

# Journal of Textual Reasoning

## The Journal of the Society for Textual Reasoning



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## Behind the Mechitsa: Reflections on The Rules of Textual Reasoning

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After twelve years of productive work, the Society for Textual Reasoning (STR) has reason to reflect on the rules of reasoning it has nurtured and tested but has not yet adopted, self-consciously, as the rules of its textual reasoning (TR). This essay illustrates some ways of reflecting on these rules. The first section of the essay presents a brief history of STR. The following section, the focal section of the essay, illustrates the rules of TR as displayed in a recent internet discussion sponsored by the Society. The brief third section suggests ways that the Society might go about adopting standards for selecting its rules of textual reasoning. The final section illustrates what these standards might look like.

### 1. A Brief History of Textual Reasoning, for Those Who Need It

Textual Reasoning (TR) is a movement in Jewish philosophy and rabbinic text study. It is a movement in two senses. In one sense – to be labeled, in lower case letters, “textual reasoning” – it is a general orientation of thought that, representing the spirit of the age, in some way, both consciously and unconsciously influences many forms of Jewish reasoning. In a second sense – to be labeled, in upper case letters, TR– it is a self-consciously named society of scholars who seek to identify and promote this more general movement as a discrete academic discipline. In this latter sense, the movement emerged in 1990 when several members of the Academy for Jewish philosophy decided to form a new, smaller fellowship in addition to the Academy.

These members felt that, typical of broad currents in Jewish scholarship, the Academy promoted Jewish philosophy primarily as a means of historical commentary on Medieval Jewish Aristotelianism, primarily that of Maimonides, or on more recent Jewish Kantianism or post-Kantianism, primarily that of Hermann Cohen and Martin Buber. The independent group, while remaining loyal to the Academy and to these forms of scholarship, felt that Jewish philosophy was not simply a form of scholarly history, but also a present-day intellectual activity of urgent practical need for the Jewish community and for Jewish life. They felt that, after the Shoah, reconstructive Jewish philosophy of this kind would not be adequately served by either of the two previous paradigms of Jewish Aristotelianism or Jewish Kantianism. They felt that, in their own epochs, both of these paradigms were highly creative ways of responding to the dominant Jewish intellectual and religious crises of the day, through the tools of the most sophisticated intellectual and academic methods of the day. To continue this creativity, however, Jewish philosophers of today should respond to crises of the day and through the most sophisticated tools of the day. These are tools that are no longer strictly Aristotelian or Kantian, but that draw broadly, and in different ways, on the resources of post-Enlightenment, post-foundational, postliberal, and postmodern philosophy, theology, and text study.

What does this mean for Jewish philosophy per se? For members of this independent group, it meant, for one, that modern philosophy no longer served as an adequate instrument of Jewish thought: not only because the modern paradigms had given way to new ones, but more critically because the modern paradigms of philosophy did not give adequate voice to the intrinsic ontological and epistemological significance of indigenous Jewish categories of reasoning. Prototypically rabbinic, these categories are categories of reasoning textually, or what the movement soon called “textual reasoning.” For modern philosophies, the concepts that guide reasoning are formal, neither bound by texts nor generated by the reading of texts. Since rabbinic Judaism is centrally textual, this meant that modern philosophies tended to subordinate rabbinic studies to extra-textual or conceptual categories of thought and meaning. Partly in response, the modern sciences of Jewish text study increasingly excluded philosophic approaches to Judaism and Jewish literature as incursions of foreign modes of conceptuality into the study of Judaism. As a result, modern Jewish scholarship has tended to divide into two mutually exclusive spheres of inquiry, each impoverished by the absence of the other: a dominant sphere of non-philosophic and non-interpretive text studies (historical and, later, literary-historical), and a secondary sphere of philosophic and nomological studies.

The independent group named itself The Postmodern Jewish Philosophy Network and began to present its work as a critique of and alternative to this division between Jewish philosophic and textual studies. After four or five years of discussions, the Postmodern Jewish Philosophy Network expanded from ten members to an internet exchange of first a hundred, two hundred,

and eventually three hundred at least part-time members. The group met twice annually, once for a formal annual meeting of around forty members, and produced an annual internet web journal and an internet chat line. The journal appeared in three or four issues, each ranging from thirty to forty pages. During this time, individual members of the group also published dozens of articles on areas of post-modern Jewish philosophy and several individual books. The goal, it appeared, was to nurture working relations between Jewish philosophers and Jewish text scholars, rabbinic scholars in particular, and to uncover a method of inquiry that would integrate conceptual and textual approaches. By 1996, in its sixth year, the group's leaders and editors labeled this shared method "textual reasoning" and renamed the group The Society for Textual Reasoning. TR emerged as a dialogic, but philosophic, mode of commentary on the classical textual sources of rabbinic Judaism as well as a mode of secondary reflections on those commentaries themselves. At its first international conference of text scholars and philosophers – at Drew University in 1997 – the STR explored a series of postmodern and post-foundational approaches to Jewish thought as a way of re-reading and reasoning about the classical textual sources of Judaism. It has since sponsored several smaller conferences exploring the range of textual reasoning and debating the relationship between postmodern Jewish philosophic ethics and post-foundational studies of the classical Jewish texts. But the STR has yet to reflect systematically on the rules of inquiry that define or at least characterize textual reasoning.

## **2. From Joe Lieberman to *Mekhitsot*: An Internet Illustration of the Practice of Textual Reasoning**

Among its various forms of exchange and publication, the STR's most emblematic activity has been its internet chat line. The most effective way to begin exploring the group's rules of reasoning may therefore be to examine a sample discussion from the chat line.

The conversation on TR's chat-line ebbs and flows, flowing, when it does, from topic to topic. One line of discussion stimulates several others, flowing in parallel, sometimes intersecting sometimes not. When there are topical "units" of discussion, they are variable in length like Talmudic sugyot, sometimes rationally bounded like sugyot, sometimes not. The patterns of textual reasoning are most apparent when the discussion focuses on some topical unit. During August of 2000, for example, reactions to the Vice-Presidential candidacy of Senator Joseph Lieberman flowed into a unit of discussing the pros and cons of *mekhitsot* (the ritual separation of men and women during formal synagogue prayer). Here is a taste of the discussion.

*Lieberman as postmodern Jew?* The line of discussion began with a posting about the Presidential campaign. Steven Kepnes asked what TR members thought about Lieberman's nomination to run for vice-president. Wasn't his public variety of Judaism compatible with the aims of TR? The question stimulated a flurry of responses, exploring, from a variety of perspectives, the relationship among politics, public Judaism, postmodernism, and textual reasoning. The line of most active discussion focused first on Lieberman's Orthodoxy; then, after several days, on the status of Orthodoxy itself within Textual Reasoning; and, finally, on what TR members felt about the Orthodox institution of *mechitsa*.

*A distinct unit of discussion on mechitsa.* The topic of "Orthodox Judaism and American politics" held the interests of TR members for only a few days. But the issue of "Orthodox

Judaism and the separation of men and women” generated one of the chat line’s memorable units of discussion. Shaul Magid got this line of discussion going by objecting to several postings that praised Lieberman’s open-minded Orthodoxy as a species of postmodern Judaism. His concerns remained central to this particular discussion, so I will focus here primarily on certain features of his dialogue with several others. Along the way, I will add comments, in italics, on the more general rules of textual reasoning that I believe are illustrated by various moments of the dialogue. At the end, I will summarize my comments and extend them into a general account of the rules of TR.

*Shaul:*

Having pondered some of the recent posts about Joe Lieberman and a “post-modern moment” in American politics I am still left scratching my head. Zak [Braiterman] was helpful in clarifying that it is mistake to conflate tolerance or even pluralism with postmodernism. In fact, as a US Senator, Joe Lieberman supports policies that are anything but postmodern (whatever that may mean!). As a leader of DNC, he holds very centrist, some say quite conservative, positions on a variety of social issues. As an “observant” (Orthodox) Jew he chooses to pray in a synagogue that does not count women as part of a prayer quorum and does not enable them to participate in the communal act of prayer. His tolerance for egalitarian minyanim (he prayed in the student Conservative minyan of Harvard Hillel when I was the rabbi there in 1994) is noble but hardly cause for celebration.

I would hesitate marking this as a postmodern turn in national politics simply because an Orthodox Jew was chosen as a VP candidate. The fact is that Americans like religion and, according to a recent survey, would rather have an openly gay president rather than a president who was an atheist. Interesting. If we had an atheist homosexual candidate or even a gay candidate (Barney Frank, for example) than I would not be scratching my head.

...The fact that many first generation American Jews (like Lieberman) took on a tolerant and non-judgmental Orthodoxy as opposed to the more strident Orthodoxy of second and third generation American Jews is more the result of social factors than ideological or even religious ones.

The fact is that as a politician and as a religious person Lieberman should raise serious problems for TR’s vision of postmodern Judaism. Even for those who advocate the post-liberal model a la Lindbeck, we are still talking about a VP candidate who supports institutions that require women to stand behind a curtain during prayer so that they don’t arouse the libido of men. As tolerant a man as he might be, where he chooses to stand and pray to God still matters.

I do not mean in any way to attack or offend those of us who choose to attend or support Orthodox institutions. My point is only to question the “postmodernism” of this moment.

Jacob Meskin then objected strongly to Magid’s imposing his own “absolute” standards about what is acceptable and non-acceptable behavior in religious Judaism *and* in postmodern Judaism.

*Jacob:*

...There are many ways to argue against religious practices, and more broadly, against religious traditions. But your “argument” here seems to be:

1. [you] ... possess an absolute framework of values which constitutes a timeless and straightforward standard;
2. Certain practices of traditional Judaism do not conform to this absolute framework; therefore
3. These practices of traditional Judaism are, by definition, a form of oppression.

...And don't try to argue that this is really about rights—i.e. the right to self-expression, or freedom from coercion. You CANNOT invoke this argument unless you are ready to discount entirely what many orthodox women, who voluntarily participate in these practices, say about all this. Of course you COULD discount what they say...all you have to do is to claim that we really don't have to take them seriously because, after all, they have been brainwashed by...

Why not simply and straightforwardly oppose these practices? Why invoke an entire moral cosmology, according to which anyone who attends an orthodox synagogue is by definition...? You don't need the cosmology. You can still oppose the practices and work to change them. It's just that now you'll have to argue, step by step, with people who don't agree with your assumptions, and you will not be able to discount them a priori.

And, in a subsequent posting, Meskin added:

*Jacob:*

...You can and must create laws to increase the rights of women, and protect women against various kinds of gender oppression. But what if you are not talking about obvious and gross gender oppression—what if you are rather talking about the subterranean but still inevitable realities of the drives, the lusts, the imaginings, the struggles for power and for attention that make interaction between men and women both terribly exciting and also fraught to the point of violence? In what way does condemning the mechitsa, and then proceeding to daven next to women you want, or whom you want to want you—in what way is that any less misogynistic? Sure, it looks better, it's more outwardly PC. But this is merely choosing to deny and do absolutely nothing about what most people, when they are allowed to speak honestly, will say about the “energy” of male female interactions. Worse still, you have deprived men and women of a momentary safe haven from the sometimes lovely and sometimes ugly war between the sexes.

Magid then argued, in reply, that text reasoners have reason at least to ask those who supported practices like *mechitsa* to defend their support.

*Shaul:*

... Anyone who lives in the complex web of Jewish life and practice has the right and perhaps the obligation to voice concern, critique, or even outrage at what they deem immoral in the tradition. Moreover, those trained in philosophy (like yourself) have even more of an obligation to argue for or against mechitsa, not from the perspective of halakhic discourse alone, but also from the standpoint of religion and its relationship to human rights and morality in general. If

you believe, as I do, that there is an “ethic outside of halakha,” (the title of R. Aharon Lichtenstein’s seminal article) then the ethics of halakha should be part of a larger discourse, one that we at TR are trying to construct. What women say about standing behind the mechitsa is interesting and valuable but ultimately not decisive, in my view. What is decisive is when those who stand on both sides of mechitsa determine what the future of the mechitsa will be, both from a halakhic and moral standpoint. As a man I can say that the discussion about mechitsa is not a women’s issue – it is an issue about religious community.

I think we also disagree sharply on the nature of post-liberalism in general. The post-liberal return to tradition is not, as I see it, about a return to tradition per se but a return to the texts of tradition (including a discussion of the practices they prescribe) in order to construct a “new” Torah (torah hadasha – using Leviticus Rabbah’s play on a passage in Isaiah) out of a renewed engagement with the canonical texts of the past. Post-liberal or postmodern thinkers needn’t (dare I say shouldn’t!) defend traditional practices, or deem them off limits because we are not knowledgeable enough to evaluate them properly. Rather, we should seriously engage in a real critique of those practices, using the halakhic literature available, but also using our philosophical training. This training needn’t be bound to the halakhic discourse, only respectful of it. Soloveitchik attempted to justify halakha philosophically. As I see it, the TR project is about evaluating and critiquing halakha philosophically via sustained and devoted engagement with both literatures equally (the halakhic and the philosophical).

