One Church; One Voice: The Drive Towards Homonoia in Orthodoxy
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Source: Religion & Literature, Vol. 33, No. 2 (Summer, 2001), pp. 1-22
Published by: The University of Notre Dame
Stable URL: http://www.jstor.org/stable/40059900
Accessed: 09/02/2010 04:23

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ONE CHURCH; ONE VOICE:
THE DRIVE TOWARDS *HOMONOIA* IN ORTHODOXY

Daniel Boyarin

By the fourth century, inner Christian controversy presented a serious apologetic ("spin") problem for the leaders of the Church. As in Josephus's *Contra Apionem* (Goodman 501-10), with respect to Judaism vs. Greek philosophy, one of the arguments for the truth of Christianity had been its *symphonoia*, harmony of minds, as opposed to the constant wrangling of the philosophers. We find the following argument in Athanasius of Alexandria: "The Greeks at any rate do not acknowledge the same views, but because they argue with each other, they do not have the true teaching. But the holy fathers who are the heralds indeed of the truth both agree with each other and also are not at odds with their own people" (II.4; Lim 109). Given the topical character of this argument, the controversies of the rabbinic period must have been as disturbing to Jews as the Arian controversy was to Christians, as pointed out by historian Richard Lim. Lim goes on to remark that an increasingly common response to this crisis was to demonize—literally—the Christian sophist, "often conflated with the dialectician" (111). As we will see below, the talmudic response to the same sort of crisis was equally effective although almost directly opposite in strategy. It consisted of divinizing—literally—the dialectician, making God himself, as it were, into one of the disputants of a Bet Hamidrash.

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This is the annual *Religion and Literature* lecture, presented by Dr. Boyarin on April 26, 2001, as part of "Religion, Literature and Theory," the 2001 Ward-Phillips lecture series at the University of Notre Dame.
One way of getting at this distinction would be to have a brief look at a typical bit of paideutic advice from one of the most important thinkers of the fourth-century Church, Basil of Caesarea, arguably, in many ways, the architect of the Christian monastic habitus. As cited by Lim, Basil expects the Christian ascetic (that ideal Christian figure of the fourth century) to be: “quiet of demeanour, not hasty in speech, nor contentious (μὴ ἑριστικός) quarrelsome (μὴ φιλόνεικος), vainglorious, nor given to interpreting of texts (μὴ ἐξηγητικός)” ([1] (144, n. 190). From a talmudic perspective this list of traits is remarkable, if not stunning. Perhaps a rabbinical mentor in Basil’s position would recommend that his mentee be quiet in demeanor and not hasty in speech, but contention, quarrel, and the interpreting of texts are the very habitus of the Babylonian rabbinic Study-House, the House of Midrash.2

We learn, however, that the same apologetic issue that confronted Christian writers confronted talmudic Rabbis as well from the following derasha (talmudic sermon):

[What does the phrase] “the masters of assemblies” [mean]? These are the disciples of the wise, who sit in assemblies and study the Torah, some pronouncing unclean and others pronouncing clean, some prohibiting and others permitting, some declaring unfit and others declaring fit. Should a man say: Since some pronounce unclean and others pronounce clean, some prohibit and others permit, some declare unfit and others declare fit—how then shall I learn Torah? Therefore Scripture says: All of them “were given by one shepherd.” One God gave them, one leader (i.e. Moses) proclaimed them from the mouth of the Lord of all creation, blessed be He, as it is written, “And God spoke all these words” (Exod. 20.1; emphasis added). Therefore make your ear like the hopper and acquire a perceptive heart to understand the words of those who pronounce unclean and the words of those who pronounce clean, the words of those who prohibit and the words of those who permit, the words of those who declare unfit and the words of those who declare fit. (TB Hagiga 3a-b; Stern, *Theory* 19)

David Stern notes that though the student desairs at the possibility of studying Torah owing to the multiplicity of interpretations, there is really no cause for such despondency, for, “although the sages’ opinions may contradict each other, they all are part of Torah, part of a single revelation” (*Theory* 20).3 The argument of Celsus against the Christians that their disputes discredit the truth of the Gospels and Christianity is not different in content from the despair of the hypothesized auditor of the rabbinic disputes who is led to skepticism—How can one learn Torah?—owing to their constant disagreements. What is unique is the ultimate answer given in this narrative of the Babylonian Talmud and constitutive of a certain Jewish theology, namely that disagreement itself—or at any
rate the appearance to humans of such—is exemplary of the divine mind. Instead of conducing to an ideal of homonoia, produced ultimately out of the conviction that God’s second person is the Logos, the Babylonian Talmud leads to an ideal of polynoia, the many-mindedness, as it were, of God. This difference is embodied in the famous talmudic statement that a heavenly oracle declared, with respect to the contradictory opinions of the two “Houses,” of Hillel and of Shamai, that “these and these are the words of the Living God” [Babylonian Talmud ‘Eruvin 13b]. We must remember, however, that such declarations are only to be found in the latest layers of classical rabbinic literature, in the Talmuds themselves, while in the earlier strata we find rather accounts of the many students of Hillel and Shamai who did not attend their masters sufficiently, with the consequence being the first appearance of dispute in Israel, “and the Torah became two Torot” [Tosefta Sota 14.9], i.e., a declination from an originary homonoia identical in structure to Justin’s account of the origins of heresy or even Numenius’s On the Infidelity of the Academy Toward Plato, in which the appearance of division in the opinions of the successors of Plato was because they “did not hold to the primitive heritage but rapidly divided.” In the earlier imaginaire, presumably sufficient investigation could discover the original truth, whether Hillel’s or Shamai’s; by the latter stratum, the contradictory views of the disciples of both of these Sages are being declared equally the words of the Living God, in direct contravention of the original model of decline from an original situation of truth and homophony.

We can, however, go even a bit further in reading than this. Here is the crucial text as it appears in the Babylonian Talmud:

R. Abba said Shmuel said: “The House of Hillel and the House of Shamai disputed for three years. These said, ‘The halakha is according to us,’ and those said, ‘The halakha is according to us.’ A heavenly voice went out and said, ‘These and these are the words of the living God. But the halakha follows the House of Hillel.’”

