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## BOOK REVIEW

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**Menahem Fisch. *Rational Rabbis: Science and the Talmudic Culture*. Bloomington: Indiana University Press, 1997. 263 pp.**

With some books, producing a review takes longer than one would like, on account of their shortcomings: it is hard to find anything worthwhile to say. With “*Rational Rabbis*”, my tardiness has been caused rather by the book’s great richness. Menachem Fisch is to be praised, and thanked, for setting a broad and important agenda for our thinking about Rabbinic discourse in general, and the Bavli’s conception of the Torah and its study in particular.

The book’s first part is (to the best of my knowledge) unique for a work on Rabbinic Judaism: a concise account, in less than forty pages, of twentieth-century philosophy of science. For those (like myself) who are not experts in that field, this is a fine side-benefit of Fisch’s book. I found this so valuable that I was willing to forgive the odd use of “A.D.” for dates (e.g., p. 49) that seems to come with the scientific perspective. Providing this excellent summary is not, of course, the author’s main purpose in this section. Rather, the realm of natural science is adduced as a paradigm of rationality in a Popperian sense. Fisch adds an emphasis on conceiving rationality as a property of action taken with respect to “goal-

directed systems". Such activity can be assessed as more or less rational in virtue of its capability for addressing and removing, through critical reflection, problems in the attainment of a system's goals. Modern science "is indeed a model of rational inquiry" (p. 37), as it embodies the recognition that "all human knowledge, even the most seemingly sound, is fallible and... the essence of rationality is forever to treat it as such" (p. 38).

The main body of the book is devoted to a powerful defense of a parallel thesis about the rationality of the Rabbis (I use the capitalized form to mark off the sages of classical Judaism [*Hazal*], those of the mishnaic and talmudic periods). Fisch distinguishes two approaches to Torah study: "traditionalist" and "antitraditionalist". The first, likely the more familiar from the rhetoric of contemporary Orthodoxy, sees Torah study primarily as preserving and handing down a body of teachings, whose truth lies in authentic representation of, and valid deductions from, God's original revelation. The second, "antitraditionalist" view sees any knowledge of Torah as fallible, and Torah-study as an ongoing enterprise of critical corrections.

Fisch maintains that many of the Rabbis consciously held and propounded an antitraditionalist view of Torah and its study.

One might well wonder, Which of the Rabbis? – meaning, that there were after all thousands of *tannaim* and *ammoraim*, and certainly they did not all share one view on this matter. Our author has thought well and hard about this, and his answer is: First and foremost, the redactor(s) of the Bavli. The Bavli's numerous *sugyot* – with their endless arguments and counterarguments – were manifestly intended not toward promoting any particular teachings and interpretations, but rather to serve as a kind of manual for the method of Torah-study. This method, taught through countless examples, involves a commitment to reflective criticism paralleling the scientific method introduced in Part One.

Fisch deals extensively with the Bavli's treatment of its received materials, the *tannaitic* heritage. He cites Neusner's image of "weaving" for this treatment. That image instructively emphasizes the independence of the Bavli's redactors, the fact that – even though they follow the

Mishnah line by line — they are not just slavishly following a course laid out by their predecessors. But, as Fisch rightly points out, it is a partly (and I would add, deeply) misleading image insofar as it suggests that the individual strands are adopted “as is” for inclusion in the new fabric. What Neusner’s image obscures is the Bavli’s pervasive practice of significantly altering the sense and import of its received materials through textually unwarranted qualifications, radical reinterpretations, and even outright emendations.

Fisch introduces this practice through examining one *sugya* (Berakhot 19), but he goes on to claim that its mode of dealing with *tannaitic* texts is fairly representative. He also engages in a detailed analysis of the redaction of this particular *sugya*, with an eye to recovering the basic ideological stance of the redactor (or the so-called “*stam*”) — as distinct from that of individual components or interlocutors. For this he is to be highly praised; study of Rabbinic texts—especially *halakhic* ones — as literary units is an essential yet much-neglected key to deciphering the Rabbis’ world of ideas and values.

