

Book Review

When We Collide.

REBECCA J. EPSTEIN-LEVI, 2023.

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In the tractate Brachot of the Mishnah (4:2), the sage Nechunya ben Hakana is quoted as saying that he would recite two prayers before entering the house of study: the first that he not be guilty of misleading anyone, the second, on safely exiting, a prayer of thanks for his portion. The Jewish house of study is not a safe space, but a dangerous location. As Rebecca Epstein-Levi says in her eye-opening book about rabbinic texts and sexual ethics, *peshat* (even simple reading) involves perils, and *derash* (exegesis) has its dangers. But as Epstein-Levi says, we cannot merely ‘avoid the carnage ... by exiting the field of play’. Failure to involve oneself in activities that are life-giving because they are potentially ‘violent, dangerous, [and] all-consuming’ (p. 162) might lead to social failure.

Do we need the Mishnah to provide this realization? Much pleasure involves risk; participation in any sort of social life involves a give-and-take, and rabbinic pleasure (like text study) no less so. Are there things about Jewish ethics that we must have Jewish texts to learn? Is there, similarly, a general dependence of ethics on texts?

This book presents an ethical hermeneutic for Jewish texts in general and for the Talmud in particular, and an account of how rabbinic texts might illuminate contemporary sexual practice (as an instance of general social practice). In so doing, the author frames the larger question about the relevance of texts to ethics in a way that will be helpful to thinkers in Jewish studies, as well as related and broader fields.

The author observes that in considering sexual ethics through a rabbinic lens one cannot merely make use of rabbinic texts that have sex as a topic: ‘Sexuality ... usually presents itself as a matter for discussion because it is linked in some way to an interpretive problem that the rabbis have raised in their discussion of a given text or because it is [useful] for the formation of the sagely character’. Jewish sources about sexuality, she says, ‘are ultimately about textuality’ (p. 45).

There are two other ways in which Talmudic texts about sex might not be appropriate for topical use. First, they are embedded in the society that is the setting for rabbinic literature, on the one hand (hierarchical and authoritarian); and they often display deliberate ignorance, silencing, or violence towards various categories of human beings. Thus, regarding sexual ethics, how is one to work with rabbinic texts? How are Jewish texts of late antiquity good to think with regarding sexual ethics?

Pleasure and risk, of course, are particular not just to sex, but to diverse forms of human activity. Thus texts which do not concern themselves with sex nevertheless have to do with issues that are relevant to sex. But these texts must be approached properly. Epstein-Levi calls for textual engagement ‘that cultivates the virtues of empirical justice and hermeneutic competency’, engaging classical texts in a way that attends to the empirical details ‘both of the text and the empirical phenomenon’ (p. 51).

In Part I, 'Groundings', Epstein-Levi considers how sex is like other social relations, and sex and other sorts of sociality are interdependent. She considers the role of community as a social context for shared behaviors, pointing out how queer sexuality, in its difference, can challenge and broaden notions of normativity. She carefully observes that diversity is not a primary moral good in itself; there can be diverse kinds of sexual pleasure which are oppressive and hurtful. Queer sexuality is to be included in discussions of the sociality of sex merely because queer sex exists, but this implies more than just this empirical fact: if queer sex is different, queer sociality around sex is also different and should be recognized as such.

If community requires some notion of the shared, how do we understand communities of sexual pleasure, which, as Epstein-Levi points out, are characterized by as much diversity and heterogeneity as the space of gastronomic pleasure? Again drawing an analogy from our contemporary moral world, the author adduces neurodivergent people as valuable contributors to communities; sexually divergent community members contribute such perspectives as well.

While pleasure and risk are characteristics of any social interaction, Epstein-Levi is particularly interested in addressing sex as a social activity, because it has been misunderstood, stigmatized, and suppressed in general, and, as well, the subject of overliteral readings of Talmudic texts.

In Part II of her book, 'Case Studies on Community and Risk', she considers specific instances of discussions in the Talmud that touch on issues of pleasure and risk as well as communal belonging. In the chapter 'STIs: Infection, Impurity, and Managing Social Contagion' (which includes revealing observations too numerous to mention here) she proposes that 'any adequate moral account of [sexually transmitted infections] must facilitate open conversations about sexuality, sexual risks, and STI status', and must understand that 'disparities in social stigma and ... care are fundamentally moral issues' (p. 134). These claims are likely uncontroversial to many readers, but nonetheless necessary.

