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FORWARD

A lingering message of David Hartman's "Sinai and Messianism," some years ago now (in Joy and Responsibility, 1978), is that, in place of a utopian messianism that may displace the present in favor of a hoped for future, Talmudic discourse offers Jews a normalized messianism that embodies the future, piecemeal, in the dialogic activities of this present moment of study and caring action. Aryeh Cohen's essay on "Framing Women/Constructing Exile" (BITNETWORK Vol 3.2) has initiated dialogues among philosophers and Talmudists that we hope will remain a significant part of the NETWORK's activities. Reports on these dialogues, in fact, displace most other interests of this summer issue of the NETWORK.

Short of messianism, the FUTURES section also delineates some plans for the not-so distant future of the NETWORK. We look forward to more discussion of Cohen's paper in a September issue of the NETWORK and then at the November meeting of the AAR. We are also making early plans for a 1997 international conference on postmodern Jewish philosophy.

Finally, we are seeking editors to redact and revise selections from the Dialogue Network managed by Norbert Samuelson.
By the way, you may note that this journal's name has been clipped a bit. The "BIT" has removed from the NETWORK's name, since we are now based in INTERNET (we receive, but do not send out on BITNET).

This issue features the following sections:

NEW MEMBERS INTRODUCTIONS.

TALMUD AND POSTMODERN JEWISH PHILOSOPHY:
A. Initial responses to "Framing Women/Constructing Exile," by Aryeh Cohen.
B. Gittin revisited: "Underdetermination of Meaning in Halakhic Texts: The Case of the Conditional Get (Gittin 76a-b)," by Aryeh Botwinick.

BOOKS IN POSTMODERN JEWISH PHILOSOPHY: Daniel Breslauer offers reviews of: Susan Handelman, Fragments of Redemption; Paul Mendes-Flohr, Divided Passions; and David Biale, Eros and the Jews.

FUTURES.

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NEW MEMBERS INTRODUCTIONS:

Lewis M. Barth: "I am a faculty member at HUC-Los Angeles. where I teach Midrash and Aramaic, and courses in Jewish History and Jerusalem as a Holy City for our undergraduate Judaic Studies program with USC. In recent years I have focused my research on a rabbinic legend known as `The Ten Trials of Abraham.' Because of working on that text, I became interested in Pirke d'Rabbi Eliezer and am collecting microfilms of mss. and beginning the work on a critical edition of this text. I also run the Reform Berit Mila Program which trains doctors to be Mohalim/ot. I recently edited the sermons, speeches and writings of Rabbi Max Nussbaum, who served as rabbi of Temple Israel of Hollywood from 1942-1974."

Anthony F. Beavers: (The University of Evansville, Evansville, Indiana): "I am an assistant professor of philosophy and religion (my Ph.D. is in philosophy) interested primarily in criticizing Western cultural and philosophical tendencies from the perspective of Levinas' thought. My first book, Levinas Beyond the Horizons of Cartesianism, has been accepted for publication by Peter Lang, though the work is not quite in final form. I am currently outlining and doing research for a second book, From the Absolute Other to the Incarnate Christ. Here, I plan to begin with Levinas' metaphysics of God as Absolute Other and show what happens to Levinas' ethical structures when God becomes (partly) inscribed within the totality of human existence in the person of Christ. I hope to show that Christianity is comprehensible only when it sees itself as the offspring of Judaism and that, therefore, Christians who fail to acknowledge their Jewish origins cannot understand what original Christianity must have been. In addition, I hope to draw out some deep-level tenets of Christianity that have been overlooked by the tradition due to an attempt to rid itself of Jewish tendencies. Other areas of my interests include ethics,

particularly the relationship between Levinas and Kant, metaphysics, existentialism and phenomenology. My publications include a paper on Aristotle's Physics, another on Descartes' view of love, and another on Kantian ethics and a Sartrean critique. "I come to the Bitnetwork group very much as an outsider to Judaism. I spent five years in a Roman Catholic seminary before my vocation carried me into teaching."

Sara Rappe: "I am an assistant professor in the Classical Studies department at the University of Michigan, Ann Arbor. I teach courses in Greek philosophy, in translation and in the original, on a wide range of authors and periods: Plato, Aristotle, Cicero, Neoplatonism, etc. I mostly work in the field of Neoplatonism; I am currently writing a book on Plotinus' philosophy of mind. However, I am very interested in Jewish philosophy and simply wanted to become acquainted with issues of interest to contemporary Jewish philosophers/philosophers working on Jewish philosophy. "

David Seidenberg, of The Jewish Theological Seminary, mentions these interests, among others: "Last year I did a paper at the Association of Jewish Studies meeting on deconstruction applied to menachot 20 (the Moshe-R Akiva aggadah) and the violence of God as represented in the Talmud's reading of various Torah passages. I was hoping to get feedback on a number of hermeneutical questions relating to the application of deconstructive strategies to rabbinic texts. What I offered was so new for people, however, that all I got was very general (though positive) feedback. The questions deconstruction tends to ask are intended, as I see it, to undermine the illusion or assumption of univocality, coherence, and universality which define the aspirations of most Western literature. Since rabbinic texts do not attempt to fulfill such aspirations, it is unclear to me what it means to "deconstruct" rabbinic texts. I am looking for people with whom I can think through these issues.

"I have been dabbling in Benjamin and Adorno for some years, since I first learned about the Frankfurt School at the Institute for Social Ecology. I am

particularly interested in their fascination with the concept of redemption. I am desperately uninterested in the question of whether or not they are "Jewish" philosophers. As a rabbi, I also think about bringing these texts into the circle of what Jews study to understand meaning 'Jewishly.' Scholem's philosophy and anarchism also seem important to me (more so than his historiography of kabbalah). I hope to be writing a lot about ecology and theology, and particularly to do a constructive, creative theology of relationship to the earth. I also want to do this in a way which is not flaky and which stands up to academic scrutiny. All the modern Jewish theologies I have read seem to be little more than long sermons, even those that I have liked. I am looking for models of doing theology which are solid philosophically and spiritually. At the same time I think theology in the traditional sense is an absurdist endeavor. So I'm also looking for partners in thinking through these issues."

Talmud and Postmodern Jewish Philosophy:

A. Initial Responses to "Framing Women/Constructing Exile"
by Aryeh Cohen (BITNETWORK VOL 3.1)

1. Mipne tikkun ha'olam

Robert Gibbs (Princeton U.) and Peter Ochs (Drew U.)

Our response is stimulated by three helpful features of Aryeh Cohen's essay: 1) the literary analysis, displayed specifically in a combination of rhetorical, structural, and intertextual ways of interpretation; 2) a doubled dialectic: the way that the dialectic of literary tropes within the text (the ma'aseh vs. the lo shanu statements) mirrors a dialectical argument about flexibility and rigidity; and 3) the allegory of Israel as the widow or divorcee of God.

In a later issue of the NETWORK, we hope to address Cohen's treatment of the sugya in the Gemara of Gittin 34b-35b. In this initial commentary,

we confine ourselves to the Mishnah of Gittin 4.3, re-read in the context of the chapter of mishnah gittin 4 as a whole. Our intention is to illumine the dynamic field of issues that provides a context for the questions discussed by the amoraim. The entire chapter of mishnah has thematic unity and offers insight into the concerns displayed in the sugya, albeit somewhat more obliquely.

We begin with the fact that the whole chapter deals with takkanot that the rabbis offer mipne tikkun ha olam (" for the sake of the social order" or, literally, "for the sake of repairing the world"). Our primary question is, What kind of reason is mipne tikkun ha olam? The mishnayot that are redacted here deal with divorces, with manumission, with ransoming captives, with sending out a wife but like a regular punctuation, the reasons offered for the various positions are mipne tikkun ha olam.

We can begin with the first example, in mishnah 4.2. The general rule has been advanced in the first mishnah: a husband can retract a get (writ of divorce) that is not yet delivered to his wife by intercepting the messenger or by informing his wife before she receives the get. But there used to be a practice that a husband could convene a beth din (court) to annul the get. This allowed a husband a greater opportunity to annul a get. Rabban Gamliel the Elder, made a takkanah (ordinance) : prohibiting the use of a beth din to annul the get. The reason given is mipne tikkun ha olam. Gamliel is trying to prevent a situation in which a wife would receive a get not knowing that it had been annulled by the beth din and so would consider herself divorced. By retracting the permission to convoke a beth din, the takkanah prohibits a specific practice that was an exception to a general rule, and so restores the general halakhic principle. The restored principle was either to stop the delivery of the get' or to warn the wife in advance. If she were to act on the basis of the get, she would be disadvantaged, learning later that she had actually still been married.

