

RATIONAL RABBIS: ITS PROJECT AND ARGUMENT

MENACHEM FISCH

Tel Aviv University

*Rational Rabbi*¹ aspires to make two main points, one philosophical and contemporary, the other interpretative and historical. The book's philosophical undertaking, presented in Part I, is to develop a central insight of Karl Popper's into a fuller theory of rational endeavor. The book's interpretative and main undertaking, presented in Part II, is to argue (a) that the talmudic literature bears clear witness to a tannaitic view of humanly possible intellectual achievement intriguingly akin to the theory of rationality proposed in Part I, and (b) that despite appearances to the contrary, this voice is centrally responsible for the Bavli's halakhic discourse and project. The TR session at AAR 2002 focused on this last claim by means of a close reading of the *'meitivi' sugya* presented in Bavli, *Berakhot* 19b-20a. What follows briefly summarizes that reading and outlines its broader philosophical and hermeneutical settings.

1. Although he is one of the better known and most widely read thinkers of our time, Popper's impact on professional philosophy has been

¹ Menachem Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: Indiana University Press, 1997).

marginal. He is widely regarded as a more-or-less effective, if semi-positivist combatant of positivism who retained little relevance in the heady aftermath of the works of Kuhn and the later Wittgenstein. *Rational Rabbis* insists that Popper's "constructive skepticism" represents much more than a mere first step toward these more robust and better developed critiques of the conceits of modernism. Popper was primarily a philosopher of science, but I am less interested in his theory of science *per se* than in the general view of rational endeavor that this theory implies. Like many of his critics, I find his realism unfoundedly naive, his attitude toward language wholly inadequate, his portrayal of science generally simplistic and his notions of corroboration and verisimilitude largely wrongheaded. But I do find his basic fallibilism crucially important and attempt to develop it further. It is the idea that the rationality and advancement of science owe far less to a confident reliance on its data, methods and warrants, than to the self-doubting Socratic 'dialectic of interrogation' to which they are regularly subjected. Incapable (as a matter of logic) of objectively confirming their efforts, let alone of proving them, scientists, argues the Popperian, can, in principle, boast no more than prudently to have subjected them to the most thorough tests at the scientists' disposal. From this follows the identification of the rational with the critical.

Popper's fallibilism is a form of skepticism, but not of the wholesale, paralyzing Humean variety. Although serious criticism begins with doubt, criticism and doubt have little in common. Entertaining a doubt adds up to little more than applying a question mark, or raising one's eyebrows; serious criticism, by contrast, requires fashioning an argument. To doubt is to suspect something might be amiss, to criticize is to *argue* that it is. Skeptical discourse requires a supply of interrogatives, critical discourse requires rich background knowledge and a developed logic of problem-seeking and solving. Criticism necessarily presupposes doubt, but is also a necessary prerequisite for positive action. In the face of suspected imperfection the first step toward improvement will always be critical. Hence the term 'constructive skepticism'. The theory of rationality outlined in the first part of *Rational Rabbis* does not fall ready-made from

Popper's pen. Rather, I find his exposition lacking in two main respects. First, although Popper wrote widely, he had surprisingly little to say philosophically about the central notions of his system: criticism, rationality, problems and the processes of problem seeking and solving. They are discussed to an extent within the framework of his theory of science, but not in general. Nowhere, for instance, is the difference between criticizing and merely doubting analyzed. Nowhere does he stop to ask what must be assumed uncritically for criticism to be effective. And for all the stress he laid on problem-seeking and problem-solving, he offers no general, philosophical account of problems or solutions—all of which are essential for a full-fledged philosophical elaboration of his views.

The other major shortcoming of Popper's work is the way it conceives the opposition. Motivated by the dramatic developments in physics during the first quarter of the twentieth century, Popper fashioned his anti-foundationalist vision of science to combat foundationalist tendencies in the philosophy of science, especially those of the positivists. This foundationalism boasted an articulation of real empirical scientific accomplishment devoid of an uncriticized empirically given foundation. Today, foundationalism as such is, from a serious philosophical perspective, a matter of the past. The groundbreaking works of Sellars, Wittgenstein and Quine during the 1950's and 60's have rendered it a philosophical myth—'The Myth of the Given', as they dubbed it. The most serious challenge to any general theory of scientific rationality and progress issues now from radical relativist, rather than foundationalist quarters—a relativism that hinges on the uncriticizable given-ness of language. Latter-day relativists argue forcefully that the language games (conceptual schemes, paradigms, or 'final vocabularies') within, or with which we operate, generate forms of life, cognition and perception that are, like Kant's categories and forms of intuition, in principle immune to criticism from within. The fact that, unlike Kant's categories, language games, vocabularies and paradigms, along with the forms of life they generate, are both humanly crafted and boast histories makes no difference. Critical reflection is flatly denied any role in their

