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For the Enrichment of Jewish Thought

Halakha, Hermeneutics and History

*Between the Babylonian and
Palestinian Talmuds: Accounting
for Halakhic Differences in
Selected Sugyot from Tractate
Avodah Zarah*
by Christine Elizabeth Hayes
New York: Oxford University
Press

A Review Essay
by W. David Nelson

Historians of religion are united by a common difficulty inherent in the very nature of their scholarly enterprise—how to make judicious, informed and proper use of primary religious documents and texts for their research endeavors. That is, historians of any given religious tradition inevitably must turn to that tradition's religious writings, to glean support for their specific insights into the development of the religion over time. The problem, of course, is that religious texts are hardly the most reliable sources to solicit historical accuracy. As sources of divine revelation, religious texts are preoccupied most often with agendas other than serving as repositories of historical accuracies. This does not necessarily preclude the possibility that religious texts preserve historical information, or even the possibility that the information they preserve is often accurate. The crux of the issue, however, is that religious textual traditions most often acknowledge and abide by a different standard of truth; namely, *religious or revelatory* truth and, as such, they operate under vastly different standards of historical precision than those that predominate in the academy.

For historians of Rabbinic Judaism in its formative period (i.e., the first six centuries of the Common Era), this is a most acute reality. The most valuable source of information available are the religious traditions that the earliest rabbis produced, studied, manipulated and, ultimately, preserved in

writing for posterity. The massive corpus of classical rabbinic literature is an enticing one for the historian of Judaism. Beginning with the Mishnah and culminating with the Babylonian Talmud (hereafter: *Bavli*), the earliest literature of the earliest rabbis encompasses six centuries of religious tradition preserved in a variety of genres concerned with a most impressive panoply of issues. There are, of course, other extremely valuable sources of information available for the study of early Rabbinism—Roman historical and legal texts, the literature of early Christianity and archaeological finds, to name but a few. But valuable as they are, these sources ultimately do not provide the access into the collective mindset and worldview of the earliest rabbis that their own literary traditions do. Rather, it is rabbinic literature that can inform most directly about the changing historical circumstances, cultural concerns, thoughts and issues, and religious responses of the early rabbinic communities.

It comes as little surprise, therefore, that scholars of Judaism have turned to the corpus of classical rabbinic literature for support in various historical endeavors, particularly during the past century and a half. Moreover, all the textual components of the corpus have been subjected to such treatment; it has mattered little whether the text is halakhic, aggadic, talmudic or midrashic. For example, scholars such as David Zvi Hoffmann, Chanoch Albeck, J. Epstein and Ezra Melamed buttressed their ambitious historical reconstructions of tannaïtic and amoraic rabbinic schools and hermeneutical practices with their evaluations of the halakhic midrashim. Other scholars, such as Ephraim Urbach, Gedaliah Alon and Louis Ginzberg, have tended to rely more (although by no means exclusively) on talmudic

sources for their insights into the social, religious and political changes in early Rabbinic Judaism. Virtually all components of the corpus have been the subject of Jacob Neusner's documentary evaluation, in his quest to reconstruct the philosophical and theological development of early Rabbinism.

But the employment of rabbinic sources for historical insight is an imprecise endeavor, one that is hampered by the very goals and concerns of the literature itself, which are anything but historical. Rather, rabbinic texts are most accurately characterized as *hermeneutical* literature, repositories of tradition that aim to discern God's will in interpretive fashion. In some way, shape or form, and in varying degrees, all the texts of the classical rabbinic corpus utilize interpretive practices to make their points. The Tosefta often comments on and interprets the Mishnah. The various classical midrashim all interpret the Hebrew Bible. The Jerusalem Talmud (hereafter: *Yerushalmi*) and the *Bavli* are structured as massive, encyclopedic interpretations of the Mishnah. Even the Mishnah itself, so overwhelmingly characterized by its apodictic legal pronouncements devoid of overt scriptural support, is, nonetheless, a broadly based commentary on themes and issues dictated by the Hebrew Bible.

Moreover, rabbinic texts are chronologically agglomerative, tending to incorporate, build on, alter and interpret antecedent texts and traditions. Finally, the principles and rules that govern the interpretive processes in all these texts are often complex, confusing and, according to modern literary sensibilities, bizarre, absurd and dubious. In short, classical rabbinic texts are intertwined in labyrinth fashion, governed by considerations other than historical veracity and, ultimately, are based on the presumption that all they do and say serves to reveal and explicate the absolute truth sent by God to Moses at Mount Sinai. They are, indeed, extremely difficult sources from which to glean historically reliable information.

In *Between the Babylonian and Palestinian Talmuds*, Christine Hayes attempts to devise and employ a reliable method for deriving historical insights into the emerging rabbinic communities in ancient Pales-

IN THIS ISSUE

- *Halakha, Hermeneutics and History*
- *Dialogue in Pursuit of Social Action*
- *Rabbis, Society and Historiography*
- *Was Herod a Jew?*
- *Noteworthy Books*

tine and Babylonia, by focusing on deviations in the parallel legal pronouncements concerning idolatry preserved in each community's respective talmudic tractate *Avodah Zarah*. Or, as Hayes phrases it, she wishes to determine "the degree to which and the manner in which legal differences between the two Talmuds may be utilized for the purposes of historical reconstruction of talmudic culture" (p. 3). The Yerushalmi and Bavli often conflict on either a grand or minute scale in matters of derived Jewish law; the question for Hayes (and many other historians of Judaism during the past century) is to what extent one may attribute these differences as responses by each community's rabbinic leadership to immediate historical circumstances and realities.