But what does mipne tikkun ha olam mean here? The better ordering of society? The common good? It appears that one could interpret the ruling

as protecting the rights of women against an institution (convoking a beth din) that furthered the prerogatives of husbands. On the other hand, one could see this as a matter of protecting society at large from the sexual and economic problems that could follow from a wife's mistaking her marital condition. Indeed, the conflict between a common good or protecting a class of victims itself appears in the context of another takkanah offered mipne tikkun ha olam.

In mishnah gittin 4.6, there is a general rule: captives should not be ransomed for more than their current value, mipne tikkun ha olam. This suggests that there is a market economy in captives, where captors and ransomers know the general scale for various kinds of captives. The possibility emerges that, in order to redeem a particular person, someone might choose to overpay and so disrupt the market. The ruling, therefore, insists on preserving an economy in captives. Here, mipne tikkun ha olam means "in order to preserve the general economy, for the good of the whole society." However, there is a further ruling: Captives should not be helped to escape, mipne tikkun ha olam. Again the market in captives is preserved by this ruling. But Rabban Shimon ben Gamliel says, "because of the good of the captives" (mine takkanta hashvuin) . The ruling is not at issue, only the reason. Here Rabban Shimon ben Gamliel claims that the reason is the good of the captives (a particular class of victims), with the consequence that mipne tikkun ha olam can be identified with the common good. In both cases there is agreement on the need for a ruling: the opposition seems to be between what we might call a liberal view of the social good (to protect a class of potential victims) and a communitarian one (for the sake of the community as a whole). When we turn back to mishnah 4.2, we see that mipne tikkun ha olam most likely refers to the good of society, to a common good, and not exclusively to the good of the women.

Our second issue is a matter of jurisprudence. The nature of these takkanot is to restore the generality of the law (or the market), in contrast with a conceivably 'common sense' notion that takkanot mipne tikkun ha olam

are adjustments made in order to particularize or customize a general law. According to such a notion, law, in its generality, tends to conflict with the needs of the particular contexts in which it is applied. In this case, the rabbis would need to offer takkanot in order to fit a general law to the needs of the particular context. Aristotle, in fact, offers something like this common sense notion: the principle of epiekeia (equity), according to which specific rulings are needed to make adjustments for particular exceptions to general laws. We find, to the contrary, that the takkanot described in mishnah gittin 4 preserve the general against the potential injustice of the particular! In Aristotle's terms, the rabbinic ordinance may appear, ironically, to serve the inverse of equity.

The takkanot appear to work in the following way. There is a general rule: to annul the get you must interrupt it. Then there is an adjustment made, the provision of convoking a beth din. This adjustment is not meant to repeal the general rule, only to adapt it, as a customary practice. But Gamliel's takkanah repeals this adjustment. He restores the generality of the rule. He is not legislating in order to fit the general to an exceptional particular, but to restore the generality of the rule itself — thereby requiring further deliberation and consideration in order to apply the restored rule. Thus, in opposition to the Aristotelean view, which regards it as a necessary but unfortunate consequence that rules must be general and not properly fit all cases, the view in these mishnayot is that the health of law lies in its generality. The goal is to preserve the social activity of deliberating about how to determine the law in the particular case. Only by maintaining the generality of the law can the rabbinic activity of study and debate be maintained.

A third theme in this chapter is the allegory of exile. We will not develop this point at length here, but the allegories offered in the chapter may be divided into two themes: retracting the break-up of a marriage and redeeming captives. Each of these involves restoring a desirable condition (marriage, freedom)–and each can easily be compared to God's relation to Israel. The chapter affords readers an opportunity to reflect theologically

on the situations in which God could retract the divorce or re-marry Israel, etc., or on the obligations God has to redeem Israel from its captivity, in exile.

A fourth theme in the chapter is the mode of the allegory: the chapter turns on documents and public utterances. The get, the shtar (writ) for manumission, vows and oaths, the captured scrolls, etc., –these are a constant motif. If, for example, we see marriage as a publicly established context for carrying on a certain kind of communication, then the get is a text whose delivery breaks up this context. The question of how to intercept or retract such a text is a question of how to restore broken lines of communication. If the goal of offering ordinances mipne tikkun ha olam is to preserve the generality of the law out of concern for the common good, then the text's emphasis on these documents themselves points in the direction of holding open the need for communication, or for interpretation. The commonality of the common good seems to refer to a process of continuing interpretation–rather than of overdetermining the specific meanings of laws. In the allegory, the document is Torah–and the openness to taking the wife (Israel) back is the key question. But this refers, similarly, to the ongoing, unconcludable, common process of interpretation.

We can, finally, briefly indicate the place of mishnah 4.3, the mishnah for Cohen's paper, in the chapter as a whole. The structure of the mishnah follows the pattern we saw in mishnah 4.2. There is i) a general rule: widows cannot claim against orphans without an oath; followed by ii) an exemption from the rule: they refrained from making her swear the oath; and then iii) the restoration of the rule: Gamliel made a takkanah requiring a vow. By restoring the rule, Gamliel is not simply restoring the widow's swearing (where a vow replaces an oath), but is revoking the intermediary suspension of a general law. We hypothesize that the mishnah teaches us the importance of restoring the general principle and cautions us against viewing legal rulings as equitable adjustments to compensate for the inadequacies of general law.

Our Mishnah seems not to display either of the two allegorical themes of the chapter: it is not about redeeming people, nor about retracting divorces. But if we consider the widow–in distinction to the divorce–we can see that the goal is to restore to her her ketubah, the economic value of her marriage. The husband/father is dead, re-marriage is thus impossible, but to restore her ketubah is possible. On the other hand, mipne tikkun ha olam is not advanced as the reason for this ruling. Instead two further rulings are thrown in, witnesses to a get must sign, and Hillel ordered the prozbul: both mipne tikkun ha olam. While the chapter alternates between retracted divorce, (1-3, 7-8) and redemption (4-6, 9), mishnah 4.3 serves as the first transition from the one topic to the other, raising the question of how restoring marriage rights connects with redemption from captivity. One can see that the ruling about the widow links the issues of retracting divorce and of the economic market, particularly when one considers the gemara on the prozbul. Hillel is said to retract a ruling of the sages, restoring a more general rule! (see 36b), not adapting to the circumstances of his time. Whether or not this amoraic reading can be ascribed to the mishnah itself, the prozbul is obviously about maintaining a general market.

2. Value Conflicts and Correcting the Law in Gittin 34b-35b

Aaron L. Mackler, Duquesne University

Aryeh Cohen's analysis of Gittin 34b-35b is creative, insightful, and thought-provoking. It has provoked me to think of an additional reading of the material. The central issue for this reading is how to act to fix/improve the world, in an imperfect world in which values conflict and actions to promote one value are likely to impede another. Appropriately, the word ma'aseh (act, deed, doing . . .) and root t-k-n (improve, fix) are key. Without denying the tensions and discontinuities identified by Cohen, my reading focuses on the text's achievement of a significant, if imperfect resolution.

Mishnah gittin 4 is remarkably thematic. It is full of fixings; both the verb and the phrase tikkun olam occur repeatedly, about two times in each mishnah. The second part of the mishnah at hand (as it appears in the standard edition of the Bavli and in sources such as Albeck) refers to tikkun olam twice, discussing both provision fort he a get and Hillel's prozbul. Rabban Shim ben Gamliel's action, translated as "made a regulation" is hitkin; the same verb is used in the previous mishnah, where the phrase tikkun olam is explicit.

The section begins with a troubling ma'aseh in which a widow's vow leads to the death of her son. The rabbis respond by refraining from imposing oaths, but this intervention leads to problems of its own, depriving widows of property they need and are entitled to. We are confronted with a conflict of values, avoiding false oaths and protecting life on the one hand, guarding widow's rights and promoting grace on the other.

The response to this conflict requires careful navigation in the light of existing circumstances. The text explores a number of possible strategies. A first response would be to tailor the rule against widow's oaths to make it less sweeping: specifically, to allow oaths to be taken outside the court. This option is attractive, although it could be problematic in some circumstances (when people take vows lightly, as in the time of Rab). While this approach seems promising, the text will explore other possibilities before reaching a resolution.