### **Interlude #1: Comments on the Rules of TR**

This brief exchange already exhibits a good number of the rules of TR (numbered here in no intentional order):

*1) TR is the activity of a finite community of thinkers who share lived as well as intellectual interest in the relationship between Judaism and contemporary society, focusing on the biblical and rabbinic text traditions as sources and resources for reflection on this relationship, and making use of philosophic, historical, text-critical and other academic methods of reflection. Participants in TR tend to have personal acquaintance with one another.*

The TR chat-line fosters generalizable approaches to Jewish thought and text study, but it also nurtures a particular, finite community of people who discuss and develop these approaches. Most of the discussants work with each other regularly and all share at least an “electronic” relationship developed through months or years of chatting online. The discussants work with a sense of contributing to an emergent movement of inquiry.

*2) Participants in TR tend to bring with them at least some university training in disciplines of reasoning about texts and their interpretations and at least some practical and textual training and experience in the religion of Judaism (this includes the many participants who may be non-religious Jews or who may be Christians or Muslims)*

*3) In addition to their academic or specialized training, TR participants bring to the discussion a love of the texts under discussion and of the religions that revere these texts. The participants*

*also bring an earnest and personal concern for the health, integrity, and values of the everyday communities who practice these religions.*

One cannot account for the *rationality* of text reasoning without recognizing the central place of “love” and “personal concern” in this reasoning. This is reasoning with a passion, one that integrates personal, religious and ethical commitment with the capacity for intellectual dispassion (see the discussion of Rule #16, below, for a defense of this claim).

*4) TR participants speak as members, at once, of three different but often overlapping communities: any one of several academic communities (meaning disciplines or institutions), any one of several everyday communities of religious practice, and a single albeit pluralistic community of textual reasoning.*

The fact of there being 3 communities is significant here, for the third community – textual reasoning– provides a mediating discourse often lacking in the relationship between Jewish academe and Jewish communal life. It is also important to note the different ways in which each variety of communal participation conditions TR discussion. Note, for example, that, of the two participants we have noted so far, Jacob participates in an Orthodox and Shaul, in a Conservative Jewish community; Jacob comes to Jewish text study from out of Jewish philosophy and Shaul from out of kabalistic and rabbinic studies in the academy. They argue in different ways, with different academic and communal commitments, but within a single community of TR discussion. In the latter, they draw, at once, on their academic and religious-communal commitments. Textual Reasoning may best be remembered as a movement that nurtured a new way of mediating these two commitments: nurturing forms of rational criticism that could serve the indigenous values and hermeneutics of the religious communities and standards of witness and practical concern that may lend purpose to academic inquiry without threatening its discipline.

*5) Each community of TR respects an implicit ethics of relationship, study, and discussion.*

Through practice, the TR group is gradually shaping shared expectations about the ways that individual members should speak, write, and relate to other members. Once adopted more self-consciously, these expectations might be formulated within terms specific to textual reasoning. Shaul and Jacob, for example, began this discussion with several sharp exchanges. Other participants soon posted comments on the tone of the discussion itself. One suggested, for example, that, beside the specific issue at end, Jacob’s words might help more generally to defend the place of more traditionally Orthodox voices in the chat-line. Others wrote in to thank either discussant for offering encouragement for one or the other pole of argument: the more traditional or more liberal side. After every five postings or so, someone wrote in to reflect on the process and not just the issues – nurturing the form of text reasoning debate while the debate itself continued.

*6) Specific TR discussions are stimulated, ultimately even when not explicitly, by concerns about and responses to real problems in the Jewish community today. These include problems of relationship, practice and institutional life in any of the communities of everyday Jewish life and practice, of academic study, or of textual reasoning per se. Such concerns represent the pragmatic dimension of textual reasoning.*

The strength of TR's pragmatic concerns may be illustrated by the fact that this line of discussion moved from American politics to the topic of mechitsa. The issue of Judaism in American politics is a new one for textual reasoners. It is an interesting topic for them, but it cannot compete with the intensity of their immediate and practical concerns about the place of women in Judaism today. As one test case of these broader concerns, the issue of mechitsa therefore gradually comes to the fore as the dominant focus of this internet discussion.

So far, we have observed the following line of practical debate. One discussant (Shaul) interjects the issue of mechitsa in Orthodox Judaism as a test case for his concerns about Lieberman's Orthodoxy. Another (Jacob) objects that Shaul has made a normative issue (and a dogmatic one) out of what we might call an anthropological topic – about how one of our constituent communities, the Orthodox, deals with gender relations in prayer. Why not treat the matter relatively? Shaul's more liberal denomination has one set of practices on this matter, Jacob's Orthodox group has another, and neither need involve an issue of oppression. Shaul responds that this is a moral issue, not an issue of mere practical differences between one set of legal codes and another. Whatever individual women feel for or against the mechitsa, Shaul believes that both women and men are bound to a text-reasoning obligation to justify or condemn the practice. That is to say, it is a matter of moral-rational debate, as informed by standards laid out in the Jewish text tradition but applied only through our own context-specific reasonings. If we are post-enlightenment, says Shaul, this means we have returned to the texts of our text-traditions, but not necessarily to this or that tradition of practicing what those texts say. In addition to the issue of gender and Judaism, we therefore have before us a debate on the nature of textual reasoning. Both Jacob and Shaul share in TR's return to texts, rather than concepts, as the sources of our Jewish reasoning. But, at least to this point, Jacob argues that specific traditions of practice set the conditions for Jewish philosophic and ethical reasoning, while Shaul grants this reasoning greater independent authority to place any tradition of practice in question.

The next segment of the internet discussion offers more open-ended explorations that begin to mediate the debate between universal and local standards for textual reasoning. Moving the "localists" a step closer to the center, Steven Kepnes suggests that the TR community consider the viability of all the religious alternatives in Judaism. Extending Meskin's relativizing approach, Kepnes recommends some general, pragmatic criteria for evaluating the validity of local or denominational practices.

*Steven:*

I would rather a more pragmatic approach to the truth of *mechitsa* or any form of religion: [adopting] the three criteria William James advances in the *Varieties of Religious Experience*: "Immediate Luminosity," "Philosophical Reasonableness," and "Moral Helpfulness" for the particular community who engages in the practice. [\(2\)](#)

In reply, Magid cites Aristotle on behalf of his call for universal criteria for "justice," but he also challenges the TR group to fashion new ways of inter-relating moral and legal/halakhic claims.

*Shaul:*



...Aristotle argued that all moral questions are about justice. Therefore, the question of mechitsa is also about justice, just as poverty and discrimination are both moral and legal questions. The fact that mechitsa was legislated and upheld by religious authorities throughout the ages is quite relevant here. One could take the positions that (1) mechitsa is moral and just, because it is halakha (i.e., there is no ethic outside of halakha), (2) mechitsa cannot be defended as moral and just but must be maintained because it is halakha (because rabbinic authority is divinely sanctioned), or (3) “morality and justice” (so defined) are modern categories that should not be used to evaluate halavah.

All these have merit, even as I personally cannot live by any of them. .... I personally left Orthodoxy because I could not maintain and live by any of the options above and could not construct an alternative for myself.... If TR is to meet the goals it sets for itself it has to confront these and other issues head on, inside AND outside the tradition. Rosenzweig’s aesthetics of halakha, Soloveitchik’s ontology of halakha, Levinas’ ethics of halakha, and Heschel’s piety of halakha have done much for contemporary Jewry. But, alas, we need more.

Magid’s personal statement sets the stage for more exploratory and personal comments by other discussants, of which we have cited only three. Gesine Palmer offers an allegory on behalf of TR’s sensitivity to those who may be victims of the halakha: the tradition, she suggests, may recommend its own prototypes for “breaking the rules” when they have become oppressive

*Gesine:*

A Chinese story reports of a young woman who tried to learn, upon her master’s advice, to fill her heart all the while with loving kindness towards all human beings. But every other day on the marketplace her loving kindness was severely challenged by some merchant who used to touch her in spite of her protesting. One day she was fed up, and swinging her umbrella she ran that guy over the marketplace. With a sudden, her master stood in front of her and she felt ashamed because of her outrageous behavior, because of the lack of loving kindness it seemed to reveal. Her master, however, did not blame her but said gravely: in some situations you should gather all loving kindness in your heart, and thus prepared, you should give that man a hearty blow with all your loving kindness in your heart, but even with your umbrella.

The very complexity of communication in this story was the thing that made me drop it into the discussion. A woman, eager to keep a rule that does not protect her, breaks the rule and seems to abandon her best principles by following a spontaneous impulse that does not seem to be socially supportable. Being watched, she has a strong feeling of wrongdoing (and that is what she did in the context of the story itself!). But then her master, the authority on whose behalf she set herself on the track of that rule, relieves her by assuring her that, contrary to appearances, her action was quite in accord with the common rule. The interesting thing is (and one might very well transfer that in a totally different context and use it on behalf of that poor merchant, if one were to tell the story from the perspective of his master: it is story, not a statement on correct behavior) that the ardent soul is not in principle to be victimized.

And what I wanted to say was nothing but this: Breaking even the rules of peaceful communication and loving-kindness might be the only way to establish them, sometimes. And this...is a point quite similar to some rabbinic ways of treating halavah.

By the way, this debate is amazing to me first and foremost for the following fact: Lieberman's appointment – which, viewed from Europe, appeared primarily as an attempt to clean up the image of the Democrats by presenting a morally “clean” person in a frame of perfect “political correctness” and which, therefore, with all the commentaries, could just make you wish to hide any soap deep down there in the cupboards – arouses a discussion of Marx, postmodern architecture, and the mechitsa and feminism in general!

Yakov Travis and Mindy Kornberg offer additional ways of expanding the center of the debate, so that a group's tradition might be seen to generate at least somewhat indefinite standards of behavior that would be defined more fully – and perhaps differently – by the different sub-groups they served. Travis suggests that men and women in different communities may bring different needs and standards; he notes, for example, how men in some contexts may argue for gender-separate locales for prayer. Justice may therefore need to be pursued in different ways in different locales. Mindy Kornberg shares in Yakov's spirit, while speaking in particular about contexts in which women suffer rather than benefit from gender separation.

*Yakov:*

I believe that this conversation might consider a couple of points that go beyond the sexual distraction-energy issue:

1. The larger issue is the function, purpose, power of minyan and the traditional liturgy. And let us remember that this was all designed by men, for men.
2. The requirement of ten... – is this really what women would have come up with?...
3. What happens when mechitsa is eliminated, and women are counted in the minyan and permitted to lead the male-oriented service? Often they become the dominant presence. I recall a reform rabbi in Sharon, Mass. bemoaning how in this situation men in his congregation felt pushed aside, or inadequate, and their participation dwindled. My own experience leads me to believe a deep function of minyan is to foster male-bonding in a holy context. I am not sure women need the *hiyuv*, the exact measure of ten, and the liturgical structure as much as men do (yes, I am largely an essentialist regarding gender)...

*Mindy:*

I think it is important to note that sexual separation as a prerequisite for higher spiritual achievement goes back to Sinai. The sexual drive is seen as too strong a competitor to the moment of divine encounter (the same reason that Moses leaves his wife Tsipora at a certain stage). Still, separation during all prayer and ritual and the permanent mechitsa seems to have been a later development. And though I believe an honest defense can be made for separate but equal when it comes to the sexes in certain areas of life, mechitsa has definitely shown itself to be tool that can be used for shutting women completely [out of the center of Jewish life].

Ira Stone calls the group to reflect more broadly on its goals, warning it against tendencies to generalize too far away from face-to-face experience and from the concrete study of Jewish source texts.

*Ira:*

We learn a number of important things from this long discussion originally prompted by the notion that Sen. Lieberman constitutes, in some way, a manifestation of the Post-Modern in the contemporary political arena. First among these things is that conversation in cyberspace is problematic. The removal of the face to face and even of the critical passage of time involved in older technologies of nonverbal communication, letters and articles, raises the question of whether or not e-mail communication is become the Temptation of Temptations. Just because it is possible, is it good?

Second, I turn to the use of the phrase post-modern as an unquestioned virtue. For those who changed the name of this group [from The Postmodern Jewish Philosophy Network] to Textual Reasoning, one of the ideas was that postmodern philosophy is, after all, merely philosophy, and that the particular critique that we wanted to bring to philosophy is the sensibility that philosophy is not All. To reify the post-modern as an [inherently] virtuous way of thinking/being seems to me to undermine the very meaning of this conversation. Despite the fact that Levinas distinguished between his philosophic writing and his “confessional” writing, aren’t we persuaded to entertain the notion that, [since] philosophy [cannot] escape totalization, [our] reasoning must...begin [not in reasoning per se,] but in an encounter with the o/Other as expressed in the creation of sacred scriptures?

