

Concluding Remarks

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What an honor to have my essay engaged with such seriousness! Each of these three responses raises generative questions and points to new directions for research and reflection. I am grateful for the opportunity to refine and revise my thinking in conversation with these responses.

The weeks that separate the respondents' reflections from my response have been a period of dislocation, fear, and loss in the face of COVID-19. Amid escalating illness and death, the aporias that absorb my intellectual life have given way to more pressing kinds of not knowing: What do the dangers of this moment demand of me? Will those I love be okay? What of our former lives will return, and what is changed forever? Proximity to death raises the stakes of every pursuit, privileging essential life-saving work over both everyday concerns and the kind of intellectual labor that characterizes a scholarly vocation. In such moments of extremity, there is a tendency to dismiss and devalue the activities that engage us when the world seems more safe and predictable.¹ Yet, even as the urgency of the present crisis renders the work of teachers and thinkers "non-essential,"² never has the task of making meaning felt more pressing. Given the stark demands of this moment, I am grateful to the respondents for pressing me to dig deeper and to grapple with questions that matter.

Sarah Zager calls my bluff when she identifies the wide gap that separates my scholarship from "the public" in my so-called "public scholarship." As she notes, in academic essays such as this one, I am far more dismissive of the Talmud's normative content than I am when addressing a broader audience. Zager's diagnosis succinctly captures a tension that I experience between the different roles I inhabit as a rabbi and as a scholar of rabbinics. Conscious of the sacredness that even non-observant Jews attach to traditional sources, I often suspend my own critical orientation to the Talmud as I mine it for insights that address people's contemporary pastoral needs and ethical questions. Often, this feels like a failing. Sometimes, I worry that I'm compromising rigor and intellectual honesty. Other times, I wonder if I'm underestimating people and their capacity for interpretive complexity. Zager is more generous with me than I am with myself when she articulates my "implicit claim that because rabbinic texts have canonical weight in some communities, important ethical work can be done by mobilizing these texts to what we already take to be ethically productive ends." She helpfully proposes that "academic analysis may have been too quick to reject some important methodological tools." While this is no doubt true, I am nevertheless reluctant to let myself off the hook too easily.

Recent experiences with the very text Zager highlights—a story from Bavli Moed Katan 17a about a rabbinic student who is excommunicated on suspicion of sexual transgression—

¹ So observes Michael Andre Bernstein in *Forgone Conclusions: Against Apocalyptic History* (Berkeley: University of California Press, 1994).

² I am grateful to Pratima Gopalakrishnan for her reflections on essential and non-essential work and on the scholarly vocation during her (online) presentation at the Katz Center for Advanced Judaic Studies on March 18, 2020. Her talk was called "Useful Bodies in the Ancient Jewish Household."

illustrate how my claims on behalf of close reading can be productive not just among scholars, but among a broader public as well. Shortly after I published my piece in *The Forward* that Zager cites, I undertook a closer examination of this story and the surrounding Talmudic discussion with my senior colleague Professor Sarra Lev. Lev challenged my reading, identifying all the ways that I let my contemporary interests and experience color my interpretation. We had the opportunity to discuss our divergent interpretations when we presented together at the Association for Jewish Studies conference in 2018. In her talk, Lev argued that, for Talmudic storytellers, the unspecified sexual breaches that are punished in the story would not have been the kind of power abuses protested by the contemporary #Metoo movement, but rather expressions of homoerotic attraction or other sexual activity outside of marriage. Lev reads the Moed Katan story as an example of rabbinic overreach in which the Sages suspend procedural justice so as to punish the marginalized.

While I am not entirely persuaded by Lev's reading, it has changed the way I teach this story. I no longer invoke this passage to make ethical pronouncements; instead, I use it in synagogues and other public fora to spark discussion about the problems of sexual violence and institutional abuses of power. Now, as I invite students to engage in close reading, they gather textual details in support of conflicting interpretations, discovering nuance and complexity that my strong reading alone would shut down. What emerges is a rich, deliberative exchange that highlights the contingencies of interpretation and the difficulty of making ethical judgments—about characters in a story or about subjects in real life. During these exercises in close reading, the voices of the ancient Rabbis ultimately give way to the voices and values of contemporary readers. Rather than looking to the Talmudic narrative for answers, I use it to sharpen ethical questions, as I encourage readers to be thoughtful about the values, experiences, and commitments that shape their judgments. In these study sessions, the Talmud ceases to be a repository of ethical content and serves instead as a springboard for discussion.