A second approach, illustrated in the case of the woman who came before R. Huna, is reliance on phronetic ("prudent" in Aristotle's sense) flexibility in dealing with actual cases. In this case, the approach seems to work. In other cases, however, the judge might be less wise and flexible, or the circumstances less conducive to an equitable resolution. This limitation of relying solely on the individual's prudential wisdom is illustrated by the case of the woman who came before Rabba son of R. Huna. Given the complexity and weight of the issues, Rabba son of R.

Huna apparently concludes that the most "prudent" course is to follow a third strategy, that of applying all possible stringencies, presumably to be on the safe side. In doing so, however, he violates the unstated requirement of equitable treatment of vulnerable persons. Like R. Tarfon in the first chapter of mishnah Berakhot, Rabba son of R. Huna finds that seeking to be on the safe side by imposing all stringencies can be dangerous.

The fourth strategy, which appears to be successful, is to correct the law in the light of experience and guiding values. R. Yehuda seeks to fix the first ma'aseh with a corrective ma'aseh (here, translated "precedent"); these are the only two occurrences of the word ma'aseh in this section. Not only will an equitable resolution be achieved in the case at hand (as could occur following the approach of phronetic flexibility), but a precedent will be established to enrich the body of law and promote the equitable resolution of future cases. R. Yehuda seeks in this way to resolve the dangerous tension arising from a conflict of rules, values, and experiences.

Given the framing inclusio formed by the occurrences of ma'aseh, and the common use of gufa to introduce a new tangent related to a text cited above (now that we have finished what we were talking about), I might be inclined to end the unit at this point. If we want to push on, we find that a divorced woman also is able to receive the property due her, although a different procedure is followed. The bottom line: the rights and interests of vulnerable women are protected, and dangerous oaths are minimized. The solution may be a bit patchwork, but such inelegant fixings are significant achievements in our broken world.

3. A Critique of the Sugayetic Understanding of the ma'aseh*

Jacob Meskin, Williams College

To lay my cards on the table at the outset, I feel that Aryeh Cohen's "sugyaetic" interpretation of the relationship between the ma'aseh and

later stammaitic statements (despite the obvious value and interest of this interpretation) introduces a rupture or distance that enables ugyaetics to constitute itself as an academic method standing over and against Talmudic tradition. In this way sugyaetics continues a general objectification of Jewish tradition that has prevented the academic study of Judaism from creating an interactive dialogue between modern intellectual disciplines and Judaic tradition. Such a dialogue would engender a mutual questioning in which modern western academic disciplines might both criticize, and learn from Jewish tradition.

If sugyaetics were only drawing our attention to the differences among layers of successive Talmudic activity — i.e. by distinguishing the layer of ma'asim from the layer of the stammaim — then there would be little with which to quibble, and indeed such a strategy might even find itself welcome in some orthodox yeshivot (provided that it did not go beyond being a heuristic device in understanding the unfolding of the halakha). But sugyaetics does indeed commit itself to more than this, of course.

At least in the sample presented to us, sugyaetics seems to isolate the ma'aseh as problematic in general. In the specific context of the sugya from Gittin, the particular ma'asim in question embody certain troubling conceptions from which we need to be "saved" by later delimiting stammaitic statements of the form lo shanu ele. Cohen puts it this way: "According to the ma'asim, the rabbis are reticent to move outside the limitations of an authoritative tradition; women endanger the institutions of law, and men are the law's conservative guardians" (p.9). In other words, the ma'aseh in our sugya generally opens up a level of seriously disruptive tension, one that "means" something about the danger women pose to the Jewish legal system.

Let us begin with the grounds of textual analysis. To Cohen's credit he himself points out that these ma'asim can indeed be read in many different ways:
i) the ma'asim might be taken to be about not swearing uselessly;

ii) they might be taken to be about a reluctance to overturn previous rulings;
iii) they might be taken to be about the difficult legal and economic conflict between orphans, on the one hand, and the rights of a widow, on the other–a problem requiring delicate and context-sensitive legal maneuvering in order to render a fair distribution of goods between the equally needy claimants;
iv) they might be taken to be about the marginal status to which widows may have been relegated–a status which, like that of the agunah, often caused great discomfort to both the women themselves, and also to halakhic decisors.

Of course, we can also choose to read the stories as meaning only that "rabbis did not treat widows well," and we can go on to posit a reason for this unfair treatment. I do not think that this last reading is absolutely and in all cases false–but it certainly seems to be a limited way to read the stories, and certainly only one possible reading among many. How can sugyaetics, which professes its open admiration for contemporary literary critical analysis and its emphasis on the unending richness of the plurisemantic play of meanings, proceed to tell us the one, true, real meaning of a story, of a ma'aseh? Why can't at least a few more flowers be permitted to bloom?

This problem leads me to the heart of my own questions about sugyaetics. Sugyaetics seems to overplay the tension between the ma'aseh and later statements, seeing in legal precedent some sort of inherently untrustworthy deposit that later generations must struggle against. This may betray a modern, Enlightenment one-sidedness, which is the opposite of at least one significant form of Jewish spirituality. Here is the rupture or distance I mentioned above, through which sugyaetics constitutes itself as an external academic method that does not enter into conversation with Jewish tradition, but rather remains outside of it in an asymmetrical objectification. Cohen's treatment of the relationship between the ma'aseh and later tradition limits us to one model of the

relationship between past and future–the antagonistic one developed in the Enlightenment. To paraphrase Churchill, those who open up an endless quarrel with the past lose the future; in Burke's formulation, the attitude which we show toward the past indicates our attitude toward our own posterity. One significant form of Jewish spirituality has been precisely the struggle to embody a sense of admittedly ever-shifting but nonetheless palpable continuity, in the face of constant attempts –both from without and from within– to end what, from the Jewish theological point of view, is this most interesting Divine experiment in trying to make some principle other than that of conatus essendi prevail in human affairs.

Following Menachem Elon's four volume Jewish Law: History, Sources, Principles (and in particular Volume II, ch. 23 on the ma'aseh), it seems that halakhic tradition reads ma'asim as important legal (and spiritual and ethical) precedents which do not bind–i.e. which do not have the legal status of stare decisis. Of course, ma'asim do weigh heavily in considering future cases. This same principle is operative even in American case law. In his analysis, Cohen sounds at times like he wants to do away with, or is at least highly skeptical of the layer of ma'asim–yet it is impossible to have any legal system without such a layer of stories and precedents. Such non-binding precedent provides us with that necessary backdrop of "pastness" against which the "present" stages itself, and without which there could never be genuine newness. This backdrop allows us to learn from the past so that we may gain the insight and strength to depart from that very past.

One of the sources of traditional Jewish spirituality lies in retaining the vast historical multiplicity of layers–whether one follows them legally or not. This holding on to multiplicity has two important consequences: 1) It inculcates a religiously encouraged reluctance to overrule past sages' decisions, checking the arrogance and power that comes with being alive in the present moment while the past lies helpless before you. After all, there has to be some sort of advantage that comes with being such an old civilization. 2) It strives for the encompassment of multiple and

contradictory viewpoints and thus allows for a plurality to be refracted into the heads of those who learn.

In order to provide an alternative to the Enlightenment, Cohen needs to hold this dimension of Jewish spirituality together with the academic analysis of Talmudic text. In other words, he must offer us some sort of thinking-through of the tension between Enlightenment and fidelity to tradition. This fidelity is made possible by, and lived out in the concrete form of presumptive respect for past actions and insights of one's tradition–but this presumptive respect is absolutely not being bound by ma'asim. Of course, an individual may come to the liminal space wherein he or she cannot, after long reflection, maintain such presumptive respect for tradition. For example, after a thorough analysis of the Talmud and the way halakhic tradition has interpreted the Talmud, I may or may not find myself compelled to criticize aspects of Jewish tradition as in conflict–to a greater or lesser degree–with certain contemporary standards regarding the status of women (standards that a great many of us today believe in deeply). But why start with the assumptions: 1) that all individuals have in fact performed such a thorough analysis, and 2) that performing such an analysis has in fact compelled them to stand in such a liminal space?

