressed in *Laws of Repentance* 8:8, where Maimonides claims that the world to come already exists for it is where the righteous go at the time of their death. So there is no connection between this individual salvation and the communal salvation at the time of the messiah.

c. The punishment for the sinners is that they are extinguished at the time of their bodily death and do not exist any further. Maimonides, unlike Sa'adyah, is therefore able to have a view of eternal punishment without eternal torment or even temporary torment. When the sinner dies, the sinner goes out of existence, and therefore suffers no torment. So Maimonides does not have to defend either the justice or the necessity of eternal torment.

point in the next section. Another question is why the resurrected die again.

25. This passage appears in his introduction to *Perek Helek*. This translation appears on the Maimonides Heritage website, www.mhcnny.org/qt/1005.pdf.

d. Rabad, Nahmanides and other classical opponents found several of these points unacceptable. One of their most important criticisms is that it leaves no room for differential punishment of sinners in proportion to the gravity of their sins, since the existence of all of them are equally extinguished at the time of their bodily death. Another is that it leaves no room for the temporary twelve-month account of Gehinnom in the passages cited above. We will return to their discussions below.

e. In addition, there are major philosophical difficulties with his account:

i. Maimonides, like Aristotle before him,²⁶ had an excessively intellectualist account of the good for humans, eternal or temporal. Even if you suppose that this understanding of the deity is the greatest good, it hardly follows that the best life for humans includes only it.

ii. The whole Maimonidean account rests upon the idea of this divine contemplation being an activity that does not require the human being to be embodied because it involves only a special soul called the *nefesh*. We may not be willing to accept this metaphysics of the mind. Medieval Aristotelians (Jewish, Christian and Muslim) struggled with many difficulties as they tried to develop this dual soul theory.

4. Concluding Remarks about Maimonides

a. For Maimonides, it is the surviving *nefesh* which is the object of reward, while punishment merely means the non-survival of the *nefesh*. All of this occurs right after death in *olam ha-ba*. But for those who have received this reward, there will also be a temporary additional reward at some later date, when they are resurrected in a fully material body and live a fully material life for an extended period of time until they die and return to their existence as a disembodied *nefesh*.

b. The philosophical root of the Maimonidean theory is very clearly his belief in the existence of the *nefesh*, a soul whose activities are independent of the body and a soul which can survive the death of the body.

C. Concluding Remarks about the Philosophers

I have called Sa'adyah and Maimonides the Philosophers, not merely because they were philosophers, but because their differing views were driven by their very different philosophical accounts of the nature of human beings. For Sa'adyah, to be human is to be embodied, because it is only then that you can act. So reward and punishment must relate

26. See Aristotle's *Nicomachean Ethics*, Book X.

to embodied persons, even if the resurrected body does not engage in bodily activities and pleasure. For Maimonides the crucial part of the person is the *nefesh*, which can exist in a disembodied fashion and engage in intellectual contemplation. So reward and punishment involves the survival or non-survival of the *nefesh*. One talmudic passage that heavily influences both of them is the claim that in the world to come, there will be no engagement in physical activities, although this makes Maimonides' view about the resurrection even more problematic. Finally, I want to stress that neither seems to pay attention to the mishnaic and talmudic claims about a twelve-month stay in Gehinnom.

The obvious question to be asked is how to understand the neglect of these passages by Sa'adyah and Maimonides. I have an explanation to offer in the case of Maimonides. In his *Letter on the Resurrection*, he announces the general principle that "... on a point concerning which the Rabbis differ, if it does not imply the performance of a divine precept—it is immaterial which of their opinions we accept" (644). This is presumably meant to contrast with normal halakhic decision making. The one he chose is the statement (already cited) that in the world to come, there is no eating or drinking, etc. . . . He adds to this the reflection that there is no purpose for such beings to have a body, and he therefore draws two conclusions: (1) the world to come involves no bodily resurrection and can begin right after death and (2) the resurrection of the body must involve our temporarily living again as embodied creatures engaged in normal bodily activities in some later stage of this world.

II. The Nahmanidean Tradition

A. Nahmanides

Nahmanides is known today primarily for his commentary on the Torah and for his novellae on a large number of talmudic tractates. But these two achievements, as monumental as they are, hardly exhaust his contributions to classic Jewish literature. One of his other major contributions was a halakhic work titled *Torat ha-Adam*. It is a systematic review of Jewish laws related to illness, medical care, death and dying, burials and mourning practices. Appended to this work is a non-halakhic discussion of reward and punishment after death,²⁷ and this will be the prime source for our discussion of his views.

27. *Sha'ar ha-Gemul*, in Chaim D. Chavel, *Kitvei Ha-Ramban* (Jerusalem, 1962), 2: 264-313. All page references are to that text. Translations are my own.