And since “These and these are the words of the living God,” why did the House of Hillel merit that the halakha would be in accord with them?

Because they were pleasant and modest, and they would teach their words and the words of the House of Shamai. Not only that, but they would mention the words of the House of Shamai before their own words. (TB ‘Eruvin 13b)

Within the space of this text (reading it as a sort of potted “memory” of the shifts in rabbinic discourse), we see a transition from a time of strife and disputation for the truth to a time in which strife has been abandoned in favor of the undecidability of the true way. Note that the text explicitly
remarks a period “three years” in which there was vigorous and exclusivistic dispute, a counterpart, I am suggesting, to the earlier period of rabbinic culture. However, in this latter period, the “now” of the text, a counterpart to the developing Christian notion of simplicity is to be found in the description of the House of Hillel as “pleasant and modest,” but their simplicity is not enshrined in homonoia but rather in an ironic version of endless (literally endless) preservation of the two contradictory opinions. Indeed, in this late rabbinic tale, the halakha is one and simplicity is the touchstone of the halakha, but rabbinic disagreement—agreement to disagree—is the touchstone of that simplicity. Moreover, we are explicitly informed that: “Where did this heavenly voice go out? It went out at Yavneh,” the semi-mythical founding council of rabbinic Judaism in the late first century, thus inscribing, as it were, a shift in representations of Yavneh itself in the genealogy of rabbinic modes of discourse.

The rabbinic literary tradition, itself, seems to “remember” the historical processes that generated its own construction of “difference” as constitutive of its power and authority. We may be able to gain some further insight into this development within rabbinic discourse (if indeed my construction proves load-bearing) via comparison (structural, perhaps genetic also) with seemingly very different shifts in the patterns of Christian discourse and, in particular, by reading a very familiar talmudic story about Yavneh in the context of an equally powerful fifth-century (and therefore contemporary) legend about Nicaea.

As argued by Lim, the exigency of articulating an opposition to dialectical discourse in Christian theology comes, in a sense, in part in the wake of the success of that very dialectic. He describes a situation in which: “In a language game that allowed for the clear articulation of nuances, people pressured each other to profess their beliefs in the middle of a controversial minefield, the features and contours of which were just beginning to be mapped” (153-54). This very pressure led to the conclusion that the endemic dissension of the Christian church had arisen precisely because of “vain disputes and questionings,” and this, even among some who had been trained as highly skilled practitioners of this discursive modality. One solution to this “problem” was the turn to a mystical and apophatic theology as most fully expressed in the writings of Pseudo-Dionysius. Related to this was the demand, on the part of such a centrally located
theological authority as Gregory Nazianzus, to avoid dialectic and engage in Christian practice. One of the responses that Gregory articulated to Christian theological argumentativeness was the catechism.

The climax of Lim’s narrative is his account of the effects of the Council of Nicaea in the century immediately following the time of the great Cappadocians. The centerpiece of Lim’s argument in his chapter on Nicaea and its Nachleben is the analysis of a legendary encounter between a confessor and a philosopher at Nicaea, as preserved in the Christian historians’ writings of the late fourth and fifth centuries. Because these legends are similar in genre to the only type of “historiographical” text preserved within rabbinic literature at this precise period, they provide us a particularly interesting basis for comparison of discursive movements within the two formations at the time: “These legends about Nicaea are inherently interesting to the modern historian, not because accurate information can be mined from them but because they tell us much about the period in which they arose and circulated” (Lim 187). Just so and thus for rabbinic aggada as well. It is beyond the scope of this paper to summarize Lim’s detailed and fascinating analysis of the contours of this legend in its various versions in the Christian historians’ writings, but a fairly lengthy quotation of one of its versions will be significant for the point that I wish to make here:

Now we may learn how much power there is in simplicity of faith from what is reported to have happened there. For when the zeal of the religious emperor had brought together priests of God from all over the earth, rumor of the event gathered as well philosophers and dialecticians of great renown and fame. One of them who was celebrated for his ability in dialectic used to hold ardent debates each day with our bishops, men likewise by no means unskilled in the art of disputation, and there resulted a magnificent display for the learned and educated men who gathered to listen. Nor could the philosopher be cornered or trapped in any way by anyone, for he met the questions proposed with such rhetorical skill that whenever he seemed most firmly trapped, he escaped like a slippery snake. But that God might show that the kingdom of God is based upon power rather than speech, one of the confessors, a man of the simplest character who knew only Christ Jesus and him crucified, was present with the other bishops in attendance. When he saw the philosopher insulting our people and proudly displaying his skill in dialectic, he asked for a chance to exchange a few words with the philosopher. But our people, who knew only the man’s simplicity and lack of skill in speech, feared that they might be put to shame in case his holy simplicity became a source of laughter to the clever. But the elder insisted, and he began his discourse in this way: “In the name of Jesus Christ, O philosopher,” he said, “listen to the truth. There is one God who made heaven and earth, who gave breath to man whom he had formed from the mud of the earth, and who created everything, what is seen and what is not seen, with the power of his word and established it with the
sanctification of his spirit. This word and wisdom, whom we call ‘Son,’ took pity on the errors of humankind, was born of a virgin, by suffering death freed us from everlasting death, and by his resurrection conferred upon us eternal life. Do you believe this is so, O philosopher?” But he, as though he had nothing whatever that he could say in opposition to this, so astonished was he at the power of what had been said, could only reply to it all that he thought that it was so, and that what had been said was the only truth. . . . The philosopher, turning to his disciples and to those who had gathered to listen, said, “Listen O learned men: so long as it was words with which I had to deal, I set words against words and what was said I refuted with my rhetoric. But when power rather than words came out of the mouth of the speaker, words could not withstand power, nor could man oppose God.” (Rufinus 10-11)8

What is stunning about this story, of course, and as well analyzed by Lim, is its staging of an opposition between the power of human reason and rhetoric and simplicity of faith in which—of course—“nor could man oppose God.” This staging will in turn set the stage for an interpretation of some of the best-known of Yavneh legends from the Babylonian Talmud that (I will suggest) may be dealing with the same historical changes and discursive contexts that informed the developments which Lim has limned.

