Changing One's Mind: Philosophy, Religion and Science

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Bossy matrons and forced marriages: Talmudic confrontationalism and its philosophical significance

Abstract: This article introduces the confrontational theology of the rabbinic literature of late antiquity by means of a well-known, yet ill-understood legend. It goes on to argue that Talmudic confrontationalism comes coupled with an insistent dialogism that, unlike any other major human undertaking, displays a profound awareness of the indispensable role of external normative critique in the process of changing one's mind.

Keywords: Rabbinic literature, Talmud, midrash, halakha, dialogism, rationality, normative critique, agency

The Talmudic story of the Roman matron who asked Rabbi Yossi bar Halafta (or Halfuta), how God occupied Himself since creating world, is quite well-known. Few, however, are aware of how it ends. Here is one of its earliest versions, that of Leviticus Rabba, a fifth- or sixth-century Palestinian midrashic compilation.

> A matron asked R. Yossi bar Halfuta: How many days did it take for God to create the world?
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> Six days, he answered, as it is said (Ex. 31:17): "for in six days the Lord made heaven and earth".
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> She said to him, from then on what does He do?
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> He sits and makes matches (יושב ומזויג זווגים), he answered her, So-and-so's daughter to so-and-so, so-and-so's wife to so-and-so, so-and-so's wealth to so-and-so.
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> Is that it? I have many male and female slaves, and I can match them to one another in no time!
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> It may seem to you an easy task, he answered, but it is as difficult for God as the parting of the Red Sea (קשה היא לפני המקום כקריעת ים סוף), as it is written (Ps 68:7): "God makes the lonely ones dwell in a home" (אלהים מושיב יחידים ביתה).
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> And with that R. Yossi departed for home.
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> What did she do, she stood a thousand of her men-slaves and a thousand woman slaves in two lines, ordering him to marry her, and her to marry him! In the morning they came to her, one with a split head, another with a blinded eye, another with a broken arm, yet another with a broken leg; he yelling I don't want her! She screaming I don't want him!
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> She sent for R. Yossi, declaring, excellent is your Torah, most fitting and praiseworthy!

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To which he answered her, did I not tell you so? You thought it would be easy, but it is as difficult for God as the parting of the Red Sea (קשה היא לפני המקום כקריעת ים סוף), as it is written (Ps 68:7): [this time quoting the entire verse] "God makes the lonely ones dwell in a home, he brings out the prisoners into prosperity" (אלהים מושיב יחידים ביתה, מוציא אסירים בַּכּושָׁרוֹת).[1]

So much for the better known part of the story, which seems to fit the familiar mold of pious divine-human contrast. The idea being that God's major investment in creating stable family relationships, perhaps to ensure the continuity of creation, is not only important but also difficult, to which the poor matron can now attest! The idea would seem to be that unlike the matron, God in His infinite wisdom and insight makes perfect, heavenly matches. And indeed, this part of the story is frequently alluded to at Jewish weddings, with presiding rabbis waxing poetical about the match made in heaven. And the verse from the Psalms, now quoted in full, renders the connection R. Yossi draws between God's matchmaking and the high moment of the Exodus a little more explicit – a point we shall return to shortly.[2]

But the next, closing sentence changes everything: R. Yossi's intention, it turns out, was not to *contrast* God's and the matron's matchmaking abilities, but to *compare* them! The story of her traumatic experience in trying to create stable couples is not meant to prove God's greatness, but explain his similar lack of success! What means "בַּכּושָׁרוֹת", the midrash now asks, after quoting the verse in full?

"בכ[י] [ו]שירות" weeping and singing; some couples weep and some sing. What does God do, he brings them together *against their will* and matches them. (מביאן על כורחן ומזווגן זה לזו)[3]

The version of Pesikta de-Rav Kahana, another early source, is even clearer:

What does God do? He matches them against their will and not always to their benefit (מזווגן שלא בטובתן) [...] What means "בַּכּושָׁרוֹת"? "בכ[י] [ו]שירות" weeping and singing; those who desire their partners sing, and those who don't, weep.[4]

You thought marriage could be authoritatively enforced, he tells the matron, God too force-marries single men and women to make family units, and not unlike you, He too has only partial success!

Although this clearly seems to be the plain meaning of the two versions, researchers refuse to view the rabbis as deeming any task too difficult for God. "I do not believe [he rabbis] would see fit to deem anything to be difficult for God, and to require great effort on his part," writes Avigdor Shinan in an article he devoted to this story, "this runs contrary their thinking and to their very conception of the divine. Furthermore, they would never have admitted in conversation with a gentile woman that there were things God might have difficulties accomplishing."[5] Shinan insists, therefore, on reading "hard," "קשה" in this context not as "difficult," but as "important" – quite inconsistently with the closing image of the weeping God-made couples. Unlike Shinan, Adi Schremer doesn't ignore the last line but insists on it being a later redundant addition – for which he has no proof other than his discomfort, which he explains similarly to Shinan: for according to this clause "it is unclear what the difference is between God and the matron, who also sought to pair off her male and female slaves 'against their will'."[6] Schremer doesn't even raise the possibility that the point of the story might have been to compare, rather than to contrast the matchmaking efforts of God and the Roman matron.[7]

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1 Leviticus Rabba 8:1 (Margaliot edition, 164–6).

2 On this in detail, see Schremer, *Male and Female*, 42–43, and references therein.

3 Leviticus Rabba, 8:1.

4 Pesikta de-Rav Kahana, "Ki Tisah," 4 (Mandelbaum edition, vol. 1, 19), and compare Genesis Rabba 68:4 (Albeck edition, vol. 2, 772–773).

5 Shinan, "Difficult as the Parting of the Red Sea."

6 Schremer, *Male and Female*, 45, no. 43. See also Ilan, "Matrona and Rabbi Jose."

7 Still Schremer has to admit that whoever authored the paragraph he deems to be a later addition *did* read the story as I suggest, as comparing rather than contrasting God and the matron. In this regard, unlike Shinan, who simply ignores the

And the discomfort voiced by Shinan and Schremer is shared by the rabbis themselves. Both versions record a second opinion attributed to R. Berachia who describes good and bad marriages not as imperfect divine attempts at perfect matches, but as perfect acts of divine *retribution*.

