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Elliot Wolfson
New York University

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BEFORE THE LAW: REFLECTIONS ON TEXTUAL (UN)REASONING

ELLIOT R. WOLFSON

New York University

I should like to comment briefly on the contribution of Peter Ochs, “Behind the Mechitsa: Reflections on the Rules of textual Reasoning.” As the author himself puts it, “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 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.” I am not quibbling with the specifics of the rules delineated by Ochs, which seem eminently sensible relative to the project at hand. My purpose rather is to reflect on the very notion of rule as it applies to the hermeneutical practice of textual reasoning. Is this a praxis that by its very regime should remain unruly or do we benefit from the attempt to demarcate boundaries and parameters within which the game is to be played?

First, the title: beyond the particular discussion that was instigated by the comments of Joseph Lieberman, the title is provocative insofar as it brings to mind those who have been traditionally othered in liturgical practice established by orthodox rabbinic jurisdiction, Jewish women who

sit behind a barrier so as not to pollute the minds of men and thereby adversely affect their concentration. Those who are positioned behind the *mechitsa* are the others, the outcast, individuals who are determined by the regulations of a given system to be less than complete, socially and religiously inferior, not full participants. The title gets us right to the heart of the matter: A major concern for textual reasoning, as Ochs points out several times, is to address the ethical issues of the day by utilizing contemporary modes of analysis, and the problem of the other obviously looms large in that enterprise. If, in the rabbinic idiom, study is greater than practice because it leads to practice, a theme explored in the essay by Robert Gibbs, then textual reasoning will find its own justification to the extent that it is responsive to suffering, evil, injustice, prejudice, and any form of belief or behavior that devalues the other. According to another rabbinic maxim, *mi-khelal lav 'atah shome'a hen*, that is, from the negative one can discern the positive. If one negatively construes the task as avoiding demeaning the other, then the positive responsibility is to address the other in the other's otherness, which is to say, as both Levinas and Derrida have made clear, to relate to the utter singularity and distinctiveness of the other, the personal name that can never be classified or universalized, the alterity that always overflows my perspective, the other that is addressed precisely because the other cannot be fully known.

I should like to apply this very notion of alterity to the notion of a text. Texts, we have come to learn, are embodied, and as embodied, they are much like human persons, and just as we can never comprehend the personhood of the other through acts of reason, so, in some manner, the text will evade our attempts at reasoning about it. The text will slip through the fingers of the scholar who tries to apprehend it by confining it to any given taxonomic classification. To be sure, I presume that philology enables one to take hold of the text's meaning, an appropriation facilitated by being entrusted to the word preserved in the text, a word preserved as that which calls forth another word, duplicity re/sounding in the tracing of interpretation. To appropriate the meaning of a text, one must render it from one's own interpretative perspective, but the latter is shaped by presuppositions that are shared with others in a particular

cultural context. As Ochs points out in the very first rule of textual reasoning, this endeavor 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.” Several other rules embody this emphasis on community, and, in one place, Ochs goes so far as to speak of “a single albeit pluralistic community of textual reasoning.” To appreciate the significance of textual reasoning, one must take seriously the communal nature of textual study. It behooves me to point out, however, that for some scholars this may be performed most effectively in the depth of solitary meditation. Paradoxically, one may be most connected to a textual community when one is most alone. It may even be the case that for some participants in textual reasoning belonging to the community will assume the form of not-belonging, that is, the task of reasoning will be to destabilize texts in an effort to lay a new foundation. To find one’s place in a textual community may entail displacement, which itself may be seen as part of *tikkun*, repair and restoration, that Ochs rightly sees as integral to “pragmatic textual reasoning.” To suggest otherwise would be to defy a basic premise of textual reasoning, which is to avoid the binary opposition of modernist logic.

Along similar lines, I would suggest that appropriation of textual meaning cannot be severed from disappropriation; taking-hold depends on letting-go. To place oneself in the text is to become aware of the otherness of the text, but to become aware of the otherness of the text demands that one persist in one’s own indissoluble individuality. Interpretation entails uncovering meaning recovered in the text, a paradox that relates to the circular structure of understanding associated with the originary temporality of there-being, which is to be distinguished from the pragmatic temporality of ordinary time or world-time, as the non-successive, recurring present that eternally will be what it is not. The act of interpretation necessarily embraces the task of translation—indeed, interpretation is always translation—for to translate one must hear again what has yet to be said, to interpret the re/utterance in retrospective anticipation of setting foot on new shores.