Before we turn to examine his views, there are several preliminary points which should be noted:

a. Although his views about the soul, the body and the relation between the two emerge to some degree in the course of Naḥmanides' discussion, these views are clearly not what are driving his analysis. First and foremost, he is attempting to develop an account that incorporates as many talmudic and midrashic comments on reward and punishment as possible, both before and after the resurrection, into one coherent whole. It is rabbinic exegesis that drives his analysis. The contrast with Sa'adyah and Maimonides is vast.

b. As a result, his account gives substantially equal prominence to reward and punishment after death for disembodied souls (in what he calls *the world of the souls*) as to reward and punishment to resurrected embodied persons (in what he calls *the world to come*). Once more, the contrast with Sa'adyah and Maimonides, each of whom emphasizes one or the other, is vast.

c. A major goal of the work is to refute Maimonides' views (except when he can reinterpret them to fit his views). Evidence of the widespread acceptance of his approach is to be found in the standard printed texts of Maimonides' *Mishneh Torah*. All of the commentaries appearing in the standard printed editions follow Naḥmanides in reinterpreting Maimonides when they can and rejecting Maimonides' views when his views cannot be so reinterpreted. We will discuss this phenomenon below.

1. Summary of his views

It is helpful to begin our analysis by quoting two summary passages in the text:

The reward for the souls and their survival in the *world of the souls* is called by the rabbis Gan Eden . . . and then will come the days of the messiah which are part of this world and at the end of those days will be the judgment and the resurrection of the dead which is a reward that includes both the body and the soul . . . and this is *the world to come* where the body dwells like the soul (p. 306).

Those who deserve this punishment are judged in Gehinnom for twelve months according to what they deserve, and after their punishment . . . they reach a stage that is below the pleasure and rest of the righteous, a stage in which there is no punishment or pain as in the beginning, but not the pleasure of the righteous, and those whom the rabbis describe as crying and ascending reach a stage in which there is peace and pleasure

but not like the righteous . . . but for the complete and serious sinners that are punished for generations, it is the wish of God that they be punished with pain . . . and there is no end to their suffering and pain (p. 288).

What we find in these two passages represents a sharp departure from what we have seen until now in the following ways:

a. Gehinnom and Gan Eden, which are the divisions of the world of the souls, become central to his framework, as they are where souls abide until the resurrection. This is not surprising since these occur again and again in the talmudic and midrashic literature. But this is in sharp contrast to Sa'adyah and Maimonides, who make little use of these concepts.

b. In contrast with Sa'adyah, major rewards and punishments begin directly after the death of the person, even before the resurrection. Contrary to Maimonides, the punishments are not merely the extinction of the soul. The souls, except for the righteous, undergo real pain and suffering, even if it usually is for a limited period of time.

c. Like Sa'adyah, Naḥmanides' conception of the world to come is a post-messianic world in which all the dead have been resurrected. So it is temporally separated from the messianic period which occurs in this world. This is in contrast to Maimonides, who agrees with that understanding of the messianic period, but insists that the world to come already exists, for it is where the *nefesh* of the righteous go when they die.

d. The resurrection of the dead is not one of the main topics in the *Sha'ar ha-Gemul*. Naḥmanides' main concerns are the suffering of good people (discussed as a commentary on the book of Job) and the existence of the world of souls in which people are rewarded or punished after their death but before the time of the resurrection of the body. But we do learn that the resurrection occurs after the messianic era (which is part of this world and not of the world to come, where the resurrection occurs). We also learn that although we are embodied in the world to come, the body "dwells like the soul." None of this is to suggest that Naḥmanides in any way denigrates the importance of the resurrection of the body; he just has other goals in the *Sha'ar ha-Gemul*.

e. Like Sa'adyah, Naḥmanides believes that the resurrected persons who exist in the world to come are embodied persons who do not engage in normal bodily activities. Both of them are in disagreement with Maimonides, whose resurrected embodied persons engage in

normal bodily activities but exist only in a disembodied fashion in the world to come. As we saw above, Maimonides had raised the question of the purpose of embodied existence if the bodies do not engage in bodily activities. For Sa'adyah, that is not a problem, because human activities require a body. But what is Nahmanides' answer to this question? He claims (p. 305), without further explanation, that there are deep secrets in the form of the body and God does not want it destroyed.

2. *Nahmanides and Maimonides*

a. *Reinterpreting Maimonides.*

Nahmanides always had great respect for Maimonides, even when he was disagreeing with him. This pattern continues in the *Sha'ar ha-Gemul*. Nahmanides was clearly troubled by the Maimonidean views on the afterlife, particularly on two points:

i. On the Maimonidean account, there seem to be only two fates for the *nefesh* at the time of death. It can be rewarded by going to the world to come or it can be punished by no longer existing. The latter is the Maimonidean interpretation of *karet*. But two obvious questions arise: (a) What about those who have committed sins which are not punishable by *karet*?²⁸ Is there no suffering in the afterlife for serial killers who first torture their victims, swindlers who steal billions from charities and/or from the poor, and the like? (b) Even among those who have sinned and deserve *karet*, is there no difference in their afterlife punishment depending upon the number of times they have sinned and the seriousness of their sins?

ii. On the Maimonidean account, the resurrection of the dead is only a temporary phenomenon, because the righteous dead are revived as embodied creatures who engage in a full set of bodily activities for an extended period of time but then return to the disembodied existence of the world to come. But this, says Nahmanides, goes against the rabbinic tradition that life in the world to come is eternal.