development. Kuhn put it bluntly—describing for the sciences what Davidson, Rorty and Brandom would argue rigorously for all manner of human conceptualization—paradigms are either unreflectively presupposed and applied, or abruptly replaced by alternatives sufficiently “incommensurable” as to render the new incomprehensible in terms of the old. Only in retrospect can the new paradigm be comprehended as a solution to problems harbored by the old. Writ large, this adds up to saying that a language (in the broad, Wittgensteinian sense of the term) cannot be troubleshot by those who speak it. To the best of my knowledge neither Popper nor any of his followers have so far made any attempt of philosophical significance to combat this so radical of latter-day challenges to rationality.

Part I of *Rational Rabbis* proposes a general characterization of critical discourse designed to lend philosophical generality to Popper’s basic insight in a manner capable of meeting this challenge. It does so by means of the general notion of a *goal-directed system*. A goal-directed system is any structure, theoretical, institutional or material, designed or adopted by human agents as a means to specific ends. The notion of such a system serves as a teleological template for defining and analyzing all manner of contrived troubleshooting. In the broadest possible sense of the term, any “problem” can be defined as the failure of a particular system to achieve fully one of its intended goals; a discrepancy, that is, between what it is in fact capable of accomplishing, and what it is meant, desired, or expected to accomplish. Problems are thus construed ontologically. They are features of systems about which human observers may be right or wrong. Systems that require our attention (as opposed to those we apply unthinkingly) are those we regard as susceptible to critical appraisal and capable of improvement. They are the systems we suspect harbor problems.

A modified goal-directed system will be said to have been *improved*, enhanced, or to have undergone *progress* exactly if problems it had harbored are now wholly or partly solved. (Conversely, a system will be said to have *deteriorated* or *regressed* exactly if it is now more problematic than it was.) Solutions, and by implication the measure of progress they

represent, are thus also objective features of goal-directed systems about which one may be right or wrong. Such a general account of problems and problem-solving allows one to retain a general Popperian rendition of progress without having to commit oneself to Popper's particular view of the aim of science and the nature of scientific problems. It also opens to way for an equally general definition of rational endeavor.

To act rationally, I propose, is to act upon an allegedly problematic goal-directed system with a view to improving its performance; to apply one's brains consciously and deliberately to the task of exposing the problems the system harbors, with a view to solving them. To act rationally, in other words, is to *contrive deliberately to effect progress* in the sense described. Needless to say, success in this regard is not a criterion for deeming an action rational. (In requiring that rational action be conscious and deliberate—that is to say, by insisting on agency—and in allowing rational actors to err and fail, it is easy to see that such a view of rationality is quite at odds with currently popular game-theory models of rational choice and action.)

Part I of *Rational Rabbis* pays its debt to the work of Popper and his students by setting forth and arguing against the backdrop of the recent history of philosophy of science. But the theory it proposes is not a theory of scientific rationality or of scientific problem-solving per se. It purports to make a point about the nature of human accomplishment and of human rationality in general. It presupposes little more than an elementary epistemic humility few could deny should apply to a vast majority of human enterprises. A theory of rational action should be as philosophically lean as possible so as to allow for philosophy itself to be pursued rationally. Not all of my critics have appreciated the generality of my philosophical argument, and have taken me to be arguing for some sort of direct and special affinity between the nature of religious and scientific thought. That was not my intention. What I have tried to do is to argue from science to a general theory of rationality and from that back down to all manner of enterprising activity—those of a legal or even religious nature included. Thinking in terms of goal-directed systems in general allows one to view, say, a baseball player working methodically

to improve his swing, a poet to improve a verse, a mechanic to fix a car, or a legislator to amend the law, as all doing the same sort of thing as a researcher mixing batch after batch of experimental vaccine. It allows one to view them all as acting rationally to lay bare and solve their own very particular, and very different, problems. Now, it goes without saying that specific *halakhot*, whole bodies of halakha, methods of halakhic reasoning and interpretation, meta-halakhic principles, etc., can all be described as goal-directed systems (some nested, some independent).