The *sugya* includes a statement by Rav ascribing the highest priority to obeying God’s commandments, above any consideration for human dignity (*kevod ha-beriyot*). Then a series of *tannaitic* sources are cited, each in plain conflict with Rav’s position; in characteristic fashion, the *stam* introduces qualifications and distinctions so as to resolve the conflicts. The authority of the earlier sources is formally recognized but substantively circumvented; this Fisch (rightly, I believe) takes to be an essentially antitraditionalist position, although couched in formally traditionalist language. In this case, however, the picture is complicated by the fact that the *sugya* completely ignores the statements of the Mishnah (ad loc, Berakhot 3:1-2) which seem to offer the strongest refutation of Rav’s position. Fisch offers a bold, complex explanation for this strange phenomenon. He believes that the Bavli’s redactor engaged here in two-tiered writing, concealing as it were a sharp antitraditionalist message within a text that preserves the external trappings of traditionalism. Beginners were to notice only the latter, while advanced students — it was

hoped – would be led to realize that the redactor knows how far Rav’s statement really is from the *tannaitic* heritage.

In his very raising of this kind of issues, Fisch carries analysis of the Bavli above and beyond common practice – whether in traditional *yeshivot* or in most academic circles. Still, I have my doubts about his conclusion. In fact, the difficulty here is greater than he indicates, for without a connection to the Mishnah of Berakhot 3:1-2, it is hard to explain why the entire discussion of Rav’s statement appears here at all. A weakness in Fisch’s methodology is that it addresses “the redaction” of the Bavli as if it were a single, one-off thing. An important lesson from similar studies about the Mishnah is that the redactor did not start from scratch; that we can and should discern different layers of redaction. Clearly, the discussion of Rav’s statement took form independently of tractate Berakhot; perhaps its point of departure was Mishnah Kil’ayim 9:2 (as in the parallel discussion in the Yerushalmi, which Fisch discusses at length). Understanding the perspective of the *stam* of that discussion is, then, a separate issue from understanding the decision of the final redactor to place it in its present context. Quite possibly, these reflect rival voices, and what we may be hearing is an argument, preserved for us – just like the many controversies in the Mishnah – by a redactor committed to handing on a lively discussion.

Be this as it may, the author’s worthy focus on the perspective of the Bavli’s redactors yields a convincing view of the corpus of Jabneh stories which is the subject of his basic analysis (Part 2, Chapter 1). Sometimes, Fisch seems exclusively committed to that perspective, which would seem to avert the knotty issues relating to the historicity of various events. He declares quite emphatically that the subject of his analysis is the Bavli’s rendition of the earlier sources (whether *tannaitic* traditions or those found in the Yerushalmi), not anything in those sources themselves (e.g., toward the end of the Introduction, pp. xxi- xxii). At other times, however (e.g., pp. 71-78), he speaks of differences between some *tannaitic* sources themselves, e.g., between the Mishnah and the Tosefta (the latter was almost certainly not available to the Bavli’s authors!). I for one cannot bring myself to complain too bitterly about this methodological

inconsistency, since one of the book's most brilliant findings is the consistent difference between the Tosefta's stark traditionalism and the Mishnah's antitraditionalism as reflected in their respective treatments of several issues.

Fisch shows nicely how the Bavli, in its rendition of the Jabneh stories, adopts (in its own way) the Mishnah's antitraditionalist stance. It is somewhat confusing, however, when he employs the same categories (i.e., traditionalism vs. antitraditionalism) in discussing the question of the subjection of the *ammoraim* to the authority of *tannaitic* sources. These are in fact two distinct issues: adherents of the (latter-day, antitraditionalist) principle "*hilkheta ke-batraei*" (= "the law follows the latter sages") might apply it to later-generation *ammoraim* versus earlier ones (as well as to disputes between *tannaim*), yet grant binding status to the Mishnah – or to *tannaitic* sources generally – over subsequent generations. Even those committed to innovative criticism and endless "troubleshooting" might readily grant an authoritative position to a canonical text or era. The formal authority of the *tannaim* is implicitly granted in all *ammoraic* discussions.