I think we see this incompletely thought-through tension between Enlightenment and tradition in the sugyaetic analysis of the "dangerous consequences" of women swearing. First off, a minor point–it just doesn't seem quite kosher to keep on saying that a women who swears and suffers the death of her son is not being punished in any way, and thus that she is dangerous only to others. This seems too narrow as a definition of punishment–a parent's burying a child, in the ancient world especially, was viewed as an unnatural catastrophe. Secondly and more basically, it seems forced to try to limit the meaning of the ma'asim in this sugya to the danger women pose to the male authority of the halakhic system after the exile. In the following citation–at once richly insightful and also perhaps somewhat problematic–Cohen expresses his position forthrightly:

From this vantage point, the oppositional nature of the ma'asim and the overtones of danger take on new significance. If the authority of law is to be upheld, whatever opposes or undermines faith in its stability and its basis in tradition is dangerous. Within this binary opposition, men are cast in the role of the conservative guardians of tradition, while women are the opposition. Both are locked into their roles. There is a palpable danger that the system will be overthrown. (page 15, emphasis added)

Here Cohen offers us a clear reading of the ma'asim and what they mean: the ma'asim show us what happens when women take oaths in the legal system. As Cohen says on page 11: "The danger is that of the woman who demands, who swears, who confronts the institution of law, and who is adamantly certain of her own integrity. This is the danger of a woman's voice." Cohen interprets the unfortunate and inexplicable events recorded in the first and third ma'asim (death in the first, illness in the third) as exposing the risks involved in women taking legal oaths. According to Cohen then, the events related in the ma'asim express, exhibit, or in some way refer to the threat that women's oath-taking poses to the tradition. And this generates the claim that a binary opposition is at play in these ma'asim, between women, and the presumably male institutions of law. We can now see plainly what Cohen has in mind when he says in the above citation that "whatever opposes or undermines faith in its stability and its basis in tradition is dangerous"–for he takes the negative consequences narrated in these ma'asim to embody, or to refer in some way to the similarly negative threat posed to tradition.

However, one could cite a great number of famous ma'asim in Shas where innocent and good individuals meet with horrible and apparently undeserved ends, ranging from the painful sufferings of love" early in the first perek of Sanhedrin, all the way through the violently disconcerting tale of Rabbi Elazar ben Perata and Rabbi Chananiah ben Teradion in avodah zarah (17b-18a). The Talmud quite often includes stories which resist explanation. For example, in the lengthy and involved ma'aseh from

avodah zarah 17b-18a, we are told that R. Chananiah ben Teradion did not quite practice charity at the level of R. Elazar, but even so R. Chananiah was still a very trustworthy man who continued to teach Torah in defiance of Roman orders. For this R. Chananiah is executed in gory fashion, and his wife and daughter also receive terrible punishment, while R. Elazar escapes, partly from miraculous intervention, but also partly from his cunning in presenting himself to the Romans not so much as a teacher of the forbidden Torah, but rather as a "weaver"–but one who weaves words rather than cloth. Now what if the Talmud had omitted these difficult and inexplicable stories? It is precisely the fact that the Talmud includes contradictory and troubling stories that gives us real, flesh and blood human beings the chance to maintain our faith in the stability of the system! Far from undermining our ability to trust, these stories reassure us that the Talmud is a book profound enough to take account of the often baffling character of life–and certainly of Jewish life. I do not think that one can read such troubling stories only as recording events that "undermine faith in tradition"–such stories end up making it possible for us to have faith in the system in the first place. Indeed, it is the absence of such difficult stories that would undermine our faith in the stability of the system, not the other way around, for contradiction is too basic a part of human experience to fail to appear in a book we take seriously.

Ma'asim which record unfortunate and upsetting consequences may possess more than one level of meaning. If so, then we are entitled at least to a larger, more inclusive picture of the multiplicity inherent in ma'asim, and we need not decide that the ma'asim in our sugya from Gittin refer to a danger that swearing women pose to tradition. Yet this in no way invalidates sugyaetics, for Cohen's reading suggests one interesting layer of significance oscillating within the ma'asim. The more layers we can come to see, the wider our vision becomes.

This more flexible and inclusive view of the ma'aseh would free Cohen to offer a less antagonistic account of the relationship between ma'asim and later stammaitic statements, thus allowing sugyaetics to encompass both

Enlightenment and fidelity to tradition. In repairing this rupture, sugyaetics can fulfill its considerable promise, helping us to arrive at new paradigms in the academic study of Judaism. Exploration of these new paradigms, and the exciting possibilities they open up must wait for another opportunity.

NOTE:
* I would like to thank Barbara Lerner, Peter Ochs, and Susan Shapiro for helping me to clarify the ideas expressed in this piece.

B. Gittin revisited:
"Underdetermination of Meaning in Halakhic Texts: The Case of the Conditional Get (Gittin 76a-b)"1

Aryeh Botwinick, Temple University, offers reflections on another sugya in Gittin and on how it may be re-read as a resource for postmodern Jewish philosophizing.

Most students of the Talmud would probably agree that there is no one overarching methodology employed in Talmudic argument, but a plurality of methodologies that are invoked on different occasions. The Rabbis themselves were intensely conscious of how Talmudic arguments were made — as their concern with Biblical hermeneutics attests. Different schools are identified with different approaches to the Biblical text–e.g., the opposition of those who interpret the text on the basis of klal u'prat u'klal (a general statement followed by a specification followed, in turn, by another general statement) and those who adopt the principle of rybui u'my'ut v'rybui (an extension followed by a limitation followed, in turn, by another extension).2 There is, however, one feature of Talmudic argument that is so pervasive that it escapes detection and explication by the Rabbis in the Talmud and is not sufficiently highlighted by subsequent commentators. What I have in mind is the underdetermination of meaning by text. Recent studies by Steven Fraade and Michael Fishbane, among others, have drawn attention to the under-determination of meaning in

the midrash aggadah. My interest in this brief essay is to illustrate this phenomenon as a feature of the rabbis' halakhic argumentation.

1. An illustration of "underdetermination in Gittin 76a-76b

Mishnah. [If a man says,] this is your get if I do not return within thirty days, and he was on the point of going from Judea to Galilee, if he got as far as Antipras [Antipatris, on the borders of Judea and Galilee] and then turned back, his condition is broken [batel tenao]. [If he says,] here is your get on condition that I do not return within thirty days, and he was on the point of going from Galilee to Judea, if he got as far as Kefar `Uthnai [on the borders of Galilee and Judea] and then turned back, the condition is broken [batel tenao]. [If he said,] here is your get on condition that I do not return within thirty days, and he was on the point of going into foreign parts, if he got as far as Acco [Acre] and turned back his condition is broken [batel tenao].

Gemara. Here is your get on condition that I do not return within thirty days [and he got as far as Acco]. This would imply that Acco is in foreign parts. But how can this be, seeing that R. Safra has said: when the Rabbis took leave of one another [i.e., those who came from abroad to study were escorted by those of Palestine as far as Acre], they did so in Acco, because it is forbidden for those who live in eretz yisrael to go out of it?–Abaye replied: He made two conditions with her, thus: If I reach foreign parts, this will be a get at once, and if I remain on the road and do not return within thirty days it will be a get. If he got as far as Acco and returned, so that he neither reached foreign parts nor remained on the road thirty days, his condition is broken [batel tenao]. (gittin 76a-76b)

There is a systematic ambiguity surrounding the phrase "batel tenao"–"his condition is broken"–in the Mishnah. It might mean either:

a) He (the husband) came within the purview of the "tenai" (the condition he had set for himself) and did not meet it — and therefore not only is the

condition abrogated, but the get (the bill of divorce itself) is also declared invalid; or

b) He (the husband) never came within the purview of the condition he had set for himself–and therefore only the condition is voided–but the get itself remains valid. It would be Halachically permissible to (re-)use the get (all other Halachic and factual considerations remaining constant).3

The natural way to interpret the third clause in the Mishnah which forms the subject matter of Abaye's analysis is parallel to the two clauses which precede it. Just as in the earlier clauses the terms of the get were transgressed –the husband had reached Antipras (the beginning of Galilee) but returned before the conclusion of thirty days; the husband had reached Kefar `Uthnai (the beginning of Judea) but returned before the end of thirty days — so too in the third clause the most plausible reading would appear to be that the terms of the get had been violated — the husband had reached Acco (the beginning of "medinat hayam" or "chutz l'aretz," "foreign parts") but returned before the end of thirty days. Therefore, according to this reading, since the conditions stipulated for the get had been violated, not only are the conditions considered transgressed but the gittin in the respective cases are considered invalidated.

