THE TALMUDIST ENLIGHTENMENT: TALMUDIC JUDAISM'S CONFRONTATIONAL RATIONAL THEOLOGY[1]

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Abstract. Robert Brandom's "The Pragmatist Enlightenment" describes the advent of American pragmatism as signaling a sea-change in our understanding of human reason away from the top-down Euclidian models of reasoning, warrant and knowledge inspired by the physical sciences, toward the far more bottom-up, narrative, inherently fallible and dialogical forms of reasoning of the life and human sciences. It is against this backdrop that Talmudic Judaism emerges not only as an early anticipation of the pragmatist enlightenment, but as going a substantial and radical step beyond it, that in the context of religious commitment and reasoning, is unprecedented.

I. TWO ENLIGHTENMENTS

One way to begin to tease out the differences between Talmudic Judaism's idea of rational theology[2] and what normally goes by the term, is through the lens of what Robert Brandom has termed "the Pragmatist Enlightenment", to which the title of this essay alludes[3]. Many, including Russell and Heidegger, claims Brandom, tend to view American pragmatism as a mere late 19th century echo of "the crass shopkeeper's sensibility" characteristic of British utilitarianism of half a century earlier; "of competitive egoists for whom the form of a reason for action is an answer to the question: what's in it for me?" On such a showing, he writes, James and Dewey merely extended Bentham and Mill's

> utilitarian basis for moral, social and political theory … to the theoretical sphere of epistemology, semantics and philosophy of mind. Rationality in general appears as instrumental intelligence: a generalized capacity for getting what one wants. From this point of view, the truth is what works; knowledge is a species of the useful; mind and language are tools. The instinctive materialism and anti-intellectualism of uncultivated common sense is given refined expression in the form of a philosophical theory.[4]

However, submits Brandom, American pragmatism can be seen very differently, not as an echo of Mill's utilitarianism, but "as a movement of world historical significance … as the announcement, commencement and first formulation of the fighting faith of a second enlightenment". Like the first enlightenment, it too viewed reason as "the sovereign force" in human life, and likewise looked to the forms of under-

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2   For earlier work on the rationality of Talmudic discourse See Menachem Fisch, *Rational Rabbis, Science and Talmudic Culture* (Indiana Univ. Press, 1997); "Science, Religion, and Rationality: A Neo-Hegelian Approach", *Toronto Journal of Theology* 29, no. 2 (2013); and, "Deciding by Argument versus Proving by Miracle: The Myth-History of Talmudic Judaism's Coming of Age", *Toronto Journal of Theology* 33, no. S1 (2017).

3   Robert B. Brandom, "The Pragmatist Enlightenment (and its Problematic Semantics)", *European Journal of Philosophy* 12, no. 1 (2004).

4   Ibid., 1.

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standing typical of natural science for its prime model.[5] Yet, while the first enlightenment was animated by the paradigm of Newton's deductively structured physics, the second, pragmatist enlightenment was animated by Darwin's inductively generated biology. Rationality at its best was for the first enlightenment the capacity for recognizing and vouching for such "foundational unexplainable explainers" as Newton's laws, and reasoning deductively down from them to prove the necessity of actual happenings. By contrast, rationality at its best was for the second, pragmatist enlightenment the capacity to understand actual happenings in terms of "a concrete situated narrative of local contingent, mutable practical reciprocal accommodations of particular creatures and habitats … as the cumulative diachronic and synchronic result respectively of individual random occurrences."[6]

As a very rough and initial analogy, one might say that if the expected yield of rational theology in the accepted sense of the term resembles, as, in Aquinas's *Summa Theologica*, for example, the deductively generated, top-down, sugar-cone Euclidian structure of a Newtonian type science, the expected yield of Talmudic Judaism's notion of rational theology, as in, for example, the Babylonian Talmud, resembles far more that of the dappled and forever changing world of Darwin's biology.

But the differences between the two enlightenments, as that between the two notions of rational theology, extend much further than the formal structure of their produce.

First, claims Brandom, pragmatist rationality is suspicious of the very kind of unchanging universal principles deemed indispensable to the first enlightenment's ontology — a suspicion not of our ability to get them right, but of their very existence. As Pierce argued "the correct principles and laws may themselves change". As Brandom puts it: "the pragmatists endorse a kind of *ontological* fallibilism or mutabilism."[7]

Second, pragmatism is equally suspicious of "spectator theories of knowledge according to which the mind knows best when it interferes least and is most passive, merely reflecting", or passively receiving "the real". For pragmatists "knowledge is seen rather as an aspect of agency, a kind of doing. Making not finding is the genus of human involvement in the world."[8]

The analogy to Darwinian evolution, if you wish, is hence extended from the produce of knowledge to its very production: viewing the cycles of trial and error by which knowledge is produced as a reciprocal, or symbiotic, or dialectical process, in which the world both impacts on our picture of it, and vice versa! From such a perspective, the relation of mind to world is not one of unilateral representation, but of mutual, or bilateral constitution.[9]

Translating back to religion, one could say that while rational theology in the accepted sense as theology proven by reason alone purports to disclose, articulate, and ground itself in unchanging, divinely-sanctioned and imposed universal principles, discoverable, but on no count made by human reason, the Talmud's rational theology, as I shall try to show, views even recognizably God-given truths, laws, actions, and principles as changeable through the active engagement of human reasoning.

What Brandom omits from his account, however, is the essential critical aspect of such a pragmatist position — an oversight that, as I have argued elsewhere, plagues his entire, and otherwise impressive philosophical undertaking.[10] However, in this essay he comes close to acknowledging it in wisely incorporating the main claim of Louis Menand's Pulitzer Prize winning *The metaphysical Club*. It is the claim that in addition to the 19th century shift of scientific focus from the sciences of the inanimate to

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5   Ibid., 2.

6   Ibid.

7   Ibid., 3.

8   Ibid., 5.

9   The extent to which Brandom's own neo-Kantian non-representationalism is applicable beyond Peirce to American pragmatism in general, is, of course, open to question. For a concise presentation of Brandom's expressivist position see Robert B. Brandom, *Articulating Reasons: An Introduction to Inferentialism* (Harvard Univ. Press, 2000), especially ch.1.