On the first of these two issues, Nahmanides developed an alternative explanation of the Maimonidean statements to bring Maimonides' position more directly in line with his own. On this reinterpretation, Maimonides agreed that after death, sinners are punished in Gehinnom with a duration and intensity appropriate to their sins, and then at

28. The *Mishnah* lists only thirty-six sins that deserve such a punishment (*Kereitot* 1:1).

least some of them go to Gan Eden. When Maimonides said that the souls of the wicked people who deserve *karet* are just destroyed, he was actually talking about what happened to these souls at the time of the resurrection, not about what happened to them at the time of death.

This reinterpretation does not do justice to the text as a whole. Maimonides is absolutely clear at the end of chapter eight of *Laws of Repentance* that the world to come about which he has been talking in the chapter begins immediately after the death of the person, and that some go to it and others go out of existence.

There are additional reasons to reject this reinterpretation. In his introduction to the chapter *Ḥelek*, Maimonides explicitly treats Gan Eden as a great garden on this earth whose location will eventually be revealed by God and is totally ambiguous as to how Gehinnom, as a place of punishment, fits into his picture. This does not fit with the Naḥmanidean reinterpretation. And there is no hint of any of this in his *Treatise on the Resurrection*.

Naḥmanides and those who followed him²⁹ had a textual argument to support their position. In *Laws of Repentance* (3:5), Maimonides said:

All the sinners whose sins are greater {than their good deeds} are judged according to their sins but have a share in the world to come.

But, asks Naḥmanides, what room is there for their punishment if, as the literal interpretation of Maimonides reads, souls at death either go to the world to come or are completely destroyed? Surely, they must first be punished appropriately in Gehinnom before they go to the world to come or are destroyed. This textual argument is far from convincing. Maimonides could have thought that the souls which go to the world to come are not equally rewarded, and the sinners get less of a reward than the righteous. Notice that Maimonides says “judged” rather than “punished.”

There is much less to be said about the second issue. Maimonides is actually committed to the view that life in the world to come is eternal; it just has a break in it for a bodily resurrection. We shall discuss issues related to this point below.

29. See especially the comments of *Haggahot Maimoniyot* and *Kesef Mishneh* on *Laws of Repentance* 8:1. There is another passage in which he refers to Gehinnom in *Laws of the Foundation of the Torah* (5:4), but it is omitted from the Fraenkel edition because it is not found in most of the manuscripts.

b. *The Issue of Karet*.³⁰

One of the main texts that Maimonides cited in support of his view about the extinction of some evil souls at the time of death, so there was no positive punishment, was a talmudic text in *Sanhedrin* (64b) and in *Shevu'ot* (13a). To quote Maimonides:

This is the *karet* that is written in the Torah at it says: "Cut off, cut off shall be this soul for its sin is in it" (Num. 15:31), from which we learned that it will be cut off both in this world and the world to come. That is to say, that this *nefesh* which separates from the body in this world is not privileged to attain life in the world to come, but it is also cut off from the world to come.

How did Nahmanides, who believed that all sinners are positively punished, interpret this text about being cut off from the world to come?

The most systematic account by Nahmanides of *karet* is found in his commentary on Lev. 18:29. He distinguishes three types of *karet*: (1) the punishment due to a man who has committed one of those thirty-six sins, is unrepentant, but is otherwise a righteous person (literally, his good deeds outweigh his sins)—this person dies earlier than he normally would have, so he is cut off in this world, but he will receive the reward he deserves in the afterlife;³¹ (2) the punishment due to a man who has committed one of those thirty-six sins, is unrepentant, and is in general a sinner—this person may not be punished in this life, but he will go to Gehinnom for twelve months and then his soul will be transformed so that it is no longer punished but receives no reward. Such a person is cut off from the rewards of the afterlife; (3) the punishment due to a man who has performed the most serious of sins³² and is unrepentant—such a person will die early and will be punished in Gehinnom forever.

30. Isaac Abarbanel, in his commentary on the Torah (*Bemidbar* 15, response to question #7), offers a very full account of seven views about *karet*, illustrating, in his usual fashion, the difficulty of reconciling all the relevant texts. There are also the complex issues (1) about the relation between the thirty-six sins that deserve *karet* and the list of sinners who have, according to the *mishnah* in *Sanhedrin* and the accompanying talmudic text, no share in the world to come and (2) the relation between sins that deserve *karet* and sins that receive death at the hands of Heaven (*mitah bi-yedei Shamayim*). These issues lie beyond the scope of this essay.

31. Sa'adyah has little to say on this point. In IX: 9 (p. 351) he seems to treat *karet* as primarily a matter of this world, although he allows for *karet* in the world to come as well. Abarbanel (*Be-midbar* 15) shows that both Rashi and Tosafot, despite their differences in interpreting *karet*, also thought that *karet* was primarily a punishment in this world.