The most palpable of comparisons would seem to be with the story of Rabbi Eli’ezer’s controversy with the Sages in which he was unable to convince the sages via dialectical reasoning after arguing the entire day to support his traditions from his teachers, and even direct divine interventions on his side did not win the day (and not, of course, because his interlocutors doubted the divinity of the intervenor but because God too, as it were, has to provide convincing argument and proof). This is the limit-case surely of the approbation of dialectic, in contrast to the increasing reprobation of the same among orthodox Christians. I wish to claim this text as a moment of rabbinic historiography—similar in this respect to the narrative of “The Houses” above—, a narrative within which the Babylonian Talmud remembers, as it were, its own history, producing a diachronic myth of origins, one that not only describes the structure of the present socio-cultural system but one that narrates its development as well. No more than “synchronic” founding legends do texts like this represent the “actual” past, but they do represent a mythic memory of change within the cultural system that is interesting in its own right for presenting the structure of cultural practice. This becomes doubly interesting, in some sense, for us history-obsessed creatures, when the historical memory and the reconstructed (by us) historical record seem to “fit” in some sense.

This tale of the proverbial “stove of Akhnai,” perhaps more written upon than any other narrative in the Talmud, can be seen in an entirely
different light when compared with Rufinus’s roughly contemporaneous production:

On that day,3 Rabbi Eli’ezer used every imaginable argument, but they did not accept it from him. He said: If the law is as I say, this carob will prove it. The carob was uprooted from its place one hundred feet. Some report four hundred feet. They said to him, One does not quote a carob as proof. He further said to them, If the law is as I say, the water pipe will prove it. The water began to flow backwards. They said to him, One may not quote a water-pipe as proof. Again, he said to them, If the law is as I say, the walls of the house of study will prove it. The walls of the house of study leaned over to fall. Rabbi Yehoshua’ rebuked them, saying to them, If the disciples of the wise are striving with each other for the law, what have you to do with it?4 They did not fall because of the honor of Rabbi Yehoshua’, and did not stand straight for the honor of Rabbi Eli’ezer. He said to them, if the law is as I say, let it be proven from heaven. A voice came from heaven and announced: The law is in accordance with the view of Rabbi Eli’ezer. Rabbi Yehoshua’ stood on his feet and said “it [the Torah] is not in heaven.” [Baba Metsi’a 59a]

On the original halakhic question, Rabbi Eli’ezer initially tried to support his position using the “normal” rabbinic modes of rational argument, the very modes of argument [tašuvo] which might be said to define rabbinic rationality. When that failed, however, he did not accept defeat but rather turned to another source of authority: miracles and heavenly oracles, a form of authority that, in my view, rabbinic Judaism sought mightily to contest.5

It will immediately be seen (I imagine) that this brief sequence out of the longer narrative of Rabbi Eli’ezer represents something like the exact narrative parallel and ideological opposite of Rufinus’s story of the old Christian and the philosopher, for in Rufinus’s text, of course, it is the miracle workers and divine voice that win the day, defeating the dialecticians, whilst in the Talmud the dialecticians defeat the miracles and the voice of God. The talmudic story has not, to the best of my knowledge, been placed in this context before. If Rufinus is “altogether reluctant to report debates,” and legitimizes his account of the Council of Nicaea precisely via the miracles performed by simple and holy confessors (Lim 196), as expressed in his legendary narrative cited above, for the rabbinic legend of the same moment, it is precisely the debate that is made the crux of the religious life, and the reporting of debates becomes the very stuff of rabbinic textuality. God himself and his miracles cannot interfere—“If the disciples of the wise are striving with each other for the law, what have you to do with it?”—with this holy dialectic, this sacred polyphony. Rabbi Eli’ezer, it could be said fairly, represents precisely the modes of authority
that were becoming dominant in the current writings of orthodox Christians, absolute reliance on the authority of tradition and signs and wonders occasioned by his holiness, but at this “Yavneh” of fourth or fifth century Babylonia it is the dialecticians who win the day, the opposite, of course, of the conclusions of fifth-century “Nicacas” so thoroughly described by Lim. Of course, I am not suggesting that rabbinic culture was, therefore, more pluralistic, democratic, or open than that of the Church Orthodox, since it is Rabbi Eli’ez er, possessor of the divine voice and power to do miracles, who is very severely punished by excommunication and exile from the House of Study for his refusal to accept the conclusions of the majority and their dialectical disputations. It is not the content of Rabbi Eli’ez er’s dissent that is anathematized but his appeal to mantic and even prophetic modes of authority, while the Rabbis are struggling to establish their own sole control via the institution of Torah. Rabbi Yehoshua’s statement, frequently taken as an instance of a sort of proto-deconstruction, in this Babylonian version represents an instance of precisely that complete rabbinic take-over (not, of course, a hostile one) of religious life and practice. Not even God, not even the angels can compete with the Rabbis and their Torah. The Torah is no longer in heaven; it is on earth in the possession of the rabbinic institution. As Rabbi Yirmiah (fourth century) glosses Rabbi Yehoshua’s statement: “Since the Torah has been given on Mount Sinai, we no longer listen to heavenly voices, for you have already written in the Torah: ‘Incline after the majority’” [Exodus 23.2].” Rabbinic Judaism represents a particular episteme of power/ knowledge; it seeks to effect a transfer of authority and of control over discourse.

This transfer of authority and divine submission is epitomized daringly within the narrative itself:

Rabbi Natan met Elijah [the Prophet] and asked him, “What was the Holy Blessed One doing at that hour?” He said to him, “He was laughing and saying, ‘My sons have defeated me; my sons have defeated me.’” [loc. cit.]