As opposed to the normative aspiration of Part I, the thesis presented in Part II of *Rational Rabbis* is purely descriptive. My personal preferences notwithstanding, my thesis in Part II is *not* that halakha can, or should, be treated as potentially revisable and, therefore, as subject to the type of rational troubleshooting outlined above. The thesis I argue for is that the talmudic texts bear clear witness to the existence of a rabbinical school of thought that clearly seems to have viewed the development of halakha along such lines.

2. More precisely, Part II aspires to establish and then to explain two interpretative claims. The first is the relatively straightforward claim, argued for in some detail, that a variety of sources, of authentic and alleged tannaitic origin, bear clear witness to a major dispute regarding the required attitude of the halakhic authorities toward the halakhic tradition. For lack of a better terminology I dub the two parties to the debate ‘traditionalist’ and ‘antitraditionalist’. Traditionalists insist that the halakhic tradition—i.e. the body of existing halakhic rulings at any one time—is at all times binding, absolutely binding. Their position is formal. Former halakhic rulings are binding not because they are found just or reasonable, but because once a ruling is made it is irrevocable. According to Tosefta, *Sanhedrin* 7:1, in which the traditionalist position is stated most clearly, no halakhic institution, not even the Great Sanhedrin itself, has the authority to overturn an existing halakhic tradition. Halakha develops and expands, but does so exclusively by accumulation, never by revision. From a traditionalist perspective, halakhic innovation is hence wholly limited to genuine lacunae. And once a vote is taken, the new matter is considered settled once and for all. Antitraditionalists, by contrast,

consider it the religious duty of the halakhic authorities not only to transmit and to occasionally add to the system, but to hold it in constant review and to revise it as they see fit.

A comparison of the Mishna and Tosefta versions of the first chapter of *Eduyot* provides a good example of how the dispute plays itself out in the tannaitic literature. Both renditions ask why minority opinions should remain on record despite their rejection. Both record two answers: one markedly traditionalist and one markedly antitraditionalist. But the two texts decide the matter differently, with the Tosefta siding forcefully with the traditionalist option (claiming that the reason for keeping records of rejected opinion is to make sure they remain rejected! They are remembered, that is, in order to remain forgotten!) and the Mishna taking an equally forceful antitraditionalist stand (ruling that minority opinions are to remain on record, as a resource for future *Batei Din* who may see fit to overturn their predecessors' majority rulings and revive the ones rejected!)

It is not hard to see why I consider halakhic antitraditionalism a position closely akin to the neo-Popperian view of rational endeavor proposed in Part I. Unlike other forms of religious discourse (which are left by the talmudic literature decidedly undecided!), halakhic discourse demands closure—at least with respect to practical matters. Antitraditionalists treat all halakhic decision-making as tentative and revisable (by the appropriate authorities, of course). Even the great Sages of old are liable to have erred or to have failed to see the larger picture, let alone to have not anticipated future changes of circumstance and opinion. And if they are considered fallible, *al ahat kama ve-khama*—all the more so—that we are! Talmudic antitraditionalism is hence motivated by a deeply religious sense of responsibility for the constant development of the Oral Torah, coupled to an equally deep religious epistemic humility. Whether or not one can talk of a meaningful notion of halakhic verity remains an open question in antitraditionalist discourse.² All anti-

² For a fascinating rejection of the idea of halakhic truth see Rashi: Bavli, *Ketubot*, 57b s.v. *mai ka- mashma lan*.

traditionalists agree that even if one could speak of halakhic verity, halakha would remain *humanly* unverifiable. It may be tested and questioned, however. Hence the Mishna's explanation of why halakhic rulings of the past should be transmitted along with the debates that preceded them. Read thus, Mishna, *Eduyot* can no longer be taken to mean, as it is commonly understood, that future (re)rulings are, therefore, *restricted* to minority positions that were formerly voiced. Indeed, in the three preceding *mishnayot*, the Mishna itself (quite deliberately, I believe) cites the differing opinions of Hillel and Shammai with regard to three separate issues, and rules explicitly on each of them *lo ke-divrei ze ve-lo ke-divrei ze* (neither according to the one nor according to the other!)