32. We leave aside the complex issue of which are these most serious sinners.

Because he dies early, he is cut off from this world. Because he never escapes Gehinnom, he is cut off from the world to come (at least, from its positive components). These are the sinners who receive double *karet*.

On this account, there is nobody who deserves to be punished whose soul is merely extinguished. They either are punished by dying early, or, at the time of their death, they enter the world of the souls and are punished according to the scheme just outlined.

c. How Many Fates?

In his account of *karet*, Nahmanides seems to recognize at least four fates of the soul:

a. The unrepentant most serious sinner—eternal torment in Gehinnom.

b. The unrepentant committer of a grave sin (one which deserves *karet*) who is predominantly a sinner—twelve months in Gehinnom followed by neither reward nor punishment.

c. The unrepentant committer of a grave sin who is not predominantly a sinner—his life is cut short, but he receives the rewards he deserves postmortem.

d. Those who deserve no punishment—are immediately rewarded

But in the passage we quoted above from *Sha'ar ha-Gemul*, he seemed to have recognized still a fifth group (those who cry for a short period of time and then ascend and are rewarded somewhat). At the very beginning of *Sha'ar ha-Gemul* (p. 265), he explains that this refers to those who don't fulfill some positive commandments (like wearing *tefillin*)³³ but who are not predominantly sinners.

But in these matters, nothing is so simple. To understand Nahmanides' point, and the debate which it occasioned, we need to refer to a crucial talmudic passage (*Rosh Hashanah* 16b-17a) which mentions those sinners who briefly cry and then ascend, but also introduces another category of sins, the sins of the body (failure to put on *tefillin* in the case of Jews, sexual sins in the case of non-Jews). How is all of this to be fit together?

In an attempt to further the Nahmanidean program of reconciling all texts where possible, several of the major *rishonim* offer fuller

33. The talmudic passage upon which this is based (to be discussed below) mentions only *tefillin*, but Nahmanides expands that to cover all positive commandments. At the same time, following Alfasi's version of the text, he narrows it to those who never observed the positive commandment.

accounts. Perhaps the most well known is that of Rosh who attempts (*ad loc.*) to incorporate all of the material in *Rosh Hashanah* 16b-17a into one integrated scheme of six categories:

- The righteous—immediately rewarded
- Those who are not predominantly sinners
 - are judged as righteous if they have not committed sins of the body.
 - If they have, they descend to Gehinnom, cry, and then ascend.
- Those who are predominantly sinners.
 - If they have not committed sins of the body, they descend to Gehinnom for twelve months and then ascend to receive their rewards.
 - If they have, they are punished for twelve months in Gehinnom and then they are neither rewarded nor punished.
 - Heretics and informers descend to Gehinnom and suffer there forever.

It is difficult to precisely compare the two lists, but the following comparative observations seem in order: (1) Naḥmanides is primarily trying to incorporate the issue of *karet* into his account, while Rosh is primarily trying to incorporate the issue of sin of the bodies; (2) their views on those who are not primarily sinners are very similar, except that Naḥmanides explains that *karet* for them is in this life; (3) the major difference has to do with the rewards of the people who are primarily sinners. Rosh believes that after twelve months of punishment, some of them (those who have not committed sins of the body) go to Gan Eden to receive rewards for their good deeds, but Naḥmanides makes no provision for this, insisting that all predominant sinners are never rewarded for their good deeds.

d. Naḥmanides' Philosophical Argument against Maimonides

In his account of *karet*, Naḥmanides offers an argument which precludes the Maimonidean theory that the souls of the sinners no longer exist. He is explaining why the Torah mentions *karet*, but does not mention the reward of eternal life for the righteous. According to this explanation, the Torah mentions what is unnatural (*karet*) but not what is natural (eternal life). The eternal life of the soul is natural because it is

not a composite entity which goes out of existence when its components separate; since this is really the only way to go out of existence, the soul cannot naturally do so.

This argument, of course, is not a new argument. Plato already offers such an argument (*Phaedo* 78b) and it has a long history. Its lengthy history does not, of course, guarantee its soundness. Why should one believe that a requirement of going out of existence (separation of components) developed to explain how material objects go out of existence should also be applied to souls which do not have components? Perhaps they go out of existence in some other way.