Hayes is motivated in this work by a desire to avoid the methodological mistakes she believes have been made previously by scholars interested in the same question. In this work, she claims to "argue against a reductive brand of historical analysis which

implicitly paints a portrait of tannaic rulings as the *de novo* creation of the rabbis in response to pressing social, economic or national crisis" (p. 6). In Hayes' opinion, previous scholars have erred by identifying legal differences between the two Talmuds and simply fabricating putative historical reasons that motivated the rabbinic alteration of the law. For Hayes, these attempts failed to consider the exegetical impulses driving the Talmuds in their legal interpretation and the very real possibility that the texts' divergent legal pronouncements might be the result of hermeneutical considerations. "Differences between the Talmuds," she writes, "are thus often traceable to the indeterminacy of the hermeneutic endeavor and also to diverging legal analysis and argumentation" (p. 25).

To glean verifiable and reliable historical information about early rabbinic culture from halakhic differences between the two Talmuds, Hayes devises the following plan of action. When confronted with a halakhic disagreement, one must first ascertain that the halakhic differentiation is not the result of "internal" causes, which Hayes divides into two major types: textual and hermeneutical. An example of an internal, textual cause of halakhic disagreement between the two Talmuds includes the very real possibility that the rabbinic communities in Palestine and Babylonia had at their disposal different versions of the Mishnah. Because the authorities were commenting on variant mishnaic traditions, it follows that their interpretation of those traditions would also vary. Hayes identifies a total of five types of textual causes of Talmudic legal differentiation.

Internal, hermeneutical causes of Talmudic disagreement result from different employment of the overarching principles of interpretation and commentary that govern the way in which the two Talmuds approach and treat mishnaic tradition. That is, both Talmuds, as components of the early rabbinic tradition of interpretation, operate in accordance with certain presumptions about how the Mishnah conveys its knowledge, and how to question and interpret the Mishnah when its meaning is uncertain. The distinct rabbinic communities that composed/redacted the Yerushalmi and Bavli approached their work of interpretation with both shared and unique presumptions, interpretive ploys and methods, and understandings of what did and did not constitute a normal "operating procedure" of rabbinic textual explication. In Hayes' opinion, legal variations between the two Talmuds can often be attributed to conflicting employment between the two texts of the hermeneutical norms that govern rabbinic interpretation of the Mishnah.

It is Hayes' opinion, therefore, that one may begin looking for "external" or historical explanations to differences in legal pro-

nouncements only once one has eliminated the possibility that the differentiations are the result of "internal" causes. However, Hayes goes even one step further, arguing that one may most assuredly posit historical/external causes for halakhic differences in those instances where the Talmuds employ hermeneutic principles that run *counter* to their norms of interpretation.

...an appreciation of the textual, hermeneutical, rhetorical and redactional factors that can produce halakhic differences serves not merely as a prophylactic against reductive historical analysis of halakhic texts; it also equips one to recognize deviations and interventions that may signal an extratextual stimulus for halakhic difference. *In short, sugoyt that feature a violation of exegetical norms or some other novelty invite cultural-historical analysis.* (p. 29, emphasis added)

Hayes' work culminates with her assessment of four legal differences between the Talmuds that she believes to be the result of external circumstances: (1) the reduction in the Bavli of the number of days before and after a non-Jewish festival during which a Jew is prohibited to conduct business transactions with non-Jews; (2) the authorization granted by the Bavli to the Jewish midwife to assist a non-Jew in birth; (3) the Bavli's stringency regarding social interaction between Jews and non-Jews; and (4) the Bavli's revocation of the prohibition against selling weapons to non-Jews.

This is an invigorating, challenging book—one of high intellectual merit that stimulates much thought. Hayes displays an impressive mastery of textual skills; her analysis of the migrational development of traditions throughout the various strata of the rabbinic corpus is extremely detailed and perspicacious. As much as possible, she manages to render extremely technical issues accessible to the reader; nonetheless, the work appeals primarily to trained scholars of Judaism.

It is worthwhile to take a moment, however, to consider how fully Hayes' ideas are founded on *written* conceptualizations of rabbinic literature, textuality and transmission of tradition. That is, her analyses of the migration of halakhic traditions from one stratum of the rabbinic corpus to the next, and her evaluation of the internal/hermeneutical causes for the differing interpretations of mishnaic tradition by the Yerushalmi and Bavli are fueled primarily by a chirographic vision of not only rabbinic textual production but also (and more importantly) rabbinic employment and transmission of their own learned tradition.

Historians of Judaism have long acknowledged that the earliest rabbis preserved, engaged and transmitted their traditions in both written and oral media. Within the first

Go

I don't want to die before I die

go
learn from the Holocaust if you can
study the Holocaust if you dare
immerse yourself in death if you must

surround yourself with darkness
permeate yourself with chaos
and inside your soul
you find death

eat too much
don't eat enough
the staffs of life do not mean
what they once meant
food tastes of death
staffs are used to beat
Jews to death

breath of life labors
asthma caused
by dust or by human ash,
or by the burden of death

Words are betrayers
Words cannot capture what they intend
Words hide from the beatings
Words surrender to the screams and the howls
Words satisfy the foolish who think they know
Words falsify the facts
Words spit blood
Words taste of death

I want to leave these words behind
I want to undiscover the Holocaust
I don't want to die before I die

—Robert Michael

centuries of its existence, Rabbinic Judaism promulgated the myth that the rabbis' own tradition of interpretation constituted a second, oral revelation given to Moses by God at Mount Sinai. As Rabbinic Judaism developed during the first six centuries of its existence, so did its self-empowering myth of Oral Torah, to the point that Rabbinism ultimately claimed the spoken word was the *sole* appropriate medium for the transmission, teaching and utilization of rabbinic tradition. Rabbinic tradition, according to the earliest rabbis, was given orally by God, transmitted orally throughout the centuries, intended to be memorized and recited aloud, and never to be written down.