> R. Berachia says, it is in these words that R. Yossi bar Halafta answered her with the holy spirit:[8] He sits and constructs ladders, brings one person down, and raises another, lowers one, and lifts another, as it is written: "but God is the judge, he puts one down and sets up another" (Ps. 75:8).[9]

Clearly many of the marriages and partnerships formed in reality do not end up well. Indeed many of them end badly. According to R. Berachia, R. Yossi's answer to the matron's first question that after creation was completed, God was not engaged in matchmaking *per se* but only as part of a highly complex system of justly due punishment and reward – a common tactic in religious apologetics designed to square divine perfection with the reality's imperfections, by interpreting the unsuccessful and unwanted as perfectly just. Thus, tearful pairings, for instance, are not seen as proof of divine difficulty or inability in creating matches but proof of His subtle and perfect system of justice. Had that been His wish, R. Berachia all but states explicitly, He would have forged perfect matches for all with no difficulty whatsoever! Unlike the inept matron's impervious and arbitrary pairings, God's matchings are perfectly fitting, perfectly just – each of us receiving not the perfect spouse but the precise one we deserve!

But in that case what would be the point of the story? What was R. Yossi trying to teach the matron or learn from her? What might he have meant in deeming God's efforts as difficult as parting the sea? R. Berachia seems clearly not to be proposing a different interpretation of the story, but a different *version* of it based on a different reading of Ps. 68:7. "It is in *these* words that R. Yossi answered her initial question as to God's activity after he created the world," claims R. Brachia. In his version, the story simply ended there, with no further need of demonstration.

So let us stay with the original story, disputed by Shinan, Schremer, as well as by R. Berachia who, for theological reasons, propose to read it differently, according to which, since completing His work of creation God regards pairing partners in stable and satisfying marriages and other enterprises as His most important task, yet encounters great difficulties in doing so.

What the text doesn't explain is *why* He finds the task so difficult? The matron thought she could marry off her slaves by the sheer force of her command, oblivious of their preferences or needs. The lesson she was taught was not that her authority was limited, but that absolute authority cannot ensure a stable marriage. What then was R. Yossi's intention in likening rather than contrasting God's efforts to hers? If he thought God's difficulties owed to different reasons – an inability, say, to always get people to realize what's good for them – there would be no point to the story. If unhappy marriages attest to no more than a lack of faith in God's perfect judgment, the story's lesson would be that we should all stick to our perfect, God-chosen spouses come what may. But to read the story as something like a rabbinic plea for a Catholic view of divorce seems preposterous!

For the story to make any sense at all, we must conclude that like the bossy matron, God's difficulties also owe to the limits of absolute power. And once that is realized, an intriguing possibility presents itself.

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As is well-known, both biblical and rabbinic literature make ample metaphorical use of human relations to imagine and narrate the few ups and many downs in God's relationship with His chosen people. God is depicted as king, judge, master, father, bridegroom, and husband; however, as Halbertal and Margalit point out in *Idolatry*,[10] the Bible's "foundational metaphor" in this regard is that of the marriage bond. Most of its positive appearances are beautiful and poetic but say little about how the bond

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paragraph, Schremer cannot deny what Shinan is unable to consider, namely, an authentic rabbinic voice that views matchmaking an undertaking that even God finds difficult.

8 The words "with the holy spirit" (ברוח הקודש) appear only in this version, and Margaliyot deems it a scribal error.

9 Leviticus Rabba, 8:1, and with minor changes, Genesis Rabba 68 (Albeck edition, vol. 2, 772–3) and Pesikta de-Rav Kahana, "Ki Tisah," 4.

10 Halbertal and Margalit, *Idolatry*.

is actually envisaged. Verses like "I remember in thy favor the devotion of thy youth thy love as a bride when thy did go after me in the wilderness" (זכרתי לך חסד נעוריך אהבת כלולותיך ללכתך אחרי במדבר) (Jer.2:2) tell us nothing about how the couple conceives their relationship, or expectations from it.

But when depicted negatively, when the marriage metaphor is evoked to describe moments of crisis and failure in Israel's covenantal relationship with God, a clear and consistent picture emerges of marriage as absolute patriarchal ownership. Of the Prophets' numerous accounts of Israel's salvation by God and eventual betrayal, the dark imagery of Ezekiel 16, if typical, is by far the most disturbing. Having saved the abandoned newborn baby from certain death, His right to her, now she has blossomed into a fetching young woman, is absolute and wholly unilateral. The English translation is toned down yet still clear enough:

> And when I passed by thee and saw thee weltering in thy blood, I said to thee in thy blood live, yea, I said to thee in thy blood live! [...] And thou didst increase and mature, and thou didst come to possess great attractions: Thy breasts were firm and thy hair was grown, and yet you were poorly clad and bare. Now when I passed by thee, and looked upon thee, behold thy time was the time of love, and I spread my wing over thee and covered thy nakedness; yea, I swore to thee, and entered into a covenant with thee, says the Lord God, and thou didst become mine! (Ez. 16:6–7)

Saving the helpless infant constitutes an act of acquisition, entitling God to the alluring young damsel she has become, whom He simply takes to be His. The most telling phrase in the Hebrew is: ואבוא בברית אותך not I have "entered a covenant *with* you" as virtually all English translations renders it, but אותך, "entered *you* into a covenant with me"! She is the *object* of God's oath and covenant, not a party to them. Just as the infant Israel in Egypt is not asked whether she wishes to be saved, the young woman, Israel standing at Sinai, is taken to be God's own "against [her] will and not always to [her] benefit," exactly as the Pesikta de-Rav Kahana's version of the matron story describes God's matchmaking! The unilateral Sinai covenant is forcefully dictated to the terrified Israel cowering at the foot of the mountain. "I am the Lord thy God who hath brought you out of the land of Egypt," states the first Commandment, clearly implying, as Halbertal and Margalit aptly point out,[11] that *therefore*, "Thou shalt have no other gods beside me!"