B. The Development of the Nahmanidean Tradition

Nahmanides, and those who followed him, were the ones who took seriously the talmudic discussion of twelve months punishment in Gehinnom followed by, at least in some cases, reward in Gan Eden. It is this, of course, that connects the Nahmanidean tradition with the custom of mourners saying Kaddish for deceased parents during the year after they die. For the purpose of the mourners leading the services and saying that Kaddish is usually understood to be their lessening or eliminating the punishment in Gehinnom of their parents. All of this is based, as is well known, on the *midrash* about R. Akiva. There were some who opposed this whole idea, as pointed out by Solomon Freehof:

The whole concept of the living helping the dead would have been strange to the philosophic minded Sephardim, or certainly to their intellectual leaders. Abraham b. Hiyā (Barcelona, 12th Century) may have heard of this Ashkenazic custom. At all events, in his *Hegyon ha-Nefesh*, p. 32, he said, "So anyone who believes that after his death he can be benefited by the actions of his sons and their prayers for him, is harboring false ideas (i.e., self-delusion); for we do not find in the Torah any citation from which we can derive that any action of the living in this world can benefit the dead."³⁴

But this type of intellectual opposition had little influence, and the custom spread through the Jewish world.³⁵

34. Solomon Freehof, "Ceremonial Creativity among the Ashkenazim," *Jewish Quarterly Review* 57 (1967):214-15. Abraham b. Hiyā was a notable figure in the history of medieval mathematics, but *Hegyon ha-Nefesh* is a devout set of sermons concerning repentance and purity.

35. A detailed history of the acceptance of this custom, and of variations on it, would be highly desirable. The guess is supported by the research of David Golinkin." How Long Should a Child Recite the Mourner's Kaddish for a Parent?" <http://www.>

But a strange transformation of this custom occurred. I have yet to discover its exact origin; it is codified in the glosses of Rama (*Yoreh De'ah*: 376:4): "The custom is to say Kaddish and lead the prayers for only eleven months in order not to classify their fathers and mothers as sinners, for the judgment of the sinners is twelve months in *Gehinnom*." Given that this occurs in the midst of a discussion about many other matters related to saying Kaddish, where the sources are primarily those of central and eastern Europe in the fourteenth and fifteenth centuries, my guess is that this represents a custom which established itself at that time and then became more universally accepted.

A good contemporary formulation of this custom is found in the following internet rabbinic response:

The Talmudic Sages teach that the maximum that a very wicked person is punished in the afterlife in *gehinnom* is 12 months. The public recitation of Kaddish shields the departed soul from this punishment. Hence, Kaddish is recited during the first year after a parent's passing. However, the custom is to recite Kaddish for 11 months only. Saying Kaddish the entire 12 months would give the impression that the deceased was a very wicked person who needs protection the entire 12 months. So, unless the parent specifically requested it, or unless it's known that the parent was a willful transgressor, Kaddish is said for only 11 months.³⁶

Two interesting points³⁷ need to be noted about this custom: (1) The kabbalistic view of the Ari was that Kaddish also helped the deceased rise in their location in Gan Eden, and on that account, Kaddish should be said for all twelve months. *Keneset ha-Gedolah* agreed, but suggested that the mourner stop saying Kaddish one week before the end of the twelve months so that people not suspect that he is classifying his parents as a sinner; (2) If the mourner knows that the parent truly was a sinner who deserved twelve months of punishment in Gehinnom, then the mourner should say Kaddish for all twelve months. This latter point is incorporated into the just-cited rabbinic response.

This contemporary custom is, however, highly problematic for at least three reasons. To begin with, the relevant texts (the *mishnah* in

schechter.edu/responsa.aspx?ID=72. See also David Shayovitz, "You Have Saved Me from the Judgment of Gehenna: The Origins of the Mourner's Kaddish in Medieval Ashkenaz," *AJS Review* 39,1 (2015): 49-73.

36. http://ohr.edu/ask_db/ask_main.php/236/Q3/.

37. These points are cited in the commentaries on that passage in 376:4.

Eduyot and the talmudic passage in *Rosh Hashanah*) do not mention this idea that twelve months in Gehinnom represents the maximum of the duration of punishment; they merely say that punishment in Gehinnom lasts for twelve months. Some might infer that this is what must be meant since some sinners clearly deserve more punishment than others. This is a poor inference: all sinners might be punished for the same duration but the suffering of some might be greater than the suffering of others. Secondly, there is no indication where eleven months came from. But thirdly, and most importantly, as soon as the mourner says Kaddish for a short time after the burial of the parent, the mourner has already proclaimed that the departed was predominantly a sinner; whether you adopt the view of Nahmanides or the view of Rosh, unless the deceased was predominantly a sinner, the deceased descends to Gehinnom for a short period of time and then rises to Gan Eden. The only way out of this dilemma is to invoke the Ari's idea that leading the prayers and saying Kaddish is designed to elevate the soul of the departed in Gan Eden, but then mourners should continue to say Kaddish for all twelve months, or at least for 11 3/4 months.³⁸

III. Reflections

There are those who think, contrary to the view of Maimonides quoted above, that there is in matters of philosophy, as well as in matters of Halakhah, a final *pesak* which indicates which views are normative in Judaism and which views may no longer be held.³⁹ If this is true, then some version of the Nahmanidean approach is the norm. To begin with, it incorporates much more talmudic material than the

38. Chaim Binyamin Goldberg, *Mourning in Halachah* (Brooklyn, NY, 1991), 352, reports that this is what *Ketav Sofer* did when he was saying Kaddish for Hatam Sofer. My attention to the contemporary attraction of this idea was prompted by a remark in Leon Wieseltier's *Kaddish* (New York, 1998), 136, claiming that Ari was reported to hold that the view that Kaddish saved the dead from Gehinnom was a belief of the masses, while the refined view was that Kaddish raises the status of the dead in Gan Eden. This view also justifies the customs surrounding the *yahrzeit* of one's parents, although another explanation will be offered shortly.