Historians of Judaism have rightfully noted that the rabbis' portrayal of their own tradition is an idealistic one and that the Oral Torah undoubtedly flourished interactively from its inception as a mutually written and oral literature. However, despite acknowledging that rabbinic tradition clearly enjoyed a privileged oral existence among early rabbinic communities, most scholars of Judaism during the past century and a half have analyzed rabbinic literature overwhelmingly from written, compositional perspectives. From overly simplistic conceptualizations of rabbinic texts as mere verbatim written repositories of an otherwise oral tradition to full-fledged documentary approaches to the corpus, scholars have generally paid, at best, lip service to the oral/performative elements inherent in rabbinic formulation, teaching and transmission of tradition.

This is not to imply that previous scholarship on rabbinic literature has been entirely devoid of consideration of the oral aspects of rabbinic tradition. Many a scholar has noted the stark mnemonic formulation of mishnaic tradition, so overtly designed to facilitate memorization and recitation. Joseph Heinemann wrote extensively on the correlation between the proem as a midrashic literary device and rabbinic synagogal sermonic activity. Saul Lieberman explored the written and oral facets of the official publication of the Mishnah. However, prior attempts to delve into the oral aspects of rabbinic tradition were extremely limited in their scope and, more importantly, tended to view the two media of rabbinic tradition—oral and written—as mutually unaffected, independent phenomena.

In recent decades, however, scholarship on rabbinic literature has become more attuned to both the chirographic and oral elements of early rabbinic manipulation and transmission of tradition, attempting to perceive in the frozen literary evidence aspects of the cultural interaction between the rabbis as readers and writers, and the rabbis as memorizers and reciters. A growing array of scholars such as Birger Gerhardsson, Peter Schafer, Steven Fraade and Martin Jaffee have focused their efforts on understanding

more fully the influence exerted by the written, oral and aural components of rabbinic pedagogy on the creation, transmission, understanding and preservation of early rabbinic tradition. These diverse efforts all share in common the goal of situating rabbinic texts more completely into the religious and cultural process of *talmud torah*—the active, ongoing shaping and re-shaping, both written and oral, of rabbinic tradition that occurred in the dialogical society of early Rabbinism.

Many of the discoveries of these current research agendas have the potential to impact Hayes' study to a significant degree, particularly in her assessment of the internal/hermeneutical causes for halakhic differentiation between the two Talmuds. Research into the mutual impact of rabbinic oral and written manipulation of tradition has revealed that the *medium* of transmission and engagement of rabbinic tradition has a serious impact on the rabbis' understanding of their own inherited tradition. That is, the ways (both oral and written) in which the various generations of rabbinic sages regarded, engaged, transmitted, manipulated, taught and learned their own tradition influenced greatly their understanding of the material as well as how the tradition came to be preserved for, and understood by, future generations. Thus, where Hayes posits documentary causes for differences in related halakhic pronouncements in the two Talmuds (arguing, for example, that there were different versions of the Mishnah), it is becoming increasingly clear that the situation is a far more complex one.

Indeed, one of the most exciting and promising aspects of current research into the textuality of early Rabbinism is its comprehensive reevaluation of what the "text" was for the various generations of early rabbis. Prior scholarship on rabbinic literature has championed the primacy of the various textual components of the classical rabbinic corpus to an extent well beyond that allowed by what we know of early rabbinic culture. For the earliest generations of rabbis, tradition was as much, if not more, a fleeting, momentary, oral encounter as it was something fixed permanently in a written work. Thus, whether or not any particular anthology of rabbinic tradition was determinative or authoritative for any of the various generations of early rabbis remains uncertain and demands serious consideration.

Ultimately, additional thought of the reciprocal influence on early rabbinic written and oral manipulation and transmission of tradition will shed new light on the rabbis and the texts they produced and revered. The corpus of classical rabbinic literature will be understood less as a *magnum opus* of rabbinic tradition and more as a cultural byproduct of the fluid, dynamic world from which it emerged. By conceiving the literary evidence as more than the result of

strictly chirographic processes, scholars of Judaism will breathe new life into the study of this inert body of literature and shed new light on the ephemeral process of *talmud torah* it both preserved and fostered for future generations.

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Dialogue in Pursuit of Social Action

Martin Buber: The Hidden Dialogue
by Dan Avnon
Lanham, MD: Rowman & Littlefield Publishers Inc.

A Review Essay
by Earle J. Coleman

Dan Avnon's subtitle calls to mind the concealed or difficult-to-fathom aspect of Buber's writings. Such opacity is especially ironic because Buber is known as the philosopher of dialogue and because he earnestly wanted to communicate his thoughts on such momentous matters as the meaning of existence. To understand the concealment that marks his thought, one might first consider Buber's own words, "I have no teaching, I only point to something." Like the art critic who gestures toward a painting, Buber cannot give the essence of that to which he points. Moreover, Buber emphasizes relations and relationships over discursive reason. For Descartes's "I think; therefore I am," Buber substitutes "I relate; therefore I am." This shift renders Buber's message unavailable to the solely analytic mind. As Avnon carefully explains, Buber's self is not essentially a construct of thought; instead, thought is derived from the self. The innate desire to relate issues in language, words issue in thought and thought issues in speech. Thus a relational encounter is at several removes from its expression, for wordless relations precede the successive emergence of language, thought and speech. After all, the heart, not thought alone, is crucial to the I-Thou relation. According to Avnon, Buber criticizes Descartes for failing to recognize that his self-referential thoughts arise only from an original relation to being. And it is to the meeting between an I and a Thou that Buber points, an event that transcends conceptual language. Scholars such as Gershom Scholem strongly opposed Buber's favoring of intuitive, direct encounters over truths transmitted through language. But Avnon asserts that Buber recognized a kind of insight that is more primordial than

thought itself. As Avnon elaborates, Buber denies "that thought is the ultimate experience of presence in the face of being."