Betrayal of the marriage bond may serve as the Bible's central image for Israel's religious infidelity, but other biblical metaphors, especially that of master and slave and even father and son,[12] portray God's conception of the covenantal relationship far more starkly. Leviticus 25 justifies the demand for absolute obedience thus: "For to me the children of Israel are slaves; they are my slaves whom I brought out of the land of Egypt, I am the Lord your God!" ("כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים, עֲבָדַי הֵם, אֲשֶׁר הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרָיִם - אֲנִי ה' אֱלֹהֵיכֶם"). Neither does Isiah mix his words: "An ox knows his owner, and the ass his master's crib, Israel does not know, My people does not consider!" ("יָדַע שׁוֹר קֹנֵהוּ וַחֲמוֹר אֵבוּס בְּעָלָיו יִשְׂרָאֵל לֹא יָדַע, עַמִּי לֹא הִתְבּוֹנָן")

Given the marriage bond's centrality to the Bible's account of God's relationship with Israel, it's decidedly bondage-like, forced unilateral nature, and the fact that it is reputed as being almost constantly in a state of profound crisis, the seemingly quaint and innocent story of R. Yossi and the delusional Roman matron takes on a new and startling meaning.

After completing the work of creation, and jump-starting humankind anew with Noah, God's main efforts, according to the Bible, were directed at fostering his chosen people, gaining their loyalty, and religious submission to His command – which, according to that narrative, He indeed found exceedingly difficult. On such a showing, the matron's miserable failure to pair off her slaves by force serves as dramatic proof of God's similar failure to enforce His covenant with Israel, and our little rabbinic tale is transformed into a forceful, flimsily disguised theological critique.

The text itself gives away little of all this, but the placement of both versions is more revealing, certainly for the seasoned reader. For neither midrashic intervention has anything to do with human marriage nor the continuity of the human race. The immediate context in both cases is the episode of the Golden Calf, the first colossal crisis in the covenantal relationship between God and Israel: a mere 40 days,

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11 Halbertal and Margalit, *Idolatry*, 21.

12 On the biblical father–son depictions of God's relationship to Israel as a metaphor for subordination and servitude, see Goshen-Gottstein, *Father and Son*, especially 214–36, and references there.

as the Pesikta de Rav Kahana has it, "after hearing at Sinai 'Thou shalt have no other Gods beside me' from the mouth of God, [...] they said to the calf: 'These are thy Gods O Israel'!"

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In which case, what we have here is a cleverly crafted, bona fide early rabbinic legend highly critical of what most would describe as the accepted view of religious commitment shared by all three monotheistic faith traditions: namely, submission to the command of an all-knowing and perfectly good deity. For if God was deemed by the midrashist to be all-knowing and morally perfect, criticism of His conduct would have been self-contradictory. Calling God's failure to establish a stable religious covenant with Israel to task by comparing it to the tyrannical matron's rude attempt to pair off her slaves, presupposes a firm denial of divine perfection.

But to what extent does our story's implied theology of divine *im*perfection represent a viable option for the rabbinic literature of late antiquity?

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God's existence was not an issue for the rabbis, but a matter of brute fact they saw no need to justify or defend. But they sorely debated what has become, at least since the early middle ages, the one theo-ontological premise of all forms of God-centered religiosity in all three monotheistic traditions: namely, *divine moral perfection*. They cared less about divine omnipotence or omniscience, but, as I have argued in some detail elsewhere, a major, perhaps *the* major Talmudic voice explicitly and self-consciously premises a firm denial of divine moral perfection as the basis for its very idea of religious obligation and faithfulness – rendering the criticism leveled against God in our story not only permissible, but required.

If God's justice is considered unquestionably good, our covenantal duty is to accept it, come what may – not as an act of quietist resignation in the face of superior *force* but as an act of reasoned moral acceptance. But if God's justice, however well intended, is considered potentially morally questionable, our covenantal duty is to confront rather than justify His word and deed, openly voicing, rather than submissively suppressing our disapproval when we deem them wrong.

The two contrasting presuppositions thus generate diametrically opposed religious cultures, founded on diametrically opposed norms of religious disposition – submissive versus confrontational – that are grounded in turn in diametrically opposed theologies – so opposed, that the confrontational view would be rejected today by all as falling incoherently beyond the pale of the most liberal concepts of God-centered religiosity! The two positions, we could say, thus constitute a fundamental dispute regarding the notion of religiosity itself, which in former work[13] I have traced through in a broad array of rabbinic texts. It is a dispute unique to the Talmudic literature, which gave way thereafter to a common adherence to religious submission. However, within the rabbinic literature, as I have shown, it is conceived far more broadly, as applying in addition to the divine but to all three other main formative sources of religious authority recognized by the rabbis: Scripture, the halakhic tradition, and the institutions of halakha, with regard to which one finds the same fundamental divide between unyieldingly submissive and confrontational conceptions of religious obligation and faithfulness, just as with regard to the divine.

However, the seemingly quaint story of R. Yossi and the matron, as I propose it be read, represents far more than yet another instance of rabbinic confrontationalism. For it joins a small group of texts in which God is criticized not simply for a questionable action or command[14] but for implementing and promoting submissive religiosity itself! But to imply that God was wrong to insist that His covenantal relationship with Israel be one of surrender and submission by declaring it a failure (by His own admission) is to reestablish the relationship willy-nilly on confrontational grounds! Rather than seeking midrashic proof that confrontational religiosity was always the disposition most desired and welcomed by God (as, for

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13 Most systematically in Fisch, *Covenant of Confrontation*.