Still, with the possible exception of tractate *Eduyot* itself and some of the Bet Shammai and Bet Hillel disputes, the vast majority of the tannaitic material bearing on the traditionalist-antitraditionalist debate is declarative and theoretical. In this respect the two *talmudim*, especially the Bavli, have much more to offer. Unlike any antecedent tannaitic document, they are fashioned as ordered series of detailed, blow-by-blow responses to an earlier, authoritative halakhic text, the Mishna. They ponder and attempt to reconstruct the complex lines of reasoning that led their predecessors to their conclusions, and continue vigorously from where they left off. The narrative forms adopted in their discursive portions resemble those of an elaborate protocol, which comes accompanied by a clear and dispassionate running commentary. The Bavli especially leaves a strong impression of being primarily a didactic work, designed to convey a carefully crafted vision of *talmud-Torah*. If one seeks evidence of self-aware talmudic notions of halakhic development *in operatio*, it is here, in the Bavli's narratives of deliberation and dispute, that one should look.

3. The kind of amoraic *sugya* around which one would expect traditionalist and antitraditionalist redactors to differ most conspicuously are those that focus on apparent inconsistencies straddling the Talmud's great generational divide, between tannaitic and amoraic halakhic ruling. These are cases, commonplace throughout the Bavli and Yerushalmi, in which a well-formed amoraic position is confronted with tannaitic

sources that imply the opposite. For traditionalists, of course, the latter-day amoraic view will always be the one deemed problematic. For antitraditionalists, the direction of questioning may, in principle, go either way, but will normally go from new to old, from amoraic to tannaitic, rather than the other way round. Antitraditionalists are expected to form their halakhic views by seriously troubleshooting those they inherit. Once they have arrived at a decision, and pronounced their ruling, they will naturally deem it superior to those they had criticized. Thus, when earlier and later positions are confronted, it will usually be the former who needs to answer the latter. Of course, the framer of the *sugya* (henceforth the *stam*) might find the later amoraic position inherently puzzling, but in such cases one would expect him to question the amora's reasoning rather than confront him with an earlier source. Representatives of the two schools, therefore, will be expected to conduct and narrate their transgenerational confrontations very differently. However, even here, the talmudic text is far more equivocal than one would expect.

The Bavli introduces such confrontations by means of the word "*meitivi*" ("a response was offered", "an objection was raised"). The very word *meitivi* would seem to favor a traditionalist approach, for it implies that an amoraic position is called into question merely by the fact that a tannaitic source appears to suggest the contrary. The Bavli contains six-hundred-fifty or so *meitivi* confrontations (many of them comprising more than one challenge). In a little less than 8% of them the amoraic position is declared "problematic" (*teyuvtā*) and in 3.8% of the cases, seriously so (a 'double' *teyuvtā*). The opposite, though, seems never to occur. Nowhere is a tannaitic statement ever outwardly declared refuted or rejected as the result of a *meitivi*-type confrontation. When discordant amoraic and tannaitic statements are confronted, the Bavli appears to adopt a clear traditionalist stance; always deeming the former potentially at fault and in real danger of being rejected.

But does the inner logic of such negotiations always lend itself to the marked traditionalist idiom of the way they are narrated? A reasonably reliable method for determining a person's understanding of a problem is to look at the way he or she elects to solve it. It stands to reason that the

system deemed questionable will usually be the system that is subsequently modified, limited or cast aside. (The remedy, in other words, is usually applied to the wound.) And it is here that one can frequently detect a disparity between what the Bavli says its doing and what it actually does—for almost as a matter of course it is the tannaitic, rather than the amoraic text that ends up suffering the consequences of the *meitivi* challenge. Contrary to the traditionalist rhetoric of *meitivi*-type objections, the ways in which they are met and dealt with in practice often suggests a more antitraditionalist mindset.

However, *Rational Rabbis* does not stop here, but argues further that the discrepancies between the form and content of many of the Bavli's narratives of transgenerational discourse are contrived and deliberate. The Bavli, I claim, in its halakhic discourse, contains a clear and central, yet deliberately disguised, antitraditionalist voice doing antitraditionalist halakhic work. And it is here that the *meitivi sugya* of Bavli, *Berakhot* 19b-20a, studied at the AAR 2002 TR session, enters the story. I devote more than forty pages of *Rational Rabbis* to this one remarkable unit of talmudic discourse as I believe it represents the Bavli's own paradigm of a *meitivi*-type confrontation; This *sugya* is the Bavli's textbook example, as it were, of transgenerational halakhic give and take. The *sugya* is conducted, I believe, for the benefit of its more advanced readership, with a view to deliberately display the determined antitraditionalist project operating behind its carefully maintained traditionalist rhetoric. And yet this achieved without the *sugya* itself ever relaxing its own deliberately misleading traditionalist rhetoric! Unless I am grossly mistaken, this is one of the most ingeniously crafted units of discourse in rabbinic literature.