Even the seemingly objective matter of history becomes problematic in Buber's world view since he sharply distinguishes between "ordinary" or apparent history and "hidden" history. In the former, external deeds or events, which are animated by wealth and power, are thematic. In the latter, history is esoteric, for it is here that relational consciousness exists (i.e., the I has an existential encounter with the eternal Thou and the focus is on the law of the covenant rather than on the law of the land). For the above reasons, it was as inevitable as it was regrettable that Buber would fail to engage the general reader. Avnon notes that while Buber was unsuccessful at communicating his philosophy to the many, he did succeed in concealing his personal life from them.

It is clear from Buber's distinction between I-Thou relations, in which one regards others as free persons, and I-It relations, in which one regards others as determined objects, that the meaning of life resides in the former. For Buber, the eternal appears in the "between," in the relation rather than exclusively in the I or the Thou. Similarly, full-fledged love exists neither in the I nor in the Thou but in their intersection. Again beauty is neither strictly subjective nor strictly objective but relational. In short, union with the divine, love, beauty or anything of abiding human significance crystallizes only in and through such relationships. Of course, God exists both within the I and within the Thou but the divine comes to prominence only in the commerce between them. Buber further insisted that return to the divine was a personal experience that cannot be mediated by the actions of others. Not surprisingly, he was critical of Spinoza's view that it is impossible to relate to Elohim in the immediacy of life. Accordingly, Avnon identifies one of Buber's criticisms of Christianity: Its intermediary Jesus serves as "a barrier to the development of the direct, dialogical relation to being that the Hebrew tradition sought to retain." Of course, the Christian doctrine of the incarnation teaches that Jesus is the word made flesh and that one may immediately encounter his divine being in a personal experience.

Buber brought the I-Thou perspective to the Bible because he thought that one should experience the scriptures dialogically, hence allowing the text to speak to the reader who is able to "hear." He encourages readers to enter into a dialogue with the book and to recognize a further dialogue between and among its interpreters. One procedure, which Buber used in his approach to the Bible, consisted of searching for uncommon words. If an uncommon term appeared in several different Biblical texts, he studied them alongside each other to see if fresh meanings appeared. Thus Buber taught that

one must engage in a comparative reading of such passages if he is to fully grasp the import of any one passage as well as its unity with others. Naturally, one's task becomes gargantuan if she focuses on universal themes rather than recurring words, for this carries her to the literature of the world religions. Avnon emphasizes that the basic feature of the dialogical person is her presence to the other without eliminating the presence of her self. With an I-It perspective, one distances himself from the other and this separation entails the absence of a genuine relation. As Avnon observes, one's alienation from the other can assume horrific proportions. To illustrate, Buber regarded Hitler as the "demonic You," for he could only relate to his own interests rather than to any Thou.

Just as the I-Thou relation precludes one from self-centeredness, the ego must be suppressed if one is to relate to a community. For the nation state, Buber wished to substitute "a community of communities." Readers of *I and Thou* will not be surprised to learn that the members of a genuine community must be oriented toward a divine center, namely "the eternal Thou." In addition, members of the ideal society are to stand in a reciprocal relation with those who lead them, Moses being a paradigmatic leader. While a statesman like David Ben-Gurion was interested in bread and butter issues, Buber's spiritual turn of mind was evident in his fundamental question: Why eat? That Buber affirmed the centrality of religion for politics also separated him from other supporters of Zionism: "A Jewish nation cannot exist without religion any more than a Jewish religious community can exist without nationality." For Buber, the goal of Zionism is to effect the rebirth of Jewish spirituality,

not the achievement of physical security sought by political Zionism. Avnon suggests that Buber's oblique language as well as his religious emphasis prevented him from conveying his political message. Of course, it is a daunting challenge to transfer the intimate I-Thou model to the social-political setting.

Buber's opposition to capital punishment proved especially controversial when he said that the Nazi war criminal Adolf Eichmann's sentence of death should be commuted to life in prison. Buber opposed the death penalty on religious grounds, declaring that "Thou shall not kill" applies to states as well as individuals. There were those who criticized Buber's belief that spirituality could succeed in the face of prejudice and violence. There also were those who criticized his view that the Nazi massacres were "certainly not a reason to lose faith and despair of the human race." And there were those who charged that he failed to make explicit the application of his teachings to social action. In any case, Avnon observes that one can credit Buber with advancing a universal truth about social action: One must always turn within before he can contribute to what is without. Like Confucius, who said that rectitude begins in the self, moves through the family and flows to the state, or like Socrates who emphasized the primacy of the inward turn to the self, Buber insisted that cultivation of the existentialist self is a prerequisite to social progress.

Buber's social orientation rendered him a critic of mysticism; although first drawn to it, Buber later attacked it on the grounds that "...mysticism negates community, precisely because for it there is only one real relation [Beziehung], the relation to God." For Buber, dialogue takes place between the I and the Thou; thus he focuses on this social "between" or meeting, not exclusively on one's inner life or even on the individual's inner life as directed toward God. Buber's critique of mysticism is subject to criticism because the history of mysticism is profoundly social or interpersonal: it is the history of mystics relating to members of society by writing, painting, teaching and by establishing hospitals, schools, monasteries, libraries and religious orders. However, Buber's important critique of *monistic* mysticism, in *I and Thou*, is more telling. Here he condemns the mysticism in which the I dissolves into the Thou so that there is a purported single reality and no longer the possibility of an I-Thou relationship.