Which leads to my third and final comment. Where are the texts? Should not the beginning of textual reasoning debates be grounded in texts? In the context of this discussion, could we not recover some of the original texts dealing with mechitsa or woman in Judaism and learn to read them together anew? Discovering the trace of the Other that may or may not have been obscured to previous generations of readers?

### **Interlude# 2:**

The non-linear character of this section of the discussion displays several additional rules of textual reasoning.

*6) Personal and communal concerns interrupt the potential autonomy of academic inquiry, and the rational disciplines of the academy interrupt the potentially self-referential character of personal and communal reasoning.*

The individual passion of the discussants is an integral part of textual reasoning, as is the appeal to universal or disciplinary or textual standards of truth and meaning. In modern discourse, subjective passion and “objective” dispassion are contraries and the relationship between the two is unhappy. In textual reasoning, these two compete, but in the happy dialectic of communal-and-rational interaction. Gesine’s allegory of the young Chinese woman therefore becomes an integral part of the group’s reasoning; and Shaul juxtaposes personal and philosophic claims in a way that may become typical of textual reasoning’s happier dialectic.

*7) Text reasoning is a self-reflective process of communal reasoning, whose rules evolve in response to individual observations of the process, recommending corrections and additions.*

It is not unusual for discussants to praise or criticize the process of discussion: here, Ira raises some concerns about the lack of face-to-face interaction; and Gesine praises what TR has made

out of the phenomenon of Lieberman. Most significantly, the group is learning, through practice, how it wants to debate normative issues. TR is as yet in search of its standards of inquiry and judgment.

*8) Textual reasoning is post-modern in the sense that it seeks to interrupt a series of unhappy divisions that has characterized the modern academic study of Judaism: such as unmediated divisions between academic inquiry and communal/personal life, between tradition and criticism, and between textual and philosophic studies. But it does not subscribe to any post-modern orthodoxies. For example, it draws on some concerns and methods of Continental philosophic and political postmodernism (from post-structural epistemology to deconstruction to criticisms of hegemonic master-narratives), but it also makes religious, textual and various normative claims that would confound many practitioners of this most well known variety of postmodernism.*

*9) Textual reasoning tolerates a plurality of voices and approaches and commitments, while also nurturing two or three dominant lines of inquiry and areas of group concern.*

The next segment of discussion takes up Ira's call to "turn to the texts!" Akiva Garber provides the main talmudic sources for what he consider the tradition's rationale for mechitsa.

*Akiva:*

OK, since you asked for it, here is the main talmudic source for mechitsa, from B. Sukkah 51b-52a.

*Mishna:* Anyone who did not see the Joyous Celebration of the Water Libation never saw joy in his lifetime. On the night following the first festival [of Sukkot] they went down into the Women's Courtyard [Ezrat Nashim] and made a great tikkun....[\(3\)](#)

*Gemara:* What does it mean, 'a great tikkun'? Rabbi Eleazar said: Like that which we learned [in a tannaitic baraita]: 'At first it was flat, then they built a balcony around it and legislated that the women should sit above and the men below.' The rabbis taught [in a tannaitic baraita]: 'At first the women were within and the men outside and they would come to frivolity, so they legislated that the women should sit outside and the men within, but still they came to frivolity, so they legislated that the women should sit above and the men below.'[\(4\)](#)

The gemara then asks how they could have legislated additional building on the Temple Mount beyond that which Solomon built according to the Divine command, and it answers that they learned it from the verses in Zecharia 12: "And the land shall mourn, every family apart; the family of the house of David apart and their wives apart; [the family of the house of Nathan apart and their wives apart.... All the families that remain, every family apart and their wives apart.]" They said: Should we not learn a fortiori: in the future [the end of days], when they are involved with mourning and the yetzer hara is not controlling them, nonetheless the Torah said the men and women should be separate, now when we are dealing with a joyous occasion and the yetzer hara controls them, how much more so?[\(5\)](#)

Note that this ‘great tikkun’ was legislated only after the rabbis tried various other less drastic means of keeping the public from frivolous intermixing. It is not specifically directed against the women, as one can see from the attempt to place the women both closer and farther from the action than the men. Even then, it seems total separation was customary in the Temple only on this annual occasion of ecstatic rejoicing. While women were restricted from entering the Temple beyond the Ezrat Nashim, men were not excluded from presence together with the women in the Ezrat Nashim during the rest of the year. Women were also included in the sacrificial offerings in the Temple, almost the same as any Israelite man, though neither could actually do the sacrificing, which was restricted to the Kohanim [Priests]. The proof texts of the gemara apparently expand and generalize the requirement of separation to other occasions. [Akiva’s text from Sukka suggests that, according to the amoraim, the separation of men and women arose in the Second Temple as a practical means of dealing with “sexual distraction” (to use Travis’s terms).]

Garber notes that the separation was not selectively directed either to men or women, but applied equally to both. Hyam Macoby objects that the discussion in Sukkah does not, in fact, extend the once-a-year separation of men and women in the Temple to the synagogue. Macoby argues that the textual evidence, rather than warranting the *mechitsa*, indicates that it was not halakhically grounded, but only a medieval custom (*minhag*), raised only more recently to a symbol of Orthodox practice.

*Hyam:*

Akiva Garber’s comments give the much-needed textual dimension. I would only add three points:

1. The setting-apart of an area for women (for one day in the year) applied only to the Temple, not to the synagogue. Nowhere in the Talmud is there any prescription for such an area in the synagogue. This accounts for the fact that *mechitsa* is not mentioned either in [the medieval law codes] Mishneh Torah or in Shulchan Arukh. Actually, the halakhic status of *mechitsa* is *minhag*. (6)
2. The transfer of features from the Temple to the synagogue is actually halakhically suspect. Since only one Temple is allowed, anything that looks like the setting up of a Temple outside Jerusalem is frowned on. This is why Orthodox synagogues are never called temples. This ought to have told against calling an area of the synagogue *ezrat nashim*.
3. Historically, the *mechitsa* was a medieval invention. It was when Conservative and Reform Judaism abolished the *mechitsa* that it became a badge of Orthodoxy, even though there is little justification in the sources for assigning it such importance.

Responding to Garber, Magid does not raise Macoby’s objection, but introduces two somewhat surprising turns in the debate. First, he explains that it was never the literal separation of men and women in prayer that bothered him: in fact, he favors this aspect of the *mechitsa* aesthetically. It was, instead, the broader injustice of which the physical *mechitsa* was only a symbol: the inequality of the rules of separation and the exclusion of women from full participation in public prayer. Second, he objects to what may be an unwarranted inconsistency in the medieval and post-medieval discussion of gender separation, represented by the Mishneh Torah’s treatment of “The Laws of Prayer.” On the one hand, Maimonides notes that the biblical

obligation to individual prayer is not time-bound and falls on men and women equally. (7) On the other hand, he notes that practice of public prayer is rabbinic in origin, responding to the crisis of exile, and that this practice is time-bound and therefore favors men. What precedent does this set for *us, today*? Magid asks on what basis we should decide this question and then how we should answer it.

*Shaul:*

I very much appreciate Akiva's introducing texts to this discussion. Since I think I may have been the one to first raise the issue of "mechitsa," I want to say that what I meant by the term was not only (or even) the physical barrier but more specifically what it represents; the exclusion of women from full participation in Jewish public prayer. In fact, I have long advocated egalitarian mechitsa minyanim in my community because I feel that the Eros created by separate davening is lost when the sexes are mixed.

This is why I also do not think single sex davening is the answer. However, the aesthetics of separation (which I appreciate and prefer) is not the same as the morality of exclusion (which is the issue I initially wanted to address). I would like to speak to that issue by introducing a few texts. In his "Laws of Prayer" Maimonides ... says:

1:1 – It is a positive (Toraic) commandment to pray every day, as it is said, "And you shall serve [worship] the Lord your God" (Ex. 23:25). The frequency of prayer is not from the Torah, the liturgy is not from the Torah, and the specific times are not from the Torah. Therefore, women and slaves are commanded to pray because it is a positive commandment that is not time bound.

1:2 – This obligation to pray consists of each individual pleading before God, singing His praises, asking for his needs and then thanking Him for the good that he already received. (8)

*Comment:* [Note] that Maimonides specifically excludes prayer from the category that would exempt women, because the positive commandment to pray is not time bound. According to him, once an individual praises God, thanks Him and asks for his needs, he or she has fulfilled the Toraic obligation of prayer. Hence, in most cases, public prayer is rabbinic.

The liturgy and the notion of public prayer seems to be, according to Maimonides, the result of exile and the loss of intimacy with the intricacies of the tradition. (9)

Laws of Prayer 8. (10) 8:4 – How is public prayer enacted? One prays and then others answer. This cannot occur without ten adult free persons [the assumption is men but the language is not used explicitly].

8:5 – One should not make the blessing before the Shema for others [lit. and others answer amen] except in a quorum of ten. This is called *pores 'al shema*. One can only say Kaddish with ten... Every group of ten Israelites constitutes a "community" (*edah*) as it says, "when will this evil community (referring to the spies)," excluding Joshua and Caleb. (11)

These few excerpts are curious for a number of reasons:

1. Maimonides equates men and women regarding the Toraic obligation to pray. He implies that public prayer is time bound and therefore excludes women, but he never says so.
2. If this is the case, we need to go back to the whole notion of the difference between exemption and exclusion. Women are exempt from time bound commandments but may perform them and make the appropriate blessing (according to R. Moshe Feinstein's responsa on women wearing tefillin). Regarding public prayer this is different. Women can pray in a *tsibur* ("community"), but they are not an integral part (or a part at all!) of that *tsibur* because they can't participate in what that "community" can do. This is even more curious if we accept Maimonides' notion that public prayer is largely rabbinic (people having already fulfilled their Toraic obligation elsewhere).
3. My point is this: Do we have here a real atypical case where women and men have an equal Toraic obligation that becomes unequal in its rabbinic form? In other cases when women and men are equally obligated (for example, Kiddush Friday night according to some) she can make Kiddush and he can hear and fulfill his obligation. Here is an example. Let's say we had eight men and two women who sat in a room together. None of them had prayed and all were biblically obligated in something that is not time-bound. Could that constitute a legitimate quorum? The answer is no, because the whole notion of a quorum is rabbinic and wouldn't apply to a biblical obligation. However, this is similar to Rabbi Joel Roth's solution. He claims that women who take upon themselves the rabbinic obligation have, in a sense, become men when it comes to public prayer. I am not advocating this position, but only putting it on the table. Other positions state that, even while a quorum is constituted by men, once that male-only quorum exists, a woman can fully participate. I do not think the sources bear this out.

My overall point is this: with regard to prayer and ritual, the halakhic literature equates "community" with a male-only enterprise. If a woman could be a man (as Roth suggests), then she could be a part of the scene. My question is, how philosophically do we evaluate the exclusive nature of this constitution? Is the category of time-bound commandments a social construct that was once pragmatic (whether just or not) and now, no longer pragmatic in the same way, becomes covenantally problematic? Is it the case that sometimes injustice hides (and may even be justified) behind pragmatism? What happens when social status, education, and culture change the hierarchies of a traditional society? How are those tensions addressed, ignored, concealed? Is it legitimate to go outside the sources in order to bring them to life? These are the questions that interest me when I learn halavah.

### **Interlude #3:**

Reflecting on the turn to texts in this section of discussion, we may begin to describe TR's rules of text interpretation per se. As indicated by Rules #1-9, this text interpretation takes place in the context of the TR community, with its academic-and-Jewish-communal interests, and in the context of the TR community's responses to specific problems in both the Jewish and academic communities of its members enables us to displays additional rules of textual reasoning.

*10) The Pragmatic Rule of TR: While individual members of TR engage in traditional text study l'shmah — for the delight of study for its own sake — TR's communal activities of text interpretation are not undertaken l'shmah, but for the sake of responding to specific problems of concern to the TR membership. These are typically problems both of Jewish communal life—*

*of how Jews live today – and of Jewish academic life – of how Jews apply the disciplines of intellectual inquiry to the work of solving communal problems.*

*11) The Rabbinic Rule of TR: Biblical and rabbinic texts serve as source texts for TR's pragmatic repair of problems in both Jewish communal and Jewish academic life.*

Garber's appeal to traditional rabbinic and biblical sources was received favorably by the discussants, and as a matter of course.

*12) The Rule of Textual Authority in TR: The TR community is in the process right now of determining the degree and mode of authority held by the biblical and rabbinic source texts in TR's pragmatic inquiry. So far, three sub rules of a "Rule of Authority" appear to be emerging.*

*a) On questions of Jewish communal practice, no individual posek and no school or tradition of poskim has authority. To this point, post-medieval poskim appear to be cited only for the ways they may illumine the tradition's reading of rabbinic sources, not as authorities per se.*

Macoby and Magid accepted Garber's post-talmudic as well as talmudic text sources as necessary to the discussion, but not as self-evidently authoritative.