4. At first blush the *sugya* appears almost boringly commonplace. A general halakhic ruling, attributed by R. Yehuda to his teacher, Rav, is cited and challenged by five different tannaitic sources that all clearly suggest the contrary. Each source is in turn either reinterpreted or severely limited so as to harmonize it with Rav's later position. It is the type of *sugya* seasoned learners skim through almost thoughtlessly. There seems nothing unclear or unusual about it—nothing, that is, until one takes a second look.

A second look discloses a series of peculiarities whose joint effect I find quite dramatic. These reveal themselves at four levels of reading: first, when the *sugya* is considered against the backdrop of the Mishna on which it is commenting; second, when the details of its actual narration are examined; third, when the wider implications of Rav's ruling are noticed; and fourth, when the *sugya* is read in conjunction with the two units of discussion that immediately precede and succeed it. But before summarizing the evidence, let me briefly state to what I think it attests. It attests, I believe, to a remarkably subtle, yet powerful attempt on behalf of the *stam* to explode the traditionalist rhetoric he employs and to proclaim a pronounced antitraditionalist view of halakha. He is not merely declaring Rav's particular view superior to the tannaitic tradition in question, but is urging upon his more seasoned readership the understanding that, rhetoric notwithstanding, a keen, self-conscious antitraditionalism is, in truth and in general, the name of the (his) game. And all this is achieved inaudibly and indirectly, while hardly missing a beat in the normal, surface narration of the *sugya*. (Needless to say, that in presenting his antitraditionalism almost inaudibly, the *stam* is teaching his advanced readers, secondarily or even unwittingly perhaps, also always to be careful to conceal their true colors!)

5. Let us now look briefly at each of these four levels of reading. Rav's ruling comprises a specific prohibition presented as illustrative of a general halakhic principle:

R. Yehuda said in the name of Rav: If one discovers mixed kinds in his garment, he should take it off even in the street. What is the reason? [it says:] "There is no wisdom nor understanding nor counsel against the Lord" (Prov. 21:30); wherever a profanation of God's name is involved no respect is paid (even) to a teacher.

According to Rav, then, considerations of respect should under no circumstances take precedence over one's immediate religious duties—not even respect for one's teachers. This is followed immediately by five *meitivi*-type challenges leveled from *beraitot* that imply that certain religious duties are, and should be, deferred in order not to offend others. This discussion of Rav's dictum is located two pages into the Bavli's

commentary on Mishna, *Berakhot* 3:1. What is striking about this is that Rav's principle seems clearly to contradict the very *mishna* on which it comments! The *mishna* states explicitly that "One whose dead (relative) lies before him," as well as those who later actively participate in the funeral, are all "exempt from the recital of the *shema*, and from the *tefillah*, and from *tefillin*, and from all precepts laid down in the Torah." And the same goes for the *beraita*, cited on 19b as the cue for introducing Rav's statement, that rules in line with the Mishna that, among other things, those who attend a funeral "on account of the mourner are exempt, but those who come for their own purposes are not exempt." Neither source offers an explanation for the exemption. Nor does the Bavli ask for one, but it does do all in its power to imply that the reason is respect for the dead and for the mourners. For those who stop to ask themselves why the *mishna* and *beraita* rule as they do, and to ponder the relevance of Rav's dictum to their discussion, the discrepancy between them is glaring.

What makes the discrepancy all the more glaring, however, is the fact that it is passed over in complete silence. Normally, when something like this occurs, commentators seek for an explanation they feel the *stam* would have considered so obvious as to not merit mention. This won't work here, however, because Rav's alleged departure from tannaitic halakha is dealt with in detail, with the *stam* proceeding immediately to confront it with a series of five tannaitic sources that appear to contradict him quite clearly, and of which three explicitly concern respect for the dead and for mourners. As one would expect, all five are met in customary fashion by radically reinterpreting each of them so as to leave Rav's dictum intact. All along the unresolved and glaring discrepancy with the Mishna and *beraita* is allowed to lurk untreated in the background. I say 'allowed' because allowing for this discrepancy has to be deliberate. Such a glaring incongruity cannot be due to mere oversight.