It is hard to imagine a more unambiguous and audacious account of an epistemic shift than this one. A divine voice is made the guarantor that divine voices have nothing to say in the religious lives of Jews anymore; only the Rabbis, once more designed the sons of God, and their Torah serve that function. Only the majority decision of the Rabbis has power and authority, and only their knowledge is relevant.

According to the Talmud’s version of this story, Rabbi Eli’ez er was then punished by an extremely harsh version of excommunication, a highly
unusual practice in cases of halakhic disagreement: “On that day, all the objects that Rabbi Eli’ezr had declared clean were brought and burned in fire. Then they took a vote and excommunicated him.” The Babylonian Talmud here preserves a memory, I would suggest, that Eli’ezr was not an “orthodox” member of the rabbinic party or even a tolerated dissident. Rabbi Eli’ezr, to put a point on it, is treated as a heretic:\footnote{14:}

It has been related: On that day, they took all of the things that Rabbi Eli’ezr declared pure and declared them polluted. And they took a vote about him and “blessed him” [a euphemism for dire curse and anathema]!

They said: “Who will go tell him?”

Rabbi Aqiva said, “I will go tell him, for if someone who is not blameless should go and tell him, he might destroy the entire world.”

If someone less saintly than Rabbi Aqiva were to inform Rabbi Eli’ezr of his excommunication, the latter’s powers of magic would be sufficient to destroy the entire world:

What did Rabbi Aqiva do? He wore black clothes, and wrapped himself in a black cloak [signs of mourning], and went and sat before [Rabbi Eli’ezr] at a distance of four cubits [thus signalling the latter’s excommunication].

Rabbi Eli’ezr said to him: Aqiva—what is different about this day?

He said to him: My teacher, it seems as if the members of the fellowship are dissociating from you.

He also tore his clothes and removed his shoes, and slid down and sat on the earth [further signs of mourning]. Tears rolled out of his eyes, and the world suffered the loss of a third of the olive crop, a third of the wheat crop, and a third of the rye crop.

And there are those who say that even the dough in the hands of a woman was spoiled [through over-rising].

It is taught: It was so great that day that every place where Rabbi Eli’ezr’s eyes fell was burned, and also Rabban Gamaliel was travelling in a ship. A mighty wave came to sink it. He said, “I believe that this is only because of Eli’ezr the son of Hyrcanos.” He stood on his feet and said: “Master of the Universe, you know that everything I did was not for my own glory and not for the glory of my father’s house, but for your glory, in order that there would not be many controversies in Israel.” And the sea rested from its fury.

At this stage in the story we have a dramatic rendition of the conflicts of the early stages of the formation of rabbinic Judaism. Rabban Gamaliel says that he excommunicated Rabbi Eli’ezr with the most dire form of anathema, one that renders him as if a dead man, in order to protect Israel from controversy. In other words, the initial stages of the process that would lead to the vaunted “grand coalition” and anti-sectarianism of “Yavneh” involve the most extreme acts of exclusion.
Shaye Cohen seems to simply accept Rabban Gamaliel's alibi when he writes that "two categories of people could not be incorporated into the Yavnean coalition: those who insisted upon a sectarian self-identification, and those who refused to heed the will of the majority." Cohen attempts to soften the implicit self-contradiction in his argument by claiming that "[t]hese sectarianists were denounced, not excommunicated." However, Rabbi Eli'ezer himself was certainly represented as excommunicated, according to this Babylonian legend. Cohen argues: "Whatever the truth of these amoraic stories, they reflect the essential problem of the Yavnean period: the creation of the society which would tolerate, even foster, disputes and discussions but which could nonetheless maintain order. Those rabbis who could not play by the new rules were too great a danger to be punished with just a curse. They were expelled." In the end, Cohen also admits, as it were, that this is only a rabbinic construction: "This rabbinic ideology is reflected in Justin's discussion of the Jewish sects: there are Jews, i.e., the 'orthodox,' and there are sects, among them the Pharisees, who scarcely deserve the name Jew" (49). Reading critically, we hardly see here the inclusiveness and tolerance that most scholars, following Cohen, now identify as the legacy of Yavneh. We find rather the production of an exclusivistic institution of orthodoxy not unlike, mutatis mutandis, the story of Nicaea, in order, like that invention, to prevent "the proliferation of controversy" (see Lim). To be sure, the narrative registers some ambivalence about the treatment of Rabbi Eli'ezer—the boat does almost sink—but in the end, Rabban Gamaliel's argument for authority and stability and centralized power/knowledge is affirmed, "in order that there would not be many controversies in Israel." Those who will not conform to the new rabbinic program of the sole authority of the House of Study are thrown out of Israel.

How then shall we explain the final form of rabbinic Judaism in which we find the opposite, namely that "opinions that in human discourse may appear as contradictory or mutually exclusive are raised to the state of paradox once traced to their common source in the speech of the divine author"?—that is, the form of ecclesiology that we today associate with the Rabbis and that Cohen ascribed to Yavneh. I want to make perhaps a surprising move now, risking positivism, and suggest that the Talmud itself "remembers" and relates the story of a shift in rabbinic episteme. On one reading, at least, we can observe the Talmud dramatizing the answer to my question in the form of a diachronic shift by rendering it as a sequence in the "biography" of Rabbi Eli'ezer. In the continuation of the Babylonian talmudic narrative found in Tractate Sanhedrin, in contrast to the unfor-
tunate 'Aqabya ben Mehalelel of the third-century Mishna, Rabbi Eli'ezera of the fourth/fifth-century Talmud is fully rehabilitated at the end of his life. This story can be read (I suggest) as a virtual historical allegory15 of the retrospective construction of catholic Israel on the part of the later Rabbis and especially (but not exclusively) the Babylonian Talmud:

It is taught: When Rabbi Eli'ezera was sick, Rabbi Akiva and his colleagues went in to visit him. He was sitting in his canopied bed, and they were sitting in his anteroom. . . .

When the sages saw that his mind was clear,16 they went and sat down four cubits from him [thus indicating that according to this text, Rabbi Eli'ezera is still excommunicated].