14 As in all the cases I have analyzed to date, ranging from critiques of divine collective punishment (e.g., Genesis Rabba, 18:25 (Albeck edition, 510–2) and Numbers Rabba, *Hukat*, 19:33) to the powerful personal critiques attributed to Leah and Hanna (Midrash Tanhuma, *va-Yetze*, 60:8 and Bavli, *Berakhot*, 31a–32a, respectively).

example, in the Mekhilta's ranking of prophets[15]), the story calls Him to task for relentlessly supporting the opposition since the beginning of time! It thus implicitly presents itself as capturing the great parting of ways, namely, the very moment in which confrontational religiosity was born as a more viable alternative.

But there is more. Insofar as the story purports to signal a profound rethinking of the Israel's covenantal bond with the God, the presence of the Roman matron, I believe, is highly significant. If the story is primarily about realizing the futility of an enforced submissive religiosity, her very role in it might seem unclear. She is obviously a stand-in for the story's intended reader, who like her is expected to realize its lesson. But in that case, one might ask, why not fashion R. Yossi's interlocutor closer to the image of that intended reader, rather than in that of an exotic foreign outsider? It is here, I believe, in the very amplitude of Talmudic dialogue, far more than in rabbinic confrontationalism itself – astonishing as it might sound in the context of God-centered religiosity – that the Talmudic literature's most profound philosophical lesson lies.

To appreciate what I mean, we need to take a closer look at the Talmudic literature as a whole, and how, I believe, it conceives its project.

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The rabbinic literature of late antiquity is split diachronically between two synchronically flattened "generational" strata: Tannaitic and Amoraic. The Tannaitic period spans five generations of Palestinian sages from the destruction of 70CE to the redaction of the Mishna 150 years or so later; the Amoraic period, seven generations of Palestinian and Babylonian sages from the mid-third century to the end of the fifth. Their writings comprise two wide-ranging undertakings: exegetical and halakhic, geared, respectively, to interpreting scripture and to establishing a comprehensive body of ritual and civilian law.[16]

Like other religious canons, it is the literature that deems Scripture to be God's revealed word, but unlike other canons, none of the diverse, insistent attempts to read it are ever taken to yield a single God-given Truth, nor are they ever adjudicated. The vast midrashic literature presents a broad array of contrasting readings of almost every biblical phrase it addresses, clearly aware that given the broad and diverse spectrum of human understanding and perspective, the very idea of discerning and vouching for the text's one true reading is a rude conceit. It is the literature that takes God's word with utmost seriousness, yet is profoundly unconcerned with ever getting it right once and for all. The most common and characteristic term of rabbinic midrash is "*davar acher*," heralding in yet another reading. It is hence a canon rife with disagreement, some absolutely fundamental, yet it makes no move at all to decide any of the disagreements it harbors, including that regarding divine moral perfection, the most profound and foundational of its meta-religious disputes.

This is true even with regard to halakha, which, needless to say, has to be decided. But its decisions prove to be provisionary in principle. The Mishna and Tosefta – the two systematic Tannaitic halakhic compilations – indeed decide each and every issue to which they attend. But they do so by majority vote (that purports to represent nothing more than contingent convergences of human opinion), which are registered alongside the dissenting positions of the minority. However, in their keen and detailed discussion of Tannaitic halakha, Tannaitic ruling is exposed to a broad and radically diverse variety of Amoraic readings and understandings, which in turn, not unlike the midrashic literature, are never adjudicated.

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15 Mekhilta de-Rabbi Ishmael, *Masekhet de-Pascha*, 1 (Horovitz-Rabin edition, 3). See also the powerful contrast between Balaam's submissive prostration in the presence of God and Moses with whom He spoke "face to face," in Sifri Deuteronomy 357:10 (Finkelstein-Horovitz edition, 430).

16 Their exegetical undertaking comprises all midrashic compilations: from the halakhic *midrashim* of the Tannaitic period to the last of the aggadic *midrashim* of the centuries that followed as well as the numerous passages devoted to scriptural exegesis in the two *talmudim*. The rabbis' halakhic enterprise commences in the Mishna and Tosefta – the thematically ordered corpora of Tannaitic rulings – and culminates in the two great Amoraic commentaries on the Mishna – the fifth-century Jerusalem, or Palestinian Talmud, the Yerushalmi, and the Babylonian Talmud, the Bavli, redacted a century or so later.

Taken as a whole, the Talmudic canon does not see itself as responsible for laying down the law – theological, exegetical, or halakhic – for future generations, but for providing them with an exceedingly broad array of different and contrasting positions, not unlike a common-law tradition, for individuals and communities to join the discussion, and when decisions are called for, to decide for themselves. But in refraining from laying down the law, it inevitably, if subtly pulls the rug from under the feet of the submissive, traditionalist party to the foundations dispute – undermining its submissiveness by forcing its adherents to make a rational choice, rather than piously submit to a God-given dictate! For it is a canon that refuses to dictate.

Put differently, and somewhat more philosophically, the combination between the Talmudic literature's profound diversity of opinion and its refusal to decide any major issue powerfully explode – I believe quite deliberately – any hope for what Sellars nicely dubs "the myth of the Given," the idea that foundational principles or data should command our assent, even in a God-fearing, religious context, by being thrust upon us from without: be them in the form of the Descartes's "clear and distinct" divinely ensured fruits of human reason, the empiricist's contentful delivery of the senses, or the religious truths of revelation. The Talmudic canon's foundational diversity and insistent undecidedness jointly undermine the very idea of an objectively revealed foundation, and with it any comforting hope of submitting to the undeniable.

And yet, as surprising as all this might seem in the context of a deeply religious culture, nothing we have said so far goes beyond what is widely accepted in contemporary philosophy of mind, self, language, or science – at least of the neo-Kantian variety to which I subscribe – which all acknowledge both the diversity and constitutive force of all human expression, and therefore deny the absolute givenness or *a priori* certitude of any component of our world view.