10   See especially, Menachem Fisch and Yitzhak Benbaji, *The View From Within: Normativity and the Limits of Self-Criticism* (Univ. of Notre Dame Press, 2011), ch.6, and Menachem Fisch, *Creatively Undecided: Toward a History and Philosophy of Scientific Agency* (Univ. of Chicago Press, 2017), ch.2.

the life sciences of emergence, American pragmatism owed its origins also, if not mainly, to the jolting awakening of Oliver Wendal Holmes, William James and Charles Saunders Pierce to "the colossal failure of American democracy" painfully attested to by the Civil War.[11] The realization that "certitude leads to violence", gave way, as Brandom has it, to a firm belief that "fallibilism is a better attitude than fanaticism"; to adopting "a less ideologically confident, more tentative and critical attitude [toward our beliefs] … that would treat them as the always provisional results of inquiry to date, forever liable to be revised."[12]

Talmudic Judaism, certainly took form in reaction to similar traumatic events that were perceived by many at the time as a devastating coupling of colossal religious failure and a 'death of God' type crisis. For it formed itself from the end of the first century onwards against the backdrop of a biblical narrative that culminated in tragic *failure*, as the grand dreams of Israelite religion and monarchy are shattered by the end of II Kings in a devastating display of divine despair and furious violence; a sacred text that proclaimed its own failure, if you wish, not only devoid of a New Testament to cushion the blow, but read by a generation still reeling from vividly re-living it during the second blood-drenched destruction of 70 AD!

Subsequently, as we shall see shortly, the theology it adopted and developed matched Brandom's description of the pragmatist enlightenment's resolve almost word for word. But it is a literature that quite unlike Brandom, understood that to adopt a critical attitude toward one's heartfelt commitments requires far more than a decision to keep an open mind and to honestly regard them as provisional and liable to be revised. For there is a world of difference between taking a critical stance toward such commitments and a merely skeptical one.

Richard Rorty makes the point forcefully in *Contingency, Irony and Solidarity*. The strong poet is someone who is forever wary of what he dubs her "final vocabulary"—the particular set of words with which, like all of us, she justifies and judges herself and others. She spends "her time worrying about the possibility that she has been initiated into the wrong tribe, taught to play the wrong language game." However, and this is his main point, "she cannot give a criterion of wrongness" from within that vocabulary or language game, and thinks, therefore, that there "is no reason to think that Socratic inquiry into the essence of justice or science or rationality will take one much beyond the language games of one's time"[13]. She is unable, in other words, to adopt a critical stance toward her own normative framework. To *doubt* one's normative commitments is to consider the *possibility* of them being wrong, to *criticize* them is to attempt to *prove* their wrongness. But that seems impossible. For how can a person's norms and standards be effectively subjected to her own rational appraisal, if it is by means of those very standards that she rationally appraises?

Brandom clearly acknowledges the need for normative self-criticism in his "The Pragmatist Enlightenment" (which he refrains from doing in all his other work[14]), yet shows no awareness of there being a problem, despite investing more time and effort than any other pragmatist thinker in accounting philosophically for normativity, agency and rationality. However, the main focus of the present paper is neither the general problem of accounting for how in principle we change our minds, nor the Talmudic literature's awareness of it, with which I have dealt extensively elsewhere. Suffice it to say that while I agree with Rorty that left to our own devices we are indeed incapable of holding the norms we are committed to in normative check, exposure to normative criticism leveled at us by others is capable of destabilizing the commitments they question sufficiently for us to then do so.[15] And it is for this reason, I have argued, that what I termed the 'Hillelite' voice of Talmudic Judaism insisted on deliberating its heartfelt commitments in keen dialogue with an array of significant others with whom they sorely disagreed.[16]

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11   Louis Menand, *The Metaphysical Club: The Story of Ideas in America* (Farrar, Straus and Giroux, 2002).

12   Brandom, "The Pragmatist Enlightenment (and its Problematic Semantics)", 8.

13   Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge Univ. Press, 1989), 74–75.

14   See n.9 above.

15   Despite the fact that such criticism is incapable of convincing us! The point is developed in Fisch and Benbaji, *The View From Within*, 254–71.

16   See especially the two last essays listed in n.2 above.

II. A DIVIDED CANON

I wish to focus here less on Talmudic epistemology, its dialogism, and religious anthropology, and more on its religious *ontology*; less, if you wish, on the horizontal axis of its dialogical engagement, and more on the vertical axis of its theological commitments. Here, in the way Talmudic "Hillelism"[17] envisages the nature of God's judgment, reasoning, ethics and very Word, even those who take issue with Brandom's Peircian notion of a pragmatist "ontological fallibilism", will be forced to admit that it is an astonishingly apt description.[18]

God's existence is not disputed in the Talmud. This, for the rabbis, was a simple matter of brute fact they felt no need to justify or to defend. But they sorely debated what has to be, at least since the early middle ages, the one shared master theo-ontological premise of all God-centered forms of religious life in all three monotheistic traditions: namely, *God's moral perfection*. The rabbis cared far less about the omnipotence or omniscience of the God-creator, but Talmudic Hillelism not only firmly denies divine moral perfection, but makes its denial the cornerstone to their very notions of religious obligation and faithfulness.

The upshot is a formative canon that is sorely divided regarding what has to be the most pertinent and significant religious question: that of the a priori goodness of God's word and deed. Is it the case that God's justice is unquestionably good? If so, our covenantal duty to him is to accept it — not as an act of quietist resignation in the face of a superior *force*, but as an act of moral acceptance, to which we are obliged to bow and justify. If, on the other hand, God's justice, however well-intended, is considered morally questionable, our covenantal duty is to adopt a critical stance toward both His word and His deeds, and forcefully voice, rather than submissively suppress our dissent whenever we deem Him to be in the wrong.

These are diametrically opposed religious cultures, founded on diametrically opposed foundational norms of religious disposition — submissive *versus* confrontational — that are grounded, in turn, in diametrically opposed theologies — so opposed, that the confrontational "Hillelite" view would be rejected off hand by most, as falling incoherently beyond the pale of the most liberal conception of God-centered religiosity!

Not only does the Talmudic canon contain such a voice — which I'd be willing to argue, is even its most prominent one — but it refrains from adjudicating the great theological dispute that so bluntly divides it. In so doing, it presents itself, I believe, quite deliberately, at one and the same time, as a religious canon, *and* as a work of profound religious ambivalence — or better, as a religious canon whose very canonicity depends on it being profoundly divided. And, as I shall argue, in remaining thus divided, it falls inevitably on the side of its Hillelite voice! But I am getting a little ahead of myself. We first need to convince ourselves that all this is indeed the case!