Abaye, however, on the basis of Rav Safra's identification of Acco as part of eretz yisrael, trades on the ambiguity implicit in the phrase –"his condition is broken"– in our Mishnah and reinterprets the Mishnaic clause so that it is compatible with Rav Safra's assertion. His strategy for doing do consists in individuating the linguistic text in the Mishnah so that it issues forth in two conditions, not one. In any event, the full content of the condition (its spatial as well as temporal limitations) in all three clauses of the Mishnah is a matter of context, and is not covered by the explicit stipulations contained in the Mishnah. The spatial boundaries of the verbal formulation in each case are determined by where the husband was actually going –and not by anything that he directly said. According to Abaye, if the spatial boundaries of the condition remain verbally

imprecise and the context helps to determine their content, then we have a logical warrant for stipulating two interrelated conditions in the case at hand –and not just one: If the husband reaches foreign parts, the document he gave his wife would become a get at once; if he remains on the road and does not return within thirty days it also becomes a get. According to Abaye, what the husband does in the thirty days subsequent to his utterance of the (implicit) two-stage conditional does not come within the purview of the conditions he has set. The husband has neither gone to "foreign parts" nor does he stay away for more than thirty days. He has not violated the terms of the conditional. Therefore, the force of the Mishnaic phrase –"his condition is broken"– is that, not having transgressed the terms of the get (but merely not having come within their purview), the husband may potentially reuse the get itself on a future occasion when his actions do come within the ambit of the conditions set.4 Abaye thereby plays on what Quine has called the "indeterminacy of radical translation"5 at the same time that he "milks" the ambiguity residing in the phrase "his condition is broken." "Indeterminancy of radical translation" inheres in an attempt to paraphrase one piece of language into another piece, even within the same language: exemplified, in this case, in Abaye's allowing the condition to be read differently in different contexts. Displacing content onto context, the Mishnah is itself formulated in way that acknowledges the porousness and elasticity of such contexts — we know what "if I do not return" signifies only because we know where the husband is going.

2. Philosophical and theological implications of "underdetermination"

What larger issues and implications flow from the virtually omnipresent Talmudic principle of the underdetermination of meaning by text?

1. "Underdetermination" goes a long way toward helping to account for how innovation –and application to unanticipated circumstances– take place within Jewish law. Decontextualizing previously received Biblical and Tannaitic and earlier Amoraic texts enables one to reconstitute them

with a conceptual background that makes them relevant to new circumstances.

2. "Underdetermination" also introduces an element of complexity into the project of giving a historically faithful rendition of Jewish law. A good part of what the Talmudic sages were doing was precisely to subvert an historical approach to the Biblical and Tannaitic and earlier Amoraic texts they were dealing with. They relate very often to those texts as if they are there to be endlessly played with and reconstituted. In the Talmud, there is an ineradicably Aggadic element in even the most austerely Halachic discussions. The paradox thus emerges that if one wants to give an historically faithful account of Talmudic discussion and legal analysis one has to be able to integrate within it its resolutely anti-historical character.

3. "Underdetermination" raises the jarring theological issue of skepticism. Halakhic argument apparently moves within a framework of skeptical recontextualization and reinterpretation of antecedent texts. But once skepticism is permitted with regard to the textual sources of Jewish tradition, how can it be reliably and validly contained with regard to the behavioral patterns that those texts sanction and require? A serious tension emerges between the need for recontextualizing and thus decontextualizing texts and the skeptical strategies of underdetermination employed on behalf of that need.

4. The "underdetermination" thesis explicates the priority assigned to speech over writing in Talmudic discourse. It is only because of "eit laasot lashem hafaru toretecha"6 that reduction to writing is rendered permissible–and then, too, apparently with the proviso that the writing as far as possible resemble the highest form of speech, i.e., that it be dialectical in character. Writing engenders an illusion of fixity and finality that the articulation of words continually belies. Only speech can be in good faith. Writing is always in bad faith. The fact of persecution and the potential loss of collective memory yield a set of extenuating circumstances permitting recourse to writing.7 If the writing is dialectical

in character, this, too, is a redeeming factor–since dialectical writing with its tentativeness and recursiveness incorporates the continually interrogatory aspects of speech.

5. From the perspective that I am introducing here, the contrast that is typically drawn between Talmudic-legalistic and philosophical modes of argument–the former being practically oriented and the latter being theoretically designed–loses its force. The vast canon of Talmudic-legalistic argument itself insinuates a monumental philosophical statement which, in terms of contemporary philosophic discussion, is in dialogue with Quine's analyses of the relativity of sense and of the inscrutability of reference, and with Derrida's analyses of the infinite possibility for recontextualization. In Talmudic argument, articulation constitutes erasure — the effacing of possibilities that have just been put into words. What one says can always be decomposed and reconstituted along lines other than those in which one appears officially to be pointing.

6. It seems to me that the theological pedigree for Talmudic argument is to be found in the tenets of monotheism. The utterance of the word "God" (as Maimonidean negative theology has classically emphasized) initiates a process of endless displacement that finds no resting place anywhere. All we can ever do in terms of assigning a content and pinpointing a reference for the term "God" is to say without letup that God is not literally to be construed in this way or that, etc., and He is not to be found in a humanly cognizable sense here or there or elsewhere, etc. Human utterance from a Talmudic perspective mimics the evaporation of the God concept. Its stability, too, is to be identified with an endless process of deconstruction and reconstruction –rather than with some positive content. The deliteralizing of positive ascriptions to God of particular attributes in negative theology gets translated in the Talmud –with its continually rendering fluid of the sense and reference of human utterances– into an implicit acknowledgement of the ultimately ungrounded character of our linguistic formulations. In this negative

sense, God for the Talmudic speakers and editors becomes the paradigm-case of the humanly sayable.

NOTES

1. I am grateful to Zev Harvey, Matthew Kramer, and David Riceman for their comments on earlier drafts of this paper.

2. According to Rabbi Ishmael, klal u'prat u'klal forms one of the thirteen hermeneutical principles by which the Torah is expounded, and Rabbi Akiva his constant controversialist throughout the Talmud invokes the principle of rybui u'my'ut u'rybui. (Compare the two Sugyot in the Babylonian Talmud of Sanhedrin 45b and Sukkah 50b and Rashi's commentaries thereon.) Rashi says in Sanhedrin that the principle of klal u'prat means that the "prat"–the particular–is "peirush halal." It restricts and delimits the generalization to what the particular enumerates. But the Tannaim who follow the principle of rybui u'my'ut do not dislodge the generalization from its place. The generalization, however, must take off from the specification that follows, and is not as wide in scope as the original formulation of the generalization itself might suggest. The upshot of these divergent hermeneutical approaches is that "kalal u'prat" excludes far more than "rybui u'my'ut." "Rybui u'my'ut" excludes what is at antipodes from the specification allowing all else to be subsumed under the original generalization, while "klal u'prat" includes only what is specified after the generalization–excluding all else. The very undecidability of how to codify the rules of logical inference with regard to the text of the Torah is itself a manifestation of the underdetermination of meaning by text.

3. Saul Lieberman argues (in Tosefta ki-peshuto Part viii Nashim, New York: Jewish Theological Seminary, 1973: 879-880) that, according to the Tosefta's construal of the clauses in our Mishnah, if the husband returns before fulfilling the conditions he had set for the Get, his very lack of fulfillment of the terms(even if by way of not coming within their purview–rather than by directly transgressing them) is sufficient to invalidate both the Tenai and the Get. The Meiri (Meiri 1967, p. 283) on Gittin codifies the view that in those circumstances where the husband's

actions at first do not come within the scope of the conditions he had set and on a subsequent occasion they do, the woman becomes a "safek megureshet" (doubtfully divorced)–i.e., we impose upon her the stringencies of both being single and being divorced. She is prohibited from marrying a Kohen (priest) as if the Get were valid–and she requires another Get in order to be able to remarry (even her first husband). Apparently, according to the Meiri there is an implied condition that needs to be read out of the interstices of the condition that was uttered, namely that the substantive condition(s) needs(a) to be fulfilled upon the first occasion after its utterance–and is not to be deferred. Because this temporal constraint is possibly implied by the original utterance of the condition, the woman remains Safek Megureshet. Lieberman at footnote 52 on p. 880 cites a commentary called Shaarei Torat Eretz Yisrael (p. 422) who interprets R. Johanan's gloss on the fourth clause in our Mishnah in Gittin in conformity with the way that I analyze Abaye in the text: "Batel Tenao" means that only the condition remains unfulfilled (the husband's actions did not fall within its purview) but that the Get itself remains valid. Lieberman invokes a number of forceful objections against the Shaarei Torat Eretz Yisrael to the effect that the invalidation of the Tenai in the Mishnah must be extended to include the invalidation of the Get. My analysis in the text can be construed as an argument on the other side: An attempt to show how a conceptual split can appropriately be effected between the condition and the Get. In any event, the point of "underdetermination" is not to endorse particular readings of the text but to methodologically account for the turbulence of possibilities residing within it.