*b) The general form of rabbinic jurisprudence remains prototypical, however, if not explicitly authoritative. That is, changes in Jewish communal practice are recommended in response to explicit problems that have arisen in that practice and on the basis of some agreed upon way of re-reading the biblical and rabbinic text traditions that appear to inform that practice.*

*c) The TR community has not as yet agreed upon any specific standards for re-reading authoritative Jewish source texts. One of the primary goals of TR discussion at this time is deciding how to come to agreement about such standards.*

*d) One of the signal contributions of TR may be to recommend new or new-old patterns and standards for re-reading Jewish source texts. As suggested by the previous Rules, in particular Rules #1-6, the new patterns and standards are shaped by new forms of relation between academic and communal discourse. Members of the TR community seek to apply their academic disciplines to issues of communal problem solving and their communal concerns to the ways they frame at least some of their academic inquiry. The Rules of TR will, as they mature, display the TR community's successes or failures in mediating between academic and communal interests.*

Macoby draws legislative and normative lessons from historical-critical studies of the talmudic literature: consistent, in this way, with both Conservative and Reform notions of the historical specificity of rabbinic legislations. Magid appears to accept and expand these historical-critical resources, making normative use of literary-, historical-, and reception criticisms, integrated with community-specific traditions of Jewish legal decision-making. He also challenges the TR community to find ways of introducing their philosophic and ethical analyses into the mix. This is, in other words, to challenge the community to develop an integrated standard for re-reading the classic Jewish sources.



In the final segment of discussion, discussants begin to take up this challenge. Aryeh Cohen begins by asking questions that deliver specific values and a sharp critique of the practice of mechitsa. He cites historical-critical evidence that the practice of mechitsa was introduced late, in the Amoraic period, and then justified by post-Talmudic commentators who argued, among other things, that observing women leads men to “lightheadedness.” And he then intimates that textual reasoners might share his distaste both for the content of such judgments and for the way they are adopted.

*Aryeh:*

Now that some texts have been put on the table, the question is: what do we do with them? What are the questions that we ask of those texts? I would like to suggest some questions [that may further the debate], which, hopefully, will be a *milchamah shel torah* (“a battle for the sake of Torah”), whether the battle is one of *chovlim zeh bazeh* (“mutual injuries”) or *orman'imim zeh lazeh* (“mutual pleasantries”).

Akiva has noted that the texts he cited deal only with the annual “water libation festival.” Bernadette Brooten showed in her book, “Women Leaders in the Ancient Synagogue,” that there is no evidence of mechitsa in early Palestinian synagogues, something Safrai previously claimed as well. The textual reasoning question that presents itself is how and why this one textual location was generalized and universalized to legislate separation at all times.

Jacob quotes the Jacob quotes the *Tosafos Yom Tov* [a commentary on the Mishnah by R. Yom Tov Lippmann Heller (1579-1654), Chief Rabbi of Prague] on M. Succah 5:2, “arguing that men looking at women will by itself provoke ‘lightheadedness.’” What is the relevant history of “lightheadedness” (*kalut da'at* or *kalut rosh*)? This is both a Greco-Roman term, deployed to deny women rights of money management and contracts, and it is a Talmudic term, deployed in a manner that hyper-sexualizes women (e.g. Kiddushin 80b). It is also a term that may possibly be applied to God (Sanhedrin 6:5). [\(12\)](#)

The *Tosafos Yom Tov* further articulates the classic position that, because men will not be able to control themselves sexually, women should therefore be banished. As textual reasoners, what do we do with this? Do we acknowledge that men are authors, actors and agents in this text and that women are written, passive objects? I think we have to ask this question along with the question of how Maimonides’ metaphysics in the *Guide*—in which women are matter and men are form—plays in this discussion.

This leads to some of the questions that were raised before by Jacob and more recently by Shaul: (why) is the erotic considered antithetical to the holy or the transcendent? It is obvious that it is antithetical for Maimonides, since the erotic is identified with the sensual and with the feminine, which is matter, while the intellectual is identified with the male and with the form and the end toward which we are supposed to strive. Do we accept this as *psak* (legal decision)? [\(13\)](#)

Leibowitz might be right (that women taking upon themselves an obligation is like a hobby), if we all believed that every jot and tittle of halakha were given in unmediated revelation. I actually don’t think that I have any common ground with a person who believes that. However,

historicizing halakha backlights choices that were made. Different choices can now be made in dialogue and engagement with those texts (*milchamah* is also engagement).

Zak Braiterman extends Aryeh’s critique, suggesting that non-Orthodox participants in TR may be uncomfortable with two general patterns of classical rabbinic reasoning. One is the tendency to generalize historically specific event, customs, or values into warrants for universal legislations. Another is the tendency to promote specific *halachot*, or laws, in this way (what Braiterman calls “content”), rather than promoting more general tropes, themes, and patterns of reasoning (what he calls “form”) that future generations could apply in various ways.

*Zak:*

Aryeh wrote that Garber has noted clearly that the texts he cited deal only with the annual “water libation festival”... The textual reasoning question that presents itself is how and why this one textual location was generalized and universalized to legislate separation at all times.

Would it be wrong to say that it is precisely this ability to generalize that generates so many of the halakhic mores that disturb so many liberal (that is, non-orthodox) Jews? . ... This speaks to the question of history and the difference between form and content.... Does it not seem that “rabbinic culture” generalizes historically [-specific] values and customs, [both ascribing them] back to the time of Moses and turning them into law for the future? Would it be fair to say that these values and customs represent contents, whereas many of us (following Rosenzweig) find ourselves “compelled” [instead] by the formal rhythm of Judaism and its texts (such as the calendar structure, the division of time and food, the roll of Hebrew, the form of talmudic reasoning –and for the more orthodox among us, the division of sexes)? As for actual contents, these strike many of us as more contingent and we treat them accordingly.

Akiva Garber, now self-named “Akiva the Sofer” (“Scribe,” which is his profession) comments on Shaul Magid’s earlier post on Maimonides and argues for a place in TR for an Orthodox reading of the relevant talmudic sources. Magid, now self-named Shaul the Melamed (“Teacher”), answers back. Garber argues that, for Maimonides and subsequent tradition, women are exempt from prayer, but not excluded; Magid counters that the exemption leads to effective exclusion: there is equality in individual prayer but not in the public minyan. A comparable dichotomy applies to *themezuman*, or prayer after meals. More generally, Garber argues that the tradition can tolerate innovations if they can be justified by the terms of the tradition and if they succeed, in fact, in attracting a following among traditional Jews. Magid concedes the point, but notes that innovations come from the hyper-pious as much as from the liberals – and kabbalistic “hypernomianism” is, in fact, his own primary interest. I have redacted these two responses as if they were in dialogue, point by point (which means that, contrary to appearances in this redaction, Garber did not actually have a chance to respond to Magid’s responses).

*Akiva and Shaul: A Concluding Dialogue*

*Akiva the Sofer:*

Maimonides shows that women are exempt from public prayer, but they are not excluded from it.

*Shaul the Melamed:*

This is interesting. By “not being excluded,” I assume you mean that they are not forbidden to pray in a quorum of men. So is exclusion necessarily correlated with the category of forbidden? I don’t think so, but it is worth exploring. Women are exempt from the obligation to pray in a quorum and therefore are excluded from actively participating in that quorum. If they are, as you say, part of that quorum, they are at best silent (unequal) members without any constitutional status. Isaac noted in another post that Maimonides states that prayer in a quorum is more readily “heard” by God, making it preferable to praying alone. Does that apply to women? Maimonides never says so. One could argue from his perspective that it does not. Perhaps Maimonides’ statement about the preference of a quorum only applies to those who can constitute that quorum. So, if it is the case that, (a) prayer in a minyan is heard more readily by God than prayer alone AND, (b) women are exempt from that kind of prayer, is a women’s prayer in an minyan heard as readily as a man’s in Maimonides view? Of course, we have many cases where God hears women’s prayers, but that is not the issue.

What is at issue is this: when men and women pray alone and are equally obligated (according to Maimonides), their prayers are equally heard. When men pray in a quorum and women pray in the same quorum perhaps men’s prayers are more readily heard (in that context), since she is exempt from that obligation and excluded from full participation in the context that evokes God’s attention. Is her quorum prayer then identical to her private prayer? I don’t know. I am just trying to make a logical case using Maimonides categories.

Akiva the Sofer:

The Torah commandment to pray, for those who decide that it exists, is also a personal obligation irrelevant to quora for public prayer. But again, women are not prevented from “participating in what the community can do”; they are only excluded from being enumerated as elements constituting the obligated community.

*Shaul the Melamed:*

If that were the case, then they would be able to participate fully in a quorum made up of men. But they are not only excluded from constituting that quorum, but are also excluded even when that quorum is constituted separate from them (by men).

Akiva *the Sofer:*

While women, like men, can constitute a *mezuman*, if three of them eat together, it is considered unseemly and is forbidden to constitute a group of three for creating this obligation by counting men and women together. That this is not directed against women is clear from the fact that once such a group of three exists, the members of the other sex should join in the praise of G-d uttered in the *mezuman*.

*Shaul the Melamed:*

But this is not a clear halakhic precept, and many halakhists reject this. Moreover, we would have to explore the nature of *mezuman*: its distinct qualities vis-à-vis the construction of community, and so on. I am not certain that the *mezuman* case can be so readily used to make a point about prayer.

*Akiva the Sofer:*

Women are exempt from the obligation and therefore cannot themselves constitute a *minyán* (a quorum of 10 in public prayer), but once a *minyán* of men exists, they are indeed part of the community and can or ought to join it. Their prayers are no less significant because they are not counted among the ten who constitute the required prayer quorum.

*Shaul the Melamed:*

What is the basis of that last sentence? I would argue (as I did above) that it is not a foregone conclusion from Maimonides' perspective.

*Akiva the Sofer:*

Even regarding innovations that originate outside the traditional faith community, those changes that endure can usually be assimilated within the tradition and justified in its terms if they are in fact accepted and practiced by a believing community. However, if the agents of change abandon and disregard the normative forms and processes of decision-making and/or disregard the practice and ethic of the believing community, their innovations are less likely to get accepted within that community as valid alternatives to the established practices, and they may even cause a defensive reaction.

*Shaul the Melamed:*

Yes, I agree. However, I must also add that “disregard [for] normative forms and processes of decision making” is not only indicative of liberalizing movements. The foundation of my own notion of egalitarianism as “necessary heresy” is built on the hypernomianism of the Kabbalists, who sometimes showed disregard for “normative forms and processes of decision making.” However, because that disregard often resulted in increased piety and restriction and not a loosening of practice, it is not often included in such discussions (even as it was a foundation of Scholem's research). I think egalitarianism in principle is a hypernomian and not an antinomian act. For one example of this in Kabbala, see Luria's discussion of Rabbenu Tam tefillin [phylacteries containing a parchment of Torah verses arranged in a different order than in the halakhically favored “Rashi” tefillin.] Luria does not only adopt the position that one must wear Rabbenu Tam tefillin. He states that those who do not have not fulfilled the mitzvah of tefillin! He is quite serious here. His “decision making processes” are hardly normative and built entirely on his cosmology, not legal reasoning. [\(14\)](#)

**Final Interlude:**

The discussion does not end or conclude, but, as is typical for the chat line, it loses energy or is interrupted by other issues or by “down times” when the discussants are otherwise occupied (holy days, ends or beginnings of the academic semester). This last segment of the discussion illustrates several additional rules of TR:

*15) At least at present, one of TR’s foci of debates is between Orthodox and non-Orthodox approaches to Jewish law and ethics. One might characterize the dominant tendencies in the TR community as “post-Orthodox Judaism”: an interest, that is, in continuing Jewish traditions of piety and rabbinic text study, but not in the ways that have been associated with Jewish Orthodoxy in the last few decades.*

*There are regular contributors to TR who identify strongly with Orthodoxy, and their contributions are valued, particularly as resources for careful text study. There are a number of contributors who seek to identify TR with a clearly non-Orthodox approach to Judaism; of these, there are some who express little patience for any Orthodox voice in the discussions. There are strong voices at the “center,” who see TR as a resource for generating non-Orthodox approaches to Jewish law, ethics, and spirituality, but in dialogue with Orthodoxy as well as with the other dominant streams of Jewish practice. There is little explicit reference to Conservative, Reconstructionist, or Reform approaches, even though many of the discussants participate in those movements and their seminaries. Perhaps the TR community is seeking a post-denominational approach to Jewish thought, theology, and text study.*

*Most discussants use TR as a vehicle for debating the kinds of normative and also halakhic issues that would otherwise arise only within local communities or specific denominations. Some discussants have argued that lines should be drawn between issues that are strictly local and issues that are appropriate for general TR debate. Other discussants urge TR to adopt “universal” standards for debating normative/halakhic as well as academic issues.*

*16) Personal humor and warmth intermingle in TR discussions with both disciplined academic-textual analysis and occasionally acerbic exchanges.*

On the one hand, the exchanges between Meskin and Magid (earlier) or between Cohen and Garber have an edge to them. On the other hand, Magid’s and Garber’s dueling commentaries, complete with sobriquets, intermix genuine disagreement with genuine warmth and humor. These are not accidental features, but features of a Rule, because the values and commitments that guide TR concern relations among reasoning, communal traditions, and individual lives, and these relations are brought together only in the heart-minds (*levot*) of people whose thoughts and feelings touch each other. The rabbinic thinker Max Kadushin, z”l, coined the term “value concept” to refer to any of the units of meaning that integrate reason, communal tradition, and personal feelings in this way. While his notion of the value concept has attracted only limited attention, I believe it would serve very well as a tool for analyzing how textual reasoning works. I introduce it at this particular point for less systematic reasons: Kadushin wrote of these concepts as having “warmth,” and I sense this may be the kind of warmth that is displayed in the TR discussions.