The following juxtaposition of texts provides one of the most vivid examples I know of the Talmudic literature's theological dispute. In them in self-conscious opposition to the familiar voice of religious submission, which, as we shall see, speaks loud and clear, one finds an equally clear expression of an avidly confrontational approach that is explicitly grounded in a theology of divine moral imperfection. What makes this particular example especially pertinent is its analogy to science.

As Peter Harrison has argued,[19] the rise of modern science owed much to the Reformation, in particular to Luther's radical privatization of divine revelation. By granting all believers unmediated access to the very Word of God, the early reformers rendered revelation a personal matter of prudent reading,

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17   As I explain in "Deciding by Argument *versus* Proving by Miracles", the Hillelite confrontational conception of halakhic faithfulness, finds similar expression with respect to the other three "vertical" axes of Judaism's sources of religious authority: the Hebrew Bible, the halakhic authorities and God Himself.

18   Although in Peirce's case the term "ontological fallibilism" is slightly misleading. For it is not the claim that the ontology, the subject matter of scientific research, could in any sense by *wrong*, but that *we* could be wrong about it because it is liable to change. In this sense, the rabbinic version of ontological fallibilism steers radically closer to the literal sense of the term.

19   Peter Harrison, *The Bible, Protestantism, and the Rise of Natural Science* (Cambridge Univ. Press, 1998).

the very prudence of which guaranteed its success.[20] As is well known, this required insisting further that the meaning of the Good Word resides, not merely "in the text", but in the immediate, literal meaning of its words. Harrison's main and novel claim is that by virtue of the old and religiously appealing "two-books" metaphor, early Protestant literalism with respect to the biblical text was carried over into the study of nature. In the hands of the early reformers, the two books metaphor was extended beyond the simple idea of a common authorship, and away from the more subtle idea of one book holding the key to the other, to serve as a powerful and suggestive *analogy* between the way the two texts were to be read.[21] Thus, as I have argued following Harrison,[22] early modern empiricism was born, as the epistemological equivalent with respect to the study of nature of the literalist sacred hermeneutics of Luther's reform; which received paradigmatic expression in the self-consciously protestant works of Francis Bacon.

And by the same token, and by virtue of the same two-book analogy, Catholicism responded by insisting as emphatically that just as interpreting scripture requires prior assent to an elaborate system of necessarily true rational theological truths, so the study of nature demands the prior elaboration of and assent to an analogous system of absolutely certain scientific truth — an approach that received paradigmatic expression in Rene Descarte's rationalist philosophy of science.

In both early modern uses of the two books analogy, as well as in the hermeneutical theories and philosophies of science formulated in their wake, the books themselves are considered given. Our understanding of them may change, but our efforts cannot change the texts themselves nor their inherently true meanings. The distinction between the texts being read, and the understanding of them that reading yields, remains categorical in both camps. Later philosophies of science, beginning with Kant, as well as later theories of interpretation late of Herder, would challenge the very coherence of the divide by denying that either "book" could be attributed inherent meaning independently of the attempts to read them. Peirce's notion of "ontological fallibilism" presupposes the same divide, despite regarding the text as susceptible to change. Reality not only exists independently of the scientific efforts to make sense of it, but is liable to change in ways that can effect science's unerstanding of it. Science, even physical science, according to Peirce, does not shoot at a stationary target, as it were. However, Peirce does not claim that the ontological changes nature might undergoe are in any sense of our own doing!

In the texts I wish to now look at,[23] the Written Torah is attributed an initial inherent meaning that reflects its divine author's intentions. However, it is described as having undergone significant modification by virtue of human input. Not because new meaning was imparted on it by its human readers, but because its divine author was convinced by them to change it for reasons He accepted! In this sense the Talmudic canon's version of ontological fallibilism is unparalleled on either side of the two Christian versions of the two-books divide.

The two main midrashic passages I wish to discuss respond to the surprising moment of seemingly blatant disobedience related by Moses in Deuteronomy 2:24-29.[24] In the early stage of his great speech, Moses recalls how he was warned by God to refrain from provoking war against "thine brothers the sons

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20   As Harrison puts it: "In much the same way that the faithful were granted direct access to scripture, they were granted unmediated access to God himself" (*loc cit,* 99)

21   As Howell nicely puts it, Harrison reversed the common view that the new sciences provoked new interpretations of the Bible, maintaining that sixteenth-century people "found themselves forced to jettison traditional conceptions of the world" when they "began to read the Bible in a different way." See Kenneth J. Howell, *God's Two Books: Copernican Cosmology and Biblical Interpretation in Early Modern Science* (Univ. of Notre Dame Press, 2002), 7.

22   Menachem Fisch, "Judaism, and the Religious Crisis of Modern Science", in *Nature and Scripture in the Abrahamic Religions*: *1700-present*, ed. Jitse M. van der Meer and Scott Mandelbrote (Brill, 2008).

23   For brief, rudimentary analyses of the first and fourth of the texts dealt in what follows, see my "Judaism, and the Religious Crisis of Modern Science."

24   The only works that address this pregnant moment in the rabbinic literature are Dov Weiss, *Pious Irreverence: Confronting God in Rabbinic Judaism, Philadelphia* (Univ. of Pennsylvania Press, 2017), ch.6, and Adiel Schremer, "Between Radical Interpretation and Explicit Rejection (Hebrew)", in *Renewing Jewish Commitment*: *The Work and Thought of David Hartman*, ed. Avi Sagi and Zvi Sagi (Hakibbutz Hameuchad, 2002). However, they deal only with the confrontational of the two, and without reference to the Written Torah as an independently confronted source of religious authority.

of Esau" (Deut. 2:4-5), against the Moabites (9) or against the Ammonites (9), to whom He gave their land. However, with regard to the Amorites God's instructions were very different:

> Rise ye up, take thy journey, and pass over the river Arnon: behold, I have given into thine hand Sihon the Amorite, king of Heshbon, and his land: begin to possess it, and contend with [provoke] him in battle. This day will I begin to put the dread of thee and the fear of thee upon the nations that are under the whole heaven, who shall hear report of thee, and shall tremble, and be in anguish because of thee (Deuteronoy 2: 24-25).

The war against the Amorites before crossing the Jordan marked the opening salvo in the great war of conquest against the seven Canaanite nations. Israel, as God explained, was to deal the Amorites an un-provoked violent preemptive strike to intimidate and terrify all the people of Canaan. It therefore had to be a surprise attack. Moses, however, decided dramatically to ignore God's explicit instruction, and instead of provoking war he proposed peace.