4. Rashi in his commentary on our Sugya appears to learn that even according to Abaye the phrase "batel tenao" encompasses the invalidation of the Get. Once the condition was not fulfilled in the husband's first "attempted" implementation of it (even though the non-fulfillment consisted in the husband's not coming within its purview altogether) the Get itself automatically becomes invalidated. Apparently, according to Rashi the analytical distinction between not-coming within the purview of a condition and transgressing it is blurred on a practical level since non-

actualization of a condition for whatever reasons renders a Get vulnerable to revocation. There thus appears to be a Machloket (division of opinion) between Rashi and the Meiri cited in note 4 above. Rashi invalidates the Get even where the husband's actions subsequent to his stipulation of the tenai do not fall within its purview, whereas the Meiri declares the woman under such circumstances to be safek megureshet (doubtfully divorced). Apparently, what motivates the Meiri in imposing upon the woman the stringencies of a divorced state is the analytical distinction developed in the text between transgressing a condition and engaging in action that does not fall within its purview. In the latter case, it is as if the Get did not come into play at all so that it remains available for use on future occasions. When it is invoked subsequently, at least part of its efficacy remains in force.

5. W.V. Quine, Word and Object (Cambridge: MIT Press, 1960: Ch. 2); also Quine, Ontological Relativity and Other Essays (New York, Columbia U., 1969: Ch. 2.

6. "It is time to work for the Lord; they have made void thy law" (Psalms 119: 126). In the last Mishna in Berakot (54a) the Rabbis extrapolate from this verse the general principle that in times of dire exigency the Rabbis are authorized to suspend specific Halachic requirements for the sake of keeping the Halacha itself alive as the organizing set of guidelines for the Jewish people. In times of emergency, the Rabbis as custodians of Jewish tradition are empowered to sacrifice the letter of Halacha for the sake of preserving its spirit and influence. The Rabbis' dichotomization of Torah into Torah Shebichtav (written Torah) and Torah Shebaal Peh (oral Torah) is suggestive of the need to keep large segments of the interpretive apparatus of Torah oral, which was transgressed by the Rabbis for the reasons alluded to in the text.

7. Maimonides also in his Introduction to The Guide of the Perplexed concedes that while his treatise is addressed to topics which the sages have concealed, he was entitled to innovate through an act of writing by the verse in Psalms cited above as Rabbinically interpreted.

BOOKS IN POSTMODERN JEWISH PHILOSOPHY

* Susan A. Handelman, Fragments of Redemption: Jewish Thought and Literary Theory in Benjamin, Scholem and Levinas (Bloomington: Indiana University Press, 1991); and

Paul Mendes-Flohr, Divided Passions: Jewish Intellectuals and the Experience of Modernity (Detroit: Wayne State University Press, 1991).

Reviewed by S. Daniel Breslauer, University of Kansas

Folk singers Pete Seeger and Lee Hays once wrote a song couched in the symbolism of socialism and the labor movement. They sang of a hammer, a bell and "the love between all of my brothers" an implicit allusion to unionization. A younger group of singers, more gender conscious and aware of eros, changed that line to read "the love between my brothers and my sisters." From a radical political statement, the song became a theme for the "love-in" generation. The political activism of the first version gives way to a more inclusive image. Feelings, emotions, and inclusiveness replace the power struggle implicit in the original version. Perhaps this substitution of the immediacy of relationship for the dynamics of politics indicates a difference in the questions asked of reality by those focused on male concerns and those arising from a woman's involvement. Certainly Jean-Francois Lyotard seems to indicate this type of difference in perspective when he claims that "the antonym of the adult male questioner is the little girl." Inclusion of the feminine gaze transforms the hermeneutic process used to understand any tradition. If that transformation does not always result in shifting the focus from politics to relationship, it at least shows a distinctive vision of reality, a vision that often changes the perception of power itself.

Susan A. Handelman offers her contribution to a re-visioning of traditions as she advances from the evocative approach begun earlier in The Slayers of Moses. Although usually obscured from explicit purview, she reveals her standpoint in the conclusion of the work. Handelman remarks on a

rabbinic interpretation of Ecclesiastes 12:11 which refers to the words of the sages "ka-darbanot," "like spurs." The rabbinic interpreter reads the words as "kadur banot," "the ball of the daughters." Handelman calls for a new perspective in literary interpretation which sees it as "affectionate play…that is not indifferent to the human face, to the vulnerable young girl" (pp. 344-345). Her responsive text offers an illustration of that literary interpretation in action. It interweaves a study of Walter Benjamin, Gershom Scholem, and Emmanuel Levinas with references to modern and postmodern authors such as Hermann Cohen, Jacques Derrida, Jurgen Habermas, Edmond Jabes, and Yosef Haim Yerushalmi.

Handelman's re-visioning draws freely on former interpreters, not the least of whom is Paul Mendes-Flohr. She cites five of the critical essays now gathered in Mendes-Flohr's new anthology. In many ways Mendes-Flohr understands the subjects of his study (often overlapping those Handelman discusses) as offering alternative perspectives on culture much as Lyotard's young girl asks disconcerting questions. The Jewish intellectuals of Mendes-Flohr's analyses thinkers such as Walter Benjamin, Ernst Bloch, Martin Buber, Franz Kafka, Franz Rosenzweig, and Stefan Zweig were strangers and outsiders to a culture they sought to assimilate. Mendes-Flohr describes them as correlating "axionormative strangeness and cognitive insiderness," a combination which offers just that possibility of altered vision that Handelman recognizes in these thinkers (Mendes-Flohr, p.32). This estrangement from Western culture which manifests itself precisely when Jewish thinkers embrace it fascinates Mendes-Flohr no less than Handelman. He too explores how the Jewish spirit motivates an engagement in the universal and how a sensitivity to the universal transforms the meaning of Judaism.

Both Mendes-Flohr (p. 387) and Handelman (twice! pp. 6, 170) retell a parable by Walter Benjamin. The story describes a mechanical chess player that defeats all comers. A marvelous contraption of metal and wire, it appears to be a model of artificial intelligence. The trick, however, is that the automaton does not actually perform the feat. Underneath the

contraption, working it from an invisible location is an old hunchback. For Benjamin this shows how theology actually animates the apparently materialistic culture of modernity. The symbiosis underlies Benjamin's uncompleted masterwork, his Arcades Project. Handelman mentions this work frequently, calling it "what a New Historicist work would look like without the burdens of poststructuralist linguistic theory" (p. 37), and offers several fine bibliographical entries concerning it. The book might be improved by including a brief sketch of the intent and generation of this project such as offered in the introduction to Susan Buck-Morss's suggestive and evocative The Dialectics of Seeing or even in the brief compass of Robert Alter's Necessary Angels, pp. 9-11. Benjamin began with the material culture of nineteenth century market arcades, the forerunner of contemporary shopping malls, and then wove around them philosophical and aesthetical reflections. This ambitious project, perhaps impossible to complete by its very nature, reflects not only Benjamin's perspective but the quest of all the thinkers studied in both Handelman's book and Mendes-Flohr. Like Benjamin they worked to construct or reconstruct a new type of space. This new environment would capture both the spiritual and material realities of the past. It would become a reconstruction of the past that, in the present, would offer an unclaimed territory situated between the two competing empires of rationalism and romanticism. More specifically, these Jewish thinkers understood the link between the philosophical and the material as "theological," as connected with an idea of the divine, the transcendent, of God. Their reconstructed reality would be founded on the pillars of a religious traditions available through the fragments of its ruins.