*17) TR discussions appear to be informed by an as yet inchoate set of “value concepts,” analogous in function to the “rabbinic value concepts” that Max Kadushin attributes to the*

classical “rabbinic mind.” It is, at the very least, helpful to search for the value concepts of TR as a means of identifying what we have termed TR’s “new-old standard for reading the Jewish source texts” (see above, Rule #12d).

To test this Rule, I suggest we consider “*mechitsa*” a “TR value concept” and examine to what extent it may function within the TR discussions the way Kadushin believes that such value concepts as *ben adam* (“human being”) or *gemilut hasadim* (“lovingkindness”) functions within the literatures of classical rabbinic Judaism. To proceed, I will offer a brief summary of Kadushin’s characterizations of “value concepts,” as culled by his colleague Simon Greenberg, z”l, and then look for analogues of each characterization within TR’s discussion of *mechitsa*. (15)

- “Rabbinic value concepts are represented by value terms consisting of individual or compound Hebrew nouns which are found, or whose grammatical roots are found, in the Hebrew Bible. Thus, the rabbinic concepts of *teshuvah*, “Repentance,” and *hillul hashem*, “Profanation of the Name,” are not found as such in the Bible, but their grammatical roots are employed there in a manner anticipating the use of the concept constructed by the Rabbis. The connotations of a value concept as used by the Rabbis may differ, even quite radically, from its connotations in biblical usage.” (16)

If rabbinic value concepts are represented by Hebrew nouns with grammatical roots in the Bible but with new connotations articulated by the rabbis, then the TR value concept of *mechitsa* is represented by a Hebrew noun with grammatical roots in the Talmudic literature, but with new connotations articulated by the textual reasoners within their own social-religious context. In this case, the value concept also has Biblical roots, but other TR value concepts may be based on Aramaic or loan words in the Talmud that lack explicit Biblical roots.

- “Value concepts resist definition because they do not identify a substantive, sensibly accessible, or scientifically defined content of their own. The phenomena in which a value concept is concretized constitute its definition. Since the number and variety of phenomena in which a value concept such as mercy, liberty, or holiness, may be concretized is potentially infinite, it can never be defined with finality.” (17) The concepts are “connotative,” rather than denotative, symbolizing an indefinite range of possible meanings.

In the TR discussion, *mechitsa* has a denotative meaning in its plain sense, as the spatial barrier that is placed between men and women in Orthodox worship services. In the TR discussion, however, this term acquires an indefinite range of connotative meanings, each one specific to some religious argument as offered by a textual reasoner. Thus, for example, Magid can argue that, “as a man I can say that the discussion about *mechitsa* is not a women’s issue – it is an issue about religious community.” Here, *mechitsa* refers not only to the literal act of separating men and women, but also to what Magid takes to be the value concept that informs a broader range of gender-related practices and beliefs in Orthodox Judaism. Kornberg suggests that, in Biblical and early rabbinic Judaism, something like this value concept informed a much broader range of approaches to gender, but was constricted in later rabbinic tradition. Thus, she concludes, “an honest defense can be made for separate but equal when it comes to the sexes in certain areas of life, [but] *mechitsa* has definitely shown itself to be tool that can be used for shutting women completely.” I find it helpful to say that Kornberg’s judgment is guided by two sub-concepts of *mechitsa*: a positive concept that identifies a range of helpful distinctions

between the genders and a negative concept that identifies a range of oppressive distinctions. For future discussions, it would be good to identify rabbinic terms for each sub-concept and to discuss the connotations each term acquires in TR discussions.

Beyond these specific illustrations, the TR discussion is guided, more generally, by something close to Kadushin's sense of the irremediable vagueness of Judaism's value concepts. Thus, Stone warns the group not to over-determine or over-generalize its commitment to postmodernism: "to reify the post-modern as an [inherently] virtuous way of thinking/being seems to me to undermine the very meaning of this conversation." In Kadushin's terms, unlike the concepts of positivist philosophies or theologies, the value concepts resist definition; they are concretized in situated actions, not in reified thoughts.

- Value concepts have a cognitive dimension (they are therefore "concepts"), since they symbolize ways of knowing the world. They also have a personal and emotive dimension (they are therefore "values") – a "warmth" – since they both reflect and guide personal commitments and attachments.

As we have seen, textual reasoners define the plain sense of *mechitsa* as a cognitive, or denotative, concept, and they articulate the connotative dimensions of *mechitsa* as displaying some community's commitments and attachments. The connotative – or explicitly valuational – dimension of TR's value concepts distinguishes TR discussion from standard, or modern, academic discourse in its effort to reduce scholarly debate to the plain sense or to what can be described and defined clearly and universally. The denotative dimension of TR's value concepts distinguishes TR discussion from the strictly "confessional" or "subjective" discourse that modern academics tend to attribute to religious and theological debate – and, indeed, that some anti-academic religionists grant themselves.

- "Value concepts 'express approval or disapproval of a phenomenon and thus endow it with whatever significance it has for us. And they imply the reasons for the judgment they express.'" (18)

Kadushin is referring here to the connotative dimension of the value concepts. Textual reasoners offer value judgments in their debates: in our discussion, Magid and Garber disagree about the halakhic, psycho-social, and ethical force of *mechitsa* in contemporary Orthodox practice. But they both open and apply their arguments to the evidences of text-historical, sociological and philosophic scholarship.

- "The awareness of a value concept serves as a stimulus to acts that concretize it. One cannot become aware of the of the Ten Commandments or of the opening statements of the American Declaration of Independence and remain spiritually and intellectually altogether the same as [one] was before.... In thus serving as goads to acts which can rarely if ever be exact duplicates of one another, [value concepts] serve as the dominant factors making for the uniqueness of each personality within the group [since the unique way each person concretizes the value concepts both reflects and shapes the person's character]." (19)

Textual reasoners not only express judgments but also commit themselves to practices that would follow from their judgments. Their discussion of *mechitsa*, therefore, clearly stimulates questions of immediate action. Driving its discussants to debate practices, rather than theories

considered for their own sake alone, the TR value concept displays the kind of “drive to concretization” that Kadushin attributes to the rabbinic value concepts.

- “Since value concepts are “defined” by situations that concretize them, the value concepts of a society are embedded in the pattern of life of that society and are included in its vernacular.” [\(20\)](#)

When defining *mechitsa* as a cognitive concept, the textual reasoners make plain sense claims that should be clear to any reader at any time. When debating *mechitsa* as a valuational concept, however, the textual reasoners make claims that apply to practices in identifiable communities or societies. As illustrated in our discussion, a few textual reasoners may, it appears, challenge the distinction I have just made: urging their valuational readings as if their truth or falsity was like the truth or falsity of plain sense readings. I believe that such a challenge would represent a category error – in fact, the same category error committed by modern scholars who apply the either/or logic of cognitive judgments to the domain of ethical and religious claims.

In sum, the “warmth and humor” of the TR discussion corresponds to what Kadushin called the “warmth” of the value concepts. The acerbic edge of some TR discussion corresponds to the “cognitive” dimension of the value concepts, since disagreement about cognitive claims is disagreement about general truth, rather than about subjective or local interests. The earnestness of the discussion corresponds to the value dimension of the value concepts, the way they express approval and disapproval over issues of everyday life and ultimate belief. The pragmatism of the discussion – the concern to repair problems in the community – corresponds to the value concepts’ “drive to concretization,” their power to stimulate action in the social world. The open-ended dimension of the discussion – symbolized by Braiterman’s interest in exploring the “formal rhythm of Judaism,” or Cohen’s interest in the “different choices [that] can now be made in dialogue and engagement with ... the texts” – corresponds to the indefinite and connotative quality of the value concepts. The dialogic center of the discussions – epitomized in the Magid-Garber dialogue – reflects the central feature of the value concepts: their capacity to mediate issues of heart and mind, of critical cognition and communal life, and of tradition and reformatory change.

### **3. Selecting Standards for Rule-Making**

To ask for the rules of Textual Reasoning is like asking for the rules of a game, which means both how the game has been played and how it should be played in the future. To ask this as a member of the TR community is also to ask if, indeed, it may be time – after 12 years– to come to some communal agreement on what it means to perform textual reasoning. If it is time, then I would imagine the community would pursue several stages of reflection, perhaps something like the following.

1)*Collection*: reviewing the group’s previous activities, writings, and discussions and collecting illustrations of its patterns of conduct. It is very important that the community identify its rules by observing how it actually behaves, rather than by asking individuals to construct ideal accounts or visions. The goal is a communal practice, and communal self-reflection is an historical process that displays the efforts of many individuals and the consequences of many events, often unforeseen. This is why Kadushin insists that the rabbinic value concepts cannot



be reduced to clear definitions. In the previous section of this essay, I hope to have illustrated how such a Collection would work: empirical observations of some sampling of TR activities followed by some explanatory hypotheses about the patterns or “rules” of TR that were displayed in these activities. Ideally, the TR community would want to sponsor several samplings like this, by different observers (since we each bring our idiosyncratic styles of observation and explanation) and of different kinds of activity;

2) *Choosing Standards of Selection*: adopting standards for *selecting* which of the community’s actual patterns of activity ought to serve as *norms* for TR in the future. This is a crucial and somewhat perilous stage of work for a community like TR, since it could generate divisive arguments over what the group cherishes: is it, for example, a liberal-postmodern group or a neo-traditional postliberal one? does it respect Orthodox tradition or does it choose to be more antinomian? Are its standards primarily text-based or philosophical? I believe the community will fall into divisive debates of this kind if, rather than seeking standards in a fashion appropriate to TR, it falls back into modern patterns of normative inquiry (which means falling into the antimonies of liberalism/conservatism or of fundamentalism/foundationalism).

*The alternative is to recognize that normative inquiry – or the pursuit of standards – is neither a fundamentalist nor a foundationalist project. It is not, in other words, a matter of submitting the will: of willfully giving oneself to an authoritative, clear and distinct text or doctrine or set of concepts. (Fundamentalism and foundationalism, it may be seen, share the same logic!) Normative inquiry is, instead, a matter of envisioning, on the basis of how a community already tends to behave, how it would behave in the long run, if its various behavioral tendencies were clarified and more successful coordinated or integrated. TR’s normative inquiry should begin, therefore, with the empirical studies of Stage #1. It should move, next, to a logical (as well as textual and theological) critique of inner contradictions in the previous practices of TR (of unproductive contradictions, that is, retaining the happy contradictions that generate dynamism within the group). It should conclude with proposals for self-consciously refining the work of TR.*

Here is a practical and logical suggestion about how such proposals would work. While offered on behalf of the group, proposals of this kind can be dreamed up only by individuals. To offset the necessarily idiosyncratic character of individual proposals, the community should ask several individuals (representative of different approaches to the *central* work of the group) to contribute proposals, on the basis of which the group should agree to a final and composite set of norms. *Initially, these norms will not look like “norms.” The first step in proposing them is to envision the coordinated “domains of inquiry” that the TR community should pursue in the future. (A “domain of inquiry” means a region and level of study, such as “examining contemporary problems in the Jewish community,” “studying a corpus of rabbinic sources in a given way.”) Each domain would include its own Rules of TR Inquiry, that is, sets of specific patterns of inquiry. A “Standard” simply refers to the most general, ideal portrait the community has of a given domain of inquiry. From that shared portrait (and it really is a picture (21)), the community can then make conditional judgments, over time, about what specific rules of inquiry would fit or not fit that domain. Over time, the community’s experiences with these rules will lead it to reshape its portrait of the domain and, therefore, its Standards of TR.*

*In sum, TR's normative inquiry should be an activity simply of envisioning a more coherent and focused way of doing what TR already does. In this way, normative inquiry becomes a kind of "idealized empirical self-description." If it is to avoid the fundamentalist/foundationalist battles of modernity, the TR community should pursue a normative inquiry of this kind.*

3) *Selecting Rules for TR*: applying the standards adopted in stage (2) to the rules collected in stage (1), to produce some identifiable rules for conducting the work of TR in the future (subject, of course, to the kinds of periodic revision and correction that are applied to such communal norms). Depending upon the standards it has adopted, the community may decide to make its rules clear-cut and highly directive or vague and open to various sorts of interpretation. Either way, the purpose of adopting the rules would be to help focus the group's energies on its most pressing work, to help identify the group's distinctive features (for those who want to join the group or work in some relation to it), to help promote the group's work, and to assist the group in its ongoing processes of self-correction).