And I sent messengers out of the wilderness of Kedemoth unto Sihon king of Heshbon with words of peace, saying, Let me pass through thy land: I will go along by the high way, I will neither turn unto the right hand nor to the left (Deuteronomy 2: 26-27).

As might be expected, both of the midrashic accounts we shall look at link Moses's initiative to the obligation, firmly stated in Deut. 20:10, to first propose peace prior to engaging any city in battle. However, in the verses that follow (15-18), the Torah makes it clear that the instruction does not apply to the wars of conquest against the seven Canaanite nations who are to be exterminated with no option for peace or pardon — a point to which we shall return shortly.

The first midrash we shall look at finds its most developed (if, as I shall argue, slightly distorted) form in Deuteronomy Rabba.[25] It explains Moses's seeming defiance not as an act of normative dissent, but as the result of having to decide between two conflicting sources of religious authority.

> Although the Holy One, blessed be He, instructed Moses "Begin to possess", he did not so do, but rather "sent messengers [… with words of peace]"; Although He told him to make war, he sought peace! [He did so] because it is written in the Torah: "When thou comest near to a city to fight against it, then proclaim peace unto it" (Deut. 20:10), that is why he sent words of peace to Sihon, for it is written "out of the wilderness of *Kedemoth*", on account of words of the Torah that *come before* those of the Almighty. Therefore [he sent] "words of peace."[26]

Legal systems seldom speak in one voice, and those subject to it are often required to adjudicate between the conflicting rulings and decrees of different authorities. According to this midrash, Moses indeed defied God's explicit command to provoke war, but did so because the Torah so commanded. The problem he found with God's instruction had nothing to do with ethical impropriety, but with the fact that he believed that it clashed with the Torah, which he deemed, once given and received, to "come before", i.e. take precedence even over the words of the Almighty Himself.[27] As Schremer observes, this is more than a subtle play on words. Torah, once it was given, takes precedence over revelation, even in the form of direct and explicit divine directive.[28]

By reading the discrepancy between God's command and Moses's response as motivated by the latter's committed deference to the words of the Torah come-what-may, the midrash brilliantly lends this episode as submissive a reading as possible without detracting in the least, or belittling Moses's act of disobedience, and most of all, without raising the question of divine morality. However, as noted above,

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25   Saul Lieberman, who edited and commented on this edition on the basis manuscript material, dates the collation of Deuteronomy Rabba to the 9th century, but identifies the midrashic material it compiles as one of the earliest 6th century editions of the Midrash Tanhuma.

26   Deuteronomy Rabba, 28 (Lieberman edn, 29-30). In what follows, all English translations of rabbinic texts are mine.

27   The midrash achieves this by a play on the words *midbar Kedemoth* which it reads as "words that come before". As I have shown elsewhere, the text is distorted at this point to the point of incoherence, and should be restored as proposed. See Menachem Fisch, *The Rabbis' Dispute of Religiosity: A Study of Talmudic Confrontational Theology (Hebrew)* (Bar Ilan Univ. Press, 2018), ch.3 n.29 and accompanying text.

28   Schremer, "Between Radical Interpretation and Explicit Rejection", 761, who compares the midrash to the famous "oven of Akhnai" legend in BT, Bava Metzia 59b.

as clever a reading as it offers, what renders the midrash inherently problematic is the fact that the Amorites, according to the very chapter in Deuteronomy it has Moses cite, are explicitly excluded from the obligation always to offer peace.

III. THE RABBIS' "DOCUMENTARY HYPOTHESIS"

This is the problem addressed in the confrontational midrashic reading of this episode, which finds its most developed form in the last of the three texts we shall examine. First, though, to two interesting earlier anticipations of it.

Midrash Tanhuma to Deuteronomy 20:10 reads as follows:

"Then proclaim peace unto it" (Deut. 20:10) — R. Levi said: Moses did three things [of his own accord] and the Holy One blessed be He concurred with his decision. And they are these:

It is written: "[for I the Lord thy God am a jealous God,] punishing the iniquity of the fathers upon the children [unto the third and fourth generation]" (Ex. 20:5), but Moses said: "Fathers shall not be put to death for children, [neither shall children be put to death for fathers, every man shall be put to death for his own sin]." (Deut. 24:16). And how do we know that the Almighty concurred with his decision, as it is said: "But the children of the murderers he slew not, according to that which is written in the book of the law of Moses, as the Lord commanded, saying: The fathers shall not be put to death for the children, etc." (II Kings 14:6).

The second, when he broke the tablets.

And the third, during the time of Sihon and Og when the Holy One blessed be He said to him: go fight with him! Dam his water duct! And Moses did not do so as it is said: "And I sent messengers [of peace]" (Deut. 2:26). The Holy One blessed be He then said to him: By your life! You have acted well, and I concur with your decision. Therefore, Moses warns Israel and says to them: "When thou comest nigh unto a city to fight against it, then proclaim peace unto it." (Deut. 20:10)[29]

If the former midrash described Moses as lacking a position of his own, and deliberating which of the conflicting instructions, of God or the Torah to obey, this midrash depicts him, not as deliberating any of the three issues he addresses, but as responding to each on the basis of firm moral conviction. In two of the cases, he is described as disagreeing with God's command, which he counters by correcting (as opposed to interpreting) the Written Torah — a correction with which, in retrospect, God is said to have concurred. The Bible, the midrash implies, narrates its own formation by keeping record of its initial passages, of Moses's corrections to them, and of God's approval of the new version.

The first case is the most fully developed of the three, and it is structured according to the format of the last of the thirteen *midot*, the rules of inference by which halakha is exegetically derived.[30] Two contradicting verses will remain in place, the rule states, until a third is found to decide between them. In all other cases, the rule merely serves to formally decide the issue, not to explain the contradiction or its resolution.[31] Here, however, in the first and third cases discussed by the midrash, the contradicting verses are attributed to different and disputing authors, and the third to the party who concedes his rival's position, thus putting an end to the debate. The midrash is dramatic and radical in describing the Written Torah as owing to a collaborative effort based on an earlier God-given version that Moses deemed to be wanting. The original God-given text is described as confronted and corrected by Moses, and the correction approved by God. But missing from this account is any mention of Moses's reasons for objecting to God's ruling or for God's reasons for conceding his position.

Although the less developed of the three, the second episode, that of the breaking of the tablets, sets the somewhat toned-down tone for the other two. The fact that God handed Moses the tablets of the law,

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29 Midrash Tanhuma, *Shoftim*, 60:19.
30 Sifra on Levitcus, *Beraita de-Rabbi Ishmael* (Finkelstein edn. P.4).
31 As in the example Finkelstein gives to illustrate it.