Guardians of the empires of modernity were not always delighted with the attempted reconciliation offered by Jewish intellectuals. Handelman cites the response of Theodor Adorno to an essay from a late reworking of Benjamin's Arcades Project: your study is located at the crossroads of magic and positivism. That spot is bewitched (cited. p. 37). Adorno preferred an earlier essay and told Benjamin that he would publish this latest essay only if it returned to the earlier style. Handelman does not,

however, note the entire context of that remark or Benjamin's response. Adorno compares Benjamin's later version with an earlier one and remarks that "The theological impulse to name things by their names tends to be transformed into the astounding presentation of simple facticity." (Benjamin, Briefe II, p. 788) Benjamin, Adorno complains, begins with an essentialist view of language but then capitulates to an empiricist's submission to inarticulate facts. The urge to name things as they "are" is "theological," it assumes a divine-like ability to see essences in their manifestations. The empiricist agenda, however, abandons essence for its expression, for the external fact. Adorno charges Benjamin with moving from one extreme a romantic essentialism to another materialistic positivism. Benjamin replies to that rejection by claiming that by constructing the object in "historical perspective" everything which is "mythically fixed in the text will come alive" (Ibid). By myth, Benjamin means that which is repetitive, always the same, the Immergleiche which he seeks to animate by historical evocation. This concern with restoring life to myth adumbrates the theological project of these thinkers. God lives within the dead forms of language and the past, within the facts of history and speech, the theologians task is to unlock that living divinity.

The "myth" Benjamin seeks to vitalize takes three forms. The first is that of language. Benjamin, Scholem, Buber, and Rosenzweig all sought the "pure language" which actual speech reflects darkly. Handelman shows how Benjamin and Scholem together with Kafka and Rosenzweig wrestled with speech and its magic of signification. Mendes-Flohr studies the "war" between Yiddish and Hebrew and the essential nature thinkers attributed to language. The second form of the "myth" needing revivification is history itself. Historicism, at least since Rosenzweig, became a philosophical challenge to Jewish thinkers. Beyond opposing historicism thinkers also aimed for "hope," or an eschatological ideal, a messianism. Both Handelman and Mendes-Flohr explore the variety of messianic visions haunting German Jewish intellectuals, whether Zionist or Marxist. Mendes-Flohr gives more attention to Ernst Bloch than does Handelman, but Handelman offers a wide ranging discussion of

Scholem's perspective. As both Mendes-Flohr and Handelman recognize, the problem of Jewish practices "is a major preoccupation" of these thinkers even while they cannot accept a traditional Orthodoxy (Handelman, p. 129; Mendes-Flohr, pp. 283-310; 342-369)). As they seek to discover how a divine commandment, Gebote, can become a heteronomous law, Gesetze , they look whether in tradition, aesthetics, mysticism, or philosophy for a talisman to rekindle spontaneous religious life. Both authors trace the pilgrimage of the secular Jew toward a more genuine if less traditional Judaism than that of Orthodoxy.

These themes common to Handelman and Mendes-Flohr may derive from the thinking of Franz Rosenzweig. Rosenzweig's masterwork The Star of Redemption illuminates both volumes and leaves its traces on all the thinkers studied. Nevertheless, Mendes-Flohr moves outward from Rosenzweig to the ethical activism of Martin Buber. Mendes-Flohr, more than Handelman, investigates the practical problems of Zionism, the vision of a humanistic nationalism, and what he calls the "dual allegiance" between Jewish concerns and universal commitments (p. 429). Several essays examine Buber's ideal of an ethical nationalism that "could realize its primal humanistic significance" (p. 198). This "political engagement" which Mendes-Flohr claims distinguishes Buber from his contemporaries also distinguishes Divided Passions from Fragments of Redemption.

At this point it might seem that the example of Pete Seeger's Hammer Song rings true. Mendes-Flohr offers a more activist and ethically aware model than that of the "vulnerable young girl." Nevertheless, the last part of Handelman's book is no less engaged or ethically sensitive than Buber's humanistic nationalism. Handelman, unlike Mendes-Flohr, studies Emmanuel Levinas, decoding his philosophical and Jewish writings. While several themes overlap with those evinced by Scholem and Benjamin, the ethical thrust is unmistakable. Voices heard in this section of the book include those of Hermann Cohen and his great exponent Steven Schwarszchild. Jewish tradition awakens as a fecundating force for life and creativity. It calls for recognition of the other and for judgment.

Handelman's focus and exposition of Levinas adds a dimension of engagement to her perspective. Her book differs from that of Mendes-Flohr in more subtle ways than those exemplified in the two versions of Pete Seeger's song. Gershom Scholem compares two notebook entries Benjamin made concerning the "Angel of history" he imagined in Paul Klee's painting "Angelus Novus' (see Benjamin, Illuminations, pp. 257-258; Scholem, Jews and Judaism in Crisis, pp. 198-236). In the first version Benjamin notes that his patience "learns from the angel how he encompasses his partner in his view" (Scholem, pp. 205-206). In the second version Benjamin says of the angel that "He fixes his eyes on him firmly–a long time" (Ibid., p. 207). In both cases, the sentence concludes noting that after these attempts, the angel "then yields by fits and starts." Both these books yield their truths and inspiration in the end. Handelman's seeks to "encompass" all partners in its view; that of Mendes-Flohr fixes its gaze on one or two objects firmly. Readers will benefit from both approaches.

* David Biale, Eros and the Jews: From Biblical Israel to Contemporary America. (New York: Basic Books 1992).

Reviewed by S. Daniel Breslauer, University of Kansas

Michel Foucault remarks that "Sexuality is not the most intractable element in power relations, but rather one of those endowed with the greatest instrumentality." David Biale, while never explicitly mentioning the instrumentality of sexuality in power relations, reveals its tractability and dynamic responsiveness as he traces the variety of ways Jews cope with eros. Eros and power, inextricably intertwined, dominate this narrative which evokes such arenas of confrontation as those in which words and bodies contend for dominance, in which prudishness and self-indulgence war for the crown of healthy-mindedness, in which Jews and non-Jews wrestle for supremacy, and in which each successive, luminous desire clamors to be crowned as reigning monarch.

The sweep of Biale's work encompasses the entire span of Jewish literary history from the biblical record through contemporary chronicles of American Jewry. Permit me, however, the luxury of beginning not with this book, but with a rabbinic story, not told in the book, which, nevertheless, provides clues to understanding the fascinating interplay of eros and power which the book portrays. According to Shabbat 63a, Rav Kahana understood Psalm 45:4 "Gird thy sword upon thy thigh, O Gibor, it is your glory and majesty" as a reference to words of Torah. Other scholars rebuked him for such an interpretation, arguing that "You may not explain a biblical passage at variance with its plain meaning." Rav Kahana, according to the story, expresses surprise: "I was already well versed in Torah when I was eighteen years old and this is the first I have ever heard of such a principle!" Whatever he may have meant by this statement, the Talmud concludes "What is the practical implication of this teaching? One must study the whole of Torah and only then make inferences from it." Biale provides "the whole of Torah" its eros of mind and eros of the body so that students properly attuned can make inferences of their own.

Psalm 45, both explicitly and in rabbinic interpretation, addresses the meaning of sexuality and gender roles. Its description of the "king's daughter glorious within" is a locus classicus bolstering traditional female domesticity. The sword upon the thigh, the sharp arrows, and harem of "chosen ones" are hardly subtle references to virility. One need not be a Freudian to hear Oedipal echoes in the promise "Your sons shall replace your fathers." Despite the explicitness of the psalm, however, Rav Kahana had no trouble displacing its innuendos with allusions to Torah and the virility of the scholar. Such a technique illustrates that Jewish ambivalence toward sexuality which David Biale, referring to Philip Roth's Portnoy's Complaint calls "the quintessential tale of the repression of sex and its displacement by words" (p. 2). The actual theme through Biale's book seems to be the duality existing in every period of Jewish history between those who affirm the physical and sexual nature of human beings and

those seeking to displace such concrete reality with more intellectual alternatives.

The contrast between Rav Kahana's "prudishness" (Biale's term) and Rav's sexual indulgence points to a second reality that Biale emphasizes: the variety within the Jewish tradition. Rav Kahana's squeamishness receives recognition from Biale in his exploration of "Law and Desire in the Talmud." Unlike many who retell how Rav Kahana hid beneath the conjugal bed of his teacher Rav, Biale not only relates Kahana's daring remark "This is a matter of Torah which I must study" but also his criticism of his master, "You appear to me to be like a hungry man who has never had sex before for you act with frivolity in your lust" (p. 53). The tension between the two, equally respected leaders, points to a second element in Biale's book. As he moves chronologically across Jewish history, Biale shows the variety within Jewish views of sexuality. He enriches his study by introducing material culture and folk elements as a counterpoint to the literary legacy of Jewish elites. I appreciate, as would anyone who has taught American Jewish students raised in the liberal tradition of Judaic "healthy mindedness," his critique both of the stereotypical sexual neurotic presented in American Jewish literature and of the construct offered by American Jewish theologians who affirm Judaism's "healthy" approach to sexuality. In contrast to either extreme Biale suggests the need "to move beyond the binary opposition of erotic healthy versus pathology, liberation and repression, and to allow the exploration of a multiplicity of desires" (229).