He said to them: “Why have you come?”
They said to him: “To learn Torah we have come.”
He said to them: “And until now, why have you not come?”
They said: “We didn’t have time.”
He said to them: “I will be amazed if they die a natural death.”
Rabbi Akiva then said to him: “What about me?”
He said: “Yours is more severe than all of them.”

He [Eli'ezera] took his two arms and placed them on his heart and said: “Aîh to these two arms that are like two Scrolls of the Torah rolled up. I have learned much Torah, and I have taught much Torah. I have learned much Torah and I didn’t diminish from the teaching of my masters even as much as a dog licks from the sea. I have taught much Torah, and my disciples have not diminished from my teaching so much as the brush in its case.17

“And not only that but I teach three hundred laws in the matter of leprosy, and no one ever asked me a question about them, and in the planting of cucumbers, and no one ever asked me about them, except for Akiva ben Yosef. Once he and I were walking on the way. He said to me: ‘Teach me their planting.’ I said a word and the field was full of cucumbers. He said to me: ‘Rabbi, you have taught me their planting; now teach me their uprooting.’ I said another word, and they were all gathered into one place.”

The [sages then] said to him: “A ball, a slipper, and a cameo [that are made of leather and filled with wool].”

He said to them: “They are pure.”
And his soul left him in purity.

Rabbi Yehoshua stood on his feet and said: “The vow is released. The vow is released!”

On the going out of the Sabbath, he met Rabbi Akiva on the way [in the funeral procession] from Caesarea to Lydda. He was smiting his flesh until the blood flowed to the ground. [Rabbi Akiva] opened his eulogy and said: “My father, my father, the chariot of Israel and its cavalry” (II Kings 2.12). I have many coins and no banker to change them.” (TB Sanhedrin 68a)

Rabbi Eli'ezera is reincorporated into the rabbinic community just before his death “in purity.” It is not his views on halakhah that have changed but the manner of his discourse. He has been rabbinized. We can read this
shift within the narrative, at the moment when Rabbi Eli‘ezer turns from the magical planting and harvesting of cucumbers to answering the Rab-bis’ purity question. Thus the story becomes a mini-historical allegory of the shift in the social status of ongoing dialectic from the second/third-century to the fourth/fifth century context.

As Jacob Neusner has pointed out,¹⁸ older traditions of Rabbi Eli‘ezer hardly mention his commitment to the study of Torah as the central act of Jewish piety (“Formation” 36), while here, the disciples come to “learn Torah,” and the “much Torah” that Eli‘ezer has learned and taught are now central to his self image.¹⁹ According to the Tosefta [Yabmut (sic) 3:1; ed. c. 250 A.C.], Rabbi Eli‘ezer never said a word that he had not heard from his teachers, fitting perfectly Josephus’s description of the Pharisees who follow their traditions and do not argue with their elders (10-11). Study of Torah and the practice of producing new readings, the virtual rejection of oral and traditional authority as represented by the old “Rabbi Eli‘ezer,” must have been the province of another tributary group in the stream that became rabbinic Judaism, and our story dramatizes in narrative the historical confluence of these two tributaries. Moreover, we see a shift in the very nature of Rabbi Eli‘ezer’s personality. From a mantic who relies on absolutely unchanging tradition, prophetic signs, oracles, and magic, Rabbi Eli‘ezer is transformed within the space of the story into a proper talmudic sage,²⁰ converted into a Rabbi, a reader.²¹ Rabbi Eli‘ezer, historically perhaps a problematic and dissident Pharisee, has been thoroughly domesticated. What is narrated in the text as a story of transgression and repentance can be reread historically as the story of appropriation into rabbinic orthodoxy of a “heterodox” strand of Pharisaic Judaism. What is vital, however, to emphasize is that Rabbi Eli‘ezer is not finally reappropriated via a change in the position that originally led to his excommunication but via his symbolic acceptance of the rules of rabbinic dialectic, even while maintaining his dissident halakhic position. It is not so much, then, that the Rabbi has shifted; rather the very rules of the game have changed in such a way that he can be accommodated. The House of Study, we might say, has become a more capacious institution but one that maintains, nevertheless, the precise contours of its walls. Had Rabbi Eli‘ezer, as it were, continued in his refusal to accept the normal modes of rabbinic authority-making and insisted on the absolute truth claims of his combination of hoary tradition and divine semiotics (precisely the two touchstones of Christian orthodox authority in the post-Nicene period!) he would have indeed collapsed the walls of the House of Study. We can then perhaps return to Shaye Cohen’s point that “two categories of people
could not be incorporated into the Yavnean coalition: those who insisted upon a sectarian self-identification, and those who refused to heed the will of the majority," however, more sharply recognizing the will to power embodied in this move (of the fourth-century Rabbis) rather than seeing "Yavneh" as a move toward democratization. The possibility of "pluralism," we might say, was won precisely by excluding any possibility of real dissent, and in that sense, Perhaps was even more "successful" than the exclusionary practices of the Church Orthodox.

The strategies of the Church, as documented by Lim (as well as in their more general formulations) and those of the Rabbis seem (and are represented in the literature) as direct opposites: The Church Orthodox comes to reject dialectic entirely and insist on a "simple," traditionalist, and miraculously authorized monovocal truth; the Talmud raises ever unresolved dialectic to the level of a divine principle. The final decision on the crucial question of trinitarian theology was decided by the Emperor Theodosius after a night of prayer (Lim 203); final decisions for the Rabbis are deferred forever with the theological statement that "These and these are the words of the living God." Owing to the overwhelming impact of the Babylonian Talmud, this pattern of truth becomes the intellectual legacy of medieval rabbinic Judaism everywhere. The nexus between textual habits of Palestinian Jews and the canonized, theologically sanctioned undecidability of the Babylonian Talmud, as symbolized by the legends of "Yavneh," is analogous to the hypothesized causal connection between the textual habitus and the textual practices of the "consensual" orthodoxy of the late fourth and fifth century Church, as symbolized by the legends of "Nicaea." If Nicaea was a belated legendary invention that helped produce a Christianity "in which dissent and debate were literally swept aside" (Lim 227), Yavneh as a "grand coalition" in which everybody in Jewish antiquity who was not an outright "heretic" was a Rabbi, and all opinions were equally "Torah," was an equally belated talmudic invention. This late moment of literary crystallization was the juncture at which the "agreement to disagree" was raised to a theological and hermeneutical principle of the highest order, indeed to a divine institution.