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telling him to "get thee down", knowing well that "that thy people … have become corrupt" (Ex. 3:7), clearly implies that, despite their sin, He had no intention to deprive them of the Torah. Upon realizing the severity of the situation, Moses broke the tablets on his own accord. God did not respond, but when the crisis had been dealt with, He commands Moses to hew two new tablets "like the first" (34:1) The first set were obviously not delivered to Moses by God *in order* for him to break them. In this regard, Moses clearly acted on his own accord and contrary to God's will. But there is nothing to indicate that their disagreement was more than tactical and turned on matters of normative significance. Moses broke the tablets in full sight of the people to convey to them as vividly as possible his anger and disgust and their unworthiness of the Torah. God's lack of response clearly implies that He "concurred with his decision".

In the absence of any reasoning, the other two episodes, though more dramatic can also be read as turning less on ethics than on tactics. Perhaps Moses objected to punishing the children for the sins of their fathers, because he believed that dedicated idolaters might be deterred more effectively if they knew they were endangering their own lives, rather than those of their offspring. Perhaps the peace offer to Sihon was meant instrumentally to save time and unnecessary casualties, rather than to make a principled point about the ethics of war. For indeed in retrospect, the peace proposal proved to be to no avail.

And in that case, perhaps God's concessions to Moses were meant, as Deuteronomy Rabba insinuates elsewhere,[32] to boost his standing as the leader of Israel, rather than to convey a real divine change of heart? But a third midrash that appears in the Buber edition of the Tanhuma, leaves no doubt at all as to the moral issue it believes was at stake. The problem it addresses is not that of explaining Moses's refusal to provoke war with Sihon, but that of the moral scandal of the genocidal war the Torah commands in Deuteronomy 20 to wage against the Canaanites.

To recall, Deuteronomy 20:10 firmly instructs that peaceful surrender always be offered prior to ever waging war, while verses 17-18, state equally firmly that in the wars waged against the seven Canaanite nations, peace must not to be offered. Instead, "though shalt utterly destroy them", in order "that they teach you not to do after all their abominations" (17-18). The seven nations, the Torah commands, are to be exterminated. The midrash's point of departure is that peace is the Torah's supreme value, setting forth, innocently enough, from Leviticus 7:11.

> "And this is the Torah of the peace offerings" (Lev. 7:11) — As it is written: "Her ways are ways of pleasantness and all her paths are peace" (Prov. 3:17) — Everything written in the Torah is written for the sake of peace. Although the Torah writes about war, it is written for the sake of peace.

Thus you find that the Holy One blessed be He *withdrew His decree* for the sake of peace. When? When the Holy One blessed be He said to Moses: "When thou shalt besiege a city a long time, in making war against it" (Deut. 20) and all that matter.

The Holy One blessed be He ordered him to destroy them! - as it is said "But thou shalt utterly destroy them" (*haharem taharimem*) (Deut. 20:17). But Moses did not do so. Instead he said: "*Should I go now and strike them, how would I know who sinned and who did not sin?!* Instead, I shall approach in peace", as it is said: "And I sent messengers out of the wilderness of Kedemoth unto Sihon king of Heshbon with words of peace (Deut. 2:26). And when he saw that they did not come in peace, indeed he smote them, as it is written: "So they smote him and his sons and all his people" (Num. 21:35).

Moses's objection is directed against the very idea of collective blame and punishment. If the aim of doing battle with the seven nations is to meet the religious threat they pose, he argues, then only the active idolaters among them should be dealt with. Exterminating them as a collective is unthinkable. The premise seems to be that in conditions of peaceful surrender it is easier to root out the sinners. But then the peace treaty he offered Sihon, was not the kind of surrender outlined in Deuteronomy 20:11-14. This will become much clearer in the final text we shall examine. What is here made absolutely clear is that Moses's moral objection and mutinous peace initiative had a dramatic effect:

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32 Deuteronomy Rabba, *Shoftim* 13 (Lieberman edn. p. 101).

> Said the Holy One blessed be He to him: I told you "thou shalt utterly destroy them etc.", and you approached them in peace. *By your life! Just as you said, so shall I do*, as it says: "When thou comest nigh unto a city to fight against it, then proclaim peace unto it" (Deut. 20:10), hence it is written: "Her ways are ways of pleasantness and all her paths are peace" (Prov. 3:17)![33]

Moses is described as having received from God an early version of the Torah, and having deemed it to be morally flawed, because the obligation to wage genocidal war against the seven nations made it impossible to do justice with those who had not sinned. He wasn't content to pursue the issue theoretically, and when commanded by God to open the grand offensive against the first of the seven, and begin "possessing" the land, he took the law into his own hands, as it were, by refusing to attack before offering peace. Here too, it is still unclear whether God changed his mind as a result of Moses's critique, or gave in to his proposal for other reasons. What is clear, is that as a result of his critique the Written Torah was radically modified by God (rather than Moses), who inserted verses 10-14 *in place of* verses 16-18, thus cancelling the decree to exterminate the seven nations and rendering the offer of peace obligatory always!

Contrary to the first midrash, in which Moses is described as caught between the contradictory instructions of the Torah and its Author, he is described here as morally outraged by what he found written in the Torah, to the extent that he required it not to be radically interpreted, but radically *changed*. Moses is primarily depicted here as having found moral fault, not in God's command to provoke war, but in the Written Torah he had received from God. Subsequently, God's command to provoke war against the Amorites is presented here, not as contradicting Deuteronomy 20, but as following its earlier version to the letter! The outcome of the confrontation is no less dramatic than the confrontation itself, with the Written Torah rewritten so that Deuteronomy 20 will now instruct the opposite of what it initially instructed. And all this is achieved by means of a radical midrashic move, a meta-midrash, one might say, that reads verses 10-14 not as qualified by the verses that follow, but as radically erasing them! According to the simple reading of the text, the obligation to offer peace is qualified in the light of the importance attached by the Torah to purging the land of all its native idolatrous inhabitants; According to the midrash, the arrow of overruling is reversed by annulling the obligation to purge the land, because of the supreme value the Torah lays on peace!

The Written Torah is thus astonishingly presented as a text that preserves its modifications and deletions; as a text that records for its future readers and interpreters the critical process by which it acquired its final form. In doing so the Torah presents itself as a revealed text that when received from heaven, was by no means morally perfect. Had Moses not risen to the occasion and bravely contested it, the midrash clearly implies, the Torah would have failed to live up to its own central value, peace.