The novel aspect of this chapter is Epstein-Levi's exploration of ritual impurity, as described in the Mishnah, as a textual and social realm that can teach us about contemporary STIs, their moral valence, their stigmatization, and how they are so often the subject of willed ignorance. The analogies are not exact, of course (general impurity can be nullified for the public at large, the rabbis say; and it is unclear what the impurities of the Talmud actually represented physiologically), but that is not the point. 'Because STIs are issues of public concern that are transmissible by specific forms of social and physical contact, they offer a strong parallel to rabbinic frameworks of ritual purity' (p. 129).

This chapter can be taken as another approach to the basic question of whether Jewish texts are needed for Jewish ethics. Is it not enough to say empirically that infection with STIs is not an index of worth, and that disparities in care are of moral import? The point, implies the author, is not that the text provides proof of these assertions; it is that these texts are good to think with as one deliberates ethics.

The second chapter of Part II is entitled 'BDSM: Risk, Pleasure, and Polymorphous Community'. 'As the *beit midrash* is a community formed around the activity of discursive text interpretation', the author argues, 'organized BDSM groups [an acronym which encapsulates a number of communities that transgress accepted sexual norms] are also communities organized around a risk activity ... critical to its members' identity formation' (p. 169). BDSM communities, Epstein-Levi points out, are also communities of moral formation.

Here Epstein-Levi makes two comparative moves. One is to point out that rabbinic discourse provides an example of how power dynamics can be reproduced, but with a

consciousness of its dependence on such dynamics which can be an avenue for correction. Second, she uses work by rabbinics scholar Beth Berkowitz (who showed how the rabbis appropriated and retooled symbols of Roman power in their writings about methods of execution), together with that of the anthropologist Margot Weiss (who wrote on BDSM communities and their systems of belonging which can reproduce hegemonic systems of exclusion), to point to productive parallels.

Concretely, she proposes that rabbinic discourse can serve as a corrective to BDSM communities. ‘Inasmuch ... as the rabbis are aware of their appropriation of Roman power structures for their own sacred play, this dynamic also serves as a corrective to contemporary [BDSM] players’ who do not recognize that even their escapist play is not independent of contemporary power structures. Conversely, BDSM communities, at least rhetorically, prioritize diversity and egalitarianism, which can serve ‘as a corrective to the rabbis’ exclusiveness and authoritarianism’ (pp. 187–8).

Epstein-Levi takes us through a detailed reading of the story of the oven of Achnai, perhaps the most quoted and discussed of all Talmud stories. Her reading hinges on the recognition that rabbinic discourse, as her analysis reinforces frequently, is a risky activity – not mere play, or intellectual abstraction, but a life-and-death pleasure-taking. It is similarly not the case (as some of Weiss’s informants wanted to claim regarding BDSM) that ‘text is merely text, play is merely play’, isolated from the rest of society.

Is the parallel between BDSM and rabbinic communities a necessary one? Is rabbinic ethics a uniquely enlightening window onto sexual ethics?

The start of an answer is in Epstein-Levi’s conclusion. In it, she treats a rabbinic tale from BT Kidushin 81b that treats sex as its subject, in which R. Hiyya, absorbed in studying, a typical example of rabbinic askesis, is confronted by his wife, ‘a sexual, social, and moral actor in her own right’ (p. 198). The reading Epstein-Levi brings to this story is an appropriate summary of her methodology in this work as a whole. ‘If sex is a species of social intercourse ... the study of sex can teach us a great deal about social ethics more generally’ (pp. 198–9). She argues that ‘we have tended to cordon sex off from the rest of our sociality’ and thus not treated it as an example, or a potential realm of thought, to teach us about ethics more generally (p. 199).

Whether we have cordoned sex off from sociality appears disputable to me; perhaps it is more the case that certain kinds of sex among certain kinds of actors (white, cis, hetero) have been included in certain kinds of approved sociality. In any case, one is left with an appreciation of the relevance of sex to ethics more generally, a determination not to close off the relevance of sex as a social phenomenon to (as Epstein-Levi puts it) our own ‘leaky, ridiculous, vulnerable, mortal, pleasure-seeking beings’ (p. 199). If anyone were to think sex is not relevant as such a social phenomenon, this book provides a powerful case.

The broader question, whether rabbinic texts are necessary to make this case in the context of Jewish ethics, is left open. But this is a thought-provoking, lively, intellectually rigorous and probing, and on the whole very satisfying and praiseworthy framing of this basic question. The pairing of pleasure and risk present in sex should be, for anyone thinking about ethics, consistently in our communal vision as an example, a discourse, a field of play-and-danger, and a universe of moral deliberation, thanks to this book.

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