The successful production of the vaunted homonoia of post-Nicene orthodoxy entailed as well (or was enabled by) a set of textual practices, not only legends. In order for the polynoia of the writings of pre-Nicene
theologians (those accepted into the canon of the "orthodox") to be converted into a single-voiced corpus of the Fathers, discursive work had to be done, providing the canonical literary objective correlative of the legendary work that Lim has described. Lim adumbrated this issue when, citing Socrates Scholasticus, *Hist. eccl.* 5.10, he described the transposition of Theodosius's call for "fair and open examination of the disputed matters," to a hail to submission "to the views of 'those teachers who lived previous to the dissension in the church'" (201-2). As Lim perspicaciously points out, this shift within Theodosius's own sense of how Christian truth is found and maintained "may be regarded as part of the germinating ideological justification for the patristic florilegia that would play a large role in Christian councils" (202-3).22 Other scholars, however, have located at least the planting of the seed of these florilegia in the textual practices of the century before Theodosius. In a brief essay published in *Studia Patristica*, as well as in a couple of unpublished works, Patrick Gray has examined the processes through which the single-voiced "Fathers of the Church" was produced in the fourth century. Virginia Burrus has examined as well the formative influence of Athanasius's literary corpus in producing the textual practices of fourth-century (and later) Christian orthodoxy, the modes of its discourse, its *habitus*. Positioning her mediation in relation to Lim's claim that it is with the death of the last "eye-witness," Athanasius, that the "legends about Nicaea began to emerge" (186), Burrus writes: "Athanasius' death marked the end of a crucial phase in the literary invention of Nicea; and, furthermore, the layered inscription of his 'historical' or 'apologetic' texts—resulting in his retroactive construction of a virtual archive for the council—contributed heavily to the creation of a documentary habit that was, as Lim and others have demonstrated, crucial to the success of the late antique council in producing 'consensual' orthodoxy" (59; emphasis added). By substituting "end" for "beginning" and "literary" for "legendary," Burrus both supports Lim's argument and adds another dimension to it. "In Athanasius's texts—in his sensitivity to 'textuality' itself—we sense something of what Richard Lim describes as a late-antique trend toward a 'growing reliance on textual authority'" (56-57).

Lim had emphasized that Nicaea, in contrast to other synods and councils, left no written record of its acts. Agreeing with him, Burrus shows through close readings of the Athanasian dossier on Nicaea, that Athanasius, through the arrangement and redacting of materials documentary and otherwise, produced ex post facto virtual *acta* for "his" council. Burrus's reading allows us to perceive that Athanasius may have
made a contribution through this activity to the practice of the production of such archives and acta for other conciliar formations, as well as to the system of textual practices, in general, that constituted late ancient “patristic” orthodoxy. Nicaea, the Council—and not only (or primarily) Nicene doctrine—was “invented” through the writings of Athanasius. The relevance for my narrative is to be found in the kkcì articulation of the possible extent to which Athanasius’s literary exertions produce retrospectively a certain account of “Nicæa,” an account which, as Burrus argues, was generative for the future history of Christian textual practices. Burrus thus focuses our attention on the particular form of textuality and the textual form of particular types of orthodoxy and their habitus, and the correlation between those textual practices and habitus and the habitus that Lim has uncovered in his work. These literary practices (arguably, at least, centered around Athanasius—whether an Athanasius self-fashioned or fashioned by others) and their collation with the legends of Nicæa provide the richest backdrop for investigating the cognate (but different) relations between talmudic legends of Yavneh and the textual practices that constitute the Babylonian Talmud itself.

Burrus writes, “Sorting through the complicatedly intercalated writings either authored or ghostauthored or edited and published by the bishop of Alexandria [Athanasius], we observe Nicæa and its frozen Logos being produced as the cumulative effect of a series of very deliberate textual acts of self-defense, by which the armoured body of the bishop was also conceived” (59). In the even more complicatedly intercalated pseudospeech of the Rabbis as edited and published in the Babylonian Talmud, a similar body, that of the Rabbi, was being conceived. If, in Burrus’s words, “the Alexandrian Father conceives Nicæa as the ‘ecumenical’ council of the Fathers who begat the immortal body of the written word,” then the Talmud conceives Yavneh as the ecumenical council of Fathers who transmitted the immortal (but ever-growing and shifting) body of the Oral Torah. Just as Athanasius promulgated “the strikingly close identification of the divinely begotten Word with the written texts that now incarnate ‘Nicæa’” (67), so too did the Talmud closely identify its own founding text, the Mishna and their own commentaries on it, with the divinely given Oral Torah. Where, however, the ideal of the orthodox Christian “Word” was its monovocality, its many authored texts speaking with one voice, the ideal of the classical orthodox rabbinic Oral Torah as finally formulated in the Babylonian Talmud was of one many-voiced text, with no author. At a time, when, as related by Lim, dialectic was being increasingly demonized by Christian orthodox writers, talmudic narrators, using the same tropes
and topoi—for instance, of dialecticians as “shield-bearers”25—were raising unresolved dialectic to the highest level of religious discourse.

Just as the story of Nicæa “gives rise to the 318 conciliar ‘fathers,’ and also to their only begotten credal Word” (Burrus 60), the story of Yavneh gives rise to the father Rabbis and their only begotten Oral Torah.26 Yavneh was projected back into the first century, Nicæa only into the beginning of the fourth. Both are myths of foundation of an orthodoxy (Barnes). The Talmud itself, as the unaunthor and frequently seemingly chaotic record of constant polynoria, is a different kind of text from either the Athanasian corpus or the monovocal “Church Fathers” that the late ancient Christian orthodoxy produced. The difference in those forms of textuality is prefigured in the distinction between the exclusive orthodoxy of the end-point of the Nicæan myth and the equally exclusive divinely sanctioned heterodoxy of the end-point of the Yavneh myth, embodied in the late talmudic saying: “These and these are the words of the living God,” which according to legend “went out” at Yavneh. For all of their similarities in terms of the exercise of power, these two theologies of language were distinctly different in the kinds of textuality to which they led and in forms of biblical interpretation which they produced.