As noted at the outset, the most developed version of this midrashic line of thought appears in print in the latter part of Numbers Rabba, but as Buber has shown, it originates in its entirety in an early 6th century or so manuscript version, again, of the Tanhuma.[34]

Here too, three cases are cited in which Moses is said to have called the Almighty to task on moral grounds. The third is a rather laconic version of the account of the Sihon story. The other two, on which we shall focus, concern the Sinai covenant and the Ten Commandments. The midrash's opening sentence leaves no room for doubt that the three cases are about more than God merely "concurring" with Moses's position, or willing to lend him backing. They represent dramatic moments in which as a result of moral critique, God admits to being proved wrong, and changes His mind!

> This is one of three things said by Moses to the Holy One, blessed be He, to which the latter replied: 'You have taught Me something!'[35]

To the best of my knowledge, God is nowhere else in the rabbinic literature described as admitting to have been taught something by a human interlocutor. Attributing to Him the verb למדתני, "you have taught me", is unique to this midrash, and should not be taken lightly. This is because, in addition to ex-

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33   Tanhuma on Leviticus, (Buber edn.) *Tzav*, 7:11.
34   See Buber's introductory essay, 147.
35   Numbers Rabba, *Hukat*, 19:33.

pressing realization on God's part of the soundness of Moses's arguments and the truth of their premises, it conveys an admission of their transformative impact on His judgment, and as a result, a changing of the divine mind. None of the other texts we have looked at contain such an explicit admission. Insofar as rationality consists in acting for reasons that are constantly questioned, yet aware that such questioning can only be achieved by exposure to the trusted normative critique of others, this is an astounding example of divine rationality!

The first of the three confrontations concerns the wording of the first commandment, but according to several commentators, is provoked by God's reaction to the Golden Calf.[36]

> He said to Him: "Sovereign of the universe! How can Israel realize what they have done? Were they not reared up in Egypt, and are not all the Egyptians idol worshippers? But when Thou gavest the Torah Thou didst not give it to them! They were not even standing there, as it is said: "And the people stood afar off" (Ex. 20:18)! Thou gavest it only to me, as it says: "And unto Moses He said: Come up unto the Lord" (Ex. 24:1). When Thou gavest the commandments Thou didst not give it to them! Thou didst not say 'I am the Lord your God', but "I am the Lord *thy* God (Ex. 20:1) Thou did say it to *me*! Have *I* sinned?' 'By your life,' said the Holy One, blessed be He to him, 'you have spoken well! You have taught me something! From now onward I shall use the expression "I am the Lord *your* God"!

"You are right," argues Moses, "in claiming that making and worshiping the Golden Calf was sinful, but how were Israel supposed to know that it was? Were they not born and raised in Egypt, in which image worship was the norm", he continues, thinly veiling his criticism of God's responsibility for the long and inevitably enculturating Egyptian chapter in the life of Israel? "And when you decided to put an end to it by giving them your Torah and warning them against idolatry, you did so in their absence, addressing everything in the second person singular, as if to me, while they only watched on from afar! And again, thinly veiled is another allusion to Israel's Egyptian enculturation, where religious demands and dictates were mediated through semi-divine priestly monarchs. Moses had yet to alight the mountain and bring down the Torah to Israel.[37]

God's answer is not merely to concur with Moses's point, but to admit having been wrong, to have learnt something He hadn't at all realized until now, and to pledge, from now on, always to address the law to Israel directly in the second person plural. The exchange clearly presupposes a theology of imperfection, depicting God as willing to be corrected, and hence, not only imperfect, but knowingly so.

But the point I wish to emphasize in this context is the "ontological fallibilism", to use Brandom's phrase, attributed to the Biblical text — in this case, the criticism leveled by Moses against gravely misleading second-person singular of the Ten Commandments; a moment in which the very authority of the divine text with respect to Israel is questioned. For the text to be treated by Israel as Torah, they must deem it to be addressed to them. However, this can only be achieved by the text itself. The Ten Commandments' very mode of address is a pre-exegetical obstacle that prevents it from becoming the Written Torah for Israel, and hence the subject of study and interpretation. Worded as it is, Moses more than implies, the people will remain standing afar and the text unread! It is in this fundamental sense that Moses's criticism is directed against the revealed text's inherent meaning, which as it stands prevents it from becoming the source of religious authority it purports to be.

And indeed, God does not respond by attempting to explain or justify His initial choice of Words, but by admitting His mistake and undertaking to change the Torah's mode of address in the course of it being written![38]

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36 See for example the commentaries of R. Yissachar Ber Katz (*Matnot Kehuna*), R. Ze'ev Wolf Einhoren (MaHaRZU) and Judah J. Slotki, the Soncino edn., 783.

37 For similar criticisms of God's corrupting role in the sin of the Golden Calf see Exodus Rabba, 43 and Deuteronomy Rabba 3:17, and BT, *Berakhot* 32a.

38 Although the midrash doesn't mention it, it seems to be responding to the diametrically different mode of address Moses adopts in describing the moment prior to recalling the Ten Commandments forty years hence in Deuteronomy: "And Moses called all Israel, and said unto them, Hear, O Israel, the statutes and judgments which I speak in your ears this day, that ye may learn them, and keep, and do them. The Lord our God made a covenant with us in Horeb. The Lord made not this covenant with our fathers, but with us, even us, who are all of us here alive this day. The Lord talked with you face to face in the mount out of

The second confrontational moment recorded by the midrash concerns the content of the Second Commandment, namely, its cautioning that the idolaters' offspring will be punished for their sins. Here, however, the problem is not presented as one of "two contradictory verses" — one attributed to God and one to Moses — that are adjudicated by a third, but as deriving from Moses's exceptionally harsh moral evaluation of the Commandment upon reading it for the first time.

> The second occasion was when the Holy One, blessed be He said to him "[for I the Lord thy God am a jealous God,] punishing the iniquity of the fathers upon the children [unto the third and fourth generation]" (Ex. 20:5). Moses said to Him: "'Sovereign of the universe! Many are the wicked who have begotten righteous sons. Shall the latter bear some of the iniquities of their fathers? Terah worshipped images, yet Abraham his son was a righteous man. Similarly, Hezekiah was a righteous man, though Ahaz his father was wicked. So also Josiah was righteous, yet Amon his father was wicked. And is it proper, that the righteous should be punished for the iniquity of their fathers!?'