It is premature to speculate on the Rules that the TR community would adopt if it undertakes Stage #3. The community has been active long enough, however, to have generated sufficient material for the Collecting activity of Stage #1. And, as is evident in the discussion of mechitsa, members of TR are already challenging the group to identify its Standards (Stage #2). For the final section of this essay, I have proposed a small sample of such Standards. In the terms of Rule #16, my proposing such Standards is a valuational as well as cognitive activity and must, therefore, be marked by my own attachments and interpretive context. While idiosyncratic in this sense, these Standards also illustrate the kind of the thinking that typifies TR and, within TR, the kind of thinking that proposes Standards.

#### **4. An Illustrative Sampling of Standards for TR**

For the sake of this exercise, I envision the TR's community's engaging, in the future, in four domains of inquiry (of which the third has three sub-parts). Each domain would include its own set of rules, which means each would need its own standards or criteria for determining just what should count as a rule. To repeat, the ideal portrait I offer of each domain would itself represent the "standard" for evaluating rules within that domain. For this exercise, I therefore illustrate the Standards of TR by offering relatively brief overviews of the activities that typify each domain of TR. Because these overviews are brief (for lack of space), I fear I will be unable fully to unpack the jargon I use as shorthand for much longer descriptions. I must await another occasion to offer adequately clear descriptions.

I will label the four ideal domains as follows: (1) *Derash* or "The Meaning of Torah in Communal Use"; (2) *Peshat* or "Plain Sense Reasoning as a Vehicle of Academic Criticism"; (3) Three Levels of "Analytic Textual Reasoning": (3a) "Cataloguing" or "Ethnographic Textual Reasoning" (3b) "Analysis *per se*," or "Logical Textual Reasoning"; (3c) "Methodological Textual Reasoning," as a way of redescribing TR as a Communal Meaning-in-use; (4) *Tikkun Olam/Tikkun Torah*, or "Pragmatic Textual Reasoning."

##### **(1) Derash or "The Meaning of Torah in Communal Use"**

The Jewish academic is not a disembodied analyst or reference point for objective study, but the flesh and blood participant in some Jewish (as well as non-Jewish) community, whose culture of meaning and practice represent what we may call some “community of meaning-in-use.” Such a community may be envisioned as a loosely—or organically—systematized collection of many, many rules for making everyday judgments, or what we call rules for meaning-in-use. The actual society of persons that embodies these rules does not regularly call itself to the task of showing how its everyday judgments relate to the ultimate principles of meaning through which these practices may be either derived or justified. *In times of crisis, however, when any aspect of the patterns of everyday judgment is called into question, then certain members of the society are called to perform this task. Their work is to suggest ways of articulating, diagramming or writing these principles so that the principles may be adopted as norms for correcting or refining whatever patterns of everyday judgment are in jeopardy.* Consistent with post-Enlightenment criticisms of foundationalism, the TR community does not imagine that we can literally scribe the ultimate bases of our everyday actions in propositional form, as if they were the principles of some system of ideas. Nor does the community engage in speculating about such principles for the sake of speculation: imagining that our intellectual constructions could mirror the rules of God’s creation. *We engage in this work for pragmatic reasons: to adopt whatever “pictures” of our ultimate principles of action would guide us successfully in repairing the problems that have arisen in our everyday communities (whether it is suffering, violence, oppression, confusion, or some other failure to fulfill our lives’ needs and purposes).* The pictures are “true” if they prove to be reliable guides to *thistikkun*; otherwise they are false. *In the contemporary world, the individuals called to this work belong to the various “professions” that serve both the Jewish and non-Jewish dimensions of our social lives.* Thus, for example, medical professionals offers rules for repairing problems of the body; lawyers and judges, for repairing certain problems of social relation, and so on. *The academic profession ought to (but often fails to) fulfill the pragmatic function of serving as “profession of professions”: that is, the second-order profession called into work when these “everyday” professions fail to repair certain problems.* In this view, the pragmatically inclined academic does not directly service everyday life, but services the professions that services everyday life. *Jewish academics ought, in this view, to service the professions that service everyday life in the Jewish community: those who repair problems that arise in family observance of lifecycle events, in liturgical practices, in Jewish education, in the organization of Jewish charities and social services, in Jewish government (in Galut and in Israel), in relations among Jewish communities and to the non-Jewish world, and so on. One of the tasks of TR is to repair the profession of Jewish academia itself, by correcting its failures to fulfill its pragmatic function. To this end, TR calls Jewish academics to remember their flesh-and-blood engagement in everyday Jewish society: not as everyday professionals, per se, but as those whose inquiries can (among other things) serve the professions in times of crisis.* Just as TR’s normative inquiry begins only with empirical observations of TR’s actual practices, so too this service begins only with the Jewish academics’ literal participation in some everyday community of Jewish life. *While the pragmatic function of Jewish academia is two steps removed from the activities of everyday Jewish life, these are two steps of abstraction from everyday life and not away from or in isolation from everyday life.* That is to say, in addition to other things they do (we are not reducing all academic work to its pragmatic function!), Jewish academics derive their pragmatic insights into the principles of everyday life by reflecting on the rules they imagine as actually guiding everyday life in the Jewish

community. They cannot do the work of imagining rules if they have not first lived the life supposedly informed by those rules.

Imagining what rules might conceivably guide everyday Jewish life is not at all the same as conducting some social scientific study of such rules. While grounded in familiarity with the empirical world of one's Jewish community, this imagining contributes to the normative activity of imagining how that community could *repair*, rather than conserve, certain of its tendencies of action. Indeed, no one can itemize all the rules of his or her community of action, because the activity of itemizing must itself display these rules. Moreover, there is no reason to *try* to describe the rules unless there is evidence that something is wrong with some of them! The desire to identify rules is the desire to correct them, and that is why this First Domain of Textual Reasoning is an activity of imagination. To imagine rules is to search after ways of articulating rules for correction that the community might accept as its own, inherent guidelines for correcting its tendencies of action.

The TR discussion of *mehitsa* could be re-read as an effort by the members of TR to begin a process of repairing the rules of gender relations that typify their *several* home communities of Jewish life and practice. They begin by describing how their communities practice gender separation or non-separation (note, for example, the differences among their different communities of practice). At the same time, they use these descriptions as a means of searching for guidelines for evaluating these practices and, then, for correcting or preserving various practices. The move from description to guideline is best mapped, I believe, as a pragmatic form of transcendental regress. This is a transcendental analysis that displays some dominant features of the Kantian-Husserlian project of phenomenology, but that places this project in the service of an activity of communal self-repair. (Technically, this would mean that the transcendental analysis discloses *eideonly per hypothesis*, as imagined rules for *repairing*, rather than representing, the patterns of communal practice. It would also mean that the unity of apperception that informs the whole process is communal and non self-identical. But we will leave such technicalities aside for this essay and turn, instead, to a less technical explanation.).

For readers unfamiliar with Kant and Husserl, or with the science of pragmatics, we might describe the move from description to guideline in the following way. First, we might describe transcendental analysis very broadly as a way of asking two questions: 1) "Notice how we tend to act in a given situation (A= tendency to Act). Let us imagine that our action was the expression, in this situation, of some broad pattern of action (P=Pattern of action). What possible pattern (P<sub>1</sub> or P<sub>2</sub> or... P<sub>n</sub>) could have produced this type of action (A)?" 2) "Suppose we have, in this way, imagined that a large series of our actions presuppose a certain set of Patterns. And suppose a set of Patterns (SP<sub>a</sub>) was itself produced by some (transcendentally) more general (or elemental) Pattern (SP<sub>a-1</sub>). What is the most general (or elemental) Pattern(s) (SP<sub>a-n</sub>) we could imagine to have produced (or to be presupposed by) our tendencies of action? Elemental Patterns may be called Categories." Next, we may note that, in TR's pragmatic form of transcendental regress, these Patterns and Categories have both the cognitive *and* valuational force we observed in the value concepts. The Patterns are not *eide*, per se, as in the Husserlian form of transcendental analysis, but imagined rules of ideal behavior and, in that sense, norms for repairing problematic actions.

In these terms, we might say that, in the First Domain of Textual Reasoning, Jewish academics imagine what might be the elemental Categories of action that inform the community tendencies they want to repair. To repair practices of gender separation, our TR discussants moved readily from discussions of postmodern ethics to debates about halakha in light of various degrees of contemporary, egalitarian communal values. The discussants deferred to the following Patterns as normative guides: the Texts of classical and medieval Jewish law and ethics (Maimonides on prayer served as prototype); the Talmud as an elementally authoritative Text (the Mishnah and Gemara on the water libation festival of Sukkot served as prototype); the Tanakh as a ground for rabbinic textuality; and as yet unidentified Patterns of rational debate (textual reasoning) about the relative authority of different tendencies in the rabbinic sources. Among the latter, we may see influences from the Kabbalah, from postmodern ethics, and from contemporary legal decisors and their antecedents, but all applied to ways of reasoning about the Talmudic sources and commentaries in light of contemporary practice. Overall, it is reasonable to identify *Torah* as the elemental Category that informs all these Patterns. To the degree that TR discussants defer to Torah as the elemental Category of the first domain of textual reasoning, we may conclude that, by implication, all the Patterns represent activities of interpreting Torah. For the purposes of this study, I will therefore label the activity common to all the Patterns “*Derash*,” redefined here as “the meaning of Torah in use.” We may say that all the activities of everyday community life would find their reparative norms in *Derash* as the activity of interpreting Torah. *Derash thus refers to the dimension of textual reading, interpretation, and reasoning that identifies ultimate Patterns and Categories for guiding repair of the textual reasoners’ own everyday communities of Jewish practice.*

## **(2) *Peshat*, or “Plain Sense Reasoning as a Vehicle of Academic Criticism”**

Students of rabbinics are accustomed to classifying midrash as second stage of textual interpretation. In this reading, *peshat* or “plain sense” represents the first stage, which presents the meaning of the text itself as opposed to the text as it is interpreted for some subsequent community of believers and readers. For textual reasoners, the traditional order captures precisely what is often wrong with modernist accounts of rabbinic and Jewish hermeneutics. As David Halivni argues in several recent works, the Jewish predilection for plain sense reasoning and for identifying plain sense with literal reading, represents only a later evolutionary trajectory in rabbinic Judaism. Halivni argues that, in Tannaitic literature, *peshat* refers to the sense of the text in its intra-textual context; it may delimit the range of allowable midrash, but does not trump the midrashic sense. We might say that absolute authority belongs only to the graphemes of the text itself, black on white, and that behavioral authority within a given community belongs to the midrashic literature, as the text’s meaning-in-use. To appeal to the *peshat* by itself is in some way to raise questions about the authority of a given midrash or meaning-in-use. If the midrash is not questioned, however, that is, if its claims about what is the case or its claims about a particular about what the people of Israel’s behavior ought to be are not in question, then there is no motivation to refer to the *peshat*.

If references to *peshat* appear initially as a way of raising the question about an extraordinarily disruptive midrash, it is only gradually through the Amoraic period, Halivni argues, that the notion of *peshat* arises as a dimension of meaning on its own. Even then, he concludes, the Talmudic sense of *peshat* remains close to what it was for the tannaim: the intratextual sense or what, in semiotic terms, we might label the “sense that defines the text as a sign, without yet

specifying which of a range of possible meanings that sign will have for a specific community of readers.” In these semiotic terms, references to *peshat* are references to the conditions with respect to which a midrash may be offered, setting grammatical and semantic limits to the possible meanings of a text. For Halivni, medieval and modern exegesis takes an identifiably second step, transforming the meaning of *peshat* into “literal sense.” In the grammatical terminology of the Christian theologian Hans Frei, this literal sense means the text’s ostensive reference, that is, its reference to the objects, facts, or concepts that may have given rise to the text. In these terms, the literal sense of a text is not its “sense” at all, but what contemporary philosophers would call its reference: not what it means in the minds of a given reader, but what facts it points to.