Avnon is especially illuminating when he identifies some of the fundamental questions that moved Buber: "Where do I come from?" "What am I?" and "Where do I turn from the place that I am?" The universality of these questions is evident in the remarks of the painter Paul Gauguin whose triptych, at the Museum of Fine Art in Boston, carries the inscription: "Where do we come from?"

DREAM JOGGINGS

You jog my road with me and want to be
such world inside my head as gives and
gets me poems, feeling how they put
together living dying mindflesh into beings

you let into your heart because they speak
what you had thought anonymous in flesh,
and secret to your lonely mind forever;
until you read my poem and were me

You are mad and I am mad enough
with need to give you what you want,
had poems—cleared from forests for a
safe night's sleep—not grown
into deep jungles of their own

through which not you or I have found a
reading strong enough to keep our
courage up

—Richard Sherwin

What are we?" and "Where are we going?" Buber asked the right questions, he asked them relentlessly and he answered them honestly.

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Rabbis, Society and Historiography

The Sage in Jewish Society of Late Antiquity
by Richard Kalmin
New York: Routledge

A Review Essay
by Matthew Schwartz

Is there a unique way to study history, including Jewish history, or can Jewish history be studied sufficiently by using the established Western style of historiography, which goes back to Thucydides and Herodotus and their vaguely known predecessors? Can one examine the Talmud as a historical source without, in some sense, genetically altering the intentions of its compilers and also the reverence that many centuries of Jews have accorded it? In any case, how useful is the Talmud as a historical source? Having noted these questions, let us now examine a book on a topic of Talmudic history.

Professor Richard Kalmin's *The Sage in Jewish Society of Late Antiquity* is very much a scholar's book—114 pages of text and 37 pages of detailed footnotes as well as many references in the text itself. The central argument is that Babylonian and Palestinian rabbis of the Talmudic period occupied very different places in their societies. Babylonian rabbis interacted with non-rabbis primarily in a variety of formal settings (e.g. as judges and teachers). They tended otherwise to avoid personal contacts with non-rabbis. One reason was that they feared contacts might lead to marriages that "would compromise their highly prized genealogical superiority." Also, Babylonian Jewish society was structured in the mode of general Persian society, which tended to be rigid with strong distinctions between social classes.

Of course, Babylonian and Palestinian rabbis shared many characteristics, especially their devotion to study. However, the Palestinian rabbinate was constructed very differently. These rabbis, holding a less secure position in society, felt they needed the support of the Jewish masses for their leadership. Therefore, they interacted more closely with non-rabbis and even with non-Jews. They would, at times, intermarry with non-rabbinic Jewish families. In all this,

they reflected the social structures of the Roman Empire in which class distinctions were less pronounced (pp. 5-7). Indeed, Roman society in the late empire era showed certain egalitarian tendencies. One could rise in society by achievement not only by birth. This is not to say that Babylonian rabbis did not fulfill their responsibilities to the Jewish public; they simply kept non-rabbis at a distance socially and maritaly. Palestinian sources, however, offer a number of stories of rabbis who were descended from ignoramuses or even non-Jews, or who themselves began adulthood as uneducated (e.g. Rabbi Akiba). Such stories are absent from Babylonian sources until the fourth generation of Amoraim.

There were a number of areas, argues Professor Kalmin, in which Babylonian rabbis distanced themselves from non-rabbis. The rabbis knew the identities of Jewish families whose genealogy was tainted and used this information as a weapon against prominent non-rabbis when they felt it necessary (p. 51). The rabbis were distinctly critical of the Hasmonean kings of old and of Babylonian Jews who claimed descent from them. The Talmudic passages on this are "most likely" in the nature of a polemic against contemporary wealthy Jews who challenged the authority of the Babylonian exilarch and, therefore, of the rabbis themselves. Palestinian rabbis had more frequent interactions with Bible reading non-Jews and heretics (e.g. Christians, gnostics and minim). That the Babylonian rabbis interacted less with these outsiders is further evidence of their great social insularity as compared to their Palestinian colleagues. In this distancing, the Babylonian rabbis "were very likely influenced by Zoroastrian practices." Zoroastrianism, very strong in Babylonia at that time, contained an elaborate system of purity laws that served as a means of keeping its adherents apart from foreign elements.

Palestinian sources narrate a number of instances of God answering prayers for rain that were offered by non-rabbis. In Babylonian sources, such divine assistance is typically promoted only by the prayers of rabbis. Professor Kalmin argues that similar differences show in how the sources describe three major Biblical figures—David, Moses and Ahitophel. For example, Palestinian sources tend to treat David favorably, reinterpreting passages in the Biblical account that point to sins he committed. This was a means of defending David against the criticism of non-rabbinic Jews with whom they interacted. Babylonian rabbis, not concerned with the opinions of non-rabbinic Jews, did not feel motivated "to whitewash David's sins" (p. 90).

Although exegesis is crucially important in rabbinic interpretation of Scripture, Professor Kalmin feels these examples show that rabbinic commentaries have a historical

dimension as well (p. 112). He says that he has "attempted to steer a middle course between naive acceptance of the historicity of rabbinic sources and extreme skepticism about their historical value." He points out correctly that "we often must be satisfied with hard data only about rabbinic attitudes rather than understanding of the institutions and personalities" (p.194).