At this deeper, more subtle level the *stam* seems to be calling his own bluff. As hard as he may try, he must know that his less naive readers will not be able to ignore or forget the Mishna or *beraita*. And the greater his effort to harmonize Rav's statement with other apparently conflicting sources, the harder felt will be the total absence of a similar treatment of

the Mishna and *beraita*. I find it extremely hard to believe that the framer of the *sugya* might have been unaware of his omission, and suggest that both the build-up of the tension and the fact that it is passed over in utter silence are quite intentional. They serve, I believe deliberately, to subtly lay bare the intentional superficiality of the entire harmonization project. Indeed, the very fact that Rav's statement survives the *meitivi* confrontations with the five other tannaitic sources almost intact would suggest that, in the *stam*'s opinion, the Mishna is not merely contradicted, but is actually superseded by Rav's ruling!

6. The second unusual feature of the *meitivi* confrontations of *Berakhot* 19b is the unique manner in which they are introduced. Nowhere else in the Bavli does a *meitivi*-type objection come accompanied, as it does here, by a running commentary in which the *stam* explains which of the two texts he finds puzzling and why. *meitivi*-type confrontations elsewhere are always introduced by the exact same format:

Amora *A* says *X*; *meitivi*: citation of a tannaitic source implying the negation of *X*.

Typically the *stam*'s only contribution of his own at this stage (other than juxtaposing the two sources) is the word "*meitivi*" itself. The format implies that, given the obvious incongruity between the amoraic and tannaitic statements, the problem is obvious. How one understands it will depend, however, on one's approach. As noted at the outset, for traditionalists any conflict between amoraic and tannaitic rulings will automatically constitute a problem for the former. His question will always be: "how can the amora be saying what he appears to be saying, if the tannaitic source in hand states what it appears to state?" By contrast, the challenge an antitraditionalist would encounter in the course of such a confrontation would have to do with evaluating motives and reasons. Since for him latter-day positions are expected to be outcomes of serious criticism of earlier ones, it is only natural that the earlier, tannaitic source frequently will turn out to be the more puzzling of the two. An antitraditionalist will state his question thus: amora *A* claims that the halakha should be *X* for reason *R*. Curiously, the tannaitic text in hand implies the negation of *X*. Why, as seems to be the case, did the tannaitic

authors not think of *R* or deem *R* inappropriate? Only an avid antitraditionalist will be able to seriously formulate a *meitivi*-type query in this fashion. And this is precisely the way the framer of *Berakhot* 19b scrupulously describes the puzzlement entailed by each of the five *meitivi*-type confrontations he conducts! Of each of the five *beraitot* he asks the same: “Why (is this so)?” Why doesn’t the *beraita* say (as does Rav) that “There is no wisdom nor understanding nor counsel against the Lord” (and hence: wherever a profanation of God’s name is involved no respect is paid (even) to a teacher)? Unless we interpret the *stam*’s formula as a rhetorical, somewhat sarcastic challenge to Rav—a reading I find highly inappropriate—it is hard *not* to read it as a clear, if fleeting disclosure of antitraditionalist bias.

In addition to the antitraditionalist gist of the *stam*’s comments, the insistent, case-by-case, chant-like repetition of the identical interrogative formulae serves to create the distinct impression of a schoolroom example of which I spoke above. If one studies *Berakhot* 19b attentively, with some knowledge of similar *sugyot*, one has the distinct feeling of being patiently, very patiently taught to what a *meitivi* objection amounts, and how to pose, and deal with it. The lesson, however, will be completely lost on two kinds of reader: the less knowledgeable students who simply fail to register the uniqueness and significance of the *stam*’s explicatory remarks, and the quicker, better informed readers who, perhaps because of their former experience with *meitivi*-type queries, no longer bother to pause and think between question and answer. Reluctant to give the game away too obviously, or so it seems, the *stam* does not allow the antitraditionalism of his didactic interventions to linger long enough to really sink in. Although the problems generated by each of the *beraitot* are explicated as only an antitraditionalist could describe them, they are each immediately resolved, or rather harmonized out of existence, in ways only a dedicated traditionalist would deem fit! In other words, the framer of *Berakhot* 19b flashes his antitraditionalism repeatedly, but each time only for the briefest of moments between posing the question and suggesting an answer, never long enough for it to have a real effect. By the time each of the questions has been answered, all trace of whatever antitraditionalism

was allowed to briefly make an appearance has been effectively obliterated.