Halivni notes several factors that may conceivably have contributed to the medieval Jewish tendency to literal sense. One factor is the influence of medieval Muslim exegetes, whose recovery of Aristotelian and related Greco-Roman philosophies accompanied a tendency to seek the single “objective meaning of the text” rather than tolerate a text’s multiplicity of possible interpretations. Halivni speculates, furthermore, that anxieties about the authority of their rulings may have prompted rabbinic decisors, from the late Amoraic period onward, to look for irrefutable textual warrants for their halakhic rulings. If so, these anxieties would appear to have stimulated two contrary hermeneutical tendencies. One tendency was to ascribe rabbinic legislations to *halakhah le moshe mi sinai*, or “the legal tradition first revealed to Moses on Sinai”: that is, to claim that some apparently new legislation was not new but was actually based directly on an oral tradition from Moses. A second tendency was to show how the plain sense of the text itself, independently of any midrash, justified the rabbinic legislations. These apparently contrary tendencies would, in fact, reflect two versions of what is logically a single strategy: to bypass the give-and-take of midrashic meaning-in-use by appealing to extra-midrashic authority. If, as we suggest, the domain of everyday Jewish inquiry is midrashic, this strategy would bring with it an appeal to extra-ordinary authority, beyond the limits of everyday knowledge.

The trajectory of modern rabbinic scholarship is to stretch to its limits the medieval effort to locate extra-ordinary and irrefutable warrants for everyday claims. (22) Continuing the two contrary tendencies of medieval apologetics, modern rabbinic scholars have undertaken this “stretching” in two contrary but logically equivalent ways. The yeshivot, particularly in the current epoch of ultra-orthodoxy, have tended increasingly to ascribe the opinions of the *roshe yeshivah* (heads of the schools of rabbinic studies) to *halakhah le moshe mi Sinai*. This is, in Halivni’s terms, to give divine sanction to the subjective judgments of individual *roshe yeshivah*. Strictly modern Jewish academics, on the other hand, have tended to identify the “objective meanings” of the biblical or rabbinic texts with their literal or ostensive referents. (23) The modern Jewish academy and the yeshivah have therefore each tended to occupy a domain of study that excludes the other’s domain. Reducing textual sense (and meaning-in-use) to reference, the modern academy tends to define yeshivah learning as without reference, or “merely subjective.” Assimilating its meaning-in-use to the literal sense (as authorized by tradition), the yeshivah tends to define academic learning as, at best, without meaning (or merely material) and, at worst, as a rebellion against the text’s meaning (and thus idolatrous).

In this Medieval-modern paradigm, therefore, the literal sense gradually assumes the privileged character of the text's "objective sense," while meaning-in-use or midrash strictly refers to the text's subjective sense. There are no academically articulable rules that mediate the relationship between subjective and objective sense and referents. Objective study then becomes the purview of the academic per se, while derash, now identified with the subjective use of a text, becomes the purview of the non-academic community per se. There is therefore no direct academic guidance of communal interpretation, nor is academic study put in any acknowledged way to the service of the community's concerns for meaning-in-use.

While acknowledging the significance of both academic and communal (or yeshivah) learning, TR is stimulated to a significant degree out of protest against the inadequacy of the medieval-modern tendency to dichotomize the two and relegate one to the academy and one to the community. The result of and norm guiding this protest is an effort to reorder the relationship between plain sense and meaning-in-use (or *peshat* and *derash*). While the TR community has not debated the issue in these terms, I would anticipate the community's coming to distinguish the activities of *Peshat* and *Derash*, roughly, in the following way.

*Derash* would be defined much more broadly than the rabbinic activity of interpreting texts of Torah. Defined as "meaning-in-use," it would refer to the judgments of everyday life through which religious Jews, self-consciously or unselfconsciously, "rested" their everyday actions on the warrants of Torah, broadly described as the normative tradition whose sources can be located, ultimately, in the Bible and in classical rabbinic literature. Here, "resting actions on Torah" means "acting with the assurance that one's actions are warranted by traditions of Torah," without necessarily thinking about this at all. It means that, in case of trouble (doubt, criticism, or other crises of action), one could turn, ultimately (beyond various everyday professionals), to teachers of Torah for guidance (support or correction). Normally, these teachers would represent one's particular community and tradition of everyday Jewish practice, which also constitute one's community and tradition of *Derash*. One aspect of these teachers' guidance would be to offer *derashot*, in the traditional meaning of the term, as re-teachings of Torah that respond to the particular crisis at hand.

*Peshat* would be defined much more restrictively than either the "literal sense" of the Bible or the "received sense of the Bible according to authoritative readers." Defined as "the intratextual sense of the Bible as sign (considered independently of its received senses)," it would refer strictly to *the product of specialized textual study that is prompted by crises in the teaching or re-teaching of Torah itself*. This definition challenges medieval-modern usages in several ways. First, it distinguishes *peshat*, as the product of specialized academic professionals, from *derash* as the activity of everyday professionals. Second, it redefines the activity of *derash* as a means of repairing local crises of action, and it redefines the study of *peshat* as a means of repairing some or many local crises of *derash*. Third, it therefore contextualizes the study of *peshat* as well as the activity of *derash*: one task of the Jewish academic is not to disclose the "plain sense" once and for all and universally, but to open up levels of plain-sense study that enable local teachers to discover new ways of re-teaching Torah in response to their community's specific needs. Fourth, it therefore distinguishes between the semiotic modalities of *peshat* and *derash*. *Derash* refers to an effort to re-teach the *three part relation* among a given text (as sign), a given rule of action (as the meaning of that sign), and a specific community of everyday practice (as the context *for that meaning*). *Peshat* refers to the merely two-

*part relation between a given text (as sign) and the set of possible, semantic meanings that could be read off of that text for a given community's meaning-in-use.* Studies of *Peshat* do not re-teach the meanings-in-use of a tradition of *Derash*. They temporarily bracket local meanings-in-use in order to disclose ways of liberating local communities from specific, ineffective rules of interpretation or re-teaching and of opening their teachers to new rules – new, that is, but within the broader scope of local traditions of teaching and of practice.

These last sentences are certainly jargon-filled. There is little space here to clarify these terms, but I can at least try to illustrate their meanings when applied to the single case of TR's discussion of *mechitsa*.

For the sake of this illustration, let us assume that the members of TR belong to a variety of different everyday communities of Jewish practice. Let us also assume that at least some members of some of these communities now experience doubts about the ways in which men and women are separated in their communal prayers (to keep the illustration simple, we won't place Magid's broader concerns within the category of "problems in local rules of actions"). According to the standards of *Derash*, such doubts normally move individuals to ask for guidance from their community's teachers, or educational leaders. Let us also assume, however, that teachers from these various communities *also* have doubts about their abilities to offer guidance on the issues of gender separation. They may fear, for example, that these issues raise more far-reaching questions of exegesis, hermeneutics, halakha or ethics than they answer with confidence. Let us, finally, assume that the discussants we have cited on the TR chat line either *are* teachers like these or have come to the TR discussion on behalf of such teachers.

Assuming all these things, we could then say that the TR discussion illustrates the relationship between the domains of *Derash* and *Peshat*. We would say that each discussant speaks out of dual membership in some local community of *Derash* and *in TR as itself an academic community of Peshat*, or plain sense reasoning. As a member of some local community, each discussant is making use of the TR dialogue as a means of airing out problems of local concern and of testing out possible responses. This airing and testing take place in an environment that "brackets" the values and politics of a particular local community, but that takes the local issues seriously, nonetheless. The way *TR takes them seriously is not in the manner of local teachers who must ultimately serve as local decisors on these issues. It is, instead, in the manner of concerned-yet-dispassionate academic teachers whose discussions might liberate teachers from ineffective aspects of their interpretive repertoire and open them to new ways of re-teaching what are now troublesome aspects of their local traditions.*

As a member of the academic community of TR, each discussant poses specific problems of interpretation and then participates in the community's efforts to explore ways of re-opening the texts of Torah as the source of new responses to these problems. This re-opening belongs to the domain of "Plain Sense Reasoning," because, by bracketing a text's local meaning-in-use, academic scholarship re-opens a text's capacity to generate other varieties, refinements, or reformations of this meaning-in-use. *One of the worst errors of modern academic scholarship is to mistake a given study of plain sense for the discovery of a text's universal meaning-in-use.* "Universality" is the modality *exclusively* of the relationship between a text as sign and its range of *potential meanings-in-use*. *There are no universal meanings-in-use*, because each meaning-in-use represents only one way of realizing this potential. This is why, in semiotic



terms, we say that the plain-sense displays a two-part relation between sign and potential meaning, while the *Derash* determines the three part relation among these two *plus* the specific meaning-in-use that pertains to a given community at a given time. *One of the worst errors of communal religious teaching in modern times is to identify a given meaning-in-use with the “plain sense itself.”* This is to deny the particularity of a meaning-in-use and thus, effectively, to divinize a particular tradition. Meanings-in-use are not arbitrary, but signs of the absolute-in-historical context. This means, however, that their truth belongs to the purview of the redeeming God of History, not the revealing God of Torah. Meaning-in-use, to repeat, has no universality; plain-sense itself has no meaning-in-use.

By way of illustration, we may say that Stone’s call “to the texts” served to remind the discussants that their task is to help local teachers re-teach the texts that inform Jewish practices of gender separation. We may say that Cohen’s question – “what now do we *do* with the texts?” – served to remind them that their task is not to re-teach the texts themselves, but to show how teachers might liberate their traditions from the specific teachings that have now become ineffective. Macoby’s response to Garber (p. 14) – about differences between the Temple and the synagogue – introduces the historical-critical form of plain-sense reasoning, which offers one means of redefining the domain of what meanings-in-use could and could not be directly warranted by the texts Garber cited from TB Sukkah. Magid’s interest in the broader injustices that may underlie preferential treatment for men over women (p.14) reflects dimensions of both *Derash* and *Peshat* that we have not yet considered. We may say that he speaks, on the one hand, as a local teacher (albeit teacher of teachers) who raises questions not only about a particular set of traditions (about liturgical practice), but also a very broad set of sets (about any practice that includes gender separation). And we may say that he speaks, on the other hand, as an academic engaged in the plain-sense study of not one, but a very broad collection of rabbinic texts. He has asked for a plain-sense study that would offer an alternative to the dominant traditions of interpreting all rabbinic texts dealing with gender separation. In the terms of our illustration, this is to ask for text-historical, literary, logical and other forms of academic text study that would, without dictating any set of meanings-in-use, show how the rabbinic sources need not be interpreted in ways that foster the oppression of women. The final dialogue between Garber and Magid could be re-read as a debate about Magid’s proposal. Garber argues that, according to their plain-sense, the texts of Maimonides and later decisors could not warrant undoing the mechitsa, but they need not be interpreted as imposing unjust or oppression separations. Magid argues that, on Garber’s reading of the plain sense, these texts *would* impose unjust separations, but that there are other ways of reading the plain sense on behalf of at least egalitarian practices of separation.

**(3) Three Levels of “Analytic Textual Reasoning”:  
a. Cataloguing, or “Ethnographic Textual Reasoning”  
b. Analysis *per se*, or “Logical Textual Reasoning”  
c. “Methodological Textual Reasoning,” as a means of redescribing TR as a Communal Meaning-in-use.**

As characterized so far, *Peshat* refers to the general domain of Jewish academic study in so far as it serves the pragmatic needs of local communities of *Derash*. TR sets the general purposes of *Peshat*, but does not specify the methods that plain-sense scholars should adopt to fulfill these purposes. The Third Domain of Inquiry indicates the consequences of adopting TR as an explicit set of methods for fulfilling the purposes of *Peshat*. This is an explicit, academic discipline of

plain-sense reasoning I have labeled “Analytic Textual Reasoning.” Since it would take many pages to define and illustrate the three levels of this discipline, I will, with apologies, offer only a brief and somewhat jargon-filled overview, by way of introduction.

*a. Cataloguing, or “Ethnographic Textual Reasoning”*

According to this vision of TR, the work of Analytic Textual Reasoning would begin with what some might want to call a phenomenological dimension of TR, but what I believe is more accurately identified with an ethnographic sub-discipline of TR. The goal of this sub-discipline is to collect and describe – thus to “catalogue” – examples of meaning-in-use from the various everyday Jewish communities served by TR. Pertinent to the discussion of mechitsa, for example, this would mean sampling ways in which different Jewish communities practice the separation (or non-separation) of men and women *and* ways in which these communities claim textual warrants for these practices. We may assume that the catalogue will indicate, for one, how different communities cite overlapping sets of texts as warrants for different and mutually incompatible practices. By exhibiting such differences, the catalogue itself warrants drawing distinctions between *Derash* and *Peshat*, as a distinction between a text as sign and the different meanings it may signify. The catalogue also serves as the empirical and pragmatic ground for all subsequent plain-sense reasoning, since it collects both the communal complaints that should stimulate academic plain-sense reasoning and the primary textual resources for responding to these complaints. The Ethnographic Text Reasoner might respond to the mechitsa discussion by asking all discussants to offer narratives about their everyday communities, the specific meanings-in-use that are problematic in these communities, and ways in which community teachers have sought to re-teach these meanings-in-use.