Given the interpretative nature of reading as an act of translation, we would do well, hermeneutically, to give up the idea of a closed book and opt instead for the image of the text that is open. What is written is not finished, for each event of reading is a reinscription of the superfluity of meaning limitlessly delimited in a seemingly endless chain of interpretation. The unpredictability of the other is integral to the indeterminacy that marks the way of the hermeneutical path. Here we touch upon the nexus of time and reading, the sense in which reading embraces the flow of temporality in its bringing to light what has been laid away, the other determinate in its unpredictability and predictable in its indeterminacy, an implication of Derrida's manner of reading, but an idea that is implied already in Rosenzweig's *sprachdenken*, the "new thinking" that served as an important inspiration for Levinas, a matter that cannot be explored in this context.

If there are to be rules for textual reasoning, then those rules must be determined from the understanding that neither text nor reader is complete; both change continually in the flux of time, the erotic nature of which can be viewed from this perspective. From this follows the logical triviality that texts always require readers and readers texts—interpretation arising in the interaction between the two. In the event of reading, we must discern the irreducibility of the reader's vantage point, that which belongs most properly to one's being the particular reader that one is, the otherness of self in relation to the other of the text. Hermeneutics, it has been argued, is a "nihilistic vocation," for it is predicated on the perspectivist assumption (articulated by Nietzsche) that truth is a matter of interpretation rather than fact. Even the proposition that there is only interpretation cannot be taken for granted as a principle of truth; at best, this is a marking of conditions that make interpretation possible. The search for truth is always deferred, for one is caught in a network of contextually bound and generated interpretations. If the truth is that there is no truth, then this truth itself is true only if it is false and false if it is true. There does not appear to be a way out of the circular motion of this paradox.

Nihilistic implications of hermeneutical circularity notwithstanding, one can on good philosophical grounds still maintain that there is truth to be appropriated in the event of reading. This truth, however, is best conceived as meaning that appears through the questioning of the text. Jewish textual reasoning requires on the part of the reader to grasp that the verbal reification that ensues from the critical enterprise is itself an expression of intellectual insurrection, standing before the law, in Kafka's felicitous expression *Vor dem Gesetz steht ein Türhüter*. In my judgment, *Gesetz* should be restored to its linguistic root in the Hebrew *torah*, which Kafka understood in a decidedly (meta)rabbinic manner as a treasured word—the pearl of wisdom—hidden behind veils of what is not to be seen. Hence, the doorkeeper guards the door that leads to other doors behind which lay the text of the law. The path culminates in ascertaining that which must be explicated by every reader in every generation. Recognition of the unique status of each reader is attested in Kafka's portrayal of the doorkeeper's final words to the old man nearing the end, "No one but you could gain admittance through this door, since this door was intended for you, I am now going to shut it." The very entrance over which the doorkeeper kept guard and rejected the man's requests to pass through is now proclaimed by the doorkeeper as having been solely for this man. Since the man was approaching death, the door had to be shut. Kafka entices the reader to interpret the parable by the hermeneutical means illumined in the parable, to explicate the parable by and in its own light. By elucidating the legend in this manner, the possibility of reading it as a meta/text in dialogue with Paul's critique of Pharisaic nomianism and the burden of law is opened. Like Paul, Kafka walks the path of rabbinic hermeneutics to stretch beyond the limits of its semiopraxis. The way to the law is through the layers of interpretation that block one's way to the law. Applying the rabbinic hermeneutic in a decidedly postmodernistic way, one might insist that authority of the lawful text persists even though it cannot be ascertained. As Kafka put it in his diary entry of February 11, 1914, it may be necessary for one to obey even if one hears no command. Analogously, rules of textual reasoning may well

forth from the very recognition that the interpretative process cannot be regulated.

The possibility of affirming ostensibly antithetical positions is buttressed by my assumption (shared by other scholars as well) that tradition in Judaism is by its nature an ongoing process of critique and reflection, which is based on effective misreading and creative refashioning. The scholarly enterprise of contextual reading—that is, situating the text in historical/philological context—is part of the ongoing enterprise of cultural formation. This enterprise profitably can be seen as a form of radical thinking, which is concurrently innovative and conservative, rooted but revolutionary. To think radically means to think from the root, which embraces the paradox of articulating again what is yet to be articulated. Radical hermeneutics thinks from the ground and thus calls into question everything given on the pathway of thought.