39. I assume that this is the point of Rabbi Bleich in *The Philosophical Quest* (Jerusalem, 2013) that "matters of belief are inherently matters of Halakhah" (12) and therefore that certain beliefs once held by recognized authorities are now no longer legitimate options (13). Cf. Marc B. Shapiro, "Is there a 'Pesak' for Jewish Thought?," in *Maḥashevet Yisrael ve-Emunat Yisrael*, ed. Daniel J. Lasker (Beersheva, 2012), English section, 119-40.

alternatives we have considered. More importantly, it is reflected in the traditional liturgy. More even than codes of law or books of religious thought, which may be accessible only to limited groups within a community, the regularly recited liturgy is accessible, and familiar, to most members (especially since it is usually available in translation), and plays a major role in shaping what is normative in both practice and belief. And the traditional liturgy, with its many references to Gan Eden and Gehinnom, clearly reflects the Naḥmanidean approach, since these ideas are minimized in the writing of Sa'adyah and Maimonides. The most prominent example of this is the recitation of the Yizkor prayers on the holidays, where the prayer is that the deceased find their resting place in Gan Eden. What is striking is the lack of any reference in those prayers to the resurrection of the dead. This is in sharp contrast to the Kaddish recited right after the burial of the deceased, where there is an explicit reference, but in Aramaic, to the resurrection of the dead, with no reference to Gan Eden. Tur (376:4) records from Naḥmanides an earlier burial tradition in which the resurrection of the dead was given even greater prominence. I will offer below a hypothesis about why the difference in emphasis between these prayers (and also why the *Amidah* mentions only the resurrection and not Gan Eden). For our purposes now, it is sufficient to note that the Naḥmanidean tradition is the tradition assumed in these regular prayers for the deceased. And it is those texts which shape the view of the afterlife championed by traditional Jews.

As an Orthodox Jew, I am committed to the tradition which preserves with equal importance the belief in Gan Eden/Gehinnom and the resurrection of an embodied person. I believe that our tradition has settled the question and that Gan Eden/Gehinnom and the Resurrection of the Dead are equally normative positions for Judaism. What I want to do is to reopen a philosophical discussion in which our predecessors engaged. My question is whether the views of Naḥmanides and Rosh are the only way to incorporate both normative positions. My troubles with such a fusion are both textual and philosophical.

The textual difficulty is straightforward: how can the Naḥmanidean tradition explain the passage in *Rosh Hashanah* which is the basis for Rosh's summary of human fates based on the Naḥmanidean approach? The passage is clearly talking about judgment after the resurrection of the dead, as is stated by both Rashi and Tosafot, since it is based upon the passage in Daniel, and yet it discusses judgments as to who goes to

Gehinnom for how long. If, as Nahmanides says, Gehinnom begins right after death and long before the Resurrection, this makes no sense.⁴⁰

There are also straightforward philosophical difficulties which I would formulate as follows: (1) *The double-header problem*: Why is there a need for two forms of reward and punishment (one which begins immediately or shortly after⁴¹ one's death in a disembodied existence in Gehinnom and Gan Eden and the other in an embodied fashion after the resurrection of the dead)?⁴² (2) *The return to the body problem*: What is the gain to the righteous dead from being resurrected to a bodily existence when they already exist in a spiritually superior disembodied afterlife?

These difficulties make the Maimonidean position on the resurrection particularly problematic. On his account, the souls of the righteous are already receiving their highest rewards in *olam ha-ba* after their death. What is the additional reward of being resurrected? Moreover, it seems like a punishment, rather than a reward, to resurrect them into a truly bodily existence for some period of time before they die and go back to their true reward. Sa'adyah, on the other hand, did not face either of these problems. Leaving aside a few anomalous passages discussed above, there really was for him only the reward or punishment at the time of the resurrection and it had to be experienced by an embodied person because only such a person can experience thoughts, feelings, and so on. But how can the Nahmanidean tradition deal with these issues? First, there is the point stressed by Maimonides that talking about a body that is not engaged in bodily activities is foolish; why is it a body? Secondly, why is there a need for a resurrection in an embodied fashion, if the body in that resurrection is living like a soul? The most we get is the claim that there is a metaphysical importance to the body, but we get no clear account of what that might mean. None of these points is intended as a decisive critique. How could any be, if we don't know what is the metaphysical significance postulated by Nahmanides? But the points are certainly enough to make us wonder.

40. A question related to this, about why there is a need for two judgments, one for disembodied existence and one for resurrected existence, is asked by Tosafot, *Rosh Hashanah* 16b, s. v. *le-ha-yom*.