7. Rav's dictum that "wherever a profanation of God's name is involved no respect is paid (even) to a teacher" is not the first mention of respect for teachers that occurs in this portion of the *Gemara*. The issue is raised on the previous page apropos a claim attributed to R. Yehoshua b. Levi to which I shall return shortly. Rav's ruling gives the impression that it is about the limits of, and the constraints upon, the courtesy one is supposed to show to one's teachers. However, and this is the third level of reading of the *sugya*, in talmudic discourse *kevod ha-rav* means more than courtesy. It refers first and foremost to respect for one's teacher's authority and especially one's teacher's *teachings*. "To dispute one's teacher" says R. Hisda, "is like disputing the Almighty," to which R. Hanina b. R. Papa adds: "To even think of doing so, is as if one was thinking of contesting the Almighty" (Bavli, *Sanhedrin* 100a). Bearing this central connotation of *kevod ha-rav* in mind, Rav's ruling acquires an additional and new aspect: if one is convinced that a profanation of God's name is in the making, Rav's seems now to be implying, one is expected no longer to pay respect to one's teacher's *teachings*. If one truly believes one's masters to be wrong and liable, as a result, to cause a "profanation of God's name", one is *required* to set aside all considerations of honor and respect, and to speak one's mind.³

Read thus, Rav's principle is rendered more than the mere *outcome* of a covert antitraditionalist move. It now reads, also, perhaps even mainly, as an all but open *declaration* of antitraditionalism itself! Not only is one obliged to publicly strip if thought to be wearing mixed kinds even in the presence of one's teacher, but, Rav now seems strongly to suggest, one is required outwardly to contest one's teacher's teachings and rulings if they are genuinely thought to be inappropriate. The implication is that just as one is encouraged constantly to check all garments for mixed kinds with a view to taking action whenever thought necessary, one is likewise

³ Interestingly, elsewhere in the Bavli, Rav's ruling is explicitly employed to mean just that (c.f. Bavli, *Eruvin* 63a).

encouraged critically to scrutinize everything one learns with a view similarly to speaking one's mind whenever thought necessary—even in public, even to the embarrassment of one's teachers. If Rav's principle can be said to sustain such a reading (and Bavli, *Eruvin* 63a apparently presumes that it does) then it clearly implies, if not actually proclaims all the main elements of antitraditionalism.

8. The fourth and final significant aspect of this remarkable *sugya* concerns the two units of discussion that flank it on either side. Immediately preceding it is the rather strange discussion of R. Yehoshua b. Levi's claim that "In twenty-four places (it is taught that) the *bet din* excommunicates a person for acting disrespectfully towards teachers—and we learn them all in our Mishna". The fact that none of the cases mentioned in the ensuing discussion seem to have anything to do with disrespect for teachers is puzzling enough. But the strangest and most interesting aspect of the discussion, is the fact that at least two of them imply the exact opposite—namely, that individuals were excommunicated for being *too* respectful of their teachers! These are no less than the two most significant antitraditionalist tannaitic legends about sages who faced excommunication for refusing to accept their colleagues ruling *against* halakhot they received from their masters! I am referring to the story of Akavia b. Mehalal'el related in Mishna, *Eduyot* 5:6-7 and that of R. Eliezer b. Hyrkanus famously related in Bavli, *Bava Metzia*, 59a-b. Neither of them is told here in any detail. They are both briefly alluded to, assuming, so it seems, that the reader knows them well. But those acquainted with the original stories well know what Akavia and R. Eliezer were banished for! How could it be that the two most vividly antitraditionalist legends in the entire talmudic corpus are recruited here as seeming confirmation of the Mishna's alleged traditionalism?! The answer, I suggest, is that here too the *stam* has ingeniously constructed a *sugya* that speaks deliberately in two distinct and easily discerned disharmonious voices that address two distinct readerships. These two voices mesh remarkably well with the two equally discordant voices that we have seen typify the *meitivi*-discussion of Rav's principle. Talk of a tannaitic policy of instituting a ban for reasons of *kevod ha-rav* introduces

the kind of formal, yet hollow traditionalist superstructure, similar to the rhetoric of *meitivi*-confrontations, which those acquainted with the material can hardly fail to see as transparent. The ability to recognize this self-refuting ‘Doublespeak’ distinguishes the advanced from the beginners.