Moses addresses his criticism to God, but it is directed at the revealed text — not at this or that reading of it, but at what Moses takes it to be saying. It is a subtle two-face argument. On the one hand it argues from a list of precedents, the righteous Abraham, Hezekiah and Josiah, who were all unquestionably faithful to God despite being born to idolaters. Would it even have occurred to you to punish them for their fathers' sins, Moses asks rhetorically. The choice of examples is interesting as only two of them belong prophetically to the future, perhaps to block the possibility of claiming that the measures taken against idolatry were made more stringent after Sinai. The argument from precedent proves that God's own actions fail to cohere with His law; that the biblical narrative contradicts biblical law. This is not yet a moral argument proper, merely a critique of divine inconsistency.

But Moses does not stop at that, and forcefully raises the moral issue in all its generality: "And is it proper, that the righteous should be punished for the iniquity of their fathers!?" In other words, had you indeed punished one of the righteous said sons of idolaters for his father's sin, you would not have acted properly! The very idea of one's sons or grandsons suffering for one's sins is blatantly immoral! In a subtle sense Moses's argument is built to show that while God might be said to have acted properly in these three cases by not punishing the righteous sons for the sins of their forefathers, the text of His Ten Commandments is seriously flawed.[39] Such, according to this extremely potent midrash, was Moses's response to first reading the Second Commandment. God's answer is no less dramatic.

> The Holy One, blessed be He said to him: 'You have taught Me something! By your life! I shall cancel My words and adopt yours!' as it says: "Fathers shall not be put to death for children, neither shall children be put to death for fathers[, every man shall be put to death for his own sin]." (Deut. 24:16) 'And by your life, I shall record these words in your name', as it says: "According to that which is written in the book of the law of Moses, as the Lord commanded, saying: The fathers shall not be put to death for the children, etc." (II Kings 14:6, where Deut. 24:16 is quoted *verbatim*)

As before God accepts Moses's argument, admits to have learnt something important and to have been mistaken, and explicitly undertakes to cancel His words — namely those of the Second Commandment, and adopt those of Moses in their place. Unlike the earlier midrash, here all three verses — Ex. 20:5, Deut.24:17, and II Kings 14:6 — are attributed to God Himself. The first now displayed as part of the morally flawed initial God-given version of the Ten Commandments, the second as its correction, and the third as acknowledgment of the crucial role played by the "Torah of Moses" in the process of correcting the Torah prior to its reception by Israel.

Once again the Torah is astonishingly presented as text that preserves the editorial process of its moral amelioration, by tracking the changes made to it by virtue of Moses's normative critique.

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the midst of the fire, I stood between the Lord and you at that time, to shew you the word of the Lord: for ye were afraid by reason of the fire, and went not up into the mount; saying: I am the Lord thy God" etc. (Deut.5:1-6).

39   Although the case of Josiah, by far the most righteous of Biblical royal religious reformers, is unclear. According to the version of II Kings, the extreme idolatrous disloyalty of Josiah's grandfather, Menasse, sealed the fate of Judah (II Kings 22:13-16), to the extent that Josiah's unblemished righteousness was to no avail.

And the same goes, if far more laconically, for the third case, Moses's mutinous peace initiative prior to fighting the Amorites.

> The third occasion was when the Holy One, blessed be He, said to him: 'Make war with Sihon. Even though he does not seek to interfere with you, you must provoke war with him' (…) Moses did not do so, but, as it is written further down, 'sent messengers […with words of peace].' The Holy One, blessed be He, said to him 'By your life! You have spoken well! You have taught Me something! And I shall thereby cancel My words and adopt yours'; hence it is written: 'When thou comest near to a city to fight against it, then proclaim peace unto it' (Deut. 20:10).

Moses's reasons for disobeying God's command are not given as in the previous two examples, but the transformative effect his action had both on God's position and on biblical law is described here even more dramatically than in the Tanhuma version, in which they are detailed. For there it was still possible to interpret God's response "Just as you said, so shall I do" as expressing God's willingness to grant Moses his way, rather than as a moment of divine realization and moral awakening. Here, however, the declaration: "By your life! You have spoken well! You have taught Me something! And I shall thereby cancel My words and adopt yours", leaves no place for doubt, all the more so, when read against the backdrop of the other two cases.

Despite its relative brevity and laconic style, it is clear that like the Tanhuma cited previously, this midrash too describes God's response to Moses's disobedience as a radical rewriting of the Torah's 'laws of engagement' in Deuteronomy 20. The Amorites are counted there explicitly among the seven Canaanite nations. The new obligation to first offer peace, cannot be read, therefore, as applicable only to other wars, leaving the unconditional duty to fully exterminate the seven nations intact. God's admission that Moses's peace initiative had prompted Him to change His mind and to modify Deuteronomy 20 accordingly, cannot be read coherently other than as radically canceling that genocidal duty.[40]

The three potent cases presented by this extraordinary midrash combine to paint a picture of the process by which the Written Torah acquired its final form in the course of keen critical dialogues between its divine author and its principal recipient. In them its initial God-given formulation was deemed by God to be so morally flawed as to require significant modification. The required corrections were introduced by God after accepting and internalizing Moses's profound normative criticism of the text in a way that allowed its future learners to track the corrective process.

Set side by side, the account of Moses's peace initiative in Deuteronomy Rabba, with which we set forth, and the account we just examined, dramatically exemplify what I have dubbed the Talmudic literature's dispute of religiosity itself with respect both to God and the Written Torah. The theology and subsequent notion of religiosity at work in the latter differ radically from the kind of pious submission to the High, premised by the former, which one normally associates with revealed religion. However, and this is the main point, the latter midrash's explicit denial of God's moral perfection, and consequently that of the Torah itself, is by no means presented as an attack on, or a subversion of religion. The God it describes is a covenanting God, but the covenant His human partners are invited to enter is not one of religious obedience and surrender, but one better described as *a covenant of constructive confrontation*, especially moral confrontation; a sacred partnership dedicated to the betterment of the world, the betterment of the Torah and the betterment of the self. God's need for the critical input of His human partners is portrayed as being as real as theirs should be for His. God makes known His imperfection by initiating real engagement, by learning, by admitting His mistakes, and recording the corrective process as part and parcel of the written Torah!

And as noted above in passing, with regard to the Hebrew Bible, this is a form of "ontological fallibilism" exceedingly more radical than that attributed by Peirce to the 'book of nature', made so much of by Brandom.