41. This depends upon one's beliefs about the "pangs of the grave."

42. In raising this question, I am assuming that there is no need to punish the body for its sins, a suggestion that has often been advanced. It is persons who sin, not bodies, even if the person acts by means of the body, so there is no point to punishing the body.

There is an even deeper philosophical question to put on the table. As we saw above, the activities of the person (for Sa'adyah) and for the *neshamah* (for Maimonides) require a body to be performed. These activities include psychological activities. It is only Maimonides' *nefesh* and the whole Nahmanidean view of the *olam ha-neshamot* which introduces a substance dualism. I would like to see if the views of Orthodoxy can be developed without such a dualism.

So let me turn to a modified account which I have been developing and which I find attractive, although not without its own issues. This account is based upon Sa'adyah's basic thoughts about the human person, but it preserves, following Nahmanides, an equal commitment to both a belief in the resurrection of the dead and a belief in Gehinnom and Gan Eden. It totally avoids both the double header problem and the return to the body problem and it resolves the textual issues raised by the passage in *Rosh Hashanah*. It does all of this by adding some additional thoughts from Maimonides, Rosh and Ḥasdai Crescas.

The account can be summarized in five basic points:

1. As Sa'adyah said, the activities of a human being, even the psychological activities, require that the human being be embodied.
2. If then we are to live and act again after we die, we must be embodied. This is why the return to the body as a physically functioning body is necessary. But there is no reason why the body we then inhabit is the same body that we originally lived in. What is important is that the person be resurrected in a body, not that the old body be resurrected.⁴³
3. The categories of reward and punishment presented by Rosh as a summary of the passage in *Rosh Hashanah*, are maintained as is, but they describe the different fates of the person once resurrected, which is what Gehinnom and Gan Eden are about, not their fates immediately after their death.

43. This was an important realization put forward by Ḥasdai Crescas. See the passage from Crescas in Bleich, *With Perfect Faith*, 675-76. See also his discussion there of the issue of personal identity, a discussion I hope to elaborate upon in a purely philosophical article.

This difference is one of the crucial ones between my position and Sa'adyah's. Another is that, following Rosh, I maintain a whole schedule of punishments of differing extents depending upon the whole record of the sinners, where Sa'adyah does not.

4. While part of the reward of the resurrected human being is the vision of the Divine which all of our authors stress, there are also bodily rewards of a refined type, so the resurrected person is truly an embodied person. This captures Maimonides' view about the resurrection and Sa'adyah's view about the first resurrection.

5. In the Kaddish at the cemetery, when we are trying to console the mourners, the emphasis is on the fact that the departed will live again. On a daily basis, we praise God for that promised resurrection. But at Yizkor and on *yahrzeits*, when we pray for the dead (leaving aside the qualms expressed by Abraham b. Ḥiyya), we are not praying for their resurrection, which is assured unless they are the sinners who have no share in the world to come, but for their being in Gan Eden when they are resurrected. These prayers are therefore given meaning without having to invoke Kabbalistic conceptions of souls ascending from one level of Gan Eden to some higher level.

If one reflects upon these claims,⁴⁴ one can see that they have much in common with the views of Nahmanides in stressing both Gan Eden/Gehinnom and the resurrection, but there are three crucial differences:

- There is no *olam ha-neshamot* which contains Gan Eden and Gehinnom and in which souls reside until the Resurrection. Gan Eden and Gehinnom are parts of the world to come after the Resurrection;
- The bodies in which people are resurrected are not their original bodies (who would want those blemished ones?), but are new bodies associated with the same person;
- These embodied persons, when they are rewarded, engage both in a vision of the Divine and in normal bodily activities which give them pleasure and which are part of their reward.

This summary leaves open one crucial question and one associated issue about the liturgy. What is the fate of the person between their death and the resurrection? And what is the purpose of the mourner's recital of Kaddish and other prayers during the year after the person's death? These are two separate questions. After all, Sa'adyah faced the former but not the latter, since it is unlikely that

44. See the table in the appendix to this paper to help clarify these relations.

the practice of the mourners saying Kaddish was part of the liturgy in his days.

On the first ontological question, there are two possibilities that need to be considered. One is a more traditional position developed by Sa'adyah that although persons can act only as embodied creatures, and are really rewarded and punished only after the Resurrection, there is a component of the person that is immaterial and survives "under the wings of the *Sheḥinah*" until the time of the resurrection. This position leaves the ontology of this component of the person unclear, in a way similar to the unclarity of the view of the survival of the Active Intellect in medieval Jewish philosophy. The second is the position recently explored by some contemporary philosophers that the person's existence is "gappy."⁴⁵ Persons exist before they die and exist again after they are resurrected in a different body, but do not exist between those times. The persons in question are not, of course, aware of this gappiness; their awareness is of their dying and then of their resurrection. So we can leave as open both dualist metaphysics of the person and an emergentist gappy metaphysics of the person.