Professor Kalmin's main argument is well taken. Certainly, he provides many sources from rabbinic literature and, if some are debatable, there are still more than enough to give strength to this thesis. This is good and judicious scholarship. Yet there are spots that leave the reader wondering. One spot is unfortunately right at the beginning of the book. Professor Kalmin quotes and discusses a famous story of R. Yohanan and Resh Lakish, two leading Palestinian scholars of the third century. Resh Lakish, a brigand at that early time in his life, saw R. Yohanan bathing in a river. Mistaking him for a beautiful woman, Resh Lakish leaped into the water. R. Yohanan, sensing Resh Lakish's great vigor and intelligence, promised that if he studied Torah he could marry R. Yohanan's sister who was yet more striking in appearance than R. Yohanan himself. Resh Lakish agreed and the two became inseparable colleagues in the house of study.

Clearly, this story must be explored on several levels, as Professor Kalmin notes. The story to him, while not perhaps historical in all its details, still attests to: (1) "Babylonian polemics against Palestinian rabbis, (2) efforts by Palestinian rabbis to win non-rabbinic Jews to the rabbinic way of life and (3) Babylonian rabbinic unease over the superficial nature of these conversations." All this is plausible.

However, there are several phrases that are ill chosen and display an unwarranted, perhaps flippant, criticism toward the Talmud and its sages. "Resh Lakish is sexually attracted to the effeminate Yohanan." The Talmud records that R. Yohanan was exceptionally handsome and also beardless. Does this make him "effeminate"? He was, in fact, physically very strong and begat many children. Certainly the Talmud is neither naive nor lacking in self-awareness or, indeed, self-criticism. The text here offers nothing to support any notion of effeminacy.

Further, while recognizing the importance of pure Torah study in the rabbis' juridical thinking, Professor Kalmin also emphasizes, and perhaps over-emphasizes, societal influences. "What is the story's message? What societal issues or problems motivate it? And what societal 'itch' are the authors [of the Talmud] attempting to scratch...?" The point is certainly worth discussing. However, first, "scratching an itch" seems an undignified expression. Second, the rabbis of the Talmud were devoted to the pursuit of good character and spiritual as well as intellectual excellence. Whether

one agrees or disagrees with them on particular points, they deserve to be described in a suitably dignified manner. Why Professor Kalmin refers to Talmudic discussions of ritual purity as “arcane” is also puzzling. The Talmud deals often with purity laws and these seem to have been well known, perhaps more so in Palestine than in Babylonia.

A further point—while sages of the Talmud were usually, though not in every case, well aware of social and political issues, they were strongly focused on the existential and spiritual. They believed in God and in Torah in a manner not demanded of a modern university-based professor of Jewish Studies. It is less truthful to remold them and assess them according to standards and interests of later centuries. In reference to a later part of the same story, R. Yohanan’s actions are labelled as “cruel,” and “Yohanan’s false piety is particularly contemptible because he uses Scripture to mask the real motive behind his decision...further decreasing his stature in our eyes...” This is a strong accusation that should be based on something clear and specific in a text.

It is important to understand the rabbis of the Talmud in light of their own view of themselves and each other and of their work. Why did R. Yohanan’s contemporaries hold him in such respect, and what views did they take of this story? Why too should the opinions of more recent rabbinic scholars be totally neglected? Maharal has written about this story; so have Maharsha and *Ollelot Ephraim* of R. Ephraim Luntschitz. These writings are not historical in approach but they are deeply insightful and particularly useful for a Talmud passage that must be interpreted more as Talmud than as history, even if it is of historiographic interest as well.

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Was Herod a Jew?

*The Beginnings of Jewishness:
Boundaries, Varieties,
Uncertainties*
by Shaye Cohen
Berkeley: University of California
Press

A Review Essay
by Peter J. Haas

In reading this book, I couldn’t help but think occasionally about Karen Brodtkin’s recently published study, *How Jews Became White Folks*. Brodtkin’s book is about how Jews stopped being part of one ethnic group in America, “Jews,” and became part of

another, namely, “White Folk.” Shaye Cohen’s book addresses a similar problem in a comparable time. He wants to know how in Late Antiquity, Judeans, people stemming from the geographic/cultural area around and near Jerusalem became Jews, a religious group of people from diverse places and cultures. By asking this question about changing identities of people back then Cohen also means to throw some light on the question as it has taken shape today. Needless to say, the people of Late Antiquity did not manage to solve their definitional problem fully and neither does Cohen solve ours today. But after reading the book, the reader is not only more conscious of the subtleties of the issue but also sees that the question we face today under the rubric “Who is a Jew?” has deep and venerable roots.

The heart of the book opens with what appears to be a simple question: Was King Herod Jewish or not? After a close reading of several ancient texts touching on this question, Cohen determines that the answer is “Jewish,” “non-Jewish” and “both” (and, therefore, in some sense “neither”) depending on whom you ask. For Roman writers in particular, Herod was self-evidently Jewish (or to be more accurate, a “Ioudaios”). He was, after all, born in Judea and married into its aristocracy. If this wasn’t being a “Ioudaios,” the Roman writers cogently reasoned, what was? On the other hand, the Judean historian Josephus has one of the late Hasmonaean, Antigonus, arguing before the Roman authorities that Herod should not be made king over Judea precisely because he was **not** really a “Ioudaios” in the full and true sense of the term. To be sure he was born in the region and so by virtue of that fact might be deemed a “Ioudaios” in some sense but, as Antigonus cogently points out, he was at the end of the day an ethnic Idumean, scion of an outside people who had only recently been absorbed politically into Judea. So it turns out that Herod here is both a “Ioudaios” and a “non-Ioudaios” simultaneously and so is actually fully neither. Finally, later Rabbinic tradition takes the argument a step further. For them, Herod was born of a foreign people (the Idumeans) and so, they cogently argue, he is by definition not an “Ioudaios” (now in the sense of “Jewish”) at all. At best, he was nothing more than a gentle masquerading as a “Ioudaios.”