In his final pages, Lim describes eloquently the late fifth-century situation of the Church Orthodox:

Indeed, shedding their complexities and messiness, entire councils were reduced to icons encapsulating simple lessons. The Council of Nicæa, for example, endured as the triumph of orthodoxy and Arius’ Waterloo. The number 318 became the canonical number of the saintly fathers who formulated the Nicene creed, the touchstone of orthodoxy, though that tally surely does not correspond exactly to the number of bishops who attended Nicæa. The power of patristic consensus exhibited in various florilegia can only be fully appreciated in light of their visual representations in early Byzantine frescoes and illuminated manuscripts, in which solid phalanxes of saintly bishops in serried ranks embody the principle of homonoia. Against this overwhelming consensus, dissent and debate were literally swept aside. (227)

Talmudic Judaism seemingly could not be more different in its posture towards debate and disagreement than this. What must be emphasized, however, is that at one level these seeming opposites actually lead to the same point: the rejection of rational decision-making processes through dialectical investigation, the habitus (at least) of both earlier Christian and Jewish (including rabbinic) groups. At the end, exclusionary practices and exercise of power by the authorities with respect to outsiders to the rabbinic oligarchy, however, were no less severe in rabbinic Judaism than in the church, but they were based on a different, almost opposing theol-
ogy of language, one distinguished by the absence of the Logos.\textsuperscript{27} If post-
nicene orthodox Christianity bound the Logos, the late ancient Rabbis
broke it. In both cases, there results what might be called a certain
apophatic theology of the Divine Voice. Humans, paradoxically, have lost
the power to discover truth through ratio and dialectic. The distinction
between freezing and shattering, however, seems to be a distinction that
makes a difference. The volubility of human voices that issued from these
different strategies of defanging disputation of its power to produce truth
conduces to significant contrasts in the modes of textuality within the two
religious cultures, the two orthodoxies that emerge triumphant, each in its
own (unequal, of course) sphere at the end of late antiquity.

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\textbf{NOTES}

1. Also see the fine discussion in Le Boulluec, to which Lim refers us.

2. As Origen had already put it: “Moreover, there was in Judaism a factor which
caused sects to begin, which was the variety of the interpretations of the writings of
Moses and the sayings of the prophets” (Chadwick 135).

3. That this fear was not an idle one can be shown from the following quotation from
the antirabbinite Karaite text: “I have set the six divisions of the Mishna before me. And
I looked at them carefully with mine eyes. And I saw that they are very contradictory in
content. This one mishnaic scholar declares a thing to be forbidden to the people of
Israel, while that one declares it to be permitted. My thoughts therefore answer me, and
most of my reflections declare unto me, that there is in it no Law of logic nor the Law of
Moses the Wise” (Nemoy 71). See also Halbertal 46. Although this early medieval
tradition is surely later than our talmudic text, it eloquently indicates the sort of polemic
(and not merely psychomachia) that our text might be responding to. As pointed out by
Chadwick, the background of these discussions is “probably the Sceptic contention that
because on all serious questions philosophers disagree one can only suspend judgment;
Sextus Emp. \textit{PH.} i, 165; \textit{Philo de Ebristate} 190 ff.” (135, n. 4).

4. Frag. 24; see also Dawson 198-99.

5. See Rubenstein 1-3 and passim. Significantly the presumably older version in the
Palestinian Talmud does not include the voice that inscribes modesty as the virtue that led
to the primacy of Hillel’s \textit{halakha}, but merely says that: Since the heavenly voice went out,
anyone who violates the words of Bet Hillel is subject to the death penalty: We are taught
that a heavenly voice went out and said, “These and these are the words of the Living
God, but the \textit{halakha} is like Bet Hillel.” And where did the heavenly voice go out? Rabbi
Bibi said in the name of Rabbi Yoḥanan, “In Yavneh the heavenly voice went out”
(Palestinian Talmud \textit{Sotah} 19a).
6. The Vita Danielis 90, cited in Lim 156, n. 35. See also McLynn 15-44. Particularly striking and amusing in our present socio-cultural context is the description by Gregory Nazianzen of dialecticians as being analogous to the wrestlers of the WWF and not even genuine athletes, apud Lim 162.

7. I take this narrative as a virtual midrash on I Corinthians 1.20-24: "Where is the wise? where is the scribe? where is the disputer of this world? hath not God made foolish the wisdom of this world? for after that in the wisdom of God the world by wisdom knew not God, it pleased God by the foolishness of preaching to save them that believe. For the Jews require a sign and the Greeks seek after wisdom: But we preach Christ crucified, unto the Jews a stumblingblock, and unto the Greeks foolishness; But unto them which are called, both Jews and Greeks, Christ the power of God, and the wisdom of God."

8. Compare the somewhat different version in Lim 192.

9. As noted above, according to the Babylonian Talmud itself, “on that day” always refers to the crucial day of decision at Yavneh when the characteristic forms of Babylonian talmudic rabbinism were set in stone, as it were.