But what about the mourner's Kaddish and other liturgical practices associated with mourning? I would make the following observations:

- We need to always keep in mind that these practices, while so pervasive in Jewish life (they are often the only reason why a daily minyan can be maintained in many smaller communities), are based only upon a modest midrashic source.
- As I have argued above, they are highly problematic in light of the opinions of the *rishonim* about punishment in Gehinnom, unless we assume that most Jews who die were predominantly sinners.
- Ari described the common views of the purpose of these practices (to alleviate suffering in Gehinnom) as the views of the vulgar, and offered an alternative account.
- There is still another alternative which I prefer and which I believe fits in better with the text of, and with the experience of many reciting, Kaddish. As has been noted so many times, the Kaddish we normally recite in shul says nothing about death (though the version recited at the cemetery and at a

45. See <http://www.iep.utm.edu/resurrec/> for a discussion of a variety of views of this sort.

siyyum does). It glorifies Hashem's kingship and prays for His bringing peace in this world. For mourners, but not necessarily only for them, this means among other things peace from the suffering and loss they feel and peace in the belief that they will ultimately be reunited with their loved ones at the time of the Resurrection.

What do all these reflections mean? As I claimed in the beginning of this paper, belief in postmortem reward and punishment is essential for any theistic belief in a just deity. In Judaism, the central component of that belief is a belief in the resurrection of the dead, a belief in the reembodied existence of the deceased. That is why we praise God in our daily prayers for doing that in the future. This resurrection is the central reward for the righteous, and Maimonides' account of it fails just because it makes the resurrection a mere interlude in eternal disembodied existence. Sa'adyah is in a stronger position on this issue, since he emphasizes reward and punishment taking place after the resurrection. His views about the essentially embodied nature of human action, even psychological action, help us see why this must be so. But he, like Maimonides, fails to properly incorporate into his system the beliefs in Gehinnom and Gan Eden, which are so common in talmudic and midrashic sources. Naḥmanides' great contribution was to synthesize all of these beliefs into a single system. But it faced its own problems, both philosophical and textual. Moreover, it required a form of dualism which may be problematic, primarily because it misses Sa'adyah's realization that human agency requires human embodiment. So I offered an alternative, one which sees punishment in Gehinnom and reward in Gan Eden as occurring after the resurrection and one which incorporates Maimonides' insight that bodily resurrection is pointless without bodily activities and bodily pleasures. This alternative provides, I believe, a good understanding of liturgical practice. I am offering this alternative as a starting point for further reflection, rather than as a definite proposal, and I hope that this article will help stimulate that further reflection.

APPENDIX

The chart on the following two pages summarizes the positions and arguments discussed in this paper.

	<i>IMMEDIATELY AFTER DEATH</i>	<i>BETWEEN DEATH AND RESURRECTION</i>	<i>RESURRECTION OF THE DEAD</i>	<i>PROBLEM AREAS</i>
SA'ADYAH	Soul separates from body, sometimes suffering varying pangs of the grave	Souls are stored. (? Different storage places)—no reward or punishment	Two resurrections—the first is for Jews only, and those who merit it live a fully embodied life; the second, which is the world to come, is for all, and those who merit it are living a spiritual embodied existence while others are punished.	(1) status of disembodied soul; (2) lack of attention to important talmudic passages about Gehinnom and Gan Eden.
MAIMONIDES	Sinners no longer exist—righteous souls enter into the world to come (purely disembodied state).	continuation	Sometime before, during, or after the messianic era, a fully embodied life ending in a return to the world to come. However, the resurrected die again, so the embodied state is not ultimate.	(1) lack of punishment for those who have sinned but don't deserve to go out of existence; (2) unclear purpose of resurrection of the dead; (3) lack of attention to important talmudic passages about Gehinnom and Gan Eden.
NAHMANIDEAN TRADITION	Separation of soul, which goes to the world of the souls, from the body.	World of the souls—punishment for various levels of sin; then, with the exception of the most serious sinners, reward of various degrees or at least no further punishment. Rosh provides the most systematic analysis—all this relates to Gehinnom and Gan Eden.	This is the world to come. Spiritual embodied life for all who deserve to be rewarded.	(1) no real explanation of why a return to the body; (2) does not clearly fit with text in <i>Rosh Hashanah</i> .

	IMMEDIATELY AFTER DEATH	BETWEEN DEATH AND RESURRECTION	RESURRECTION OF THE DEAD	PROBLEM AREAS
VARIANT VIEW TO BE CONSIDERED	Embodied person goes out of existence.	Either souls are stored (as Sa'adyah says) or they don't exist. (gappy view)—no reward or punishment	<p><i>This is the world to come:</i> A fully embodied life consisting of punishment for various levels of sin; then, with the exception of the most serious sinners, reward (including physical pleasures as well as knowledge of the divine) of various degrees or at least no further punishment. Rosh provides the most systematic analysis—all this relates to Gehinnom and Gan Eden.</p>	(1) uncertainty of status between death and resurrection; (2) good on some liturgical practices but weak on others (this weakness shared with other views).