While Zager recommends admitting into my scholarship more of the content-based approach to Talmud study that characterizes my public teaching, my own tendencies pull in the opposite direction, as I seek to bring a critical approach to the Talmud into the synagogue and other public conversations. Incorporating into my public pedagogy the same scholarly sensibilities that inform my research is intellectually honest, but it comes with a cost. In emphasizing the remoteness of the Talmud and the contingency of interpretation, I effectively undermine the power of the Talmud to challenge or guide its readers in direct ways, denying it any normative power. The text becomes a pretext.

Is it possible to maintain a pious relationship with the Talmud without granting it normative authority? This is the question that arises for me as I reflect on Ariel Evan Mayse's erudite and probing response to my essay. Mayse both describes and models what serious scholarship looks like when it is rooted in devotion, advancing approaches to Talmud study from both the Hasidic and Lithuanian traditions that join intellectual rigor with spiritual and ethical cultivation. My own spiritual and intellectual biography means that I approach the Talmud with a very different set of presumptions about the power and possibilities of Talmud study than does Mayse. His reference to his own journey in pursuit of "a devotional Talmud" prompts me to reflect on my own formation as a student of the Talmud. Even though the settings for much of my training and teaching have been religious institutions—seminaries of the liberal Jewish

denominations—the tools of my trade as a rabbinics scholar are theories and methods of critical scholarship honed in the secular university.

In the corner of the Jewish world that I presently serve, our rabbinical curriculum grants Talmudic authorities “a vote but not a veto;”³ this is an outlook that encourages serious study of the rabbinic sources even as it stops short of granting Talmudic precepts any binding force. But my background as a Reform rabbi means that I also carry the legacy of Jewish thinkers like Samuel Holdheim (1806-1860), whose judgements with regard to Talmud study were far more severe. Eschewing the traditions in which he was reared, Holdheim declared the Talmud obsolete:

The time has come when one feels strong enough vis-à-vis the Talmud to oppose it, in the knowledge of having gone far beyond it. One must not with every forward step drag along the heavy tomes and, without even opening them, wait for some innocent remark, therewith to prove the foundations of progress.⁴

Holdheim’s call for abandoning the Talmud was largely fulfilled, leaving rabbinic literature closed to the vast majority of liberal Jews. In my dissertation, I characterized my efforts to unlock some of the ways that Talmudic discourse enriches ethical imagination as “a contemporary Reform rabbi’s retort to Holdheim.”⁵ My project was an attempt to recover a sense of the Talmud’s abiding relevance and normative power by identifying values intrinsic to its discourse without appeal to the authority of tradition. This current essay extends this effort without being nearly as explicit about my imagined audience.

Mayse’s response prompts me to clarify that my imagined audience is composed of contemporary readers who have been persuaded by liberals and traditionalists alike that the Talmud is a work of Jewish law that offers little to those who are not Orthodox Jews. I am interested in making a case for Talmud study among those who are not its devotees. While Mayse warns against elevating Talmudic narrative above other classic corpora of the traditional Jewish curriculum, my own intention was actually to make a far more tepid claim on behalf of the Talmud, distinguishing it not from other treasures of the Jewish library, but rather from other canons of world literature that shape the ethical horizons of Western culture. Mayse’s response points not only to the imprecision of my prose, but also to the constraints of my own imagination. I welcome his suggestions that my thesis has something to offer Talmudic insiders as well as outsiders.