10. Compare the following comment of Graham with respect to the early Pachomian monks: “In this monastic discipline, the life of faith striven for was envisaged as a scriptural life pure and simple: This meant a life permeated and paced, as well as directed and governed, by the living, lively words of scripture. The sources indicate that sacred writings were primarily oral in function and aural in impact, rather than written or visual. In these writings, God spoke through the voices of the biblical writers in the timeless and transforming speech of divine reveltion. Literalism does not seem to have been the necessary corollary of scripturalism among the Tabennesiots. Their oral citation of scriptural passages appears to have been an effort to capture allusively the correct sense without adhering word for word to one particular linguistic or textual version generally recognized as authoritative. The important fact for these persons was that God spoke to them through the voices of the biblical writers in the timeless speech of divine inspiration or revelation. The total commitment of the life they chose and their visceral sense of the immediacy of the divine presence were mirrored in the intensity of their preoccupation with scripture and the vividness with which they heard God’s voice in its words” (139). In another chapter of the present project, I shall discuss, deo volente, some of the hermeneutical consequences between the Rabbis’ final adamantly inscrptional sense of Scripture versus the Christian (and earlier Jewish) sense of the Scripture as the record of the voice of God.

11. To forestall any superfluous demur based on misunderstanding, I am not claiming that the Rabbis were more rational than their opponents among the Jewish leaders. Their own modes of authorizing themselves, notably divination through the reading of Torah, as in some forms of midrash, are hardly from our perspective less magical than divination via carob trees, but this is for another day. The point is that their own divination was thematized as “Oral Torah” as well, but not the divinatory methods of opponents or dissenters. Compare: “Here Rabbinic Judaism and Christianity part company, because the former took the view that prophecy ceased with Malachi and the other latter-day prophets, while Christianity began with the advent of the greatest personality of all: God Incarnate, authorizing a new age of prophecy. But in practice both Rabbinic Judaism and Christianity recognized supernatural events and personalities in the here and now of ordinary life—and appealed to them to impose the authority of the Torah or of the Church upon the community of the faithful” (Chilton 7).
12. Contrast the following with respect to a late fourth-century contest between a Manichaean sage and a Christian in Egypt: “The easy shift from public debate to ordeal recounted above reminds us of the limitations of the cultural realm within which formal public disputations were appreciated. Illiterate and unlearned audiences found demonstrations of power by deeds more convincing than the ability to spin arguments. In encounters between religious rivals, deeds of wonder were commonly, though not necessarily, interpreted as signs of divine favor, whereas skill in argument was viewed as being of human, or even diabolical origin” (Lani 81).

13. Not least by me in earlier work. The point here is not so much that midrash cannot be read as such from a contemporary perspective but that historical analysis suggests other determinants than the “theoretical.” On this point, see David Stern’s crucial article, “Midrash and Indeterminacy.”

14. Stein makes the point that Rabbi Eli’ezr is precisely the type of the internal other, the heretic, as opposed to the apostate who leaves the community entirely.

15. My method of reading the rabbinic narrative has much in common with that of James Louis Martyn, although I will dissent fairly sharply from some of the results of that work in the next chapter of this project. I am considerably less fully persuaded by the critique of Martyn’s method in Motyer (28-30) than by his critique of Martyn’s “partial use of [Jewish] evidence” in the pages just prior to the cited ones. If my own way of reading rabbinic narratives as representations in legends about individuals of broad social, cultural, and political developments proves compelling on its own grounds, then one will no longer be able to claim against such works as Martyn and Brown, that “there seems to be no literary precedent for this kind of allegorical narrative” (pace Motyer 29). Indeed, are not the biblical narratives of the “ patriarchs” in some sense plausibly read as “allegories” of the origins, connections, and fates of communities?

16. I.e., that he was no longer heretical. For the idiom, see discussion in Boyarin, Dying, and add Justin Martyr: παραφρονετις ταύτα λέγων, ἐπίστωσην σε βούλομαι (Justin 39.3 [135].

17. On this passage, see discussion in Neusner, Gospels 52; and Stein, 166-67.

18. Neusner makes the excellent point that in the earlier documents, Eli’ezer is never rabbinized, never depicted as making the study of Torah as central to his piety. He is, moreover, never depicted in the earlier stages of the tradition as a disciple of Rabbi Yohanan ben Zakkai, but rather as a representative of the old Pharisaic cultic practices. These, too, have been displaced in the production of rabbinic authority, of the House of Study as the sole locus of power, as our story represents it (Eli’ezer 301).

19. My student Gerald Roth has pointed out a similar development with respect to Pinhas ben Ya’ir, another early charismatic, who in the early sources produces an ascetic rule in which “diligence leads to cleanliness, cleanliness to purity, purity to sexual abstinence,” and finally via resurrection to “Elijah”—prophetic vision [Mishna Sotah 9:15]. In the Babylonian Talmud’s version of this, the list begins with Torah (absent entirely from the early version) and ends with the resurrection—no prophecy [TB Avoda Zara 20b].

20. It is perhaps not inappropriate to mention that at approximately the same time there was a struggle against the “New Prophecy” of the Montanists or Cataphrygians as well. It is fascinating that the leadership of this group was always referred to by its enemies as “Montanus and the women,” e.g. Eusebius E. H. V. 16.20-22 (Lawlor 161). I am not, however, claiming a strong connection between these events, just a certain suggestiveness to the coincidence.
21. This interpretation is consistent as well with the argument made by Kalmin that the Babylonian Talmud so thoroughly "rabbinizes" such figures as the charismatic, antic, wonder-working holy men, Honi Hame'agel and Hanina ben Dosa that it actually has them studying Torah and thus "forgetting" that they were in their Palestinian origin an antithetical force and factional opposition party to nascent rabbinic Judaism (Kalmin 158; Green 619-47; Freyne).

22. See Richard. For another trajectory towards the textual production of Christian orthodoxy, see Vessey, and Rebillard. This will be discussed further, _deo volente_, in the fuller version of this argument being prepared for my forthcoming book.

23. See also Barnes.

24. It may not be entirely irrelevant to note that in the same Mesopotamian environment, the formal public debates of Manicheans were being recorded in writing as well at about the same time (Lim 71).

25. See Lim, 119, citing Philostorgius; and compare Babylonian Talmud Berakhot 27b discussed above.

26. See also Boyarin, "Diadoche."

27. There is much more comparative work to be done on the forms of legitimate debate within rabbinic texts and Christian ones and, in particular, the role of silence in both (cf. Lim, 198, n. 65). These lie, however, outside of the scope of the present inquiry.

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