Indeed, the question of the status of the Mishnah – whether, and in what sense, it was regarded as a canonical text – is the subject of an explicit and illuminating discussion in the book's last chapter. The distinction between two possible roles for the Mishnah – that of code vs. that of textbook – is quite appropriate, although the dichotomy is perhaps drawn too sharply. After all, even a textbook has presumptive authority. That is to say, even if its statements – unlike those of a legal code – are in principle refutable, they still generally stand until and unless refuted. This is very similar to the presumptive authority of a (first-order) tradition as described in Popper's essay, "Towards a Rational Theory of Tradition", which Fisch cites briefly at the end of Part 1 (p. 205 n. 48) in his summary regarding scientific inquiry. Yet in that essay Popper speaks not only of the scientific tradition (although it is his main example) but also of normative traditions and of social institutions. As a textbook of traditional norms, the Mishnah can have presumptive authority without precluding critical innovations. And while Fisch instructively focuses on the role

accorded to the Mishnah by the Bavli, it would have been good to refer more extensively to the classical discussion within modern talmudic scholarship about the role intended for the Mishnah by its initial redactor. [As far as I could tell, there is only a brief reference to two scholars in n. 43 on p. 247. It is a pity that the book lacks a bibliographical list, by which one could ascertain whether there are additional references; Albeck (for example), who is mentioned in this note, does not appear in the index.] In a similar vein, the discussion on Hillel and *b'nei Beteira* (pp. 96 ff.), particularly with regard to *gezerah shavah*, could have gained from the perspective offered in the classical discussion by Y. Gilat (in his *Studies in the Development of the Halakha* [Hebrew], Bar Ilan University Press 1992, 365-373).

The book's fourth and last chapter, "Understanding the Bavli", sets out to explain, first of all, the problem of "the Bavli's double-talk" – that is, its purporting to be bound by the Mishnah while regularly subverting it. Again, we are greatly indebted to Menachem Fisch for posing this serious problem boldly and lucidly. The primary comparison here is to legal texts and codes – an interesting counterpoint to the earlier emphasis on natural science as a model for rationality. It would be intriguing to see how Fisch would define (perhaps in future work?) the relationship between these two very different models, which are here juxtaposed without an explicit comparison.

The author's answer to the problem is put forward in terms of the basic distinction introduced early on. Fisch convincingly argues that the Bavli's true position is by no means traditionalist, nor can its double-sided mode of discourse be plausibly understood as a concession to entrenched traditionalism. Its main message is conveyed in the mode of unfettered criticism pervading its pages. While I may disagree with Fisch about the purpose of the external, "traditionalist" trappings (as indicated above, I believe they reflect true acceptance of the Mishnah's teachings as the "default textbook solution", so to speak – whereas for Fisch, they are merely decoys for beginners), I think he is definitely right that they by no means indicate traditionalist subservience to past teachings or even to the Mishnah.

This leads to Fisch's final exploration of the Bavli's ultimate (so far?) fate. On his view, the redactors' pedagogical project failed: the formal traditionalism, intended for beginners only, became the common understanding of the Bavli's true position. In the community bound to the Bavli, traditionalism has prevailed. Generally speaking, this seems true enough; although the turning point may have been not the redaction itself, but rather the end of the Gaonic period. After all, the sophisticated antitraditionalist view was meant for the elite only; and for centuries after the Talmud's redaction its interpretation lay in the hands of the *Geonim*, the leaders of the Babylonian academies. It was only Rashi's commentary that made the Talmud widely accessible. While elite scholars could (and did) continue to find in the Talmud a guide for critical, innovative traditional discourse, the numbers multiplied of those who could now study the Talmud's "plain meaning" and take its traditionalist rhetoric at face value. The religious ideal of universal Torah study was carried far beyond the dreams of earlier generations; the situation was eventually aggravated further by the invention of the printing press.

In other words, the Bavli may be simply a work created initially as an esoteric sourcebook for a select elite, that – through extended literacy and decentralization – became the common property of broad sections of the Jewish populace. Insofar as contemporary, rampant traditionalism is due to a superficial understanding of the Bavli, it should be attributed more to these historical circumstances than to the redactor's pedagogical naivete.

All in all, Menachem Fisch has provided us with an exceptional treatise on classical, Rabbinic Judaism and on its central text, the Bavli. *Rational Rabbis* is that remarkable and uncommon combination: a wide-ranging book, dealing with complex issues on several levels, yet lucidly written. Its innovative challenges are sure to inform subsequent studies of Rabbinic Judaism. No less importantly, it might help dispel the neo-Orthodox traditionalist mystique, which finds unwarranted support in superficial Talmudic studies. Within the model of rationality as defined here, the truth of Torah can be as valid as the truth of our knowledge about the natural world itself – no less, but also no more.