It is in the way the Bavli combines and elects to deal with the two basic insights on which the rabbis' entire enterprise builds – namely, that divine revelation and action are not only exegetically under-determined but liable to be wrong and subsequently revised – that we can begin to see the profound normative challenge it poses to all forms of self-assured certitude, science included.

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But an important element is still missing from the equation: The Talmud's insistent dialogism – its constant, all-pervading, never decided, horizontal, back and forth on the endless array of theological, exegetical, ethical, and, of course, halakhic issues it opens for discussion as it reads the Mishna – and more importantly, its relevance to the kind of vertical confrontationalism of the kind heralded in by the story from which we set forth. Again, my overarching hypothesis regarding the Talmudic literature's project – certainly that of the Bavli[17] – is that despite giving ample voice to the traditionalist, submissive "Shammaite" point of view, it is an essentially confrontational "Hillelite" undertaking.[18] Or better still,

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17 Although I fully agree with Daniel Boyarin's perceptive distinction in *Socrates and the Fat Rabbis* (following the Bakhtinian reading of the Talmud's legal narratives in Wimpfheimer, (then forthcoming) *Narrating the Law*) between real dialogue, and dialogues that are narrated, as in the Bavli, and hence "monologized" by the active intervening voice of their narrators, I disagree with him on two major points. First, I firmly disagree with his claim that the Bavli's monologized dialogues are, therefore, all "normal" in the Kunian sense of the term, and hence pressed into the service of a shared normative framework and even more so with his further claim that by the end of the day "the talmudic *sugya* reduces any real dissent [...] into an argument about virtually nothing." I also dispute his additional contention that the monologized Talmudic and Platonic dialogues resemble one another (see my *Covenant of Confrontation* ch. 4 §2). For a lucid distinction between the two very different dialogue types (as employed by Hobbes and Boyle, respectively), see Schaffer and Shapin, *Leviathan and the Airpump*, 143–146.

18 The deeply divided, so-called "Houses" of the great sages of old, Hillel and Shammai, are taken by the Talmudic literature as the paradigm of rabbinic halakhic and meta-halkhic disagreement (see, for example, Mishna, Avot, 5:17, where it is hailed the model of disagreement "for the sake of heaven"). As I have argued extensively in work cited in footnotes 19 and 20, the meta-halakhic disagreement between Shammaites and Hillelites is not other than the fundamental dispute of which I spoke above between submissive and confrontational conceptions of religious obligation in the halakhic realm. In the legend referred to immediately, the heavens are described as adjudicating the Houses debate and finding in favor of Hillelites.

because it is an essentially Hillelite undertaking, ample room and voice are reserved for the opposition. As the Jerusalem Talmud's version of the famous legend nicely puts it:

> Why does halakha follow the House of Hillel? Said R. Yudah b. Pazi: because they would not only give precedence to the rulings of the Shammaites in relation to their own, but would [often] see the Shammaites' point, and retract their own position.[19]

The heavens favor the Hillelite approach to deciding halakha, states the Bavli's more developed version, because, unlike that of the Shammaites, it is both "flexible and humble" – "נוחין ועלובין", which in late antique rabbinic Hebrew can be shown to mean: non-dogmatic and willing to be insulted, i.e., prepared to be proven wrong.[20]

The two "Houses" are on record as disputing a little over 300 first-order halakhic issues. But with regard to 34 of them, of which the Yerushalmi seems to be well aware, in addition to laconically stating their differing rulings, the dialogues to which they supposedly gave rise are also on record. It is a contrived corpus, of course, of little historical value, but it does convey a clear picture of how the rabbinic literature envisaged the nature of this "mother of all Talmudic disputes." As I have shown in detail elsewhere, analyzing their very different discursive moves in these exchanges can teach us much about how the rabbis viewed their different approaches.[21] But one glaring difference relevant to the issue at hand stands out. In terms of outcome, the 34 disputes on record do not particularly favor the Hillelites. In 15 of them the Shammaites are described as having the last word, and in 18 it is the Hillelites' final rejoinder that goes unanswered. (One case remains unclear.) Having the last word does not settle the issue, of course, it only means that the other side is one record as stumped for an answer. The big difference between them lies not in their argumentative ability, but in what happens next. In 7 of the 15 debates in which the Shammaites have the last word, the next line states that as a result the Hillelites retracted their position and adopted that of the Shammaites – חזרו בית הלל להורות כבית שמאי – something the Shammaites never do!

The Hillelites' willingness to rethink their positions in the light of criticism, I realized from the outset, dovetailed nicely with the kind of critical rationalism famously advocated by Karl Popper and his school, to which I was at the time firmly committed: a healthy acknowledgment of one's liability to err, even with regard to one's most heartfelt beliefs, and a willingness to admit being wrong when proved so. But there is much more to the way the Talmud portrays the Hillelites than mere Popperian fallibilism, but it took me over a decade to realize that.

It has to do with the great value laid by the Hillelites not merely on maintaining a self-critical stance, but on being actively exposed to *external* criticism; on subjecting themselves deliberately to criticism leveled at them from perspectives radically different from their own. Their willingness to change their minds in the light of criticism is admirable in itself, but the point of the story goes further, namely, that if not for the Shammaites, it would never have occurred to them that they were wrong. As Maimonides wryly observes in his Laws of Repentance: "He who resents rebuke, shies away from critics and fails to hark to their critique, will persist in doing wrong, *because he believes he is doing right*!".[22]

The idea is simple enough, although it wholly eluded my then Popperian sensibilities. Regardless of how open-minded one is, there exists a categorical difference between normative commitment and all other forms of cognitive assurance such as belief, knowledge and conjecture. For it is by means of our normative commitments that we form and test what we believe, know, and assume about ourselves, our world, and our fellow reasoners. But if *self*-criticism is to hold ourselves accountable *to* the norms and standards to which we are committed, how can we ever hold ourselves accountable *for* being committed to them in the first place? How can we critically appraise our very norms of appraisal? No amount of

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19 Yerushalmi, *Sukkah*, 53b.