*b. Analysis per se, or “Logical Textual Reasoning”*

The second and proto-typical level of Analytical Textual Reasoning is to reduce its catalogues of meanings-in-use to their elemental properties. By way of illustration, much of this essay would itself belong to the domain of Logical Textual Reasoning, since my primary effort has been to identify the meaningful elements of TR as practiced so far and as it could be practiced in the future. Analysis of a particular case study, such as of the mechitsa, should identify three sets of elements, each with its corresponding sets of research questions. First is the set of source texts that informs a given issue: how does the community select its texts? what counts as a text (biblical, rabbinic, and other)? what are the elements of the text as a material sign? Next comes the set of rules that informs the semantic relation between a text and its range of possible meanings-in-use: what are the conditions according to which a text attracts interest and acquires meaning? what are the morphological, syntactic, grammatical, and semantic elements of the text and what rules inform their acquiring meaning? what history underlies the range of semantic meanings available to that community? Finally, there is the set of rules that underlie the performative relation of a text to its meanings-in-use in the local community: what history underlies the range of performative meanings available to that community? how does the text command behavior? how are its performative meanings subject to change? what are the community’s rules for re-teaching the text’s performative meaning? how are problems in performative meaning identified, and how are they related to the meanings-in-use of texts?

c. “Methodological Textual Reasoning,” as a means of re-describing TR as a Communal Meaning-in-use.

The third level of Analytic Textual Reasoning is to re-describe this analysis itself as a *meaning-in-use of the academic community of TR*. The point is this. If Jewish communal teachers examine everyday meanings-in-use for the sake of repairing everyday Jewish practices, and if Jewish academics engage in plain-sense reasoning for the sake of helping repair Jewish communal teaching, then there is reason to suspect that TR undertakes analytic text reasoning for the sake of repairing problems in Jewish academia. If so, text reasoners must bear in mind the two distinct but inter-related dimensions of their work. On the one hand, their work is analytic, like that of more academically traditional Jewish scholars: they study texts, and text scholars, and communities of text readers. On the other hand, their work is pragmatic, like that of communal teachers, but as applied to academic rather than directly to everyday practices. This means that their analytic work, undertaken with the dispassion of theoreticians, must lead them to more practical, reparative work, offered in the cohortative voice of teachers and community workers. In this case, however, the community is itself academic. Their purpose is to recommend ways of re-directing Jewish academic inquiry to its pragmatic service to local teachers. The domain of Methodological Textual Reasoning is not yet to take on this pragmatic function of TR itself, but only to identify it as a dimension of TR.

#### **4. Tikkun Olam/Tikkun Torah, or “Pragmatic Textual Reasoning”**

Analytic textual reasoning, like plain sense reasoning, brackets explicit reference to the meanings-in-use of a particular community of interpreters. This reference, which was initially present in *Derash*, or the first domain of textual reasoning, returns in the fourth or post-analytic stage of Textual Reasoning, which is Pragmatic Textual Reasoning. In this pragmatic level of TR, the Jewish scholar returns to his or her own *Sitz im Leben* to identify the pragmatic stimulus and conditions for the scholar’s own activity of analytic reasoning: that is, what problems in an everyday community’s practice and interpretation has stimulated the academic ultimately to a particular line of analysis. Remembering the ultimately lived context of all inquiry is perhaps the primary mark of the Jewishness of Textual Reasoning and the mark of what Textual Reasoning believes to be the Jewishness of Jewish academic inquiry itself.

There remain, however, critical distinctions between the meanings-in-use proper to *Derash* and to Pragmatic TR. On the one hand, it is only as member of an everyday community that any member of TR learns the three-part relation among a text or sign and its meaning-in-use for some community of practitioners. “Learning” this relation means learning it first *in practice* – learning to perform it – and only on the basis of this to learn how to reason about it: *naaseh v’nishmah*, “we do first and then we understand!” This pragmatic rule of relation is ultimately the rule of Torah, and that rule appears only by way of a community of everyday practice. At the same time, understanding this rule is the only means through which an academic can recognize the pragmatic rule of TR and, therefore, the reparative relation between *Derash* and meaning-in-use and between *Peshat* and *Derash*. This means that the theory and the academic practice of TR can be learned only by those who have first shared in an everyday community of practicing Torah. It also means that TR will share, at once, in the specialized character of academic study and in the non-specialized and thus public character of everyday social life. (24)

Unlike modern academic practice, TR is devoted to the same meanings-in-use – the same Torah – that should guide everyday social practice. In this sense, textual reasoning differs from work in the kitchen, or work in the workplace, or play with the children only with respect to the different technologies and histories and immediate tasks that characterize one sphere of everyday life as opposed to another. In his or her relationship to God, Torah, *b'nei yisroel*, *b'nei adam* and *maaseh b'reshit*, the textual reasoner should be the same person in one sphere as in another. This does not mean that the textual reasoner is necessarily prepared, as textual reasoner, to assume leadership roles in the synagogue or Jewish Federation, any more than he or she may be prepared to perform well in the kitchen or courtroom or Hebrew school. But it *does* mean that, given appropriate apprenticeship in any such sphere of social life, the textual reasoner may be positioned to serve as intermediary between that sphere and the academy. Textual reasoning emerges out of the academic study of Judaism, and its primary contribution is to reform that study. Secondarily, textual reasoning provides a means of reforming Jewish text study and Jewish religious and ethical practice outside the academy in the Jewish community. The patterns of textual reasoning should also help practitioners who have the requisite training reform divisive practices in other disciplines of the academy, and in other spheres of social life. The Torah that guides textual reasoning generalizes in this way.

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## Notes

1. My thanks to Steven Kepnes for encouraging and helping shape this essay and to Martin Kavka for detailed and innovative suggestions about how to revise and improve it.
2. William James, *The Varieties of Religious Experience* (New York: Macmillan, 1961), 33.
3. Garber adds Rashi's notes: Rashi s.v. 'they went down to the Ezrat Nashim': Priests and Levites go down from the Ezrat Israel, which is higher, to the Ezrat Nashim which is below it on the slope of the mountain.
4. Rashi s.v. 'within'—in the Ezrat Nashim; s.v. 'outside'—in the plaza of the Temple Mount and on the Chail [a place within the Temple fortifications]. (Garber)
5. Rashi s.v. 'they found a scriptural proof'—that they should separate the men from the women and make a fence for Israel lest they come to degeneracy; s.v. 'and the land mourned'—in the prophecy of Zecharia, who prophesies of the future when they will eulogize the Messiah son of Joseph who was killed in the wars of Gog and Magog, and it says 'the house of David apart and their wives apart', that even though it is a time of sadness, they must separate the men from the women; s.v. 'when they are involved with mourning'—at that time, and one who is full of sorrow does not easily become frivolous, besides which the yetzer hara doesn't then have control [as the verses and positions quoted in the following gemara show]; s.v. 'now when we are dealing with a joyous occasion'—so that they are near to frivolity and furthermore the yetzer hara currently has control, how much more so. (Garber)
6. See Eisenstein, *Otzar Dinim u-Minhagim*, p. 320, s.v. EZRAT NASHIM (Macoby).

7. B. Kiddushin 29a rules that women are obligated to observe all commandments expressed in negative form as well as all commandments not bound to set periods of time, but are exempt from those time-bound commandments expressed in positive form.

8. Magid's translation. Cf. *A Maimonides Reader*, ed. Isadore Twersky (West Orange, NJ: Behrman House, 1972), 88-89.

9. See Laws of Prayer 1:4, 5 (Magid).

10. For parallels on the constitution of a quorum, see Bavli Megilla 23b, Bavli Berakhot 21b, Bavli Sanhedrin 2b and Tur Shulkhan Arukh I: 69, 1 (Magid).

11. See Kesef Mishna, who draws the correlation between the uses of the term Edah referring to holy community and Edah referring to the spies. (Magid).

12. The citation in the Tosafos Yom Tov is not to Genesis 6, though this is what it says. The verse that the Tosafos Yom Tov quotes is from Genesis 3:16—the curse/punishment/pronouncement upon the woman that “and thy desire shall be to thy husband, and he shall rule over thee.” He uses this verse apparently to support the fact that women must be banished upstairs, for it would be inappropriate that men would lose control upon seeing women and would come to “lightheadedness,” or “intentional erection” or “seminal emission.” This is unacceptable because “he shall rule over thee,” and especially unacceptable in the Temple. (Cohen).

13. Why is there no continuation of the pseudo-Nachmanidian Iggeret haKodesh? (Cohen).

14. For those interested, an Israeli scholar, Yaakov Gartner, has a number of recent articles on this phenomenon. (Magid).

15. See Simon Greenberg, “Coherence and Change in the Rabbinic Universe of Discourse: Kadushin's Theory of the Value Concept,” in P. Ochs, ed., *Understanding the Rabbinic Mind: Essays on the Hermeneutic of Max Kadushin* (Scholar's Press: Atlanta, 1990): pp. 19-43 (25-27). I am grateful to Martin Kavka for suggesting this way of testing the usefulness of Kadushin's notion to our discussion.

16. Greenberg, pp 25-6, with references to Max Kadushin, *The Rabbinic Mind* 3rd Edition. (New York: Bloch Publishing, 1972): pp. 288, 295.

17. Greenberg, p. 26; citing Simon Greenberg, *A Jewish Philosophy and Pattern of Life* (New York: The Jewish Theological Seminary, 1981): p. 295. Cf. *Rabbinic Mind*, pp. 2, 47.

18. Ibid., citing Ibid.

19. Greenberg, p. 26, citing *A Jewish Philosophy*, p. 294.

20. Greenberg, p. 27, citing *Rabbinic Mind*, pp. 84-89.

21. While there is no space here for an extended discussion, a brief word of explanation may be helpful. I am suggesting that the community makes its Standard explicit only as one step in the process of reforming its practices. This is the step of hypothesis-formation, or envisioning some criterion according to which the community may reform errant practices. As articulated, the Standard is not therefore a literal statement of some ultimate Rule that guides the community's life; no such statement can be achieved, since any actual "rule" of action is disclosed only through its effects and defined, therefore, only per hypothesis (as a theory of action). As articulated, the Standard is in this sense a *picture*: an *Augenblick*, or a momentary icon – or one dimensional verbalization – of the unseen "rule" of action in what we imagine to be its tri-dimensionality (as a tendency to action (1) that is displayed in specific acts (2) as they are generated, examined and, if need be, corrected by a community of actors (3)). While "only" an icon, the Standard is essential to the process of reform: its work is done once successful reforms are instituted, or until persistent errors stimulate the reformers to reform their portrait of the Standard. Overstated fears of "totalizing conceptuality" prompt some postmodern critics to dismiss the community's need to offer up icons of its Standards of judgment. But they forget that such standards are essential to the process of hypothesis-formation and thus of reform. The standards are mere explanatory hypotheses, but efficacious ones.

22. For a parallel study of how far one can stretch the biblical narrative in Christian theology, see Hans Frei, "The 'Literal Reading' of Biblical Narrative in the Christian Tradition: Does it Stretch or Will it Break," abridged and edited by Kathryn Tanner, in Peter Ochs, ed., *The Return to Scripture in Judaism and Christianity* (Mahwah, NJ: Paulist Press, 1993): 55-82.

23. In semiotic terms, we may refer to a source text as the "material sign" of some textual meaning that inter-relates three irreducible elements of signification: the sign or signifier, its meaning or reference, and its interpretive sense or sense for a community of interpreters. In this case, the modern academic reduction of plain sense to literal sense entails a reduction to two types of signification, which are alone considered worthy of academic inquiry. The "formal sense" of the text traces what the semiotician may call the "iconic" properties of the material sign: its lexicographic, philological, and grammatical rules, all of which are considered independently of their reference to any object. In its attention to a text's "ostensive" reference, modern studies of the literal sense selectively address the text's "indexical properties": the way that, independently of any subjective "sense," the text refers to certain objects outside of itself. These may either be historical "facts" which are said to sit behind the text, or theological or religious concepts which may be said to sit "over the text." In either case, modern text sciences treat the biblical or rabbinic texts as strictly dyadic signs: that is, signs that refer either to themselves alone (iconically) or refer strictly to objects outside themselves (indexically). What is lacking in this approach is any consistent study of the triadic relationship among a material sign, its referents or objects, and the sense the text has for any of a number of given communities of interpreters.

24. I am grateful to Martin Kavka for showing me how, in a previous draft, I had not articulated the relation of TR to everyday practice. And I am grateful to Basit Koshul for suggesting how I could articulate this relation without glossing over the still-academic and specialized dimensions of TR