Sometimes, however, it appears as if Biale allows the material to force him into a binary opposition. He traces interpretations of the practice of circumcision through biblical and rabbinic sources, in a variety of medieval philosophical works, and even in contemporary American novels such as Malamud's The Assistant. He tends to group these views into two types: those who see circumcision as enhancing sexual pleasure or in facilitating the sexual act and those who argue that circumcision reduces sexual pleasure and inhibits the sexual drive. Jonathan Z. Smith

offers a more nuanced survey of Hellenistic approaches to circumcision in his Imagining Religion. Not only does Smith note that circumcision takes on various meanings in various Judaic systems, he also notes that circumcision as a taxic indicator of Judaism took shape because Hellenistic thinkers were fascinated by such Jewish actions as the forced conversion of the Idumeans. This suggests a third focus in Biale's book: Jewish sexuality cannot be divorced from the relationship between Jew and non-Jew. Interestingly, none other than Rav Kahana preserved the teachings of Rabbi Yose concerning the gifts Israel might accept from foreign nations. Those from Egypt and Ethiopia may be accepted. Those sent by Edom, however, must be rejected, as Psalm 68:31, "Rebuke the wild beast" suggests (Pesahim 118b). Other rabbis dispute this identification of Edom with wild beasts. Rav Kahana's sexual preoccupations, however, make his statement comprehensible.

Biale shows how Jewish images of the "wild" non-Jew who seeks to repress his sexuality respond to encounters with Christian clerics. He does not, however, organize these various notes into a single argument. He mentions the "myth of the hypersexuality of the Gentiles" in the rabbinic writings (p. 47), the need of medieval Jewish clergy "to defend its own continuing marriages against the idea of a celibate clergy," (p. 98), Joseph Karo's nocturnal emission when passing a monastery (p. 115), and Lenny Bruce's remark that while both priests and rabbis excrete waste [my term, not that of Bruce or Biale], only rabbis have conjugal relations [again my term for the original Anglo-Saxon word] (p. 217).

Biale explores the significance of Rabbi Nahman of Bratzlav's "Tikkun Ha-Klali," (pp. 132-135) and cites Yehuda Liebes' study of it (available now in English translation in Studies in Jewish Myth and Jewish Messianism). That essay sends one back to reading Shivhei Ha-Besht. In this context one wonders why Biale did not cite tale 239 which tells how the Besht delayed Kol Nidre prayers to discuss the importance of marriage with an old priest, urging him to resign the priesthood, marry, and raise a family. When asked why he had done so he said that the priest's accusations

against the Jews had blocked all prayers from ascending. By provoking his imagination, however, the Besht caused the priest to have an accidental emission of semen that rendered his prayers impure. In this story, as in the other cases Biale brings, the myth of the healthy sexuality of Judaism serves to undermine claims of a rival religion.

Rav Kahana's identification of the non-Jew and bestial instincts reveals his intense preoccupation with sexual temptation. One familiar story tells how, since he was forced by poverty to earn a livelihood selling wares in the marketplace, he was entrapped by a woman seeking to seduce him. He threw himself out of a window to escape the temptation, forcing Elijah to fly from a great distance to save him. The story ends with Elijah's berating of Rav Kahana and enabling him to abandon such a precarious profession (Kiddushin 40a). Such a story clearly has a text and subtext or perhaps, to use Biale's terms, a version and a subversion. Ostensibly the story warns against the temptations of passion and exalts the hero who escapes its clutches. On a deeper level it reveals the protective power of passion — Kahane's desire for Torah and purity motivated his recourse to extreme measures. Biale recognizes the rechanneling of desire in much of Jewish literature. He notes the tension between the dominant versions of sexuality which seek to repress it and the subversions (such as the stories of Tamar, Ruth, and even Delilah, see pp. 11-32) that divert it to productive ends. Desire rather than sexuality as such animates many Jewish reflections on love and eros.

This final, platonic, theme of sexuality as imagination, as desire, receives less treatment than the other three themes in Biale's book. The identification of desire with ultimate longing and the recognition of sexuality as a metaphor for such desire begins at least with Plato's Symposium. Throughout Hellenistic and medieval writings, continuing even to contemporary authors, the sexual and the intellectual intertwine both symbolically and instrumentally as authors seek to offer an anatomy of desire. Perhaps symptomatically, Biale begins by citing Roth's Portnoy's Complaint and ends by noting his more recent "reconciliation"

with sexuality in Patrimony. He neglects a central work The Professor of Desire. The theme of wanting the unattainable, yearning for an impossible consummation, or reaching an imagined perfection pulsates through much of the literature Biale reviews such as the homoerotic poetry of medieval Jewish poets (mentioned but not explored at any length), the modern Hebrew writers such as M.Y.Berdichevsky and H.N.Bialik (Biale might have consulted my article "Creative Discontent and Images of Jewish Women in Stories by Micah Joseph Ben-Gorion," Hebrew Studies 23 (1982):199-208, and relevant sections of my Hayyim Nahman Bialik and Modern Jewish Thought to see how sexual desire becomes a metaphor for social and personal alienation in these authors).

Perhaps most striking by its absence is a reference to S. Y. Agnon's Shira. That book brings together the themes of sexual disfunction, intellectualization of physical drives, Jewish traditionalism, and the academic endeavor. Few early modern Hebrew authors explored the relationship between power and eros, powerlessness and sexual impotence, Jewish self-reflection and Jewish envy of the non-Jewish other, better than Agnon. Agnon, perhaps uniquely, understood the reality to which Foucault points in his analysis of sexuality. Perhaps Agnon's focus on the university strikes too close to home for comfort. Our inner drives transform many of us into a "professor of desire." Biale's book can help us face this fact of our own profession.

FUTURES

TALMUD AND POSTMODERN JEWISH PHILOSOPHY. The last round of responses to Aryeh Cohen's essay are due here by September 15 for our October issue. We hope that readers will be stimulated not merely to respond to Aryeh's claims per se, but to re-read the sugya in b. Gittin 34b-35b (or comparable passages) on the occasion and in the spirit of Cohen's paper. Similarly, the agenda for next year's annual meeting of the Network (to be held Sunday night November 20 9:00pm during the 1994 Annual Meeting of the American Academy of Religion in Chicago) is to

re-read the sugya, in light of Aryeh's essay and of the responses it stimulated.

1997 INTERNATIONAL CONFERENCE ON POSTMODERN JEWISH PHILOSOPHY.
Yes, this is called living a bit in the future. Please mark your calendars for May or June of that year, when we plan to gather in either New York City or Madison,. NJ (Drew U.) for perhaps three days. A group will be gathering this year to make plans and begin fund raising. We hope that a date of 1997 would give us all sufficient time to cast our conversations on postmodern Jewish philosophy into statements and, of course, more conversations of interest to a wider public. Here is a sampling list of sub-topics that might occupy us please send in ideas for additional possibilities, including thinkers who might contribute fresh perspectives or commentaries.

- Talmud and postmodern Jewish philosophy: or related conversations between Jewish text traditions and the emergent philosophic paradigms.
- Buber, Rosenzweig, Levinas and . . .: anticipations of postmodern thought in our founding figures.
- A variety of disciplinary conversations: Judaism and deconstruction; Judaism and critical theory; Judaism and critical hermeneutics; Judaism and semiotics; and so on.
- Jewish feminism and postmodern Jewish philosophy.
- Judaism, Israel and postmodern political thought;
- Postmodern Jewish theology in conversation with postmodern Christian theologies.

DIALOGUES IN POSTMODERN JEWISH PHILOSOPHY: To resume a format we tried in Vol 2.1, we would like to revise and redact some of the dialogues generated by Nobert Samuelson's dialogue network. To do so, we need editor/composers. If you are in the dialogue network, please let us know if you would like to edit a partial issue on some area of inquiry that interests you. You will find that editing such dialogues also calls for

varying degrees of composition (in a fashion that may fall in-between the methods of Plato and of the stammaitic redactors!).