20 Bavli, *Eruvin*, 13b. For a detailed analysis of this potent legend, see Fisch, "Deciding by Argument versus Proving by Miracle," and Fisch, *Covenant of Confrontation*, ch. 1.

21 Shapira and Fisch, "The Debates between the Houses."

22 Maimonides, "Laws of Repentance," 4:2.

Popperian hand-waving about everything being self-criticizable, and normative frameworks being a "myth," as the outrageous title of his last collection of essays declares,[23] will get us around the simple fact that a normative framework cannot be impeached by its very own standards.

Self-criticism seems to be subject to firm normative limits that would appear to render our normative frameworks immune to normative critique. This I began to realize, was the source of Talmudic Hillelism's greatest worry, which like Maimonides's was not the thought of failing to live up to their standards, but the thought that the standards to which they aspired to live up to, might not be worthy of aspiring to! How can their norms and standards be rationally appraised if it is by means of them that they rationally appraise? Or, cast in the more familiar terms of Thomas Kuhn's famous book,[24] how can a paradigm shift be deemed scientifically viable, if in the course of such transitions the very standards of scientific viability are replaced?

What Talmudic Hillelism clearly seems to have realized (as did Maimonides) is that one is indeed incapable of adopting a critical stance toward the norms that serve one in doing so. However, going an important step beyond Kuhn, Michael Friedman, Charles Taylor, Richard Rorty, Christine Korsgaard, Harry Frankfurt, John McDowell, Robert Brandom, and every other latter-day philosopher of agency and normativity of whom I am aware,[25] they also realized that exposure to the echo-chamber of trusted *external* normative criticism can at times destabilize the norms it questions sufficiently to enable them to take critical stock. For as the text implies, the Hillelites would be the first to admit that lacking the normative challenge of keen Shammaite opposition, it would never have occurred to them to change their minds.

Aware of her inability to adopt a critical stance toward her own "final vocabulary," Rorty's strong poet experiments aimlessly with other such vocabularies, self-distancing herself ironically from her own commitments by trying other forms of life on for size with the hope of undergoing a gestalt switch of the kind described by Kuhn, one of Rorty's heroes. The Hillelites, by contrast, engage the Shammaites not to be converted but to be thoroughly *challenged*. For them it is not the exotic allure of their otherness that is capable of changing their minds – as it is for Rorty – but the jolting destabilizing impact of their insistent normative critique.

What Talmudic Judaism and Maimonides have in common is not merely an *awareness* of the transformative potential of external normative criticism, but the endorsement of *active and deliberate exposure* to such criticism, as a foundational norm of their discursive practices. The vast literature of late antique rabbinic Judaism is consciously structured and fashioned in the light of such a commitment and the same can be said for what I would deem to be Maimonides's religious anthropology. For his Laws of Repentance are not confined to merely changing one's ways in accord with what one deems to be right but to changing one's *mind* about one's very standards of rightness.[26]

The Talmudic canon is unique in being the only record of a major human intellectual undertaking of which I am aware, whose sole objective is not to present its readers with a substantial body of authoritative *teachings*, but to convey to them by extensive example the indispensable role played by profound and fundamental *dis*agreement in enhancing and enriching of one's own point of view. This

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23 Popper, *The Myth of the Framework*.

24 Kuhn, *Scientific Revolutions*.

25 See especially Friedman, *Dynamics of Reason*, Taylor, *Sources of the Self*, chs. 1–4, Rorty, *Contingency, Irony, and Solidarity*, Korsgaard, *The Sources of Normativity*, Frankfurt, *The Reasons of Love*, McDowell, *Mind and World*, and Brandom, *Reason in Philosophy*, Part One.

26 I find the placement of the Laws of Repentance within Maimonides's meticulously framed 14-tome halakhic code, the *Mishneh Torah*, to be highly revealing in this regard. Rather than place them among the Laws of the High Holidays, where repentance and atonement are central, they are listed as Part IV of the first book of the 14, the *Book of Knowledge*, which sets forth, according to Maimonides "the basic principles of the religion [...] which one needs to know at the outset." These include The Laws of the Foundations of the Torah (theology), The Laws of Opinion (foundations of virtue ethics), The Laws of Torah Study, The Laws of Idolatry, and the Laws of Repentance that outline the limits of self-critique and correction and their dependence on exposure to the rebuke of others.

alone should render the Talmudic literature of major interest to philosophers interested in normativity, rationality, and human agency. To paraphrase the title of a book by Axel Honneth, what best characterizes its undertaking and didactic message is an appreciation of the role of the *we in the I*[27] – not of course in the reductive, "death-of-the-subject" sense of the term.

However, neither the Hillelites nor Maimonides attempted to explain *how* the echo chamber of external criticism is able to perform the transformative magic they rightly believed it can. Awareness of it doing so, even as explicit as in Maimonides, does not amount to an explanation. Understanding how and why are different things entirely. And here lies the notorious problem that, due in part to the Talmudic literature, has animated my work of the last two decades.

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The problem of which the Hillelites and Maimonides seem to have been well aware is quite general. To act rationally is to act for a reason, to intervene in response to what strikes us as a failing that merits repair, and to do so ever conscious of our liability to misjudge the situation. But rationality requires of us, not only to apply our standards in critically apprais*ing* but to subject *them* to critical apprais*al*; to hold ourselves responsible not only for living up to our commitments, but for living up to commitments worthy of living up *to*.

John McDowell puts the point concisely in *Mind and World* with respect to ethics. On the one hand, one's ethical outlook is one's sole point of ethical reference.

> If a person conceives her practical situation in terms provided for by her specific ethical outlook, that will present her with certain apparent reasons for acting. [...] the only standpoint at which she can address the question whether these reasons are genuine is the one she occupies [...]

Yet at the same time, he continues,

> Like any thinking, ethical thinking is under a standing obligation to reflect about and criticize the standards by which [...] it takes itself to be governed.

