Shemot. Exodus XXXII

When moses returns with the law on the tablets, the contents of the law have little real meaning to the people to whom he is bringing them, except for the first commandment. We don’t see them translate into moral issues that figure in the narrative of the Torah that follows. But I am the lord thy god that took you out of Egypt does. This is not a law, not a commandment, but a statement. The import of the statement is that god is saying, I am here before you, I am the foundation for the law you are about to receive. Before me, you are my people. Therefore, who you are is determined by your being in a state of confronting god. Everything about the tabernacle and altar etc, all those details in what moses communicates to the b’nai Israel, about what to build, to do, and their situation in the Sinai, is ultimately only about life facing god as a presence, the Law as a force, not as a legal list of actions to take or not to take.

That life, in the face of the force of a law without specific contents, life alone in the desert, is like life outside normal society where we go about our business, our relationships, our routines. It is life lived without purpose or meaning. It is what agamben calls “bare life” and he thinks of such life as that which the inmates of the concentration camps had, where they too had no purposefulness to their acts or existence, and confronted a force that had no specific rules they could obey in order to accomplish the purpose of the law, which is to created an ordered society.

This is not how we normally think of life or law, but that is the life the b’nai Israel had, and that was the import of moses’s role, to convey to them that they lived in relation to that which had no specific contents, just a force that conveyed rule or law.

The Nazis commanded, and the jews in the camp understood they had to obey or die. The nature of the commandment was not based on a social contract; it was an existence outside the social contract. The same was the case with moses, although it was not based on an understanding of the inferiority of the jews, but rather their special relationship to god. Agamben calls it the State of Exception.

This can be compared to the man from the village who comes before the door of the law, besides which sits a gatekeeper. The man asks the gatekeeper if he can enter, but the gatekeeper says he cannot grant him entry at the moment. The man asks if he can come later. The man tries to see inside, but the obstacles to gaining a glimpse inside, with additional gatekeepers keeping guard discourages him. When the gatekeeper sees him trying to see inside, he laughs and says, “If it tempts you so much, try going inside in spite of my prohibition But take note, I am powerful. And I am only the most lowly gatekeeper. But from room to room stand gatekeepers, each more powerful than the other. I cannot endure even one glimpse of the third.” So the man waits. The gatekeeper gives him a stool. There he sits, says Kafka, for days and years. He grows old and feeble, before the door. When he asks, finally, after all that time, why no one else has come to ask admission, he receives this response: “Here no one else can gain entry, since this entrance was assigned only to you. I’m going now to close it.”

Moses too wanted to see what was there, and was denied. And as Moses stood there, forever standing in front of the gate, down below the children of Israel waited for his return. Moses begged to see just a little, and was placed in a cleft in the rock. But only the back was shown. No one could see the face of the law, the identity of the force of the law that could not have a face that could be seen. Instead, its lineaments were carved on the stones that moses was to break when he returned down the mountain.

Below, they knew they had escaped from the Pharaoh, and his rule. There was no name for that rule, so they called it freedom and slavery, and they danced to celebrate their end of enslavement. They took all they had that was gold, brought it into the square, under the shadow of the mountain, and gave it to the goldsmith. And even though they were encircled by the shadow of the mountain, with its giant boulders, its old gatekeeper sitting on high over them, warning them of the dangers of destruction should they try to enter, should they try to put even one foot on the mountain, they didn’t leave.

Instead, they dance, they sing. They put flowers in the barrels of the guns. They lie under the fearful iron treads of the tanks. They put their hands around their brothers and sisters, and join in a hora, they sing havan aggilah, and they remember the hardships and cry, holding each other up.

The created something other than life before the law. Or rather, because they could not climb the mountain, could not enter past the gate, because the gate wasn’t even for them, because they were now free to dance, because there was this one moment of freedom that they had carved for themselves after 40 years, 400 years, 4000 years of being Jews in the desert, they let themselves go, let all the gold go to create a form to which they could now see themselves in their joy. And when the service was over, they ate, they drank, and they expressed their joy.

The force of the law could not tolerate one thing: being ignored. It was one thing to have the column of fire before the people’s eyes every day; another for the people to create their own being. God, yud heh vav hey, whose name even was, like the force of the law, not a name but that which designated the space of divinity, grew indignant, and told Moses he would destroy the people. But Moses argued against doing this, and god “repented of the evil which he said he would to unto his people.”XXXII: 13. Then moses and Joshua set about to return with the tables of the law. As they approached, the sound of joy in Tahrir square greeted their ears. Mubarak was already on his way to Sharm el Skeikh. Suleiman thought that the planes and tanks had done their work. But the men in the tank, all the junior officers, commanded to slaughter their brothers and sisters refused. They said, “It is not the voice of them that shout for mastery, neither is it the voice of them that cry for being overcome, but the noise of them that sing do I hear.” XXXII, 17-18.

The tablets fell out of moses’s hands and broke. They saw the golden calf, and on its side were inscribed the same words that were to appear 3000 years later, in the Place de la Bastille. They said, “Ici, on danse.”