There is another point on which I would push back on Mayse’s demurrals, however, and that is his assumption that the claim I advance on behalf of the Talmud is limited to the narrative portions of the tradition, the so-called *aggadah*. While it is true that my case study focuses on a narrative, the claims that I make about the Talmud’s cultivation of virtue are by no means limited

³ Mordecai Kaplan, *Not So Random Thoughts* (New York: The Reconstructionist Press, 1966), 263, as cited in Mel Scult, *The Radical American Judaism of Mordecai M. Kaplan* (Bloomington: Indiana University Press, 2014), 314.

⁴ From Samuel Holdheim, “The Authority of the Present” (1845) as reproduced in *The Reform Judaism Reader: North American Documents*, ed. Michael A. Meyer and Gunther Plaut (New York: UAHC Press, 2001), 13.

⁵ Mira Wasserman, “The Humanity of the Talmud: Reading for Ethics in Bavli Avoda Zara,” PhD Dissertation, UC Berkeley (2014), 8.

to aggadic traditions. The same granular attention that Beruriah invests in the orthography of the biblical word within this Talmudic story is frequently invoked in halakhic discourse when authorities rely on the grammatical details of mishnaic expressions to make exacting determinations of law. It is not through narrative alone that the Talmud's cultivation of close reading does its ethical work, but also through its legal dialectics. Elsewhere, I have argued that the binary division of the Talmudic corpus into *halakhah* and *aggadah* does not inhere within the Talmud itself but is an imposition of later readers, and I would object to the suggestion that I am exclusively interested in *aggadah* on those grounds alone.⁶ There is more at stake for me here, however, and the best way to capture it is to point out that presumptions governing the distinction between *halakhah* and *aggadah* do not pertain outside of the four cubits of halakhic life.

Mayse addresses the traditional distinction between *halakhah* and *aggadah* in his account of why the study of *halakhah* is primary for Aharon Lichtenstein. He explains that for Lichtenstein, such study is an encounter in which the student is summoned by “the ultimate Lawgiver:”

This moral feature of studying Jewish law sets it apart from the study of *aggadah*. It is the legal majority voice of the Talmud that provides the intellectual link between the scholar and the Divine, a bond that shapes the encounter during study but also results in commanding certain behavior and ethical norms.

For Mayse—or at least for the thinkers he treats—the legal sections of the Talmud are qualitatively different from non-legal content in that they have normative force. Here is where the difference in our personal backgrounds and commitments come into play. Because for me, as a liberal Jew, the rulings of the Sages exert no binding authority, there is no practical difference between that which is traditionally classified as *halakhah* and that which is read as *aggadah*. Where *halakhah* has no force, all is supererogatory. The dicta of the Sages are not dicta for me—אסרנא לא אסרי—and so whatever normative power halakhic discourse conveys resides exclusively in the realm of the ethical. For the non-halakhic reader, the sea of Talmud is an undifferentiated realm where both narrative and legal dialectics yield up normative guidance, even as both are read under the sign of literary imagination.

It is precisely because readers like me do not presume an ultimate Lawgiver behind the words of Talmud that my case for the Talmud's normative power rests on its intrinsic discursive features. I am trying to theorize a Talmudic ethics that confers intimacy and makes demands without recourse to divine imperatives. My approach explicates the Talmud's distinctive discursive features rather than assimilating them into other dialects or generalizing them into abstraction. I do not wish merely to survey this rich and multivalent corpus for rare pearls of insight that can be plucked out of context, but perhaps I am guilty of just such a strategy in

⁶ This is an area of ongoing research for me. I shared a preliminary study, “What’s the Opposite of Aggadah? (Hint: It’s not Halakhah)” at the AJS conference in 2019 and then further explored the ethical implications at the annual meeting of the Society for Jewish Ethics in 2020. For the argument that the *halakhah-aggadah* binary does not inhere within the Talmud itself, see Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011), 31.

pinning my ambitions to one small narrative. (As Sarah Wolf points out, I am not above picking and choosing.) To be sure, Beruriah's story is but a tiny specimen from the vastness of the Talmud, a narrative far too slight to sustain the weight of my larger project.