The first foray into the thicket of definitions gives a glimpse of the depth, color and complexity of Cohen’s argument in the succeeding chapters. What emerges in chapter after chapter is the sense that by Roman times the exact meaning of the term “Ioudaios” was up for grabs and the “Ioudaios-ness” of any one person was really in the eye of the beholder. In fact, the whole first part of the book is dedicated to trying to sort out what different writers might have meant when they called someone a “Ioudaios.” Cohen shows that for some it

was a geographic term, indicating the person was from Judea. This is in fact the word’s original meaning. At some point it migrated to having a cultural/ethnic denotation and finally took on a more or less purely religious meaning, severing the word in at least some minds from any connection to the geographical Judea.

To get at these various layers of meaning, Cohen turns in Chapter Two, to a curious allusion made by Paul in the New Testament to “those who say they are Jews and are not.” What Cohen wants to investigate is how an outside observer could possibly come to any conclusion as to who was and who was not really a Jew. For example, Cohen wants to see if there were any distinguishing features one could point to that would identify the carrier as “really” Jewish. After scrutinizing a number of sources, Cohen concludes that no such systematic trait appears in any of the literature. Jews on the outside looked, talked and acted just like everyone else. Even circumcision, which would seem to be a sure sign of Jewishness turns out to be a poor indicator. Above and beyond the fact that it could mark only half of the “Jewish” population, there was the complicating situation that many other people in the Near East, clearly not Jewish, nonetheless were circumcised. To further muddy the waters, Cohen addresses such “gray” categories as Jews who had their circumcision undone and non-native Judeans who obeyed Jewish law (the so-called “Judaizers”). In short, making a determination on the basis of outside appearance as to who was and was not really a “Jew” becomes impossible.

This brings Cohen, in Chapter Three, to the crux of the problem—the meaning of words like “Ioudaios,” “Judean” and the like. The argument is subtle and many-layered but illuminating. For instance, Cohen notes that while Greek “Ioudaios,” Latin “Iudaeus” and Hebrew “Yehudi” are all routinely translated as “Jew,” this translation is wrong for all uses previous to the second century B.C.E. because, until then, the term always meant “Judean” in a geographic or political sense, not “Jew” in the religious sense. It is only in Hellenistic times that being a Jew and being a Judean parted ways, and the confusion surrounding the meaning of “Ioudaios” begins in earnest. Cohen shows wonderfully how that linguistic transformation took place.

What is clear so far is that the term “Ioudaios” came in Hellenistic times to separate a certain population as different from everyone else, albeit the basis for that differentiation was not already given, was never clear and was certainly not universally agreed on. In short, while almost everyone could agree that Ioudaios were distinct from others, there were many views on what that distinction might be and how great the differentiation was or should be. Once this

NOTEWORTHY BOOKS

Editor's Note: The following is a list of books received from publishers but, as of this printing, have not been reviewed for Menorah Review.

