

ABSTRACT

WHY ARE THERE LAWYERS IN HEAVEN?: RABBINIC AGGADOT ON THE DIVINE COURTROOM

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Although the rabbis barred lawyers from their earthly courts, numerous aggadot nevertheless imagine the divine court as packed with advocates. This is especially curious considering that the Talmud is suspicious of adversarial court procedure because it does not promote honesty or lead to justice. This article argues that the rabbis nevertheless continue and expand upon Second Temple traditions that describe angelic advocates, because this system provides a mechanism for tempering the harshness of divine justice. The rabbis appreciated the power of rhetorical persuasion and adversarial advocacy and – although wary of them in human courts – found an important role for them in engendering God's mercy.

These findings will confirm the complex and nuanced approach of Talmudic sources towards truth and rhetoric that we have developed in previous papers. The rabbinic heavenly court contrasts sharply with that of Plato, who describes a heavenly court without advocates or rhetorical persuasion but based on absolute naked truth. The rabbis instead promote a tradition that God wishes to have mercy and therefore permits and encourages advocacy and rhetoric typical of Roman courts precisely because of their ability to sway from strict justice toward leniency.