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40   Which is nicely confirmed in the long list of pockets of Canaanite population that are reported to have survived the war in the tribal territories, as enumerated in Joshua 15:63, 16:10 and 17:12-13, and Judges 1:21 and 1:27-36.

IV. THE TALMUDIST ENLIGHTENMENT

Finally, what renders the Talmudic corpus wholly unique is not only that it contains such a voice, or renders it its most dominant voice, but the fact that although it fashions itself as rabbinic Judaism's religious canon, it makes no move at all to adjudicate the profound religious disagreement it harbors. The Talmudic canon does not see itself as charged with the responsibility of laying down the law for future generations of Jews, but of providing them with an extremely diverse body of contrasting positions, not unlike a common-law tradition. But in so refraining from laying down the law, it inevitably, if subtly pulls the rug from under the feet of the submissive, traditionalist party to the most profound dispute it contains — undermining its submissiveness by forcing its adherents to exercise their agency and judgment and make a rational choice, rather than piously submit to a God-given dictate! For it is a canon that refuses to dictate.

More importantly, by virtue of its inherent undecidedness, Judaism's formative canon seriously undermines the prospects of a rational theology of the usual kind. For by forcing believers to take a stand and choose between such diametrically opposed theological points of departure, it renders the subsequent theologies they are liable to fashion inherently dependent on that choice, and hence essentially more made than found, as Brandom would put it.

Put differently, and somewhat more philosophically, the combination between the Talmudic literature's profound diversity of opinion and its reluctance to decide any major issue, powerfully explode — I believe quite deliberately — any hope for what Sellars nicely dubs "the myth of the Given", i.e. of foundational principles or data commanding our assent by being thrust upon us from without: be they in the form of the "clear and distinct" Cartesian 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 undermine the very idea of an objectively revealed foundation, and with it any comforting hope of submitting to the undeniable.

And when one adds to this heady mix the further and far radical "Hillelite" article of faith — namely, that divine revelation and action are not only exegetically underdetermined, but are liable to be wrong and subsequently reversed; that just like exposure to the normative critique of others can sometimes cause us to change our minds, adopting a similarly critical stance toward God's own Will and Word, can sometimes cause Him to change His — we can begin to realize the profound normative challenge of Talmudic Judaism's unique brand of rational theology.

Brandom's notion of a second, pragmatist enlightenment is the claim that our very notion of rationality inspired by the scientific revolution has itself undergone a profound framework transition. The inanimate world of physics and chemistry is still regarded as ontologically foundational, and that of the life and human sciences as derivative. The ontological hierarchy introduced in the 17th century between the inanimate and animate remains intact. And yet, at the higher level of reflection, not on the natural world, but on how it is studied — i.e. on the nature of human reason itself - a dramatic reversal is well underway in which both the modes of reasoning and what Yehuda Elkana dubbed the "images of knowledge"[41] pertaining to the former, are giving way to a new and different way of thinking about human reason inspired by the latter. We have realized with the rationalists that all knowledge, including scentific knowledge, is yielded by a process of reading *in*, rather than reading out. Reading in presupposes prior commitment to a descriptive and normative vocabulary by which the deliveries of our senses and machines are articulated and made sense of. Knowledge is, therefore, of necessity (linguistic) framework-dependent, and hence inherently prespectival. Nature exists, of course, and it impacts on our senses and machines, but it does not *speak* to us. The Myth of a contentful Given, is a myth indeed.

But the great awakening was to realize, contrary to classical rationalism, that even Kant's dream of a regulatively recognizable, synthetic apriori, built-in linguistic framework perfectly attuned to the world

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41   Yehuda Elkana, "Two-Tier-Thinking: Philosophical Realism and Historical Relativism", *Social Studies of Science* 8, no. 3 (1978).

we experience was exploded by the paradigm shifts evident even in the history of the 'hardest' of the sciences. Even if we hit on the one true vocabulary of the natural world, we would have no way of recognizing it as such. Agreement is no more than agreement, it is not a sign of truth. Truth (by correspondence) has no signs.

To act rationally is to act for a reason, namely, to intervene when we deem the situation at hand sufficiently wanting, lacking or problematic to justify doing so. And our reasons to act are provided by our normative vocabulary, or, if you wish, by the norms of propriety to which we are committed. First-order rationality amounts to taking critical stock of ourselves and of our world, and prudently applying the norms we are committed to putting them right. Second-order rationality is not as simple. Realizing the framework-dependency of all reasoning obligates us to take normative critical stock of our very norms, which, as we have seen, can only be achieved by enlisting the prudent critique of people committed differently. Rationality is hence inherently inter-subjective and dialogical. But the dialogue of reason remains, even in Peirce's radical view, wholly confined to the horizontal axis of human intersubjective engagement.

The pragmatist enlightenment is motivated by a thoroughgoing fallibilism, that can be rendered effective only if the profound skepticism that permeates both its levels of deliberation can be transformed into robust (self) criticism. As such, it is deemed (e.g. by Dewey and Rorty) to be secular, that is to say, devoid of any form of external authoritative "vertical" dictate. However, the idea of divine revelation does not in itself disqualify a religion from being rational in this new sense of the term, unless it believes (as do most God-centered religious communities today) that the revealed text in its possession can be read univocally by its human recipients as conveying the religion's one and only God-given truth. Rabbinic Judaism, we have seen, is careful not to fall into that trap. The text, it believes, is indeed given by God, but no effort is made to decide which among the radically diverse human readings of it might be the one God intended.[42]

And among those readings one finds the Talmudic voice we have focused on, which unlike any other retains a robust notion of divine revelation, that is not only made the subject matter of horizontally diverse and disputing attempts to understand it, but is envisaged as the *product of* a similar normative debate conducted along the vertical with its very divine Author! In other words, without collapsing the vertical onto the horizontal, God is envisaged as having revealed His Torah to Israel, to be received and studied, as a text whose finished form preserves and displays the critical dialogical process responsible for it. To study Torah and to endorse its lessons is not only to attempt to decipher and commit oneself to its final teachings, but to reconstruct the dialogical engagement by which they were reached as the basis for endorsing a religious fallibilism that extends to the vertical. All religious people are concerned with getting the Good Word right, but for this Talmudic voice it is of equal importance to just as seriously ask whether the Good Word *is* right! And there is nothing secular about it!

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42   I would venture even further to claim that they viewed the Bible's divine origin as giving rise to a potentially unlimited polysemy of viable readings, rather than motivate them to discover its one true one.

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