- From a World Apart: A Little Girl in the Concentration Camps.* By Francine Christophe. Lincoln: University of Nebraska Press.
- The Holocaust: The Third Reich and the Jews.* By David Engel. New York: Pearson Education Limited (Longman).
- Jewish Ethics for the Twenty-First Century: Living in the Image of God.* By Byron L. Sherwin. New York: University of Syracuse Press.
- Brothers and Strangers: The Last European Jew in German and German Jewish Consciousness, 1800-1923.* By Steven E. Ascheim. Madison: University of Wisconsin Press.
- Choosing Survival: Strategies for a Jewish Future.* By Bernard Susser and Charles S. Liebman. New York: Oxford University Press.
- Mestizo: Jewish Latin America.* By Ricardo Feierstein. Albuquerque: University of New Mexico Press.
- Tradition and Crisis: Jewish Society at the End of the Middle Ages.* By Jacob Katz. New York: University of Syracuse Press.
- The Devil's Shepherd.* By Steven Hartov. New York: William Morrow.
- Major Philosophers of Jewish Prayer in the Twentieth Century.* By Jack J. Cohen. New York: Fordham University Press.
- The Beginning of Jewishness: Boundaries, Varieties and Uncertainties.* By Shaye J.D. Cohen. Berkeley: University of California Press.
- The Scepter Shall Not Depart From Judah: Perspectives on the Persistence of the Political in Judaism.* By Alan L. Mittleman.
- Selected Letters of Mary Antin.* Edited by Evelyn Salz. New York: Syracuse University Press.
- Profane Scriptures: Reflections on the Dialogue with the Bible in Modern Hebrew Poetry.* By Ruth Kartun-Blum. Cincinnati: Hebrew Union College Press.
- Lala's Story: A Memoir of the Holocaust.* By Lala Fishman and Steven Weingartner. Evanston, IL: Northwestern University Press.
- Theodor Herzl: Visionary of the Jewish State.* Edited by Gideon Shimoni and Robert S. Wisrich. New York: Herzl Press.
- Jews in the Center: Conservative Synagogues and Their Members.* Edited by Jack Wertheimer. New Brunswick, NJ: Rutgers University Press.
- The Next Generation: Jewish Children and Adolescents.* By Ariela Keysar, Barry A. Kosmin and Jeffrey Scheckner. Albany: State University of New York Press.
- The Death of Antisemitism.* By Spencer Blakeslee. Westport, CT: Greenwood Publishing Group.
- Between Mysticism and Philosophy: Sufi Language of Religious Experience in Judah Ha-Levi's Kuzari.* By Diana Lobel. Albany: State University of New York Press.
- Jerusalem, Take One! Memoirs of a Jewish Filmmaker.* By Alan Rosenthal. Carbondale, IL: Southern Illinois University Press.
- A Little Too Close to God: The Thrills and Panic of a Life in Israel.* By David Horowitz. New York: Alfred A. Knopf.
- Rites and Rank: Hierarchy in Biblical Representations of Cult.* By Saul M. Olyan. Princeton University Press.
- Songs from Bialik: Selected Poems of Hayim Nahman Bialik.* Edited by Atar Hadari. New York: Syracuse University Press.
- Jewish Life and American Culture.* By Sylvia Barack Fishman. Albany: State University of New York Press.
- The Kibbutz: Awakening from Utopia.* By Daniel Gavron. Lanham, MD: Rowman & Littlefield Publishers Inc.
- "Peering Through the Lattices": Mystical, Magical and Pietistic Dimensions in the Tosafist Period.* By Ephraim Kanarfogel. Detroit, MI: Wayne State University Press.
- Reviewing the Covenant: Eugene B. Borowitz and the Postmodern Renewal of Jewish Theology.* Edited by Peter Ochs with Eugene B. Borowitz. Albany: State University of New York Press.
- An Introduction to Judaism.* By Nicholas De Lange. New York: Cambridge University Press.
- The Artless Jew: Medieval and Modern Affirmations and Denials of the Visual.* By Kalman P. Bland. Princeton University Press.
- Sephardi Jewry: A History of the Judeo-Spanish Community, 14th-20th Centuries.* By Esther Benbassa and Aron Rodrigue. Berkeley: University of California Press.
- Kibbutzniks in the Diaspora.* By Naama Sabar. Albany: State University of New York Press.
- And the Witnesses Were Silent: The Confessing Church and the Persecution of the Jews.* By Wolfgang Gerlach. Lincoln: University of Nebraska Press.
- Women and Water: Menstruation in Jewish Life and Law.* Edited by Rahel R. Wasserfall. Hanover, NH: Brandeis University Press/University Press of New England.
- Modern Jewish Mythologies.* Edited by Glenda Abramson. Cincinnati: Hebrew Union College Press.
- Beyond the Conceivable: Studies on Germany, Nazism and the Holocaust.* By Dan Diner. Berkeley: University of California Press.
- Cultural Writings of Franz Rosenzweig.* Edited by Barbara E. Galli. New York: University of Syracuse Press.
- Ninety-Two Poems and Hymns of Yehuda Halevi.* By Franz Rosenzweig. Albany: State University of New York Press.
- Collected Stories.* By Lily Brett. Australia: University of Queensland Press.
- George L. Moss, A Memoir: Confronting History.* By George L. Moss. Madison: University of Wisconsin Press.

question is framed in this way, it is not a far leap to begin asking whether or not one could cross that boundary. Could a “non-Ioudaios” become a “Ioudaios”? That is the question discussed in Part Two. This section of the book, really the bulk, looks at what different people thought about how an outsider might (or might not) become a “Ioudaios.” Of course, it goes without saying that how one answers this question depends on what one thought the character of being Jewish was initially. So Part Two is in a substantive way a rehash of Part One from a different frame of reference.

The discussion in Part Two takes us down a number of different trails, all of which arrive, not surprisingly at this point, at different conclusions. Chapter Five, for example, worries a bit about whether or not there is a point at which a Judaizer has Judaized so much that he or she has in fact actually become “Jewish.” This leads to Chapter Six’s intense look at the Greek word “Ioudaizein” (to Judaize). The focus here is on what the word means linguistically and how it was used by various authors from Plutarch to Paul. The next chapter brings us to what is possibly more familiar ground—namely the rabbinic conversion ceremony—

that is, what crossing the boundary means from a perspective located within the Judaic community. By the time we are through with Cohen’s detailed, almost tedious, discussion, we find ourselves just as confounded as before, albeit with a renewed admiration for the complexity and multivalency of the Jewish tradition.

The only task left is to look at what happens when people ignore the boundary and, for instance, decide to intermarry. This is the concern of Part Three and what Cohen terms “the boundary violated.” Chapter Eight addresses this topic directly. Chapters Nine and Ten look at ancillary issues: the emergence of the Rabbinic notion of matrilineality and the rather interesting and relatively unknown debate in Rabbinic literature about the status of offspring from the marriage of a genealogical “Ioudaios” with someone who was a converted “Ioudaios.” Again, the outcome of the analysis is not so much increased clarity as an increased sense that the issue of Jewish identity keeps spiraling on itself with ever increasing complexity. Maybe as a final way of hammering this point home, the book ends with a number of appendices—“Was Martial’s Slave Jewish,” “Was Meophilus Jewish,” “Was Timothy

Jewish?”—the discussions again are much more worthwhile than the conclusions.

In terms of the book itself, the reader needs to be aware that most of the chapters were written as separate papers and articles (many of which have already appeared in print, albeit in an earlier form). The result is a certain choppiness and redundancy, although some of that is simply due to the fact that the same or similar material is considered a number of different times from different perspectives. But overall, each chapter is built around a sufficiently powerful question that makes the collection ultimately work.

In his prologue, Cohen sets out, in his words, “to understand the questions and to appreciate their complexity.” This he has done. We leave the book with a certain admiration for our ancestors of Late Antiquity who wrestled with the problem of establishing imaginative boundaries on groups and how seriously they debated their conclusions. One wishes that kind of sophisticated deliberation were more evident in our own time.

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