The final point I wish to make regarding the antitraditionalist subtext of *Berakhot* 19b concerns the culmination of the *sugya*. Here, it seems, there is no more need for subtlety or knowledge of other texts. For a brief moment, the *stam* seems to throw all caution to the wind, and to announce his meta-halakhic preferences for all to hear. He does so in the form of a dialogue between the *amoraim* R. Papa and Abaye that constitutes the boldest amoraic statement of antitraditionalism of which I am aware. The dialogue speaks for itself.

Asked R. Papa of Abaye: In what were our predecessors different from us that miracles occurred for them though for us they do not? Could it be a question of learning? (Surely not.) In the days of R. Yehuda (for example) all they learnt (knew) was (the Order of) *Nezikin*, whereas we study (know) all six Orders — (Indeed) when R. Yehuda used to reach (the mishna in) *Uktzin* (concerning) “If a woman presses vegetables in a pot” — and some say (it was when he reached the one concerning) “Olives pressed with their leaves are ritually clean” — he would say ‘I see here (a complexity of the same order as) the disputations of (my teachers) Rav and Shmuel’ (but was unable to explain it himself). We (by contrast, are able to) study *Uktzin* in thirteen different ways. Yet R. Yehuda would only have to remove one of his shoes for rain to begin to fall, while we can afflict our souls and cry and cry and no one listens! He said to him: (it is not a matter of learning, rather) our predecessors jeopardized their lives for the sanctification of the Name, and we do not.

On the one hand, R. Papa’s statement conveys far more than an antitraditionalist would ever need. In order to justify the adoption of a critical attitude towards the knowledge and teachings of former generations, it is quite sufficient to assume that all humans are fallible, that circumstances can change in ways that are liable to defy the most canny foresight, that even if the quality of learning of later generations is less than that of their predecessors they may still be considered dwarfs standing on the shoulders of giants. More than it may be considered a

justification of antitraditionalism, R. Papa's bold assessment of the vast superiority of the knowledge and learning of his own generation in comparison to that of R. Yehuda constitutes a flat refutation of traditionalism. If it is true, it leaves no room at all for the type of commitment to former learning necessarily premised by traditionalists and seemingly presupposed in the rhetoric of standard *meitivi*-type confrontations.

On the other hand, the *stam* still succeeds in remaining ambiguous with regard to one crucial aspect. Forceful as it is, R. Papa's declaration is still not enough to prevent a traditionalist rendition of *meitivi*-type challenges completely, for the simple reason that he cautiously limits his assessment to the amoraic period. Traditionalists can still claim—and I can personally attest to the fact that many of them do!—that even if R. Papa and Abaye were right about the standard of their amoraic predecessors, it is unthinkable that they would have even considered disputing a tannaitic ruling, let alone criticizing the quality of tannas' learning. Those who failed to take note of the unnoted incongruity between Rav's ruling and the Mishna and *beraita*, who passed by the *stam*'s tedious running commentary to the five *meitivi* confrontations, who ignored the discrepancy between R. Yehoshua b. Levi b. Levi's generalization and its alleged instances, will also, in all probability, read R. Papa's exchange with Abaye for its moral conclusion rather than for its epistemological premise. Despite the bold, and seemingly unequivocal message conveyed by R. Papa's assessment, the antithetical, two-tier meaning of the *sugya* as a whole is retained to the very end.

As noted at the outset, the significance of the *meitivi* confrontations of *Berakhot* 19b is enormous precisely because, *qua* *meitivi* confrontations, they are wholly and totally typical. The five tannaitic challenges to Rav's ruling and their subsequent resolutions are so commonplace that, when studied, they are normally skimmed through with ease. They are not a parody of their kind in any obvious sense. The ways in which they are

resolved by the *stam* do not appear to ridicule such solutions. On the contrary, the force and subtlety of the *stam* 's ironical exposition of their real meaning owes much to the fact that, of themselves, they are entirely credible and wholly representative of the Bavli's vast stock of similar moves. This is why I suggest that *Berakhot* 19b should be seen as a paradigm rather than a parody; as an extraordinarily well-crafted *sugya* that contrives to explain rather than satirize the class of *meitivi*-type, transgenerational negotiations. Viewed thus, *Berakhot* 19b is seen as an instructive, explanatory effort on behalf of one of the framers of the Bavli's many other *sugyot* of its kind, rather than that of an antagonistic critic. It is, I urge, the work of an antitraditionalist doing his best to *disclose* the Bavli's antitraditionalist project, rather than that of an antitraditionalist aspiring to ridicule a traditionalist one.