And it is here that the problem begins to come into view, for as he goes on to note:

> the essential thing is that one can reflect only from the midst of the way of thinking one is reflecting about [...]. The thought is that this application of one's ethical outlook would stand up to the outlook's own reflective self-scrutiny.[28]

But how can that be possible? How can our norms and standards be effectively subjected to our normative appraisal if it is by means of those very norms and standards that we normatively appraise!? Our real commitments, it seems, are immune by definition to their own normative scrutiny.

Standards and norms are changed and replaced unwittingly, of course. A quick look through the family album will prove how radically our aesthetic tastes vary surreptitiously in time. But we would like to think that politics, ethics, science, and religion are different. They have to be different! The thought that political realignment, serious religious changes of heart, and scientific revolutions cannot be undertaken for good political, religious, or scientific reasons seems preposterous! And although very few actually raise the problem there exists broadly, if largely implicit agreement that the very norms that facilitate our self-critique incapacitate our rational powers at the very point they are most needed.

We can reflect on the norms to which we are committed, but not critically. We can self-troubleshoot for coherence and consistency, but because it is by them that we pass normative judgment, they cannot be normatively self-impeached. Standing back from our norms, we are left with no normative evaluative means at our disposal. So, the problem of normative self-critique cannot be addressed at the level of personal, intra-subjective, normative self-criticism. It is impossible to find the norms we are committed to

27 Honneth, *The I in the We*.
28 McDowell, *Mind and World*, 80–81.

normatively wanting, by merely talking to ourselves! To this, as we have seen, Talmudic Hillelism, like Maimonides, seem to fully agree.

Put more generally, the problem boils down to this: the rational incentive for replacing or modifying a normative framework cannot be articulated in that framework's own terms. There is no way a committed Aristotelian or liberal could argue for the need to rethink their Aristotelian or liberal frameworks by force, exclusively, of Aristotelian or liberal premises. The critical process, the Talmud clearly believes, must be set in motion in a way that somehow transcends the normative commitments of those whose framework it is. And this can only be achieved by subjecting ourselves to external criticism. But how can that be? We are no more capable of being convinced to endorse normative criticism leveled at us by others, than of framing such criticism ourselves.

We all know how effective exposure to external criticism can sometimes be. But to what extent can its transformative outcome be considered *rational*, as opposed to the kind of conversion process Wittgenstein dubs "persuasion"[29]? Rationally accepting or dismissing a critical argument, one would think, should be a straightforward matter of evaluating premises, inferences, and data. But *normative* criticism is different, because it purports to normatively challenge our very normative commitments. Hence, for the same reason that normative *self*-criticism is unthinkable, such criticism can never *convince* when leveled at us by others.

The question of rational framework modification reduces further, therefore, to whether (and if so, how) external normative criticism can effectively stimulate transformative normative self-criticism *despite being unable ever to convince*? The very idea of a consciously dismissed argument having such an effect will strike many as downright absurd. The fact that we have arrived at such an *impasse*, they would claim, proves by *reductio* that Rorty and Wittgenstein are right in asserting that our normative frameworks indeed mark the outer boundaries of rational consideration, rendering unfounded the very idea of their rational review and replacement. In which case, the presumed transformative force of Talmudic dialogism should be deemed an illusion.

I disagree. It is true that arguments critical of a person's heartfelt norms can never *convince*, but their disputative ineffectiveness has little to do with the quality of their premises or their arguments. Normative criticism is rejected not because its logic is deemed faulty, but because its conclusions are deemed preposterous (or unthinkable, or repulsive). This is the strength of normative commitment, but it is also its weakness.

Because prudent criticism is aimed at being heard and *endorsed* by its addressees as self-criticism. Critics must, therefore, be as convincing as possible and base their case on premises (they believe) those they criticize hold true. The problem is that in the case of *normative* criticism such a case can never be made *simpliciter*, for the simple reason that there is never available a set of premises a person is liable to consider true, that can be shown to entail for her a denunciation of her very norms.

The thing to realize, I have argued,[30] is that prudent normative critics are largely aware of this. They know (or at least instinctively sense) that framing their argument squarely from within the perspective of those they criticize is impossible. But they also know that for their criticism to register and be taken rationally to heart, it must be leveled as far as possible on the basis of premises those they criticize can recognize as their own. As most of you will agree, what we normally do when criticizing another person's norms – and this is the crucial point I believe Wittgenstein misses – is to frame our arguments somewhat *untruthfully*, arguing from an *imaginary* perspective, close to that of those we criticize, but sufficiently different from it to be able to make our point. Arguing from the left, critics will surreptitiously premise certain liberal and socialist norms to make their case, while those who argue from the right, will tend to smuggle in just enough conservative value to make their arguments stick.

However, while such untruthfulness is wholly characteristic of prudent normative criticism, it is usually not as contrived as I make it out to be. Most often the discrepancies between the positions we

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29 Wittgenstein, *On Certainty*, 81e, §611–12.
30 Fisch and Benbaji, *The View from Within*, ch. 8 and Fisch, *Creatively Undecided*, ch. 3.

attribute to the people we criticize and those they actually hold owe to our inability to imagine how differently they think. Think of the constraints Gadamer places on the sort of Collingwoodian empathetic understanding by reenactment that historians seek to achieve of those they study.[31] The real achievement of effective normative criticism is a kind of "fusion of horizons," though different from Collingwood's and Gadamer's – an attempt to reason like somebody else, not in order to understand that person's world, so much as to stand back from it and call it into question.

Intentionally or not, the upshot is much the same. When criticizing other people's norms, our arguments inevitably premise a largely true portrayal of their normative framework, that diverges from their own self-image, only with respect to the norms we are challenging. Since leveled against their norms, the argument itself will be dismissed – though not because its premises are deemed false, but because its conclusions are deemed preposterous. And because the argument's premises are *not* refuted, their portrayal of its addressee's normative identity may *linger on and register* uncoupled from the argument itself.