Sarah Wolf offers a welcome note of caution when she observes that my reading—like any reading—is “a conversation with the text in which the reader speaks at least as loud as the words on the page.” In this articulation of the relation between text and interpreter, the interpreter is dominant, even as the text holds its own as a conversation partner. This is a balance of power that appeals to me far more than Wolf's later suggestion that the most a Talmudic text can offer contemporary Jewish ethicists is a touchstone for the articulation of our own beliefs and values. What Wolf recommends is closely related to the pedagogy I describe above, and yet I find myself resisting her suggestion that the text itself can never offer the kind of rebuke to an overzealous interpreter that Beruriah offers Rabbi Meir. While I appreciate Wolf's reservations about ascribing essential meanings to any text, I worry about the danger of solipsism if the Talmud becomes but a mirror of the interpreter's concerns.

To answer this conundrum, I will summon the master who Mayse observes is curiously absent from my essay—Emmanuel Levinas. I share Mayse's dismay at his absence, and all I can say in my defense is that Levinas is “too often present to be cited”⁷ in anything I think or say. Levinas insists on the necessity of interpretation, observing that “when the voice of the exegetist no longer sounds...the texts return to their immobility, becoming once again enigmatic, strange, sometimes ridiculously archaic.”⁸ The act of interpretation brings out truths which lie dormant until texts are solicited by human readers. The role of the interpreter is to “rub” the text to arrive at the truth it conceals.⁹ Annette Aronowicz explains that for Levinas, “to interpret is to bring out what is already there, hitherto unseen in its full dimensions.”¹⁰ While the text does not yield up meaning on its own, neither does any individual act of interpretation ever exhaust the text's excess of meaning.¹¹ The text “always half suggests and half hides the meaning within it.”¹² Levinas thus projects a relationship between text and reader in which neither is sufficient alone, but in conversation they breathe life into each other.¹³ For Levinas, the Talmud is a paradigmatic text that actualizes the plenitude of interpretation.

Levinas's account of interpretation as an encounter that simultaneously enlivens both text and reader is compelling in that it preserves the otherness of the text, upholding a distinctive

⁷ In the preface to *Totality and Infinity*, Levinas calls Franz Rosenzweig's *Star of Redemption* “a work too often present in this book to be cited” (Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis [Pittsburgh: Duquesne University Press, 1969], 28).

⁸ Emmanuel Levinas, *Nine Talmudic Readings*, edited and with an introduction by Annette Aronowicz (Bloomington: Indiana University Press, 2019), 18.

⁹ *Ibid.*, 66.

¹⁰ From Aronowicz's new preface to *Nine Talmudic Readings* (2019), xx.

¹¹ See Aronowicz's discussion of the surplus of meaning in Levinas' approach to reading in her new preface to (2019), xxvii. For a further exploration of this theme, see Colin Davis, *Critical Excess: Overreading in Derrida, Deleuze, Levinas, Zizek and Cavell* (Stanford: Stanford University Press, 2010), 81-107.

¹² Aronowicz (2019), xxi

¹³ In Aronowicz's evocative rendering on page xxvii of the new preface: “Levinas even speculates that the very notion of transcendence might have arisen as a result of the surplus of meaning in texts, which always depend, as he often says, on the breath we blow on them to bring them to life, a breath awakened through contact with those very texts.” See *Nine Talmudic Readings*, 10-11.

voice with the potential to instruct, rebuke, and guide its readers. It is for this reason that I offer it as a counterpoint to Wolf's admonitions about the impossibility of discerning the voice of the "text itself." But for all the appeal of an account that locates an ethical moment in an act of reading Talmud, the gravity of any conversation between text and interpreter is eclipsed by the transcendence of an encounter with another human being. For Levinas, the normative power released through the act of interpreting Talmud can only be a faint echo of the commandment issued by the face of the other. For those of us living through this present moment, Levinas's core insight about the primacy of the face-to-face relationship reveals itself in the soul-withering isolation that the imperative of "social distancing" imposes. In the midst of fear and suffering, even the richest text is a poor substitute for the company of another human being.

At this moment especially, I am grateful for the opportunity to connect with wise conversation partners. The generosity of these three respondents exceeds the insights of their interpretations and critiques. I look forward to opportunities to continue the conversation in person.