The subtle but crucial difference, then, between being subjected to ordinary and normative criticism is that because the normative profile we are presented with in the latter case, though incongruous with our own, *is not one we will have actively refuted*. And to the extent we consider our critics sincere, we may find ourselves entertaining side by side both incompatible normative portrayals. Since the points of disagreement between the two pictures will pertain to the very norms being criticized, their incongruity, just as in the case of a disturbing playback device, may well have the effect of destabilizing our initial commitments, and rendering us *ambivalent* toward them. And norms to which we become ambivalent lose their wholehearted volitional grounding, and with it their identity-forming status. Thus demoted, they will be subjected, as a matter of course, to the normative critical scrutiny of the self's remaining commitments. In this way, I have argued, deep reaching and trusted normative criticism is capable of creating the inner leeway necessary for truly transformative normative self-criticism. But the levels of inner-discordance and self-alienation it demands require a potentially "ambivalating" echo-chamber of trusted normative criticism that far transcends the possible boundaries of even the keenest self-reflection.

The metaphor of a playback device is important. Listening to a recording of our voice, watching a close-circuit filming of ourselves, we are briefly allowed to observe ourselves in action from a vantage point otherwise unavailable to us. The difference between the recording and our self-image, as we can all confirm, can be significant and highly disturbing. More importantly, such devices offer an invaluable self-critical asset. Exposure to the normative critique of others, I submit, can have a comparable effect.

Thus, in Hillelite fashion, normative diversity, thought by many to be the source of the problem, can now be seen to be the key to solving it. Full-fledged normative reflective self-criticism can become a real possibility, but only in response to earnest and trusted normative critique leveled at us by people committed differently. Only thus can a person become sufficiently "ambivalated" to question the norms his critics contest.

For those like myself who, along with such thinkers as Frankfurt, Korsgaard, and Taylor, reject the idea of normative realism, and locate the source of normativity, autonomy, and freedom of the will, in our capacity to take our own mental states and conduct as the objects of willful critical attention, the limits of critical self-reflection mark the limits of normative self-correction. Lacking external foothold, our capacity for normative self-reflection cannot but stop short of the very normative commitments utilized in such reflection. But if there is any truth in the argument I have sketched, exposure to the external trusted normative challenge of individuals and communities committed differently is capable of breaking the normative deadlock by ambivalating us sufficiently to genuinely question the normative commitments that they find questionable.

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The idea that without such exposure, normative self-criticism would be impossible is, I firmly believe, the epistemic norm constitutive of the rabbinic literature's wholly unique undecided pluralistic

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31 Gadamer, *Truth and Method*, Parts II–III, and Collingwood, *The Idea of History*, 282ff.

undertaking. To side with the Hillelites is to realize the severe limitations of normative self-criticism, and the need, therefore, for the kind of potentially transformative challenge only a real and equally dedicated opponent can provide. By seriously debating the Shammaites, the Hillelites avoid the blinkered, empty cycles of self-affirmation and allow their positions to prove their mettle in the face of real opposition. Here lies the connection between Talmudic dialogism and Hillelite confrontationalism, whose juxtaposition renders the Talmudic literature an undertaking of wholly unparalleled rational self-awareness: a religious canon that intentionally engages all and sundry in the service of ruthlessly candid self-critical rethinking.

Needless to say, the story of the Hillelite–Shammaite debate and its heavenly resolution is but a microcosmic foreshadowing of both axes of the Talmudic project. As noted above,[32] vertical Talmudic confrontationalism, with its astonishing premise of divine moral imperfection, far transcends the confines of halakha and extends to all four major Jewish sources of religious authority. And the same goes for the horizontal axis of Talmudic dialogue. The Talmudic literature virtually bristles with tales of highly informative rabbinic encounter with all manner of Jews and gentiles, ranging from Roman emperors, legal experts, government officials, generals, judges, matrons, and philosophers, to a broad array of pagan farmers, merchants, robbers, sailors, tax collectors, day laborers and last but not least those fiercely independent, rich, enticing, exotic, and world-wise Roman prostitutes, who are presented time and again as having something religiously significant to teach the rabbis reputed to have knocked on their doors. It is a religious culture religiously motivated to actively seek and engage the world, not because it believes it has something important to teach it, but, on the contrary, because it believes the world has much to teach them. The Hillelite extension of the "words of the living God" to its Shammaite rabbinical rivals is a profound, but extremely tame and limited version of the full range of the Talmudic literature's religiously motivated axis of horizontal dialogical encounter that is pressed into the service of its vertical religious confrontationalism.

From such a perspective, the story we set forth from might be given a further twist, by reading it as describing a troubling theological lesson R. Yossi *learned* from his encounter with Roman slave culture and the delusional bossy matron, rather than as an attempt on his part to enlighten *her*! Could it be read as reflecting on how only after experiencing the limits of absolute Roman power, vividly portrayed by the matron's utter failure, could the rabbis develop similar doubts about their taken-for-granted notions of an enforced divine, matron-type covenant founded on surrender and submission; and how criticizing God on those grounds suggests, of itself, a radically different form of covenantal relationship, founded on mutual critique? In which case, the story becomes not only indicative but paradigmatic of the "Hillelism" of the Talmudic canon.

But on a more personal note it is more than the story of the bossy matron that receives a dramatic twist in the light of such a perspective. I first turned to the Talmudic literature in the late 1980s because I believed that a robust Popperian account of the rationality of science enabled one to appreciate as never before the rationality of Talmudic discourse.[33] It has now taken me the best of 30 years of studying and restudying that the literature to gradually distance myself from Popper and to realize that the arrow of understanding should really point in the opposite direction: namely, that a proper understanding of the Talmud's unique undertaking provides us with a key to appreciating the outer reaches of rationality in general and those of the rationality of science as I never thought possible. This in itself clearly represents for me a major change of mind, for which I have yet to account more fully.

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32 See footnote 13 and accompanying text.
33 See Fisch, *Rational Rabbis*.

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